



United Nations

Department of Political Affairs

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

Supplement 1996-1999

Department of Political Affairs

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of the Security Council**

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Volume I



United Nations • New York, 2011

Note

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ST/PSCA/1/Add.13

United Nations publication

Sales No. 10.VII.3

ISBN 978-92-1-137034-8

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Introduction

The present publication (volumes I and II) constitutes the thirteenth 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 3616th meeting, on 5 January 1996, to the 4086th meeting, on 30 December 1999.

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

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

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

The agenda items considered by the Council during 1996-1999, and the meetings at which they were considered, are presented in a table hereunder in the order in which the items were initially taken up during the period.

* * *

Symbols of United Nations documents are composed of letters combined with figures. Security Council documents are indicated by a symbol such as S/1996/380. References to the verbatim records of meetings of the Council are given in the form S/PV.3677, meetings being numbered consecutively, starting with the first meeting in 1946. As in previous recent supplements, reference is made in this Supplement only to the provisional verbatim records of Security Council meetings, as the practice of publishing the meeting records in the *Official Records* has been discontinued.

The resolutions adopted by the Security Council and most of the statements by the President are published in the yearly volumes of *Resolutions and Decisions of the Security Council*. Resolutions are identified by a number followed by the year of adoption in parentheses, for example, resolution 1273 (1999). Statements by the President not included in the yearly volumes are recorded in the relevant verbatim records.

Readers who wish to consult the full record of a meeting or the text of a Security Council document referred to in the *Repertoire* may do so on the official United Nations Documentation Centre website, www.un.org/en/documents/. Security Council documents can be accessed on the website by selecting “Official Document System (ODS)” or one of the direct links to specific categories of documents. The volumes of resolutions and decisions may be accessed by symbol (S/INF/52, for 1996; S/INF/53, for 1997; S/INF/54, for 1998; and S/INF/55, for 1999). The original *Repertoire* and the other supplements may be consulted at www.un.org/en/sc/repertoire.

Members of the Security Council, 1996-1999

<i>Member</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>
Argentina				•
Bahrain			•	•
Botswana	•			
Brazil			•	•
Canada				•
Chile	•	•		
China (permanent member)	•	•	•	•
Costa Rica		•	•	
Egypt	•	•		
France (permanent member)	•	•	•	•
Gabon			•	•
Gambia			•	•
Germany	•			
Guinea-Bissau	•	•		
Honduras	•			
Indonesia	•			
Italy	•			
Japan		•	•	
Kenya		•	•	
Malaysia				•
Namibia				•
Netherlands				•
Poland	•	•		
Portugal		•	•	
Republic of Korea	•	•		

<i>Member</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>
Russian Federation (permanent member)	•	•	•	•
Slovenia			•	•
Sweden		•	•	
United Kingdom of Great Britain and Northern Ireland (permanent member)	•	•	•	•
United States of America (permanent member)	•	•	•	•

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<i>Agenda item</i>	<i>Meetings</i>
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The situation in Croatia Report of the Secretary-General on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (S/1996/622) Letter dated 2 August 1996 from the Secretary-General addressed to the President of the Security Council (S/1996/363) Note by the Secretary-General (S/1996/648)	3688
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<i>Agenda item</i>	<i>Meetings</i>
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<i>Agenda item</i>	<i>Meetings</i>
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Chapter I

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

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Introductory note

The present chapter contains material bearing upon the practice of the Security Council in relation to its provisional rules of procedure, arranged as follows: part I, Meetings (rules 1-5); part II, Representation and credentials (rules 13-17); part III, Presidency (rules 18-20); part IV, Secretariat (rules 21-26); part V, Conduct of business (rules 27-36); part VI, Languages (rules 41-47); part VII, Publicity of meetings, records (rules 48-57).

As in previous Supplements, the major subheadings contained in this chapter follow the order of the relevant chapters of the provisional rules of procedure of the Security Council. 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.

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

During the period under review, the Council did not formally consider the adoption or amendment of its provisional rules of procedure, although during discussions on working methods of the Council in informal consultations of the whole held on 23 December 1997, some members stressed the need to adopt definitive rules of procedure for the Council.¹ However, by several notes of the President, the Council clarified its working methods and procedure. They will be covered in the relevant sections of the present chapter.

¹ Position paper of Costa Rica, in annual report of the Security Council to the General Assembly (1998) (*Official Records of the General Assembly, Fifty-third Session, Supplement No. 2 (A/53/2)*, pp. 335-336).

Part I Meetings (rules 1-5)

Note

The material in section A reflects the practice of the Council in relation to provisions of Article 28 of the Charter, and indicates special instances of the interpretation or application of rules 1 to 5 on the convening and place of Security Council meetings. Relevant material falling under rules 1 and 4 is included below. A new section, B, details a number of procedural developments relating to meetings that occurred during the period under review.

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.

Case 1

From 1996 to 1999, there were two instances when Council meetings were not convened within the interval of 14 days: 20 days between the 3846th meeting on 23 December 1997 and the 3847th meeting on 13 January 1998; and 20 days between the 3993rd meeting on 9 April 1999 and the 3994th meeting on 30 April 1999. However, no questions arose in the proceedings of the Council on this matter.

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 three ministerial-level meetings, all on the agenda item entitled “The situation in Africa”.²

In resolution 1170 (1998), adopted at the 3886th meeting on 28 May 1998, the Council expressed its intention to convene at the ministerial level on a biennial basis, beginning in September 1998 and subsequently as needed in order to assess progress in promoting peace and security in Africa. The 3931st and 4049th ministerial meetings were held one year apart.

B. Procedural developments relating to meetings

Formal meetings

In a note by the President dated 30 December 1999,³ the members of the Council restated their view that there should be an increased recourse to public meetings, and that the Secretary-General should be encouraged to make statements, when he deemed it appropriate, in public meetings of the Council.

The note also offered options for structuring formal meetings of the Council, as follows:

In an effort further to advance the resolution of a matter under consideration, the members of the Security Council have agreed to use a range of meeting options from which they can select the one best suited to facilitate specific discussions. Recognizing that the provisional rules of procedure of the Security Council and their own practice provide them with considerable flexibility in choosing how best to structure their meetings, members of the Council have agreed that meetings of the Council could be structured according to, but not limited to, the following formats:

- (a) Public meetings:
- (i) To adopt Council action, at which Member States that are not members of the Security Council participate pursuant to the Charter of the United Nations;
- (ii) To hold, inter alia, briefings, thematic debates and orientation debates, at which Member States that are

² The 3819th, 3931st and S/PV.4049th meetings, held on 25 September 1997, 24 September 1998 and 29 September 1999, respectively. A fourth meeting on the item was presided over by the Minister of State for Foreign and Commonwealth Affairs of the United

Kingdom, but other representation at the meeting was not at the ministerial level (4081st meeting, on 15 December 1999).

³ S/1999/1291.

not members of the Security Council participate pursuant to the Charter;

- (b) Private meetings:
 - (i) To hold briefings or other debates, which any interested Member State may attend;
 - (ii) To allow certain Member States whose interests the Security Council considers are specially affected by the matter under consideration to attend, such as parties to a conflict;
 - (iii) To permit the transaction of Security Council business which only members of the Security Council attend, e.g., appointment of the Secretary-General.⁴

The members of the Council also welcomed recent steps which had been taken by the Council to hold briefings by members of the Secretariat in Council meetings.⁵

Consultations and exchange of information with troop-contributing countries

At the 3645th meeting of the Security Council, held on 28 March 1996 in connection with the item entitled "An agenda for peace: peacekeeping", the Council reviewed its arrangements for consultations and exchange of information with troop-contributing countries which had been established by the statement of the President of 4 November 1994.⁶ By the statement of the President of 28 March 1996,⁷ the Council decided to follow in future the procedures set out below:

(a) Meetings will be held as a matter of course between members of the Council, troop-contributing countries and the Secretariat for the purpose of consultations and the exchange of information and views; the meetings will be chaired by the presidency of the Council supported by a representative of the Secretariat;

(b) The meetings will be held as soon as practicable and in good time before the Council takes decisions on the extension or termination of, or significant changes in, the mandate of a particular peacekeeping operation;

(c) When the Council considers establishing a new peacekeeping operation, meetings will be held, unless it proves to be impracticable, with any prospective troop contributors who

have already been approached by the Secretariat and who have indicated that they may be willing to contribute to the operation;

(d) The President of the Council will, in the course of informal consultations with members of the Council, report the views expressed by participants at each meeting with troop-contributing or prospective troop-contributing countries;

(e) The existing practice of inviting to these meetings Member States which make special contributions to peacekeeping operations other than troops, that is, contributions to trust funds, logistics and equipment, will continue;

(f) The monthly tentative forecast of work of the Council made available to Member States will include an indication of the expected schedule of such meetings for the month;

(g) Ad hoc meetings may be convened in the event of unforeseen developments in a particular peacekeeping operation which could require action by the Council;

(h) These meetings will be in addition to those convened and chaired by the Secretariat for troop contributors to meet with special representatives of the Secretary-General or force commanders, or to discuss operational matters concerning particular peacekeeping operations, to which members of the Council will also be invited;

(i) Background information and an agenda will be circulated by the Secretariat to the participants well in advance of each of the various meetings referred to above; members of the Council may also circulate information as appropriate;

(j) Interpretation services in all the official languages of the Organization will continue to be available; translation of written documents will continue to be available, if possible in advance of the meetings;

(k) The time and venue of each meeting should, where possible, appear in advance in the *Journal of the United Nations*;

(l) The Council will append to its annual report to the General Assembly information about these meetings.

The Council recalls that the arrangements described above are not exhaustive. They do not preclude consultations in a variety of forms, including informal communication between the President of the Council or the members of the Council and troop-contributing countries and, as appropriate, other countries especially affected, for example, countries from the region concerned.

The Council will continue to keep arrangements for consultations and the exchange of information and views with troop

⁴ The Presidency of December 1999 stated that the inclusion of a paragraph recognizing the broad range of options for public and private Council meetings reflected "the growing practice of the Council of considering both thematic and country-specific matters at public or private meetings, rather than in informal consultations of members" (*Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 2 (A/55/2)*, p. 498).

⁵ S/1999/1291, para. 1. For example, in the monthly assessment by the presidency of the Council for November 1998 it was noted that, in an innovation, a public meeting of the Council was held at which Sadako Ogata, the United Nations High Commissioner for Refugees, held a briefing (*Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 2 (A/54/2)*, p. 413).

⁶ S/PRST/1994/62.

⁷ S/PRST/1996/13.

contributors and prospective contributors under review and stands ready to consider further measures and new mechanisms to enhance further the arrangements in the light of experience.

In a note by the President dated 30 November 1998,⁸ the members of the Council agreed that relevant bodies and agencies of the United Nations might be invited to troop contributors meetings when they had a specific contribution to make to the issue under discussion; that other Member States contributing to peacekeeping operations, as appropriate, should also be invited to troop contributors meetings; and that the President would inform troop contributors about forthcoming Council deliberations and expected decisions.

**Consultations and exchanges of information
with individuals, organizations or institutions in
informal meetings (Arria formula meetings)**

During the period under review, members of the Council continued to hold consultations in the format

of Arria formula meetings. In a letter dated 17 March 1999 from the representative of Venezuela addressed to the Secretary-General and the President of the Security Council,⁹ the representative noted that the Arria formula was associated with the name of the representative of Venezuela on the Security Council during his country's most recent term as a non-permanent member of the Council.¹⁰ He recalled that during the presidency of Venezuela in 1992, the Council had deemed it appropriate and necessary to obtain direct assessments from individuals, organizations or institutions that could, because of their responsibilities or personal or institutional influence, contribute to a better understanding of the situation under consideration. The representative of Venezuela wished to caution, however, that the informal mechanism should be used in accordance with its original concept and should not be invoked in order to receive representatives of countries which were full Members of the United Nations, as that would be contrary to the principle of sovereign equality of States.

Part II

Representation and credentials (rules 13-17)

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

⁸ S/1998/1016, para. 2 (c), (d) and (e).

⁹ S/1999/286.

¹⁰ Venezuela was most recently a member of the Security Council in 1992-1993.

No special cases concerning the application of rules 13-17 occurred during the period under review.¹¹

¹¹ See chapter III for information related to invitations to and participation in the meetings of the Security Council.

Part III Presidency (rules 18-20)

Note

Part III of the present chapter deals with the proceedings of the Security Council directly related to the Office of the President of the Council.

The material in section A indicates special instances of the interpretation or application of rules 18 to 20. 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.

A new section, B, details procedural developments relating to the presidency. Included in this section is information on the new practice of monthly assessments made by former Presidents of the Council concerning the work of the Council during their term as President.

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 the present 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.

A. Special cases concerning the application of rules 18-20

Rule 19

The President shall preside over the meetings of the Security Council and, under the authority of the Security Council, shall represent it in its capacity as an organ of the United Nations.

During the period under review, Presidents regularly briefed non-members of the Council, made statements and remarks to the press and held bilateral and multilateral meetings with concerned parties such as Member States, chairmen of the regional groups and others. Some Presidents held bilateral meetings with the President of the General Assembly, the President of the Economic and Social Council or the Secretary-General.¹²

On 28 October 1998, the President represented the Council at the first meeting of the heads of the principal organs of the United Nations. This informal meeting was initiated by the Secretary-General to improve

¹² Presidents of the Council noted the following in their monthly assessments: (a) the President for the month of November 1997 briefed the President of the General Assembly and chairmen of the regional groups on the programme of work of the Council (*Official Records of the General Assembly, Fifty-third Session, Supplement No. 2 (A/53/2)*, p. 327); (b) the President for the month of January 1999 met with the Secretary-General and with the Acting President of the General Assembly. A meeting with the President of the Economic and Social Council focused on ways to implement Article 65 of the Charter and enhance cooperation between the Security Council and the Economic and Social Council, particularly in dealing with post-conflict situations (*Official Records of the General Assembly, Fifty-fourth Session, Supplement*

No. 2 (A/54/2), p. 428); (c) the President for the month of February 1999 met with the President and the Acting President of the General Assembly regarding the Council's programme of work and with the President of the Economic and Social Council regarding closer cooperation between the Council and the Economic and Social Council as envisaged in Article 65 (*ibid.*, p. 442); (d) the President for the month of June 1999 met with the Secretary-General and the Presidents of the General Assembly and the Economic and Social Council (*ibid.*, p. 461); and (e) the President for the month of July 1999 met with the President of the Economic and Social Council (*Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 2 (A/55/2)*, p. 442).

coordination among the principal organs and efficiency in the workings of the Organization. During the review period, the same type of meeting was held again on 26 October 1999.

On 6 October 1998, the President represented the Council at the presentation of the first Dag Hammarskjöld medals for United Nations peacekeeping and paid tribute to the courage and dedication of those who had given their lives while serving United Nations peacekeeping.¹³

Rule 20

Whenever the President of the Security Council deems that for the proper fulfilment of the responsibilities of the presidency he should not preside over the Council during the consideration of a particular question with which the member he represents is directly connected, he shall indicate his decision to the Council. The presidential chair shall then devolve, for the purpose of the consideration of that question, on the representative of the member next in English alphabetical order, it being understood that the provisions of this rule shall apply to the representatives on the Security Council called upon successively to preside. This rule shall not affect the representative capacity of the President as stated in rule 19, or his duties under rule 7.

Case 2

The 3634th meeting was held on 27 February 1996 in response to a letter from the representative of the United States to discuss the item entitled “Shooting down of two civil aircraft on 24 February 1996”.¹⁴ The President of the Council for the month of February was the representative of the United States. The representative of Cuba, invited to participate in the discussion under rule 37, expressed the following view:

On many occasions — and when serving on the Council my country was no exception — Presidents of the Security Council have invoked rule 20 of the Council’s provisional rules of procedure to demonstrate clearly to the international community that, in line with basic ethical behaviour, they would not attempt to benefit from the prerogatives of their office. Such behaviour has been lacking in this instance, and it is abundantly clear that the fact that the United States is presiding over the Council at this time has engendered a very particular dynamic and very particular features in the Council’s work.¹⁵

The President thanked the representative of Cuba for his statement.

B. Procedural developments relating to the presidency

Monthly assessments by former Presidents of the Council

In a note by the President of 12 June 1997,¹⁶ concerning the annual report of the Council to the General Assembly, the Council decided that as an addendum to the report, Presidents would provide brief assessments of the work of the Council during their term(s) as President. Specifically, the note provides the following:

There will also be attached, as an addendum to the report, brief assessments on the work of the Security Council, which representatives who have completed their functions as President of the Security Council may wish to prepare, under their own responsibility and following consultations with members of the Council for the month during which they presided and which should not be considered as representing the views of the Council.

The following disclaimer will appear at the beginning of the addendum containing the above-mentioned assessments:

The attachment of the assessments of former Presidents on the work of the Security Council as an addendum to the report is intended to have an informative purpose and should not necessarily be considered as representing the views of the Security Council.

Presidential texts

The members of the Council continued to use informal consultations of the whole as a procedure for briefings, discussions and reaching agreements. On many occasions, the President presented “consensus texts”, or the results of such consultations, to the Council in the form of a presidential statement made on behalf of its members, or as a draft resolution, which the Council then adopted in a formal meeting without further debate. On other occasions, the President announced the agreement or consensus in a note or letter circulated as a Council document.¹⁷

The President was also at times authorized by members of the Council to make statements to the press, although these are not considered decisions of the Council. Beginning in August 1998 and continuing through the end of the period under review, statements

¹³ A/54/2, p. 412.

¹⁴ S/1996/130.

¹⁵ S/PV.3634, p. 5.

¹⁶ S/1997/451.

¹⁷ See chapter IV for further information on decisions of the Council.

to the press by the President of the Security Council were reproduced in almost all monthly assessments by former Presidents.¹⁸

Part IV Secretariat (rules 21-26)

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. Those rules reflect the provisions of Article 98 of the Charter insofar as they concern the requirements of the Security Council.¹⁹ While no discussion concerning rules 21 to 26 took place during the period under review, two relevant procedural developments are described below.

Rule 22 states that the Secretary-General, or his deputy acting on his behalf, may make either oral or written statements to the Security Council concerning any question under consideration by it. In a note by the President dated 30 October 1998, the members of the Council agreed that, as part of the continuing efforts towards transparency of the methods of work of the Council, the Secretary-General should be encouraged to make statements, when he deemed it appropriate, in public meetings of the Council.²⁰ The Council reiterated this view in its note of 30 December 1999.²¹

Under rule 25, the Secretary-General shall give to representatives on the Council notice of meetings of the Council and its commissions and committees. During the period under review, members of the Council also requested the Secretariat to establish an appropriate mechanism for alerting non-members of the Council about unscheduled or emergency meetings of the Council during nights, weekends or holidays.²²

Part V Conduct of business (rules 27-36)

Note

Part V sets out the material bearing on rules 27 and 29 to 36, which concerns 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 and 39 is included in chapter III (Participation in the proceedings of the Security Council).

¹⁹ 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 chapter VI (Relations with other United Nations organs).

²⁰ S/1998/1016, para. 1.

²¹ S/1999/1291, para. 1.

²² S/1998/1016.

¹⁸ The monthly assessment for October 1999 did not

contain texts of statements to the press.

During the period under review, the Council continued to search for efficient, effective and transparent ways to conduct meetings. These included holding more open briefings, as recommended in a note by the President,²³ but also at times limiting interventions to members of the Council in the interest of time.²⁴ A note by the President on the preparation of resolutions and statements will be covered under rule 31, which concerns the presentation of proposed resolutions, amendments and substantive motions. There were no special instances of the application of rules 27, 29, 30, 32, 33, 34, 35 and 36.

Special cases concerning the application of rules 27-36

Rule 31

Proposed resolutions, amendments and substantive motions shall normally be placed before the representatives in writing.

In a note by the President dated 17 February 1999,²⁵ it was deemed important that all members of the Council be allowed to participate fully in the preparation of resolutions and statements. The drafting of resolutions and statements by the President should be carried out in a manner that would allow adequate participation of all members of the Council. While the need was recognized for the Council, in many instances, to adopt its decisions expeditiously, it was also noted that sufficient time needed to be allowed for consultations of all members of the Council and for their own consideration of the drafts, prior to action by the Council on specific items.²⁶

Part VI Languages (rules 41-47)

Note

Rules 41 to 47 concern the official and working languages of the Council, interpretation, the provision for representatives to make speeches in languages other than the languages of the Council, and the languages of meeting records and published resolutions and decisions. During the period under review, the Council made recommendations relevant to rule 42.

²³ S/1999/1291. See also part IV of the present chapter, on briefings by the Secretary-General at public meetings, as well as part VII, concerning publicity of meetings.

²⁴ S/PV.3942 and Corr.1.

²⁵ S/1999/165.

²⁶ See also part VII, Publicity of meetings, records, below for further discussion of the dissemination of draft resolutions and draft presidential statements.

Special cases concerning the application of rules 41-47

Rule 42

Speeches made in any of the six languages of the Security Council shall be interpreted into the other five languages.

The Council recommended that interpretation should be provided, whenever possible, for briefings made by the presidency to States that were not members of the Council.²⁷ The briefings in question were those made to the States shortly after informal consultations of the whole.

²⁷ S/1999/1291, para. 3.

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

Note

Efforts were made, during the period under review, to increase the transparency of the Council through greater publicity of meetings and briefings, including to non-members, the press, non-governmental organizations and others.²⁸ An effort to provide improved publicity of meetings resulted in a revised annual report of the Security Council to the General Assembly, which is detailed below.

There was no direct discussion of rule 48, which concerns the holding of public meetings. However, the members of the Council, in a note by the President dated 30 December 1999,²⁹ agreed that they should make

every effort to determine which matters, including situations involving specific countries, could usefully be considered in public meetings of the Council, in particular at an early stage in its consideration of a subject.

In the same note by the President, the members agreed that, in the absence of agreement to the contrary, the President of the Council should make draft resolutions and draft presidential statements available to States that were not members of the Council as soon as they were introduced within informal consultations of the whole. The availability of draft resolutions in blue

²⁸ In the monthly assessments by former Presidents of the work of the Security Council, begun in July 1997, many former Presidents noted their efforts towards increased transparency and publicity of Council meetings, including meeting the press and briefing non-members of the Council after each session of informal consultations. The following examples, while not exhaustive, illustrates the efforts made by Presidents of the Council: (a) for the benefit of non-members of the Council, the President for the month of July 1997 established the practice of announcing in the *Journal of the United Nations* the issues that had been scheduled for consideration under the agenda item entitled "Other matters" in the informal consultations (*Official Records of the General Assembly, Fifty-third Session, Supplement No. 2 (A/53/2)*, p. 312); (b) the President for the month of June 1998, while continuing the established practice of providing daily briefings on the Council's informal consultations to other United Nations Members,

scheduled such briefings immediately after each session of informal consultations. As noted in the assessment by the President, this proved to be useful, since the number of delegations attending increased significantly. In addition, the presidency organized early in the month a lunch with representatives of the non-governmental organizations that followed most closely the work of the Council and, at the end of the month, provided them with a detailed and comprehensive briefing on the Council's discussions and deliberations throughout June (*ibid.*, p. 360); (c) a number of Presidents (August 1998, September 1998, September 1999, November 1999 and December 1999) noted on the websites of their Missions their efforts to provide timely information (*Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 2 (A/54/2)*, pp. 391 and 402); and *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 2 (A/55/2)*, pp. 481 and 495).

²⁹ S/1999/1291.

in accordance with the note by the President of 28 February 1994 would remain unaffected.³⁰

In the same note, the members of the Security Council noted the importance of the practice of the presidency briefing States that were not members of the Council. They agreed that such briefings should be substantive and detailed and should cover elements presented by the President to the press. They also agreed that such briefings should take place shortly after informal consultations of the whole. The members encouraged the President of the Council, at those briefings or as soon thereafter as practicable, to continue to make available to States that were not members of the Council copies of statements that he made to the media following informal consultations.³¹

The members of the Council also encouraged the Secretary-General to make the briefing notes on field operations that were distributed to the members of the Council available, in a timely manner, to States that were not members of the Council.³²

Revised annual report of the Security Council to the General Assembly

Article 24 (3) states:

The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

In a note by the President dated 12 June 1997,³³ the Council decided that the report of the Security Council to the General Assembly would include the following sections:

(a) In relation to each subject dealt with by the Council:

(i) As background, a descriptive list of the decisions, resolutions and presidential statements of the Council for the one-year period preceding the period covered by the report;

(ii) For the period covered by the report, a description in chronological order of the consideration by the Council of the matter in question and of actions taken by the Council on that item, including descriptions of the decisions, resolutions and presidential statements, and a list of communications received by the Council and reports of the Secretary-General;

(iii) Factual data, including dates of formal meetings and informal consultations at which a subject was discussed;

(b) Information regarding the work of the subsidiary organs of the Council, including the sanctions committees;

(c) Information regarding the documentation and working methods and procedures of the Council;

(d) Matters brought to the attention of the Council but not discussed by it during the period covered;

(e) Appendices as in the present report, but also:

(i) The full text of all resolutions, decisions and presidential statements adopted or voted upon by the Council during the year in question;

(ii) Information about meetings with troop-contributing countries.

In the same note, the members of the Security Council stated they would continue to consider and to review ways to improve the Council's documentation and procedure.³⁴

³⁰ S/1994/230.

³¹ S/1999/1291, para. 3.

³² Ibid., para. 4.

³³ S/1997/451, para. 4.

³⁴ Ibid., para. 6.

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. Unlike previous volumes of the *Repertoire*, the part concerning the 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 in those rules.

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

Part II, Adoption of the agenda (rule 9), contains material dealing with questions that were discussed in connection with the adoption of the agenda. Unlike in previous volumes of the *Repertoire*, no material was found for treatment concerning the procedure of the Council in voting on the adoption of the agenda, nor was there discussion in the Council of the requirements for the inclusion of an item in the agenda and the effect of such inclusion, or of other questions of procedure.

Part III, The agenda and matters of which the Security Council is seized (rules 10 and 11), relates to the list of matters under the Council's consideration. It includes an overview of Security Council decisions with regard to the retention and deletion of items on matters of which the Council was seized. The tables in part III supplement the tables in previous volumes of the *Repertoire* and indicate the changes that have since occurred in the list of matters of which the Security Council was 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.

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

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

were convened, no material relating to the latter rule was found.

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.

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.

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

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

(S/PRST/1994/62).

Part II

Adoption of the agenda (rule 9)

Note

Under rule 9, the first item on the provisional agenda for each meeting of the Security Council is the adoption of the agenda.² In practice, the Council usually discusses and approves the provisional agenda in prior informal consultations and then adopts it at the formal meeting without a vote. Discussions or objections, raised on grounds related to the procedure of the Council in voting on the adoption of the agenda or the substance of the item(s) inscribed on the provisional agenda, are extremely rare. Objections on the adoption of the agenda are also precluded by the practice of the Council of inscribing a single substantive item on its provisional agenda for each meeting.

As in previous volumes of the *Repertoire*, part II is devoted to the proceedings of the Council on those occasions when objection was raised to the adoption of the agenda or other discussion took place in connection with the adoption of the agenda.

The following sections concern two case histories of discussions in the Council that relate to objection that had been raised to the adoption of the agenda in connection with the requirements for the inclusion of an item in the agenda (case 1) and the phrasing of agenda items (case 2). The case histories are not concerned with the grounds of objection, which are, however, briefly indicated. For the other subheadings dealing with the order of discussion of items on the agenda and precedence of the decision on adoption of the agenda, which were included in previous volumes of the *Repertoire*, no material was found for treatment during the period under review.

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

Case 1

² There were several instances in which, in accordance with past practice, the President of the Council made preliminary remarks before the adoption of the agenda, including expressions of thanks, congratulations, tributes and expressions of sympathy. The latter categories also included the observation of a minute of silence. For

At the 3868th meeting, the Council considered the agenda item entitled “Letter dated 11 March 1998 from the Deputy Permanent Representative of the United Kingdom addressed to the President of the Security Council; letter dated 27 March 1998 from the Permanent Representative of the United States addressed to the President of the Security Council”.³ At the start of the meeting, the President drew the attention of the Council members to a letter addressed to him from the representative of Yugoslavia,⁴ indicating the firm objection of the Government of the Federal Republic of Yugoslavia to the inclusion of Kosovo and Metohija on the agenda of the Council on the grounds that it was “an internal matter of the Republic of Serbia”.

During the course of the meeting, Mr. Jovanovic reiterated the objection of the Government of the Federal Republic of Yugoslavia to the consideration of the question of Kosovo and Metohija at the Council meeting on the grounds that it was an internal question that could not be the subject of deliberation of any international forum without the consent of the Government of the Federal Republic of Yugoslavia. He further asserted that there was not and had never been any armed conflict in Kosovo and Metohija and thus there was no danger of a spillover or threat to peace and security.⁵

Other discussion on the adoption of the agenda: phrasing of the agenda item

Case 2

The significance to Member States of how agenda items are constructed was evidenced in the interventions of several delegations at the 3954th meeting on 16 December 1998 and its resumption on 23 December 1998, at which the Council considered the agenda item entitled “Maintenance of peace and security and post-conflict peacebuilding”. The delegations of Sweden and Tunisia noted that the wording of the agenda item

example, at the 3617th meeting on 8 January 1996, the President spoke briefly to pay tribute to the memory of François Mitterand, former President of France.

³ S/1998/223 and S/1998/272, respectively.

⁴ S/1998/285.

⁵ S/PV.3868 and Corr.1 and Corr.2, pp. 15-19.

reflected the close link between peacekeeping and post-conflict peacebuilding, and that the implications of that link were some of the most important challenges facing the Security Council and the United Nations as a whole.⁶ In the same meeting a different perspective on the agenda

item's

wording was expressed by the delegation of Brazil.⁷ The representative of Brazil queried the absence of the word "international" in the agenda item, suggesting that it blurred any distinction between international and internal conflicts. He expressed concern that if peacebuilding was thought of as also being a result of efforts to contain or solve internal conflicts, the Security Council might be tempted to become a kind of "resurrected Trusteeship Council", which he cautioned against.

Part III

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

Note

Rule 10 of the provisional rules of procedure was designed to enable the Security Council to continue, at its next meeting, the consideration of an item of unfinished business without subjecting that item to renewed debate in connection with the adoption of the agenda. No discussion concerning the application of that rule occurred during the period under review.

On many occasions, separate consecutive meetings were held on the same agenda item.⁸ In other instances, the meeting was suspended and resumed until the Council had completed that stage of its consideration of the item.⁹

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. 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.

In accordance with two decisions of the Council (see rule 11 below) taken during the period under consideration, items were deleted from the list of matters of which the Security Council was seized when (a) the item had not been considered in the preceding five years and no request for its retention had been made; or (b) the Council had formally concluded its consideration of the item.

The reformatted and streamlined tables appearing in the last section supplement the tables contained in the previous volumes of the *Repertoire* and indicate the changes that have since occurred in the list of matters of which the Council was seized.

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

During the period under review the Security Council decided to amend its previous practice with regard to the retention and deletion of items from its agenda. By its notes dated 22 and 29 August 1996,¹⁰ the

⁶ S/PV.3954, p. 21, and S/PV.3952 (Resumption), p. 10.

⁷ S/PV.3954, p. 14.

⁸ For example, the 3634th and 3635th meetings, on the shooting down of two civil aircraft on 24 February 1996; the 3628th and 3629th meetings, on the situation in Angola; and the 3653rd and 3654th meetings, on the situation in the Middle East.

⁹ For example, the 3698th meeting, on the situation in the

occupied Arab territories, held on 27 September and resumed on 28 September; the 3842nd meeting, on the situation in Bosnia and Herzegovina, held on 18 December 1997 and resumed on 19 December 1997; and the 3954th meeting, on post-conflict peacebuilding, held on 16 December 1998 and resumed on 23 December 1998.

¹⁰ S/1996/603 and S/1996/704.

Council decided that as of 15 September 1996, matters which had not been considered by the Council in the preceding five years would, subject to the consent of Member States concerned, be deleted from the list of matters of which the Council was seized. The procedure established by the Council to implement its decision requires the Secretary-General to identify in his annual summary statement on matters of which the Security Council was seized those items to be deleted from the list, in the absence of any notification by a Member State by a fixed date. That notification is to remain in effect for one year with the possibility of renewal. Although the note did not explicitly preclude the Council from taking separate decisions to delete items outside the above procedure, no such action was taken following the decision to amend its practice in this regard.¹¹

Items are also deleted following a request addressed to the Secretary-General by the Member State concerned and in the absence of any objection on the part of the members of the Council. No such request was made. In addition, items may be deleted by a decision of the Council taken at the close of a Council meeting. This did not occur during the period under consideration.

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

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 1996-1999; and section C indicates items deleted from the list during that period.¹² The tables show that, during the period under review, the Council included 35 new items in the list of matters of which it was seized and deleted over 50 items.

¹¹ The last instance of a separate decision to delete items from the Security Council agenda in the period under consideration was contained in a note by the President dated 24 January 1996 (S/1996/55).

¹² Information compiled from the following summary statements: S/1996/15 and Add.1-51; S/1997/40 and Add.1-51; S/1998/44 and Add.1-51; S/1999/25 and Add.1-51; and S/2000/40 and Add.1-51.

A. Items added to the list of matters of which the Security Council was seized during the period 1996-1999

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action by the Council as at 31 December 1999</i>
Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995. (S/1996/10)	3627th meeting 31 January 1996	S/1996/15/Add.4 9 February 1996	Adopted resolution 1070 (1996) 3690th meeting 16 August 1996
Shooting down of two civil aircraft on 24 February 1996	3634th meeting 27 February 1996	S/1996/15/Add.8 8 March 1996	Adopted resolution 1067 (1996) 3683rd meeting 26 July 1996
Letter dated 26 February 1996 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/1996/130)			
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia	3637th meeting 29 February 1996	S/1996/15/Add.8 2 July 1996	Adopted resolution 1047 (1996) 3637th meeting
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for such Violations Committed in the Territory of Neighbouring States			

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<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action by the Council as at 31 December 1999</i>
Appointment of the Prosecutor			
Signature of the African Nuclear-Weapon-Free Zone Treaty (The Treaty of Pelindaba) (S/1996/276)	3651st meeting 12 April 1996	S/1996/15/Add.14 19 April 1996	President made a statement (S/PRST/1996/17) 3651st meeting
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia (S/1996/319)	3663rd meeting 8 May 1996	S/1996/15/Add.18 17 May 1996	Adopted resolution 1207 (1998) 3944th meeting 17 November 1998
Demining in the context of the United Nations peacekeeping	3689th meeting 15 August 1996	S/1996/15/Add.32 24 July 1998	President made a statement (S/PRST/1996/37) 3693rd meeting 30 August 1996
Letters dated 23 September and 3 and 11 October 1996 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council (S/1996/774, S/1996/824 and S/1996/847)	3704th meeting 15 October 1996	S/1996/15/Add.41 25 October 1996	President made a statement (S/PRST/1996/42) 3704th meeting
Letters dated 23 and 27 September 1996 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council and the Secretary-General (S/1996/768 and (S/1996/800)			
The situation in the Great Lakes Region	3708th meeting 1 November 1996	S/1996/15/Add.43 15 November 1996	President made a statement (S/PRST/1997/24) 3773rd meeting 30 April 1997

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action by the Council as at 31 December 1999</i>
Letters dated 14 and 24 October 1996 from the Secretary-General addressed to the President of the Security Council (S/1996/875 and S/1996/878)			
The situation in Albania	3751st meeting 13 March 1997	S/1997/40/Add.10 21 March 1997	President made a statement (S/PRST/1997/44) 3812th meeting 14 August 1997
Letter dated 12 March 1997 from the Permanent Representative of Italy to the United Nations addressed to the President of the Security Council (S/1997/214)			
Letter dated 13 March 1997 from the Permanent Representative of Albania to the United Nations addressed to the President of the Security Council (S/1997/215)			
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 made a statement (S/PRST/1997/34) 19 June 1997
The situation concerning the Democratic Republic of the Congo	3784th meeting 29 May 1997	S/1997/40/Add.21 6 June 1997	Heard statements 4083rd meeting 16 December 1999
Civilian police in peacekeeping operations	3801st meeting 14 July 1997	S/1997/40/Add.28 25 July 1997	President made a statement (S/PRST/1997/38) 3801st meeting
United Nations peacekeeping: Dag Hammarskjöld Medal	3802nd meeting 22 July 1997	S/1997/40/Add.29 1 August 1997	Adopted resolution 1121 (1997) 3802nd meeting
The situation in the Central African Republic	3808th meeting 6 August 1997	S/1997/40/Add.31 15 August 1997	Adopted resolution 1271 (1999) 4056th meeting 22 October 1999

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<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action by the Council as at 31 December 1999</i>
Identical letters dated 18 July 1997 from the Chargé d'affaires a.i. of the Permanent Mission of the Central African Republic to the United Nations addressed to the Secretary-General and to the President of the Security Council (S/1997/561)			
The situation in the Republic of the Congo	3810th meeting 13 August 1997	S/1997/40/Add.32 22 August 1997	President made a statement (S/PRST/1997/47) 3823rd Meeting 16 October 1997
The situation in Africa	3819th meeting 25 September 1997	S/1997/40/Add.38 3 October 1997	Heard statements 4081st meetings 15 December 1999
Letter dated 11 March 1998 from the Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council (S/1998/223)	3868th meeting 31 March 1998	S/1998/44/Add.13 9 April 1998	President made a statement (S/PRST/1999/5) 3967th meeting 29 January 1999
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 (S/1998/272)			
Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the president of the Security Council (S/1998/287)	3874th meeting 22 April 1998	S/1998/44/Add.16 1 May 1998	President made a statement (S/PRST/1998/10) 3874th meeting
The situation between Eritrea and Ethiopia	3895th meeting 26 June 1998	S/1998/44/Add.25 2 July 1998	Adopted resolution 1226 (1999) 3973rd meeting 29 January 1999

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action by the Council as at 31 December 1999</i>
Children and armed conflict	3896th meeting 19 June 1998	S/1998/44/Add.16 10 July 1998	Adopted resolution 1261 (1999) 4037th meeting 25 August 1999
Letter dated 29 June 1998 from the Secretary-General addressed to the President of the Security Council (S/1998/581)	3903rd meeting 13 July 1998	S/1998/44/Add.28 24 July 1998	President made a statement (S/PRST/1998/20) 3903rd meeting
Letter dated 25 June 1998 from the Permanent Representative of the Democratic Republic of the Congo addressed to the Secretary-General (S/1998/582)			
Letter dated 25 June 1998 from the Permanent Representative of Rwanda to the United Nations addressed to the Secretary-General (S/1998/583)			
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Such Violations Committed in the Territory of Neighbouring States	3908th meeting 25 July 1998	S/1998/44/Add.28 24 July 1998	Adopted resolution 1259 (1999) 4033rd meeting 11 August 1999
Letter dated 8 July 1998 from the Secretary-General addressed to the President of the Security Council (S/1998/640)			
Threats to peace and security caused by international terrorists acts	3915th meeting 13 August 1998	S/1998/44/Add.32 13 August 1998	Adopted resolution 1189 (1998) 3915th meeting
The situation in Guinea-Bissau	3940th meeting 6 November 1998	S/1998/44/Add.44 13 November 1998	Adopted resolution 1233 (1999) 3991st meeting 6 April 1999

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<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action by the Council as at 31 December 1999</i>
Maintenance of peace and security and post-conflict peacebuilding	3954th meeting 16 December 1998	S/1998/44/Add.13 9 April 1998	President made a statement (S/PRST/1999/21) 4020th and 4021st meetings 8 July 1999
Promoting peace and security: humanitarian activities relevant to the Security Council	3968th meeting 21 January 1999	S/1999/25/Add.2 29 January 1999	Heard statements 3968th meeting
Protection of civilians in armed conflict	3977th meeting 12 February 1999	S/1999/25/Add.5 19 February 1999	President made a statement (S/PRST/1999/6) 3978th meeting
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 (S/1999/320)	3988th meeting 24 March 1999	S/1999/25/Add.11 1 April 1999	Heard statements 3989th meeting 26 March 1999
Letter dated 7 May 1999 from the Permanent Representative of China to the United Nations addressed to the Security Council (S/1999/523)	4000th meeting 8 May 1999	S/1999/25/Add.17 14 May 1999	Heard statements 4001st meeting 14 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
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
Promoting peace and security: humanitarian assistance to refugees in Africa	4025th meeting 26 July 1999	S/1999/25/Add.29 6 August 1999	Heard statements 4025th meeting 26 July 1999
Small arms	4048th meeting 24 September 1999	S/1999/25/Add.37 1 October 1999	President made a statement (S/PRST/1999/28) 4048th meeting
Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998) 1239 (1999), 1244 (1999)	4061st meeting 5 November 1999	S/1999/25/Add.43 12 November 1999	Issued a communiqué 4061st meeting 5 November 1999

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action by the Council as at 31 December 1999</i>
Role of the Security Council in armed conflict prevention	4072nd meeting 29 November 1999	S/1999/25/Add.47 10 December 1999	President made a statement (S/PRST/1999/34) 4073rd meeting 30 November 1999

B. Items appearing on previous lists for which new action by the Security Council was reported in the summary statements during the period 1996-1999

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in the summary statement</i>	<i>Last action by the Council as at 31 December 1999</i>
Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia	3175th meeting 22 February 1993	S/25070/Add.8 8 March 1993	Adopted resolution 1126 (1997) 3813th meeting 27 August 1997
Security of United Nations operations	3283rd meeting 29 September 1993	S/25070/Add.39 7 October 1993	President made a statement (S/PRST/1997/13) 3750th meeting 12 March 1997
An Agenda for Peace: peacekeeping	3448th meeting 4 November 1994	S/1994/20/Add.43 11 November 1994	President made a statement (S/PRST/1996/13) 3645th Meeting 28 March 1996
Protection for humanitarian assistance to refugees and others in conflict situations	3778th meeting 21 May 1997	S/1997/40/Add.20 30 May 1997	Heard statements 3942nd meeting 10 November 1998
The situation in Cambodia	2941st meeting 20 September 1990	S/21100/Add.37 26 October 1990	President made a statement (S/PRST/1997/37) 3799th meeting 11 July 1997
The situation in Sierra Leone	3597th meeting 27 November 1995	S/1995/40/Add.47 8 December 1995	Heard statements 4078th meeting 10 December 1999

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<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in the summary statement</i>	<i>Last action by the Council as at 31 December 1999</i>
The situation in Angola	3168th meeting 29 January 1993	S/25070/Add.4 4 February 1993	Adopted resolution 1268 (1999) 4052nd meeting 15 October 1999
The situation in Croatia	3275th meeting 14 September 1993	S/25070/Add.37 24 September 1993	Adopted resolution 1252 (1999) 4023rd meeting 15 July 1999
Letter dated 11 March 1998 from the Deputy Permanent Representative to the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/1998/223)	3868th meeting 31 March 1998	S/1998/44/Add.13 9 April 1998	President made a statement (S/PRST/1999/5) 3974th meeting 29 January 1999
Letter dated 24 March from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/1998/272)			
The situation in the former Yugoslav Republic of Macedonia	3239th meeting 18 June 1993	S/25070/Add.24 6 July 1993	Heard statements Failed to adopt resolution (S/1999/201) 3982nd meeting 25 February 1999
The situation in Bosnia and Herzegovina	3113th meeting 9 September 1992	S/23370/Add.36 14 September 1992	Heard statements 4069th meeting 15 November 1999
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia	3175th meeting 22 February 1993	S/25070/Add.8 8 March 1993	Adopted resolution 1126 (1997) 3813th meeting 27 August 1997
The situation in the Middle East	1341st meeting 24 May 1967	S/7913 29 May 1967	Adopted resolution 1276 (1999) President made a statement (S/PRST/1999/33) 4071st meeting 24 November 1999

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in the summary statement</i>	<i>Last action by the Council as at 31 December 1999</i>
The situation concerning Western Sahara	1851st meeting 23 October 1975	S/11593/Add.42 29 October 1975	Adopted resolution 1282 (1999) 4080th meeting 14 December 1999
The situation in Georgia	3121st meeting 8 October 1992	S/23370/Add.40 12 October 1992	President made a statement (S/PRST/1999/30) 4065th meeting 12 November 1999
The situation between Eritrea and Ethiopia	3895th meeting 26 June 1998	S/1998/44/Add.25 2 July 1998	President made a statement (S/PRST/1999/9) 3985th meeting 27 February 1999
The situation in the Central African Republic	3808th meeting 6 August 1997	S/1997/40/Add.31 15 August 1997	Adopted resolution 1271 (1999) 4056th meeting 22 October 1999
The situation in Tajikistan and along the Tajik-Afghan border	3266th meeting 23 August 1993	S/25070/Add.34 3 September 1993	Adopted resolution 1274 (1999) 4064th meeting 12 November 1999
The situation in Guinea-Bissau	3940th meeting 6 November 1998	S/1998/44/Add.44 13 November 1998	Adopted resolution 1233 (1999) 3991st meeting 6 April 1999
The situation concerning the Democratic Republic of the Congo	3784th meeting 29 May 1997	S/1997/40/Add.21 6 June 1997	Heard statements 4083rd meeting 16 December 1999
Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States in America	3312th meeting 11 November 1993	S/25070/Add.45 22 November 1993	President made a statement (S/PRST/1999/22) 4022nd meeting 9 July 1999
The situation concerning Rwanda	3183rd meeting 12 March 1993	S/25070/Add.10 22 March 1993	Adopted resolution 1165 (1998) 3877th meeting 30 April 1998

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<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in the summary statement</i>	<i>Last action by the Council as at 31 December 1999</i>
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Such Violations Committed in the Territory of Neighbouring States	3908th meeting 15 July 1998	S/1998/44/Add.28 24 July 1998	Adopted resolution 1241 (1999) 4006th meeting 19 May 1999
The situation between Iraq and Kuwait	2932nd meeting 2 August 1990	S/21100/Add.30 10 August 1990	Adopted resolution 1284 (1999) 4084th meeting 17 December 1999
The situation in Burundi	3297th meeting 25 October 1993	S/25070/Add.43 4 November 1993	President made a statement (S/PRST/1999/32) 4068th meeting 12 November 1999
The situation in Timor ^a	1864th meeting 15 December 1975	S/11593/Add.50 23 December 1975	Heard statements 4085th meeting 22 December 1999
The situation in Somalia	3060th meeting 17 March 1992	S/23370/Add.11 27 March 1992	President made a statement (S/PRST/1999/31) 4066th meeting 12 November 1999
The situation in Cyprus	1779th meeting 16 July 1974	S/11185/Add.28 24 July 1974	Adopted resolution 1283 (1999) 4082nd meeting 15 December 1999
Maintenance of peace and security and post-conflict peacebuilding	3954th meeting 16 December 1998	S/1998/44/Add.50 24 December 1998	President made a statement (S/PRST/1999/21) 4021st meeting 8 July 1999
The question concerning Haiti	3238th meeting 16 June 1993	S/25070/Add.24 6 July 1993	Adopted resolution 1277 (1999) 5074th meeting 30 November 1999

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in the summary statement</i>	<i>Last action by the Council as at 31 December 1999</i>
Children and armed conflict	3897th meeting 29 June 1998	S/1998/44/Add.26 10 July 1998	Adopted resolution 1261 (1999) 4037th meeting 25 August 1999
The situation in Afghanistan	3330th meeting 24 January 1994	S/1994/20/Add.3 3 February 1994	President made a statement (S/PRST/1999/29) 4055th meeting 22 October 1999
The situation in the occupied Arab territories	1916th meeting 4 May 1976	S/11935/Add.18 11 May 1976	President made a statement (S/PRST/1998/21) 3904th meeting 13 July 1998
The situation in Africa	3819th meeting 25 September 1997	S/1997/40/Add.38 3 October 1997	Adopted resolution 1283 (1999) 4082nd meeting 15 December 1999
The situation in Liberia	2974th meeting 22 January 1991	S/22110/Add.3	President made a statement (S/PRST/1997/41) 3805th meeting 30 July 1997
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	Adopted resolution 1269 (1999) 4053rd meeting 19 October 1999
Letter dated 31 March 1998 from Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council (S/1998/287)	3874th meeting 22 April 1998	S/1998/44/Add.16 1 May 1998	President made a statement (S/PRST/1998/10) 3874th meeting 22 April 1998
The situation in the Great Lakes region	3708th meeting 1 November 1996	S/1996/15/Add.43 8 November 1996	President made a statement (S/PRST/1997/24) 3773rd meeting 30 April 1997

^a As from the 4041st meeting, on 3 September 1999, the agenda item "The situation in Timor" was reformulated to read "The situation in East Timor".

C. Items that were deleted from the list of matters of which the Security Council was seized during the period 1996-1999

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 1999</i>
Statute and rules of procedure of the Military Staff Committee	2nd meeting 25 January 1946	Adopted resolution 1 (1946) 2nd meeting	S/1997/40
Special agreement under Article 43 of the Charter and the organization of the armed forces to be made available to the Security Council	23rd meeting 16 February 1946	Heard statements 157th meeting 15 July 1947	S/1997/40
Reports on the strategic Trust Territory of the Pacific Islands pursuant to the resolution of the Security Council	113th meeting 26 February 1947	Adopted resolution 70 (1949) 415th meeting 7 March 1949	S/1997/40
Complaint by Kuwait in respect of the situation arising from the threat by Iraq to the territorial independence of Kuwait, which is likely to endanger the maintenance of international peace and security	957th meeting 2 July 1961	Heard statements 960th meeting 7 July 1961	S/1997/40
Complaint by the Government of Iraq in respect of the situation arising out of the armed threat by the United Kingdom to the independence and security of Iraq, which is likely to endanger the maintenance of international peace and security			
Letter dated 6 September 1964 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council	1146th meeting 11 September 1964	Heard statements 1147th meeting 12 September 1964	S/1997/40
Rules of procedure of the Security Council	1463rd meeting 24 January 1969	Adopted resolution 263 (1969) 1463rd meeting	S/1997/40

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 1999</i>
The situation in the Comoros	1886th meeting 4 February 1976	Heard statements 1888th meeting 6 February 1976	S/1997/40
Complaint by the Prime Minister of Mauritius, Current Chairman of the Organization of African Unity, of the “act of aggression” by Israel against the Republic of Uganda	1939th meeting 9 July 1976	Heard statements 1939th meeting	S/1997/40
Complaint by Benin	1986th meeting 7 February 1977	Adopted resolution 419 (1977) 2048th meeting 23 November 1977	S/1997/40
Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates to the United Nations addressed to the President of the Security Council	2540th meeting 21 May 1984	Adopted resolution 551 (1984) 2544th meeting 30 May 1984	S/1997/40
Letter dated 3 October 1984 from the Permanent Representative of the Lao People’s Democratic Republic to the United Nations addressed to the President of the Security Council	2558th meeting 9 October 1984	Adopted resolution 555 (1984) 2559th meeting 12 October 1984	S/1997/40
Letter dated 25 March 1986 from the Permanent Representative of Malta to the United Nations addressed to the President of the Security Council	2668th meeting 26 March 1986	Heard statements 2671st meeting 31 March 1986	S/1997/40
Letter dated 25 March 1986 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the President of the Security Council			

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<i>Item</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 1999</i>
Letter dated 26 March 1986 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council			
Letter dated 12 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of Malta to the United Nations addressed to the President of the Security Council	2672nd meeting 12 April 1986	Adopted resolution 583 (1986) 2681st meeting 18 April 1986	S/1997/40
Letter dated 17 December 1988 from the Permanent Representative of Angola to the United Nations addressed to the Secretary-General	2834th meeting 20 December 1988	Adopted resolution 626 (1988) 2834th meeting	S/1997/40
Letter dated 17 December 1988 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General			
Letter dated 30 September 1991 from the Permanent Representative of Haiti to the United Nations addressed to the President of the Security Council	3010th meeting 30 September 1991	Adopted resolution 714 (1991) 3010th meeting	S/1997/40
Presidency of the Security Council: rule 18 of the provisional rules of procedure of the Security Council	3020th meeting 25 August 1994	President made a statement (S/PRST/1994/48) 3020th meeting	S/1997/40
United Nations peacekeeping operations	2925th meeting 31 May 1990	Heard statements 2926th meeting 31 May 1990	S/1997/40
Letter dated 2 April 1991 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council	2982nd meeting 5 April 1991	Adopted resolution 688 (1991) 2982nd meeting	S/1998/44

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 1999</i>
Letter dated 4 April 1991 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the Secretary-General			
Letter dated 17 May 1991 from the Chargé d'affaires a.i. of the Permanent Mission of Angola to the United Nations addressed to the Secretary-General	2991st meeting 30 May 1991	Adopted resolution 696 (1991) 2991st meeting	S/1998/44
Report of the Secretary-General on the United Nations Angola Verification Mission (UNAVEM I)			
Letter dated 19 September 1991 from the Permanent Representative of Austria to the United Nations addressed to the President of the Security Council	3009th meeting 25 September 1991	Adopted resolution 713 (1991) 3009th meeting	S/1998/44
Letter dated 19 September 1991 from the Permanent Representative of Canada to the United Nations addressed to the President of the Security Council			
Letter dated 20 September 1991 from the Permanent Representative of Hungary to the United Nations addressed to the President of the Security Council			
Letter dated 24 September 1991 from the Permanent Representative of Yugoslavia to the United Nations addressed to the President of the Security Council			

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<i>Item</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 1999</i>
Letter dated 24 November 1991 from the Secretary-General addressed to the President of the Security Council	3018th meeting 27 November 1991	Adopted resolution 721 (1991) 3018th meeting	S/1998/44
Letter dated 21 November 1991 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council			
Letter dated 26 November 1991 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council			
Report of the Secretary-General pursuant to Security Council resolution 721 (1991)	3023rd meeting 15 December 1991	Adopted resolution 724 (1991) 3023rd meeting	S/1998/44
Letter dated 5 September 1964 from the Permanent Representative of Greece to the United Nations addressed to the President of the Security Council	1146th meeting 11 September 1964	Heard statements 1147th meeting	S/1999/25
Letter dated 8 September 1964 from the Permanent Representative of Greece to the United Nations addressed to the President of the Security Council			
Complaint by Greece against Turkey	1949th meeting 12 August 1976	Adopted resolution 395 (1976) 1953rd meeting 25 August 1976	S/1999/25
Oral report of the Secretary-General pursuant to his report of 5 January 1992	3027th meeting 7 January 1992	President made a statement (S/23389) 3027th meeting	S/1999/25
Further reports of the Secretary-General pursuant to Security Council resolution 721 (1991)	3028th meeting 8 January 1992	Adopted resolution 740 (1992) 3049th meeting 7 February 1991	S/1999/25

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 1999</i>
Letter dated 20 January 1992 from Chargé d'affaires a.i. of the Permanent Mission of Somalia to the United Nations addressed to the President of the Security Council	3039th meeting 23 January 1992	Adopted resolution 733 (1992) 3039th meeting	S/1999/25
Further report of the Secretary-General on the United Nations Angola Verification Mission (UNAVEM II)	3062nd meeting 24 March 1992	President made a statement S/25002) 3152nd meeting 22 December 1992	S/1999/25
Report of the Secretary-General pursuant to Security Council resolution 743 (1992)	3066th meeting 7 April 1992	Adopted resolution 749 (1992) 3066th meeting	S/1999/25
Letter dated 23 April 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Austria to the United Nations addressed to the President of the Security Council	3070th meeting 24 April 1992	President made a statement (S/23842) 3070th meeting	S/1999/25
Letter dated 24 April 1992 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council			
Further report of the Secretary-General pursuant to Security Council resolution 749 (1992)	3075th meeting	Adopted resolution 752 (1992) 3075th meeting	S/1999/25
Report of the Secretary-General pursuant to Security Council resolution 752 (1992)	3082nd meeting 30 May 1992	Adopted resolution 757 (1992) 3082nd meeting	S/1999/25
Letter dated 26 May 1992 from the Permanent Representative of Canada to the United Nations addressed to the President of the Security Council			

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<i>Item</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 1999</i>
Letter dated 27 May 1992 from the Minister for Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council			
Report of the Secretary-General pursuant to Security Council resolution 757 (1992)	3083rd meeting 8 June 1992	Adopted resolution 758 (1992) 3083rd meeting	S/1999/25
Report of the Secretary-General pursuant to paragraph 15 of Security Council resolution 757 (1992) and paragraph 10 of Security Council resolution 758 (1992)	3086th meeting 18 June 1992	Adopted resolution 769 (1992) 3086th meeting	S/1999/25
Oral reports by the Secretary-General on 26 and 29 June 1992 pursuant to Security Council resolution 758 (1992)	3087th meeting 29 June 1992	Adopted resolution 761 (1992) 3087th meeting	S/1999/25
Further report of the Secretary-General pursuant to Security Council resolution 752 (1992)	3088th meeting 30 June 1992	Adopted resolution 762 (1992) 3088th meeting	S/1999/25
Further report of the Secretary-General pursuant to Security Council resolution 757 (1992), 758 (1992) and 761 (1992)	3093rd meeting 13 July 1992	Adopted resolution 764 (1992) 3093rd meeting	S/1999/25
Letter dated 11 July 1992 from the Minister for Foreign Affairs of Croatia addressed to the President of the Security Council	3097th meeting 17 July 1992	President made a statement (S/24307) 3097th meeting	S/1999/25
Letter dated 12 July 1992 from the Minister for Foreign Affairs of Croatia addressed to the President of the Security Council			
Letter dated 13 July 1992 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council			

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 1999</i>
Letter dated 13 July 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Slovenia to the United Nations addressed to the President of the Security Council			
Letter dated 17 July 1992 from the Permanent Representatives of Belgium, France and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council			
Letter dated 4 August 1992 from the Chargé d'affaires a.i. of the United States Mission to the United Nations addressed to the President of the Security Council	3103rd meeting 4 August 1992	President made a statement (S/24378) 3103rd meeting	S/1999/25
Letter dated 4 August 1992 from the Permanent Representative of Venezuela to the United Nations addressed to the President of the Security Council (S/23370/Add.31)			
Report of the Secretary-General pursuant to Security Council resolution 762 (1992) (S/23370/Add.31)	3104th meeting 7 August 1992	Adopted resolution 769 (1992) 3104th meeting	S/1999/25
Letter dated 7 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Belgium to the United Nations addressed to the President of the Security Council	3105th meeting 11 August 1992	Heard statements 3105th meeting	S/1999/25
Letter dated 13 July 1992 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council			

Repertoire of the Practice of the Security Council

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 1999</i>
Letter dated 7 August 1992 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			
Letter dated 7 August 1992 from the Chargé d'affaires a.i. of the United States Mission to the United Nations addressed to the President of the Security Council			
Letter dated 10 August 1992 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council	3106th meeting 13 August 1992	Adopted resolution 770 (1992) 3106th meeting	S/1999/25
Letter dated 10 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the President of the Security Council			
Letter dated 13 July 1992 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council			
Letter dated 10 August 1992 from the Permanent Representative of Malaysia to the United Nations addressed to the President of the Security Council			

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 1999</i>
Letter dated 11 August 1992 from the Permanent Representative of Senegal to the United Nations addressed to the President of the Security Council			
Letter dated 11 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the Security Council			
Letter dated 10 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Kuwait to the United Nations addressed to the President of the Security Council			
Letter dated 11 August 1992 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council			
Letter dated 12 August 1992 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council			
Letter dated 13 August 1992 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council			
Letter dated 13 August 1992 from the Permanent Representative of Bahrain to the United Nations addressed to the President of the Security Council			

Repertoire of the Practice of the Security Council

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 1999</i>
Letter dated 13 August 1992 from the Permanent Representative of Comoros to the United Nations addressed to the President of the Security Council			
Letter dated 13 August 1992 from the Permanent Representative of Qatar to the United Nations addressed to the President of the Security Council			
Letter dated 28 August 1992 from the Secretary-General addressed to the President of the Security Council	3111th meeting 2 September 1992	President made a statement (S/24510) 3111th meeting	S/1999/25
Letter dated 24 August 1992 from the Secretary-General addressed to the President of the Security Council	3112th meeting 2 September 1992	President made a statement (S/24511) 3112th meeting	S/1999/25
The situation in Bosnia and Herzegovina	3113th meeting 9 September 1992	Heard statements 4069th meeting 15 November 1999	S/1999/25
Report of the Secretary-General on the situation in Bosnia and Herzegovina	3114th meeting 14 September 1992	Adopted resolution 776 (1992) 3114th meeting	S/1999/25
Draft resolution contained in document S/24570	3116th meeting 19 September 1992	Adopted resolution 777 (1992) 3116th meeting	S/1999/25
Further report of the Secretary-General pursuant to Security Council resolutions 743 (1992) and 762 (1992)	3118th meeting 6 October 1992	Adopted resolution 779 (1992) 3118th meeting	S/1999/25
Letter dated 10 August 1992 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council	3119th meeting 6 October 1992	Adopted resolution 780 (1992) 3119th meeting	S/1999/25

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 1999</i>
Letter dated 10 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the President of the Security Council			
Letter dated 10 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council			
Letter dated 10 August 1992 from the Permanent Representative of Malaysia to the United Nations addressed to the President of the Security Council			
Letter dated 11 August 1992 from the Permanent Representative of Senegal to the United Nations addressed to the President of the Security Council			
Letter dated 11 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the Security Council			
Letter dated 10 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Kuwait to the United Nations addressed to the President of the Security Council			
Letter dated 11 August 1992 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council			

Repertoire of the Practice of the Security Council

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 1999</i>
Letter dated 12 August 1992 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council			
Letter dated 13 August 1992 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council			
Letter dated 13 August 1992 from the Permanent Representative of Bahrain to the United Nations addressed to the President of the Security Council			
Letter dated 13 August 1992 from the Permanent Representative of the Comoros to the United Nations addressed to the President of the Security Council			
Letter dated 13 August 1992 from the Permanent Representative of Qatar to the United Nations addressed to the President of the Security Council			
Letter dated 5 October 1992 from the representatives of Egypt, the Islamic Republic of Iran, Pakistan, Saudi Arabia, Senegal and Turkey addressed to the President of the Security Council			
Oral report of the Secretary-General on the United Nations Angola Verification Mission (UNAVEM II)	3120th meeting 6 October 1992	President made a statement (S/24623) 3120th meeting	S/1999/25

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 1999</i>
Letter dated 27 October 1992 from the Secretary-General addressed to the President of the Security Council	3126th meeting 27 October 1992	President made a statement (S/24720) 3126th meeting	S/1999/25
Letter dated 29 October 1992 from the Secretary-General addressed to the President of the Security Council	3130th meeting 30 October 1992	Adopted resolution 785 (1992) 3130th meeting	S/1999/25
The situation in Tajikistan	3131st meeting 30 October 1992	President made a statement (S/24742) 3131st meeting	S/1999/25
(a) The situation between Iraq and Kuwait	3139th meeting 23 and 24 November 1992	President made a statement (S/24839) 3139th meeting 24 November 1992	S/1999/25
(b) Letter dated 2 April 1991 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council			
Letter dated 4 April 1991 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council			
Letter dated 5 March 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Belgium to the United Nations addressed to the President of the Security Council			
Letter dated 3 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Belgium to the United Nations addressed to the President of the Security Council			

Letter dated 19 November
1992 from the Permanent
Representative of Belgium to
the United Nations addressed
to the President of the Security
Council

Report of the Secretary-
General on the former
Yugoslav Republic of
Macedonia

3147th meeting
11 December 1992

Adopted resolution
795 (1992)
3147th meeting

S/1999/25

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. Part I concerns the basis on which invitations were extended. Part II concerns procedures relating to participation after an invitation was extended.

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

In practice, in extending invitations, the Council has continued to refrain from referring explicitly to the relevant articles of the Charter. It has continued to make no distinction between a complaint involving a "dispute" within the meaning of Article 32, a "situation" or a matter of another nature. Some discussion in the Council did take place, however, concerning the rights of Member States to participate in meetings (case 6).

During the period under review, invitations to participate in meetings of the Security Council were usually extended "under the relevant provisions of the Charter" and explicitly under rule 37 or rule 39 of the Council's provisional rules of procedure. The classification of invitations in part I and annexes I and II to chapter III reflects that practice. The instances in which the Council decided to extend invitations to participate in its proceedings without pronouncing itself on the basis for such invitations are treated separately (cases 3-5).

Part II, which deals with procedures relating to the participation of invited representatives, includes a case (case 7) concerning the stage at which a representative was invited to address the Council.

Part I

Basis of invitations to participate

Note

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

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

Section C concerns invitations that were not expressly extended under either rule 37 or rule 39.

Section D considers 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 not members of the

Security Council who were invited to participate in the Council's proceedings were usually invited "under the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure", without explicit reference being made to the relevant Charter articles. Rule 37 provides:

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

In practice, such invitations were usually extended as a matter of course and without discussion. They were requested in letters from the State concerned addressed to the President of the Council. The President informed the Council at the beginning or during the course of its meetings of the receipt of such letters and proposed that, with the consent of the Council, the invitations be extended. Usually, there being no objection, it was so decided. In one instance, (see case 1) a Member State requested to be invited and then subsequently withdrew that request.

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

As in previous years, Member States invited under rule 37 sometimes spoke in other capacities, such as

representatives of regional organizations.¹ In such cases, the President of the Council, when asking Member States to take the floor, would do so with reference to their representative capacities. Member States would themselves, at the beginning of their interventions, state on behalf of whom or in what capacity they were speaking. Case 2 highlights one instance where this practice was not followed.

The practice regarding invitations to representatives of Member States who spoke in their capacity as representatives of United Nations subsidiary bodies or other organizations was varied. Some were invited under rule 37, some under rule 39 and some were invited under no explicit basis. The extension of an invitation was most often guided by the Member State's request for that invitation, which often explicitly mentioned the basis upon which it wished to be invited.

A list of invitations issued under rule 37 is contained in annex I at the end of this chapter. For ease

of reference only, the invitations have been grouped according to agenda item.

Case 1

At the 3973rd meeting, held on 29 January 1999, the President informed the Council that he had received letters from the representatives of Eritrea and Ethiopia, in which they requested to be invited to participate in the discussion of the item on the agenda. The President noted that in the light of the understanding reached in the course of the Council's prior consultations that there would be no statements made during the meeting, the representative of Eritrea had withdrawn his request for participation. As a result, it was only the representative of Ethiopia who was invited to participate in the meeting.

Case 2

At the 3698th meeting, held on 27 September 1996, the representative of Algeria (Minister for Foreign

¹ See, for example, the following instances in which a representative of a Member State invited under rule 37 spoke on behalf of another entity: 3698th meeting, at which the representative of Algeria spoke in his capacity as Chairman of the Council of Ministers for Foreign Affairs of the League of Arab States (S/PV. 3698 (resumption 1), p. 7; 3639th meeting, at which the representative of Tunisia spoke on behalf of the African Group (S/PV.3639, p. 22); 3641st meeting, at which the representative of Jordan spoke on behalf of the Group of Arab States (S/PV.3641, p. 30); 3689th meeting, at which the representative of Ireland spoke on behalf of the European Union (S/PV.3689, p. 27) and the representative of Nicaragua spoke in his capacity as the Secretary *pro tempore* for Central America (*ibid.*, p. 29); 3769th meeting, at which the representative of Qatar spoke on behalf of the Asian Group (S/PV.3769, p. 13); 3797th meeting, at which the representative of Nigeria spoke on behalf of the Economic Community of West African States Ministerial Committee of Four (S/PV.3797, p. 2) and the representative of Zimbabwe spoke on behalf of the President of Zimbabwe and the current Chairman of the Organization of African Unity (*ibid.*, p. 5); 3811th meeting, at which the representative of Denmark spoke on behalf of the Chairman-in-Office of the Organization for Security and Cooperation in Europe (S/PV.3811, p. 20); 4003rd meeting, at which the representative of Qatar spoke in his capacity as Chairman of the Islamic Group (S/PV.4003, p. 13) and the representative of the Islamic Republic of Iran spoke in his capacity as Chairman of the Organization of Islamic Conference Contact Group on Bosnia and Herzegovina (*ibid.*, p. 14).

Affairs Ahmed Attaf) was invited by the President to make a statement “in his capacity as Chairman of the Council of Ministers for Foreign Affairs of the League of Arab States”.² However, the invitation to participate, extended to the representatives of Algeria at the beginning of that meeting, did not refer to Mr. Attaf’s representative capacity.³

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

In the period under review there were a total of 50 invitations issued under Rule 39. The practice concerning those invitations remained generally consistent with previous periods. One noteworthy development was the threefold increase in the number of briefings by the Secretariat in 1999 as compared with the previous three years.⁴ 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 at the end of the chapter. For ease of reference only, invitations have been grouped into the following four categories:

(a) Representatives of the United Nations Secretariat, Security Council missions and Security Council subsidiary bodies;

(b) Representatives of United Nations organs, subsidiary bodies or agencies;

(c) Representatives of regional and other intergovernmental organizations;

(d) Invitations to other persons.

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 official documents of the Security Council. Invitations to representatives of United Nations funds, programmes and agencies were, at the beginning of the period under review, extended on the same basis. This practice changed from the 3932nd meeting, held on 29 September 1998, at which the representatives of the United Nations Children’s Fund (UNICEF) and the Office of the High Commissioner for Refugees (UNHCR) were, respectively, invited to participate “in accordance with the understanding reached in the Council’s prior consultations”.⁵ This formula was also used when extending invitations to delegations to the United Nations of international organizations.⁶

In the case of invitations to representatives of regional organizations, the requests were made by a Member State on behalf of the proposed invitee, and invariably granted without any formal discussion. Letters of request were read into the record of the meeting by the President of the Council and were also issued as documents of the Security Council. The only departure from this practice occurred when the level of representation of the regional organization dictated the use of a different form of participation.⁷

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

While rules 37 or 39 were most often cited as the basis of invitations, some invitations were extended on the basis of prior consultations, past practice or, in some cases,

the representative of the Republic of Korea into the record, requesting that an invitation under rule 39 of the Council’s provisional rules of procedure be extended to the head of the delegation of the International Committee of the Red Cross to the United Nations. That letter was also issued as a document of the Security Council (see S/1997/386).

⁷ For example, at the 3819th meeting held on 25 September 1997, the Organization of African Unity was represented by its Chairman, President Robert Mugabe of Zimbabwe, and its Secretary-General, Mr. Salim Ahmed Salim. For invitations to Heads of State, refer to Case 4.

² S/PV.3698 (Resumption 1), p. 7.

³ S/PV.3698, p. 2.

⁴ This development was welcomed by the Council in a note by the President dated 30 December 1999 (S/1999/1291).

⁵ Representatives of United Nations organs, subsidiary bodies or agencies were subsequently invited to participate in the proceedings of the Security Council according to the same formula at the 3942nd (10 November 1998) and 3977th (12 February 1999) meetings. For more information, see annex II.

⁶ One exception occurred at the 3778th meeting, held on 21 May 1997, at which the President read a letter from

without mention of a basis. These included invitations to Heads of State; to the Secretary-General and Deputy Secretary-General; to members of the Security Council speaking in their capacities as chairpersons of subsidiary organs of the Council;⁸ to representatives of observer missions; and to others. In those instances, the basis under which individuals were invited did not raise any comment or discussion. Cases 4 through 6 are included to illustrate the Council's varied practice of issuing invitations that fall under neither 37 nor 39.

The Council continued to use a special form of invitation when granting requests for participation from the Federal Republic of Yugoslavia (Serbia and Montenegro). The President of the Council, in response to a written request from the representative of the Federal Republic of Yugoslavia, invited that representative by name, in each case Minister for Foreign Affairs Vladislav Jovanovic. At the 4061st meeting (private) held on 5 November 1999, Mr. Branislav Srdanovic was invited to participate at Mr. Jovanovic's request.⁹

Case 3

Invitations to the Secretary-General and Deputy Secretary-General

During the period under review, the Secretary-General and Deputy Secretary-General increasingly participated in the proceedings of the Council.¹⁰ Invitations were extended to them without citing a basis.

Case 4

Invitations to Heads of State

At four of the five instances in which Heads of State participated in the proceedings of the Council during the period under review, they were invited without citing a

basis.¹¹ For instance, at the 4047th meeting, held on 21 September 1999 in connection with the situation in Africa, the President of Zambia was invited by the President with the following formula:¹²

In accordance with the understanding reached in the Council's prior consultations, I request the Chief of Protocol to escort His Excellency Mr. Frederick J. T. Chiluba, President of the Republic of Zambia to a seat at the Council table.

Case 5

Invitations to Permanent Observers

Permanent Observer of Switzerland. The Permanent Observer of Switzerland was always invited to participate in the discussions of Council without the right to vote, in accordance with the understanding reached in the Council's prior consultations.¹³

Permanent Observer of the Holy See. The Permanent Observer of the Holy See was invited to participate "in accordance with the understanding reached in prior consultations".¹⁴

Permanent Observer of Palestine: The President, with the consent of the Council, usually invited the Permanent Observer of Palestine "to participate in the current debate in accordance with the provisional rules of procedure and the previous practice in this regard".¹⁵ Letters of request from the Permanent Observer were read into the record of the meeting by the President of the Council and were issued as documents of the Security Council.

D. Requests for invitations denied or not acted upon

Note

⁸ For example, at the 3957th meeting, held on 18 December 1998, the representative of Sweden briefed the Council in his capacity as Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone.

⁹ See S/PV.4061, issued as a communiqué.

¹⁰ See, for example, S/PV.4020, S/PV.4041 and S/PV.4046.

¹¹ At the 4069th meeting, held on 15 November 1999, invitations were extended to Mr. Ante Jelavic, Chair of the Presidency of Bosnia and Herzegovina, Mr. Alija Izetbegovic, Member of the Presidency of Bosnia and Herzegovina and Mr. Zivko Radisic, Member of the Presidency of Bosnia and Herzegovina (S/PV. 4069 and Corr.1, p. 2).

¹² S/PV. 4047 and Corr.1, p. 2. The only instance in which this formula was not followed was at the 3624th meeting, held on 29 January 1996, at which Mr. Alhaji G. V. Kromah, Member of the Collective Presidency of the Liberian Transitional Government, was invited to participate in accordance with the decision taken at the 3621st meeting of the Council. At the 3621st meeting, Liberia had been invited to participate in accordance with rule 37 of the Council's provisional rules of procedure (S/PV.3624, p. 2).

¹³ See, for example, S/PV.3980; S/PV.4046; S/PV.4061; and S/PV.4062.

¹⁴ See, for example, S/PV.3875 and S/PV.4086.

¹⁵ See, for example, S/PV.3652; S/PV.3698; and S/PV.4046.

During the period under review, there were no cases in which a request for an invitation to participate in a meeting of the Security Council was expressly denied. While there were several instances in which the Council did not respond to requests from Member States to convene a meeting,¹⁶ none of those communications contained specific requests to participate. Case 6 contains two separate meetings at which the right of Member States to address the Council in accordance with Articles 31 and 32, especially in situations that involved the application of sanctions, was discussed.

Case 6

At the 3831st meeting, held on 12 November 1997 to consider the situation between Iraq and Kuwait, the representative of Egypt stressed the necessity to comply fully with constitutional provisions and legal standards by not depriving any State Member of the United Nations of the right to express its view before the Council, in accordance with Articles 31 and 32. He further emphasized that this was especially the case when the question related to sanctions imposed on that State.¹⁷

At the 3864th meeting, held on 20 March 1998 to consider letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America, the representative of Costa Rica contended that the Libyan

Arab Jamahiriya and any other State subject to a sanctions regime, as well as the other parties that are legitimately concerned or affected by any international dispute, had the right to present their own arguments concerning the facts, their own legal reasoning and their own defence. Moreover, he contended, the Security Council and the sanctions committees, within their own purview, had the legal, ethical and political obligation to hear concerned States and to reflect upon and analyse objectively their arguments and reasoning in order to take a decision fully consistent with their lofty and very serious responsibilities established in Chapter VII of the Charter. He noted that the meeting constituted a step forward in what was a demand of all Member States regarding the transparency in the working methods and in the rules, both written and unwritten, of the Security Council.¹⁸

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. During the period under review some discussion occurred in the Council on the stage at which invited States are heard (see case 7). No discussion arose, however, regarding the question of duration of participation of those invited to participate.¹⁹ The practice was generally maintained whereby the President, when consideration of a question was extended over several meetings, renewed the invitation at each consecutive meeting immediately after the adoption of the agenda.

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

¹⁶ See, for example, the letter dated 24 May 1996 from the Permanent Representative of Rwanda addressed to the President of the Security Council (S/1996/374) and the letter dated 21 August 1998 from the Permanent

Representative of the Sudan addressed to the President of the Security Council (S/1998/786).

¹⁷ S/PV.3831, p. 7.

¹⁸ S/PV. 3864 and Corr.1, p. 14.

Case 7

At the 3890th meeting, held on 6 June 1998, concerning the responsibility of the Security Council in the maintenance of international peace and security, the representative of Pakistan expressed deep regret that the Council had disregarded the provisions of Article 31 of the Charter by not giving his delegation the opportunity to participate in the discussions on the resolution on which the Council had just voted.²⁰ While Member States, including Pakistan, were invited to participate in the discussion, the adoption of resolution 1172 (1998) occurred at the beginning of the meeting, giving non-members of the Council an opportunity to make statements following the vote.

¹⁹ At the 4081st meeting, held on 15 December 1999, the President of the Council did, however, urge all speakers to confine their initial contributions to a maximum of five minutes.

²⁰ S/PV.3890, p. 29.

Annex I

Invitations extended under rule 37 (1996-1999)

<i>Agenda item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
1996		
The situation in Burundi	Burundi	3616
The situation in Croatia	Croatia	3617
The situation in Georgia	Georgia	3618
The situation in Croatia	Croatia	3619
The situation in Liberia	Côte d'Ivoire, Czech Republic, Ethiopia, Gambia, Ghana, Guinea, Liberia, Nigeria, Senegal, Swaziland, Togo, Tunisia	3621
The situation in Burundi	Burundi and Zaire	3623
The situation in Croatia	Croatia	3626
Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995 (S/1996/10)	Ethiopia, Pakistan, Sudan	3627
The situation in Angola	Angola, Brazil, Lesotho, New Zealand, Norway, Portugal, South Africa, Tunisia, Zambia, Zimbabwe, Malawi	3628
The situation in Afghanistan	Afghanistan	3631
The situation in Sierra Leone	Sierra Leone	3632
The situation in Croatia	Croatia	3633
Shooting down of two civil aircraft on 24 February 1996	Cuba	3634
The question concerning Haiti	Argentina, Bangladesh, Canada, Haiti, Venezuela	3638
The situation in Burundi	Burundi, Congo, Norway, Nigeria, Rwanda, Tunisia	3639
The situation concerning Rwanda	Rwanda	3640

<i>Agenda item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
The situation in Somalia	Algeria, Djibouti, Ethiopia, Guinea, India, Jordan, Kenya, Morocco, Pakistan, Rwanda, Swaziland, Tunisia, Uganda, Zimbabwe	3641
The situation in Tajikistan and along the Tajik-Afghan border	Tajikistan	3646
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina	3647
The situation in Afghanistan	Afghanistan, Argentina, India, the Islamic Republic of Iran, Japan, Malaysia, Pakistan, Tajikistan, Tunisia, Turkey, Turkmenistan, Uzbekistan	3648
The situation in Liberia	Liberia	3649
The situation in the occupied Arab territories	Algeria, Colombia, Cuba, Israel, Islamic Republic of Iran, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Morocco, Norway, Pakistan, Saudi Arabia, Senegal, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, Yemen	3652
The situation in the Middle East	Afghanistan, Algeria, Colombia, Cuba, Islamic Republic of Iran, Israel, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Morocco, Pakistan, Saudi Arabia, the Syrian Arabic Republic, Tunisia, Turkey, United Arab Emirates	3653
The situation in the Middle East	Afghanistan, Algeria, Colombia, Cuba, Islamic Republic of Iran, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Morocco, Pakistan, Saudi Arabia, Syrian Arabic Republic, Tunisia, Turkey, United Arab Emirates	3654
The situation concerning Rwanda	Burundi, Rwanda, Zaire	3656
The situation in Angola	Angola	3657
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Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995 (S/1996/10)	Ethiopia, Sudan, Uganda	3660
The situation in Liberia	Liberia	3661
The situation in Angola	Angola	3662
The situation in Tajikistan and along the Tajik-Afghan border	Tajikistan	3665
The situation in Croatia	Croatia	3666
The situation in Liberia	Algeria, Djibouti, Ghana, Liberia, Nigeria, Zambia, Zimbabwe	3667
The situation in the former Yugoslav Republic of Macedonia	The former Yugoslav Republic of Macedonia	3670
The situation in Tajikistan and along the Tajik-Afghan border	Tajikistan	3673
The question concerning Haiti	Canada, Haiti	3676
The situation in Croatia	Croatia	3677
The situation in Croatia	Croatia	3678
The situation in Angola	Algeria, Angola, Brazil, Cape Verde, Malawi, Mozambique, Portugal, Tunisia, South Africa, United Republic of Tanzania, Zimbabwe	3679
The situation in Georgia	Georgia and Ireland	3680
The situation in Croatia	Croatia	3681
The situation in Burundi	Burundi	3682
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The situation in Burundi	Burundi	3684
The situation in Croatia	Croatia	3686

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Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995 (S/1996/10)	Sudan	3690
The situation in Burundi	Australia, Belgium, Burundi, Canada, Ethiopia, Ireland, Japan, South Africa, Uganda, United Republic of Tanzania	3692
The situation in Liberia	Liberia and Nigeria	3694
The situation in Croatia	Croatia	3697
The situation in Croatia	Argentina, Australia, Bahrain, Brazil, Costa Rica, Cuba, India, Islamic Republic of Iran, Jordan, Libyan Arab Jamahiriya, Mauritania, Oman, Saudi Arabia, Sudan, the Syrian Arab Republic, Sudan, United Arab Emirates, Yemen	3698
The situation in the former Yugoslavia	Bosnia and Herzegovina	3700
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina	3701
The situation in Angola	Algeria, Angola, Brazil, Burundi, Cape Verde, Costa Rica, Cuba, Lesotho, India, Ireland, Malawi, Malaysia, Mali, Mozambique, Nicaragua, Nigeria, Portugal, Tunisia, Zambia, Zimbabwe	3702
The situation in Afghanistan	Afghanistan, India, Islamic Republic of Iran, Ireland, Japan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkmenistan, Turkey, Uzbekistan	3705

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The situation in the Great Lakes region	Argentina, Austria, Belgium, Burundi, Cameroon, Canada, Congo, Denmark, Finland, Gabon, Ireland, Israel, Luxembourg, Mali, Netherlands, Norway, Portugal, Rwanda, Spain, Sweden, Zaire	3713
The situation in the former Yugoslav Republic of Macedonia	The former Yugoslav Republic of Macedonia	3716
The situation in Liberia	Liberia	3717
The situation in Sierra Leone	Sierra Leone	3720
The question concerning Haiti	Argentina, Canada, Haiti and Venezuela	3721
The situation in Angola	Angola, Brazil, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Portugal, Sao Tome and Principe, South Africa, United Republic of Tanzania, Zambia and Zimbabwe	3722
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina, Canada, Czech Republic, Ireland, Malaysia, Norway, Turkey, Ukraine	3723
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The situation in Croatia	Croatia	3727
1997		
Central America: efforts towards peace	Argentina, Canada, Colombia, Guatemala, Mexico, Netherlands, Norway, Spain, Venezuela	3730
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The situation in Angola	Algeria, Angola, Brazil, Cape Verde, Lesotho, Malawi, Mali, Mozambique, Namibia, Netherlands, South Africa, Tunisia	3743
Central America: efforts towards peace	Guatemala	3744
Central America: efforts towards peace	Malta	3744
The situation in the occupied Arab territories	Afghanistan, Algeria, Argentina, Bahrain, Bangladesh, Brazil, Canada, Colombia, Cuba, Indonesia, Islamic Republic of Iran, Israel, Jordan, Kuwait, Lebanon, Malaysia, Morocco, Netherlands, Norway, Oman, Pakistan, Philippines, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates and Yemen	3745
The situation in Croatia	Croatia	3746
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The situation in Bosnia and Herzegovina	Bosnia and Herzegovina	3749
The situation in Albania	Albania and Italy	3751
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The situation in Croatia	Croatia	3753
The situation in the occupied Arab territories	Israel, Qatar	3756
The situation in Liberia	Liberia and Netherlands	3757
The situation in Albania	Albania, Austria, Belgium, Denmark, Finland, Germany, Greece, Ireland, Italy, Netherlands, Romania, Spain, the former Yugoslav Republic of Macedonia, Turkey	3758
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The situation in Afghanistan	Afghanistan, Germany, Islamic Republic of Iran, Italy, Netherlands, Pakistan, Turkey	3765
The situation in Angola	Angola, Argentina, Brazil, Cameroon, Lesotho, Malawi, Mozambique, Netherlands, Peru, Qatar, South Africa, Uruguay, Zimbabwe	3767
The situation in Angola	Argentina, Brazil, Cameroon, Lesotho, Malawi, Mozambique, Netherlands, Peru, Qatar, South Africa, Uruguay, Zimbabwe	3769
The situation in Somalia	Ethiopia, Italy, Kuwait, Netherlands, Tunisia	3770
The situation in Georgia	Georgia	3774
The situation in Croatia	Croatia	3775
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina, Germany, Italy	3776
Protection for humanitarian assistance to refugees and others in conflict situations	Azerbaijan	3778
Protection for humanitarian assistance to refugees and others in conflict situations	Albania, Argentina, Armenia, Bosnia and Herzegovina, Brazil, Burundi, Canada, Cuba, Germany, India, Iraq, Italy, Malaysia, Netherlands, Norway, Pakistan, Rwanda, Solomon Islands, Slovenia, Ukraine, Zimbabwe	3778
Central America: efforts towards peace	Guatemala	3780
The situation in Sierra Leone	Sierra Leone	3781
The situation in the former Yugoslav Republic of Macedonia	Germany, Italy, the former Yugoslav Republic of Macedonia	3783
The situation in Burundi	Burundi	3785
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina	3787
The situation in Tajikistan and along the Tajik-Afghan border	Tajikistan	3788

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The situation in Liberia	Liberia	3793
The situation in Angola	Angola, Argentina, Brazil, Lesotho, Mauritius, Mozambique, Netherlands, Zambia, Zimbabwe	3795
The situation in Afghanistan	Afghanistan	3796
The situation in Sierra Leone	Côte d'Ivoire, Ghana, Guinea, Nigeria, Sierra Leone, Zimbabwe	3797
The situation in Croatia	Belgium, Croatia, Germany, Italy	3800
The situation in Angola	Angola	3803
The situation in Liberia	Liberia	3805
The question concerning Haiti	Antigua and Barbuda, Argentina, Bahamas, Barbados, Canada, Ecuador, Guatemala, Guyana, Haiti, Jamaica, Nicaragua, Suriname, Trinidad and Tobago, Venezuela	3806
The situation in Georgia	Georgia, Germany	3807
The situation in the Central African Republic	Central African Republic	3808
The situation in Sierra Leone	Sierra Leone	3809
The situation in the Republic of the Congo	Republic of the Congo	3810
The situation in Albania	Albania, Denmark, Germany, Greece, Italy, Luxembourg, Romania, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey	3811
The situation in Angola	Angola, Argentina, Brazil, Canada, Lesotho, Luxembourg, Guinea, Malawi, Mozambique, South Africa, Zimbabwe	3814
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The situation in Angola	Angola, Brazil	3827
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The situation in Georgia	Georgia, Germany	3830
The situation in Tajikistan and along the Tajik-Afghan border	Tajikistan	3833
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The situation in the former Yugoslav Republic of Macedonia	The former Yugoslav Republic of Macedonia	3836
The question concerning Haiti	Argentina, Canada, Haiti, Venezuela	3837
The situation in the former Yugoslav Republic of Macedonia	Germany, Italy, the former Yugoslav Republic of Macedonia	3839
The situation in Afghanistan	Afghanistan	3841
The situation in Bosnia and Herzegovina	Argentina, Bosnia and Herzegovina, Canada, Croatia, Germany, Hungary, Italy, Luxembourg, Malaysia, Norway, Pakistan, Slovenia, Turkey, Ukraine	3842
The situation in Croatia	Belgium, Croatia, Germany, Italy	3843
1998		
The situation in Croatia	Croatia	3847
The situation in Angola	Angola, Cape Verde, Mozambique, Namibia, Zimbabwe	3850
The situation in Georgia	Georgia, Germany	3851
The situation in the Central African Republic	Central African Republic	3853
The situation in Croatia	Croatia	3854
The situation in Tajikistan and along the Tajik-Afghan Border	Tajikistan	3856

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The situation between Iraq and Kuwait	Argentina, Egypt, Kuwait, Malaysia, Mexico, Pakistan, Peru	3858
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The situation in Sierra Leone	Sierra Leone	3861
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Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America (S/23306, S/23307, S/23308, S/23309 and S/23317)	Democratic People's Republic of Korea, Egypt, Ghana, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Libyan Arab Jamahiriya, Lao People's Democratic Republic, Lebanon, Malaysia, Mali, Malta, Mauritania, Morocco, Namibia, Nigeria, Oman, Pakistan, Qatar, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Uganda, United Republic of Tanzania, Viet Nam, Yemen and Zimbabwe	3864
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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 (S/1998/223)	Albania, Bosnia and Herzegovina, Canada, Croatia, Egypt, Germany, Greece, Hungary, Italy, Islamic Republic of Iran, Pakistan, Poland, Turkey, Ukraine	3868
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The situation in Africa	Algeria, Argentina, Bangladesh, Belgium, Cameroon, Canada, Colombia, Comoros, Cuba, Cyprus, Democratic Republic of the Congo, Djibouti, Egypt, Ethiopia, Germany, Guyana, India, Indonesia, Italy, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Morocco, Netherlands, Nigeria, Norway, Pakistan, Philippines, Republic of Korea, South Africa, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Zimbabwe	3875
The situation in Angola	Angola	3876
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The situation in Sierra Leone	Sierra Leone	3882
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina, Germany, Italy	3883
The situation in Angola	Angola	3884
The situation in Sierra Leone	Sierra Leone	3889
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The situation in Angola	Angola	3891
The situation in Bosnia and Herzegovina	Albania, Bosnia and Herzegovina, Croatia, Germany, Italy, Malaysia, and Turkey	3892
The situation in Angola	Angola	3894

<i>Agenda item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
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The situation in Angola	Angola, Mali	3899
The situation in the occupied Arab territories	Algeria, Bangladesh, Colombia, Cuba, Egypt, Indonesia, Islamic Republic of Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Norway, Oman, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen	3900
The situation in the occupied Arab territories	Peru	3900
The situation in Croatia	Croatia	3901
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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 (S/1998/582)		
Letter dated 25 June 1998 from the Permanent Representative of Rwanda to the United Nations addressed to the Secretary-General (S/1998/583)		
The situation in the Central African Republic	Central African Republic	3905
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Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America (S/23306, S/23307, S/23308, S/23309 and S/23317)	Libyan Arab Jamahiriya, Netherlands	3920
The situation in Afghanistan	Afghanistan, Austria, Islamic Republic of Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkey, Uzbekistan	3921
The situation concerning the Democratic Republic of the Congo	Democratic Republic of the Congo	3922
The situation in Angola	Angola	3925
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 (S/1998/223)	Albania, Bosnia and Herzegovina, Germany	3930
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 (S/1998/272)		
Protection for humanitarian assistance to refugees and others in conflict situations	Argentina, Austria, Azerbaijan, Canada, Indonesia, Norway, Pakistan, Republic of Korea	3932

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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 (S/1998/272)		
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The situation in Croatia	Croatia	3941
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The question concerning Haiti	Argentina, Canada, Chile, Venezuela	3949
The situation in Angola	Angola	3951
The situation in Afghanistan	Islamic Republic of Iran, Pakistan	3952
Maintenance of peace and security and post-conflict peacebuilding	Algeria, Argentina, Australia, Austria, Bangladesh, Bosnia and Herzegovina, Canada, Croatia, Egypt, India, Indonesia, Jamaica, Malaysia, Mongolia, Mozambique, Nigeria, Norway, Pakistan, Republic of Korea, Slovakia, Sudan, Tunisia, Ukraine	3954
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The situation in Guinea-Bissau	Guinea-Bissau, Togo	3958
The situation in Angola	Angola	3960
The situation in Angola	Angola	3962

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1999		
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The situation in Angola	Angola	3969
The situation in Georgia	Georgia, Germany	3972
The situation between Eritrea and Ethiopia	Eritrea, Ethiopia	3973
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 (S/1998/223)	Germany, Italy	3974
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The situation between Eritrea and Ethiopia	Eritrea, Ethiopia	3975
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<i>Agenda item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
Protection of civilians in armed conflict	Australia, Azerbaijan, Bangladesh, Burkina Faso, Costa Rica, Dominican Republic, Egypt, El Salvador, Germany, Guatemala, Haiti, India, Indonesia, Jamaica, Japan, New Zealand, Norway, Pakistan, Republic of Korea, Togo, Ukraine, Uruguay, Zambia; Permanent Observer of Switzerland,	3980
Protection of civilians in armed conflict	Iraq, Israel, Palestine Liberation Organization	3980
The situation in Tajikistan and along the Tajik-Afghan border	Tajikistan	3981
The situation in the former Yugoslav Republic of Macedonia	Bulgaria, Germany, Italy, the former Yugoslav Republic of Macedonia	3982
The situation in Angola	Angola, Zambia	3983
The situation in the Central African Republic	Central African Republic, Côte D'Ivoire, Egypt, Japan, Kenya, Senegal, Togo	3984
The situation in Sierra Leone	Sierra Leone	3986
The situation concerning the Democratic Republic of the Congo	Burkina Faso, Burundi, Democratic Republic of the Congo, Egypt, Germany, Japan, Kenya, Libyan Arab Jamahiriya, Rwanda, South Africa, Sudan, Uganda, United Republic of Tanzania, Zambia, Zimbabwe	3987
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The situation concerning the Democratic Republic of the Congo	Democratic Republic of the Congo	3993
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Security Council resolutions 1160 (1998), 1199 (1998) and 1203(1998)	Albania, Belarus, Bosnia and Herzegovina, Cuba, Egypt, Islamic Republic of Iran, Jordan, Kuwait, Morocco, Pakistan, Qatar, Saudi Arabia, Senegal, Turkey, Ukraine, United Arab Emirates, Yemen	4003
The situation in Tajikistan and along the Tajik-Afghan border	Tajikistan	4004
The situation in Sierra Leone	Sierra Leone	4005
The situation in Somalia	Italy	4010
Security Council Resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999)	Albania, Belarus, Bulgaria, Costa Rica, Croatia, Cuba, Germany, Hungary, Islamic Republic of Iran, Italy, Japan, Mexico, Norway, the former Yugoslav Republic of Macedonia, Turkey, Ukraine	4011
The situation in Sierra Leone	Sierra Leone	4012
The situation in Timor	Australia, Indonesia, New Zealand, Portugal	4013
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina, Germany, Italy	4014
The situation in Timor	Indonesia, Portugal	4019
Maintenance of peace and security and post-conflict peacebuilding	Australia, Bangladesh, Croatia, El Salvador, Finland, Guatemala, Indonesia, Japan, Mozambique, New Zealand, Republic of Korea, South Africa	4020
The situation in Georgia	Georgia, Germany	4029
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina	4030
The situation concerning the Democratic Republic of the Congo	Democratic Republic of the Congo	4032
The situation in Tajikistan and along the Tajik-Afghan border	Tajikistan	4034
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Children and armed conflict	Afghanistan, Algeria, Angola, Bangladesh, Belarus, Bosnia and Herzegovina, Colombia, Costa Rica, Egypt, Finland, Guyana, India, Indonesia, Iraq, Japan, Kenya, Monaco, Mongolia, Mozambique, New Zealand, Norway, Philippines, Portugal, Republic of Korea, Rwanda, Slovakia, South Africa, Sudan, Uganda, United Republic of Tanzania, Zambia	4037
The situation in Timor	Australia, Finland, Indonesia, New Zealand, Portugal, Republic of Korea	4038
The situation in Afghanistan	Afghanistan, Egypt, Finland, India, Islamic Republic of Iran, Japan, Kazakhstan, Norway, Pakistan, Tajikistan, Turkey, Turkmenistan	4039
The situation in East Timor	Indonesia, Portugal	4041
The situation in East Timor	Indonesia, Portugal	4042
The situation in East Timor	Angola, Australia, Austria, Belarus, Belgium, Cambodia, Cape Verde, Chile, Cuba, Denmark, Ecuador, Egypt, Finland, Germany, Greece, Guinea-Bissau, India, Indonesia, Ireland, Islamic Republic of Iran, Iraq, Italy, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Luxembourg, Mozambique, New Zealand, Norway, Pakistan, Papua New Guinea, Philippines, Portugal, Republic of Korea, South Africa, Singapore, Spain, Sweden, Sudan, Uruguay, Viet Nam	4043
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Protection of civilians in armed conflict	Botswana, Egypt, Finland, India, Iraq, Israel, Japan, Mongolia, Norway, Philippines, Pakistan, Republic of Korea, Rwanda, Slovakia, South Africa, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine	4046

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The situation in Africa	Comoros, Ghana, Nigeria, Pakistan, Uganda	4049
The situation in Africa	United Republic of Tanzania	4049
The situation in Afghanistan	Afghanistan, Islamic Republic of Iran	4051
The situation in Angola	Angola	4052
The situation in Sierra Leone	Nigeria, Sierra Leone	4054
The situation in Afghanistan	Afghanistan	4055
The situation in the Central African Republic	Central African Republic	4056
The situation in East Timor	Australia, Finland, Indonesia, Japan, New Zealand, Norway, Portugal, Republic of Korea	4057
The situation concerning the Democratic Republic of the Congo	Democratic Republic of the Congo	4060
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia	Rwanda	4063
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Such Violations Committed in the Territory of Neighbouring States		
The situation in Tajikistan and along the Tajik-Afghan border	Tajikistan	4064

<i>Agenda item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
The situation in Georgia	Georgia	4065
The situation in Burundi	Burundi, Finland, Norway, United Republic of Tanzania	4067
Role of the Security Council in the prevention of armed conflicts	Australia, Bangladesh, Belarus, Croatia, Egypt, Finland, Islamic Republic of Iran, Iraq, Japan, Libyan Arab Jamahiriya, Liechtenstein, New Zealand, Nigeria, Norway, Pakistan, Republic of Korea, Senegal, South Africa, Sudan, Ukraine, the United Arab Emirates, Zambia	4072
The question concerning Haiti	Haiti, Venezuela	4074
The situation concerning the Democratic Republic of the Congo	Democratic Republic of the Congo	4076
The situation in Sierra Leone	Sierra Leone	4078
The situation in Africa	Algeria, Bahamas, Bangladesh, Belgium, Burundi, Cameroon, Colombia, Democratic Republic of the Congo, Egypt, Finland, Germany, Ghana, India, Indonesia, Ireland, Italy, Japan, Kenya, Libyan Arab Jamahiriya, Mozambique, New Zealand, Nigeria, Norway, Portugal, Republic of Korea, Rwanda, Sierra Leone, South Africa, Spain, Sweden, Uganda, Ukraine, United Republic of Tanzania, Zambia, Zimbabwe	4081
The situation between Iraq and Kuwait	Kuwait	4084

Annex II

Invitations extended under rule 39 (1996-1999)

<i>Person invited</i>	<i>Agenda item</i>	<i>Meeting</i>	<i>Date</i>
1996			
Invitations under rule 39 to representatives of United Nations organs, subsidiary bodies or agencies			
Committee on the Exercise of the Inalienable Rights of the Palestinian People ^a	The situation in the occupied Arab territories	3652	15 April 1996
Mr. Ibra Deguene Ka, Chairman		3698	27 September 1996
Invitations under rule 39 to representatives of regional and other intergovernmental organizations			
Organization of the Islamic Conference (OIC)	The situation in Afghanistan	3648	9 April 1996
		3650	9 April 1996
		3705	16 October 1996
Mr. A. Engin Ansay, Permanent Observer	The situation in the occupied Arab territories	3652	15 April 1996
		3698	27 September 1996
Invitations under rule 39 to other persons			
International Committee of the Red Cross (ICRC)	Demining in the context of United Nations peacekeeping	3689	15 August 1996
Mr. Peter Kung, Head of delegation to the United Nations			
1997			
Invitations under rule 39 to representatives of the United Nations Secretariat, Security Council missions and Security Council subsidiary bodies			
Mr. Yasushi Akashi, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator	Protection for humanitarian assistance to refugees and others in conflict situations	3778	21 May 1997
Invitations under rule 39 to representatives of the United Nations organs, subsidiary bodies or agencies			
Committee on the Exercise of the Inalienable Rights of the Palestinian People	The situation in the occupied Arab territories	3745	5 March 1997
Mr. Ibra Deguene Ka, Chairman			

<i>Person invited</i>	<i>Agenda item</i>	<i>Meeting</i>	<i>Date</i>
Office of the United Nations High Commissioner for Refugees Mr. Soren Jessen-Petersen, Director of the Liaison Office	Protection for humanitarian assistance to refugees and others in conflict situations	3778	21 May 1997
United Nations Children's Fund (UNICEF) Mr. Stephen Lewis, Deputy Executive Director	Protection for humanitarian assistance to refugees and others in conflict situations	3778	21 May 1997
Invitations under rule 39 to representatives of regional and other intergovernmental organizations			
Organization of African Unity (OAU) Mr. Ibrahim Sy, Permanent Observer to the United Nations	The situation in Sierra Leone	3797	11 July 1997
Organization of the Islamic Conference Mr. A. Engin Ansay, Permanent Observer	The situation in the occupied Arab territories The situation in Afghanistan	3745 3765	5 March 1997 14 and 15 April 1997
Invitations under rule 39 to other persons			
International Committee of the Red Cross Mr. Peter Kung, Head of delegation to the United Nations	Protection for humanitarian assistance to refugees and others in conflict situations	3778	21 May 1997
Mrs. Sylvie Junod, Head of delegation to the United Nations	The situation in Albania	3811	14 August 1997
1998			
Invitations under rule 39 to representatives of the United Nations Secretariat, Security Council missions and Security Council subsidiary bodies			
Mr. Bernard Miyet, Under-Secretary-General for Peacekeeping Operations	The situation in Sierra Leone	3957	18 December 1998
Mr. Olara Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict	Children and armed conflict	3896	29 June 1998

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<i>Person invited</i>	<i>Agenda item</i>	<i>Meeting</i>	<i>Date</i>
Invitations under rule 39 to representatives of United Nations organs, subsidiary bodies or agencies			
Committee on the Exercise of the Inalienable Rights of the Palestinian People Mr. Ibra Deguene Ka, Chairman	The situation in the occupied Arab territories	3900	30 June 1998
Office of the United Nations High Commissioner for Refugees	The situation in Africa	3875	24 April 1998
Mrs. Sadako Ogata, United Nations High Commissioner for Refugees	Protection for humanitarian assistance to refugees and others in conflict situations	3942	10 November 1998
Mr. Kofi Asomani, Director of the Liaison Office	Protection for humanitarian assistance to refugees and others in conflict situations	3932	29 September 1998
United Nations Children's Fund Mr. Stephen Lewis, Deputy Executive Director	Protection for humanitarian assistance to refugees and others in conflict situations	3932	29 September 1998
Invitations under rule 39 to representatives of regional and other intergovernmental organizations			
League of Arab States (LAS) Mr. Hussein Hassouna, Permanent Observer	Letter dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America Tribute to the memory of the victims of Pan Am Flight 103 and UTA Flight 772	3864	20 March 1998
Mr. Ali Al-Salafi, Chargé d'affaires, League of Arab States	The situation in the occupied Arab territories	3900	30 June 1998
Organization of African Unity Mr. Amadou Kebe, Permanent Observer	Letter dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America Tribute to the memory of the victims of Pan Am Flight 103 and UTA Flight 772	3864	20 March 1998

<i>Person invited</i>	<i>Agenda item</i>	<i>Meeting</i>	<i>Date</i>
Organization of the Islamic Conference	Letter dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America	3864	20 March 1998
Mr. Mahamadou Abou, Deputy Permanent Observer	Tribute to the memory of the victims of Pan Am Flight 103 and UTA Flight 772		
Mr. Mokhtar Lamani, Permanent Observer	The situation in the occupied Arab territories	3900	30 June 1998
Invitations under rule 39 to other persons			
International Committee of the Red Cross	The situation in Africa	3875 and res. 1	24 April 1998
Mrs. Sylvie Junod, Head of delegation to the United Nations			
1999			
Invitations under rule 39 to representatives of the United Nations Secretariat, Security Council missions and Security Council subsidiary bodies			
Mr. Hedi Annabi, Assistant Secretary-General for Peacekeeping Operations	The situation in East Timor	4085	22 December 1999
	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	4086	30 December 1999
Mr. Ibrahima Fall, Assistant Secretary-General for Political Affairs	The situation in Burundi	4067	12 November 1999
Mr. Jacques Paul Klein, Special Representative of the Secretary-General and Coordinator of the United Nations Operations in Bosnia and Herzegovina	The situation in Bosnia and Herzegovina	4058	26 October 1999
Mr. Bernard Kouchner, Special Representative of the Secretary-General and Head of the United Nations Interim Administrative Mission in Kosovo, Federal Republic of Yugoslavia	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	4061	5 November 1999

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<i>Person invited</i>	<i>Agenda item</i>	<i>Meeting</i>	<i>Date</i>
Mr. Bernard Miyet, Under-Secretary-General for Peacekeeping Operations	The situation in Sierra Leone	4078	10 December 1999
	The situation concerning the Democratic Republic of the Congo	4083	16 December 1999
Mr. Olara Ottunu, Special Representative of the Secretary- General for children and armed conflict	Protection of civilians in armed conflict	3977	12 February 1999
	Children and armed conflict	4037	25 August 1999
	The situation in Sierra Leone	4054	22 October 1999
Ms. Carla Del Ponte, 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 and of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Such Violations Committed in the Territory of Neighbouring States	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia	4063	10 November 1999
	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law committed in the Territory of Rwanda and Rwandan Citizens Responsible for Such Violations Committed in the Territory of Neighbouring States		
Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs	The situation in Afghanistan	4039	27 August 1999
Mr. Sergio Vieira de Mello, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator	Promoting peace and security: humanitarian activities relevant to the Security Council	3968	21 January 1999
Invitations under rule 39 to representatives of United Nations organs, subsidiary bodies or agencies			
United Nations Children's Fund	Protection of civilians in armed conflict	3977	12 February 1999
Ms. Carol Bellamy, Executive Director			

<i>Person invited</i>	<i>Agenda item</i>	<i>Meeting</i>	<i>Date</i>
Office of the United Nations High Commissioner for Refugees Mrs. Sadako Ogata, United Nations High Commissioner for Refugees	Promoting peace and security: humanitarian assistance to refugees in Africa	4025	26 July 1999
Invitations under rule 39 to representatives of regional and other intergovernmental organizations			
European Union Mr. Wolfgang Petritsch, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina	The situation in Bosnia and Herzegovina	4062	8 November 1999
Organization of the Islamic Conference Mr. Mokhtar Lamani, Permanent Observer	The situation in Afghanistan	4039	27 August 1999
Mr. Ahmad Haji Hosseini, Deputy Permanent Observer	Security Council resolutions 1160 (1998), 1199 (1998) and 1203 (1998)	4003	14 May 1999
Invitations under rule 39 to other persons			
International Committee of the Red Cross Mr. Cornelio Sommaruga, President	Protection of civilians in armed conflict	3977	12 February 1999
Mrs. Sylvie Junod, Head of delegation to the United Nation	Protection of civilians in armed conflict	4046	16 September 1999

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

Chapter IV

Voting

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Introductory note

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

Part I relates to the distinction between procedural and non-procedural matters. It lists those instances in which the vote indicated the non-procedural nature of the decision. There were no instances of voting on a procedural matter during the period under review. Part II contains no entries, as during the period under review there was no material relating to the practice of the Council in voting upon the question whether a matter was procedural within the meaning of Article 27, paragraph 2. Part III is concerned with the abstention, non-participation or absence of a Council member in relation to the requirements of Article 27, paragraph 3. Part IV addresses decisions adopted by consensus or without a vote.

Article 27

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

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

Part I Procedural and non-procedural matters

Note

Most votes in the Council do not, of themselves, indicate whether the Council considers the matter voted upon as being of a procedural or non-procedural character: 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. Part I comprises instances in which the vote by the Council indicated the non-procedural character of the matter under consideration. There was no discussion of whether the question under consideration was of a procedural or non-procedural nature.

Whether a matter is deemed procedural or non-procedural is clearly established in those instances in which a proposal obtained 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, while rejection by the Council in such circumstances indicates the non-procedural character of the matter. During the period under review, the Security Council did not vote on matters that were procedural in nature.

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

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Proposals (draft resolutions, etc.)</i>	<i>Submitted by</i>	<i>Vote (proposal not adopted)</i>	<i>Permanent members casting negative vote^a</i>
The question of the recommendation for the appointment of the Secretary-General of the United Nations	3714th meeting (closed) 19 November 1996	S/1996/952	Botswana, Chile, China, Egypt, France, Germany, Guinea-Bissau, Honduras, Indonesia, Russian Federation	14-1-0	1
Central America: efforts towards peace	3730th meeting 10 January 1997	S/1997/18	Argentina, Chile, Colombia, Costa Rica, Mexico, Norway, Portugal, Spain,	14-1-0	1

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Proposals (draft resolutions, etc.)</i>	<i>Submitted by</i>	<i>Vote (proposal not adopted)</i>	<i>Permanent members casting negative vote^a</i>
			Sweden, United Kingdom, United States, Venezuela		
The situation in the occupied Arab territories	3747th meeting 7 March 1997	S/1997/199	France, Portugal, Sweden, United Kingdom	14-1-0	1
The situation in the occupied Arab territories	3756th meeting 21 March 1997	S/1997/241	Egypt, Qatar	13-1-1	1
The situation in the former Yugoslav Republic of Macedonia	3982nd meeting 25 February 1999	S/1999/201	Canada, France, Germany, Italy, Netherlands, Slovenia, United Kingdom, United States	13-1-1	1

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

Part II

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

On certain occasions, the Security Council has found it necessary to decide, by vote, the question 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 III

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

Note

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

A. Obligatory abstention

The proviso to Article 27 (3) states:

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

During the period under review, there was no instance in which a member abstained in accordance with the proviso to Article 27 (3), nor was there any discussion of the issue of obligatory abstention.²

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

<i>Resolution or proposal</i>	<i>Agenda item</i>	<i>Meeting and date</i>	<i>Vote</i>	<i>Abstaining</i>
S/1996/292 (not adopted, having failed to obtain the necessary nine	The situation in the Middle East	3654th, 18 April 1996	4-0-11	Russian Federation, United Kingdom, United States, France

² Explicit references were made, however, to Article 27 (3) in the deliberations of the Council. At the 3864th meeting on 20 March 1998, held in connection with the item entitled “Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America” (S/23306, S/23307, S/23308, S/23309 and S/23317), the

representative of the Libyan Arab Jamahiriya reiterated his delegation’s position that resolution 731 (1992) had been adopted in violation of Article 27 (3), the parties to the dispute in that case having taken part in the voting and not abstaining, as provided in the Article. See S/PV.4128; see also case 1, chap. IV of the eleventh Supplement to the *Repertoire*).

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<i>Resolution or proposal</i>	<i>Agenda item</i>	<i>Meeting and date</i>	<i>Vote</i>	<i>Abstaining</i>
votes in favour)				Elected members Botswana, Chile, Germany, Honduras, Italy, Poland, Republic of Korea
1054 (1996)	Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995 (S/1996/10)	3660th, 26 April 1996	13-0-2	China, Russian Federation
1058 (1996)	The situation in the former Yugoslav Republic of Macedonia	3670th, 30 May 1996	14-0-1	Russian Federation
1067 (1996)	Shooting down of two civil aircraft on 24 February 1996 (S/1996/509)	3683rd, 26 July 1996	13-0-2	China, Russian Federation
1070 (1996)	Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995 (S/1996/10)	3690th, 16 August 1996	13-0-2	China, Russian Federation
1073 (1996)	The situation in the occupied Arab territories	3698th, 28 September 1996	14-0-1	United States
1077 (1996)	The situation in Georgia	3707th, 22 October 1996	14-0-1	China

<i>Resolution or proposal</i>	<i>Agenda item</i>	<i>Meeting and date</i>	<i>Vote</i>	<i>Abstaining</i>
1082 (1996)	The situation in the former Yugoslav Republic of Macedonia	3716th, 27 November 1996	14-0-1	Russian Federation
S/1997/241 (not adopted owing to the negative vote of a permanent member)	The situation in the occupied Arab territories	3756th, 21 March 1997	13-1-1	Elected member Costa Rica
1101 (1997)	The situation in Albania	3758th, 28 March 1997	14-0-1	China
1114 (1997)	The situation in Albania	3791st, 19 June 1997	14-0-1	China
1129 (1997)	The situation between Iraq and Kuwait	3817th, 12 September 1997	14-0-1	Russian Federation
1134 (1997)	The situation between Iraq and Kuwait	3826th, 23 October 1997	10-0-5	China, France, Russian Federation (and elected members Egypt, Kenya)
1160 (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 (S/1998/223) 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 (S/1998/272)	3868th, 31 March 1998	14-0-1	China

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<i>Resolution or proposal</i>	<i>Agenda item</i>	<i>Meeting and date</i>	<i>Vote</i>	<i>Abstaining</i>
1199 (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 (S/1998/223) 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 (S/1998/272)	3930th, 23 September 1998	14-0-1	China
1203 (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 (S/1998/223) 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 (S/1998/272)	3937th, 24 October 1998	13-0-2	China, Russian Federation
1207 (1998)	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia	3944th, 17 November 1998	14-0-1	China
1212 (1998)	The question concerning Haiti	3949th, 25 November 1998	13-0-2	China, Russian Federation
S/1999/201 (not adopted owing to the negative vote)	The situation in the former Yugoslav Republic of Macedonia	3982nd, 25 February 1999	13-1-1	Russian Federation

<i>Resolution or proposal</i>	<i>Agenda item</i>	<i>Meeting and date</i>	<i>Vote</i>	<i>Abstaining</i>
of a permanent member)				
1239 (1999)	Security Council resolutions 1160 (1998), 1199 (1998) and 1203 (1998)	4003rd, 14 May 1999	13-0-2	China, Russian Federation
1244 (1999)	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998) and 1239 (1999)	4011th, 10 June 1999	14-0-1	China
1249 (1999)	Admission of new Members	4017th, 25 June 1999	14-0-1	China
1277 (1999)	The question concerning Haiti	4074th, 30 November 1999	14-0-1	Russian Federation
1280 (1999)	The situation between Iraq and Kuwait	4077th, 5 December 1999	11-0-3	China, Russian Federation (and elected member Malaysia)
1282 (1999)	The situation concerning Western Sahara	4080th, 14 December 1999	14-0-1	Elected member Namibia
1284 (1999)	The situation between Iraq and Kuwait	4084th, 17 December 1999	11-0-4	China, France, Russian Federation (and elected member Malaysia)

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

<i>Resolution or proposal</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Vote</i>	<i>Non-participation or absence</i>
1280 (1999)	The situation between Iraq and Kuwait	4077th, 5 December 1999	11-0-3	France

Case 1

At the 4077th meeting on 3 December 1999, held in connection with the item “The situation between Iraq and Kuwait”, the representative of France decided not to participate in the vote on draft resolution S/1999/1215,

which was adopted as resolution 1280 (1999). Speaking before the vote, that Council member believed that the draft resolution had been drafted in such a way as to deliberately render incapable of realization the measure that it proposed. Moreover, he understood that the vote was not about the adoption of the text before Council

members, but was instead being used to bring pressure to bear on the members of the Security Council with regard to another exercise and another resolution. It was in the context of “this exceptional and extremely

Following the vote, the representative of France pointed out that, in certain very rare cases, texts that “we know will not be implemented and therefore do not enhance the Council’s authority should not be put to the vote”. He expressed the view that it was necessary to know how to take a stand so as not to participate in an exercise that was materially unworkable.³

unusual process” that his delegation saw non-participation in the vote as the only reasonable position to take.

The representative of the Netherlands pointed out that non-participation in the voting was extremely rare, and that few non-permanent members had ever resorted to this extraordinary measure. He stated that his Minister for Foreign Affairs, in the General Assembly, had suggested the usefulness of looking for a way in which permanent members might express their absolutely negative attitude without being obliged to cast a veto. He had simply hoped that in the current vote he was seeing an example of that procedure, in which a permanent member said no without casting a veto.⁴

Part IV

Adoption of resolutions and decisions without a vote

Note

All procedural motions during this period were approved without a vote.

Certain decisions of substance were also taken without a vote, as shown in the case of four resolutions in section A below. In those instances, the President of the Council, in accordance with the understanding reached in prior consultations, proposed “that the Council adopt without a vote” the draft resolution. No votes were taken by consensus during the period under review.

Votes were not taken on decisions that took the form of statements by the President on behalf of the Council or on behalf of the members of the Council. These “presidential statements” were issued after having been agreed upon by members of the Council during consultations. With two exceptions, all

presidential statements were announced during formal meetings of the Council (see section B.1); the practice of issuing a statement only in written form without formal announcement at a meeting was not observed during this period. In two instances, after consultations, the President of the Security Council issued a statement to the media which was issued as an official “presidential statement” (see section B.2).

In other instances, Security Council decisions were recorded in notes by or letters from the President of the Council, with no reference to a vote having been taken (see section C). While generally such notes and letters were simply issued in written form, notes reflecting the Council’s decision to adopt its draft annual report were announced at formal meetings annually during the period under review.⁵ The content of two letters was also agreed upon and announced at formal meetings.⁶

³ See S/PV.4077 and Corr.1, pp. 2 and 7.

⁴ Ibid, p. 7.

⁵ Note by the President dated 13 November 1996, reflecting the Council’s decision to adopt the draft annual report of the Security Council for the period 16 June 1995 to 15 June 1996, announced at the 3711th meeting (S/1996/935); note by the President dated 12 September 1997, reflecting the Council’s decision to adopt the draft annual report of the Security Council for the period 16 June 1996 to 15 June 1997, announced at the 3815th meeting (S/1997/706); note by the President dated 9 September 1998, reflecting the Council’s decision to adopt the draft annual report for the period

16 June 1997 to 15 June 1998, announced at the 3923rd meeting (S/1998/843); note by the President dated 2 September 1999, reflecting the Council’s decision to adopt the draft annual report for the period 16 June 1998 to 15 June 1999, announced at the 4040th meeting (S/1999/933).

⁶ A letter from the President dated 15 July 1998, informing the Secretary-General of the Council’s decision to extend the deadline for the nomination of judges of the International Criminal Tribunal for Rwanda until 4 August 1998 was agreed upon and announced at the 3908th meeting (S/1998/646). A letter from the

President dated 15 July 1998, informing the Secretary-General of the Council's decision to extend the deadline for nominations of judges of the International Criminal

Tribunal for Rwanda until 14 September 1998 was agreed upon and announced at the 3917th meeting (S/1998/761).

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

<i>Resolution</i>	<i>Meeting and date</i>	<i>Agenda item</i>
1121 (1997)	3802nd, 28 July 1997	United Nations peacekeeping: Dag Hammarskjöld Medal
1248 (1999)	4016th, 25 June 1999	Admission of new Members (Kiribati)
1253 (1999)	4026th, 28 July 1999	Admission of new Members (Tonga)
1278 (1999)	4075th, 30 November 1999	Date of an election to fill a vacancy in the International Court of Justice

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

1. Statements placed on record at meetings of the Security Council

<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Agenda item</i>
S/PRST/1996/1	3616th, 5 January 1996	The situation in Burundi
S/PRST/1996/2	3617th, 8 January 1996	The situation in Croatia
S/PRST/1996/4	3620th, 24 January 1996	The situation in Somalia
S/PRST/1996/5	3622nd, 29 January 1996	The situation in the Middle East
S/PRST/1996/6	3631st, 15 February 1996	The situation in Afghanistan
S/PRST/1996/7	3632nd, 15 February 1996	The situation in Sierra Leone
S/PRST/1996/8	3633rd, 23 February 1996	The situation in Croatia
S/PRST/1996/9	3635th, 27 February 1996	Shooting down of two civil aircraft on 24 February 1996
S/PRST/1996/11	3642nd, 19 March 1996	The situation between Iraq and Kuwait
S/PRST/1996/12	3643rd, 19 March 1996	The situation in Sierra Leone
S/PRST/1996/13	3645th, 28 March 1996	An Agenda for Peace: peacekeeping
S/PRST/1996/14	3646th, 29 March 1996	The situation in Tajikistan and along the Tajik-Afghan border
S/PRST/1996/15	3647th, 4 April 1996	The situation in Bosnia and Herzegovina
S/PRST/1996/16	3649th, 9 April 1996	The situation in Liberia
S/PRST/1996/17	3651st, 12 April 1996	Signature of the African Nuclear-Weapon-Free Zone Treaty (The Treaty of Pelindaba)

<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Agenda item</i>
S/PRST/1996/18	3655th, 18 April 1996	Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America
S/PRST/1996/19	3657th, 24 April 1996	The situation in Angola
S/PRST/1996/20	3658th, 25 April 1996	The situation in Georgia
S/PRST/1996/21	3559th, 25 April 1996	The situation in Burundi
S/PRST/1996/22	3661st, 6 May 1996	The situation in Liberia
S/PRST/1996/23	3663rd, 8 May 1996	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia
S/PRST/1996/24	3664th, 15 May 1996	The situation in Burundi
S/PRST/1996/25	3665th, 21 May 1996	The situation in Tajikistan and along the Tajik-Afghan border
S/PRST/1996/26	3666th, 22 May 1996	The situation in Croatia
S/PRST/1996/27	3669th, 30 May 1996	The situation in the Middle East
S/PRST/1996/28	3674th, 14 June 1996	The situation between Iraq and Kuwait
S/PRST/1996/29	3677th, 3 July 1996	The situation in Croatia
S/PRST/1996/30	3678th, 3 July 1996	The situation in Croatia
S/PRST/1996/31	3682nd, 24 July 1996	The situation in Burundi
S/PRST/1996/32	3684th, 29 July 1996	The situation in Burundi
S/PRST/1996/33	3685th, 30 July 1996	The situation in the Middle East
S/PRST/1996/34	3687th, 8 August 1996	The situation in Bosnia and Herzegovina
S/PRST/1996/35	3688th, 15 August 1996	The situation in Croatia
S/PRST/1996/36	3691st, 23 August 1996	The situation between Iraq and Kuwait
S/PRST/1996/37	3693rd, 30 August 1996	Demining in the context of United Nations peacekeeping
S/PRST/1996/38	3696th, 20 September 1996	The situation in Tajikistan and along the Tajik-Afghan border
S/PRST/1996/39	3697th, 20 September 1996	The situation in Croatia
S/PRST/1996/40	3699th, 28 September 1996	The situation in Afghanistan

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<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Agenda item</i>
S/PRST/1996/41	3701st, 10 October 1996	The situation in Bosnia and Herzegovina
S/PRST/1996/42	3704th, 15 October 1996	Letters dated 23 September and 3 and 11 October 1996 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council (S/1996/774, S/1996/824 and S/1996/847) Letters dated 23 September 1996 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council and 27 September 1996 addressed to the Secretary-General (S/1996/768 and S/1996/800)
S/PRST/1996/43	3707th, 22 October 1996	The situation in Georgia
S/PRST/1996/44	3708th, 1 November 1996	The situation in the Great Lakes region
S/PRST/1996/45	3715th, 27 November 1996	The situation in the Middle East
S/PRST/1996/46	3720th, 4 December 1996	The situation in Sierra Leone
S/PRST/1996/47	3726th, 20 December 1996	The situation in Somalia
S/PRST/1996/48	3727th, 20 December 1996	The situation in Croatia
S/PRST/1996/49	3729th, 30 December 1996	The situation between Iraq and Kuwait
S/PRST/1997/1	3733rd, 28 January 1997	The situation in the Middle East
S/PRST/1997/2	3734th, 29 January 1997	Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America
S/PRST/1997/3	3736th, 30 January 1997	The situation in Angola
S/PRST/1997/4	3737th, 31 January 1997	The situation in Croatia
S/PRST/1997/5	3738th, 7 February 1997	The situation in the Great Lakes region
S/PRST/1997/6	3739th, 7 February 1997	The situation in Tajikistan and along the Tajik-Afghan border
S/PRST/1997/7	3740th, 14 February 1997	The situation in Bosnia and Herzegovina
S/PRST/1997/8	3742nd, 27 February 1997	The situation in Somalia
S/PRST/1997/9	3744th, 5 March 1997	Central America: efforts towards peace
S/PRST/1997/10	3746th, 7 March 1997	The situation in Croatia

<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Agenda item</i>
S/PRST/1997/11	3748th, 7 March 1997	The situation in the Great Lakes region
S/PRST/1997/12	3749th, 11 March 1997	The situation in Bosnia and Herzegovina
S/PRST/1997/13	3750th, 12 March 1997	Security of United Nations operations
S/PRST/1997/14	3751st, 13 March 1997	The situation in Albania
S/PRST/1997/15	3753rd, 19 March 1997	The situation in Croatia
S/PRST/1997/16	3754th, 19 March 1997	The situation concerning Western Sahara
S/PRST/1997/17	3755th, 21 March 1997	The situation in Angola
S/PRST/1997/18	3761st, 4 April 1997	Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America
S/PRST/1997/19	3762nd, 4 April 1997	The situation in the Great Lakes region
S/PRST/1997/20	3766th, 16 April 1997	The situation in Afghanistan
S/PRST/1997/21	3768th, 16 April 1997	The situation between Iraq and Kuwait
S/PRST/1997/22	3771st, 24 April 1997	The situation in the Great Lakes region
S/PRST/1997/23	3772nd, 25 April 1997	The situation in Croatia
S/PRST/1997/24	3773rd, 30 April 1997	The situation in the Great Lakes region
S/PRST/1997/25	3774th, 8 May 1997	The situation in Georgia
S/PRST/1997/26	3775th, 8 May 1997	The situation in Croatia
S/PRST/1997/27	3777th, 20 May 1997	Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America
S/PRST/1997/28	3780th, 22 May 1997	Central America: efforts towards peace
S/PRST/1997/29	3781st, 27 May 1997	The situation in Sierra Leone
S/PRST/1997/30	3782nd, 28 May 1997	The situation in the Middle East
S/PRST/1997/31	3784th, 29 May 1997	The situation concerning the Democratic Republic of the Congo
S/PRST/1997/32	3785th, 30 May 1997	The situation in Burundi
S/PRST/1997/33	3789th, 13 June 1997	The situation between Iraq and Kuwait
S/PRST/1997/34	3790th, 19 June 1997	Protection for humanitarian assistance to refugees and others in conflict situations

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<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Agenda item</i>
S/PRST/1997/35	3796th, 9 July 1997	The situation in Afghanistan
S/PRST/1997/36	3798th, 11 July 1997	The situation in Sierra Leone
S/PRST/1997/37	3799th, 11 July 1997	The situation in Cambodia
S/PRST/1997/38	3801st, 14 July 1997	Civilian police in peacekeeping operations
S/PRST/1997/39	3803rd, 23 July 1997	The situation in Angola
S/PRST/1997/40	3804th, 29 July 1997	The situation in the Middle East
S/PRST/1997/41	3805th, 30 July 1997	The situation in Liberia
S/PRST/1997/42	3809th, 6 August 1997	The situation in Sierra Leone
S/PRST/1997/43	3810th, 13 August 1997	The situation in the Republic of the Congo
S/PRST/1997/44	3812th, 14 August 1997	The situation in Albania
S/PRST/1997/45	3818th, 18 September 1997	The situation in Croatia
S/PRST/1997/46	3819th, 25 September 1997	The situation in Africa
S/PRST/1997/47	3823rd, 16 October 1997	The situation in the Republic of the Congo
S/PRST/1997/48	3824th, 20 October 1997	The situation in Croatia
S/PRST/1997/49	3828th, 29 October 1997	The situation between Iraq and Kuwait
S/PRST/1997/50	3830th, 6 November 1997	The situation in Georgia
S/PRST/1997/51	3832nd, 13 November 1997	The situation between Iraq and Kuwait
S/PRST/1997/52	3834th, 14 November 1997	The situation in Sierra Leone
S/PRST/1997/53	3835th, 21 November 1997	The situation in the Middle East
S/PRST/1997/54	3838th, 3 December 1997	The situation between Iraq and Kuwait
S/PRST/1997/55	3841st, 16 December 1997	The situation in Afghanistan
S/PRST/1997/56	3844th, 22 December 1997	The situation between Iraq and Kuwait
S/PRST/1997/57	3845th, 23 December 1997	The situation in Somalia
S/PRST/1998/1	3848th, 14 January 1998	The situation between Iraq and Kuwait
S/PRST/1998/2	3852nd, 30 January 1998	The situation in the Middle East
S/PRST/1998/3	3854th, 13 February 1998	The situation in Croatia
S/PRST/1998/4	3856th, 24 February 1998	The situation in Tajikistan
S/PRST/1998/5	3857th, 26 February 1998	The situation in Sierra Leone
S/PRST/1998/6	3859th, 6 March 1998	The situation in Croatia

<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Agenda item</i>
S/PRST/1998/7	3862nd, 19 March 1998	The situation in Bosnia and Herzegovina
S/PRST/1998/8	3866th, 25 March 1998	The question concerning Haiti
S/PRST/1998/9	3869th, 6 April 1998	The situation in Afghanistan
S/PRST/1998/10	3874th, 22 April 1998	The Agreement on Peace, Security and Development on Bougainville
S/PRST/1998/11	3880th, 14 May 1998	The situation between Iraq and Kuwait
S/PRST/1998/12	3881st, 14 May 1998	The responsibility of the Security Council in the maintenance of international peace and security
S/PRST/1998/13	3882nd, 20 May 1998	The situation in Sierra Leone
S/PRST/1998/14	3884th, 22 May 1998	The situation in Angola
S/PRST/1998/15	3885th, 27 May 1998	The situation in the Middle East
S/PRST/1998/16	3887th, 28 May 1998	The situation in Georgia
S/PRST/1998/17	3888th, 29 May 1998	The responsibility of the Security Council in the maintenance of international peace and security
S/PRST/1998/18	3897th, 29 June 1998	Children and armed conflict
S/PRST/1998/19	3901st, 2 July 1998	The situation in Croatia
S/PRST/1998/20	3903rd, 13 July 1998	Letter dated 29 June 1998 from the Secretary-General addressed to the President of the Security Council (S/1998/581); 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 (S/1998/582); letter dated 25 June 1998 from the Permanent Representative of Rwanda to the United Nations addressed to the Secretary-General (S/1998/583)
S/PRST/1998/21	3904th, 13 July 1998	The situation in the occupied Arab territories
S/PRST/1998/22	3906th, 14 July 1998	The situation in Afghanistan
S/PRST/1998/23	3913th, 30 July 1998	The situation in the Middle East
S/PRST/1998/24	3914th, 6 August 1998	The situation in Afghanistan

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<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Agenda item</i>
S/PRST/1998/25	3918th, 24 August 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 (S/1998/223); 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 (S/1998/272)
S/PRST/1998/26	3922nd, 31 August 1998	The situation concerning the Democratic Republic of the Congo
S/PRST/1998/27	3926th, 15 September 1998	The situation in Afghanistan
S/PRST/1998/28	3927th, 16 September 1998	The situation in Africa
S/PRST/1998/29	3931st, 24 September 1998	The situation in Africa
S/PRST/1998/30	3933rd, 29 September 1998	Protection for humanitarian assistance to refugees and others in conflict situations
S/PRST/1998/31	3940th, 6 November 1998	The situation in Guinea-Bissau
S/PRST/1998/32	3941st, 6 November 1998	The situation in Croatia
S/PRST/1998/33	3947th, 25 November 1998	The situation in the Middle East
S/PRST/1998/34	3948th, 25 November 1998	The situation in Georgia
S/PRST/1998/35	3950th, 30 November 1998	The situation in Africa
S/PRST/1998/36	3953rd, 11 December 1998	The situation concerning the Democratic Republic of the Congo
S/PRST/1998/37	3960th, 23 December 1998	The situation in Angola
S/PRST/1998/38	3961st, 29 December 1998	Maintenance of peace and security and post-conflict peacebuilding
S/PRST/1999/1	3963rd, 7 January 1999	The situation in Sierra Leone
S/PRST/1999/2	3967th, 19 January 1999	Items relating to the situation in Kosovo, Federal Republic of Yugoslavia
S/PRST/1999/3	3969th, 21 January 1999	The situation in Angola
S/PRST/1999/4	3970th, 28 January 1999	The situation in the Middle East
S/PRST/1999/5	3974th, 29 January 1999	Items relating to the situation in Kosovo, Federal Republic of Yugoslavia
S/PRST/1999/6	3978th, 12 February 1999	Protection of civilians in armed conflict

<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Agenda item</i>
S/PRST/1999/7	3971st, 18 February 1999	The situation in the Central African Republic
S/PRST/1999/8	3981st, 23 February 1999	The situation in Tajikistan and along the Tajik-Afghan border
S/PRST/1999/9	3985th, 27 February 1999	The situation between Eritrea and Ethiopia
S/PRST/1999/10	3992nd, 8 April 1999	Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America
S/PRST/1999/11	3997th, 7 May 1999	The situation in Georgia
S/PRST/1999/12	4001st, 14 May 1999	Letter dated 7 May 1999 from the Permanent Representative of China to the United Nations addressed to the President of the Security Council (S/1999/523)
S/PRST/1999/13	4005th, 15 May 1999	The situation in Sierra Leone
S/PRST/1999/14	4007th, 19 May 1999	The situation in Angola
S/PRST/1999/15	4009th, 27 May 1999	The situation in the Middle East
S/PRST/1999/16	4010th, 27 May 1999	The situation in Somalia
S/PRST/1999/17	4015th, 24 June 1999	The situation concerning the Democratic Republic of the Congo
S/PRST/1999/18	4016th, 25 June 1999	Admission of new Members
S/PRST/1999/19	4017th, 25 June 1999	Admission of new Members
S/PRST/1999/20	4019th, 29 June 1999	The situation in Timor
S/PRST/1999/21	4021st, 8 July 1999	Maintenance of peace and security and post-conflict peace-building
S/PRST/1999/22	4022nd, 9 July 1999	Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America
S/PRST/1999/23	4026th, 28 July 1999	Admission of new Members
S/PRST/1999/24	4028th, 30 July 1999	The situation in the Middle East
S/PRST/1999/25	4034th, 19 August 1999	The situation in Tajikistan and along the Tajik-Afghan border
S/PRST/1999/26	4036th, 24 August 1999	The situation in Angola
S/PRST/1999/27	4042nd, 3 September 1999	The situation in East Timor ^a

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<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Agenda item</i>
S/PRST/1999/28	4048th, 24 September 1999	Small arms
S/PRST/1999/29	4055th, 22 October 1999	The situation in Afghanistan
S/PRST/1999/30	4065th, 12 November 1999	The situation in Georgia
S/PRST/1999/31	4066th, 12 November 1999	The situation in Somalia
S/PRST/1999/32	4068th, 12 November 1999	The situation in Burundi
S/PRST/1999/33	4071st, 24 November 1999	The situation in the Middle East
S/PRST/1999/34	4073rd, 30 November 1999	Role of the Security Council in the prevention of armed conflicts

^a As from the 4041st meeting, on 3 September 1999, the agenda item “The situation in Timor” was reformulated to read “The situation in East Timor”.

2. Statements issued to the media by the President of the Security Council on behalf of Council members

<i>Statement by the President</i>	<i>Date</i>	<i>Agenda item</i>
S/PRST/1996/3	22 January 1996	The situation in the Middle East
S/PRST/1996/10	4 March 1996	The situation in the Middle East

C. Cases in which Security Council decisions were recorded in letters or notes from the President of the Security Council

<i>Letter or note^a</i>	<i>Date</i>	<i>Agenda Item</i>
S/1996/27	12 January 1996	The situation in Burundi
S/1996/780	24 September 1996	The situation in Burundi
S/1996/7	5 January 1996	The situation in Angola
S/1996/31	15 January 1996	The situation in Angola
S/1996/32	15 January 1996	The situation in Angola
S/1996/378	22 May 1996	The situation in Angola
S/1996/379	22 May 1996	The situation in Angola
S/1996/39	17 January 1996	The situation in Croatia
S/1996/102	13 February 1996	The situation in Croatia
S/1996/113	15 February 1996	The situation in Croatia
S/1996/143	28 February 1996	The situation in Croatia

<i>Letter or note^a</i>	<i>Date</i>	<i>Agenda Item</i>
S/1996/191	14 March 1996	The situation in Croatia
S/1996/958	19 November 1996	The situation in Croatia
S/1996/18	11 January 1996	The situation in the Republic of Bosnia and Herzegovina
S/1996/80	1 February 1996	The situation in the Republic of Bosnia and Herzegovina
S/1996/113	15 February 1996	The situation in the Republic of Bosnia and Herzegovina
S/1996/174	7 March 1996	The situation in the Republic of Bosnia and Herzegovina
S/1996/214	22 March 1996	The situation in the Republic of Bosnia and Herzegovina
S/1996/76	1 February 1996	The situation in the former Yugoslav Republic of Macedonia
S/1996/119	16 February 1996	The situation in the former Yugoslav Republic of Macedonia
S/1996/726	6 September 1996	The situation in the Middle East
S/1996/882	28 October 1996	The situation in Liberia
S/1996/917	8 November 1996	The situation in Liberia
S/1996/972	25 November 1996	The situation in Liberia
S/1996/160	4 March 1996	The situation concerning Western Sahara
S/1996/929	12 November 1996	The situation concerning Western Sahara
S/1996/93	8 February 1996	Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995
S/1996/103	13 February 1996	The situation concerning Rwanda
S/1996/104	13 February 1996	The situation concerning Rwanda
S/1996/400	31 May 1996	The situation concerning Rwanda
S/1996/817	1 October 1996	The situation concerning Rwanda
S/1996/683	22 August 1996	The situation in Afghanistan
S/1996/1051	17 December 1996	The situation in Afghanistan
S/1996/1050	17 December 1996	The situation in Sierra Leone
S/1996/156	4 March 1996	The question concerning Haiti
S/1996/158	4 March 1996	The question concerning Haiti
S/1996/522	5 July 1996	The question concerning Haiti

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<i>Letter or note^a</i>	<i>Date</i>	<i>Agenda Item</i>
S/1996/619	2 August 1996	The question concerning Haiti
S/1996/912	5 November 1996	The question concerning Haiti
S/1996/150	29 February 1996	Communications concerning relations between the Republic of Cameroon and the Federal Republic of Nigeria
S/1996/391	29 May 1996	Communications concerning relations between the Republic of Cameroon and the Federal Republic of Nigeria
S/1996/892	31 October 1996	Communications concerning relations between the Republic of Cameroon and the Federal Republic of Nigeria
S/1996/183	12 March 1996	The situation between Iraq and Kuwait
S/1996/247	4 April 1996	The situation between Iraq and Kuwait
S/1996/365	23 May 1996	The situation between Iraq and Kuwait
S/1996/840	9 October 1996	The situation between Iraq and Kuwait
S/1996/327	2 May 1996	The situation in Tajikistan and along the Tajik-Afghan border
S/1996/276	11 April 1996	The situation in Cambodia
S/1996/948	15 November 1996	The situation in Cambodia
S/1996/321	25 April 1996	The situation in Cyprus
S/1996/876	25 October 1996	The situation in the Great Lakes region
S/1996/889	30 October 1996	The situation in the Great Lakes region
S/1996/917	8 November 1996	The situation in the Great Lakes region
S/1996/1064	23 December 1996	The situation in the Great Lakes region
S/1996/54	24 January 1996	Security Council working methods and procedure
S/1996/55	24 January 1996	Security Council working methods and procedure
S/1996/603	22 August 1996	Security Council working methods and procedure
S/1997/22	10 January 1997	The situation in the Middle East
S/1997/389	22 May 1997	The situation in the Middle East
S/1997/661	25 August 1997	The situation in the Middle East
S/1997/92	30 January 1997	Central America: efforts towards peace
S/1997/107	4 February 1997	Central America: efforts towards peace
S/1997/128	14 February 1997	Central America: efforts towards peace
S/1997/26	13 January 1997	The situation in Cyprus

<i>Letter or note^a</i>	<i>Date</i>	<i>Agenda Item</i>
S/1997/321	21 April 1997	The situation in Cyprus
S/1997/577	24 July 1997	The situation in Cyprus
S/1997/67	23 January 1997	The situation in Croatia
S/1997/579	24 July 1997	The situation in Croatia
S/1997/103	4 February 1997	The situation in Bosnia and Herzegovina
S/1997/119	11 February 1997	The situation in Bosnia and Herzegovina
S/1997/939	1 December 1997	The situation in Bosnia and Herzegovina
S/1997/467	17 June 1997	The situation in the former Yugoslav Republic of Macedonia
S/1997/891	14 November 1997	The situation in the former Yugoslav Republic of Macedonia
S/1997/74	24 January 1997	The situation in the Great Lakes region
S/1997/995	19 December 1997	The situation in the Great Lakes region
S/1997/77	27 January 1997	The situation in Tajikistan and along the Tajik-Afghan border
S/1997/971	12 December 1997	The situation in Tajikistan and along the Tajik-Afghan border
S/1997/292	8 April 1997	The situation in Georgia
S/1997/450	12 June 1997	The situation in Georgia
S/1997/756	30 September 1997	The situation in Somalia
S/1997/221	14 March 1997	Exchange of letters between the Secretary-General and the President of the Security Council concerning the India-Pakistan question
S/1997/583	25 July 1997	The situation concerning Western Sahara
S/1997/722	18 September 1997	The situation concerning Western Sahara
S/1997/1024	30 December 1997	The situation concerning Western Sahara
S/1997/313	15 April 1997	The situation in Liberia
S/1997/286	7 April 1997	The situation between Iraq and Kuwait
S/1997/773	6 October 1997	The situation between Iraq and Kuwait
S/1997/842	3 November 1997	The situation between Iraq and Kuwait
S/1997/889	14 November 1997	The situation between Iraq and Kuwait
S/1997/308	14 April 1997	The situation in Cambodia
S/1997/427	3 June 1997	The situation in Cambodia
S/1997/788	13 October 1997	The situation in Cambodia

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<i>Letter or note^a</i>	<i>Date</i>	<i>Agenda Item</i>
S/1997/999	30 October 1997	The situation in Cambodia
S/1997/366	13 May 1997	The situation in Afghanistan
S/1997/597	31 July 1997	The situation in Afghanistan
S/1997/681	3 September 1997	The situation in Sierra Leone
S/1997/980	16 December 1997	The situation in Sierra Leone
S/1997/572	22 July 1997	The situation concerning the Democratic Republic of the Congo
S/1997/618	6 August 1997	The situation concerning the Democratic Republic of the Congo
S/1997/634	12 August 1997	The situation concerning the Democratic Republic of the Congo
S/1997/620	6 August 1997	The question concerning Haiti
S/1997/622	6 August 1997	The question concerning Haiti
S/1997/736	24 September 1997	The question concerning Haiti
S/1997/755	30 September 1997	The question concerning Haiti
S/1997/1007	23 December 1997	The question concerning Haiti
S/1997/1022	30 December 1997	The question concerning Haiti
S/1997/451	12 June 1997	Security Council working methods and procedure
S/1998/30	13 January 1998	The situation in Croatia
S/1998/564	24 June 1998	The situation in Croatia
S/1998/967	19 October 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
S/1998/854	15 September 1998	The situation in the former Yugoslav Republic of Macedonia
S/1998/1192	18 December 1998	The situation in the former Yugoslav Republic of Macedonia
S/1998/214	9 March 1998	The situation between Iraq and Kuwait
S/1998/296	3 April 1998	The situation between Iraq and Kuwait
S/1998/768	18 August 1998	The situation between Iraq and Kuwait
S/1998/769	18 August 1998	The situation between Iraq and Kuwait
S/1998/925	7 October 1998	The situation between Iraq and Kuwait

<i>Letter or note^a</i>	<i>Date</i>	<i>Agenda Item</i>
S/1998/357	30 April 1998	The situation concerning Western Sahara
S/1998/282	30 March 1998	The situation in Angola
S/1998/731	7 August 1998	The situation in Angola
S/1998/633	10 July 1998	The situation in Georgia
S/1998/1053	10 November 1998	The situation in Georgia
S/1998/184	2 March 1998	The situation in the Middle East
S/1998/364	1 May 1998	The situation in the Middle East
S/1998/680	22 July 1998	The situation in the Middle East
S/1998/874	21 September 1998	The situation in the Middle East
S/1998/976	20 October 1998	The situation in the Middle East
S/1998/298	3 April 1998	The situation in the Central African Republic
S/1998/321	14 April 1998	The situation in the Central African Republic
S/1998/274	27 March 1998	The situation in Tajikistan and along the Tajik-Afghan border
S/1998/408	19 May 1998	The situation in Tajikistan and along the Tajik-Afghan border
S/1998/818	28 August 1998	The situation in Tajikistan and along the Tajik-Afghan border
S/1998/429	26 May 1998	The situation in Sierra Leone
S/1998/674	21 July 1998	The situation in Sierra Leone
S/1998/715	5 August 1998	The situation in Sierra Leone
S/1998/212	9 March 1998	Exchange of letters between the Secretary-General and the President of the Security Council concerning the India-Pakistan question
S/1998/646	15 July 1998	International tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States.
S/1998/761	18 August 1998	International tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States.
S/1998/323	14 April 1998	The situation in Cyprus
S/1998/389	13 May 1998	The situation in Cyprus
S/1998/411	19 May 1998	The situation in Cyprus

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<i>Letter or note^a</i>	<i>Date</i>	<i>Agenda Item</i>
S/1998/507	15 June 1998	Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council
S/1998/1157	11 December 1998	Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council
S/1998/591	30 June 1998	The situation in Burundi
S/1998/969	19 October 1998	The situation in Burundi
S/1998/1085	17 November 1998	The situation in Burundi
S/1998/987	22 October 1998	The situation in Cambodia
S/1998/1087	17 November 1998	The situation in Cambodia
S/1998/1081	16 November 1998	The situation in Liberia
S/1998/354	30 April 1998	Security Council working methods and procedure
S/1998/1016	30 October 1998	Security Council working methods and procedure
S/1999/919	27 August 1999	The situation in Sierra Leone
S/1999/1187	19 November 1999	The situation in Sierra Leone
S/1999/1200	26 November 1999	The situation in Sierra Leone
S/1999/527	7 May 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
S/1999/675	14 June 1999	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998) and 1239 (1999)
S/1999/689	17 June 1999	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998) and 1239 (1999)
S/1999/749	6 July 1999	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998) and 1239 (1999)
S/1999/1119	5 November 1999	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998) and 1239 (1999)
S/1999/1287	23 December 1999	The situation in the former Yugoslav Republic of Macedonia
S/1999/288	17 March 1999	The situation in Bosnia and Herzegovina
S/1999/775	12 July 1999	The situation in Bosnia and Herzegovina
S/1999/728	28 June 1999	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law committed in the Territory of the Former Yugoslavia

<i>Letter or note^a</i>	<i>Date</i>	<i>Agenda Item</i>
S/1999/1305	29 December 1999	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law committed in the Territory of the Former Yugoslavia
S/1999/1168	15 November 1999	The situation in the Middle East
S/1999/591	21 May 1999	The situation concerning Western Sahara
S/1999/1110	1 November 1999	The situation concerning Western Sahara
S/1999/1080	21 October 1999	The situation in Georgia
S/1999/149	12 February 1999	Exchange of letters between the Secretary-General and the President of the Security Council concerning the India-Pakistan question
S/1999/1236	10 December 1999	The situation in the Central African Republic
S/1999/255	9 March 1999	The situation in Tajikistan and along the Tajik-Afghan border
S/1999/986	17 September 1999	The situation in Tajikistan and along the Tajik-Afghan border
S/1999/233	3 March 1999	The situation in Guinea-Bissau
S/1999/495	30 April 1999	The situation in Guinea-Bissau
S/1999/738	30 June 1999	The situation in Guinea-Bissau
S/1999/1092	26 October 1999	The situation in Guinea-Bissau
S/1999/1253	14 December 1999	The situation in Guinea-Bissau
S/1999/380	5 April 1999	The situation concerning the Democratic Republic of the Congo
S/1999/921	27 August 1999	The situation concerning the Democratic Republic of the Congo
S/1999/1172	16 November 1999	The situation concerning the Democratic Republic of the Congo
S/1999/312	23 March 1999	Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America
S/1999/340	26 March 1999	The situation concerning Rwanda
S/1999/449	20 April 1999	International tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States.
S/1999/384	6 April 1999	The situation between Iraq and Kuwait
S/1999/1033	6 October 1999	The situation between Iraq and Kuwait
S/1999/1155	10 November 1999	The situation between Iraq and Kuwait

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<i>Letter or note^a</i>	<i>Date</i>	<i>Agenda Item</i>
S/1999/426	15 April 1999	The situation in Burundi
S/1999/1137	5 November 1999	The situation in Burundi
S/1999/1139	5 November 1999	The situation in Burundi
S/1999/603	25 May 1999	The situation in Timor
S/1999/680	15 June 1999	The situation in Timor
S/1999/710	23 June 1999	The situation in Timor
S/1999/736	30 June 1999	The situation in Timor
S/1999/751	6 July 1999	The situation in Timor
S/1999/946	5 September 1999	The situation in East Timor ^b
S/1999/972	6 September 1999	The situation in East Timor
S/1999/1094	26 October 1999	The situation in East Timor
S/1999/1135	5 November 1999	The situation in Somalia
S/1999/723	25 June 1999	The situation in Cyprus
S/1999/1044	11 October 1999	The situation in Cyprus
S/1999/1112	1 November 1999	The situation in Cyprus
S/1999/1234	10 December 1999	The situation in Cyprus
S/1999/905	20 August 1999	The question concerning Haiti
S/1999/970	14 September 1999	The question concerning Haiti
S/1999/984	16 September 1999	The situation in the occupied Arab territories
S/1999/1227	8 December 1999	The situation in the occupied Arab territories
S/1999/1133	5 November 1999	The situation in Africa
S/1999/1065	15 October 1999	The situation in Liberia
S/1999/1153	10 November 1999	Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council
S/1999/1297	30 December 1999	The situation in the Great Lakes region
S/1999/8	5 January 1999	Security Council working methods and procedure
S/1999/92	29 January 1999	Security Council working methods and procedure
S/1999/100	30 January 1999	Security Council working methods and procedure
S/1999/165	17 February 1999	Security Council working methods and procedure

<i>Letter or note^a</i>	<i>Date</i>	<i>Agenda Item</i>
S/1999/685	16 June 1999	Security Council working methods and procedure
S/1999/1160	11 November 1999	Security Council working methods and procedure
S/1999/1291	30 December 1999	Security Council working methods and procedure

^a Documents are arranged according to the date on which they were first taken up by the Council in the year under review; under each agenda item the letters and notes appear in chronological order.

^b As from the 4041st meeting, on 3 September 1999, the agenda item “The situation in Timor” was reformatted to read “The situation in East Timor”.

Chapter V

Subsidiary organs of the Security Council

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Introductory note

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

Article 29

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

Rule 28

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

During the period 1996 to 1999, the Council mandated the establishment of 15 new peacekeeping operations¹ and four new political missions,² and established three new committees to oversee the implementation of measures adopted pursuant to Article 41.³ The Council also established the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) as a subsidiary body that replaced the United Nations Special Commission (UNSCOM) established pursuant to paragraph 9 (b) (i) of resolution 687 (1991). In addition, the Council set up two new informal and ad hoc working groups to make recommendations regarding substantive matters before it.⁴

Part I of this chapter considers these new organs as well as those established prior to 1996 and continuing during part or all of the period under review. The organs are divided into six main categories, reflecting their main character or functions: (a) standing and ad hoc committees; (b) committees to oversee the implementation of measures adopted pursuant to Article 41 and other committees; (c) informal and ad hoc working groups; (d) fact-finding missions and investigative bodies; (e) peacekeeping operations and political missions; and (f) ad hoc commissions and tribunals. Fourteen peacekeeping operations were terminated

¹ United Nations Observer Mission in Angola (MONUA); United Nations Mission in the Central African Republic (MINURCA); United Nations Observer Mission in Sierra Leone (UNOMSIL); United Nations Mission in Sierra Leone (UNAMSIL); United Nations Observer Mission in the Democratic Republic of the Congo (MONUC); United Nations Support Mission in Haiti (UNSMIH); United Nations Transition Mission in Haiti (UNTMH); United Nations Verification Mission in Guatemala (MINUGUA); United Nations Civilian Police Mission in Haiti (MIPONUH); United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES); United Nations Civilian Police Support Group (UNPSG); United Nations Mission of Observers in Prevlaka (UNMOP); United Nations Interim Administration Mission in Kosovo (UNMIK); United Nations Mission in East Timor (UNAMET); and United Nations Transitional Administration in East Timor (UNTAET).

² United Nations Political Office in Bougainville (UNPOB); United Nations Peacebuilding Support Office in Liberia (UNOL); United Nations Office in Angola (UNOA); and United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS).

³ Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone; Security Council Committee established pursuant to resolution 1160 (1998); and Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan (Al-Qaida and the Taliban and associated individuals and entities).

⁴ The Ad Hoc Working Group on Africa and the Informal Working Group on the Protection of Civilians in Armed Conflict

during the period under review,⁵ as well as one Security Council committee, one investigative body and one ad hoc commission.⁶ This is reflected in a table in part II. Part III describes one instance in which a subsidiary organ was formally proposed but not established.

⁵ United Nations Observer Mission in Liberia (UNOMIL); United Nations Assistance Mission for Rwanda (UNAMIR); United Nations Angola Verification Mission III (UNAVEM III); UNOMSIL; United Nations Mission in Haiti (UNMIH); UNTMIH; UNSMIH; MINUGUA; United Nations Preventive Deployment Force (UNPREDEP); United Nations Confidence Restoration Operation in Croatia (UNCRO); UNTAES; UNPSG; UNAMET; and MONUA.

⁶ Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia; International Commission of Inquiry established under resolution 1012 (1995) concerning Burundi; and United Nations Special Commission established pursuant to paragraph 9 (b) (i) of resolution 687 (1991), respectively.

Part I

Subsidiary organs of the Security Council established or continuing during the period 1996-1999

A. Standing committees and ad hoc committees

During the period under review, the Committee of Experts on Rules of Procedure, the Committee of Experts established at the 1506th meeting to study 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 examine and report on the application for admission to membership in the United Nations of two States⁷ referred to it by the Council under rule 59 of the Council's provisional rules of procedure.

B. Security Council committees

Note

Between 1996 and 1999, in accordance with rule 28 of its provisional rules of procedure, the Security Council established three new committees to supervise the implementation of measures adopted under Chapter VII of the Charter in respect of Sierra Leone,⁸ the

Federal Republic of Yugoslavia, including Kosovo,⁹ and Al-Qaida and the Taliban and associated individuals and entities.¹⁰ During the same period, the Council oversaw 10 such committees, including the committees that had been established in prior periods, and terminated the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia. In addition, on several occasions, the Council requested the Secretary-General to establish monitoring bodies, in the form of panels or groups of experts, to assist the work of the committees.¹¹

The Council, acting under Chapter VII of the Charter, established all committees to undertake tasks related to sanctions measures. The tasks included (a) seeking information regarding the implementation of measures imposed under Article 41; (b) considering information concerning the violations of the measures and to recommend appropriate measures in response thereto; (c) reporting to the Council on the information regarding alleged violations; (d) giving consideration to and deciding upon requests for exemptions from the measures; (e) examining reports submitted to them, including those from monitoring bodies; (f) identifying individuals and entities subject to the measures; and (g) making recommendations to the Council on how to

⁷ Kiribati and Nauru. See chapter VII.

⁸ Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone.

⁹ Security Council Committee established pursuant to resolution 1160 (1998).

¹⁰ Security Council Committee established pursuant to

resolution 1267 (1999) concerning Afghanistan (Al-Qaida and the Taliban and associated individuals and entities).

¹¹ Monitoring bodies were established in connection with the measures imposed against Angola and Iraq.

improve the effectiveness of the measures. In one case, the Committee established pursuant to resolution 661 (1990), concerning the situation between Iraq and Kuwait, was, *inter alia*, mandated to supervise the implementation of the oil-for-food programme established by resolution 986 (1995).

The committees consisted of all 15 members of the Council, held their meetings in private sessions, unless the committee itself decided otherwise, and reached their decisions by consensus. The bureaux of the committees were elected by the Council annually and announced through notes by the President of the Security Council or press releases.¹² In a note by the President dated 30 October 1998,¹³ the Council decided that, with effect from 1999, the bureau of each sanctions committee should be appointed by that committee, following consultations between Council members, either at its first meeting if that meeting took place in January, or in writing at the instance of the Presidency of the Council under a no-objection procedure.

In accordance with the transparency measures outlined by the President of the Council in his note dated 29 March 1995,¹⁴ the committees continued to submit their annual reports to the Council.

In addition, during the period under consideration, a number of innovations related to the work of the Security Council's subsidiary bodies were introduced by the Council through the adoption of notes by the President or resolutions.¹⁵

In a note by the President dated 24 January 1996,¹⁶ the Council requested the Chairman of each committee to give an oral briefing to interested Members of the United Nations after each meeting, in the same way as oral briefings were given by the President of the Security Council following informal consultations of the whole. The Council further requested the Chairman of each committee to bring to the attention of its members and of the members of the United Nations the improvements in procedures of the committees which were agreed to by the members of the Council on 29 March and 31 May 1995.¹⁷

By resolution 1196 (1998) of 16 September 1998, the Council requested the Security Council committees established by resolutions imposing an arms embargo to apply, as appropriate, the following measures: (a) to include in their annual reports of a substantive section on the implementation of the arms embargoes, on possible violations of the measures reported to the committee and with recommendations, as appropriate, for strengthening the effectiveness of the arms embargoes; (b) to establish channels of communication with regional and subregional organizations and bodies, in addition to other sources of information already mentioned in the guidelines of the committees, in order to improve the monitoring of arms embargoes through wider and regular exchanges of information with relevant parties in the region concerned; and (c) to make relevant information publicly available through appropriate media, including through the improved use of information technology.¹⁸

Subsequently, in a note by the President dated 30 October 1998,¹⁹ the Council decided that its annual report to the General Assembly should also include the annual reports of sanctions committees.

On 29 January 1999, the Council issued a note by the President on the work of the sanctions committees which, in accordance with concerned resolutions, outlined practical proposals that would be used to improve the work of the sanctions committees.²⁰ The measures agreed upon by Council members included, for instance, an increase in the transparency of the sanctions committees' work through, *inter alia*, substantive and detailed briefings by the Chairpersons, visits by the Chairpersons to the regions concerned, harmonization of guidelines and routines of work, and availability of public information on the sanctions committees' work on the Internet and through other means of communication. Other measures adopted by Council members related to the consideration by the committees of the humanitarian impact of sanctions. More specifically, the note by the President outlined the following measures:

1. The sanctions committees should establish appropriate arrangements and channels of communication with organs,

¹² For the bureaux of the committees during the period under review, see, for example, S/1999/8 and S/1999/685; and SC/6463.

¹³ S/1998/1016.

¹⁴ S/1995/234.

¹⁵ S/1996/54, S/1998/1016 and S/1999/92.

¹⁶ S/1996/54.

¹⁷ S/1995/234 and S/1995/438.

¹⁸ See resolution 1196 (1998), paras. 3, 4, 6 and 11.

¹⁹ S/1998/1016.

²⁰ S/1999/92.

organizations and bodies of the United Nations system, as well as other intergovernmental and regional organizations, neighbouring countries and other countries and parties concerned, in order to improve the monitoring of the implementation of sanctions regimes and the assessment of their humanitarian consequences on the population of the target State and their economic consequences on neighbouring and other States.

2. The Chairpersons of the sanctions committees should make visits to the regions concerned, as appropriate, in order to obtain first-hand accounts of the impact of sanctions regimes and the results and difficulties in their implementation.

3. Member States should provide the sanctions committees with all information available on alleged violations of arms embargoes, and other sanctions regimes. Sanctions committees should seek to clarify all cases of alleged violations.

4. The Secretariat should be requested to provide the sanctions committees with information from published sources, radio, television or other media concerning alleged violations of the sanctions regimes or other issues relevant to the activities of the committees.

5. The guidelines of the sanctions committees should include clear provisions for strict action to be taken by the committees on alleged violations of the sanctions regimes.

6. The sanctions committees should, as far as possible, harmonize their guidelines and routines of work.

7. The technical effectiveness of the mandatory measures should be periodically assessed by the sanctions committees on the basis of inputs from Member States, reports prepared by the Secretariat and other available sources of information.

8. The practice of hearing technical presentations of information by organizations assisting in the enforcement of Security Council sanctions during closed meetings of the sanctions committees should be continued. The target or affected countries, as well as concerned organizations, should be better able to exercise the right of explaining or presenting their points of view to the sanctions committees, while taking fully into consideration current committee practices. The presentations should be expert and comprehensive.

9. The Secretariat should be requested to provide, whenever necessary, its assessment of the humanitarian and economic impact of sanctions to the sanctions committees.

10. Periodic meetings of the sanctions committees should be held for discussions on the humanitarian and economic impact of sanctions.

11. The sanctions committees should monitor, throughout the sanctions regime, the humanitarian impact of sanctions on vulnerable groups, including children, and make required adjustments of the exemption mechanisms to facilitate the delivery of humanitarian assistance. The indicators for assessment developed by the Secretariat could be used by the committees.

12. The sanctions committees should consider and monitor the possible impact of sanctions on the diplomatic efforts towards implementing Security Council resolutions and make required adjustments on the exemption mechanisms as appropriate.

13. In discharging their mandates, the sanctions committees should as much as possible seek to utilize the expertise and practical assistance of Member States, United Nations agencies, regional organizations and all humanitarian and other relevant organizations.

14. United Nations agencies as well as humanitarian organizations and other relevant organizations should benefit from special, simplified procedures in requesting humanitarian exemptions, in order to facilitate the implementation of their humanitarian programmes.

15. Consideration should be given to how humanitarian organizations could have the possibility to apply for humanitarian exemptions directly to the sanctions committees.

16. Foodstuffs, pharmaceuticals and medical supplies should be exempted from United Nations sanctions regimes. Basic or standard medical and agricultural equipment and basic or standard educational items should also be exempted. Consideration should be given to the drawing up of lists for that purpose. Other essential humanitarian goods should be considered for exemption. In this regard, it is recognized that efforts should be made to allow the population of the targeted countries to have access to appropriate resources and procedures for financing humanitarian imports.

17. Sanctions committees should consider ways to ensure that exemptions to sanctions regimes on religious grounds be made more effective.

18. The transparency of the sanctions committees' work should be increased, *inter alia*, through substantive and detailed briefings by the Chairpersons.

19. Summary records of the sanctions committees' formal meetings should be made available promptly.

20. Public information on the sanctions committees' work should be made available on the Internet and other means of communication.

The present section deals with all 10 Security Council committees in the order of their establishment. Monitoring bodies whose work is closely linked with that of the committees are featured with the relevant committees under the subheading of monitoring. It should be noted that for clarification purposes only and when required, summarized descriptions of the mandatory measures, which are based on their nature and not intended to serve as legal definitions of those measures, are added (for example: arms embargo, travel restrictions, petroleum embargo, restriction of air traffic, restrictions on diplomatic representation). The

measures imposed by the Council pursuant to Article 41 are described in chapter XI of this volume.

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

The Committee established pursuant to resolution 661 (1990), concerning the situation between Iraq and Kuwait, continued to exercise its responsibility for monitoring the measures imposed by resolution 687 (1991) and for supervising the implementation of the oil-for-food programme established by resolution 986 (1995).²¹

Mandate implementation

By resolution 1051 (1996) of 27 March 1996, the Security Council approved the general principles to be followed in implementing the monitoring mechanism which was presented in the letter of 17 July 1995 from the Chairman of the Special Commission to the Chairman of the Committee established under resolution 661 (1990).²² The mechanism concerned the monitoring of future sales or supplies to Iraq of dual-use items that could assist Iraq in the production or acquisition of proscribed weapons. The Council also confirmed that, until it decided otherwise under its relevant resolutions, requests by other States for sales to Iraq or requests by Iraq for import of any item or technology to which the mechanism applied would continue to be addressed to the Committee for decision in accordance with paragraph 4 of the mechanism. The Council also decided that the Committee established under resolution 661

(1990) and the Special Commission would carry out the functions assigned to them under the monitoring mechanism, until the Council decided otherwise.

During the period under review, the Committee worked in close cooperation with the Office of the Iraq Programme to ensure the effective implementation of all relevant arrangements under the oil-for-food programme established by Security Council resolution 986 (1995).²³ Pursuant to paragraph 25 of resolution 1284 (1999), the Committee adopted a number of measures with the aim of expediting the approval process for humanitarian supplies to Iraq.

Pursuant to resolutions 687 (1991) and 700 (1991), the Security Council conducted periodic reviews of the sanctions regime. The reviews were then suspended by resolution 1194 (1998) of 9 September 1998.

Monitoring and reporting

During the period under review, the Committee submitted three annual reports.²⁴ The Committee also submitted a number of other reports on the implementation of the arms embargo and related sanctions.²⁵

By resolution 1175 (1998) of 19 June 1998, the Security Council authorized States to permit, notwithstanding the provisions of paragraph 3 (c) of resolution 661 (1990), the export to Iraq of the necessary parts and equipment to enable Iraq to increase the export of petroleum and petroleum products. The Council also requested the Committee, or a panel of experts appointed by the Committee for that purpose, to approve

²¹ Under the oil-for-food programme, revenues generated from oil sales could be used to fund humanitarian and certain other expenses incurred in connection with Iraq.

²² S/1995/1017, annex II.

²³ The oil-for-food programme was successively renewed by resolutions 1111 (1997), 1143 (1997), 1153 (1998), 1210 (1998), 1242 (1999) and 1281 (1999).

²⁴ S/1996/700, S/1997/672 and S/1998/1239.

²⁵ The relevant documents include the following:

(a) reports pursuant to paragraph 6 (f) of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991) (S/1996/127, S/1996/361, S/1996/676, S/1996/950, S/1997/141, S/1997/374, S/1997/949, S/1998/108, S/1998/387, S/1998/729, S/1998/1055, S/1999/110, S/1999/519, S/1999/848 and S/1999/1113); (b) reports pursuant to paragraphs 1, 2, 6, 8, 9 and 10 of resolution 687 (1991) (S/1999/907 and S/1999/1177);

(c) reports pursuant to paragraph 12 of resolution 986 (1995) (S/1996/636, S/1997/213 and S/1997/417);

(d) report pursuant to paragraph 13 of resolution 986 (1995) (S/1996/1015); (e) reports on the implementation of the arrangements set out in resolution 986 (1995) (S/1999/279 and S/1999/582); (f) reports pursuant to resolution 1111 (1997) on its work relating to the implementation of the oil-for-food programme (S/1997/672, S/1997/692, S/1997/942, S/1998/187 and S/1998/469); (g) reports pursuant to resolutions 1143 (1997) and 1153 (1998) on the refining and clarifying of its working procedures with regard to improving its approval process of humanitarian applications submitted to it under the oil-for-food scheme (S/1998/92 and S/1998/336); and (h) reports on its work relating to the implementation of phases IV and V of the oil-for-food programme (S/1998/813, S/1998/1104, S/1999/279 and S/1999/572).

contracts for the aforementioned parts and equipment, according to lists of parts and equipment approved by the Committee for each individual project.²⁶

By resolution 1284 (1999) of 17 December 1999, the Council requested the Committee to appoint, in accordance with resolutions 1175 (1998) and 1210 (1998), a group of experts, including independent inspection agents appointed by the Secretary-General in accordance with paragraph 6 of resolution 986 (1995); decided that that group would be mandated to approve quickly contracts for the parts and the equipment necessary to enable Iraq to increase its exports of petroleum and petroleum products, according to lists of parts and equipment approved by that Committee for each individual project; and requested the Secretary-General to continue to provide for the monitoring of those parts and equipments inside Iraq.²⁷

2. Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia

During the period under review, the Committee established pursuant to resolution 724 (1991) to monitor the implementation of the arms embargo imposed on Yugoslavia by resolution 713 (1991), continued its activities until its termination in October 1996.

Mandate implementation Monitoring and reporting

During the period under review, the Committee submitted its third and final report to the Council. The report contained a concise account of the work of the Committee from 1993 until the termination of the sanctions regime and a number of recommendations regarding the refining of the instrument of sanctions with a view to increasing its effectiveness.²⁸

Termination of mandate

By resolution 1074 (1996) of 1 October 1996, expressing gratitude for the Committee's work, the

Security Council decided to dissolve the Committee established by resolution 724 (1991).²⁹

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

During the period under review, the Committee established pursuant to resolution 748 (1992) continued its supervision of the sanctions regime imposed against the Libyan Arab Jamahiriya relating to various aspects of aviation and arms related measures, reductions and restriction of the activities of the diplomatic and consular missions, and restrictions on nationals of the Libyan Arab Jamahiriya whose involvement in terrorist activities was known or suspected.

Mandate implementation

By a statement of the President dated 18 April 1996,³⁰ the Council members requested the Committee to draw to the attention of Member States their obligations under resolution 748 (1992) in the event that Libyan-registered aircraft landed in their territory.

By a statement of the President dated 29 January 1997,³¹ the Council members indicated that the announcement by the Libyan authorities that Libyan Arab Airways would immediately resume international flights out of the Libyan Arab Jamahiriya was incompatible with resolution 748 (1992), which prohibited all international flights to and from that country.³² The Council also took note of reports that a Libyan-registered aircraft had flown from Tripoli to Accra on 21 January 1997, in apparent violation of resolution 748 (1992), and asked the Committee to follow up on the matter.³³

By a statement of the President dated 4 April 1997,³⁴ Council members cited the flight of a Libyan-registered aircraft from Tripoli to Jeddah, on 29 March 1997, as a clear violation of the sanctions regime and called on the Libyan Arab Jamahiriya to refrain from any further violations. The Council also requested the

²⁶ See resolution 1175 (1998), paras. 1 and 2.

²⁷ Resolution 1284 (1999), para. 18.

²⁸ S/1996/946. In addition, by a letter dated 24 September 1996 addressed to the President of the Security Council, the Chairman of the Committee transmitted to the members of the Council, for any action they wished to take, the report of the Copenhagen Round Table on United Nations Sanctions in the Case of the former

Yugoslavia (S/1996/776).

²⁹ Resolution 1074 (1996), para. 6.

³⁰ S/PRST/1996/18, para. 2.

³¹ S/PRST/1997/2.

³² S/1997/52.

³³ *Ibid.*, para. 2.

³⁴ S/PRST/1997/18.

Committee to draw to the attention of States their obligations under resolution 748 (1992) in the event that Libyan registered aircraft landed in their territory.³⁵

By a statement of the President dated 20 May 1997,³⁶ Council members took note with concern of reports that Libyan-registered aircraft flew from Libya to Niger on 8 May 1997 and returned to Libya from Nigeria on 10 May in violation of resolution 748 (1992). The Council thus requested the Committee to follow up the matter directly with the representatives of the Libyan Arab Jamahiriya, Niger and Nigeria, and called upon all States to fulfil their obligations under resolution 748 (1992).³⁷

By resolution 1192 (1998) of 27 August 1998, the Council reaffirmed that the measures set forth in its resolutions 748 (1992) and 883 (1993) remained in effect and binding on all Member States, and in that context reaffirmed the provisions of paragraph 16 of resolution 883 (1993), and decided that the aforementioned measures would be suspended if the Secretary-General reported to the Council that the two persons charged with the bombing of Pan Am flight 103 had arrived in the Netherlands for the purpose of trial before the relevant Scottish court, and that the Government of the Libyan Arab Jamahiriya had satisfied the French judicial authorities with regard to the bombing of UTA 772.

Following a letter addressed to the President of the Council from the Secretary-General reporting that the conditions set forth in resolution 1192 (1998) had been met,³⁸ by a statement of the President dated 8 April 1999,³⁹ the Council members noted that the conditions for suspending the wide range of aerial, arms related and diplomatic measures against the Libyan Arab Jamahiriya had been fulfilled as of 5 April 1999. In a subsequent statement dated 9 July 1999,⁴⁰ Council members recalled that the measures set forth in resolutions 748 (1992) and 883 (1993) had been suspended, and reaffirmed their intention to lift those measures, in conformity with the relevant resolutions.

Monitoring and reporting

In accordance with the note by the President of the Security Council dated 29 March 1995,⁴¹ during the period under review the Committee submitted five annual reports.⁴²

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

During the period under review, the Committee established pursuant to resolution 751 (1992) continued to oversee the implementation of the arms embargo imposed by resolution 733 (1992) against Somalia.

Mandate implementation Monitoring and reporting

In accordance with the note by the President of the Security Council of 29 March 1995,⁴³ during the period under review the Committee submitted five annual reports.⁴⁴

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

During the period under review, the Committee established pursuant to resolution 864 (1993) continued to fulfil its mandate of monitoring the measures imposed against the União Nacional para a Independência Total de Angola (UNITA) by resolution 864 (1993), and modified by subsequent resolutions 1127 (1997) and 1173 (1998).

³⁵ Ibid., para. 2.

³⁶ S/PRST/1997/27.

³⁷ Ibid., para. 1.

³⁸ S/1999/378.

³⁹ S/PRST/1999/10.

⁴⁰ S/PRST/1999/22.

⁴¹ S/1995/234.

⁴² S/1996/2, S/1996/1079, S/1997/1030, S/1998/1237 and S/1999/1299.

⁴³ S/1995/234.

⁴⁴ S/1996/17, S/1997/16, S/1997/1029, S/1998/1226 and S/1999/1283.

Mandate implementation

Following the failure by UNITA to comply with its obligations under the “Acordos de Paz” and the Lusaka Protocol and with relevant Security Council resolutions, in particular resolution 1118 (1997), on 28 August 1997, the Council adopted resolution 1127 (1997), by which it decided to impose additional measures against UNITA, such as restrictions on the travel of senior members of UNITA and adult members of their immediate families, the closing of UNITA offices, the prohibition of flights of aircraft by or for UNITA, the supply of any aircraft or aircraft components to UNITA and the insurance, engineering and servicing of UNITA aircraft.⁴⁵ By the same resolution, the Council requested the Committee established pursuant to resolution 864 (1993) to monitor the implementation of the measures and to report by 15 November 1997 regarding the actions taken by States to implement them.⁴⁶ The Council also requested the Committee to draw up guidelines “expeditiously” for the implementation of the new restrictions imposed against UNITA.⁴⁷

By resolution 1157 (1998) of 20 March 1998, the Security Council endorsed the planned visit by the Chairman of the Committee to Angola and other interested countries to discuss the full and effective implementation of the measures specified in paragraph 4 of resolution 1127 (1997) with a view to urging compliance by UNITA with its obligations under the Lusaka Protocol and relevant Security Council resolutions.⁴⁸

By resolution 1164 (1998) of 29 April 1998, the Security Council expressed its appreciation to the Chairman of the Committee after his visit to Angola and other interested countries and reinforced the need for full and effective implementation of the measures

specified in paragraph 4 of resolution 1127 (1997) in order to achieve compliance by UNITA with its obligations under the Lusaka Protocol and relevant Security Council resolutions.⁴⁹

By resolution 1173 (1998) of 12 June 1998, the Council decided to establish additional measures against UNITA by imposing financial sanctions against UNITA, prohibiting the direct or indirect export from Angola of all diamonds originating from territories not controlled by the Government of Angola and banning any form of travel to territory controlled by UNITA.⁵⁰ In connection with the above-mentioned measures, the Council requested all States to provide the Committee with information on actions taken to implement those measures and with any information about violations of the provisions of resolution 1173 (1998), for distribution to Member States.⁵¹ By the same resolution, the Council also decided that the Committee might authorize, on a case-by-case basis, under a no-objection procedure, exemptions to the measures specified above for verified medical and humanitarian purposes.⁵² Finally, the Council requested the Committee to (a) draw up guidelines expeditiously for the implementation of the above measures and consider ways and means for further strengthening the effectiveness of the measures adopted by the Council in its previous resolutions; and (b) report to the Council by 31 July 1998 regarding the actions taken by States to implement the aforementioned measures.⁵³

Monitoring and reporting

By resolution 1237 (1999) of 7 May 1999, the Security Council endorsed the recommendation contained in the Chairman’s letter dated 4 May 1999 and

⁴⁵ Resolution 1127 (1997), para. 4.

⁴⁶ *Ibid.*, para. 11. Replies received from States were issued as documents of the Committee and are listed in reports submitted by the Chairman of the Committee to the President of the Security Council (S/1998/145 and Add.1-3).

⁴⁷ On 31 October 1997, the Committee adopted, under a no-objection procedure, the new consolidated guidelines for the conduct of its work, which were transmitted by a note verbale on 4 November 1997 to all States and international organizations and specialized agencies for their information and use as necessary. See the annual report of the Committee covering the period from 1 January to 31 December 1997 (S/1997/1027, para. 9).

⁴⁸ Resolution 1157 (1998), para. 3.

⁴⁹ Resolution 1164 (1998), para. 13.

⁵⁰ Resolution 1173 (1998), paras. 11 and 12.

⁵¹ *Ibid.*, paras. 21 and 22.

⁵² *Ibid.*, para. 13.

⁵³ *Ibid.*, para. 20. Replies received from States were issued as documents of the Committee and are listed in reports submitted by the Committee to the President of the Security Council (S/1998/728 and Add.1). While the above-mentioned measures were originally to go into effect on 25 June 1998, by para. 2 of resolution 1176 (1998) of 24 June 1998 the Council decided that they would come into force on 1 July 1998, and by para. 3 moved the deadline for the Committee to report on the actions of States to implement the measures from 31 July to 7 August 1998.

its enclosure,⁵⁴ and decided to establish the panel of experts referred to therein for a period of six months, with the following mandate: (a) to collect information and investigate reports, including through visits to the countries concerned, relating to the violation of the measures imposed against UNITA with respect to arms and related materiel, petroleum and petroleum products, diamonds and the movement of UNITA funds as specified in the relevant resolutions and information on military assistance, including mercenaries; (b) to identify parties aiding and abetting the violations of the above-mentioned measures; and (c) to recommend measures to end such violations and to improve the implementation of the above-mentioned measures.⁵⁵ By the same resolution, the Council also requested the Chairman of the Committee to submit to the Council, no later than 31 July 1999, an interim report of the panel of experts regarding its progress and preliminary findings and recommendations and to submit to the Council, within six months of the formation of the panel, the final report with recommendations.⁵⁶

On 30 July 1999, the Chairman of the Committee transmitted to the Security Council a list of 10 experts appointed to the expert panels, as approved by the Committee under the no-objection procedure.⁵⁷ The interim report of the panel of experts established pursuant to resolution 1237 (1999) was submitted by the Chairman of the Committee to the President of the Security Council on 30 September 1999.⁵⁸

Monitoring

By resolution 1196 (1998) of 16 September 1998, in connection with the situation in Africa, the Security Council requested the committees established by resolutions imposing arms embargoes in Africa to submit recommendations, as appropriate, for strengthening the effectiveness of those embargoes.⁵⁹ The Council also welcomed the initiative of the Chairman of the Committee established pursuant to resolution 864 (1993) to visit countries in the region and

invited other Committees to consider this approach, where and when appropriate, to enhance the full and effective implementation of the measures specified in their respective mandates with a view to urging the parties to comply with relevant Council resolutions.⁶⁰

By resolution 1202 (1998) of 15 October 1998, the Security Council requested the Chairman of the Committee to investigate reports that the leader of UNITA had travelled outside Angola in violation of resolution 1127 (1997) and that forces of UNITA had received military training and assistance as well as arms from outside Angola in violation of resolution 864 (1993).⁶¹ In a note by the President of the Security Council dated 18 February 1999,⁶² and subsequently by resolution 1229 (1999) of 26 February 1999,⁶³ the Council, *inter alia*, endorsed those recommendations.⁶⁴

By resolution 1237 (1999) of 7 May 1999, the Security Council welcomed and endorsed the planned visit to Angola and other concerned countries by the Chairman of the Committee concerning the situation in Angola.⁶⁵ On 4 June 1999, the Chairman submitted a report to the Security Council on his visits to Angola, Botswana, the Democratic Republic of the Congo, Namibia, South Africa, Zambia and Zimbabwe from 10 to 27 May 1999, with recommendations for enhancing the implementation of the measures imposed against UNITA.⁶⁶ In July 1999, the Chairman visited Algeria, Belgium, France, Ukraine and the United Kingdom. A report on those visits, containing further recommendations for better implementation of the measures imposed against UNITA, was submitted to the Council on 28 July.⁶⁷

By resolution 1135 (1997) of 29 October 1997, the Security Council requested the Committee to report to the Council by 15 December 1997 regarding the actions taken by States to implement the measures specified in paragraph 4 of resolution 1127 (1997).⁶⁸ In accordance with this resolution, the Committee submitted two

⁵⁴ S/1999/509.

⁵⁵ Resolution 1237 (1999), para. 6.

⁵⁶ *Ibid.*, para. 7.

⁵⁷ S/1999/837. Following the withdrawal of one candidate, a tenth expert was recruited in October 1999 (see S/1999/837/Add.1).

⁵⁸ S/1999/1016.

⁵⁹ Resolution 1196 (1998), para. 3.

⁶⁰ *Ibid.*, para. 7.

⁶¹ Resolution 1202 (1998), para. 14.

⁶² S/1999/168.

⁶³ Resolution 1229 (1999), para. 8.

⁶⁴ S/1999/147.

⁶⁵ Resolution 1237 (1999), para. 2.

⁶⁶ S/1999/644.

⁶⁷ S/1999/829.

⁶⁸ Resolution 1135 (1997), para. 9.

reports regarding the action taken by Member States to implement the provisions of resolution 1127 (1997).⁶⁹

By resolution 1176 (1998) of 24 June 1998, the Security Council requested the Committee to report to the Council, by 7 August 1998, regarding the actions taken by States to implement the measures specified in paragraphs 11 and 12 of resolution 1173 (1998).⁷⁰ In accordance with this resolution, the Committee submitted two reports, dated 7 August and 8 October 1998, respectively.⁷¹

By resolution 1221 (1999) of 12 January 1999, the Security Council, condemning the downing of two aircraft chartered by the United Nations, stressed the obligation of Member States to comply with the measures imposed against UNITA contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998).⁷² It also expressed its readiness to pursue reports of violations of those measures, to take steps to reinforce their implementation and to consider the imposition of additional measures, including in the area of telecommunications, on the basis of a report to be prepared by the Committee.⁷³ In response to this request, on 12 February 1999, the Committee submitted a report containing recommendations by the Secretary-General and proposals by the Committee for improving the implementation of the measures imposed against UNITA.⁷⁴

During the period under review, the Committee submitted four annual reports,⁷⁵ in accordance with the note by the President of the Security Council of 29 March 1995.⁷⁶

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

During the period under consideration, the Committee established pursuant to resolution 918

(1994), continued to fulfil its mandate of monitoring the arms embargo imposed by that resolution and modified by resolution 1011 (1995).

Mandate implementation Monitoring and reporting

During the period under review, the Committee submitted five annual reports.⁷⁷ On 1 September 1996, the restrictions imposed by paragraph 13 of resolution 918 (1994) relating to the sale or supply of arms and related materiel to the Government of Rwanda were terminated, in accordance with paragraph 8 of resolution 1011 (1995). However, in its reports, the Committee observed that all States were required to continue to implement those restrictions. In this respect, the Committee reported to the Council four notifications received from States on the export of arms or related materiel to Rwanda, as well as on imports of arms and related materiel made by the Government of Rwanda.⁷⁸ Furthermore, in its reports, the Committee noted that, in the absence of a specific monitoring mechanism to ensure the effective implementation of the arms embargo, the Committee relied solely on the cooperation of States and organizations in a position to provide it with pertinent information on violations of the arms embargo.⁷⁹

In its annual report covering the period from 1 January to 31 December 1998, the Committee took note of resolution 1196 (1998), by which, inter alia, the Council reiterated the obligation of all States to carry out the decisions of the Council on arms embargoes and its request that all States report information on possible violations of arms embargoes established by the Council to the relevant Security Council committees. The Committee also endorsed paragraph 2 of that resolution, in which the Council encouraged each Member State, as appropriate, to consider as a means of implementing these obligations the adoption of legislation or other

⁶⁹ S/1997/977 and Add.1, and S/1998/145 and Add.1.

⁷⁰ Resolution 1176 (1998), para. 3.

⁷¹ S/1998/728 and Add.1.

⁷² Resolution 1221 (1999), para. 7.

⁷³ *Ibid.*, para. 8.

⁷⁴ S/1999/147. With regard to the possible imposition of measures in the area of telecommunications, the Committee stated that it would report to the Council as soon as it had the opportunity to consider responses to the Committee Chairman's letters of 26 January 1999 to the International Telecommunication Union and the International Telecommunications Satellite Organization.

The Committee specified that it had already received information from some Member States and anticipated additional responses from other Member States and expert sources.

⁷⁵ S/1996/37, S/1997/33, S/1997/1027 and S/1998/1227.

⁷⁶ S/1995/234.

⁷⁷ S/1996/82, S/1997/15, S/1997/1028, S/1998/1219 and S/1999/1292.

⁷⁸ See S/1997/15, para. 4. The four notifications have been issued as documents (S/1996/329/Rev.1, S/1996/396/Rev.1, S/1996/407/Rev.1 and S/1996/697).

⁷⁹ S/1998/1219.

legal measures making the violation of arms embargoes established by the Council a criminal offence.⁸⁰

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

During the period under review, the Committee established pursuant to resolution 985 (1995) continued to fulfil its mandate to oversee the implementation of the arms embargo imposed by resolution 788 (1992).

Mandate implementation Monitoring and reporting

By a statement of the President dated 7 January 1999 in connection with the situation in Sierra Leone,⁸¹ Council members condemned all those who had afforded support, including through the supply of arms and mercenaries, to the rebels in Sierra Leone, and expressed its grave concern at reports that such support was being afforded in particular from the territory of Liberia. The Council therefore urged the Committee created pursuant to resolution 985 (1995) to pursue active measures to investigate violations of the embargoes and to report to the Council with recommendations, as appropriate.⁸²

During the period under review, the Committee submitted five annual reports.⁸³ In those reports, the Committee noted that, in the absence of a specific monitoring mechanism to ensure the effective implementation of the arms embargo, the Committee relied solely on the cooperation of States and organizations in a position to provide it with pertinent information on violations of the arms embargo. In its report covering the period from 1 January to 31 December 1998, the Committee endorsed paragraph 2 of resolution 1196 (1998), in which the Council encouraged each Member State to consider as a means of implementing its obligations the adoption of legislation or other legal measures making the violation of arms embargoes established by the Council a criminal offence.⁸⁴

During the period under review, the Committee considered three communications regarding alleged violations of the arms embargo imposed against Liberia

and, in that regard, sent letters of enquiry to Burkina Faso, Liberia and Ukraine on 26 May 1999.⁸⁵

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

Establishment and mandate

Following the military coup d'état staged by the Revolutionary United Front (RUF) on 25 May 1997, the Council adopted resolution 1132 (1997) of 8 October 1997, by which it imposed arms and petroleum embargoes and restrictions on the travel of members of the military junta and their families.⁸⁶ By the same resolution, the Security Council established a Committee to investigate violations of the regime of mandatory sanctions imposed against Sierra Leone and report to the Council in this respect. The Committee was specifically given the following tasks: (a) to seek from all States further information regarding their action to implement effectively the embargoes and the restrictions on travel abroad for members of the military junta of Sierra Leone and adult members of their families; (b) to consider information brought to its attention by States concerning violations of the measures imposed by that resolution, and to recommend appropriate measures in response thereto; (c) to make periodic reports to the Council on information submitted to it regarding alleged violations of the measures imposed by that resolution, identifying where possible persons or entities, including vessels, were reported to be engaged in such violations; (d) to promulgate guidelines to facilitate the implementation of the measures imposed by that resolution; (e) to consider and decide expeditiously requests for the approval of imports of petroleum and petroleum products, on a case-by-case basis under a no-objection procedure; (f) to designate and compile a list of members of the military junta of Sierra Leone and adults belonging to their families, whose entry or transit was to be prevented by all States; (g) to examine the reports submitted by States and by the Observer Group of the Economic Community of West African States (ECOMOG); and (h) to establish liaison with the Economic Community of West African

⁸⁰ S/1998/1219, para. 5.

⁸¹ S/PRST/1999/1.

⁸² *Ibid.*, para. 2.

⁸³ S/1996/72, S/1996/1077, S/1997/1026, S/1998/1220 and

S/1999/1301.

⁸⁴ S/1998/1220, para. 4.

⁸⁵ S/1999/1301, paras. 5 to 11.

⁸⁶ Resolution 1132 (1997), paras. 5 and 6.

States (ECOWAS) committee on the implementation of the embargoes and restrictions on travel.⁸⁷

Mandate implementation

By resolution 1156 (1998) of 18 March 1998, welcoming the return to Sierra Leone of its democratically elected President on 10 March 1998, the Council decided to lift the petroleum embargo, as imposed by paragraph 6 of resolution 1132 (1997).

By resolution 1171 (1998) of 5 June 1998, the Council lifted the restrictions on travel and embargoes imposed by paragraphs 5 and 6 of resolution 1132 (1997) and, at the same time, reinforced the arms embargo and selective travel ban on non-governmental forces.⁸⁸ By the same resolution, the Council further decided that the Committee established by resolution 1132 (1997) should continue to undertake the tasks referred to in paragraph 10 (a), (b), (c), (d), (f) and (h) of resolution 1132 (1997) in relation to paragraphs 2 and 5 of resolution 1171 (1998).⁸⁹

Monitoring and reporting

By resolution 1196 (1998) of 16 September 1998, in connection with the situation in Africa, the Security Council requested the committees established by resolutions imposing arms embargoes in Africa to submit recommendations, as appropriate, for strengthening the effectiveness of these embargoes.⁹⁰ The Council also welcomed the initiative of the Chairman of the Committee established pursuant to resolution 1132 (1997) to visit countries in the region and invited other Committees to consider this approach, where and when appropriate, in order to enhance the full and effective implementation of the measures specified in their respective mandates with a view to urging the parties to comply with relevant Council resolutions.⁹¹

During the period under review, the Committee submitted two annual reports to the Council.⁹² Furthermore, pursuant to paragraph 9 of resolution 1132 (1997), ECOWAS was requested to report to the Committee on all activities undertaken to ensure the strict implementation of the provisions of paragraphs 5 and 6 of that resolution relating to the arms embargo, the

restrictions on travel abroad for members of the military junta of Sierra Leone and adult members of their families, and the supply of petroleum and petroleum products. In its report covering the period from 1 January to 31 December 1998, the Committee reported that ECOWAS had submitted to it four reports.⁹³

In its report covering the period from 1 January to 31 December 1999, the Committee observed that since it played a central role in the monitoring of the implementation of the sanctions regime on Sierra Leone, it should consider ways to improve the monitoring and implementation of the sanctions against Sierra Leone. The Committee added that reports through ECOWAS, from ECOMOG and/or UNOMSIL, could strengthen the effectiveness of the arms embargo, by assisting the Committee in its efforts to guard against the influx of arms and related materiel of all types into the territory of Sierra Leone, as recommended in paragraphs 3 and 4 of Security Council resolution 1196 (1998).⁹⁴

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

Establishment and mandate

By resolution 1160 (1998) of 31 March 1998, the Council decided that all States should, for the purposes of fostering peace and stability in Kosovo, prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, by their nationals or from their territories or using their flag vessels and aircraft, of arms and related materiel of all types, such as weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, and should prevent arming and training for terrorist activities there.⁹⁵ By the same resolution, the Council decided to establish a Committee of the Security Council to monitor the implementation of the newly imposed measures. Specifically, the Committee was mandated (a) to seek from all States information regarding the action taken by them concerning the effective implementation of the prohibitions imposed by that resolution; (b) to consider any information brought to its attention by any State concerning violations of the imposed prohibitions and to recommend appropriate measures in response thereto;

⁸⁷ *Ibid.*, para. 10.

⁸⁸ Resolution 1171 (1998), paras. 1-5.

⁸⁹ *Ibid.*, para. 6.

⁹⁰ Resolution 1196 (1998), para. 3.

⁹¹ *Ibid.*, para. 7.

⁹² S/1998/1236 and S/1999/1300 and Corr.1.

⁹³ S/1998/1236, para. 6.

⁹⁴ S/1999/1300 and Corr.1, para. 14.

⁹⁵ Resolution 1160 (1998), para. 8.

(c) to make periodic reports to the Security Council on information submitted to it regarding alleged violations of the imposed prohibitions; (d) to promulgate such guidelines as may be necessary to facilitate the implementation of the imposed prohibitions; and (e) to examine the reports submitted by States, indicating the steps they had taken to give effect to the imposed prohibitions.⁹⁶

Mandate implementation Monitoring and reporting

During the period under review, the Committee submitted one annual report to the Security Council covering its activities from its establishment in April 1998 to December 1998.⁹⁷ The second report of the Committee, covering activities carried out during 1999, was submitted by the Chairperson of the Committee to the President of the Security Council on 27 June 2000.⁹⁸

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

Establishment and mandate

By resolution 1267 (1999) of 15 October 1999, the Security Council imposed a flight ban on any aircraft owned, leased or operated by or on behalf of the Taliban, and mandated the freezing of funds directly or indirectly owned or controlled by the Taliban.⁹⁹ By the same resolution, the Council established a Committee to ensure the effective implementation of the sanctions regime imposed against the Taliban. Specifically, the Committee was mandated (a) to seek from all States further information regarding the action taken by them with a view to effectively implementing the aircraft restrictions and the freezing of funds of the Taliban; (b) to consider information brought to its attention by States concerning violations of the measures imposed against the Taliban and to recommend appropriate measures in response thereto; (c) to make periodic reports to the Council on the impact of the imposed measures, including their humanitarian implications; (d) to make periodic reports to the Council on information submitted to it regarding alleged violations of the imposed measures, identifying where possible persons

or entities reported to be engaged in such violations; (e) to designate the aircraft and funds or other financial resources to which the sanctions applied, in order to facilitate the implementation of the sanctions; (f) to consider requests for exemptions from the sanctions and to decide on a possible granting of an exemption; and (g) to examine the reports submitted by States, in complying with their duty to cooperate fully with the Committee.¹⁰⁰ By paragraph 10 of the same resolution, all States were requested to report to the Committee, within 30 days of the coming into force of the measures imposed, on the steps they had taken with a view to effectively implementing them.¹⁰¹

C. Informal and ad hoc working groups

During the period under review, the Council's Informal Working Group on Documentation and Other Procedural Questions continued to exist. In addition, the Council established, for a period of six months, two new informal working groups: the Ad Hoc Working Group on Africa and the Informal Working Group on

⁹⁶ *Ibid.*, para. 9.

⁹⁷ S/1999/216.

⁹⁸ S/2000/633.

⁹⁹ Resolution 1267 (1999), para. 4 (a) and (b).

¹⁰⁰ *Ibid.*, para. 6.

¹⁰¹ *Ibid.*, para. 10.

the Protection of Civilians in Armed Conflict. The working groups, consisting of all fifteen members of the Council, held their meetings in private sessions, and reached their decisions by consensus. A brief overview

of the establishment and mandate of the working groups is provided in the table below.

Informal and ad hoc working groups

<i>Title</i>	<i>Establishment</i>	<i>Mandate</i>
Informal Working Group on Documentation and Other Procedural Questions	June 1993 (no formal decision was taken)	To deal with issues related to documentation and other procedural questions
Ad Hoc Working Group on Africa	Resolution 1170 (1998)	To review all recommendations in the report related to the maintenance of international peace and security, ^a in accordance with the Charter of the United Nations, and in that context, to prepare a framework for the implementation of recommendations, as appropriate, and to submit specific proposals for concrete action for consideration by the Council by September 1998
Informal Working Group on the Protection of Civilians in Armed Conflict	Resolution 1265 (1999), paragraph 22; note by the President of the Security Council (S/1999/1160)	To review further the recommendations contained in the report of the Secretary-General ^b and to consider appropriate steps by April 2000 in accordance with its responsibilities under the Charter of the United Nations

^a S/1998/318.

^b S/1999/957.

D. Fact-finding missions and investigative bodies

During the period under review, the International Commission of Inquiry established under resolution 1012 (1995) concerning Burundi and the Commission of Inquiry established pursuant to resolution 1013 (1995) concerning Rwanda continued to exist and fulfil their respective mandates.

1. International Commission of Inquiry established under resolution 1012 (1995) concerning Burundi

During the period under consideration, the International Commission of Inquiry established under resolution 1012 (1995) concerning Burundi continued to carry out its mandate, as follows: (a) to establish the facts relating to the assassination of the President of Burundi on 21 October 1993, the massacres and other related serious acts of violence which had followed; and (b) to recommend measures of a legal, political or administrative nature, as appropriate, after consultation with the Government of Burundi, and measures with regard to the bringing to justice of persons responsible for those acts, to prevent any repetition of deeds similar to those investigated by the Commission and, in general, to eradicate impunity and promote national reconciliation in Burundi.¹⁰²

¹⁰² Resolution 1012 (1995), para. 1.

In a statement by the President dated 5 January 1996,¹⁰³ the members of the Council, expressing their concern about the deterioration of the situation in Burundi, stressed the importance they attached to the work of the International Commission of Inquiry, and undertook to study carefully the letter from the Secretary-General dated 3 January 1996 containing an interim report on that work.¹⁰⁴

By a letter dated 25 July 1996 addressed to the President of the Security Council,¹⁰⁵ the Secretary-General transmitted the final report of the International Commission of Inquiry. In that report, the Commission explained that it was not in a position to identify by name the persons who should be brought to justice for being responsible for the assassinations, the massacres and other acts of serious violence which occurred in and after October 1993.

By a letter dated 24 September 1996,¹⁰⁶ the President of the Security Council informed the Secretary-General that the members of the Council were gravely concerned at the conclusions of the Commission set out in its report. The members of the Council expressed the view that, once conditions permitted, the recommendations of the Commission be given further consideration. Since the members of the Council noted that the Commission was not able to function freely, they decided to remain seized of the matter and to consider further action with regard to the report of the Commission in the light of developments in the country.

2. International Commission of Inquiry established pursuant to resolution 1013 (1995) concerning Rwanda

During the period under consideration, the International Commission of Inquiry established pursuant to resolution 1013 (1995) concerning Rwanda continued to carry out its mandate, as follows: (a) to collect information and investigate reports relating to the sale or supply of arms and related materiel to former Rwandan government forces in the Great Lakes region; (b) to investigate allegations that such forces were receiving military training in order to destabilize Rwanda; (c) to identify parties aiding and abetting the

illegal acquisition of arms by former Rwandan government forces; and (d) to recommend measures to end the illegal flow of arms in the subregion.¹⁰⁷

By a letter dated 26 January 1996 addressed to the President of the Security Council,¹⁰⁸ the Secretary-General transmitted to the members of the Council the interim report of the International Commission of Inquiry.¹⁰⁹ The final report of the Commission was transmitted to the Council in a letter dated 13 March 1996 from the Secretary-General addressed to the President of the Security Council.¹¹⁰ As requested by the Council, the report contained the conclusions of the Commission of Inquiry, as well as its recommendations regarding possible measures to curb the illegal flow of arms in the Great Lakes region. In the same letter, the Secretary-General underlined the necessity to review the composition and the modus operandi of the Commission, should the Council decide that the Commission must continue its investigations.

By resolution 1053 (1996) of 23 April 1996, having considered the Commission's reports, the Security Council commended the members of the Commission of Inquiry for the excellent investigation conducted, although noting with concern the continuing lack of full cooperation with the Commission by some Governments. The Council further expressed its concern with regard to the finding of the Commission that certain Rwandan elements were receiving military training to conduct destabilizing raids into Rwanda, and also with regard to the strong evidence presented by the Commission leading to the conclusion that it was highly probable that a violation of the arms embargo had occurred. Noting also that the Commission had not yet been able to investigate thoroughly the allegations of continuing violations of the arms embargo, the Council, by the same resolution, requested the Secretary-General to maintain the Commission on the basis set out in paragraph 91 (c) of the Commission's report.¹¹¹ The Commission was therefore requested to follow up on its earlier investigations and to stand ready to pursue any further allegations of violations.

By a letter dated 1 November 1996 addressed to the President of the Security Council,¹¹² the Secretary-General transmitted the third report of the Commission

¹⁰³ S/PRST/1996/1.

¹⁰⁴ S/1996/8 and annex.

¹⁰⁵ S/1996/682.

¹⁰⁶ S/1996/780.

¹⁰⁷ Resolution 1013 (1995), para. 1.

¹⁰⁸ S/1996/67.

¹⁰⁹ S/1996/67, annex.

¹¹⁰ S/1996/195.

¹¹¹ Resolution 1053 (1996), para. 2.

¹¹² S/1997/1010.

of Inquiry. In his letter, the Secretary-General referred to paragraph 119 of the report in which the Commission had indicated that, pursuant to paragraph 2 of resolution 1053 (1996) and subject to the concurrence of the Security Council, it intended to continue its work with a view to following up its investigations, pursuing any further allegations of violations and making periodic reports on the evolution of the situation with regard to compliance with the relevant Council resolutions. The Secretary-General added that, by the same paragraph, the Commission also expressed the view that its mandate would need to be reviewed in the light of any decision that the Council might take concerning the deployment of United Nations observers or in the light of any other decisions that the Council might adopt to address the deteriorating situation in the Great Lakes region. By a letter dated 22 January 1998 addressed to the President of the Security Council, the Secretary-General transmitted to the Council an addendum to the third report of the Commission of Inquiry.¹¹³

By resolution 1161 (1998) of 9 April 1998, the Security Council, while commending the members of the Commission of Inquiry on the investigation conducted and, in particular on the final report, recognized the need for a renewed investigation of the illegal flow of arms in Rwanda and requested the Secretary-General to reactivate the Commission of Inquiry with the following mandate: (a) to collect information and investigate reports relating to the sale, supply and shipment of arms and related materiel to former Rwandan government forces and militias in the Great Lakes region of Central Africa; (b) to identify parties aiding and abetting the illegal sale to or acquisition by former Rwandan government forces and militias; and (c) to make recommendations relating to the illegal flow of arms in the Great Lakes region.¹¹⁴ The Council further recommended that the Commission resume its work as soon as possible, and requested the Secretary-General to report to the Council on the reactivation of the Commission, and to submit an interim report to the Council on the initial conclusions of the Commission within three months of its

reactivation, to be followed by a final report containing its recommendations three months later.¹¹⁵

By a letter dated 27 May 1998 addressed to the President of the Security Council,¹¹⁶ the Secretary-General informed the President of the Security Council that the Commission of Inquiry had been reactivated, and he also reported on its composition.

Pursuant to resolution 1161 (1998), the Commission of Inquiry submitted, via the Secretary-General, an interim report on 18 August 1998,¹¹⁷ and a final report on 18 November 1998,¹¹⁸ confirming that the ex-Forces armées rwandaises and Interahamwe militias had continued to receive arms and ammunition mainly from other armed groups in Angola, Burundi, Uganda and from the Government of the Democratic Republic of the Congo. In its report, the Commission also underlined the lack of effectiveness of the two embargoes imposed by the Security Council owing to the close relationship existing between the ex-Forces armées rwandaises, Interahamwe, the Democratic Republic of the Congo and its allies, the Governments of Angola, Chad, Namibia and Zimbabwe.

E. Peacekeeping operations and political missions

The period under review witnessed a dramatic increase in the total number of peacekeeping missions deployed and in the greatly expanded range of tasks assigned to them. Beyond interposition between forces and multidisciplinary operations to assist the parties to implement agreements, peacekeepers also assumed responsibility for interim administrations as in the cases of Kosovo¹¹⁹ and East Timor. The period also saw an increase in United Nations political missions, including peacebuilding offices.¹²⁰

Between 1996 and 1999, the Council mandated, often acting under Chapter VII of the Charter, the establishment of 15 new peacekeeping operations,¹²¹

¹¹³ S/1998/63, annex.

¹¹⁴ Resolution 1161 (1998), para. 1.

¹¹⁵ *Ibid.*, para. 7.

¹¹⁶ S/1998/438.

¹¹⁷ S/1998/777, annex.

¹¹⁸ S/1998/1096, annex.

¹¹⁹ For purposes of this *Supplement*, the term “Kosovo” refers to “Kosovo, Federal Republic of Yugoslavia”, without prejudice to issues of status. In other instances, the terminology originally used in official documents has been preserved to the extent possible.

¹²⁰ This is the first *Supplement* to the *Repertoire* in which political missions are covered in chapter V. As a result, information on political missions that were established in the previous period (1993-1996) is also included here.

¹²¹ United Nations Observation Mission in Angola (MONUA); United Nations Mission in the Central African Republic (MINURCA); United Nations Mission of Observers in Sierra Leone (UNOMSIL); United Nations Mission in Sierra Leone (UNAMSIL); United Nations Observer Mission in the Democratic Republic of

while authorizing the termination or transition to new peacekeeping missions of 14 operations.¹²² During the same period, the Council authorized the establishment of four new political missions.¹²³ 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.

Thirty-one peacekeeping operations and six political missions are considered below, by geographic region. Studies of missions in each region are generally in the order of their establishment, while interlinked operations are dealt with jointly. As a full account of Council proceedings, including the details of deliberations by the Council on the question and the content of the reports of the Secretary-General on the situations on the ground, is set out in chapter VIII of this volume, this section focuses on procedures of the Council concerning the establishment, mandate, composition, implementation of mandate, and termination or transition of peacekeeping operations during the period under review. It is noted that, in accordance with the general principles set out in General Assembly resolutions 874 (S-IV) of 27 June 1963 and 3101 (XXVIII) of 11 December 1973, peacekeeping operations during the period under consideration were financed through assessed contributions by Member States, except where mentioned otherwise.

Africa

1. United Nations Mission for the Referendum in Western Sahara established pursuant to resolution 690 (1991)

During the period under review, the United Nations Mission for the Referendum in Western Sahara (MINURSO) continued its efforts in support of the implementation of the settlement plan and agreements reached by the Government of Morocco and Frente Polisario to hold a free, fair and impartial referendum that would allow the people of Western Sahara to decide the future status of the territory.

Mandate implementation

By a series of resolutions,¹²⁴ adopted on the basis of the Secretary-General's reports,¹²⁵ the Security Council successively extended the mandate of MINURSO for additional periods of one to six months. The last such extension was until 29 February 2000, with the expectation that the parties would meet in direct talks under the auspices of the Personal Envoy of the Secretary-General to try to resolve the multiple problems relating to the implementation of the settlement plan and to try to agree upon a mutually acceptable political solution to their dispute over Western Sahara.

On the basis of the recommendation of the Secretary-General,¹²⁶ the Council, by resolution 1148

the Congo (MONUC); United Nations Support Mission in Haiti (UNSMIH); United Nations Transition Mission in Haiti (UNTMIH); United Nations Verification Mission in Guatemala (MINUGUA); United Nations Civilian Police Mission in Haiti (MIPONU); United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES); United Nations Civilian Police Support Group (UNPSG); United Nations Mission of Observers in Prevlaka (UNMOP); United Nations Interim Administration Mission in Kosovo (UNMIK); United Nations Mission in East Timor (UNAMET); and United Nations Transitional Administration in East Timor (UNTAET).

¹²² United Nations Observer Mission in Liberia (UNOMIL); United Nations Assistance Mission for Rwanda (UNAMIR); United Nations Angola Verification Mission III (UNAVEM III); United Nations Mission of Observers in Sierra Leone (UNOMSIL); United Nations Mission in Haiti (UNMIH); United Nations Transition Mission in Haiti (UNTMIH); United Nations Support Mission in Haiti (UNSMIH); United Nations Verification Mission in Guatemala (MINUGUA); United Nations Preventive

Deployment Force (UNPREDEP); United Nations Confidence Restoration Operation in Croatia (UNCRO); United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES); United Nations Civilian Police Support Group (UNPSG); United Nations Mission in East Timor (UNAMET); and United Nations Observer Mission in Angola (MONUA).

¹²³ United Nations Political Office in Bougainville (UNPOB); United Nations Peacebuilding Support Office in Liberia (UNOL); United Nations Office in Angola (UNOA); and United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS).

¹²⁴ Resolutions 1042 (1996), 1056 (1996), 1108 (1997), 1131 (1997), 1133 (1997), 1163 (1998), 1185 (1998), 1198 (1998), 1204 (1998), 1215 (1998), 1224 (1999), 1228 (1999), 1232 (1999), 1235 (1999), 1238 (1999), 1263 (1999) and 1282 (1999).

¹²⁵ S/1996/43, S/1996/343, S/1996/913, S/1997/358, S/1997/742, S/1998/316, S/1998/634, S/1998/775, S/1998/849, S/1998/997, S/1998/1160, S/1999/88, S/1999/307, S/1999/483, S/1999/954 and S/1997/1219.

¹²⁶ S/1997/882.

(1998) of 26 January 1998, approved the deployment of an engineering unit required for demining activities and of the additional administrative staff required to support the deployment of military personnel.¹²⁷ It also expressed its intention to consider positively the request for the remaining additional military and civilian police assets for MINURSO that the Secretary-General had requested, as soon as he reported that the identification process had reached a stage which made the deployment of those assets essential.¹²⁸

2. United Nations Observer Mission in Liberia established pursuant to resolution 866 (1993)

During the period under review, the United Nations Observer Mission in Liberia (UNOMIL) continued to exercise good offices in support of the efforts of ECOWAS to implement the peace agreement; investigate alleged ceasefire violations; assist in demobilization of combatants; support humanitarian assistance and investigate human rights violations.

Mandate implementation

Prior to its termination on 30 September 1997, the Council extended the mandate of UNOMIL six times for periods of varying lengths,¹²⁹ in accordance with the recommendations of the Secretary-General.¹³⁰

In a report dated 22 August 1996,¹³¹ the Secretary-General informed the Council of his intention to deploy to Liberia an additional 24 military observers, as well as essential civilian personnel to assist UNOMIL in responding to developments on the ground. Pursuant to resolution 1071 (1996), the Secretary-General, in a report dated 17 October 1996,¹³² made recommendations on additional ways in which UNOMIL could provide assistance in support of the peace process in Liberia, which the Council concurred with in a letter dated 8 November 1996.¹³³ The assistance included, *inter alia*, disarmament, demobilization and human rights aspects. In an addendum to his report, dated 22 October 1996, the Secretary-General informed the Council of an increase

in the strength of the Mission by 58 military observers, 54 international staff, 613 local staff and 28 United Nations Volunteers.¹³⁴

Termination of mandate

By a statement of the President dated 30 July 1997,¹³⁵ the Council members noted that the successful conclusion of the electoral process marked the fulfilment of a key element of the mandate of UNOMIL. By resolution 1116 (1997), the Council decided to extend the mandate of UNOMIL until 30 September 1997, with the expectation that it would terminate on that date.¹³⁶ In his final reports on UNOMIL,¹³⁷ the Secretary-General stated that, pending further consultations with the Government of Liberia, it was his intention to recommend the establishment of a peacebuilding support office to succeed UNOMIL after 30 September 1997. In accordance with resolution 1116 (1997), the Mission was closed on 30 September 1997.

3. United Nations Peacebuilding Support Office in Liberia

Establishment, mandate and composition

In his reports dated 13 August and 12 September 1997 respectively,¹³⁸ the Secretary-General recommended the establishment of a peacebuilding support office in Liberia, which would succeed UNOMIL upon the expiration of its mandate. By a letter dated 22 October 1997 addressed to the President of the Security Council,¹³⁹ the Secretary-General noted that the participants in the fourth Ministerial meeting of the ad hoc Special Conference on Liberia, held on 3 October 1997, had expressed strong support for the establishment of a United Nations Peacebuilding Support Office in the country. Following the elections and the withdrawal of UNOMIL, the United Nations Peacebuilding Support Office in Liberia (UNOL) was established on 1 November 1997, with the Council's approval.¹⁴⁰

¹²⁷ Resolution 1148 (1998), para. 1.

¹²⁸ *Ibid.*, para. 2.

¹²⁹ Resolutions 1041 (1996), 1059 (1996), 1071 (1996), 1083 (1996), 1100 (1997) and 1116 (1997).

¹³⁰ S/1996/47, S/1996/362, S/1996/684, S/1996/962, S/1997/237 and S/1997/478.

¹³¹ S/1996/684.

¹³² S/1996/858.

¹³³ S/1996/917.

¹³⁴ S/1996/858/Add.1.

¹³⁵ S/PRST/1997/41.

¹³⁶ Resolution 1116 (1997), para. 1.

¹³⁷ S/1997/643 and S/1997/712.

¹³⁸ S/1997/643 and S/1997/712.

¹³⁹ S/1997/817.

¹⁴⁰ S/1998/1080.

The Office's activities focused on the consolidation of peace; the promotion of reconciliation and the strengthening of democratic institutions; support for local human rights initiatives; political support for efforts to mobilize international resources and assistance for national recovery and reconstruction; and coordination of efforts by the United Nations system in the country on matters related to peacebuilding.¹⁴¹

The Office initially consisted of 12 international staff and 3 local staff.

Mandate implementation

During the period under review, the mandate of UNOL was extended on two occasions through exchanges of letters between the Secretary-General and the President of the Security Council for further periods of 12 months, the last of which was until December 2000.¹⁴²

4. United Nations Assistance Mission for Rwanda established pursuant to resolution 872 (1993)

Until its termination in 1996, the United Nations Assistance Mission for Rwanda (UNAMIR) continued to fulfil its mandate to help the Rwandan parties implement the Arusha Peace Agreement signed on 4 August 1993.

Mandate implementation: termination of mandate

The Security Council, by resolution 1050 (1996) dated 8 March 1996, took note of the arrangements made by the Secretary-General for the withdrawal, starting on 9 March 1996, of UNAMIR pursuant to Council resolution 1029 (1995) of 12 December 1995.¹⁴³ The Security Council also authorized elements of UNAMIR remaining in Rwanda to contribute to the protection of the personnel and premises of the International Tribunal for Rwanda until the final withdrawal of the Mission.¹⁴⁴ The mandate of UNAMIR officially came to an end on 8 March 1996, and the withdrawal of the Mission was completed in April 1996.

5. United Nations Office in Burundi

Establishment, mandate and composition

Following the military coup d'état in Burundi on 21 October 1993, the Council members requested, in a statement by the President dated 25 October 1993,¹⁴⁵ that the Secretary-General monitor and follow the situation, in close association with the Organization of African Unity (OAU). Subsequently, in a statement by the President dated 16 November 1993,¹⁴⁶ the Council encouraged the Secretary-General to continue using his good offices through his Special Representative and to consider dispatching as soon as possible a small United Nations team to Burundi for fact-finding and advice with a view to facilitating the efforts of the Government of Burundi and OAU. In response to that request of the Security Council, the United Nations Office in Burundi (UNOB) was established in November 1993 to support the initiatives aimed at promoting peace and reconciliation between the parties to the conflict.¹⁴⁷

During the period under consideration, UNOB was composed of 12 international and 17 local staff.

Mandate implementation

By a letter dated 12 April 1999 addressed to the President of the Security Council,¹⁴⁸ the Secretary-General informed the Security Council that the peace process in Burundi had entered a critical phase and that he had therefore decided to upgrade the level of UNOB by appointing the head of the Office as his representative in the country. The Council concurred with the decision of the Secretary-General.¹⁴⁹

By a letter dated 2 November 1999 addressed to the President of the Security Council,¹⁵⁰ the Secretary-General indicated that, although the peace process had been expected to culminate in the conclusion of a general peace agreement by the end of 1999, it appeared likely that peace efforts would continue into 2000. Even once a peace agreement had been reached, there would still be a need for UNOB to undertake additional responsibilities in the post-conflict peacebuilding phase to help in the consolidation of peace and security. That

¹⁴¹ Ibid.

¹⁴² S/1998/1080, S/1998/1081, S/1999/1064 and S/1999/1065.

¹⁴³ Resolution 1050 (1996), para. 1. For the report of the Secretary-General, see S/1996/149.

¹⁴⁴ Resolution 1050 (1996), para. 2.

¹⁴⁵ S/26631.

¹⁴⁶ S/26757.

¹⁴⁷ S/1999/425.

¹⁴⁸ Ibid.

¹⁴⁹ S/1999/426.

¹⁵⁰ S/1999/1136.

would entail assisting in the implementation of the peace agreement and the establishment of new institutions, as well as providing support for the various reforms envisaged in the agreement. The Secretary-General therefore expressed his intention to extend the United Nations political presence in Burundi until the end of December 2000. By a letter dated 5 November 1999,¹⁵¹ the President of the Security Council informed the Secretary-General that the members of the Council had taken note of the intention of the Secretary-General.

6. The United Nations Angola Verification Mission established pursuant to resolution 976 (1995)

During the period under review, the United Nations Angola Verification Mission established pursuant to resolution 976 (1995) (UNAVEM III) continued to assist the Government of Angola and the União Nacional para a Independência Total de Angola (UNITA) in restoring peace and achieving national reconciliation on the basis of the Peace Accords for Angola, the Lusaka Protocol and relevant Security Council resolutions.

Mandate implementation

During the period under consideration, the mandate of UNAVEM III was initially extended on two occasions for periods of three and two months respectively, until 11 July 1996.¹⁵² Subsequently, on the basis of the recommendations of the Secretary-General,¹⁵³ the mandate was continuously extended on six occasions for periods of various lengths, the last of which ended on 30 June 1997.¹⁵⁴

Termination of mandate/transition to a new mission

By resolution 1106 (1997) of 16 April 1997, which extended the mandate of UNAVEM III for a final time, the Security Council requested the Secretary-General to complete the withdrawal of UNAVEM III military units, and expressed its intention to consider the establishment of a follow-on United Nations presence which would succeed UNAVEM III, as recommended by the Secretary-General.¹⁵⁵ On 30 June 1997, the mandate of UNAVEM III was terminated.

7. The United Nations Observer Mission in Angola established pursuant to resolution 1118 (1997)

Establishment, mandate and composition

Following the termination of UNAVEM III, the Secretary-General submitted a report recommending the establishment of a new integrated operation to be known as the United Nations Observer Mission in Angola (MONUA) for a period of seven months.¹⁵⁶ By resolution 1118 (1997) of 30 June 1997, the Security Council established MONUA for an initial period of four months and expected a full completion of the Mission by February 1998.¹⁵⁷ The Security Council also decided that MONUA had to assume responsibility for all components and assets of UNAVEM III remaining in Angola, including former military units, to deploy as appropriate until they were withdrawn.¹⁵⁸

The mandate of MONUA was defined by the Secretary-General in section VII of his report of 5 June 1997.¹⁵⁹ The overall mandate was to assist the Angolan parties in consolidating peace and national reconciliation, enhancing confidence-building and creating an environment conducive to long term stability, democratic development and rehabilitation of the country.

The Observer Mission was composed of political, civilian police, military, human rights and humanitarian elements. In terms of the political aspects, the Mission was mandated, *inter alia*, to monitor the normalization of State administration throughout the country, provide

¹⁵¹ S/1999/1137.

¹⁵² Resolutions 1045 (1996) and 1055 (1996).

¹⁵³ S/1996/503, S/1996/827, S/1996/1000, S/1997/115, S/1997/248 and S/1997/304.

¹⁵⁴ Resolutions 1064 (1996), 1075 (1996), 1087 (1996), 1098 (1997), 1102 (1997) and 1106 (1997).

¹⁵⁵ Resolution 1106 (1997), paras. 4 and 5. For the report of the Secretary-General, see S/1997/438.

¹⁵⁶ S/1997/438.

¹⁵⁷ Resolution 1118 (1997), paras. 2 and 3.

¹⁵⁸ *Ibid.*, para. 4.

¹⁵⁹ S/1997/438, paras. 32-41.

good offices and mediation at the provincial and local levels and participate in the official organs established for that purpose. It was also given the tasks of monitoring and verifying the integration of UNITA elements into State structures, and assisting in the resolution and management of conflicts which might arise. In terms of police matters, the civilian police component was mandated to continue to verify the neutrality of the Angolan National Police, the incorporation of UNITA personnel into the national police, the quartering and occasional deployment of the rapid reaction police, and the free circulation of people and goods. The Civilian Police Unit was also given the tasks of continuing to monitor and verify the collection of weapons recovered from the civilian population, supervising proper storage or destruction of weapons and overseeing security arrangements for UNITA leaders. In terms of human rights issues, the activities were aimed at developing the capacity of national institutions and other non-governmental organizations in the field of human rights to investigate violations and to initiate appropriate action, including through mechanisms already established for that purpose. In terms of military aspects, a reduced number of military observers was deemed necessary to verify compliance with various aspects of the ceasefire regime. The Humanitarian Assistance Coordination Unit was mandated to continue to support the demobilization of UNITA ex-combatants and, at the same time, to focus on the original coordination mandate from UNAVEM III, including monitoring the emergency situation and maintaining a capacity to respond to humanitarian needs as they emerged.¹⁶⁰

Mandate implementation

During the period under review, based on the recommendations of the Secretary-General,¹⁶¹ the mandate of MONUA was continuously extended on eight occasions for periods of varying lengths, the last of which was until 26 February 1999.¹⁶²

Based on the recommendations of the Secretary-General,¹⁶³ by resolution 1135 (1997) of 29 October 1997, the Council postponed the withdrawal of United Nations military formed units until the end of November 1997.¹⁶⁴

Pursuant to resolution 1157 (1998) of 20 March 1998, the Security Council endorsed the recommendation of the Secretary-General in his report dated 13 March 1998,¹⁶⁵ to resume the gradual downsizing of the military component of MONUA before 30 April 1998, with the understanding that the withdrawal of almost all formed military units would be completed as soon as conditions on the ground permitted, but no later than 1 July 1998.¹⁶⁶ The Council also decided to gradually increase the number of civilian police observers by up to 83.¹⁶⁷

Following the attacks by members of UNITA on the personnel of MONUA and Angolan national authorities, the Security Council, by resolution 1164 (1998) of 29 April 1998, urged MONUA to investigate promptly the recent attack in N'gove.¹⁶⁸ The Council also took note of the recommendation made by the Secretary-General in his report dated 16 April 1998,¹⁶⁹ regarding the beginning of the drawdown of the military observers and civilian personnel of MONUA, and expressed its intention to take a final decision by 30 June 1998 on the mandate, size and organizational structure of MONUA.¹⁷⁰

Taking note of the statement of 2 June 1998 issued by MONUA regarding the continued existence of non-demobilized UNITA forces in the country,¹⁷¹ the Security Council, by resolution 1173 (1998) of 12 June 1998, requested the Secretary-General to redeploy MONUA personnel immediately to support and facilitate the extension of State administration throughout the national territory, including in particular in Andulo, Bailundo, Mungo and Nharea.¹⁷²

¹⁶⁰ Ibid.

¹⁶¹ S/1997/807, S/1998/17, S/1998/333, S/1998/524, S/1998/723, S/1998/838, S/1998/931 and S/1998/1110.

¹⁶² Resolutions 1135 (1997), 1149 (1998), 1164 (1998), 1180 (1998), 1190 (1998), 1195 (1998), 1202 (1998) and 1213 (1998).

¹⁶³ S/1997/807.

¹⁶⁴ Resolution 1135 (1997), para. 2.

¹⁶⁵ S/1998/236.

¹⁶⁶ Resolution 1157 (1998), para. 6.

¹⁶⁷ Ibid., para. 7.

¹⁶⁸ Resolution 1164 (1998), para. 4.

¹⁶⁹ S/1998/333, section IX.

¹⁷⁰ Ibid., para. 11.

¹⁷¹ S/1998/503, annex.

¹⁷² Resolution 1173 (1998), para. 10.

Termination of mandate

In his report of 26 February 1999, the Secretary-General informed the Security Council that the Government of Angola had informed his Special Representative that a continued multidisciplinary presence of the United Nations in Angola was not necessary and that conditions for maintaining a MONUA presence had ceased to exist.¹⁷³ By resolution 1229 (1999) of 26 February 1999, the Council took note that the mandate of MONUA would expire on 26 February 1999, and endorsed the recommendations contained in the report of the Secretary-General dated 24 February 1999¹⁷⁴ regarding the technical liquidation of MONUA.¹⁷⁵ The Council also affirmed that, notwithstanding the expiration of the mandate of MONUA, the status-of-forces agreement applicable to MONUA remained in force until the departure of the final elements of MONUA from Angola.¹⁷⁶ Finally, the Security Council decided that the human rights component of MONUA would continue its current activities during the liquidation period.¹⁷⁷

8. United Nations Office in Angola established pursuant to resolution 1268 (1999)

Establishment, mandate and composition

In a statement by the President dated 21 January 1999,¹⁷⁸ Council members underlined the great importance they attached to a continued multidisciplinary presence of the United Nations in Angola, and welcomed the intention of the Secretary-General to consult urgently with the Government of Angola on such a United Nations presence. By a letter dated 11 August 1999 addressed to the President of the Security Council,¹⁷⁹ the Secretary-General indicated that, following consultations with the Government of Angola, he intended to proceed with the establishment of a new multidisciplinary United Nations Office in Angola, the mandate of which would be based on the relevant Security Council decisions on Angola. By resolution 1268 (1999) of 15 October 1999, the Security Council authorized the establishment of the United

Nations Office in Angola (UNOA) for an initial period of six months, until 15 April 2000.¹⁸⁰

The mandate of UNOA was to liaise with the political, military, police and other civilian authorities, with a view to exploring effective measures for restoring peace, assisting the Angolan people in the area of capacity-building, humanitarian assistance and the promotion of human rights, and coordinating other activities.¹⁸¹

The Council decided that UNOA would consist of up to 30 substantive professional staff, as well as the necessary administrative and other support personnel.¹⁸²

9. The United Nations Political Office for Somalia

Establishment, mandate and composition

By its resolution 954 (1994) of 4 November 1994, which extended the mandate of the United Nations Operation in Somalia (UNOSOM II) for a final period, the Security Council requested the Secretary-General to continue to monitor the situation in Somalia and to submit a report including suggestions concerning the role that the United Nations could play in Somalia after the end of UNOSOM II.¹⁸³ The Secretary-General submitted a report on 28 March 1995 in which he indicated his intention to maintain a small political office in Mogadishu consisting of a representative with a small support staff.¹⁸⁴ The Council members welcomed the intention of the Secretary-General in a statement by the President dated 6 April 1995.¹⁸⁵ As conditions did not permit the establishment of the Office in Mogadishu, the United Nations Political Office for Somalia (UNPOS) started operations in Nairobi on 14 April 1995.

The Office was established in response to the Council's request to the Secretary-General, contained in resolution 954 (1994), as follows: (a) to help the Somali parties to achieve peace and national reconciliation and monitor the situation in the country; and (b) to keep the Council informed in particular about developments affecting the humanitarian situation, the security

¹⁷³ S/1999/202.

¹⁷⁴ *Ibid.*, paras. 32 and 33.

¹⁷⁵ Resolution 1229 (1999), para. 2.

¹⁷⁶ *Ibid.*, para. 3.

¹⁷⁷ *Ibid.*, para. 4.

¹⁷⁸ S/PRST/1999/3.

¹⁷⁹ S/1999/871.

¹⁸⁰ Resolution 1268 (1999), para. 1.

¹⁸¹ *Ibid.*

¹⁸² *Ibid.*, para. 2. See also S/1999/1099.

¹⁸³ Resolution 954 (1994), para. 13.

¹⁸⁴ S/1995/231.

¹⁸⁵ S/PRST/1995/15.

situation for humanitarian personnel in Somalia, repatriation of refugees and impacts on neighbouring countries.

The Office consisted of a Director, one professional staff member and one secretary.

Mandate implementation

By his report of 16 September 1997,¹⁸⁶ the Secretary-General indicated that he had reviewed the role of UNPOS and had concluded that its continuation and strengthening were essential in order to extend assistance to those engaged in peacemaking efforts for Somalia. He also indicated that the personnel of UNPOS should undertake more visits to Somalia on a regular basis, security conditions permitting. Another professional staff member was therefore added to the Office. By a letter dated 30 September 1997, the President of the Security Council indicated the Council's support for a more active role of the United Nations in coordinating international mediation efforts in Somalia and for a strengthened presence of UNPOS staff in line with the recommendations of the Secretary-General.¹⁸⁷

Through an exchange of letters between the Secretary-General and the President of the Security Council, it was decided to continue the activities of the Office for the biennium 2000-2001.¹⁸⁸

10. United Nations Mission in the Central African Republic

Establishment, mandate and composition

Following the recommendations of the Secretary-General in his report dated 23 February 1998,¹⁸⁹ the Security Council established, by resolution 1159 (1998) of 27 March 1998, the United Nations Mission in the Central African Republic (MINURCA) for an initial period of three months with effect from 15 April 1998.¹⁹⁰

The mandate of MINURCA, as set out in resolution 1159 (1998), was as follows: (a) to assist in maintaining and enhancing security and stability,

including freedom of movement, in Bangui and the immediate vicinity of the city; (b) to assist the national security forces in maintaining law and order and in protecting key installations in Bangui; (c) to supervise, control storage, and monitor the final disposition of all weapons retrieved in the course of the disarmament exercise; (d) to ensure security and freedom of movement of United Nations personnel and the safety and security of United Nations property; (e) to assist in coordination with other international efforts in a short-term, police trainer programme and in other capacity-building efforts of the national police, and to provide advice on the restructuring of the national police and special police forces; and (f) to provide advice and technical support to the national electoral bodies regarding the electoral code and plans for the conduct of the legislative elections scheduled for August/September 1998.¹⁹¹

MINURCA was authorized with a maximum military strength of 1,350 personnel.¹⁹² In paragraph 14 of resolution 1159 (1998), the Security Council welcomed the appointment of a Special Representative of the Secretary-General in the Central African Republic as the head of MINURCA. Through exchanges of letters between the Secretary-General and the President of the Security Council, the Special Representative and the Force Commander of MINURCA were appointed.¹⁹³

Mandate implementation

By its resolution 1182 (1998) of 14 July 1998, the Security Council decided to extend the mandate of MINURCA until 25 October 1998.¹⁹⁴ It also recognized the role of the Mission in providing advice and technical assistance for the initial steps in restructuring security forces and in coordinating and channelling international support to that end.¹⁹⁵ It further required that the Mission, in implementing its mandate, conduct reconnaissance missions of limited duration outside Bangui, and other tasks involving the security of United Nations personnel in accordance with paragraph 10 of resolution 1159 (1998).¹⁹⁶

¹⁸⁶ S/1997/715, para. 36 (b).

¹⁸⁷ S/1997/756.

¹⁸⁸ S/1999/1134 and S/1999/1135.

¹⁸⁹ S/1998/61.

¹⁹⁰ Resolution 1159 (1998), para. 9.

¹⁹¹ *Ibid.*, para. 10.

¹⁹² *Ibid.*, para. 9.

¹⁹³ S/1998/297, S/1998/298, S/1998/320 and S/1998/321.

¹⁹⁴ Resolution 1182 (1998), para. 1.

¹⁹⁵ *Ibid.*, para. 3.

¹⁹⁶ *Ibid.*, para. 4.

By its resolution 1201 (1998) of 15 October 1998, the Security Council decided, *inter alia*, that the mandate of MINURCA should include support for the conduct of legislative elections as described in the report of the Secretary-General dated 21 August 1998,¹⁹⁷ and in particular: (a) the transport of electoral materials and equipment to selected sites and to the sous-préfectures, as well as the transport of United Nations electoral observers to and from electoral sites; (b) the conduct of a limited but reliable international observation of the first and second rounds of the legislative elections; and (c) ensuring the security of electoral materials and equipment during their transport to and at the selected sites, as well as the security of the international electoral observers.¹⁹⁸

Following the recommendations made by the Secretary-General in his report dated 18 December 1998,¹⁹⁹ the Security Council decided, by resolution 1230 (1999) of 26 February 1999, to extend the mandate of MINURCA until 15 November 1999.²⁰⁰ The Security Council also expressed its intention to commence the reduction of MINURCA personnel 15 days after the conclusion of the presidential elections in the Central African Republic.²⁰¹ The Council authorized the Mission to play a supportive role in the conduct of the presidential elections, in conformity with the tasks previously performed during the legislative elections of November/December 1998. It also authorized MINURCA to supervise the destruction of confiscated weapons and ammunition under the Mission's control.²⁰²

Termination of mandate

By resolution 1271 (1999) of 22 October 1999, the Security Council decided to extend the mandate of MINURCA until 15 February 2000, with a view to ensuring a short and gradual transition from United Nations peacekeeping to a post-conflict peacebuilding presence.²⁰³ Furthermore, the Council approved the proposal made by the Secretary-General in his report dated 7 October 1999²⁰⁴ that the reduction of the

military and civilian strength of MINURCA should happen in three stages.²⁰⁵

The United Nations Peacebuilding Office in the Central African Republic (BONUCA) was subsequently established to take over from MINURCA in providing assistance in the peacebuilding effort.²⁰⁶

11. The United Nations Observer Mission in Sierra Leone

Establishment, mandate and composition

Following the recommendations of the Secretary-General in his report dated 9 June 1998,²⁰⁷ by resolution 1181 (1998) of 13 July 1998, the Security Council established the United Nations Observer Mission in Sierra Leone (UNOMSIL) for an initial period of six months until 13 January 1999, to monitor and advise efforts to disarm combatants and restructure the country's security forces.²⁰⁸

The mandate of UNOMSIL, as set out in resolution 1181 (1998), was as follows: (a) to monitor the military and security situation in the country as a whole, as security conditions permitted, and to provide the Special Representative of the Secretary-General with regular information thereon, in particular with a view to determining when conditions were sufficiently secure to allow subsequent deployments of military observers; (b) to monitor the disarmament and demobilization of former combatants concentrated in secure areas of the country, including monitoring of the role of the Economic Community of West African States Monitoring Group in the provision of security and in the collection and destruction of arms in those secure areas; (c) to assist in monitoring respect for international humanitarian law, including at disarmament and demobilization sites, where security conditions permitted; and (d) to monitor the voluntary disarmament and demobilization of members of the Civil Defence Forces, as security conditions permitted.²⁰⁹

By the same resolution, the Council also stressed the need for full cooperation and close coordination

¹⁹⁷ S/1998/783, section III.

¹⁹⁸ Resolution 1201 (1998), para. 2.

¹⁹⁹ S/1998/1203.

²⁰⁰ Resolution 1230 (1999), para. 1.

²⁰¹ *Ibid.*, para. 2.

²⁰² *Ibid.*, paras. 9 and 10.

²⁰³ Resolution 1271 (1999), para. 1.

²⁰⁴ S/1999/1038, para. 58.

²⁰⁵ Resolution 1271 (1999), para. 2.

²⁰⁶ S/2000/24, para. 35.

²⁰⁷ S/1998/486, para. 85.

²⁰⁸ Resolution 1181 (1998), para. 6.

²⁰⁹ *Ibid.*

between UNOMSIL and ECOMOG in their respective operational activities.²¹⁰

By resolution 1181 (1998), the Security Council decided that UNOMSIL should include up to 70 military observers as well as a medical support unit, with the necessary equipment and civilian support staff.²¹¹ It also decided that the elements of UNOMSIL should be deployed as outlined in the Secretary-General's report. The Security Council also appointed the Special Representative of the Secretary-General in Sierra Leone to lead UNOMSIL.²¹² The countries contributing military personnel to the Mission and the appointment of the Chief Military Observer were confirmed through an exchange of letters between the Secretary-General and the President of the Security Council.²¹³

Mandate implementation

On the basis of the reports submitted by the Secretary-General,²¹⁴ the mandate of UNOMSIL was extended on three occasions for various periods of up to six months, the last of which ended on 13 December 1999.²¹⁵

On the basis of the Secretary-General's recommendations contained in his report dated 30 July 1999,²¹⁶ the Security Council authorized, by resolution 1260 (1999) of 20 August 1999, the following tasks for the provisional UNOMSIL military observer component: (a) to strengthen and expand the contacts already established by UNOMSIL with the Revolutionary United Front (RUF) troops in the countryside since the ceasefire agreement came into effect; (b) to extend ceasefire monitoring activities to a wider geographical area; (c) to strengthen and assist the Ceasefire Monitoring Committee and the Central Joint Monitoring Committee established pursuant to the peace agreement to help maintain the ceasefire; (d) to monitor the military and security situation in the country and report thereon to the Special Representative of the Secretary-General; (e) to assist and monitor the disarmament and demobilization of combatants in areas where adequate security was provided; (f) to work

closely with humanitarian organizations to exchange information on security conditions with a view to ensuring the widest possible access for humanitarian assistance to populations in need; (g) to work closely with human rights officers in their visits throughout the country; (h) to maintain liaison and coordinate closely with ECOMOG; (i) to assist in the preparation of plans for the deployment of neutral peacekeeping troops, as envisaged in the agreement.²¹⁷ The Security Council also authorized the provisional expansion of UNOMSIL to up to 210 military observers along with the necessary equipment, administrative and medical support.²¹⁸

Termination/Transition to a new mission

Pursuant to resolution 1245 (1999) of 11 June 1999, the mandate of UNOMSIL officially came to an end on 13 December 1999.²¹⁹

By resolution 1270 (1999) of 22 October 1999, the Security Council decided to establish the United Nations Mission in Sierra Leone (UNAMSIL). In this connection, it also decided that UNAMSIL should take over the substantive civilian and military components and functions of UNOMSIL as well as its assets, and to that end decided that the mandate of UNOMSIL should terminate immediately upon the establishment of UNAMSIL.²²⁰

12. United Nations Mission in Sierra Leone established pursuant to resolution 1270 (1999)

Establishment, mandate and composition

By resolution 1260 (1999) of 20 August 1999, the Council requested the Secretary-General to submit a report with recommendations for the mandate and structure of the enhanced United Nations peacekeeping presence that might be required in Sierra Leone.²²¹ In his report dated 28 September 1999,²²² the Secretary-General informed the Council that the Lomé Peace Agreement²²³ provided for the creation of a neutral peacekeeping force. The Secretary-General therefore recommended the creation of a robust United Nations

²¹⁰ *Ibid.*, para. 11.

²¹¹ *Ibid.*, para. 6.

²¹² *Ibid.*, para. 7.

²¹³ S/1998/673 and S/1998/674.

²¹⁴ S/1998/1176, S/1999/20, S/1999/237 and S/1999/645.

²¹⁵ Resolutions 1220 (1999), 1231 (1999) and 1245 (1999).

²¹⁶ S/1999/836.

²¹⁷ *Ibid.*, para. 38.

²¹⁸ Resolution 1260 (1999), para. 4.

²¹⁹ Resolution 1245 (1999), para. 1.

²²⁰ Resolution 1270 (1999), paras. 8 and 10.

²²¹ Resolution 1260 (1999), para. 18.

²²² S/1999/1003, paras. 35 and 36.

²²³ S/1999/777, annex, articles XIII-XX. The Lomé

Agreement was signed on 7 July 1999, between the Government of Sierra Leone and RUF.

force, which would work in close cooperation with ECOMOG.²²⁴ On the basis of the recommendations of the Secretary-General, the Security Council decided, by resolution 1270 (1999) of 22 October 1999, to establish the United Nations Mission in Sierra Leone (UNAMSIL) for an initial period of six months.²²⁵

The mandate of UNAMSIL, as set out in resolution 1270 (1999), was as follows: (a) to cooperate with the Government of Sierra Leone and the other parties to the Peace Agreement in the implementation of the Agreement; (b) to assist the Government of Sierra Leone in the implementation of the disarmament, demobilization and reintegration plan; (c) to that end, to establish a presence at key locations throughout the territory of Sierra Leone, including at disarmament/reception centres and demobilization centres; (d) to ensure the security and freedom of movement of United Nations personnel; (e) to monitor adherence to the ceasefire in accordance with the ceasefire agreement of 18 May 1999 through the structures provided for therein;²²⁶ (f) to encourage the parties to create confidence-building mechanisms and support their functioning; (g) to facilitate the delivery of humanitarian assistance; (h) to support the operations of United Nations civilian officials, including the Special Representative of the Secretary-General and his staff, human rights officers and civil affairs officers; and (i) to provide support to the elections, which were to be held in accordance with the constitution of Sierra Leone. The Security Council also stressed the need for close cooperation and coordination between ECOMOG and UNAMSIL in carrying out their respective tasks.²²⁷

Furthermore, acting under Chapter VII of the Charter, the Council decided that, in the discharge of its mandate, UNAMSIL might take “the necessary action” to ensure the security and freedom of movement of its personnel and, within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence, taking into account the responsibilities of the Government of Sierra Leone and the Monitoring Group.²²⁸

UNAMSIL was initially authorized to comprise a maximum of 6,000 military personnel, including 260 military observers, subject to periodic review in the light of conditions on the ground and the progress made in the peace process.²²⁹ The Force Commander of UNAMSIL was appointed through an exchange of letters between the Secretary-General and the President of the Security Council.²³⁰

13. United Nations Peacebuilding Support Office in Guinea-Bissau established pursuant to resolution 1233 (1999)

Establishment, mandate and composition

Following the formation of the Government of National Unity in Guinea-Bissau, the Council adopted resolution 1216 (1998) of 21 December 1998, by which it requested the Secretary-General to make recommendations to the Council on a possible role of the United Nations in the process of peace and reconciliation in Guinea-Bissau, including the early establishment of arrangements for liaison between the United Nations and the Monitoring Group.²³¹ In a letter dated 26 February 1999 addressed to the President of the Security Council,²³² the Secretary-General, on the basis of the recommendations of a United Nations multidisciplinary mission dispatched in early December to Guinea-Bissau, proposed that a United Nations Peacebuilding Support Office be established in Guinea-Bissau. The establishment of the Peacebuilding Support Office was welcomed by members of the Council in a letter dated 3 March 1999 addressed to the Secretary-General.²³³ Subsequently, by its resolution 1233 (1999) of 6 April 1999, the Council supported the decision of the Secretary-General to establish the post-conflict United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS) under the leadership of a Representative of the Secretary-General.²³⁴ UNOGBIS became operational on 25 June 1999.²³⁵

The mandate of UNOGBIS, as initially proposed, was the following: (a) to help to create an enabling environment for restoring and consolidating peace, democracy and the rule of law and for the organization

²²⁴ For more information on the relationship between ECOMOG and UNAMSIL see chapter XII, part III.

²²⁵ Resolution 1270 (1999), para. 8.

²²⁶ S/1999/585, annex.

²²⁷ Resolution 1270 (1999), para. 8.

²²⁸ *Ibid.*, para. 14.

²²⁹ *Ibid.*, para. 9.

²³⁰ S/1999/1199 and S/1999/1200.

²³¹ Resolution 1216 (1998), para. 8.

²³² S/1999/232.

²³³ S/1999/233.

²³⁴ Resolution 1233 (1999), para. 7.

²³⁵ S/1999/1015, para. 4.

of free and transparent elections; (b) to work with the Government of National Unity, ECOWAS and ECOMOG, as well as with other national and international partners, to facilitate the implementation of the Abuja Agreement; (c) to seek the commitment of the Government and other parties to adopt a programme of voluntary arms collection, disposal and destruction; and (d) to provide the political framework and leadership for harmonizing and integrating the activities of the United Nations system in the country, particularly during the transitional period leading up to general and presidential elections.²³⁶

Following the ouster of the President of Guinea-Bissau on 7 May 1999 and the report of the assessment mission dispatched to Guinea-Bissau from 10 to 12 June 1999, the mandate of UNOGBIS was adjusted to accommodate changed circumstances on the ground through an exchange of letters between the Secretary-General and the President of the Security Council.²³⁷ The revised mandate of UNOGBIS was as follows: (a) to help to create an enabling environment for restoring, maintaining and consolidating peace, democracy and the rule of law and for the organization of free and transparent elections; (b) to actively support national efforts, including those of civil society, towards national reconciliation, tolerance and peaceful management of differences, particularly during the transitional period; (c) to encourage initiatives aimed at building confidence and maintaining friendly relations between Guinea-Bissau, its neighbours and its international partners; (d) to seek the commitment of the Government and other parties to adopt a programme of voluntary arms collection, disposal, and destruction; and (e) to provide the political framework and leadership for harmonizing and integrating the activities of the United Nations system in the country, particularly during the transitional period leading up to general and presidential elections.²³⁸

The Office was headed by a Representative of the Secretary-General assisted by several political affairs

and human rights officers, an electoral officer, a military adviser and support staff.²³⁹

Mandate implementation

In his report of 29 September 1999,²⁴⁰ the Secretary-General noted that the transitional Government had requested that the mandate of UNOGBIS be extended for one year after its expiry on 31 December 1999, and stated that he would revert to the Council on that issue after consultations with the new Government that would emerge from the elections of 28 November 1999. By a subsequent letter dated 15 December 1999,²⁴¹ the Secretary-General informed the President of the Security Council that, as none of the contending presidential candidates had received the required majority of the vote, a second round was expected to be held in the second half of January 2000. The mandate of UNOGBIS was therefore extended for three months until 31 March 2000 by an exchange of letters between the Secretary-General and the President of the Security Council.²⁴² The Secretary-General stated that he would again revert to the Security Council after the second round of voting.

14. United Nations Observer Mission in the Democratic Republic of the Congo established pursuant to resolution 1279 (1999)

Establishment, mandate and composition

In his reports dated 15 July 1999 and 1 November 1999 respectively,²⁴³ the Secretary-General recommended the establishment of a United Nations Observer Mission in the Democratic Republic of the Congo (MONUC) and informed the Council of his decision to appoint in due course a Special Representative, assisted by an appropriate staff, including a Chief Military Observer, to lead the observer mission.²⁴⁴ By resolution 1279 (1999) of 30 November 1999, the Council welcomed the Secretary-General's recommendations and authorized the establishment of MONUC, for an initial period of three months.²⁴⁵ By the same resolution, the Council also requested the

²³⁶ S/1999/232.

²³⁷ S/1999/737 and S/1999/738.

²³⁸ S/1999/741, para. 21.

²³⁹ *Ibid.*

²⁴⁰ S/1999/1015.

²⁴¹ S/1999/1252.

²⁴² S/1999/1252 and S/1999/1253.

²⁴³ S/1999/116 and S/1999/790.

²⁴⁴ The Secretary-General also informed the Council that he had dispatched a small technical survey team to the region to clarify the role to be played by the United Nations in the implementation of the ceasefire agreement signed on 10 July 1999 and to establish contacts and liaison with the authorities in Lusaka.

²⁴⁵ Resolution 1279 (1999), para. 4.

Secretary-General to accelerate the development of a concept of operations based on assessed conditions of security, access to freedom of movement and cooperation on the part of the signatories to the ceasefire agreement, as well as to keep it regularly informed on the situation in the Democratic Republic of the Congo (DRC).²⁴⁶

By resolution 1279 (1999), the Council decided that MONUC, led by the Special Representative of the Secretary-General, should carry out the following tasks: (a) to establish contacts with the signatories of the Ceasefire Agreement at their headquarters levels, as well as in the capitals of the signatory States; (b) to liaise with the Joint Military Commission and provide technical assistance in the implementation of its functions under the ceasefire agreement; (c) to provide information on security conditions in all areas of its operation; (d) to plan for the observation of the ceasefire and disengagement of forces; and (e) to maintain liaison with all parties to the ceasefire agreement to facilitate the delivery of humanitarian assistance to displaced persons, refugees, children and other affected persons, as well as assist in the protection of human rights, including the rights of children.²⁴⁷

By resolution 1279 (1999), the Council decided that the Special Representative of the Secretary-General would serve as the head of the United Nations presence in the subregion relating to the peace process in the Democratic Republic of the Congo and to provide assistance in the implementation of the ceasefire agreement. It further decided that the personnel authorized under its resolutions 1258 (1999) and 1273 (1999), including a multidisciplinary staff of personnel in the fields of human rights, humanitarian affairs, public information, medical support, child protection, political affairs and administrative support, would assist the Special Representative and constitute MONUC until 1 March 2000.²⁴⁸ The Council further requested the Secretary-General to submit recommendations on further deployment of United Nations personnel in the country and on their protection, as well as to take administrative steps necessary for the equipping of up to

500 military observers to facilitate future rapid United Nations deployments as authorized by the Council.²⁴⁹

Americas

15. United Nations Mission in Haiti established pursuant to resolution 867 (1993)

During the period under review, the United Nations Mission in Haiti continued to help implement provisions of the Governor's Island Agreement of 3 July 1993, and to assist the democratic Government to sustain a stable environment, professionalize the armed forces and create a separate police force.²⁵⁰

Mandate implementation: termination/transition to a new mission

Based on the request of the President of Haiti and the recommendations of the Secretary-General,²⁵¹ the Security Council adopted resolution 1048 (1996) of 29 February 1996, which extended the mandate of the United Nations Mission in Haiti (UNMIH) for a final period of four months.²⁵² By the same resolution, the Council decided to decrease the level of the military component to no more than 1200 and the civilian police component to 300 personnel, in the light of the gradual transfer of some of the earlier functions of UNMIH to the Haitian authority.²⁵³ The Council requested the Secretary-General to consider steps for further reduction of the strength of UNMIH consistent with the implementation of its current mandate and to initiate planning for the complete withdrawal of UNMIH no later than 1 June 1996.²⁵⁴ In his report dated 5 June 1996,²⁵⁵ the Secretary-General expressed the view that complete withdrawal of the United Nations military and police presence could jeopardize the success achieved so far by the Haitian people with the support of the international community. He therefore recommended the establishment, for a period of six months, of a new mission to be known as the United Nations Support Mission in Haiti (UNSMIH). In accordance with resolution 1048 (1996), the mandate of UNMIH was terminated on 30 June 1996.

²⁴⁶ *Ibid.*, paras. 7 and 8.

²⁴⁷ *Ibid.*, para. 5.

²⁴⁸ *Ibid.*, paras. 3 and 4.

²⁴⁹ *Ibid.*, paras. 4, 7, 8 and 9.

²⁵⁰ S/26063.

²⁵¹ S/1996/99, annex, and S/1996/112.

²⁵² Resolution 1048 (1996), para. 5.

²⁵³ *Ibid.*, paras. 6 and 7.

²⁵⁴ *Ibid.*, paras. 8 and 9.

²⁵⁵ S/1996/416, paras. 33 and 34.

16. United Nations Support Mission in Haiti established pursuant to resolution 1063 (1996)

Establishment, mandate and composition

Following the termination of UNMIH, the Security Council decided, by resolution 1063 (1996) of 28 June 1996, to establish the United Nations Support Mission in Haiti (UNSMIH) until 30 November 1996,²⁵⁶ based on the recommendations of the Secretary-General,²⁵⁷ and a request from the Government of Haiti.²⁵⁸

The mandate of UNSMIH, pursuant to resolution 1063 (1996), was to assist the Government of Haiti in the professionalization of the police and in the maintenance of a secure and stable environment conducive to the success of current efforts to establish and train an effective national police force.²⁵⁹

The initial composition of UNSMIH, as authorized by the Council, was 600 military and 300 civilian police, supported by international and local civilian staff.²⁶⁰ In addition, approximately 800 voluntarily funded military personnel were provided by Member States to serve with UNSMIH. The Force Commander of the Mission was appointed by an exchange of letters between the Secretary-General and the President of the Security Council.²⁶¹ By a letter dated 2 August 1996,²⁶² the Council concurred with the Secretary-General's proposal for the composition of Member States constituting the military and civilian components of UNSMIH.²⁶³

Mandate implementation

Prior to its termination on 31 July 1997, the Council extended the mandate of UNSMIH two times,²⁶⁴ in accordance with the recommendations of the

Secretary-General,²⁶⁵ and a request from the President of the Republic of Haiti.²⁶⁶

Termination/transition to a new mission

Reporting to the Council on 19 July 1997,²⁶⁷ the Secretary-General stated that he was preparing to withdraw UNSMIH by the end of July and recommended the establishment of a new mission to be known as the United Nations Transition Mission in Haiti (UNTMIH). By resolution 1123 (1997) of 30 July 1997, the Council noted the termination of the mandate of UNSMIH as of 31 July 1997, concurred with the Secretary-General's recommendations and decided to establish UNTMIH.²⁶⁸

17. United Nations Transition Mission in Haiti established pursuant to resolution 1123 (1997)

Establishment, mandate and composition

Following the withdrawal of UNSMIH, the United Nations Transition Mission in Haiti (UNTMIH) was established by the Security Council pursuant to resolution 1123 (1997) of 30 July 1997 for a period of four months,²⁶⁹ based on the recommendations of the Secretary-General,²⁷⁰ and communications received from the Government of Haiti.²⁷¹

Pursuant to resolution 1123 (1997), the mandate of UNTMIH was to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian national police, as set out in the Secretary-General's report of 19 July 1997.²⁷²

Pursuant to resolution 1123 (1997), the Council decided that UNTMIH would be composed of up to 250 civilian police and 50 military personnel to form the headquarters of a security element.²⁷³ UNTMIH also

²⁵⁶ Resolution 1063 (1996), para. 2.

²⁵⁷ S/1996/416, para. 4.

²⁵⁸ By a letter dated 10 June 1996, the Secretary-General informed Council members that the Government of Haiti had requested the Council to authorize the presence of a multinational force for a further six-month period. See S/1996/431, annex.

²⁵⁹ Resolution 1063 (1996), para. 2.

²⁶⁰ *Ibid.*, para. 3.

²⁶¹ S/1996/521 and S/1996/522.

²⁶² S/1996/619.

²⁶³ S/1996/618.

²⁶⁴ Resolutions 1085 (1996) and 1086 (1996).

²⁶⁵ S/1996/813/Add.1 and S/1997/244.

²⁶⁶ S/1996/956, annex.

²⁶⁷ S/1997/564, para. 34. The Secretary-General noted that ending the United Nations presence at that time would jeopardize the significant progress achieved by Haiti with the assistance of the international community and made his recommendations in accordance with the request of the Government of Haiti.

²⁶⁸ Resolution 1123 (1997), preamble, and para. 2.

²⁶⁹ *Ibid.*, para. 2.

²⁷⁰ S/1997/564, para. 34.

²⁷¹ S/1996/956, annex, and S/1997/568.

²⁷² S/1997/564, para. 34.

²⁷³ Resolution 1123 (1997), para. 3.

assumed responsibility for all elements and assets of UNSMIH remaining in Haiti, as appropriate, until they were withdrawn.²⁷⁴ By a letter dated 6 August 1997,²⁷⁵ the Council concurred with the Secretary-General's proposal for the composition of Member States constituting the military and civilian components of UNTMIH.²⁷⁶ The appointment of the Force Commander and countries contributing troops and police were confirmed through exchanges of letters between the Secretary-General and the President of the Security Council.²⁷⁷

**Mandate implementation: termination/
transition to a new mission**

In his report dated 31 October 1997,²⁷⁸ the Secretary-General informed the Council that, in view of the request from the Government of Haiti for continued United Nations assistance to the Haitian national police,²⁷⁹ he had approached Governments of several Member States to establish whether they might be willing to place the necessary personnel at the disposal of the United Nations, should the Council decide to establish a follow-on mission in Haiti. By resolution 1141 (1997) of 28 November 1997, the Council commended the role of UNTMIH in assisting the Government of Haiti, noted the termination of its mandate as of 30 November 1997 and decided to establish the United Nations Civilian Police Mission in Haiti (MIPONUH).²⁸⁰

**18. United Nations Civilian Police Mission in Haiti
established pursuant to resolution 1141 (1997)**

Establishment, mandate and composition

By resolution 1141 (1997) of 28 November 1997, the Council established the United Nations Civilian Police Mission in Haiti (MIPONUH) for a period of one year,²⁸¹ based on the request of the Government of

Haiti²⁸² and the recommendations of the Secretary-General.²⁸³ MIPONUH succeeded UNTMIH and was the fourth United Nations mission in Haiti during the period under review.

By resolution 1141 (1997), the Council decided that MIPONUH would continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian national police, including mentoring Haitian national police field performance as set out in the report of the Secretary-General.²⁸⁴

In an addendum to his report of 31 October 1997,²⁸⁵ the Secretary-General proposed an initial composition of up to 290 police officers, including a 90-strong special police unit, supported by a civilian establishment of some 72 international and 133 local personnel, as well as 17 United Nations Volunteers. The Council decided, pursuant to resolution 1141 (1997), that MIPONUH would be composed of up to 300 civilian police and would assume responsibility for those UNTMIH personnel and United Nations-owned assets required for its use in fulfilment of its mandate.²⁸⁶ By a letter dated 30 December 1997,²⁸⁷ the Council concurred with the Secretary-General's proposed composition of Member States contributing police personnel to serve in MIPONUH.²⁸⁸ The appointment of the Special Representative of the Secretary-General as Head of MIPONUH was confirmed through an exchange of letters between the Secretary-General and the President of the Security Council.²⁸⁹

Mandate implementation

Based on the recommendations of the Secretary-General and a request from the Government of Haiti,²⁹⁰ the mandate of MIPONUH was extended by the Council, by resolution 1212 (1998), for a period of one year, until 30 November 1999.²⁹¹

²⁷⁴ *Ibid.*, para. 5.

²⁷⁵ S/1997/622.

²⁷⁶ S/1997/621.

²⁷⁷ S/1997/619, S/1997/620, S/1997/621, S/1997/622, S/1997/735 and S/1997/736.

²⁷⁸ S/1997/832. The Secretary-General also reaffirmed the need for continuous international assistance to the Haitian National Police to enable it to pursue its own institutional development while meeting the country's increasing security needs.

²⁷⁹ S/1997/832, annex II.

²⁸⁰ Resolution 1141 (1997), preamble, and para. 2.

²⁸¹ *Ibid.*, para. 2.

²⁸² S/1997/832, annex II.

²⁸³ S/1997/832 and S/1997/832/Add.1.

²⁸⁴ Resolution 1141 (1997), para. 2.

²⁸⁵ S/1997/832/Add.1, para. 2.

²⁸⁶ Resolution 1141 (1997), paras. 2 and 5.

²⁸⁷ S/1997/1022.

²⁸⁸ S/1997/1021.

²⁸⁹ S/1997/1006 and S/1997/1007.

²⁹⁰ S/1998/1064, para. 32, and S/1998/1003.

²⁹¹ Resolution 1212 (1998), para. 2.

Transition to a new mission

In his report dated 18 November 1999,²⁹² the Secretary-General stated that plans for a possible transition to other forms of international assistance to the Haitian national police had evolved further and informed the Council of the request from the Government of Haiti to establish a new mission upon completion of the mandate of MIPONUH. Pursuant to resolution 1212 (1998), the Secretary-General informed the Council of preparations to withdraw MIPONUH following the expiration of its mandate, and noted that it was critical that the transition between MIPONUH and the successor mission be as smooth and orderly as possible. He also noted that the termination of the mandate of MIPONUH would mark the end of United Nations peacekeeping in Haiti.

By resolution 1277 (1999) of 30 November 1999, the Council took note of the request of the Government of Haiti and the recommendations of the Secretary-General and decided to continue MIPONUH in order to ensure a phased transition to the International Civilian Support Mission in Haiti (MICAHA) by 15 March 2000.²⁹³ The Council also requested the Secretary-General to coordinate and expedite the transition from MIPONUH to MICAHA.²⁹⁴

19. United Nations Verification Mission in Guatemala established pursuant to resolution 1094 (1997)

Establishment, mandate and composition

The United Nations Verification Mission in Guatemala (MINUGUA) was established by Security Council resolution 1094 (1997) of 20 January 1997 for a three-month period,²⁹⁵ based on the recommendations of the Secretary-General.²⁹⁶ The Mission was established as a military attachment to the existing civilian and humanitarian United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive

Agreement on Human Rights in Guatemala, mandated by the General Assembly (MINUGUA).²⁹⁷

The mandate of MINUGUA, as set out in resolution 1094 (1997), was to verify the agreement on the definitive ceasefire between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), signed in Oslo on 4 December 1996.²⁹⁸ The verification functions included observation of a formal cessation of hostilities, the separation of forces and the disarming and demobilization of URNG combatants.²⁹⁹

The Council authorized the attachment to MINUGUA a group of 155 military observers and requisite medical personnel.³⁰⁰ The appointment of the Special Representative of the Secretary-General and Head of MINUGUA was confirmed through an exchange of letters between the Secretary-General and the President of the Security Council.³⁰¹

Mandate implementation: termination of mission

By a statement of the President dated 22 May 1997,³⁰² the Council members welcomed the successful conclusion of MINUGUA in accordance with resolution 1094 (1997). In his report dated 4 June 1997,³⁰³ the Secretary-General stated that the handover of weapons, munitions, explosives and equipment to the Ministry of the Interior of Guatemala signalled the completion of the mandate of the military observer group. The repatriation of the members of the United Nations military observer group began on 17 May 1997, and a rear party remained at headquarters in the capital until 27 May 1997, when the last group departed Guatemala.

Asia and the Pacific

20. United Nations Mission of Observers in Tajikistan established pursuant to resolution 968 (1994)

²⁹² S/1999/1184 and annex.

²⁹³ Resolution 1277 (1999), para. 1.

²⁹⁴ *Ibid.*, para. 2.

²⁹⁵ Resolution 1094 (1997), para. 1.

²⁹⁶ S/1996/998 and S/1996/1045.

²⁹⁷ At the request of the parties, the General Assembly, by its resolution 48/267 of 19 September 1994, established MINUGUA.

²⁹⁸ S/1996/1045, annex.

²⁹⁹ Resolution 1094 (1997), paras. 1 and 2.

³⁰⁰ *Ibid.*, para. 1.

³⁰¹ S/1997/106 and S/1997/107.

³⁰² S/PRST/1997/28.

³⁰³ S/1997/432, para. 29.

During the period under review, the United Nations Mission of Observers in Tajikistan (UNMOT) continued to monitor the ceasefire agreement between the Government of Tajikistan and the United Tajik Opposition.

Mandate implementation

By a series of resolutions,³⁰⁴ adopted on the basis of the Secretary-General's reports,³⁰⁵ the Security Council successively extended the mandate of UNMOT for additional periods of two to six months, the last of which ended on 15 May 2000.

Based on the recommendations of the Secretary-General,³⁰⁶ by resolution 1138 (1997) of 14 November 1997, the Council authorized the Secretary-General to expand the size of UNMOT by 75 military observers supported by an additional civilian establishment of 48 international civilian staff and 87 locally recruited staff.³⁰⁷

The Council also decided that the expanded mandate of the Mission would be to use its best efforts to promote peace and national reconciliation and to assist in the implementation of the General Agreement and, to this end: (a) to provide good offices and expert advice as stipulated in the General Agreement; (b) to cooperate with the Commission on National Reconciliation and its subcommissions and with the Central Commission on Elections and the Holding of a Referendum; (c) to participate in the work of the Contact Group of guarantor States and organizations and to serve as its coordinator; (d) to investigate reports of ceasefire violations and report on them to the United Nations and the Commission on National Reconciliation; (e) to monitor the assembly of United Tajik Opposition fighters and their reintegration, disarmament and demobilization; (f) to assist in the reintegration into governmental power structures or demobilization of ex-combatants; (g) to coordinate United Nations assistance to Tajikistan during the transition period; and (h) to maintain close contacts with the parties, as well as

cooperative liaison with the collective peacekeeping forces of the Commonwealth of Independent States, the Russian border forces and the Mission in Tajikistan of the Organization for Security and Cooperation in Europe.³⁰⁸

Termination of mandate

By resolution 1274 (1999), on the basis of the report of the Secretary-General,³⁰⁹ the mandate of UNMOT was extended for the final time until 15 May 2000.³¹⁰ The Council also supported the intention of the Secretary-General to outline a future political role for the United Nations in assisting Tajikistan to continue on the path of peace and national reconciliation and contributing to the democratic development of Tajik society after the mandate of UNMOT was concluded.³¹¹

21. United Nations Military Observer Group in India and Pakistan established pursuant to resolution 47 (1949)

During the period under review, the United Nations Military Observer Group in India and Pakistan (UNMOGIP) continued to monitor the ceasefire between India and Pakistan in the State of Jammu and Kashmir on the basis of Security Council resolution 91 (1951).³¹²

22. United Nations Political Office in Bougainville Establishment, mandate and composition

Following the ceasefire and the signing of the Agreement on Peace, Security and Development on Bougainville, known as the "Lincoln Agreement", the Government of Papua New Guinea and the other parties to the conflict requested the Secretary-General to deploy a United Nations observer mission to monitor the implementation of the Agreement.³¹³ Subsequently, in a statement by the President dated 22 April 1998, the Council members noted that the Lincoln Agreement called for the United Nations to play a role in

³⁰⁴ Resolutions 1061 (1996), 1089 (1996), 1099 (1997), 1113 (1997), 1128 (1997), 1138 (1997), 1167 (1998), 1206 (1998), 1240 (1999) and 1274 (1999).

³⁰⁵ S/1996/412, S/1996/1010, S/1997/198, S/1997/415, S/1997/686, S/1997/859, S/1998/374, S/1998/1029, S/1999/514 and S/1999/1127.

³⁰⁶ S/1997/686 and S/1997/859.

³⁰⁷ Resolution 1138 (1997), para. 4.

³⁰⁸ *Ibid.*, para. 6.

³⁰⁹ S/1999/1127, para. 34.

³¹⁰ Resolution 1274 (1999), para. 11.

³¹¹ *Ibid.*, para. 12.

³¹² Since 1971, the Council has not formally discussed UNMOGIP, which is funded from the regular United Nations budget without the requirement of a periodic renewal procedure.

³¹³ S/1998/287.

Bougainville, and requested the Secretary-General to consider the composition of such involvement by the United Nations.³¹⁴ By an exchange of letters between the Secretary-General and the President of the Security Council on 15 June 1998,³¹⁵ it was decided to establish the United Nations Political Office in Bougainville (UNPOB). The Office was established in Arawa, Bougainville, in August 1998.

The mandate of UNPOB was the following: (a) to work in conjunction with the Peace Monitoring Group, while maintaining the right to make its own observations; (b) to monitor and report on the implementation of the Lincoln and Arawa Agreements, including the activities of the Peace Monitoring Group, in relation to its mandate; (c) to chair the Peace Process Consultative Committee, which comprised representatives of the parties and to which the States contributing to the Peace Monitoring Group would be invited. The functions of the Peace Process Consultative Committee included consulting on all aspects of the ceasefire and on breaches thereof, developing plans for the phased withdrawal of the Papua New Guinea Defence Force (PNGDF) and of the Mobile Riot Squad of the Royal Papua New Guinea Constabulary, developing plans for the disposal of weapons and promoting public awareness and understanding of the peace process; and (d) to assist in other areas as agreed by the parties to the Agreement.³¹⁶

The Office was headed by a Director and composed of two political and two military advisers plus international and local support staff.³¹⁷

Mandate implementation

In response to a request from the Government of Papua New Guinea, the mandate of UNPOB was extended for 12 months until 31 December 2000 through an exchange of letters between the Secretary-General and the President of the Security Council.³¹⁸

23. United Nations Mission in East Timor established pursuant to resolution 1246 (1999)

Establishment, mandate and composition

Following the signing of the Agreement between Indonesia and Portugal on the question of East Timor (known as the “General Agreement”) and of the Agreements between the United Nations and the Governments of Indonesia and Portugal, and on the basis of the recommendations of the Secretary-General,³¹⁹ the Security Council, by resolution 1246 (1999) of 11 June 1999, decided to establish, until 31 August 1999, the United Nations Mission in East Timor (UNAMET) to organize and conduct a popular consultation.³²⁰ The popular consultation, scheduled for 8 August 1999, was to be held on the basis of a direct, secret and universal ballot, in order to ascertain whether the East Timorese people accepted the proposed constitutional framework providing for a special autonomy for East Timor within the unitary Republic of Indonesia or rejected the proposed special autonomy for East Timor, leading to East Timor’s separation from Indonesia, in accordance with the General Agreement.³²¹

The Council endorsed the proposal by the Secretary-General that the mandate of UNAMET should incorporate the following components: (a) a political component responsible for monitoring the fairness of the political environment, for ensuring the freedom of all political and other non-governmental organizations to carry out their activities freely and for monitoring and advising the Special Representative on all matters with political implications; (b) an electoral component responsible for all activities related to registration and voting; and (c) an information component responsible for explaining to the East Timorese people, in an objective and impartial manner without prejudice to any position or outcome, the terms of the General Agreement and the proposed autonomy framework, for providing information on the process and procedure of

³¹⁴ S/PRST/1998/10.

³¹⁵ S/1998/506 and S/1998/507.

³¹⁶ S/1998/506.

³¹⁷ *Ibid.*

³¹⁸ S/1999/1152 and S/1999/1153.

³¹⁹ S/1999/513 and S/1999/595. See also resolution 1236 (1999) of 7 May 1999, by which the Security Council welcomed the intention of the Secretary-General to

establish, as soon as practicable, a United Nations presence in East Timor, with a view to assisting in the implementation of the Agreements between Indonesia and Portugal, and between the United Nations and Indonesia and Portugal.

³²⁰ Resolution 1246 (1999), para. 1.

³²¹ *Ibid.*

the vote and for explaining the implication of a vote in favour or against the proposal.³²²

The Council authorized the deployment of up to 280 civilian police officers to act as advisers to the Indonesian police in the discharge of their duties and, at the time of the consultation, to supervise the escorting of ballot papers and boxes to and from the polling sites. The Council also authorized, until 31 August 1999, the deployment with the Mission of 50 military liaison officers to maintain contact with the Indonesian Armed Forces in order to allow the Secretary-General to discharge his responsibilities under the General Agreement and the Security Agreement.³²³ The appointments of the Special Representative for the East Timor Popular Consultation, the Civilian Police Commissioner, and the Chief Military Liaison Officer, as well as the list of countries contributing civilian police personnel and military liaison officers were confirmed through exchanges of letters between the Secretary-General and the President of the Security Council.³²⁴

Mandate implementation

Based on the recommendations of the Secretary-General,³²⁵ the Security Council extended the mandate of UNAMET twice, for periods of one month and three months, respectively, until 30 November 1999.³²⁶

By resolution 1262 (1999) of 27 August 1999, the Council endorsed the proposal of the Secretary-General that, in the interim phase, the Mission incorporate the following components: (a) an electoral unit; (b) a civilian police component of up to 460 personnel to continue to advise the Indonesian police and to prepare for the recruitment and training of the new East Timorese police force; (c) a military liaison component of up to 300 personnel to undertake the necessary military liaison functions, to continue to be involved in the work of the East Timorese bodies established to promote peace, stability and reconciliation, and to provide advice to the Special Representative for the East Timor Popular Consultation on security matters as required, pursuant to the implementation of the

Agreements of 5 May 1999; (d) a civil affairs component to advise the Special Representative for the East Timor Popular Consultation in monitoring the implementation of the Agreements of 5 May 1999; and (e) a public information component to provide information on progress made towards implementation of the outcome of the ballot, and to disseminate a message promoting reconciliation, confidence, peace and stability.³²⁷

Termination of mandate/transition to a new mission

By resolution 1264 (1999) of 15 September 1999, the Council authorized the establishment of a multinational force under a unified command structure, pursuant to the request of the Government of Indonesia conveyed to the Secretary-General on 12 September 1999, with the following tasks: (a) to restore peace and security in East Timor; (b) to protect and support the United Nations Mission in East Timor in carrying out its tasks; and (c) within force capabilities, to facilitate humanitarian assistance operations.³²⁸ The Council also agreed that the multinational force should collectively be deployed in East Timor until replaced by a United Nations peacekeeping operation, and invited the Secretary-General to make prompt recommendations on a peacekeeping operation to the Security Council.³²⁹ Finally, the Council invited the Secretary-General to plan and prepare for a United Nations transitional administration in East Timor, incorporating a United Nations peacekeeping operation, to be deployed in the implementation phase of the popular consultation and to make recommendations as soon as possible to the Security Council.³³⁰ The establishment of the United Nations Transitional Administration in East Timor (UNTAET) on 22 October 1999 marked the termination of UNAMET.

24. United Nations Transitional Administration in East Timor established pursuant to resolution 1272 (1999)

Establishment, mandate and composition

³²² *Ibid.*, para. 4.

³²³ *Ibid.*, paras. 2 and 3.

³²⁴ S/1999/602, S/1999/603, S/1999/679, S/1999/680, S/1999/709, S/1999/710, S/1999/750 and S/1999/751.

³²⁵ S/1999/830 and S/1999/862, para. 16.

³²⁶ Resolutions 1257 (1999) and 1262 (1999).

³²⁷ Resolution 1262 (1999), para. 1. For the report of the Secretary-General, see S/1999/862.

³²⁸ Resolution 1264 (1999), para. 3.

³²⁹ *Ibid.*, para. 10.

³³⁰ *Ibid.*, para. 11.

Acting under Chapter VII of the Charter, by resolution 1272 (1999) of 22 October 1999, the Security Council decided to establish the United Nations Transitional Administration in East Timor (UNTAET) for an initial period until 31 January 2001 on the basis of the report of the Secretary-General.³³¹ UNTAET had the overall responsibility to administer the territory of East Timor, exercising legislative and executive authority during the transition period, including the administration of justice, and to support capacity-building for the self-government of East Timor.³³²

The mandate of UNTAET consisted of: (a) providing security and maintaining law and order throughout the territory of East Timor; (b) establishing an effective administration; (c) assisting in the development of civil and social services; (d) ensuring the coordination and delivery of humanitarian assistance, as well as rehabilitation and development assistance; (e) supporting capacity-building for self-government; and (f) assisting in the establishment of conditions for sustainable development.³³³

The Transitional Administration included (a) a governance and public administration component, including an international police element with a strength of up to 1,640 officers; (b) a humanitarian assistance and emergency rehabilitation component; and (c) a military component, with a strength of up to 8,950 troops and up to 200 military observers.³³⁴ A Special Representative was appointed by the Secretary-General to head the Mission, as the Transitional Administrator.³³⁵ The appointments of the Special Representative and the Force Commander were confirmed through exchanges of letters between the Secretary-General and the President of the Security Council.³³⁶ The Council also requested the Transitional Administration and the multinational force deployed pursuant to resolution 1264 (1999) to cooperate closely with each other, with a view also to replacing, as soon as possible, the multinational force by the military component of the Transitional Administration.³³⁷

³³¹ S/1999/1024.

³³² Resolution 1272 (1999), para. 1.

³³³ *Ibid.*, para. 2.

³³⁴ *Ibid.*, para. 3.

³³⁵ Resolution 1264 (1999), para. 3.

³³⁶ S/1999/1093, S/1999/1094, S/1999/1294 and S/1999/1295.

³³⁷ Resolution 1272 (1999), para. 9.

³³⁸ S/1996/411, S/1996/1016, S/1997/437, S/1997/962,

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25. United Nations Peacekeeping Force in Cyprus established pursuant to resolution 186 (1964)

During the period under review, the United Nations Peacekeeping Force in Cyprus (UNFICYP) continued to perform its mandate to supervise ceasefire lines and to prevent a recurrence of fighting. On the basis of reports of the Secretary-General,³³⁸ the Council successively extended, on eight occasions,³³⁹ the mandate of UNFICYP for further periods of six months, the last of which ended on 15 June 2000.

26. United Nations Observer Mission in Georgia established pursuant to resolution 858 (1993)

During the period under review, the United Nations Observer Mission in Georgia (UNOMIG) continued to verify compliance with the ceasefire agreement between the Government of Georgia and the Abkhaz authorities in Georgia, to investigate reported or alleged violations of the Agreement and to resolve or contribute to the resolution of such incidents.

Mandate implementation

During the period under review, in accordance with the recommendations of the Secretary-General,³⁴⁰ the mandate of UNOMIG was extended eight times for periods of six months, the last of which ended on 31 January 2000.³⁴¹

By resolution 1077 (1996) of 22 October 1996, the Council established a United Nations office for the protection and promotion of human rights in Abkhazia, Georgia, and decided that it should form part of UNOMIG, under the authority of the Head of Mission

S/1998/488, S/1998/1149, S/1999/657 and S/1999/1203.

³³⁹ Resolutions 1062 (1996), 1092 (1996), 1117 (1997), 1146 (1997), 1178 (1998), 1217 (1998), 1251 (1999) and 1283 (1999).

³⁴⁰ S/1996/5, S/1996/507, S/1997/47, S/1997/558, S/1998/51, S/1998/647, S/1999/60 and S/1999/805.

³⁴¹ Resolutions 1036 (1996), 1065 (1996), 1096 (1997), 1124 (1997), 1150 (1998), 1187 (1998), 1225 (1999) and 1255 (1999).

of UNOMIG, consistent with the recommendations contained in the report of the Secretary-General.³⁴²

By a statement of the President dated 25 November 1998,³⁴³ the Council members welcomed the efforts of the Secretary-General in improving the security of UNOMIG and approved his proposal to increase the number of internationally recruited lightly armed security personnel and additional local security personnel to provide internal security to the Mission's installations.³⁴⁴

27. United Nations Preventive Deployment Force in the former Yugoslav Republic of Macedonia established pursuant to resolution 983 (1995)

During the period under review, the United Nations Preventive Deployment Force in the former Yugoslav Republic of Macedonia (UNPREDEP) continued to monitor and report on any developments in the border areas which could undermine confidence and stability in the former Yugoslav Republic of Macedonia and threaten its territory.

Mandate implementation

Although UNPREDEP was established as a distinct operating entity in the former Yugoslav Republic of Macedonia pursuant to Security Council resolution 983 (1995) of 31 March 1995, overall command and control of the United Nations presence in the former Yugoslavia was placed with United Nations Peace Forces Headquarters and was exercised by the Special Representative of the Secretary-General. Based on the recommendation of the Secretary-General,³⁴⁵ the Security Council made UNPREDEP an independent mission reporting directly to the United Nations Headquarters in New York as of 1 February 1996.³⁴⁶

Based on the recommendations of the Secretary-General,³⁴⁷ by resolution 1046 (1996) of 13 February 1996, the Council authorized an increase in the strength of UNPREDEP by 50 military personnel in order to

provide for a continued engineering capability in support of its operations and also approved the establishment of the position of Force Commander.³⁴⁸

Until its termination on 28 February 1999, the Security Council successively extended the mandate of UNPREDEP six times for periods of varying lengths,³⁴⁹ based on the recommendations of the Secretary-General.³⁵⁰

Based on the recommendations of the Secretary-General,³⁵¹ the Council decided, by resolution 1082 (1996) of 27 November 1996, to reduce the military component of UNPREDEP by 300 all ranks by 30 April 1997 with a view to concluding the mandate as and when circumstances permitted.³⁵² Owing to volatility in the region caused by the situation in Albania,³⁵³ the Council, by resolution 1105 (1997) of 9 April 1997, subsequently decided to suspend the reduction of the military component of UNPREDEP referred to in its resolution 1082 (1996) until the end of the mandate on 31 May 1997.³⁵⁴ At the end of that period, the Council extended the mandate of UNPREDEP until 30 November 1997 and decided to start, as of 1 October 1997, a two-month phased reduction of the military component by 300 all ranks,³⁵⁵ based on the recommendations of the Secretary-General.³⁵⁶

On 14 July 1998, the Secretary-General submitted a report recommending that the Council consider increasing the troop level of UNPREDEP by 350 all ranks and increasing the military observer and the civilian police elements by 12 and 24 personnel respectively.³⁵⁷ By resolution 1186 (1998) of 21 July 1998, the Council decided to authorize an increase in the troop strength of UNPREDEP up to 1,050 and to extend the mandate of the Force for a period of six months, during which the Force would continue by its presence to deter threats and prevent clashes, to monitor the border areas, and to report to the Secretary-General on any developments which could pose a threat to the former Yugoslav Republic of Macedonia, including the tasks of monitoring and reporting on illicit arms flows

³⁴² S/1996/507, paras. 17 and 18.

³⁴³ S/PRST/1998/34.

³⁴⁴ S/1998/1012.

³⁴⁵ S/1996/65.

³⁴⁶ S/1996/76.

³⁴⁷ S/1996/65 and S/1996/94.

³⁴⁸ Resolution 1046 (1996), paras. 1 and 2.

³⁴⁹ Resolutions 1058 (1996), 1082 (1996), 1101 (1997), 1140 (1997), 1142 (1997) and 1186 (1998).

³⁵⁰ S/1996/373, S/1996/961, S/1997/365, S/1997/911, S/1998/454 and S/1998/644.

³⁵¹ S/1996/961.

³⁵² Resolution 1082 (1996), para. 1.

³⁵³ S/1997/276.

³⁵⁴ Resolution 1105 (1997), para. 1.

³⁵⁵ Resolution 1110 (1997).

³⁵⁶ S/1997/365.

³⁵⁷ S/1998/644.

and other activities that were prohibited under resolution 1160 (1998).³⁵⁸

Termination of mandate

In his report dated 12 February 1999, the Secretary-General recommended that the Security Council extend the presence of UNPREDEP, with its existing mandate and composition, for a further period of six months until 31 August 1999.³⁵⁹ At the 3982nd meeting of the Council, on 25 February 1999, the draft resolution, which would have extended the mandate of UNPREDEP for a period of six months until 31 August 1999,³⁶⁰ was not adopted owing to the negative vote of a permanent member of the Security Council.³⁶¹ The Force was therefore terminated on 28 February 1999.

28. United Nations Mission in Bosnia and Herzegovina established pursuant to resolution 1035 (1995)

During the period under review, the United Nations Mission in Bosnia and Herzegovina (UNMIBH), established pursuant to resolution 1035 (1995) and consisting of the United Nations International Police Task Force and the United Nations civilian office in Bosnia and Herzegovina, continued to monitor law enforcement activities and facilities, advise and train law enforcement personnel, respond to requests for assistance and mobilize and coordinate all civilian activities.

Mandate implementation

During the period under review, on the basis of the recommendations of the Secretary-General,³⁶² the Council continuously extended for four times the mandate of UNMIBH for periods of six and twelve months, the last of which ended on 21 June 2000.³⁶³

By resolution 1088 (1996) of 12 December 1996, the Security Council decided that UNMIBH should

continue to be entrusted with the tasks set out in annex 11 of the General Framework Agreement for Peace in Bosnia and Herzegovina, including the tasks referred to in the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 and agreed by the authorities in Bosnia and Herzegovina.³⁶⁴ Those tasks included improving the effectiveness of the Task Force by allowing it to investigate or assist with investigations of allegations of misconduct, including human rights abuses, by police or an official of any other law enforcement or judicial agency, and to propose the sanctioning of offenders.³⁶⁵

The Council, by resolution 1103 (1997) of 31 March 1997, decided to authorize an increase in the strength of UNMIBH by 186 police and 11 civilian personnel, in the light of the recommendation of the Secretary-General concerning the role of the Task Force in Brcko,³⁶⁶ and in order to enable it to carry out its mandate as set out in annex 11 of the Peace Agreement and resolution 1088 (1996) of 12 December 1996.

Based on the recommendations of the Secretary-General,³⁶⁷ the Council, by resolution 1107 (1997) of 16 May 1997, decided to authorize a further increase in the strength of UNMIBH by 120 police personnel.³⁶⁸

Based on the recommendations of the Secretary-General,³⁶⁹ the Council decided, by resolution 1144 (1997) of 19 December 1997, that the Task Force should continue to be entrusted with the tasks set out in annex 11 of the Peace Agreement, including the tasks referred to in the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 and of the Ministerial Meeting of the Steering Board of the Peace Implementation Council held in Sintra, Portugal, on 30 May 1997, as well as the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, and agreed upon by the authorities in Bosnia and Herzegovina.³⁷⁰ The Council expressed its support for the conclusions of the Bonn

³⁵⁸ Resolution 1186 (1998), para. 1.

³⁵⁹ S/1999/161.

³⁶⁰ S/1999/201.

³⁶¹ S/PV.3982

³⁶² S/1996/1017, S/1997/966, S/1998/491 and S/1999/670.

³⁶³ Resolutions 1088 (1996), 1144 (1997), 1174 (1998) and 1247 (1999).

³⁶⁴ Resolution 1088 (1996), para. 27. For the conclusions of the Peace Implementation Conference on Bosnia and Herzegovina, see S/1996/1012.

³⁶⁵ S/1996/1012, paras. 5 and 76.

³⁶⁶ S/1997/224. The Brcko Implementation Conference had proposed that the Task Force carry out the monitoring, restructuring and retraining of police in the Brcko area. See chapter VIII for more details.

³⁶⁷ S/1997/224 and S/1997/351.

³⁶⁸ Resolution 1107 (1997), para. 1.

³⁶⁹ S/1997/966.

³⁷⁰ Resolution 1144 (1997), para. 1.

Conference, and encouraged the Secretary-General to pursue implementation of its relevant recommendations, in particular on the restructuring of the Task Force.³⁷¹ The recommendations included entrusting the Task Force with the following additional tasks: (a) the creation of specialized Task Force training units to address such key public security issues such as refugee returns, organized crime, drugs, corruption and terrorism, as well as public security crisis management (including crowd control) and training in the detection of financial crime and smuggling; and (b) cooperation with the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE), under the coordination of the High Representative, in a programme of judicial and legal reforms, including assessment and monitoring of the court system, development and training of legal professionals and restructuring of institutions with the judicial system.³⁷²

Based on the recommendations of the Secretary-General,³⁷³ the Council, by resolution 1168 (1998) of 21 May 1998, decided to authorize an increase in the strength of the Task Force by 30 posts, to a total authorized strength of 2,057.³⁷⁴

By resolution 1174 (1998) of 15 June 1998, the Council decided that the Task Force should continue to be entrusted with the tasks already set out, including those referred to in the conclusions of the Peace Implementation Conference in Luxembourg on 9 June 1998 and agreed upon by the authorities in Bosnia and Herzegovina.³⁷⁵

Based on the recommendations of the Secretary-General,³⁷⁶ the Security Council, by resolution 1184 (1998) of 16 July 1998, approved the establishment by UNMIBH of a programme to monitor and assess the court system in Bosnia and Herzegovina, as part of an overall programme of legal reform as outlined by the Office of the High Representative, in the light of the Peace Agreement, the recommendations of the Peace Implementation Conference in Bonn and the Steering Board of the Peace Implementation Council in

Luxembourg, and the recommendations of the High Representative.³⁷⁷

By resolution 1247 (1999) of 18 June 1999, the Council decided that the Task Force should continue to be entrusted with the tasks already set out, including those referred to in the conclusions of the Peace Implementation Conference held in Madrid on 15 and 16 December 1998 and agreed by the authorities in Bosnia and Herzegovina.³⁷⁸

29. United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium established pursuant to resolution 1037 (1996)

Establishment, mandate and composition

By resolution 1037 (1996) of 15 January 1996, acting under Chapter VII of the Charter, the Council established the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) for an initial period of 12 months based on the recommendations of the Secretary-General,³⁷⁹ and the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium signed between the Government of the Republic of Croatia and the local Serbian community.³⁸⁰

The Transitional Administration was established with a military and civilian component, each with their specific mandate. As set out in resolution 1037 (1996), the mandate of the military component was (a) to supervise and facilitate demilitarization; (b) to monitor the voluntary and safe return of refugees and displaced persons to their home of origin in cooperation with the United Nations High Commissioner for Refugees (UNHCR); (c) to contribute, by its presence, to the maintenance of peace and security in the region; and (d) to assist in the implementation of the Basic Agreement. The mandate of the civilian component was (a) to establish a temporary police force, define its structure and size, and develop a training programme and oversee

³⁷¹ *Ibid.*, para. 2.

³⁷² S/1997/979, section I, para. 2 (c), and section IV, paras. 3-5.

³⁷³ S/1998/227.

³⁷⁴ Resolution 1168 (1998), para. 1.

³⁷⁵ Resolution 1174 (1998), para. 19. For the declaration of the Luxembourg Peace Implementation Council Steering Board, see S/1998/498.

³⁷⁶ S/1998/227 and S/1998/491.

³⁷⁷ Resolution 1184 (1998), para. 1. See also S/1995/999, S/1997/979, S/1998/498 and S/1998/314.

³⁷⁸ Resolution 1247 (1999), para. 19. For the conclusions of the Conference, see S/1999/139.

³⁷⁹ S/1995/1028.

³⁸⁰ S/1995/951, annex. The Basic Agreement, signed on 12 November 1995, requested the Council to set up a transitional administration to govern the region for an initial period of 12 months.

its implementation, as well as monitor the treatment of offenders and the prison system; (b) to undertake tasks relating to civil administration and public services; (c) to facilitate the return of refugees; (d) to organize elections, assist in their conduct, and certify the results; (e) to undertake the other activities described in the report of the Secretary-General,³⁸¹ including assistance in the coordination of plans for the development and economic reconstruction of the region; and (f) to monitor the compliance of the parties with their commitment to respect the highest standards of human rights and fundamental freedoms, promote an atmosphere of confidence among all local residents irrespective of their ethnic origin, monitor and facilitate the demining of territory within the region and maintain an active public affairs element.³⁸²

In an addendum to his report dated 13 December 1995,³⁸³ the Secretary-General provided an estimate of 5,000 contingent personnel, 600 civilian police, 469 international civilian staff and 681 locally recruited staff. Pursuant to resolution 1037 (1996), the Council authorized an initial deployment of 5,000 troops constituting the military component.³⁸⁴ The appointment of the Transitional Administrator was confirmed through an exchange of letters between the Secretary-General and the President of the Security Council.³⁸⁵

Mandate implementation

In accordance with the Secretary-General's letter dated 26 January 1996,³⁸⁶ by resolution 1043 (1996) of 31 January 1996, the Council authorized the deployment of 100 military observers for an initial period of six months.³⁸⁷

On the basis of the recommendations of the Secretary-General,³⁸⁸ the deployment of the military observers was extended for a period of six months by resolution 1069 (1996) of 30 July 1996. Subsequently, prior to its termination on 15 January 1997, the Council extended the mandate of UNTAES two times,³⁸⁹ in

accordance with the recommendations of the Secretary-General.³⁹⁰

Termination of mandate/transition to a new mission

By resolution 1120 (1997) of 14 July 1997, the Council endorsed the plans recommended by the Secretary-General for the gradual devolution by the Transitional Administrator of executive responsibility for civil administration in the region and for restructuring the Transitional Administration, in particular, the proposal for achieving the drawdown of the military component of the Transitional Administration by 15 October 1997.³⁹¹ It also stressed that the pace of the gradual devolution of executive responsibility would be commensurate with the demonstrated ability of Croatia to reassure the Serb population and successfully complete peaceful reintegration.³⁹²

By a report dated 4 December 1997,³⁹³ the Secretary-General recommended the termination of UNTAES on 15 January 1998 as well as the establishment of a support group to continue to monitor the performance of the Croatian police. By resolution 1145 (1997), the Council noted the termination of UNTAES and welcomed the recommendations of the Secretary-General,³⁹⁴ as well as the request from the Government of Croatia for a continued presence of the United Nations civilian police monitors after the termination of the mandate of UNTAES.³⁹⁵ Furthermore, the Council decided to establish a post-UNTAES support group of civilian police monitors as recommended by the Secretary-General.³⁹⁶

30. United Nations Civilian Police Support Group established pursuant to resolution 1145 (1997)

Establishment, mandate and composition

Following the expiration of the mandate of UNTAES, the United Nations Civilian Police Support Group (UNPSG) was established by resolution 1145

³⁸¹ S/1995/1028.

³⁸² Resolution 1037 (1996), paras. 10 and 11.

³⁸³ S/1995/1028/Add.1.

³⁸⁴ Resolution 1037 (1996), para. 10.

³⁸⁵ S/1996/38 and S/1996/39.

³⁸⁶ S/1996/66.

³⁸⁷ Resolution 1043 (1996), para. 1.

³⁸⁸ S/1996/472.

³⁸⁹ Resolutions 1079 (1996) and 1120 (1997).

³⁹⁰ S/1996/883 and S/1997/487.

³⁹¹ S/1997/487.

³⁹² Resolution 1120 (1997), paras. 9, 10 and 11.

³⁹³ S/1997/953, para. 38.

³⁹⁴ Resolution 1145 (1997), para. 1.

³⁹⁵ S/1997/913.

³⁹⁶ Resolution 1145 (1997), para. 13.

(1997) of 19 December 1997 for a period of nine months,³⁹⁷ as recommended by the Secretary-General.³⁹⁸

In accordance with the report of the Secretary-General,³⁹⁹ the Council decided, by resolution 1145 (1997), that UNPSG would continue to monitor the performance of the Croatian police in the Danube region, particularly in connection with the return of displaced persons, and would assume responsibility for those former UNTAES personnel and United Nations-owned assets needed for its use in fulfilment of its mandate.⁴⁰⁰

The United Nations Civilian Police Support Group was composed of 180 civilian police, supported by a civilian establishment of 53 international and 165 local personnel.⁴⁰¹

Mandate implementation: termination of mandate/transition to a new mission

Reporting to the Council on 11 June 1998,⁴⁰² the Secretary-General stated that he had instructed that a timetable be established for the handover of the functions of the Support Group to OSCE. By a statement of the President dated 2 July 1998,⁴⁰³ the Council members welcomed the planned transfer of the police monitoring function in the region to the OSCE and agreed with the intention of the Secretary-General to reduce gradually the number of civilian police monitors. In his final report dated 27 October 1998,⁴⁰⁴ the Secretary-General informed the Council that the mandate of UNPSG ended on 15 October 1998 and that OSCE had taken over the police monitoring responsibilities.

31. United Nations Confidence Restoration Operation in Croatia

Mandate implementation: termination of mandate

Following the decision of the Council set out by resolution 1025 (1995) of 30 November 1995, the

mandate of the United Nations Confidence Restoration Operation in Croatia (UNCRO) was terminated on 15 January 1996.

32. United Nations Mission of Observers in Prevlaka established pursuant to resolution 1038 (1996)

Establishment, mandate and composition

Following the termination of the United Nations Confidence Restoration Operation in Croatia, the Council, by resolution 1038 (1996) of 15 January 1996, authorized the United Nations Mission of Observers in Prevlaka (UNMOP) to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995.⁴⁰⁵ The Mission was established on 1 February 1996 for a period of three months, to be extended for an additional period of three months upon a report by the Secretary-General that such extension would continue to contribute to the decrease of tension in the area.⁴⁰⁶

UNMOP consisted of 28 military observers under the command and direction of a chief military observer.⁴⁰⁷ The appointment of the Chief Military Observer was approved through an exchange of letters between the Secretary-General and the President of the Security Council.⁴⁰⁸

Mandate implementation

The mandate of UNMOP was extended initially for three months on the basis of the initial report of the Secretary-General pursuant to resolution 1038 (1996).⁴⁰⁹ During the period under review, on the basis

³⁹⁷ Ibid.

³⁹⁸ S/1997/953.

³⁹⁹ Ibid.

⁴⁰⁰ Resolution 1145 (1997), paras. 13 and 14.

⁴⁰¹ S/1997/953/Add.1.

⁴⁰² S/1998/500.

⁴⁰³ S/PRST/1998/19.

⁴⁰⁴ S/1998/1004. The President of the Council welcomed the successful conclusion of the mandate of UNPSG in his statement of 6 November 1998 (S/PRST/1998/32).

⁴⁰⁵ S/1995/1028.

⁴⁰⁶ Resolution 1038 (1996), para. 1.

⁴⁰⁷ S/1995/1028, para. 20.

⁴⁰⁸ S/1996/142 and S/1996/143.

⁴⁰⁹ S/1996/180.

of later reports of the Secretary-General,⁴¹⁰ the Security Council extended the mandate of UNMOP seven times for periods of six months, the last of which ended on 15 January 2000.⁴¹¹

33. United Nations Interim Administration Mission in Kosovo established pursuant to resolution 1244 (1999)

Establishment, mandate and composition

Following the adoption, on 6 May 1999, of the general principles for a political solution to the Kosovo crisis by the Group of Eight Ministers for Foreign Affairs and the acceptance by the Federal Republic of Yugoslavia of the principles set forth in the paper presented in Belgrade on 2 June 1999,⁴¹² the Security Council, acting under Chapter VII of the Charter, authorized the Secretary-General to establish an international civil presence in Kosovo by resolution 1244 (1999) of 10 June 1999.⁴¹³ The international civil presence, known as the United Nations Interim Administration Mission in Kosovo (UNMIK), was established shortly thereafter, for an initial period of 12 months, and was to continue thereafter unless the Security Council decided otherwise. Resolution 1244 (1999) also established an international security presence, known as the International Security Force in Kosovo (KFOR) and headed by the North Atlantic Treaty Organization (NATO).⁴¹⁴

The mandate of the international civil presence consisted of the following: (a) promoting the establishment of substantial autonomy and self-government in Kosovo, taking full account of the Rambouillet Accords; (b) performing basic civilian administrative functions; (c) organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections; (d) transferring, as these institutions were established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peacebuilding activities; (e) facilitating a political process designed to determine Kosovo's future status, taking into account

the Rambouillet Accords; (f) overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement; (g) supporting the reconstruction of key infrastructure and other economic reconstruction; (h) supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid; (i) maintaining civil law and order, including establishing local police forces and in the meantime through the deployment of international police personnel to serve in Kosovo; (j) protecting and promoting human rights; and (k) assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.⁴¹⁵

The Special Representative of the Secretary-General in Kosovo was appointed to head UNMIK through an exchange of letters between the Secretary-General and the President of the Security Council.⁴¹⁶ The Mission was composed of four major components, and each component was assigned to an agency which took the lead role in a particular area. The first component dealt with humanitarian assistance and was led by the Office of the United Nations High Commissioner for Refugees. The second one dealt with civil administration and was under the direct leadership of the United Nations. The third one concerned democratization and institution-building issues and was led by OSCE. The last component dealt with reconstruction and economic development and was led by the European Union. The interim civil administration component of the Mission, under the United Nations, was comprised of three offices: a police commissioner, an office for civil affairs, and an office for judicial affairs. The Special Representative's staff also included a military liaison unit to facilitate day-to-day relations with the international security presence (KFOR).⁴¹⁷

Mandate implementation

On the basis of the recommendations of the Secretary-General in his report of 16 September

⁴¹⁰ S/1996/502, S/1996/1075, S/1997/506, S/1997/1019, S/1998/578, S/1999/16 and S/1999/764.

⁴¹¹ Resolutions 1066 (1996), 1093 (1997), 1119 (1997), 1147 (1998), 1183 (1998), 1222 (1999) and 1252 (1999).

⁴¹² See resolution 1244 (1999), annexes I and II, respectively.

⁴¹³ *Ibid.*, para. 10.

⁴¹⁴ *Ibid.*, para. 7.

⁴¹⁵ *Ibid.*, para. 11.

⁴¹⁶ S/1999/748 and S/1999/749.

⁴¹⁷ S/1999/672.

1999,⁴¹⁸ the total number of United Nations civilian police officers in the Mission was increased to 4,718.⁴¹⁹

Middle East

34. United Nations Truce Supervision Organization established pursuant to resolution 50 (1948)

During the period under review, the United Nations Truce Supervision Organization (UNTSO) continued to assist and cooperate with the United Nations Disengagement Observer Force (UNDOF) in the Golan Heights and the United Nations Interim Force in Lebanon (UNIFIL), in accordance with its terms of reference.⁴²⁰

35. United Nations Disengagement Observer Force established pursuant to resolution 350 (1974)

The United Nations Disengagement Observer Force established pursuant to resolution 350 (1974) (UNDOF) continued, during the period under consideration, to monitor the ceasefire between Israel and the Syrian Arab Republic, 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 reports by the Secretary-General,⁴²¹ the Council decided, on eight occasions,⁴²² to extend the Force's mandate for further periods of six months, the last of which ended on 31 May 2000.

36. United Nations Interim Force in Lebanon established pursuant to resolutions 425 (1978) and 426 (1978)

During the period under review, the United Nations Interim Force in Lebanon (UNIFIL) continued to fulfil its mandate to confirm the withdrawal of Israeli forces, to restore international peace and security and to assist the Government of Lebanon in restoring its authority in the area. On the basis of the reports and interim reports by the Secretary-General,⁴²³ and at the request of the Government of Lebanon,⁴²⁴ the Council adopted, during the period under review, eight resolutions successively extending the Force's mandate for additional periods of six months, the last of which ended on 31 January 2000.⁴²⁵

37. United Nations Iraq-Kuwait Observation Mission established pursuant to resolution 687 (1991)

During the period under review, the United Nations Iraq-Kuwait Observation Mission (UNIKOM) continued to monitor the Khawr 'Abd Allah and the demilitarized zone between Iraq and Kuwait, to deter violations of the boundary, and to observe any hostile or potentially hostile action mounted from the territory of one State against the other. During the period under consideration, in accordance with resolution 689 (1991),⁴²⁶ the Council held periodic reviews of the question of termination or continuation of UNIKOM and its modalities of operation, on the basis of the reports submitted by the Secretary-General.⁴²⁷ By letters from the President of the Council addressed to the Secretary-General,⁴²⁸ Council members continued to concur with the Secretary-General's recommendation that UNIKOM be

⁴¹⁸ S/1999/987 and Add.1.

⁴¹⁹ S/1999/1119.

⁴²⁰ Since the establishment of UNTSO, 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 UNIFIL and UNDOF, respectively.

⁴²¹ S/1996/368, S/1996/959, S/1997/372, S/1997/884, S/1998/391, S/1998/1073, S/1999/575 and S/1999/1175.

⁴²² Resolutions 1057 (1996), 1081 (1996), 1109 (1997), 1139 (1997), 1169 (1998), 1211 (1998), 1243 (1999) and 1276 (1999).

⁴²³ S/1996/45, S/1996/575, S/1997/42, S/1997/550, S/1998/53,

S/1998/652, S/1999/61 and S/1999/807.

⁴²⁴ S/1996/34, S/1996/566, S/1997/41, S/1997/534, S/1998/7, S/1998/584, S/1999/22 and S/1999/720.

⁴²⁵ Resolutions 1039 (1996), 1068 (1996), 1095 (1997), 1122 (1997), 1151 (1998), 1188 (1998), 1223 (1999) and 1254 (1999).

⁴²⁶ By resolution 689 (1991), the Security Council decided that UNIKOM could be terminated only by a further decision of the Council and that the Council should review the question of termination or continuation of UNIKOM and its modalities of operation every six months.

⁴²⁷ S/1996/225, S/1996/801, S/1997/255, S/1997/740, S/1998/269, S/1998/889, S/1999/330 and S/1999/1006.

⁴²⁸ S/1996/247, S/1996/840, S/1997/286, S/1997/773, S/1998/296, S/1998/925, S/1999/384 and S/1999/1033.

maintained throughout the period under consideration, and decided to review the question once again by 6 April 2000. During this period, through exchanges of letters between the Secretary-General and the President of the Security Council, two new Force Commanders were appointed.⁴²⁹

F. Ad hoc commissions and ad hoc tribunals

Ad hoc commissions

During the period under review, the Security Council created one ad hoc commission, namely the United Nations Monitoring, Verification and Inspection Commission established pursuant to resolution 1284 (1999), and continued to oversee two ad hoc commissions: the United Nations Compensation Commission established pursuant to resolutions 687 (1991) and 692 (1991), and the United Nations Special Commission established pursuant to resolution 687 (1991). The latter was terminated during the period under consideration.

1. United Nations Compensation Commission established pursuant to resolutions 687 (1991) and 692 (1991)

Mandated 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, the United Nations Compensation Commission established pursuant to resolution 687 (1991) continued to exist during the period under review.

Mandate implementation

The funding for payments came from a 30 per cent share of the revenue derived from the sale of Iraqi petroleum under the oil-for-food programme, established by resolution 986 (1995) and the memorandum of understanding of 20 May 1996 between Iraq and the United Nations, and subsequently extended by resolutions 1111 (1997), 1143 (1997), 1153 (1998),

1210 (1998), 1242 (1999), 1275 (1999), 1280 (1999) and 1281 (1999).

By letters addressed to the President of the Security Council, the President of the Commission's Governing Council reported on the Commission's activities at its regular⁴³⁰ and special sessions.⁴³¹

By a letter dated 2 December 1996, addressed to the President of the Security Council,⁴³² the President of the Governing Council of the Commission noted that the combination of the delay in the implementation of resolution 986 (1995) and the exhaustion of the "matching funds" that the Government of the United States had transferred to the United Nations escrow account pursuant to resolution 778 (1992) had frustrated the ability of the Commission to present a totally funded draft budget for 1997. Although hoping that resolution 986 (1995) could be entirely implemented, allowing the Commission to fulfil integrally its mission, the President of the Governing Council highlighted the need to find "bridging contributions" to fully finance the 1997 budget. He stated that the Governing Council looked to the Council's efforts to spur the temporary bridging contributions, which would then be reimbursed in full once the funds resulting from implementation of resolution 986 (1995) had been made available to the Compensation Fund.

2. United Nations Special Commission established pursuant to resolution 687 (1991)

During the period under review, the United Nations Special Commission established pursuant to paragraph 9 (b) (i) of resolution 687 (1991) continued to carry out on-site inspection of Iraq's biological, chemical, and missile capabilities, based on Iraq's declarations and the designation of any additional locations by the Special Commission itself.

Mandate implementation

By resolution 1051 (1996) of 27 March 1996, the Council approved the export/import monitoring mechanism for Iraq and demanded that Iraq meet unconditionally all of its obligations under the mechanism and cooperate fully with the Special Commission and the Director General of the International Atomic Energy Agency (IAEA). The

⁴²⁹ S/1997/841, S/1997/842, S/1999/1154 and S/1999/1155.

⁴³⁰ S/1996/41, S/1996/462, S/1996/669, S/1996/893, S/1997/50, S/1997/546, S/1997/809, S/1998/37,

S/1998/300, S/1998/1007, S/1999/37 and S/1999/856.

⁴³¹ S/1996/108 and S/1998/146.

⁴³² S/1996/996.

Council decided that the Committee established under resolution 661 (1990) and the Special Commission should carry out the functions assigned to them under the mechanism, until the Council decided otherwise, and requested the Director General of the IAEA to carry out, with the assistance and cooperation of the Special Commission, the functions assigned to him under the mechanism.⁴³³ The Council also called for a change in the Commission's reporting requirements. Prior to the adoption of that resolution, the Commission was required to submit reports every six months under the terms of both resolutions 699 (1991) and 715 (1991). The reports focused on Iraq's proscribed weapons programmes and the implementation of the Commission's monitoring and verification plans, respectively. The new system of reporting required the Commission to produce a consolidated report covering all aspects of its work under resolutions 687 (1991), 707 (1991), 715 (1991) and 1051 (1996).

Pursuant to that request, through notes by the Secretary-General, the Executive Chairman of the Special Commission submitted eight semi-annual reports during the period under review.⁴³⁴

Furthermore, by a note dated 18 April 1996,⁴³⁵ the Secretary-General transmitted the compendium of terms relating to items described in the annexes to the plans of the Special Commission and IAEA for ongoing monitoring and verification,⁴³⁶ which constituted an integral part of the mechanism for export/import monitoring for Iraq called for under paragraph 7 of Security Council resolution 715 (1991) and adopted by the Council by its resolution 1051 (1996).⁴³⁷

During the period under consideration, the Council repeatedly expressed its support for the Special Commission in its efforts to ensure implementation of its mandate under the relevant resolutions of the Council and demanded that the Government of Iraq fully

cooperate with the Special Commission by allowing the inspection teams immediate, unconditional and unrestricted access to all sites that they wished to inspect.⁴³⁸ On several occasions, the Council took note of incidents or delays described in letters from the Executive Chairman of the Special Commission to the President of the Security Council.⁴³⁹

By a statement of the President dated 14 June 1996,⁴⁴⁰ the Council members condemned the failure of Iraq to comply with resolution 1060 (1996) by refusing access to sites designated by the Special Commission and asked the Executive Chairman to visit Baghdad, with a view to securing access to all sites which the Commission designated for inspection and engaging in a forward-looking dialogue on other issues under the Commission's mandate. The Council further requested the Chairman to report immediately afterwards on the results of his visit and on the impact of Iraqi policies on the mandate and work of the Special Commission.

Pursuant to the latter request, by a letter dated 24 June addressed to the President of the Security Council,⁴⁴¹ the Executive Chairman of the Special Commission reported on his mission to Baghdad.⁴⁴²

By resolution 1115 (1997) of 21 June 1997, the Security Council, *inter alia*, condemned the repeated refusal of the Iraqi authorities to allow access to sites designated by the Special Commission. It demanded that the Government of Iraq allow the Special Commission inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wished to inspect in accordance with the mandate of the Special Commission and that the Government of Iraq give immediate, unconditional and unrestricted access to officials and other persons under the authority of the Government of Iraq whom the Special Commission wished to interview.⁴⁴³ By the same

⁴³³ Resolution 1051 (1996), paras. 10 and 11.

⁴³⁴ S/1996/258, S/1996/848, S/1997/301, S/1997/774, S/1998/332, S/1998/920, S/1999/401 and S/1999/1037.

⁴³⁵ S/1996/303.

⁴³⁶ S/1995/208 and S/1995/215.

⁴³⁷ S/1995/1017.

⁴³⁸ S/PRST/1996/11, resolution 1060 (1996), S/PRST/1996/28, S/PRST/1996/36, S/PRST/1996/49, S/PRST/1997/33, resolution 1115 (1997), resolution 1134 (1997), resolution 1137 (1997), S/PRST/1997/51, resolution 1194 (1998), S/1998/769 and resolution 1205 (1998).

⁴³⁹ See, for example: S/1996/182, S/1997/455, S/1997/458 and S/1998/767.

⁴⁴⁰ S/PRST/1996/28.

⁴⁴¹ S/1996/463.

⁴⁴² By a subsequent letter dated 3 September 1996 addressed to the President of the Security Council (S/1996/714), the Executive Chairman of the Special Committee reported on his mission to Baghdad carried out from 26 to 28 August 1996, pursuant to a provision in the joint statement signed at Baghdad on 22 June 1996 (S/1996/463, annex).

⁴⁴³ Resolution 1115 (1997), paras. 2 and 3.

resolution, the Council requested the Chairman of the Special Commission to include in his consolidated progress reports under resolution 1051 (1996) an annex evaluating Iraq's compliance with the above demands. In his fourth report to the Council pursuant to resolution 1051 (1996), the Executive Chairman of the Commission responded to the latter request, including in his consolidated progress reports an annex evaluating Iraq's compliance with paragraphs 2 and 3 of resolution 1115 (1997).⁴⁴⁴

By resolution 1134 (1997) of 23 October 1997, the Council reiterated its request to the Chairman of the Special Commission to include in all future consolidated progress reports, prepared pursuant to resolution 1051 (1996), an annex evaluating Iraq's compliance with resolution 1115 (1997).

By a statement of the President dated 3 December 1997,⁴⁴⁵ the Council members endorsed the conclusions and recommendations of the emergency session of the Special Commission.⁴⁴⁶ The Council encouraged the intensified efforts of the Commission, in order to implement fully its mandate and acknowledged that, as Iraq complied with its obligations under the relevant resolutions, the Commission would make the transition from investigation to monitoring, expanding the use of the ongoing monitoring system functioning in Iraq.

Following the report of the Executive Chairman of the Special Commission on his discussions with officials of the Government of Iraq, which took place in Baghdad from 12 to 16 December 1997,⁴⁴⁷ by a statement of the President dated 22 December 1997,⁴⁴⁸ the Council members expressed their full support for the Special Commission and its Executive Chairman, including for his ongoing discussions with officials of the Government of Iraq.

By a statement of the President dated 14 January 1998,⁴⁴⁹ the Council members expressed their full support for the Special Commission and its Executive Chairman, including his forthcoming travel to Iraq aimed at continuing discussions with officials of the Government of Iraq to ensure the full implementation of the relevant Security Council resolutions. In this

connection, the Council requested a full briefing by the Executive Chairman on these discussions as soon as possible. Further to the Council's request, the Chairman of UNSCOM submitted his report on 22 January 1998.⁴⁵⁰

By a statement of the President dated 14 May 1998,⁴⁵¹ after reviewing the report dated 16 April 1998 of the Executive Chairman of the Special Commission,⁴⁵² the Council members encouraged the Special Commission to continue its efforts to improve its effectiveness and efficiency and looked forward to a technical meeting of the members of the Council with the Executive Chairman of the Commission as a follow-up to the review of sanctions held by the Council on 27 April 1998.

By a letter dated 31 October 1998,⁴⁵³ the Deputy Executive Chairman of the Special Commission reported to the Council that the Government of Iraq had decided to suspend, stop or cease all activities of the Commission, including monitoring activities, and that the monitoring teams would not be allowed to conduct any activity. By resolution 1205 (1998) of 5 November 1998, the Security Council condemned, inter alia, Iraq's decision of 31 October 1998.

By a letter dated 11 November 1998 addressed to the President of the Security Council,⁴⁵⁴ the Executive Chairman of the Special Commission explained the circumstances surrounding the decision to remove all of the Commission's personnel from Iraq.

On 15 December 1998, through a note by the Secretary-General, the Executive Chairman reported to the Council on the level of cooperation offered by Iraq in the period since 17 November 1998.⁴⁵⁵ The Executive Chairman stated that, the experience over the period since that date did not provide a sufficient basis for a comprehensive review, and that Iraq had not provided the full cooperation it had promised on 14 November 1998. In that light, the Commission was not able to conduct the substantive disarmament work mandated to it by the Security Council and thus, to give the Council

⁴⁴⁴ S/1997/774.

⁴⁴⁵ S/PRST/1997/54.

⁴⁴⁶ S/1997/922 and annex.

⁴⁴⁷ S/1997/987 and annex.

⁴⁴⁸ S/PRST/1997/56.

⁴⁴⁹ S/PRST/1998/1.

⁴⁵⁰ S/1998/58.

⁴⁵¹ S/PRST/1998/11.

⁴⁵² S/1998/332.

⁴⁵³ S/1998/1023.

⁴⁵⁴ S/1998/1059.

⁴⁵⁵ S/1998/1172 and Corr.1.

the assurances it required with respect to Iraq's prohibited weapons programmes.

By a letter dated 25 January 1999,⁴⁵⁶ the Executive Chairman submitted to the President of the Council two reports, one on the current state of affairs with respect to the disarmament of Iraq's proscribed weapons, and the second on ongoing monitoring and verification in Iraq.

On 30 January 1999, the President of the Security Council issued a note stating that the Council had decided that it would be useful to establish three separate panels (on disarmament and monitoring; on humanitarian issues; and on prisoners of war and Kuwaiti property) and to receive recommendations from them no later than 15 April 1999.⁴⁵⁷ The panel on disarmament and current and future ongoing monitoring and verification issues was mandated to assess all the existing and relevant information available, including data from ongoing monitoring and verification, relating to the state of disarmament in Iraq, and to make recommendations on how to re-establish, taking into account relevant Security Council resolutions, an effective disarmament/ongoing monitoring and verification regime in Iraq. Participants in the panel included members and experts from the Special Commission. On 27 March 1999, the Chairman of the panel on disarmament and monitoring submitted his final report to the President of the Security Council.⁴⁵⁸

On 9 April and 8 October 1999 respectively, the Executive Chairman of the Special Commission submitted the last two semi-annual reports to the Security Council.⁴⁵⁹

Termination of mandate

By resolution 1284 (1999) of 17 December 1999, the Council decided that the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) would replace the United Nations Special Commission established pursuant to paragraph 9 (b) (i) of resolution 687 (1991).⁴⁶⁰

3. United Nations Monitoring, Verification and Inspection Commission established pursuant to paragraph 1 of resolution 1284 (1999)

⁴⁵⁶ S/1999/94, annex.

⁴⁵⁷ S/1999/100.

⁴⁵⁸ S/1999/356, annex I.

Establishment and mandate

By resolution 1284 (1999) of 17 December 1999, the Council established the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) as a subsidiary body of the Council to replace the Special Commission. The Council decided that UNMOVIC would (a) undertake the responsibilities mandated to the Special Commission by the Council with regard to the verification of compliance by Iraq with its obligations under paragraphs 8, 9 and 10 of resolution 687 (1991) and other related resolutions; (b) establish and operate, as was recommended by the panel on disarmament and current and future ongoing monitoring and verification issues, a reinforced system of ongoing monitoring and verification, which would implement the plan approved by the Council in resolution 715 (1991) and address unresolved disarmament issues; and (c) identify, as necessary in accordance with its mandate, additional sites in Iraq to be covered by the reinforced system of ongoing monitoring and verification.⁴⁶¹

Ad hoc criminal tribunals

During the period under review, the Council continued to oversee the work of the International Tribunals for the former Yugoslavia and Rwanda, as set out below.

1. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to resolution 827 (1993) of 25 May 1993, continued its work during the period under review.

Annexes to the Statute

By resolution 1166 (1998) of 13 May 1998, the Security Council, inter alia, decided to establish a third

⁴⁵⁹ S/1999/401 and S/1999/1037.

⁴⁶⁰ Resolution 1284 (1999), para. 1.

⁴⁶¹ Ibid., para. 2.

Trial Chamber of the International Tribunal, and to that end, to amend articles 11, 12, and 13 of the Statute of the Tribunal and to replace those articles with the provisions set out in the annex to the resolution.⁴⁶²

Election of judges

By resolution 1126 (1997) of 27 August 1997, the Security Council endorsed the recommendation of the Secretary-General that Judges Karibi-Whyte, Odio Benito and Jan, once replaced as members of the Tribunal, finish the *Celibici* case which they had begun before expiry of their terms of office, and took note of the intention of the Tribunal to finish the case before November 1998.⁴⁶³

By resolution 1166 (1998) of 13 May 1998, the Security Council, inter alia, decided that three additional judges should be elected, as soon as possible, to serve in the additional Trial Chamber. It also decided, without prejudice to article 13 (4) of the Statute of the Tribunal, that once elected, the additional judges should serve until the date of the expiry of the terms of office of the existing judges, and that, for the purpose of that election the Security Council should, notwithstanding article 13.2 (c) of the Statute, establish a list from the nominations received of not less than six and not more than nine candidates.⁴⁶⁴

By resolution 1191 (1998) of 27 August 1998, in accordance with paragraph 2 (d) of Article 13 of the Statute of the Tribunal, the Security Council forwarded the nominations for the three additional judges to the General Assembly.

Appointment of the Prosecutor

By resolution 1047 (1996) of 29 February 1996, noting with regret the resignation of Mr. Richard J. Goldstone, the Council appointed the Secretary-General's nominee, Mrs. Louise Arbour, as Prosecutor of the Tribunal, with effect from 1 October 1996.

By resolution 1259 (1999) of 11 August 1999, the Security Council, noting with regret the resignation of Mrs. Louise Arbour, and having considered the nomination by the Secretary-General, appointed Ms. Carla Del Ponte as Prosecutor of the Tribunal, with effect from 15 September 1999.

Annual reports to the Security Council and to the General Assembly

During the period under review, in accordance with Article 34 of the Statute of the Tribunal, the President of the Tribunal submitted through the

⁴⁶² Resolution 1166 (1998), para. 1.

⁴⁶³ Resolution 1126 (1997), para. 1.

⁴⁶⁴ Resolution 1166 (1998), para. 2.

Secretary-General four annual reports of the Tribunal to the Security Council and the General Assembly.⁴⁶⁵

2. 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

Council resolution 955 (1994) of 8 November 1994, continued its work during the period under review.

Annexes to the Statute

By resolution 1165 (1998) of 30 April 1998, the Security Council decided to establish a third Trial Chamber and to amend articles 10, 11 and 12 of the Statute of the Tribunal and to replace those articles with the provisions set out in the annex to the resolution.⁴⁶⁶

Election of judges

By resolution 1165 (1998) of 30 April 1998, the Security Council decided that the elections for the judges of the three Trial Chambers should be held together, for a term of office to expire on 24 May 2003.⁴⁶⁷ It further decided that, as an exceptional measure to enable the third Trial Chamber to begin to function at the earliest possible date and without prejudice to article 12 (5) of the Statute of the International Tribunal, three newly elected judges, designated by the Secretary-General in consultation with the President of the Tribunal, should commence their term of office as soon as possible following the elections.⁴⁶⁸

By resolution 1200 (1998) of 30 September 1998, the Security Council forwarded 18 nominations for judges of the Tribunal received by the Secretary-General to the General Assembly in accordance with article 12.3 (d) of the Statute of the Tribunal.

The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994, established pursuant to Security

By resolution 1241 (1999) of 19 May 1999, the Security Council, *inter alia*, endorsed the recommendation of the Secretary-General that Judge Aspegren, once replaced as a member of the International Tribunal, should finish the *Rutaganda* and *Musema* cases which he had begun before expiry of his term of office; and took note of the intention of the Tribunal to finish those cases if possible before 31 January 2000.

Appointment of the Prosecutor

By resolution 1047 (1996) of 29 February 1996, noting the resignation of Mr. Richard J. Goldstone, the Council appointed the Secretary-General's nominee, Mrs. Louise Arbour, as Prosecutor of the Tribunal, with effect from 1 October 1996.

By resolution 1259 (1999) of 11 August 1999, noting the resignation of Mrs. Louise Arbour, the Security Council, having considered the nomination by the Secretary-General, appointed Ms. Carla Del Ponte as Prosecutor of the Tribunal, with effect from 15 September 1999.

Annual reports to the Security Council and to the General Assembly

During the period under review, in accordance with Article 32 of the Statute of the Tribunal, the President of the Tribunal submitted via the Secretary-General four annual reports of the Tribunal to the Security Council and the General Assembly.⁴⁶⁹

⁴⁶⁵ S/1996/665, S/1997/729, S/1998/737 and S/1999/846.

⁴⁶⁶ Resolution 1165 (1998), para. 1.

⁴⁶⁷ *Ibid.*, para. 2.

⁴⁶⁸ *Ibid.*, para. 3.

⁴⁶⁹ S/1996/778, S/1997/868 and Corr.1, S/1998/857 and S/1999/943.

Part II
Subsidiary organs of the Security Council whose
mandate was completed or terminated during the period
1996-1999

<i>Peacekeeping operations and political missions</i>	<i>Established by resolution, letter or exchange of letters</i>	<i>Completion of mandate or termination^a</i>
United Nations Observer Mission in Liberia (UNOMIL)	Resolution 866 (1993)	30 September 1997
United Nations Assistance Mission for Rwanda (UNAMIR)	Resolution 872 (1993)	8 March 1996
United Nations Angola Verification Mission III (UNAVEM III)	Resolution 976 (1995)	30 June 1997
United Nations Observer Mission in Angola (MONUA)	Resolution 1118 (1997)	26 February 1999
United Nations Observer Mission in Sierra Leone (UNOMSIL)	Resolution 1181 (1998)	13 December 1999
United Nations Mission in Haiti (UNMIH)	Resolution 867 (1993)	30 June 1996
United Nations Transition Mission in Haiti (UNTMIH)	Resolution 1123 (1997)	30 November 1997
United Nations Support Mission in Haiti (UNSMIH)	Resolution 1063 (1996)	31 July 1997
United Nations Verification Mission in Guatemala (MINUGUA)	Resolution 1094 (1997)	27 May 1997
United Nations Preventive Deployment Force (UNPREDEP)	Resolution 983 (1995)	28 February 1999
United Nations Confidence Restoration Operation in Croatia (UNCRO)	Resolution 981 (1995)	15 January 1996
United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES)	Resolution 1037 (1996)	15 January 1998
United Nations Mission in East Timor (UNAMET)	Resolution 1246 (1999)	22 October 1999
United Nations Civilian Police Support Group (UNPSG)	Resolution 1145 (1997)	15 October 1998
Security Council committees		
Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia		1 October 1996
Investigative bodies		
International Commission of Inquiry established under resolution 1012 (1995) concerning Burundi		Submission of final report (S/1996/682) 23 July 1996
Ad hoc commissions		
United Nations Special Commission established pursuant to paragraph 9 (b) (i) of resolution 687 (1991)		17 December 1999

^a For details of termination, see the relevant sections of part I.

Part III

Subsidiary organs of the Security Council proposed but not established

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 was related to the agenda item entitled “Central America: efforts towards peace”. This is set out in the case study below.¹

Case 1

Proposal submitted at the 3730th meeting of the Council on 10 January 1997 with respect to “Central America: efforts towards peace”

At the 3730th meeting of the Council, on 10 January 1997, during consideration of the agenda item “Central America: efforts towards peace”, the President of the Security Council drew the attention of the members to a draft resolution submitted by Argentina, Chile, Colombia, Costa Rica, Mexico, Norway, Portugal, Spain, Sweden, the United Kingdom, the United States and Venezuela.² By that draft

resolution, the Council would have expressed its determination, in accordance with the recommendations contained in the report of the Secretary-General of 17 December 1996, to authorize for a three-month period the attachment to the United Nations Verification Mission in Guatemala of a group of 155 military observers and requisite medical personnel for the purposes of verification of the agreement on the definitive ceasefire between the Government of Guatemala and the Unidad Revolucionaria Guatemalteca, signed at Guatemala City on 29 December 1996. Further, it would have requested the Secretary-General to keep the Council fully informed on the implementation of the resolution and to report on the conclusion of the military observer mission. The draft resolution was put to the vote but failed to be adopted owing to the negative vote of a permanent member of the Security Council.³

¹ Any instances in which members of the Council during Council proceedings, or Member States in communications to the President of the Council, proposed the creation of subsidiary organs without submitting their suggestions in the form of draft resolutions were not considered.

² S/1997/18.

³ See S/PV.3730. By its subsequent resolution 1094 (1997) of 20 January 1997, the Council adopted similar provisions by establishing the United Nations Verification Mission in Guatemala (MINUGUA). See part I, section E (19) of the present chapter.

Chapter VI

Relations with other United Nations organs

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Introductory note

Chapter VI, as in previous volumes, deals with the relations of the Security Council with the other principal organs of the United Nations: the General Assembly (part I); the Economic and Social Council (part II); the 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) or Military Staff Committee (part VI) required treatment.

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 Council. Section B considers the practice of the General Assembly in making recommendations to the Council under Articles 10 and 11 of the Charter, and calling its attention under Article 11 (3) to situations which are likely to endanger international peace and security. Section C concerns the limitation imposed by Article 12 (1) on the authority of the General Assembly to make recommendations with respect to any dispute or situation while the Council is exercising the functions assigned to it by the Charter in respect of that dispute or situation. It also describes the procedure under Article 12 (2) by which the Secretary-General notifies the Assembly of matters relating to the maintenance of international peace and security which are being dealt with by the Council, and when the Council ceases to deal with them. Section D considers those instances in which a decision by the Council must be taken prior to that of the General Assembly, for example, the admission, suspension or expulsion of members, the appointment of the Secretary-General, and the election of the judges of the International Tribunals for the former Yugoslavia and Rwanda, respectively. Section E describes the annual and special reports submitted by the Council to the General Assembly. Section F concerns relations

between the Security Council and certain subsidiary organs established by the General Assembly which have reported to or otherwise played a part in the work of the Council. Lastly, section G deals with communications from subsidiary organs established by 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,¹ the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.*

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*

¹ By a letter dated 24 December 1991, the Secretary-General requested the President of the Security Council to bring to the attention of the members of the Council a letter of the same date from the representative of the Union of Soviet Socialist Republics, transmitting a

letter, also of the same date, from the President of the Russian Federation, in which he informed the Secretary-General that the membership of the Union of Soviet Socialist Republics in the United Nations was being continued by the Russian Federation.

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. In each instance, the General Assembly elected the five non-permanent members in the course of one plenary meeting. A table of the elections is set out below.

<i>General Assembly decision</i>	<i>Plenary meeting and date of election</i>	<i>Members elected to two-year terms beginning January of the following year</i>
51/305	33rd 14 October 1996	Costa Rica
		Japan
		Kenya
		Portugal
		Sweden
52/305	30th 14 October 1997	Bahrain
		Brazil
		Gabon
		Gambia
		Slovenia
53/306	33rd 8 October 1998	Argentina
		Canada
		Malaysia
		Namibia
		Netherlands
54/306	34th 14 October 1999	Bangladesh
		Jamaica
		Mali
		Tunisia
		Ukraine

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 cooperation 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 these 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 in section 1 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>Title of agenda item</i>	<i>Recommendation</i>
51/193 17 December 1996	Report of the Security Council	Encourages the Security Council, in the submission of its reports to the General Assembly, to provide in a timely manner a substantive, analytical and material account of its work. Encourages the Security Council to provide special reports in accordance with Articles 15 and 24 of the Charter. Invites the Security Council, through an appropriate procedure or mechanism, 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.
51/208 17 December 1996	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 that are or may be confronted with special economic problems arising from the carrying out of preventative or enforcement measures imposed by the Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected States for assistance.
52/162 15 December 1997		
53/107 8 December 1998		

<i>General Assembly resolution</i>	<i>Title of agenda item</i>	<i>Recommendation</i>
51/55 10 December 1996	The maintenance of international security — prevention of the violent disintegration of States	Calls upon all States, the relevant international organizations and competent organs of the United Nations to continue to undertake measures in accordance with the Charter of the United Nations as appropriate to help prevent the violent disintegration of States.
53/71 4 December 1998	The maintenance of international security — prevention of the violent disintegration of States	Calls upon all States, the relevant international organizations and competent organs of the United Nations to continue to take measures in accordance with the Charter of the United Nations, as appropriate, to eliminate threats to international peace and security and to help prevent conflicts which can lead to the violent disintegration of States.
51/151 13 December 1996	Cooperation between the United Nations and the Organization of African Unity	Calls upon the United Nations organs, in particular the Security Council and the Economic and Social Council, to continue to involve the Organization of African Unity closely in all their activities concerning Africa.
52/20 24 November 1997		
53/91 7 December 1998		

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.*

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 under the agenda item “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 would have made decisions on the same agenda item (case 1).

In accordance with Article 12 (2), the Secretary-General continued to notify the General Assembly of matters relative to the maintenance of international peace and security which were being dealt with by the Security Council and of matters with which the Council had ceased to deal.² The notifications were based upon the summary statement of matters of which the Security

² See the following notes by the Secretary-General, entitled “Notification by the Secretary-General under

Article 12, paragraph 2, of the Charter of the United

Council is seized and of the stage reached in their consideration, circulated each week to the members of the Security Council, in accordance with rule 11 of the provisional rules of procedure of the Council.³ The items in the notifications were the same as those in the summary statements for the relevant period, apart from those items not considered to be related 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

By a note dated 22 April 1997 the Secretary-General transmitted a letter dated 31 March 1997 from the Permanent Representative of Qatar addressed to the Secretary-General,⁴ in which the representative, of Qatar, on behalf of the League of Arab States (LAS), requested that an emergency special session of the General Assembly be convened pursuant to resolution 377 A (V), entitled "Uniting for peace",⁵ to consider the situation resulting from "illegal Israeli actions in the Occupied Palestinian Territory, including Jerusalem". The request emanated from "the failure of the Security

Council to exercise its role in maintaining international peace and security owing to the use of the veto by a permanent member of the Council on two successive occasions in less than two weeks".⁶ During the first plenary meeting of the emergency special session of the Assembly, a few speakers reaffirmed the explanation given in the letter of the representative of Qatar as to the necessity of meeting within the framework of the resolution on uniting for peace, singling out the repeated use of the veto by a permanent member for particular criticism.⁷ At the end of the session, the General Assembly adopted resolution ES-10/2, which reflected some of the elements contained in the drafts not adopted by the Council.

D. Practice 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

Nations": A/51/521, A/52/392 and Corr.1, A/53/357 and A/54/354.

³ Rule 11 reads as follows: "The Secretary-General shall communicate each week to the representatives on the Security Council a summary statement of matters of which the Security Council is seized and of the stage reached in their consideration".

⁴ A/ES-10/1.

⁵ Under resolution 377 A (V), on uniting for peace, adopted by the General Assembly in 1950, an emergency special session shall be convened within 24 hours at the

request of the Security Council or a majority of the members of the United Nations. In recent practice, requests have tended to originate from, and be supported by, regional blocs.

⁶ At the 3747th meeting, on 7 March 1997, draft resolution S/1997/199 was not adopted; at the 3756th meeting, on 21 March 1997, draft resolution S/1997/241 was not adopted.

⁷ A/ES-10/PV.1, pp. 3-6 (Permanent Observer of Palestine); pp. 6-8 (Qatar); and pp. 13-14 (Indonesia).

(2)).⁸ In addition, the Statutes of the Tribunals⁹ 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).

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 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 three States to membership in the United Nations.¹⁰ It made no negative recommendations, requiring it to submit a special report to the General Assembly. The Council did not discuss or recommend the suspension or expulsion of any Member.

⁸ The Statute of the International Court of Justice provides for the Security Council to make recommendations to the General Assembly regarding the conditions under which a State that is a party to the Statute but not a Member of the United Nations may participate in electing members of the Court and in making amendments to the Statute (Articles 4 (3) and 69 of the Statute).

⁹ The official 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

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 with rule 55, indicated the stage reached in the consideration of the recommendation. During the period under review, the Council considered and unanimously adopted one recommendation of this nature (case 2).

Case 2

At its 3714th meeting, held in private on 19 November 1996, the Security Council considered the question of the recommendation regarding the appointment of the Secretary-General of the United Nations. The draft resolution recommended to the General Assembly that Mr. Boutros Boutros-Ghali be appointed Secretary-General of the United Nations for a

Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 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.

¹⁰ Republic of Kiribati (A/54/1 and resolution 1248 (1999) of 25 June 1999); Republic of Nauru (A/54/2 and resolution 1249 (1999) of 25 June 1999); and Kingdom of Tonga (A/54/3 and resolution 1253 (1999) of 28 July 1999). See chapter VII.

second term of office from 1 January 1997 to 31 December 2001.¹¹

Following a vote by secret ballot, the Council did not adopt the draft resolution, which received 14 votes in favour, one vote against and no abstentions. Since the negative vote was cast by a permanent member, the draft resolution was not adopted.

At its 3725th meeting, held in private on 13 December 1996, the Security Council considered the question of the recommendation regarding the appointment of the Secretary-General of the United Nations. Following a vote by secret ballot, the Council unanimously adopted resolution 1090 (1996) recommending to the General Assembly that Mr. Kofi Annan be appointed Secretary-General of the United Nations for a term of office from 1 January 1997 to 31 December 2001. By a letter dated 13 December 1996,¹² the President of the Council transmitted the recommendation to the President of the General Assembly. Acting in accordance with this recommendation, the General Assembly formally appointed Mr. Annan as Secretary-General of the United Nations on 16 December 1996.¹³

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 Articles 13 (2), (3) and (4) of the Statute of the International Tribunal for the former Yugoslavia and Articles 12 (2), (3), (4) and (5) of the Statute of the International Tribunal for Rwanda.¹⁴

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, via 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.

Case 3

At its 3763rd meeting, on 8 April 1997, the Security Council adopted resolution 1104 (1997) whereby, in accordance with Article 13 (2) (c) of the Statute of the International Tribunal for the former Yugoslavia, it established a list of 19 candidates from which the General Assembly could elect the 11 judges of the Tribunal. By a letter of the same date,¹⁵ the President of the Security Council transmitted to the President of the General Assembly the text of resolution 1104 (1997). During the fifty-first session, at the 98th plenary meeting on 20 May 1997, in accordance with Article 13 (2) (d) of the Statute, the General Assembly elected 11 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 1997.

Case 4

At its 3934th meeting, on 30 September 1998, the Security Council adopted resolution 1200 (1998) whereby, in accordance with Article 12 (3) (c) of the Statute of the International Tribunal for Rwanda, it established a list of 18 candidates from which the General Assembly could elect the six judges of the Tribunal. In accordance with Article 12 (2) of the Statute, the members of the Appeals Chamber of the International Tribunal for the former Yugoslavia would also serve as members of the Appeals Chamber of the International Tribunal for Rwanda. 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 1200 (1998) with the nominations. During the fifty-third session, at the 52nd plenary meeting on 3 November 1998, in accordance with Article 12 (3) (d) of the Statute, the General Assembly

¹¹ S/1996/952.

¹² A/51/732.

¹³ A/51/L.66.

¹⁴ 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) of 8 November 1994, annex.

¹⁵ A/51/867.

¹⁶ A/53/442.

elected nine 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 observer missions at United Nations Headquarters. In accordance with Article 12 (5) of the Statute, the judges were elected for a term of four years, beginning on 25 May 1999.

E. Reports of the Security Council to the General Assembly

Article 24, paragraph 3

The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 15, paragraph 1

The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

In accordance with Article 24 (3) of the Charter, the Security Council continued to submit annual reports to the General Assembly.¹⁷ Following an explanatory statement by the Secretariat, each report was adopted, without a vote, at a meeting of the Council.

Pursuant to a note by the President of the Security Council¹⁸ dated 12 June 1999, a significant number of changes to the content of the annual report were agreed upon by Council members. In addition to prescribing the type of information to be included in the report in relation to each subject dealt with by the Council, the

revised format also included additional substantive material, such as information regarding the work of the subsidiary organs of the Council, including the sanctions committees; information regarding the documentation and working methods and procedures of the Council; and matters brought to the attention of the Council but not discussed by it during the period covered. Two new appendices were also added, the first containing the full text of all resolutions, decisions and presidential statements adopted or voted upon by the Council during the year in question, and the latter providing information about meetings with troop-contributing countries. The final change outlined in the note was the inclusion of an attachment, as an addendum to the report, of brief assessments of the work of the Council prepared by members following their terms as President.¹⁹

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.²⁰

F. Relations with subsidiary organs established by the General Assembly

Note

Certain subsidiary organs established by the General Assembly have played a part in the work of the Security Council, either because they have been placed in a special relationship to the Council by resolution of the General Assembly, or because the Council has made use of 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

¹⁷ Annual reports were adopted by the Security Council at the following public meetings: fifty-first report (covering the period 16 June 1995 to 15 June 1996), adopted at the 3711th meeting held on 13 November 1996; fifty-second report (covering the period 16 June 1996 to 15 June 1997), adopted at the 3815th meeting held on 12 September 1997; fifty-third report (covering the period 16 June 1997 to 15 June 1998), adopted at the 3923rd meeting held on 9 September 1998; fifty-fourth report (covering the period 16 June 1998 to 15 June 1999), adopted at the 4040th meeting held on 2 September 1999; and fifty-fifth report (covering the period 16 June 1999-15 June 2000), adopted at the 4192nd meeting held on 31 August 2000.

¹⁸ S/1997/451.

¹⁹ The note prescribed the inclusion of the following disclaimer at the beginning of the addendum containing the assessments: "The attachment of the assessments of former Presidents on the work of the Security Council as an addendum to the report is intended to have an informative purpose and should not necessarily be considered as representing the views of the Security Council".

²⁰ The rule provides that if the Security Council does not recommend an applicant State for membership or postpones the consideration of the application, it "shall submit a special report to the General Assembly with a complete record of the discussion".

between such subsidiary organs and the Security Council. Those subsidiary organs still active included the following: the Special Committee on Peacekeeping Operations; the United Nations Special Mission in Afghanistan (UNSMIA); the International Civilian Mission in Haiti (MICIVIH); the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA); the Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council; and the Committee on the Exercise of the Inalienable Rights of the Palestinian People. Those organs submitted reports and recommendations to the Security Council, and/or to the General Assembly, as appropriate, pursuant to a request by the General Assembly.

During the period under consideration, one decision adopted by the Security Council contained a reference to MINUGUA (see case 8).²¹ The Council also mentioned four other subsidiary organs (see cases 5-7) established by the General Assembly in its decisions. In several instances, the Council made references to the Working Group (see case 9).

The table below gives an account of the communications from the Committee on the exercise of the Inalienable Rights of the Palestinian People; their participation in Council meetings is recorded in chapter III of the present supplement.

Case 5

By a statement of the President dated 30 August 1996,²² in connection with the agenda item entitled "Demining in the context of United Nations peacekeeping", the Council members noted that the early deployment of mine clearance units would often be important to the effectiveness of a peacekeeping operation, and encouraged the Special Committee on Peacekeeping Operations to examine options for achieving such early deployment. It also encouraged Member States to examine whether and in what form they might be able to help in that respect. Furthermore, the Council members encouraged the Special Committee on Peacekeeping Operations, given its responsibility for a comprehensive review of the whole

question of peacekeeping operations, to continue and intensify its considerations of the operational demining aspects of peacekeeping operations. Those considerations could include an analysis of mine clearance experience in previous peacekeeping operations.²³

By a statement of the President dated 14 July 1997,²⁴ the Council members noted the efforts by the General Assembly and its Special Committee on Peacekeeping Operations in carrying out their task to review all aspects of peacekeeping operations, including enhancing the capacity of the United Nations system to accommodate the growing demand for civilian police in peacekeeping operations.

At its 4046th meeting, on 16 September 1999, the Council met to consider the agenda item entitled "Protection of civilians in armed conflict". During the course of the deliberations, while speaking on recommendations in integrating human rights and humanitarian concerns with peacekeeping activities, the representative of Gabon agreed with the Special Committee on Peacekeeping Operations that operations should be multidisciplinary so as to include activities related to civilian police, humanitarian assistance, disarmament and demobilization, combating illicit trafficking in small arms and light weapons and human rights.²⁵

Case 6

During the period under review, by a statement of the President dated 15 February 1996,²⁶ the Council members reaffirmed their full support for the efforts of the United Nations Special Mission in Afghanistan to bring about a peaceful solution to the conflict through the establishment of a fully representative, broad-based, authoritative council acceptable to all Afghans. It also called upon all Afghans to cooperate fully with the Special Mission as it worked towards this goal.

At its 3650th meeting, on 9 April 1996, the Council met to consider the situation in Afghanistan. During the deliberation, Council members unanimously commended and fully supported the initiatives carried out by the Special Mission. The representative of Germany recalled General Assembly resolution 50/88 which provided for the Special Mission to facilitate

²¹ Resolution 1094 (1997).

²² S/PRST/1996/37.

²³ *Ibid.*, p. 1.

²⁴ S/PRST/1997/38.

²⁵ S/PV.4046, p. 24.

²⁶ S/PRST/1996/6.

national reconciliation through “the creation of a transitory mechanism, transfer of power and an immediate and durable cease-fire”. He stated that the Head of the Special Mission had invested enormous efforts to work with the parties towards achieving these goals and thanked them for their work. He further stated that his delegation agreed with others that the Special Mission should be encouraged to somewhat broaden its approach by also seeking solutions to other questions that had to be addressed within the framework of the mandate of the Commission. They were convinced that such a broader approach could open up new opportunities for success in the work of the Special Mission.²⁷

By resolution 1076 (1996) of 22 October 1996, the Security Council reaffirmed its full support for the efforts of the United Nations, in particular the activities of the Special Mission in facilitating the political process towards the goals of national reconciliation and a lasting political settlement with the participation of all parties to the conflict and all segments of Afghan society. Furthermore, it called upon all Afghan parties to cooperate with the Special Mission, and requested the Secretary-General to continue to keep the Security Council regularly informed, on the basis of information received from the Special Mission, on the political, military and humanitarian situation.

In six subsequent presidential statements,²⁸ the Council members supported the activities of the Special Mission and called upon all Afghan parties to cooperate fully with the Special Mission. By a letter dated 13 May 1997 addressed to the Secretary-General,²⁹ the President of the Council reaffirmed support for the continuing efforts of the Special Mission to facilitate national reconciliation in Afghanistan on the basis of General Assembly resolution 51/195 and resolution 1076 (1996).

By resolutions 1193 (1998) of 28 August 1998 and 1214 (1998) of 8 December 1998, the Council reaffirmed its full support for the efforts of the United Nations, in particular the activities of the Special Mission.

Case 7

²⁷ S/PV.3650, pp. 10-11.

²⁸ S/PRST/1996/40, S/PRST/1997/20, S/PRST/1997/35, S/PRST/1997/55, S/PRST/1998/22 and S/PRST/1999/29.

²⁹ S/1997/366.

In several decisions taken during the period under review, in connection with the agenda item entitled “The question concerning Haiti”,³⁰ the Council commended and supported the contribution of the International Civilian Mission in Haiti. United Nations participation in the Mission had been authorized by General Assembly resolution 47/20 B in connection with the agenda item entitled “The situation of democracy and human rights in Haiti”.

By resolution 1141 (1997) of 28 November 1997, the Council noted the key role played by MICIVIH in helping to establish a fully functioning Haitian National Police of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of the system of justice in Haiti.

By resolution 1277 (1999) of 30 November 1999, the Council commended the valuable contributions of MICIVIH in assisting the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police Force as an integral element of the consolidation of the system of justice in Haiti, as well as by their efforts in developing national institutions.

Case 8

By resolution 1094 (1997) of 20 January 1997, the Council decided, in accordance with the recommendations contained in the report of the Secretary-General of 17 December 1996, to authorize for a three-month period the attachment to the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala of a group of 155 military observers and requisite medical personnel for the purposes of verification of the agreement on the definitive ceasefire, and requested the Secretary-General to notify the Council no later than two weeks before the operation was to begin.

By a statement of the President dated 5 March 1997,³¹ the Council members welcomed the deployment on 3 March 1997 of a group of United Nations military observers attached to MINUGUA. In a subsequent

³⁰ Resolution 1048 (1996) of 29 February 1996; resolution 1063 (1996) of 28 June 1996; and resolution 1086 (1996) of 5 December 1996.

³¹ S/PRST/1997/9.

statement by the President,³² the Council members welcomed the successful conclusion of the military observer mission attached to MINUGUA, in accordance with resolution 1094 (1997).

Case 9

By a letter dated 15 March 1999 addressed to the Secretary-General and the President of the Security Council,³³ the representative of Venezuela made several remarks regarding the discussion that had taken place, both in the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council. In this regard, he stated that the Arria Formula constituted a treasury of Security Council procedures, which was the product of experience and of “a pragmatic vision of its responsibilities”. He further stated that the informal mechanism should be used at the discretion of the President of the Security Council and with the authorization of its members. Nevertheless, the Arria Formula should be used in accordance with its original concept and should not be invoked in order to receive representatives of countries which were full Members of the United Nations, as that would be contrary to the principle of sovereign equality of States as set out in Article 2 of the Charter of the United Nations.

At its 4072nd meeting, on 29 November 1999, the Council considered the agenda item entitled the “Role of the Security Council in the prevention of armed conflicts”. During the course of the debate, the representative of Belarus noted that his delegation supported the proposal made by many States during the general debate at the session of the General Assembly regarding the need to discuss, within the General Assembly, questions of humanitarian intervention. He believed in the need for a just, fair and collective discussion, which was the

fundamental basis for the work of the United Nations. In his view, the General Assembly should set up a special open-ended working group, which could institutionalize discussion and possibly work out general conclusions and recommendations on that matter.³⁴

Subsequently, the Council met at its 4081st meeting, on 15 December 1999, to discuss the agenda item entitled “The situation in Africa”. During the course of the debate, the representative of Colombia noted that in order to make better use of the scarce resources available within the Organization to achieve peace in Africa, it was necessary to improve the coordination between and harmonize the management of the various organs of the United Nations, particularly of the Security Council, the General Assembly and the Economic and Social Council. In this regard, his delegation agreed with the decision of the General Assembly to establish an Open-Ended Working Group to monitor the implementation of the recommendations made by the Secretary-General in his report, taking advantage, moreover, of the conclusions arrived at by the Economic and Social Council at its last session.³⁵

The representative of Italy referred to a statement that was made by the President of the Organization of African Unity (OAU) in the General Assembly, during which the latter had emphasized that the General Assembly had not yet defined the role of the Open-Ended Working Group that it had decided to set up at its fifty-third session. In that regard, he proposed that the Working Group should make sure that Africa remained at the top of the priorities of the United Nations. He further stated that, as the Secretary-General himself had pointed out in his address of 8 December 1999, the Working Group should consolidate and ensure the consistency of efforts to implement such a high priority. Otherwise, the proliferation of initiatives would threaten to create more problems than solutions.³⁶

³² S/PRST/1997/28.

³³ S/1999/286.

³⁴ S/PV.4072, p. 6.

³⁵ S/PV.4081 (Resumption 1), p. 17.

³⁶ *Ibid.*, p. 29.

G. 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/1996/667	16 August 1996	Letter dated 16 August 1996 from the Chairman, conveying the Committee's objection to the deletion from the list of items of which the Council is seized related to the exercise of the inalienable rights of the Palestinian people, the Palestine question and the Middle East.
S/1996/795	26 September 1996	Letter dated 26 September 1996 from the Chairman, drawing attention to the escalation of violence in the occupied Palestinian territory following Israel's decision to open a new entrance to the archaeological tunnel in East Jerusalem which runs under Arab property along the western wall of the Al-Haram al-Sharif, the third-largest site of Islam.
S/1997/172	28 February 1997	Letter dated 28 February 1997 from the Acting Chairman, expressing concern at Israel's decision to build a new Jewish settlement in the Jabal Abu Ghneim area, south of East Jerusalem.
S/1998/134	17 February 1998	Letter dated 17 February 1998 from the Chairman, reiterating the Committee's objection to the deletion from the list of items related to the exercise of the inalienable rights of the Palestinian people.
S/1999/151	11 February 1999	Letter dated 11 February 1999 from the Chairman reiterating the Committee's objection to the deletion from the list of items related to the exercise of the inalienable rights of the Palestinian people, the Palestine question and the Middle East.
S/1999/512	4 May 1999	Letter dated 4 May 1999 from the Chairman calling upon the Government of Israel to stop its "illegal policy" and actions aimed at creating facts on the ground through, inter alia, establishing new and expanding the existing settlements, stifling the Palestinian economic development and livelihood and denying the Palestinian people its inalienable rights. The Chairman also reiterated its position of principle in support of the exercise by the Palestinian people of its inalienable rights, including the right to self-determination and the establishment of a sovereign State.

Part II

Relations with the Economic and Social Council: practice in relation to Article 65 of the Charter

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Note

This part concerns the relationship between the Security Council and the Economic and Social Council. Section A considers decisions of the Council which contain reference either to Article 65 of the Charter of the United Nations or to the Economic and Social Council. Section B considers deliberations (cases 10-13) of the Council during the course of which the importance of closer ties between the two organs was stressed, particularly in the context of post-conflict peacebuilding.

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. The Council did, however, make an explicit reference to Article 65 of the Charter in its decision.³⁷ In several other decisions, in the context of a variety of agenda items, the Council made a 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>Item</i>	<i>Relevant provisions</i>
1170 (1998)	The situation in Africa	The Security Council stressed that the challenges in Africa demanded a comprehensive response, and in this context, expressed the hope that the General Assembly, the Economic and Social Council, other relevant bodies of the United Nations, regional and subregional organizations, international financial institutions and other relevant organizations, as well as Member States would consider the report and its recommendations and take action as they deemed appropriate within their respective areas of competence (para. 2).

³⁷ S/PRST/1998/38.

<i>Resolution</i>	<i>Item</i>	<i>Relevant provisions</i>
1212 (1998)	The question concerning Haiti	The Security Council stressed the commitment of the international community to a long-term programme of support for Haiti and invited United Nations bodies and agencies, especially the Economic and Social Council, to contribute to the designing of such a programme (para. 8).
1230 (1999)	The situation in the Central African Republic	The Security Council stressed the commitment of the international community to a long-term programme of support for the Central African Republic and further urged the Economic and Social Council, the United Nations Development Programme, the International Monetary Fund, the World Bank and the appropriate regional financial institutions to contribute to the designing of such a programme (para. 16).

2. Presidential statements containing references to the Economic and Social Council

<i>Statement</i>	<i>Item</i>	<i>Relevant provisions</i>
S/PRST/1998/29	The situation in Africa	The Security Council stressed the urgent need for Member States, the United Nations system, including the General Assembly and the Economic and Social Council, the international financial institutions and other relevant organizations to consider appropriate action in response to the comprehensive recommendations set out by the Secretary-General in his report (para. 3).
S/PRST/1998/38	Maintenance of peace and security and post-conflict peacebuilding	The Security Council underlined the fact that economic rehabilitation and reconstruction often constituted the major tasks facing societies emerging from conflict and that significant international assistance should be indispensable to promote sustainable development in such cases. In that context, it recalled that Article 65 of the Charter of the United Nations provided that the Economic and Social Council may furnish information to the Security Council and shall assist the Council upon its request (para. 4).

<i>Statement</i>	<i>Item</i>	<i>Relevant provisions</i>
S/PRST/1999/34	Role of the Security Council in the prevention of armed conflicts	The Security Council would consider the possibility of holding further orientation debates and strengthening its cooperation with the Economic and Social Council (para. 12).

B. Constitutional discussion arising in connection with the Economic and Social Council

The issue of relations between the Security Council and the Economic and Social Council arose frequently in Security Council debates, particularly in the context of post-conflict peacebuilding in Africa and Haiti. During the debates of the Council, emphasis was placed on the interrelation between peace and development and on the need for the coordination of efforts by the Security Council, the Economic and Social Council and other United Nations organs involved in conflict management.

The section below will highlight several case studies, each addressing 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 following: the maintenance of peace and security and post-conflict peacebuilding (case 10); the situation in Haiti (case 11); the situation in Africa (case 12); and the role of the Security Council in the prevention of armed conflicts (case 13).

In his report to the General Assembly on the work of the Organization,³⁸ the Secretary-General touched upon the role of the Security Council and cooperation between the General Assembly and the Economic and Social Council in the context of conflict prevention. He stated that under the Charter, there was “a dormant provision” that the Economic and Social Council might furnish information and assistance to the Security Council upon a request from the latter (Article 65). In that regard, he recommended that as the Security Council was increasingly required to address economic, social and humanitarian crises that were threatening global security, it might wish to invoke this mechanism. He believed that this would help to achieve better communication and coordination between the organs of the United Nations whose primary focus was on economic, social and humanitarian affairs.³⁹

During the period under consideration, there were two instances during which Article 65 was explicitly mentioned: the report of the Secretary-General on the protection for humanitarian assistance to refugees and others in conflict situations,⁴⁰ and in connection with the agenda item entitled “Report of the Secretary-General on the protection for humanitarian assistance to refugees and others in conflict situations”.⁴¹

³⁸ A/53/1, paras. 29 and 30.

³⁹ *Ibid.*

⁴⁰ At the 3968th meeting of the Council, on 21 January 1999, the President pointed out, in connection with the report of the Secretary-General on the protection for humanitarian assistance to refugees and others in conflict situations (S/1998/883), that it was important to reach some understanding on the limits of the Council’s action in humanitarian affairs, with the Council reserving its attention for cases that truly threatened international peace and security, while other organs, such as the Economic and Social Council, dealt with other cases. He informed the Council that he had received a visit from the President of the Economic and Social Council who intended to have that body deal with such matters as post-conflict reconstruction and rebuilding, including the

implementation of Article 65 of the Charter (S/PV.3968, p. 22).

⁴¹ At the 3932nd meeting of the Council, on 29 September 1998, the representative of Brazil, while referring to the Secretary-General’s report on the work of the Organization (A/53/1), noted that the report defended the promotion of new forms of cooperation between the Security Council, the General Assembly and the Economic and Social Council in tackling the economic, social and humanitarian prerequisites of human security (S/PV.3932, pp. 6-8); the representative of China was in favour of the Secretary-General’s recommendation regarding strengthening coordination between the Security Council and other institutions like the General Assembly and the Economic and Social Council (*Ibid.*, p. 5).

Case 10

Maintenance of peace and security and post-conflict peacebuilding

At its 3954th meeting, on 16 December 1998, the Council held an open debate on the item entitled “Maintenance of peace and security and post-conflict peacebuilding”. During the debate, the representative of China noted that the role and capacity of the organs of the United Nations in the socio-economic field should be strengthened. He expressed concern at the marginalization of relevant United Nations functions, including those of the Economic and Social Council, on major international economic development and assistance issues. His delegation was strongly opposed to the weakening of the role of United Nations organs in the socio-economic fields that placed a large number of social issues on the Security Council agenda. He expressed the view that not all problems of conflict areas should be placed in the hands of the Security Council, because this was not good for the normal functioning of other United Nations bodies, including the General Assembly. At the same time, such practices might affect priorities in the work of the Security Council and impair its efficiency.⁴² The representative of the Russian Federation stated that in concentrating primarily on a solution to the social, economic and humanitarian tasks of recovery, peacebuilding fell within the sphere of competence of the Economic and Social Council, which should work in close contact with other international financial, economic and humanitarian organizations, in particular in providing material and financial resources for peacebuilding activities. In that context, his delegation attached great significance to the reactivation of Article 65 of the Charter. He further stated that this chapter of the Charter was fully applicable on the preventive level, insofar as the Security Council could and would draw the attention of the Economic and Social Council to the relevant problems of various regions, since the Security Council, within the framework of its competence, closely followed destabilizing trends in the social, economic and humanitarian fields which could lead to the emergence or escalation of conflicts.⁴³

The representative of Brazil noted that the Secretary-General had recognized the importance of promoting new forms of cooperation between the Security Council, the General Assembly and the Economic and Social Council in his latest report on the work of the Organization.⁴⁴ He recalled the statement given by the representative of the Russian Federation who acknowledged that Article 65 of the Charter had been quoted by the Secretary-General as providing a basis for achieving better communication and coordination between the Security Council and the Economic and Social Council. He noted that resolution 1212 (1998) set the stage, in an innovative way, for placing the situation in Haiti within a different context by inviting United Nations bodies and agencies, especially the Economic and Social Council.⁴⁵ The representative of Slovenia noted that the experience of past years had also confirmed the need for all the relevant United Nations organs and agencies to take part in a cooperative manner.⁴⁶

In the ensuing debate, the representative of Indonesia supported the plan proposed by the Secretary-General to broaden the role of the Security Council by invoking Article 65 of the Charter because of the increasing need for the Council to be provided with accurate and relevant information on economic, social and humanitarian crises that threatened international peace and security.⁴⁷

At its 3961st meeting, on 29 December 1998, the Council again considered the item entitled “Maintenance of peace and security and post-conflict peacebuilding”. By a statement of the President,⁴⁸ the Council members underlined that economic rehabilitation and reconstruction often constituted the major tasks facing societies emerging from conflict and that significant international assistance had become indispensable to promote sustainable development in such cases, and in that context recalled Article 65 of the Charter.

Case 11

Question concerning Haiti

At its 3949th meeting, on 25 November 1998, the Council met to consider the question concerning Haiti. During the deliberations of the Council, speaking prior

⁴² S/PV.3954, p. 3.

⁴³ *Ibid.*, pp. 4-5.

⁴⁴ A/53/1, para. 30.

⁴⁵ S/PV.3954, pp. 14-16.

⁴⁶ *Ibid.*, pp. 16-19.

⁴⁷ S/PV.3954 (Resumption 1), p. 20.

⁴⁸ S/PRST/1998/38.

to the vote, the representative of Brazil highlighted paragraph 8 of the draft resolution,⁴⁹ which invited United Nations bodies and agencies, especially the Economic and Social Council, to contribute to the design of a long-term programme of support for the economic rehabilitation and reconstruction of Haiti. He noted that this was a small step by the Council to revive Article 65 of the Charter, a provision that the Secretary-General had described as dormant and to which he had referred in his report on the work of the Organization in the part concerning the prevention of conflicts. He further stated that Haiti could benefit from the role of the Economic and Social Council, especially in the area of post-conflict peacebuilding. In that regard, his delegation was sure that the Economic and Social Council would be up to the challenge contained in the resolution for the benefit of Haiti and other countries in the future.⁵⁰

At the same meeting, the Council adopted resolution 1212 (1998) in which it emphasized that economic rehabilitation and reconstruction constituted important tasks facing the Government and people of Haiti and that significant international assistance was indispensable for sustainable development in Haiti. The Council specifically invited “United Nations bodies and agencies, especially the Economic and Social Council” to contribute to the designing of a long-term assistance programme to Haiti.

By a letter dated 16 February 1999 addressed to the President of the Security Council,⁵¹ the President of the Economic and Social Council noted that Article 65 had been cited by several delegations at an Economic and Social Council organizational session as well as by the Secretary-General. In that regard, he referred to a statement by the President that was adopted at the meeting on maintenance of peace and security and post-conflict peacebuilding, during which Article 65 was cited in the context of economic assistance to societies emerging from conflict. He noted that two subjects had been raised as possible areas for concrete implementation of Article 65: one concerned the problems of Africa, the other was the situation in Haiti. With regard to Haiti, the President of the Economic and Social Council referred to paragraph 8 of resolution 1212 and sought the advice of the President of the Security Council as to whether such an invitation for the

design of a long-term programme for Haiti should be interpreted as a formal request in accordance with the second part of Article 65 of the Charter and, if this was the case, what concrete contribution the Security Council expected from the Economic and Social Council.⁵²

In response, by a letter dated 7 April 1999 addressed to the President of the Economic and Social Council,⁵³ the President of the Security Council confirmed that in paragraph 8 of its resolution 1212 (1998), the Council had invited the Economic and Social Council to contribute to the designing of a long-term programme of support for Haiti. He stated that the members of the Security Council would continue to follow that matter and might have specific suggestions to make as to how the two Councils could cooperate in this regard.

Thereafter, on 7 May 1999, the Economic and Social Council adopted resolution 1999/4 which created an Ad Hoc Advisory Group on Haiti that would submit to it, at its substantive session of 1999, its recommendations on how to ensure that international community assistance to the efforts to support the Government of Haiti in achieving sustainable development was adequate, coherent, well coordinated and effective. The Advisory Group visited Haiti from 27 to 29 June 1999 and issued a report on 2 July 1999, in which it made specific recommendations regarding the development of a long-term strategy and programme of support for Haiti, addressing in particular the issue of capacity-building of both governmental and civil society institutions.

By a letter dated 31 July 1999 addressed to the President of the Security Council,⁵⁴ the President of the Economic and Social Council referred to resolution 1212 (1998) inviting the Economic and Social Council to contribute to the designing of a long-term strategy and development programme of support for Haiti. He stated that given the previous action of the Security Council with respect to Haiti, of particular interest might be the recommendations made to the General Assembly, in paragraph 8 of Economic and Social Council resolution 1999/11, to review all aspects of the mandate and operations of the International Civilian Mission in Haiti and to consider renewing the mandate of the United

⁴⁹ S/1998/1117.

⁵⁰ S/PV.3949, p. 5.

⁵¹ S/1999/170.

⁵² *Ibid.*, para. 5.

⁵³ S/1999/403.

⁵⁴ S/1999/865.

Nations component of the Mission and, in paragraph 10, to consider devising a United Nations special training and technical assistance programme for the Haitian National Police. He noted that this contribution by the Economic and Social Council would strengthen the continued resolve of the United Nations to support Haiti, complementing the efforts of the Security Council in that regard, and enhance the cooperation between the two organs, as contemplated in Article 65 of the Charter.

In response, in a letter dated 20 August 1999 from the President of the Security Council addressed to the President of the Economic and Social Council,⁵⁵ the President of the Security Council acknowledged the letter dated 31 July 1999 from the President of the Economic and Social Council⁵⁶ concerning the adoption by the Economic and Social Council of resolution 1999/11, relating to the long-term strategy and development programme of support for Haiti, in line with Security Council resolution 1212 (1998). He noted that in the view of the members of the Security Council, it was essential that, in order to ensure sustainable development in Haiti, the efforts of the international community be geared towards supporting the Government of Haiti in addressing the important issue of capacity-building of its governmental institutions. He further noted that the Council had expressed the hope that this important contribution of the Economic and Social Council would serve to strengthen the cooperation between the Security Council and the Economic and Social Council, as the United Nations attempted to assist the people of Haiti in rebuilding their country.

Case 12

The situation in Africa

At its 3875th meeting, on 24 April 1998, the Council considered the agenda item entitled “The situation in Africa”. During the debate, the representative of Brazil⁵⁷ expressed his appreciation for the report of the Secretary-General on the situation in Africa.⁵⁸ He noted that the objective analysis and the practical action-oriented recommendations contained in that report called for careful examination not only by the Security Council, but also by the General Assembly, the

Economic and Social Council and other components of the United Nations system. He further noted that in the search for adequate intergovernmental bodies to deal with the transition from peacekeeping to reconstruction, the Charter could provide some guidance. His delegation was particularly interested in looking at ways to activate Article 65, which dealt with assistance from the Economic and Social Council to the Security Council.⁵⁹

At its 3886th meeting, on 28 May 1998, the Council adopted resolution 1170 (1998), stressing that the challenges in Africa demanded a comprehensive response, and in that context expressed the hope that the General Assembly, the Economic and Social Council, other relevant bodies of the United Nations, regional and subregional organizations, international financial institutions and other relevant organizations, as well as Member States would consider the report and its recommendations, and take action as they deemed appropriate within their respective areas of competence.

By a statement of the President dated 24 September 1998,⁶⁰ the Council stressed that the quest for peace in Africa required a comprehensive, concerted and determined approach, encompassing the eradication of poverty, the promotion of democracy, sustainable development and respect for human rights, conflict prevention and resolution, including peacekeeping and humanitarian assistance. The Council underlined the need for genuine political will, in Africa and beyond, to achieve durable results towards those ends, and stressed the urgent need for Member States, the United Nations system, including the General Assembly and the Economic and Social Council, the international financial institutions and other relevant organizations to continue to consider appropriate action in response to the comprehensive recommendations set out by the Secretary-General in his report.⁶¹

By a letter dated 16 February 1999 addressed to the President of the Security Council,⁶² the President of the Economic and Social Council referred to resolution 1170 (1998) on the causes of conflict and the promotion of durable peace and sustainable development in Africa,

⁵⁵ S/1999/905.

⁵⁶ S/1999/865.

⁵⁷ S/PV.3875, pp. 22-23 (Brazil).

⁵⁸ S/1998/318.

⁵⁹ S/PV.3875, p. 23.

⁶⁰ S/PRST/1998/29.

⁶¹ *Ibid.*, para. 3.

⁶² S/1999/170.

as well as to the statement by the President⁶³ issued at the end of the Council's meeting on the situation in Africa. In both meetings, the Council had stressed that the United Nations system, including the General Assembly and the Economic and Social Council, needed to consider appropriate action in response to the comprehensive recommendations set out by the Secretary-General in his report. In that regard, the President stated that the Economic and Social Council would devote the coordination segment of its substantive session in 2000 to the theme "Development of Africa: implementation and coordinated follow-up by the United Nations system of initiatives on African development". Furthermore, both the high-level segment (entitled "The role of employment and work in poverty eradication: the empowerment and advancement of women") and the humanitarian segment (entitled "International cooperation and coordinated responses to the humanitarian emergencies, in particular in the transition from relief to rehabilitation, reconstruction and development") would provide useful elements for the Security Council's emphasis on a "comprehensive, concerted and determined approach" to the problems of Africa.⁶⁴

At its 4081st meeting, on 15 December 1999, the Council met to consider approaches to address the situation in Africa. With regard to the identification of additional instruments that the Council could offer to help solve conflicts in Africa, a wide variety of important proposals were raised. Several representatives proposed better cooperation between the Council and the Economic and Social Council, especially in post-conflict peacebuilding.⁶⁵ The representative of the Russian Federation noted that one of the key components of the strategy for strengthening peace in Africa had to be the promotion by the United Nations of the establishment of an effective pan-African system, which was geared to both prevent and settle conflicts and also to a comprehensive solution to the task of post-conflict rehabilitation. In that regard, he stated that there was the need for coordinated action on the part of various bodies and agencies of the United Nations system. One of the real opportunities for establishing such work was the application of Article 65 of the Charter.⁶⁶

The representative of New Zealand noted that the root causes of much of the conflict in the region included the high level of poverty and underdevelopment and the inequalities in opportunity among different groups. In this regard, he suggested that the Security Council make far greater use of its relationship with the Economic and Social Council, as provided for in Article 65 of the Charter.⁶⁷ Referring explicitly to Article 65, the representative of Italy stated that better use should be made of the Article's existing mechanisms and instruments.⁶⁸

Case 13

Role of the Security Council in the prevention of armed conflicts

At its 4072nd meeting, on 29 November 1999, the Council considered the item entitled "Role of the Security Council in the prevention of armed conflicts". During the course of the debate, the representative of Bahrain noted that the Security Council worked apart from other bodies and institutions of the United Nations system, whereas the subjects and issues discussed in the Council were complementary and could not be separated from each other. He pointed out that the Council had been examining the issue of the maintenance of peace, but "peacebuilding institutions" such as the Economic and Social Council had then intervened, without any real coordination between the two bodies and without a discernible line between the beginning of the role of one and the end of the role of the other. He further noted that the lack of cooperation between the two bodies might lead to a dangerous renewal of conflict, if the Security Council did not urge the Economic and Social Council to fill the gap left by armed conflicts by rebuilding peacekeeping institutions through the implementation of economic and social development programmes. Furthermore, he noted that areas of tension would continue to exist as long as there was a lack of coordination between the Security Council and the Economic and Social Council. He noted, however, that the Security Council had coordinated its activities with the Economic and Social Council by delegating to that body the task of building peace institutions in Haiti after a lengthy conflict. In concluding, he observed that the Council had a duty to play a role as coordinator to

⁶³ S/PRST/1998/29.

⁶⁴ Ibid., para. 4.

⁶⁵ S/PV.4081, p. 6 (China); p. 11 (Argentina); p. 14 (Bahrain); and pp. 17-18 (Russian Federation).

⁶⁶ Ibid., p. 18.

⁶⁷ S/PV.4081 (Resumption 1) and Corr.1, p. 14.

⁶⁸ Ibid., p. 29.

establish complementarity with other United Nations bodies, including between the Security Council and the Economic and Social Council so as to prevent conflicts before they erupted.⁶⁹ Other speakers also supported proposals aimed at further coordination and cooperation between the Security Council and the Economic and Social Council.⁷⁰

By a statement of the President dated 30 November 1999,⁷¹ the Council members stated that they would continue to review their activities and strategies for the prevention of armed conflicts. In addition, they would consider the possibility of holding further orientation debates and strengthening their cooperation with the Economic and Social Council.⁷²

Part III

Relations with the Trusteeship Council

Part III 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 (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 (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 did not carry on any activity.⁷³

⁷³ By its resolution 956 (1994), the Security Council determined, in the light of the entry into force on 1 October 1994 of the new status agreement for Palau, that the objectives of the Trusteeship Agreement for the Trust Territory of the Pacific Islands had been fully attained, and that the Trusteeship Council had successfully completed the task entrusted to it under the Charter.

⁶⁹ S/PV.4072 and Corr.1, pp. 16-19.

⁷⁰ Ibid., p. 35 (United Arab Emirates); p. 41 (Sudan) and p. 45 (Belarus).

⁷¹ S/PRST/1999/34.

⁷² Ibid.

Part IV

Relations with the International Court of Justice

Note

Part IV concerns the relationship between the Security Council and the International Court of Justice. Section A deals with the election of the members of the Court, which requires that action be taken by the Security Council in conjunction with the General Assembly, but with both organs proceeding independently. During the period under review, three rounds of elections took place to elect 11 members to fill casual and regular vacancies (see cases 14-16), and one election was set for the year 2000 (see case 17 and the fourteenth *Supplement*).

Section B deals with the discussion that arose in the Security Council regarding the respective roles of the Security Council and the Court. It discusses the alleged involvement of nationals of the Libyan Arab Jamahiriya in the destruction of two civilian airliners (see case 18). It also deals with the border dispute between Cameroon and Nigeria (see case 19). Furthermore, it deals with a territorial dispute between the United Arab Emirates and the Islamic Republic of Iran, which was referred to the Court, but not taken up (see case 20).

A. Practice in relation to the election of members of the International Court of Justice

The procedure for the election of members of the Court is set out in Articles 4, 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 three elections that took place during the period under review, the Security Council began the election procedure to fill one or several vacancies by fixing the date of election, in accordance

with Article 14 of the Statute of the Court. The Security Council and the General Assembly then proceeded independently with the elections.⁷⁴ During the meeting of the Security Council, the President drew attention to a memorandum by the Secretary-General describing the composition of the Court and setting out the procedure to be followed in the conduct of the election.⁷⁵ He reminded the Council that Article 10 (1) of the Statute of the Court provides that, “those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected”, adding that the required majority in the Security Council was, therefore, eight votes. He explained further that the voting would proceed by secret ballot.

Case 14

At its 3636th meeting, on 28 February 1996, the Council met to elect a member of the Court, to fill a vacancy caused by the death of one of its members. On the first ballot, one candidate obtained the required majority of votes in the Council. The President of the Council 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 its 101st plenary meeting. The candidate in question was therefore elected a member of the Court. As the new member was elected to replace a member whose term of office had not yet expired, he was elected for the remainder of his predecessor’s term of office, expiring on 5 February 2000.

Case 15

At its 3709th meeting, on 6 November 1996, the Council proceeded with the election of five members of

⁷⁴ For the verbatim records of the relevant Security Council meetings, see S/PV.3636, S/PV.3709, S/PV.4059 and S/PV.4075. For the verbatim records of the relevant General Assembly plenary meetings, see A/50/PV.101, A/51/PV.54 and A/54/PV.45.

⁷⁵ See S/1996/51.

the Court, to fill the seats which would become vacant on 5 February 1997. The election required three ballots. On the first ballot, four candidates received the required majority of votes in the Security Council. On the second ballot, no additional candidate received the required majority. On the third ballot, one more candidate obtained the required majority. The President of the Council 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 candidates had received an absolute majority in the General Assembly at its 54th plenary meeting. The candidates in question were therefore elected as members of the Court for a term of office of nine years, beginning on 6 February 1997.

Case 16

At its 4059th meeting, on 3 November 1999, the Council met to elect five members of the Court, to fill the seats which would become vacant on 5 February 2000. On the first ballot, all five candidates obtained the required majority of votes in the Council. The President of the Council 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 candidates had received an absolute majority in the General Assembly at its 45th plenary meeting. The candidates in question were therefore elected members of the Court for a term of office of nine years, beginning on 6 February 2000.

Case 17

At its 4075th meeting, on 30 November 1999, the Council met to set the date of an election of a member of the Court, to fill a vacancy in the Court caused by the resignation of one of its members. By resolution 1278 (1999) of 30 November 1999, the Council decided that the election should take place on 2 March 2000 at a meeting of the Security Council and at a meeting of the General Assembly in its fifty-fourth session.

B. Consideration of the relationship between the Security Council and the Court

Article 94 of the Charter of the United Nations

1. *Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.*
2. *If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.*

Article 96

1. *The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.*
2. *Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.*

Article 41 of the Statute of the International Court of Justice

1. *The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.*
2. *Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.*

Case 18

At its 3819th meeting, on 25 September 1997, the Security Council met to discuss the situation in Africa. With particular reference to the alleged involvement of the nationals of the Libyan Arab Jamahiriya in the destruction of two civilian aircraft, the representative of Zimbabwe called for the consideration of trying the two accused Libyans under Scottish law, by Scottish judges

but in a third country or at the International Court of Justice.⁷⁶

Speaking in the same vein, the Secretary-General of the Organization of African Unity expressed the view that the Council might wish to give serious consideration to the proposal jointly presented by OAU and the League of Arab States (LAS) aimed at seeking a just and equitable solution to the dispute.⁷⁷ Similarly, the representative of Egypt urged the Council to consider how to facilitate bringing the suspects to trial as soon as possible, so as to preserve and respect the legitimacy of the Council.⁷⁸

On the contrary, the representative of the United Kingdom stressed that the only place the suspects could face trial under Scottish law was Scotland, as there was no legal authority for a Scottish court to meet outside Scotland and no legal authority in the law of the Netherlands for a court of another jurisdiction to sit at The Hague.⁷⁹ The representative of the United States underlined that there could be no compromise with the Libyan Arab Jamahiriya when it came to terrorism and stressed that the responsibility for the effect of the actions of the Security Council rested squarely with the Government of the Libyan Arab Jamahiriya.⁸⁰

At its 3864th meeting, on 20 March 1998, the Council met to discuss the situation involving the alleged involvement of the nationals of the Libyan Arab Jamahiriya in the destruction of two civilian aircraft (Pan Am flight 103 over Lockerbie, Scotland, in 1988, and UTA flight 772 over Niger in 1989), after having received letters dated 20 and 23 December 1991⁸¹ from the representatives of France, the United Kingdom of Great Britain and Northern Ireland, and the United States of America concerning the matter.

During the deliberations, the representative of the Libyan Arab Jamahiriya stated that his country had been suffering from collective sanctions for the past six years, without a court judgment or a legal basis for them. Like the families of the bombing victims, the Libyan Arab Jamahiriya was anxious to have the two suspects brought to trial in a just and fair court in a neutral country and to uncover the truth. He stated that his

Government had urged the suspects to appear before a Scottish court, but they had refused on their lawyers' advice, stating they had already been condemned in the United Kingdom and the United States as a result of biased media coverage and official statements. Moreover, the representative of the Libyan Arab Jamahiriya specifically referred to Article 94 (1) of the Charter, stating that "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" in reference to the obligation of the United Kingdom and the United States to accept the Council's decisions and jurisdiction. The representative of the Libyan Arab Jamahiriya also specifically referred to Article 94 (2) of the Charter stating that the Security Council could decide on a resolution adopting certain measures, as the Council could "make recommendations or decide upon measures to be taken to give effect to a judgment".⁸²

The representative of the United States, however, expressed the view that the Court's preliminary rulings in no way questioned the legality of the Security Council actions affecting the Libyan Arab Jamahiriya or the merits of the case against the two accused suspects. He claimed that contrary to the assertions of the Government of the Libyan Arab Jamahiriya, the Court was not calling for the review or suspension of Security Council resolutions. The Court had made clear that it was not dealing with the substance or the merits of the case.⁸³ The representative of the United Kingdom expressed the hope that OAU and LAS would not be used to undermine the Council's resolutions, and that their influence would eventually be used to bring about acceptance of international law and justice for the victims. He stated that an expert mission sent by the Secretary-General had concluded that the Scottish legal system was fair and independent, that the accused would receive a fair trial under the Scottish judicial system, and that their rights would be fully protected during all phases of the trial proceedings in accordance with international standards.⁸⁴

Other speakers took note of the Court's rulings and called for a generally acceptable solution,⁸⁵ while others

⁷⁶ S/PV.3819, pp. 2-4.

⁷⁷ *Ibid.*, p. 7.

⁷⁸ *Ibid.*, p. 14.

⁷⁹ *Ibid.*, p. 27.

⁸⁰ *Ibid.*, p. 29.

⁸¹ S/23306, S/23307, S/23308 and S/23317.

⁸² S/PV.3864 and Corr.1, pp. 9-10.

⁸³ *Ibid.*, pp. 12-14.

⁸⁴ *Ibid.*, pp. 30-32.

⁸⁵ *Ibid.*, pp. 39-40 (The United Kingdom on behalf of the European Union and associated and aligned countries:

noted that the decision of the Court was a good basis for an agreement as to the conduct of a fair trial and for the suspension and early lifting of sanctions.⁸⁶ The representative of Pakistan specifically referred to Article 96 of the Charter, stating that when the United Nations itself was faced with a legal problem, either the General Assembly or the Security Council might also request an advisory opinion of the Court. This showed the significance that the authors of the Charter had attached to the Court in the arbitration of legal issues.⁸⁷

The representative of LAS stated that his organization, in cooperation with OAU and the Organization of the Islamic Conference (OIC), had submitted three options to the Security Council as a basis on which to solve the problem. Those proposals consisted of either a trial of the suspects in a neutral country or at the headquarters of the Court, or by a special penal court. It was his opinion that the Security Council should take into account the judgment of the highest judiciary authority of the United Nations because it gave a new legal dimension to the very nature of the dispute and indicated a way by which the Security Council could deal with it. He stated that the judgment of the Court had determined that the Lockerbie incident was indeed a legal dispute between the Libyan Arab Jamahiriya and the United Kingdom and the United States that fell within the jurisdiction of the Court and that all the parties to the dispute should respect it and abide by it.⁸⁸ Speaking along the same line, other speakers called for the consideration of the proposals by OAU and LAS, according to which a trial could be held in a third and neutral country, or with the suspects tried by Scottish judges at the Court, or by a special tribunal at the headquarters of the Court.⁸⁹

At its 3875th meeting, on 24 April 1998, the Security Council met to discuss the situation in Africa, in connection with the report of the Secretary-General.⁹⁰ During the debate, the representative of Egypt noted that while affirming the need to respect the norms of international law and the resolutions of the Security Council, his Government expected the Council to give serious consideration to the options proposed by OAU and LAS for resolving this crisis in a way that would ensure justice.⁹¹ The representative of the Libyan Arab Jamahiriya referred to the International Court of Justice as the seat of a possible tribunal and as a possible venue to resolve the dispute.⁹² The representative of the United Arab Emirates urged the Council to lift the sanctions against the Libyan Arab Jamahiriya in light of the two decisions taken by the Court.⁹³

At its 3920th meeting, on 27 August 1998, the Council again considered the situation involving the alleged involvement of Libyan nationals in the destruction of two civilian aircraft. The representative of the Libyan Arab Jamahiriya recalled that on 27 February 1998 the Court had issued a judgment against the United States and the United Kingdom, reasserting the jurisdiction of the Court over the case on the basis of the 1971 Montreal Convention arising from the aerial incident at Lockerbie, and rejecting the appeal put forward by the two other States contesting that jurisdiction.⁹⁴

Following the deliberations, the Council adopted resolution 1192 (1998) of 27 August 1998, by which it welcomed the initiative for the trial of the two persons charged with the bombing of Pan Am flight 103 before a Scottish court sitting in the Netherlands, as contained in the letter dated 24 August 1998 from the

Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Iceland); pp. 14-15 (Costa Rica); pp. 15-16 (Russian Federation); pp. 22-24 (Japan); pp. 24-25 (Slovenia); pp. 25-26 (Sweden); and pp. 26-27 (Brazil).

⁸⁶ Ibid., pp. 17-19 (China); pp. 20-22 (Bahrain); pp. 34-36 (League of Arab States); pp. 36-38 (Organization of African Unity); pp. 38-39 (Organization of the Islamic Conference); pp. 40-42 (Group of African States); pp. 46-47 (Indonesia); pp. 47-48 (Syrian Arab Republic); pp. 48-49 (United Arab Emirates); p. 51 (Yemen); pp. 59-61 (Ghana); p. 61 (Zimbabwe); pp. 61-62 (Namibia); p. 62 (Morocco); pp. 64-65 (Guinea-Bissau); pp. 66-67 (Nigeria); pp. 67-69 (India); pp. 69-70 (United Republic of Tanzania); pp. 70-71 (Cuba); pp. 71-72 (Oman); pp. 72-73 (Islamic Republic of Iran); and pp. 73-75

(Malaysia).

⁸⁷ Ibid., p. 60.

⁸⁸ Ibid., pp. 34-35.

⁸⁹ Ibid., pp. 20-22 (Bahrain); pp. 19-20 (Kenya); p. 28 (Gabon); pp. 34-36 (League of Arab States); pp. 36-38 (Organization of African Unity); pp. 38-39 (Organization of the Islamic Conference); pp. 40-42 (Group of African States); pp. 46-47 (Indonesia); pp. 47-48 (Syrian Arab Republic); pp. 51-52 (Jordan); pp. 53-54 (Egypt); pp. 55-56 (Ghana); pp. 64-65 (Guinea-Bissau); pp. 69-70 (United Republic of Tanzania); and pp. 73-75 (Malaysia).

⁹⁰ S/1998/318.

⁹¹ S/PV.3875 (Resumption), pp. 24-26.

⁹² Ibid., pp. 45-48.

⁹³ Ibid., p. 65.

⁹⁴ S/PV.3920, pp. 2-5.

representatives of the United Kingdom of Great Britain and Northern Ireland and of the United States of America addressed to the Secretary-General⁹⁵ and the willingness of the Government of the Netherlands to cooperate in the implementation of the initiative. By the same resolution, the Council decided that all States should cooperate to that end, and in particular that the Government of the Libyan Arab Jamahiriya should ensure the appearance in the Netherlands of the two accused for the purpose of trial by the court, and that it should ensure that any evidence or witnesses in the Libyan Arab Jamahiriya were, upon the request of the court, promptly made available at the court in the Netherlands for the purpose of the trial.

Case 19

During the period under review, the Security Council was seized with the dispute between Cameroon and Nigeria concerning the peninsula of Bakassi. While no meeting of the Council itself addressed this issue, and no resolutions regarding this issue were adopted, the Security Council received several letters on the matter.

By a letter dated 22 February 1996 addressed to the President of the Council,⁹⁶ the representative of Cameroon recalled that in March 1994, his Government had referred this matter to the International Court of Justice. Annexed to his letter was a letter dated 28 January 1996 from the Minister for Foreign Affairs of Cameroon addressed to the Minister for Foreign Affairs of Nigeria, calling on the latter to heed “the voice of wisdom”, which counselled the withdrawal of troops from the Bakassi peninsula and the return of the civilian population displaced from the area, pending completion of the process of judicial settlement set in motion at the Court. Furthermore, the representative of Cameroon reaffirmed the willingness of his Government to work for the maintenance of peace in the Bakassi peninsula, while awaiting the judgment of the Court.

A statement by the Presidency on behalf of the European Union was also annexed to the letter, which expressed the hope that a peaceful solution would be found through the Court. The European Union called on the parties to the dispute to refrain from any military intervention, in conformity with international law and,

in particular, with the Charter of the United Nations, and expressed the hope that a peaceful solution would be found to this conflict through its referral to the ICJ.

In response, by a letter dated 27 February 1996 addressed to the President of the Council,⁹⁷ the representative of Nigeria stated that the allegations of the Cameroonian authorities were unfounded. He claimed that they had embarked on a course of propaganda against Nigeria in order to bring “undue pressure” on its Government. He further stated that it would appear also that their tactics were aimed at forcing a decision on the peninsula question in their favour, regardless of ongoing peaceful negotiations and processes at the Court.

Subsequently, by identical letters dated 29 February 1996 addressed to the Presidents of Nigeria and Cameroon,⁹⁸ the President of the Council requested both parties to take the necessary measures to withdraw their forces to the positions they had occupied before the Court was informed of the dispute. In his letter, the President noted that the dispute had already been referred to the Court and the case was pending before it. He urged both nations to reach a peaceful settlement through the Court.

By a letter dated 11 March 1996 addressed to the President,⁹⁹ the representative of Cameroon reaffirmed the determination of his Government to make every effort to settle the dispute by peaceful means, specifically by recourse to the Court.

In a letter dated 15 April 1996 addressed to the President,¹⁰⁰ the representative of Cameroon expressed full support for the protective measures decided on by the Court, which included the return of the forces to the positions held prior to the submission of the case to the Court.

By a letter dated 24 May 1996 addressed to the President of the Council,¹⁰¹ the Secretary-General referred to a previous letter dated 29 February 1996¹⁰² by which the members of the Council had welcomed his proposal to send a fact-finding mission to the Bakassi peninsula. In that regard, the Secretary-General had dispatched his Special Envoy, Mr. Lakhdar Brahimi, to the region in order to consult with the Heads of State of

⁹⁵ S/1998/795.

⁹⁶ S/1996/125.

⁹⁷ S/1996/140.

⁹⁸ S/1996/150.

⁹⁹ S/1996/184.

¹⁰⁰ S/1996/287.

¹⁰¹ S/1996/390.

¹⁰² S/1996/150.

the two countries concerned. He informed the Council of Mr. Brahimi having reported to him that according to the President of Cameroon, his country would abide by any decision reached by the Court and would welcome any action by the United Nations, including the dispatch of a fact-finding mission to the disputed area and to the region. The President of Cameroon also suggested that some United Nations military observers be stationed in the area to help prevent any renewed confrontation. On the part of Nigeria, Mr. Brahimi reported that the President, while indicating his preference for a bilateral solution to the dispute, recognized that a mission of the United Nations could help in this regard. The Secretary-General further stated that in a letter dated 12 May 1996 addressed to him, the President of Nigeria had indicated his awareness that the Court had urged the two countries to lend assistance to a United Nations mission to Bakassi and said that, in deference to that order, the Government of Nigeria accepted in principle the idea of such a mission.

By a letter dated 31 October 1996 addressed to the Secretary-General,¹⁰³ the President of the Council noted that its members were encouraged by the progress reported by the fact-finding mission, and fully supported the efforts of the Secretary-General to find ways to reduce the tension in the disputed area and to improve relations between Nigeria and Cameroon while the dispute was before the Court.

By a letter dated 16 December 1996 addressed to the President of the Council,¹⁰⁴ the representative of Cameroon transmitted a copy of a note verbale that was sent to the representative of Nigeria, which mentioned the pending dispute before the Court and the alleged violation of the Court's protective measures by Nigeria through electrification and water-supply projects.

In the same vein, by a letter dated 13 March 1998 addressed to the President,¹⁰⁵ the representative of Cameroon transmitted the text of the communiqué issued on 8 March 1998 by the Government of Cameroon in response to a statement made by the Nigerian authorities concerning the situation in the Bakassi peninsula. In the text, the representative of Cameroon emphasized that his Government had referred the case to the Court and had made its protests at the

alleged manipulation of international public opinion by Nigeria.

¹⁰³ S/1996/892.

¹⁰⁴ S/1996/1052.

¹⁰⁵ S/1998/228.

In a letter dated 11 December 1998 addressed to the President,¹⁰⁶ the representative of Cameroon informed the Council that the Nigerian authorities had held municipal elections on 5 and 6 December 1998 in the occupied part of Cameroonian territory in the Bakassi peninsula. The representative asserted that Nigeria's action was in flagrant violation of international law, and, in particular, of the interim measures of protection ordered by the Court in The Hague on 16 March 1996.

Case 20

During the period under review, the Security Council was seized with the dispute between the Islamic Republic of Iran and the United Arab Emirates

By a letter dated 26 August 1996 addressed to the Secretary-General,¹⁰⁸ the representative of the United Arab Emirates reaffirmed its willingness to settle the question of the three islands through peaceful means, including recourse to the Court.

By a letter dated 19 September 1996 addressed to the Secretary-General,¹⁰⁹ the representative of Saudi Arabia transmitted a copy of resolution 5595 adopted by the Council of the League of Arab States at its 106th ordinary session. In the text, the Council called on the Islamic Republic of Iran to accept that the matter be referred to the Court.

By identical letters dated 2 January 1997 addressed to the Secretary-General and the President,¹¹⁰ the representative of the United Arab Emirates transmitted a note verbale dated 22 April 1996 addressed to the Ministry of Foreign Affairs of the Islamic Republic of Iran reaffirming its commitment to pursuing all peaceful means, including recourse to the Court, with a view to resolving the dispute concerning the three islands.

concerning the three islands of Greater Tunb, Lesser Tunb and Abu Musa. While no meeting of the Council addressed this issue, and no resolutions regarding this issue were adopted, several letters were circulated as documents of the Security Council.

By letters dated 3 April 1996 and 4 June 1996 addressed to the Secretary-General,¹⁰⁷ the representative of Oman transmitted a press communiqué issued by the Ministerial Council of the Gulf Cooperation Council at its fifty-eighth session. In the text, the Ministerial Council reaffirmed its support and assistance to the United Arab Emirates, and called upon the Islamic Republic of Iran to agree to submit the dispute to the International Court of Justice.

By a letter dated 16 April 1997 addressed to the President of the Council,¹¹¹ the representative of Kuwait in his capacity as Chairman of the Group of Arab States transmitted resolution 5637 adopted at the 107th regular session of the Council of LAS calling on the Islamic Republic of Iran to agree to refer the case to the Court. This was reiterated in a letter dated 6 April 1999 from the Permanent Observer of the League of Arab States addressed to the President,¹¹² in which he called on the Government of the Islamic Republic of Iran to put an end to the occupation of the three islands and to refrain from building any infrastructure on the three islands with a view to changing their demographic structure, to dismantle the facilities installed unilaterally on the three islands and to resort to peaceful means in order to settle the dispute in accordance with the principles and rules of international law, inter alia, by bringing the matter before the Court.

¹⁰⁶ S/1998/1159.

¹⁰⁷ S/1996/305 and S/1996/409, respectively.

¹⁰⁸ S/1996/692.

¹⁰⁹ S/1996/769.

¹¹⁰ S/1997/8.

¹¹¹ S/1997/329.

¹¹² S/1999/395.

This call was supported in several other communications addressed to the Secretary-General,¹¹³ by which several delegations from LAS called for a

peaceful settlement to be reached through direct negotiations or by referral to the Court.

Part V

Relations with the Secretariat

Article 98

The Secretary-General shall act in that capacity¹¹⁴ in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs....

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Note

This part is concerned with the functions other than those of an administrative nature entrusted to the Secretary-General by the Security Council under Article 98 of the Charter¹¹⁵ (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

During the period under review, the Secretary-General was requested or authorized by the Security Council to carry out a broad range of actions,

particularly in relation to the peaceful settlement of disputes and peacekeeping. His functions in that regard continued to expand, as the activities of the Security Council continued to expand and diversify. In addition to carrying on with 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 practice described below is illustrative and does not purport to be comprehensive.¹¹⁶

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 Burundi, the Council welcomed the sending by the Secretary-General of a technical security mission to Burundi to examine ways to improve existing security arrangements for United Nations personnel and premises and the protection of humanitarian operations;¹¹⁷

(b) In relation to the situation concerning Rwanda, the Council requested the Secretary-General to maintain the Commission of Inquiry on the basis set out in paragraph 91 (c) of its report,¹¹⁸ to follow up on its earlier investigations and to stand ready to pursue any further allegations of violations, especially of expected arms shipments. The Council also requested the Secretary-General to consult with States neighbouring

¹¹³ S/1997/429, S/1997/448, S/1998/2, S/1998/9, S/1998/217, S/1998/245, S/1998/319, S/1998/615, S/1998/842, S/1999/236, S/1999/305 and S/1999/802.

¹¹⁴ Article 97 of the Charter stipulates that the Secretary-General shall be the chief administrative officer of the Organization.

¹¹⁵ 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 chapter I, part IV.

¹¹⁶ For details of these and other instances in which the Security Council entrusted functions to the Secretary-General, see the relevant case studies in chaps. VIII and X.

¹¹⁷ Resolution 1040 (1996).

¹¹⁸ S/1996/195.

Rwanda, in particular Zaire,¹¹⁹ on appropriate measures, including the possible deployment of United Nations observers in the airfields and at other transportation points in and around border crossing points;¹²⁰

(c) In relation to the situation in the former Yugoslav Republic of Macedonia, the Council requested the Secretary-General to keep the Council regularly informed of any developments on the ground and other circumstances affecting the mandate, and also requested the Secretary-General to review the composition, strength and mandate of the United Nations Preventive Deployment Force;¹²¹

(d) In relation to the situation in Afghanistan, the Council requested the Secretary-General to continue investigations into alleged mass killings of prisoners of war and civilians as well as ethnically based forced displacement of large groups of the population and other forms of mass persecution in Afghanistan;¹²²

(e) In relation to the situation in Afghanistan, the Council encouraged the Secretary-General to continue his efforts to dispatch a mission to Afghanistan to investigate numerous reports of grave breaches and serious violations of international humanitarian law in that country, in particular mass killings and mass graves of prisoners of war and civilians and the destruction of religious sites;¹²³

(f) In relation to the situation in Guinea-Bissau, the Council requested the Secretary-General to make recommendations to the Council on a possible role of the United Nations in the process of peace and reconciliation in Guinea-Bissau, including the early establishment of arrangements for liaison between the United Nations and the Economic Community of West African States Monitoring Group;¹²⁴

(g) In relation to the situation in the Central African Republic, the Council welcomed, in resolution 1271 (1999), the proposal of the Secretary-General to dispatch a small multidisciplinary mission to Bangui in order to examine, in accordance with the wishes expressed by the Government of the Central African Republic, the conditions for the maintenance of the United

Nations presence beyond 15 February 2000, and requested the Secretary-General to inform the Council as soon as possible with detailed proposals in that regard.

Good offices

The Secretary-General was often requested to exercise or continue to exercise his “good offices” function, that is, his independent political role in preventing or mediating conflicts between or within States, or his role in that regard was endorsed:

(a) In relation to the situation in Cyprus, the Council welcomed the report of the Secretary-General¹²⁵ on his mission of good offices in Cyprus, and stressed its support for the Secretary-General’s mission of good offices and the importance of the concerted efforts to work with the Secretary-General towards an overall comprehensive settlement;¹²⁶

(b) In relation to the situation in Angola, the Council stressed that the good offices, mediation and verification functions of the Special Representative of the Secretary-General, in close collaboration with the Joint Commission, remained essential for the successful completion of the Angolan peace process;¹²⁷

(c) In relation to the situation in Tajikistan and along the Tajik-Afghan border, the Council commended the efforts of the Special Representative of the Secretary-General and of the personnel of the Mission, and encouraged them to continue assisting the parties in the implementation of the General Agreement through their good offices;¹²⁸

(d) In relation to the situation between Eritrea and Ethiopia, the Council requested the Secretary-General to make available his good offices in support of a peaceful resolution of the conflict.¹²⁹

Joint efforts to promote a political settlement

In several instances during the period under review, the Secretary-General was asked to undertake diplomatic efforts in conjunction with regional

¹¹⁹ By a communication dated 20 May 1997, the Secretariat was informed by the Member State known formerly as “Zaire” that the name of the State had been changed on 17 May to “Democratic Republic of the Congo”.

¹²⁰ Resolution 1053 (1996).

¹²¹ Resolution 1058 (1996).

¹²² Resolution 1193 (1998).

¹²³ Resolution 1214 (1998).

¹²⁴ Resolution 1216 (1998).

¹²⁵ S/1996/1055.

¹²⁶ Resolution 1092 (1996).

¹²⁷ Resolution 1098 (1997).

¹²⁸ Resolution 1128 (1997).

¹²⁹ Resolution 1177 (1998).

arrangements or other actors in order to achieve a political settlement, as follows:¹³⁰

(a) In connection with the situation in Croatia, the Council welcomed the recommendations made by the Secretary-General in his report for specific action which had to be taken to improve the human rights situation in the Republic of Croatia, *inter alia*, in the framework of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium,¹³¹ as part of the peace process towards a comprehensive political settlement in the region;¹³²

(b) In connection with the situation in Cyprus, the Council stressed the importance of the eventual demilitarization of the Republic of Cyprus as an objective in the context of an overall comprehensive settlement, and called upon the Secretary-General to promote efforts in that direction;¹³³

(c) In connection with the situation in Georgia, the Council reaffirmed its full support for the efforts of the Secretary-General aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia, respecting fully the sovereignty and territorial integrity of Georgia, as well as for the efforts that were being undertaken by the Russian Federation in its capacity as facilitator to intensify the search for a peaceful settlement of the conflict;¹³⁴

(d) In connection with the situation in Burundi, the Council expressed its fullest support for the efforts of the Secretary-General and others, in support of the Convention on Governance, to facilitate a comprehensive political dialogue with the objective of promoting national reconciliation, democracy, security and the rule of law in Burundi. The Council also requested the Secretary-General, in consultation as appropriate with OAU and with Member States concerned, to consider what further steps might be necessary to prevent the situation from deteriorating further, and to develop contingency plans as appropriate;¹³⁵

(e) In relation to the situation in Tajikistan and along the Tajik-Afghan border, the Council stressed the need for an early resumption of talks between the Government of Tajikistan and the United Tajik Opposition, expressing the hope that substantive progress would be achieved as soon as possible towards a political settlement of the conflict and encouraging the efforts of the Secretary-General and his Special Representative in this direction;¹³⁶

(f) In relation to the situation in the Middle-East, the Council requested the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of resolution 1068 (1996) and to report to the Security Council thereon;¹³⁷

(g) In relation to the situation in Burundi, the Council declared its readiness to assist the people of Burundi with appropriate international cooperation to support a comprehensive political settlement, and in that context, requested the Secretary-General, in consultation with the international community, to undertake preparations, when appropriate, to convene a pledging conference to assist in the reconstruction and development of Burundi following the achievement of a comprehensive political settlement;¹³⁸

(h) In relation to the situation in Afghanistan, the Council requested the Secretary-General, in cooperation, as he deemed it necessary, with interested States and international organizations, in particular OIC, to continue his efforts to promote the political process;¹³⁹

(i) In relation to the situation in Cyprus, the Council welcomed the efforts of the Special Representative of the Secretary-General, and of those working in support, to prepare the ground for open-ended direct negotiations in the first half of 1997 between the leaders of the two Cypriot communities in order to secure an overall settlement;¹⁴⁰

(j) In relation to the situation in Sierra Leone, the Council encouraged the Secretary-General, through

¹³⁰ See chap. XII for a more comprehensive listing of instances of cooperation between the United Nations and regional arrangements to achieve a pacific settlement of a dispute, and the role of the Secretary-General in those instances.

¹³¹ S/1995/951, annex.

¹³² S/PRST/1996/39.

¹³³ Resolution 1117 (1997).

¹³⁴ Resolution 1036 (1996).

¹³⁵ Resolution 1040 (1996).

¹³⁶ Resolution 1061 (1996).

¹³⁷ Resolution 1068 (1996).

¹³⁸ Resolution 1072 (1996).

¹³⁹ Resolution 1076 (1996).

¹⁴⁰ Resolution 1092 (1996).

his Special Envoy, in cooperation with the Economic Community of West African States Committee of four Ministers for Foreign Affairs on Sierra Leone, to assist the search for a peaceful resolution of the crisis and, to that end, to work for a resumption of discussions with all parties to the crisis;¹⁴¹

(k) In connection with the situation concerning Western Sahara, the Council requested the Secretary-General to begin the identification of eligible voters in accordance with the settlement plan and the agreements reached between the parties with the aim of finishing the process by 31 May 1998;¹⁴²

(l) In connection with the situation between Eritrea and Ethiopia, the Council requested that the Secretary-General provide technical support to the parties to assist in the eventual delimitation and demarcation of the common border between Ethiopia and Eritrea and, for that purpose, established a trust fund and urged all Member States to contribute to it;¹⁴³

(m) In connection with the situation concerning the Democratic Republic of the Congo, the Council requested the Secretary-General to work closely with the Secretary-General of OAU in promoting a peaceful resolution of the conflict, to make recommendations on the possible role of the United Nations to that end, and to keep the Council informed of developments.¹⁴⁴

Peacekeeping and implementation of peace agreements

The Secretary-General was also entrusted with a leading role in dispatching and directing a number of peacekeeping missions authorized by the Council. Concerning peacekeeping, in addition to carrying out responsibilities with regard to ongoing missions,¹⁴⁵ the Secretary-General took on additional functions in

relation to fifteen new peacekeeping operations established during 1996-1999.¹⁴⁶ Most of the new missions were multifunctional, with political, humanitarian, social and human rights components. They were given the task of helping to regroup and demobilize combatants, destroy weapons, coordinate humanitarian assistance, monitor human rights and organize elections. The Secretary-General had the responsibility for the executive direction and command of these peacekeeping operations, for example, their establishment, deployment, withdrawal, the implementation of their mandates and the establishment of trust funds. Some of these missions, such as those in Haiti and Croatia, involved the interposition of civilian police for the restoration of order. Other peacekeeping operations with administrative responsibilities were UNMIK in the Federal Republic of Yugoslavia and UNTAET in East Timor.

Political and peacebuilding missions

During the period under review, the Secretary-General was given a leading role in dispatching and directing political and peacebuilding missions. Those missions were multifaceted peacebuilding and political operations, which assisted the parties in the implementation of complex peace agreements. They focused on the consolidation of peace; promoting reconciliation and the strengthening of democratic institutions; and support for local human rights initiatives. This was the case, for example, for the operations in Liberia (UNOL)¹⁴⁷ and Guinea-Bissau (UNOGBIS).¹⁴⁸

In other instances, the Secretary-General was entrusted the leading the role in the composition of a political office. In this regard, the Council authorized the establishment of the United Nations Office in

¹⁴¹ Resolution 1132 (1997).

¹⁴² Resolution 1133 (1997).

¹⁴³ Resolution 1177 (1998).

¹⁴⁴ Resolution 1234 (1999).

¹⁴⁵ For further details of these decisions, please refer to chap. V of the present Supplement.

¹⁴⁶ United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), United Nations Mission of Observers in Prevlaka (UNMOP), United Nations Support Mission in Haiti (UNSMIH), United Nations Verification Mission in Guatemala (MINUGUA), United Nations Observer Mission in Angola (MONUA), United Nations Transition Mission in Haiti (UNTMH), United Nations Civilian

Police Mission in Haiti (MIPONU), United Nations Civilian Police Support Group (UNPSG), United Nations Mission in the Central African Republic (MINURCA), United Nations Observer Mission in Sierra Leone (UNOMSIL), United Nations Interim Administration Mission in Kosovo (UNMIK), United Nations Mission in Sierra Leone (UNAMSIL), United Nations Transitional Administration in East Timor (UNTAET), United Nations Mission in East Timor (UNAMET) and United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

¹⁴⁷ See S/1998/1080.

¹⁴⁸ Resolution 1233 (1999).

Angola (UNOA)¹⁴⁹ and welcomed the decision of the Secretary-General to establish a United Nations observer mission (UNPOB)¹⁵⁰ in Papua New Guinea.

Support to international tribunals

During the period under review, the Secretary-General was mainly requested to make practical arrangements for the election of the judges to enhance the effective functioning of the International Tribunal for the former Yugoslavia and the International Tribunal for Rwanda, respectively.

By resolutions 1165 (1998) and 1166 (1998), the Council requested the Secretary-General to make practical arrangements for the elections of the judges to enhance the effective functioning of the Tribunals, including the timely provision of personnel and facilities, in particular for the third Trial Chamber and related offices of the Prosecutor, and further requested him to keep the Security Council closely informed of progress.¹⁵¹

Implementation of sanctions regimes

During the period under review, the Security Council established three sanctions regimes.¹⁵² In addition to providing all necessary assistance to the sanctions committees established to monitor implementation of the sanctions, the Secretary-General was also requested to reactivate the International Commission of Inquiry, in the case of Rwanda;¹⁵³ and to establish a group of experts, in the case of Iraq.¹⁵⁴

B. Matters brought to the attention of the Security Council by the Secretary-General

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

¹⁴⁹ Resolution 1268 (1999).

¹⁵⁰ S/PRST/1998/10.

¹⁵¹ For the International Tribunal for Rwanda, see resolution 1165 (1998); for the International Tribunal for the former Yugoslavia, see resolution and 1166 (1998).

¹⁵² The following new sanctions committees were established by the Security Council during the period under consideration: Committee established pursuant to resolution

1132 (1997) concerning Sierra Leone; Committee established pursuant to resolution 1160 (1998) concerning Kosovo, Federal Republic of Yugoslavia; and Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban. For further details, see chap. V.

¹⁵³ Resolution 1161 (1998).

¹⁵⁴ Resolution 1153 (1998).

Council to consider taking appropriate action.¹⁵⁵ In addition, the Secretary-General exercised the implicit rights conferred upon him under Article 99¹⁵⁶ by, for example, sending a mission to the Federal Republic of Yugoslavia,¹⁵⁷ and by sending a good offices mission to the Great Lakes region to assist the Government of Zaire in addressing the political and security aspects of the problems in the eastern part of the country.¹⁵⁸

¹⁵⁵ Thus, for example, in connection with the situation in Burundi, by a letter dated 29 December 1999 addressed to the President of the Security Council (S/1999/1296), the Secretary-General stated that the designation of former President Nelson Mandela as the new facilitator was expected to reinvigorate the peace process. In view of this, it was desirable to raise the profile of the United Nations within the overall efforts of the international community to address the deteriorating political and humanitarian situation in Burundi. He had, accordingly, decided to appoint Mr. Berhanu Dinka as his Special Representative for the Great Lakes region, at the Assistant Secretary-General level.

¹⁵⁶ The *Repertory of Practice of United Nations Organs* states in its Supplement No. 8 (1989-1994), volume VI, under

Article 99, 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).

¹⁵⁷ In the preambular part of resolution 1203 (1998), the Security Council welcomed the decision of the Secretary-General to send a mission to the Federal Republic of Yugoslavia to establish a first-hand capacity to assess developments on the ground in Kosovo.

¹⁵⁸ S/1996/875.

Part VI

Relations with the Military Staff Committee

The Military Staff Committee, established pursuant to Article 47 of the Charter, is composed of the Chiefs of Staff of the permanent members or their representatives. Its function is “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 at its disposal, the regulation of armaments, and possible disarmament”.¹⁵⁹

During the period under review, no reference was made to the Military Staff Committee in any of the discussions or decisions of the Council.

¹⁵⁹ Article 47 of the Charter.

Chapter VII

Practice relative to recommendations to the General Assembly regarding membership in the United Nations

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Introductory note

The present chapter considers the practice of the Security Council in its recommendations to the General Assembly concerning applications for membership in the United Nations.

Part I sets forth the applications for admission considered and the decisions taken thereon by the Security Council and the General Assembly during the period under review. A comprehensive table, contained in section C, shows the chain of proceedings from the submission of the applications to the decisions taken thereon by the General Assembly.

Parts II to IV concern the procedures employed by the Council in the consideration of the applications. The parts entitled “Consideration of the adoption or amendment of rules 58 to 60 of the provisional rules of procedure” and “Roles of the General Assembly and the Security Council” have been deleted in the present Supplement as no material was found for inclusion therein. The part entitled “Practices relating to the applicability of Articles 4, 5 and 6 of the Charter” has been replaced by part V, “Practices relating to the applicability of Article 4 of the Charter”.

During the period under review, the Council recommended the admission of three States to membership in the United Nations.

In the case of the application¹ of Nauru, a statement made by one Council member touched on the interpretation of Article 4 (1) of the Charter which sets out the criteria for membership in the United Nations (see case study in part V).

¹ S/1999/478.

Part I

Applications for admission to membership in the United Nations and actions taken thereon by the Security Council and the General Assembly, 1996-1999

Note

As in the previous Supplements to the *Repertoire*, part I contains information on the applications before the Council during the period under review and the decisions taken thereon by the Council and the General Assembly. Section A (Applications recommended by the Security Council), Section B (Discussion of the question in the Security Council), section C (Applications submitted and action taken thereon by the Security Council and the General Assembly from 1 January 1996 to 31 December 1999) and section D (Applications pending at the end of the period under review) have been maintained from previous Supplements. However, the sections entitled “Applications that failed to obtain a recommendation” and “Applications pending on 1 January 1996” have been deleted in the present Supplement as no material was found for inclusion therein.

A. Applications recommended by the Security Council

During the period from 1 January 1996 to 31 December 1999, the Council recommended the following States for admission to membership in the United Nations:

Kiribati

Nauru

Tonga

B. Discussion of the question in the Security Council

The Council held six meetings² to consider applications for admission during the four-year period from 1996 to 1999. At one of those meetings³ a statement was made concerning the admission of Nauru to membership in the United Nations (see case study in part V).

² See table in section C.

³ See S/PV.4017.

C. Applications submitted and action taken thereon by the Security Council and the General Assembly from 1 January 1996 to 31 December 1999

<i>Applicant</i>	<i>Application and dates of submission and circulation</i>	<i>Referral to Committee: 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>
Kiribati	S/1999/477 14.4.99 26.4.99	3995th mtg. 4.5.99 Referred by President	98th meeting 22.6.99 S/1999/715 Draft resolution recommending admission Committee recommended that the Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure	4016th mtg. 25.6.99	Draft resolution (S/1999/715) adopted as resolution 1248 (1999) President made a statement (S/PRST/1999/18)	Adopted without vote	54th session 1st plenary meeting, 14.9.99	54/1 14.9.99	Adopted by acclamation	Admitted
Nauru	S/1999/478 16.4.99 26.4.99	3996th mtg. 4.5.99 Referred by President	99th and 100th meetings 22 and 25.6.99 S/1999/716 Draft resolution recommending admission Committee recommended that the Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure	4017th mtg. 25.6.99	Draft resolution (S/1999/716) adopted as resolution 1249 (1999) President made a statement (S/PRST/1999/19)	14-0-1 (China abstained)	54th session 1st plenary meeting, 14.9.99	54/2 14.9.99	Adopted by acclamation	Admitted

<i>Applicant</i>	<i>Application and dates of submission and circulation</i>	<i>Referral to Committee: 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>
Tonga	S/1999/793 8.7.99 16.7.99	4024th mtg. 22.7.99 Referred by President	101st mtg. 27.7.99 S/1999/823 Draft resolution recommending admission Committee recommended that the Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure	4026th mtg. 28.7.99	Draft resolution (S/1999/823) adopted as resolution 1253 (1999) President made a statement (S/PRST/1999/23)	Adopted without vote	54th session 1st plenary meeting, 14.9.99	54/3 14.9.99	Adopted by acclamation	Admitted

D. Applications pending at the end of the period under review

<i>Applicant</i>	<i>Date of application</i>	<i>Document</i>
Tuvalu	16 November 1999	S/2005/5

Part II Presentation of applications

Material concerning the presentation of applications — that is, the submission of applications to the Secretary-General, their immediate communication to representatives on the Security Council pursuant to rule 59 and their subsequent inclusion in the provisional agenda of the Council — may be found in the table of applications in section C of part I.

Part III Referral of applications to the Committee on the Admission of New Members

During the period under review, all applications were referred by the President of the Security Council to the Committee on the Admission of New Members. There were no proposals to waive the application of rule 59 of the provisional rules of procedure.⁴ In each instance, upon the recommendation of the Committee on the Admission of New Members, the Council waived the time limits set forth in paragraph 4 of rule 60, in accordance with paragraph 5 of that same rule⁵ in order to present its recommendations to the General Assembly at its fifty-third session. All the applications were, however, considered by the General Assembly at its fifty-fourth session.

Part IV Procedures in the consideration of applications within the Security Council

During the period under review, the Council observed the practice of deciding upon applications in the chronological order of their receipt. The Council decided upon all applications separately. In all but one instance, the Council adopted the draft

⁴ 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”.

⁵ The fourth and fifth paragraphs of rule 60 read as follows:

“In order to ensure the consideration of its recommendation at the next session of the General Assembly following the receipt of an application, the Security Council shall make its recommendation not less than twenty-five days in advance of a regular session of the General Assembly, nor less than four days in advance of a special session.

“In special circumstances, the Security Council may decide to make a recommendation to the General Assembly concerning an application for membership subsequent to the expiration of the time limits set forth in the preceding paragraph.”

resolutions submitted by the Committee on the Admission of New Members without debate and without a vote, “in accordance with the understanding reached in prior consultations among members of the Council”. Following the adoption of the resolution, the President of the Council made a statement on behalf of the members of the Council. In the case of Nauru, the draft resolution was put to the vote and adopted by 14 votes to none, with one abstention (China). Prior to the vote, the representative of China made a statement.⁶

Part V

Practices relating to the applicability of Article 4 of the Charter

Note

During the consideration of the admission of Nauru to membership, a statement of position was made by one Council member which touched on the interpretation of Article 4 (1) of the Charter.⁷

Case

Admission of Nauru

By a letter dated 16 April 1999 addressed to the Secretary-General,⁸ Nauru submitted an application for admission to membership in the United Nations. The Secretary-General circulated that request in a note dated 26 April 1999.⁹

The Security Council considered the application at its 3996th meeting, held on 4 May 1999, and referred the application, in accordance with rule 59, to the Committee on the Admission of New Members. The Committee, in paragraph 4 of its report, dated 25 June 1999,¹⁰ recommended to the Council the adoption of a draft resolution on the application of Nauru for admission to membership in the United Nations. Paragraph 5 of the same report stated that China was unable to associate itself with the recommendation of the Committee and that it would expound its position at the formal meeting of the Security Council.

At its 4017th meeting, held on 25 June 1999,¹¹ the Security Council considered the report of the Committee concerning the admission of Nauru and decided to proceed to the vote¹² on the draft resolution contained in paragraph 4 of the report. Speaking before the vote, the representative of China stated that his delegation attached importance to the desire of Nauru to be admitted to membership in the United Nations and had carried out serious study with regard to its application. In considering Nauru’s admission, he believed it most essential that the purposes and principles of the Charter should be fully complied with, that General Assembly resolution 2758

⁶ S/PV.4017, p. 2; see also the case study in part V.

⁷ Article 4 (1) reads as follows: “Membership in the United Nations is open to all other peace-loving states which accept the obligations in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.”

⁸ S/1999/478, annex.

⁹ S/1999/478.

¹⁰ S/1999/716.

¹¹ S/PV.4017.

¹² See table in part 1, section C, for details of the vote.

(XXVI) of 1971¹³ should be implemented and that the new Member should fulfil its Charter obligations and comply with General Assembly resolutions. It was on that basis that China was unable to support the recommendation by the Council to the General Assembly concerning the admission of Nauru to the membership of the United Nations. At the same time, considering the long-term interests of the peoples of China and Nauru, and given the request of the South Pacific countries, China would not block the recommendation. The representative of China expressed the hope that following its admission to membership of the United Nations, Nauru would strictly comply with resolutions of the General Assembly, including Assembly resolution 2758 (XXVI). China abstained from the ensuing vote.

Nauru was admitted to membership in the United Nations on 14 September 1999 pursuant to the recommendation of the Security Council¹⁴ and the decision of the General Assembly.¹⁵

¹³ By resolution 2758 (XXVI) of 25 October 1971, the General Assembly decided “to restore its rights to the People’s Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occup[ied] at the United Nations and in all the organizations related to it”.

¹⁴ Security Council resolution 1249 (1999).

¹⁵ General Assembly resolution 54/2.

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 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. By examining the entire sequence of proceedings, it provides an overall sense of their political context.¹ The range of questions covers broadly those that may be deemed to fall under Chapters VI and VII of the Charter, constituting a framework within which to consider the ancillary legal and constitutional discussion recorded in chapters X to XII of the *Repertoire*.

The questions are dealt with by region, for ease of reference. There is also a category of thematic issues.

Each section is organized around the decisions taken by the Council on each agenda item. Procedural decisions related to the subject matter of chapters I to VII of the *Repertoire* are, with certain exceptions, omitted as not relevant to the purpose of this chapter. For instance, information on invitations to participate in the discussion and on rules 37 and 39 of the provisional rules of procedure is provided in chapter III.

Summaries of the statements made in the Council and of the documents considered by the Council during its deliberations have been included to provide a better understanding of the basis of decisions. Affirmative decisions have been reproduced in full, while negative decisions are indicated in summarized form.

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 may also have been discussed in informal consultations among the members of the Council.

Africa

1. The situation concerning Western Sahara

Decision of 31 January 1996 (3625th meeting): resolution 1042 (1996)

At its 3625th meeting, on 31 January 1996, in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 19 January 1996 on the situation concerning Western Sahara, pursuant to Security Council resolution 1033 (1995), setting out the findings and conclusion of the Special Envoy, the work of the Identification Commission and other activities relevant to the settlement plan.¹

In his report, the Secretary-General observed that his Special Envoy's mission had resulted in the agreement of the Frente Polisario to participate in the identification of a significant number of applicants about whom they had previously expressed reservations, but that they continued to refuse to cooperate with the identification of another large group of applicants. Morocco continued to maintain that all applicants be processed without discrimination as to the format or treatment by the Identification Commission, a position with which the Special Envoy concurred. If both parties were to cooperate fully with the Commission, a period from six months to one year would be required to complete the identification process. He noted the strong support by the two observer countries during the Special Envoy's visit to their capitals, and he stated that the Security Council might want to consider ways of assisting the parties if they agreed to hold talks to facilitate a settlement of their conflict. He informed the Council that there were other aspects of the settlement plan that needed to be addressed, including a vision of the post-referendum period, code of conduct, confinement of troops and the exchange of prisoners of war. He gave two options for extending the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO). The first was a simple extension until 31 May 1996, which would give enough time for resumption of the identification process and to test the political will of the parties. The second option would be plans for a phased withdrawal, in order to impose conditions in terms of solutions to

outstanding problems by specified dates. The Secretary-General, however, shared the concern of the Special Envoy that the phasing down of MINURSO could have destabilizing consequences for the region.

At the same meeting the President (United Kingdom) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.² The draft resolution was then put to the vote and adopted unanimously as resolution 1042 (1996), which reads:

The Security Council,

Reaffirming all its previous resolutions on the question of Western Sahara,

Having considered the report of the Secretary-General of 19 January 1996,

Welcoming in this context the visit to the region by the Special Envoy of the Secretary-General from 2 to 9 January 1996,

Noting the views expressed by the Government of Morocco as set out in the report of the Secretary-General,

Noting also the views expressed by the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro as set out in the report of the Secretary-General,

Reconfirming its commitment to assist the parties in achieving a just and lasting solution to the question of Western Sahara,

Reiterating the fact that, for progress to be achieved, the two parties must have a vision of the post-referendum period,

1. Reiterates its commitment to the holding, without further delay, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan which has been accepted by the two parties referred to above;

2. Welcomes the report of the Secretary-General of 19 January 1996;

3. Decides to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 31 May 1996;

4. *Expresses deep concern* about the stalemate which has been hindering the identification process and the consequent lack of progress towards completion of the settlement plan;

¹ S/1996/43 and Corr.1.

² S/1996/60.

5. *Calls upon* the two parties to cooperate with the Secretary-General and the Mission in resuming the identification process, overcoming obstacles hindering completion of that process, and implementing all other aspects of the settlement plan, in accordance with the relevant resolutions;

6. *Encourages* the two parties to consider additional ways to create confidence between themselves and to facilitate the implementation of the settlement plan;

7. *Supports* the intention of the Secretary-General, in the absence of meaningful progress towards completion of the settlement plan, to bring the situation to the immediate attention of the Council, and invites the Secretary-General in this eventuality to submit for consideration a detailed programme for a phased withdrawal of the Mission, in accordance with the second option contained in his report of 19 January 1996;

8. *Requests* the Secretary-General to submit a report by 15 May 1996 on the implementation of the present resolution;

9. *Decides* to remain seized of the matter.

**Decision of 29 May 1996 (3668th meeting):
resolution 1056 (1996)**

At its 3625th meeting, held on 31 January 1996 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 8 May 1996 on the situation concerning Western Sahara pursuant to Security Council resolution 1042 (1996), setting out the efforts made to implement the settlement plan and the difficulties encountered.³

In his report, the Secretary-General observed that as a result of the positions of the parties, all efforts to continue the identification of voters had been frustrated. Despite the professed commitment of the Government of Morocco and the Frente Polisario to the settlement plan, the impasse continued. As a result, he had concluded that the required willingness to give MINURSO the cooperation it needed to complete the identification process within a reasonable time did not exist, and he recommended suspending it until such time as both parties provided convincing evidence that they were committed to completing it without further obstacles. The suspension of identification entailed the withdrawal of the Commission's members and the civilian police component, except for a small number of officers. Although the cease-fire had been a major achievement of MINURSO and the countries in the

region felt that its withdrawal could result in instability, he proposed a reduction in the military component of MINURSO by 20 per cent. This would not reduce the number of team sites in the field, curtail patrolling activity, or interrupt the daily contacts with the military forces of each side. He maintained that those changes did not imply any lessening of resolve to discharge the mandate to see peace maintained and for the people of Western Sahara to decide on their future status in a way that would bring lasting stability. He then proposed maintaining a political office, headed by his Acting Special Representative and staffed by a small number of political officers. He expressed his hope that through a continuing political presence some humanitarian issues, such as the release of Saharan political prisoners, could be resolved without waiting for other aspects of the plan. He concluded by noting that while current conditions did not exist for the ultimate objective of the settlement plan he was conscious of the necessity to keep searching for solutions and to build upon the existing achievements. He urged Member States that were in a position to help to continue to exert their influence to facilitate the process and recommended the extension of the mandate of MINURSO, at a reduced strength, for a period of six months.

At the same meeting the President (China) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴

The President further drew the attention of the Council to a letter dated 10 May 1996 from the representative of Morocco transmitting a memorandum on the delays caused by the Frente Polisario in the identification process;⁵ a letter dated 22 May 1996 from the representatives of Namibia and the United Republic of Tanzania, transmitting a memorandum by the Frente Polisario on Moroccan obstruction of the identification process;⁶ and a letter dated 24 May 1996 from the representative of Ethiopia, transmitting a joint statement with the Secretary-General of the Organization of African Unity (OAU), urging the United Nations to continue efforts to implement the settlement plan with renewed commitment.⁷

³ S/1996/343.

⁴ S/1996/382.

⁵ S/1996/345.

⁶ S/1996/366.

⁷ S/1996/376.

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1056 (1996), which reads:

The Security Council,

Reaffirming all its previous resolutions on the question of Western Sahara,

Having considered the report of the Secretary-General of 8 May 1996,

Noting the views expressed by the Government of Morocco as set out in the report of the Secretary-General and in the memorandum transmitted by the letter addressed to the Secretary-General dated 10 May 1996,

Noting also the views expressed by the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro as set out in the report of the Secretary-General and in the memorandum transmitted by the letter addressed to the Secretary-General dated 22 May 1996,

Taking note of the letter dated 23 May 1996 from the current Chairman and the Secretary-General of the Organization of African Unity and the President of the Security Council,

Reaffirming its commitment to assist the parties in achieving a just and lasting solution to the question of Western Sahara,

Stressing the importance it attaches to the maintenance of the ceasefire, as an integral part of the settlement plan,

Recognizing that, despite all the difficulties, the United Nations Mission for the Referendum in Western Sahara has to date identified more than 60,000 persons,

Reiterating that, for progress to be achieved, the two parties must have a vision of the post-referendum period,

1. *Reiterates its commitment* to the holding, as soon as possible, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan which has been accepted by the two parties referred to above;

2. *Deeply regrets* the fact that the required willingness does not exist to give the United Nations Mission for the Referendum in Western Sahara the cooperation needed for it to resume and complete the identification process, and that there has therefore been no significant progress towards implementation of the settlement plan;

3. *Agrees* with the recommendation of the Secretary-General that the identification process should be suspended until such time as both parties provide concrete and convincing evidence that they are committed to resuming and completing it without further obstacles, in accordance with the settlement plan;

4. *Supports* the proposal of the Secretary-General to reduce the strength of the military component of the Mission by

20 per cent, on the understanding that this will not impair its operational effectiveness in monitoring the ceasefire;

5. *Endorses* the view of the Secretary-General that the decision to suspend temporarily the work of the Identification Commission and to reduce the number of civilian police and military personnel does not imply any lessening of resolve to secure the implementation of the settlement plan;

6. *Supports* the proposal of the Secretary-General, in the context of the settlement plan, to maintain a political office to continue the dialogue with the parties and the two neighbouring countries and to facilitate any other effort that could help set the parties on a course towards an agreed formula for the resolution of their differences, and encourages the Secretary-General to consider ways of strengthening the role of this office;

7. *Urges* the two parties to demonstrate without further delay the political will, cooperation and flexibility necessary to permit the resumption and early completion of the identification process and the implementation of the settlement plan, notes with satisfaction that the parties have respected the ceasefire, which is an integral part of the settlement plan, and calls upon them to continue to do so;

8. *Calls upon* the parties, as a demonstration of goodwill, to cooperate with the United Nations in the implementation of certain aspects of the settlement plan, such as the release of Saharan political prisoners and the exchange of prisoners of war on humanitarian grounds, as soon as possible, to accelerate implementation of the settlement plan in its entirety;

9. *Encourages* the parties to consider additional ways to create confidence between themselves in order to remove obstacles to the implementation of the settlement plan;

10. *Decides* to extend the mandate of the Mission, on the basis proposed by the Secretary-General in his report of 8 May 1996, until 30 November 1996;

11. *Reminds* the parties that if significant progress is not achieved during this period, the Council will have to consider other measures, including possible further reductions in the strength of the Mission, but stresses its readiness to support the resumption of the identification process as soon as the parties have demonstrated the necessary political will, cooperation and flexibility, as called for in paragraph 7 above;

12. *Requests* the Secretary-General to continue his efforts with the parties to break the impasse blocking the implementation of the settlement plan and to submit to the Council by 31 August 1996 a report on the outcome of his efforts;

13. *Also requests* the Secretary-General to keep the Council closely informed of all significant developments, including their humanitarian aspects, and to submit a comprehensive report on the implementation of the present resolution by 10 November 1996;

14. *Decides* to remain seized of the matter.

Decision of 27 November 1996 (3718th meeting): resolution 1084 (1996)

At its 3718th meeting, on 27 November 1996, in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 5 November 1996 on the situation concerning Western Sahara, pursuant to Security Council resolution 1056 (1996).⁸

In his report, the Secretary-General observed that the reductions in the civilian and military staff had been effected. He stated that those measures had brought the cost of the mission down by approximately 40 per cent and that he would continue to keep the size of the mission under active review to ensure maximum efficiency. He welcomed the release of prisoners of war by the Government of Morocco and noted that cooperation with the Independent Jurist would also be a confidence building step. He urged the parties to contribute to further positive measures towards a lasting settlement and to continue cooperating with the Acting Special Representative on the implementation of the settlement plan. Finally, he recommended that the Security Council extend the mandate of MINURSO for a further period of six months, until 31 May 1997, while noting that the international community could not be expected to support the extension of the mandate indefinitely in the absence of tangible process towards the settlement of the question of Western Sahara.

At the same meeting the President drew the attention of the Council to a letter dated 25 November 1996 from the representative of Morocco calling the attention of the Security Council to the serious discrepancies noted from a reading of the draft resolution currently being prepared on Western Sahara in connection with the settlement plan.⁹

At the same meeting the President (Indonesia) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations,¹⁰ which was put to the vote and adopted unanimously as resolution 1084 (1996), which reads:

The Security Council,

Reaffirming all its previous resolutions on the question of Western Sahara,

Having considered the report of the Secretary-General of 5 November 1996,

Reaffirming its commitment to assist the parties in achieving a just and lasting solution to the question of Western Sahara,

Welcoming the reiteration by the Kingdom of Morocco of its commitment to the settlement plan,

Welcoming also the reiteration by the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro of its commitment to the settlement plan,

Stressing the importance it attaches to the maintenance of the ceasefire, as an integral part of the settlement plan,

Stressing also the importance and usefulness of the resumption of exploratory talks between the parties, without prejudice to their respective positions, in order to create an atmosphere of mutual confidence conducive to a speedy and effective implementation of the settlement plan,

Reiterating that, for progress to be achieved, the parties must have a vision of the post-referendum period,

Noting the completion by the Secretary-General of reductions in the various components of the United Nations Mission for the Referendum in Western Sahara,

1. *Reiterates its commitment* to the holding, as soon as possible, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan;

2. *Supports* the activities of the Acting Special Representative of the Secretary-General in continuing the dialogue with the parties and the two neighbouring countries and in facilitating, in the context of the settlement plan, other efforts to set the parties on a course towards an agreed formula for the resolution of their differences, and requests that those activities be accelerated and that the parties continue to cooperate with the Acting Special Representative;

3. *Notes* the beneficial effect of demonstrations of goodwill and of all contacts aimed at achieving the implementation of the settlement plan;

4. *Welcomes* the steps taken by the parties to demonstrate goodwill, including the release of prisoners, and the recent indications that the parties are moving forward in their efforts to resolve outstanding questions concerning the implementation of the settlement plan, and encourages them to pursue these efforts so as to build confidence between themselves and to facilitate the implementation of the settlement plan;

5. *Welcomes also* the ongoing activities of the Office of the United Nations High Commissioner for Refugees and the cooperation afforded to it by the parties, and encourages the

⁸ S/1996/913.

⁹ S/1996/973.

¹⁰ S/1996/985.

Office of the High Commissioner to pursue its humanitarian work and assistance in accordance with its mandate and the settlement plan;

6. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara, on the basis proposed by the Secretary-General in his report of 5 November 1996, until 31 May 1997;

7. *Requests* the Secretary-General to continue his efforts with the parties to break the impasse blocking the implementation of the settlement plan and to submit to the Council by 28 February 1997 an interim report on the outcome of his efforts;

8. *Also requests* that in his next report the Secretary-General propose alternative steps, in the framework of the settlement plan, should there be no meaningful progress towards removing the obstacles to the implementation of the plan;

9. *Further requests* the Secretary-General to continue to keep the staffing size and configuration of the various components of the Mission under active review in order to ensure maximum efficiency and effectiveness, and to include in his next report ways to achieve this aim;

10. *Requests* the Secretary-General to keep the Council closely informed of all significant developments, including their humanitarian aspects, and to submit a comprehensive report on the implementation of the present resolution by 9 May 1997;

11. *Decides* to remain seized of the matter.

Decision of 19 March 1997 (3754th meeting): statement by the President

At its 3754th meeting, held on 19 March 1997 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 27 February 1997 on the situation concerning Western Sahara, pursuant to Security Council resolution 1084 (1996).¹¹

In his report, the Secretary-General observed that MINURSO could take credit for the fact that the ceasefire in Western Sahara had held since 1991, that work had been initiated on the identification process and that they had contributed to facilitating contact between the parties. However, unless the parties both committed themselves fully to the settlement plan, the continuing presence of MINURSO would be questioned. He had therefore been reviewing the following questions: could the settlement plan be implemented in its present form, if not were there adjustments to the settlement plan

which would make it acceptable; and if not, were there other ways by which the international community could help the parties resolve the conflict? He hoped to examine those questions before the mandate of MINURSO ran out. He informed the Council that he was considering further reductions in the staffing of MINURSO and would keep the situation under active review. He concluded by noting that the international community could not compel the parties to cooperate in implementing the settlement plan and that without such cooperation it would be increasingly hard to justify the expenditures beyond the expiry of the present mandate.

At the same meeting the President (Poland) drew the attention of the Council to letters from the representative of Morocco addressed to the President of the Security Council, the first dated 10 March 1997, conveying the comments and concerns of Morocco with regard to the report of the Secretary-General,¹² and the second dated 19 March 1997 transmitting a letter dated 11 March 1997 from the Prime Minister and Minister for Foreign Affairs and Cooperation of Morocco, welcoming the appointment of James Baker as the Secretary-General's personal envoy.¹³

At the same meeting, the President made the following statement on behalf of the Council:¹⁴

The Security Council welcomes the interim report of the Secretary-General of 27 February 1997 on the situation concerning Western Sahara. It is disappointed at the lack of progress on the implementation of the plan for the settlement of the question of Western Sahara, noted in the report. It concurs with the Secretary-General's assessment that it is essential to maintain the ceasefire, a breach of which could seriously threaten regional stability, and that it is also essential to move the process forward. It believes that the presence of the United Nations Mission for the Referendum in Western Sahara has been essential in helping the parties to maintain their commitment to the ceasefire. It looks forward to receiving the Secretary-General's assessment of the future tasks and configuration of MINURSO.

The Security Council expresses its strong support for the efforts of the Secretary-General to overcome the current stalemate in implementing the settlement plan. In this context, it welcomes the appointment by the Secretary-General of a Personal Envoy to the region and urges the parties to cooperate fully with him.

Decision of 22 May 1997 (3779th meeting): resolution 1108 (1997)

¹¹ S/1997/166.

¹² S/1997/208.

¹³ S/1997/234.

¹⁴ S/PRST/1997/16.

At the 3779th meeting of the Security Council, held on 22 May 1997 in accordance with the understanding reached in its prior consultations, the President (Republic of Korea), drew the attention of the Council to the report of the Secretary-General dated 15 January 1998 on the situation concerning Western Sahara pursuant to Security Council resolution 1084 (1996).¹⁵

In his report, the Secretary-General observed that his personal envoy, during his exploratory consultations with the parties, had stressed that he had come to discuss with all concerned a way of breaking the current stalemate. His personal envoy would return to the region in June and would then report on his findings and recommendations. The Secretary-General stated that at that time he would be in a position to submit a comprehensive report on all aspects of the Western Sahara issue. The Secretary-General thus recommended that the mandate of MINURSO be extended by four months, until 30 September 1997. Noting that the international community would not support MINURSO indefinitely without tangible signs of progress, he urged the parties to cooperate fully with his personal envoy to bring about a fair and lasting solution to the situation.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations,¹⁶ which was then put to the vote and adopted unanimously as resolution 1108 (1997), which reads:

The Security Council,

Reaffirming all its previous resolutions on the question of Western Sahara,

Recalling the statement by the President of the Security Council of 19 March 1997 on the situation concerning Western Sahara and the designation of a Personal Envoy of the Secretary-General to the region,

Having considered the report of the Secretary-General of 5 May 1997, and welcoming in particular the intention of the Secretary-General to evaluate the situation in the light of the findings and recommendations to be provided by his Personal Envoy,

1. *Reiterates its commitment* to the: holding, without further delay, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan which has been accepted by the parties;

2. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 30 September 1997;

3. *Urges* the parties to continue to cooperate with the Personal Envoy of the Secretary-General in his mission as outlined by the Secretary-General, and to demonstrate the political will to overcome the persisting stalemate and find an acceptable solution;

4. *Requests* the Secretary-General to keep the Security Council informed of progress in the situation and to submit to the Council, by 15 September 1997, a comprehensive report on the results of his evaluation of all aspects of the Western Sahara issue;

5. *Decides* to remain seized of the matter.

Decision of 29 September 1997 (3821st meeting): resolution 1131 (1997)

At its 3821st meeting held on 29 September 1997 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 24 September 1997 on the situation concerning Western Sahara pursuant to Security Council resolution 1108 (1997).¹⁷

The Secretary-General observed that his Personal Envoy had concluded that neither party wished to pursue any option other than the current settlement plan and stated that he had implemented direct talks under the auspices of the United Nations towards that end. During those talks, the parties agreed to bridging proposals on outstanding issues related to the identification of prospective voters in the referendum, to the preparatory work of the Office of the United Nations High Commissioner for Refugees (UNHCR) for the repatriation of Saharan refugees, and to the code governing the conduct of the parties during the referendum campaign. A compromise agreement with the two observer countries, Mauritius and Algeria, on the outstanding question of Frente Polisario troop confinement was also reached. The parties also agreed to a set of practical measures for the resumption of the identification process and to a declaration related to the authority of the United Nations during the transitional period. The Secretary-General recommended that the identification process and implementation of the settlement plan be resumed and that MINURSO be provided with the resources to do so on an urgent basis. The mandate of MINURSO needed to be extended for

¹⁵ S/1997/358.

¹⁶ S/1997/381.

¹⁷ S/1997/742 and Add.1.

three weeks and thereafter for 6 months until 20 April 1998. If the recommendations were accepted, he stated that he intended to dispatch a technical team to the Mission area during the first half of October 1997, to reassess the resource requirements for the deployment of MINURSO at full strength, and that he expected to revert to the Council in November with a comprehensive report, including a detailed plan, timetable and financial implication for the holding of the referendum of self-determination.

At the same meeting the President (United States) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁸ The draft resolution was then put to the vote and adopted unanimously as resolution 1131 (1997), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Welcoming the report of the Secretary-General of 24 September 1997, and the agreements reached between the parties recorded in that report,

Expressing its satisfaction at the extent to which the parties cooperated with the Personal Envoy of the Secretary-General, and urging the parties to continue this cooperation by fully implementing the said agreements and the settlement plan,

Reiterating its commitment to the holding, without further delay, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 20 October 1997, in accordance with the recommendation of the Secretary-General contained in his report;

2. *Welcomes* the other recommendations contained in the report of the Secretary-General, and expresses its readiness to consider further action in accordance with those recommendations;

3. *Decides* to remain seized of the matter.

**Decision of 20 October 1997 (3825th meeting):
resolution 1133 (1997)**

At the 3825th meeting of the Security Council, held on 20 October 1997 in accordance with the understanding reached in its prior consultations, the President (Chile) drew the attention of the Council to a

draft resolution prepared in the course of the Council's prior consultations.¹⁹ The draft resolution was then put to the vote and adopted unanimously as resolution 1133 (1997), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara and, in particular, its resolution 1131 (1997) of 29 September 1997,

Reaffirming its welcome for the report of the Secretary-General of 24 September 1997 and the agreements reached between the parties for the implementation of the settlement plan, recorded in that report,

Reaffirming its commitment to assist the parties in achieving a just and lasting solution to the question of Western Sahara,

Reiterating its commitment to the holding without further delay of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties,

Reiterating its satisfaction at the extent to which the parties cooperated with the Personal Envoy of the Secretary-General,

1. *Calls upon* the parties to continue their constructive cooperation with the United Nations by fully implementing the settlement plan and the agreements which they have reached for its implementation;

2. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 20 April 1998, in order that the Mission may proceed with its identification tasks, and to increase its size in accordance with the recommendation of the Secretary-General contained in his report;

3. *Requests* the Secretary-General to begin the identification of eligible voters in accordance with the settlement plan and the agreements reached between the parties with the aim of finishing the process by 31 May 1998;

4. *Also requests* the Secretary-General to submit to the Council, no later than 15 November 1997, a comprehensive report, including a detailed plan, a timetable and financial implications, for the holding of the referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan and the agreements reached between the parties for its implementation;

5. *Further requests* the Secretary-General to report to the Council every 60 days from the date of extension of the mandate of the Mission on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments in the interim period;

¹⁸ S/1997/751.

¹⁹ S/1997/806.

6. *Decides* to remain seized of the matter.

**Decision of 26 January 1998 (3849th meeting):
resolution 1148 (1998)**

At its 3849th meeting, held on 26 January 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 15 January 1998 on the situation concerning Western Sahara, pursuant to Security Council resolution 1133 (1997).²⁰

In his report, the Secretary-General observed that despite the promising progress made since the resumption of the identification process, its completion by 31 May 1998 would be a daunting task. Until the number of non-convoked people presenting themselves was known it would not be possible to confirm that the process could be concluded by that date to allow the start of the transitional period on 7 June 1998 as planned. However, he maintained that every effort would be made to adhere as strictly as possible to the timetable. Beyond the continued cooperation of the parties, this required the provision of necessary resources in full and on time, including the early deployment of engineering and other resources to undertake the required operational demining and to prepare for the deployment of the military component of the Mission. He appealed to the Council and the General Assembly to extend all necessary support in that regard, so that the overall objective of holding the referendum by the end of 1998 might still be maintained.

At the same meeting the President (France) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.²¹ The draft resolution was then put to the vote and adopted unanimously as resolution 1148 (1998), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara, in particular resolution 1133 (1997) of 20 October 1997 in which it decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 20 April 1998 and to increase its size in accordance with the recommendation of the Secretary-General contained in his report of 24 September 1997,

Having considered the report of the Secretary-General of 13 November 1997, which contains a detailed plan, a timetable and financial implications for the increase in the strength of the Mission,

Welcoming the letter dated 12 December 1997 from the Secretary-General to the President of the Security Council, which, inter alia, records the resumption of the identification of eligible voters in accordance with the settlement plan and the agreements reached between the parties for its implementation, and the report of the Secretary-General of 15 January 1998 which, inter alia, records progress made since the resumption of the identification process,

Welcoming also the appointment of the Special Representative of the Secretary-General for Western Sahara,

1. *Approves* the deployment of the engineering unit required for demining activities and of the additional administrative staff required to support the deployment of military personnel as proposed in annex II to the report of the Secretary-General;

2. *Expresses its intention* to consider positively the request for the remaining additional military and civilian police assets for the United Nations Mission for the Referendum in Western Sahara as proposed in annex II to the report of the Secretary-General, as soon as the Secretary-General reports that the identification process has reached a stage which makes the deployment of these assets essential;

3. *Calls upon* both parties to cooperate with the Special Representative of the Secretary-General and to cooperate further with the Identification Commission established pursuant to the settlement plan in order that the identification process can be completed in a timely fashion in accordance with the settlement plan and the agreements reached between the parties for its implementation;

4. *Requests* the Secretary-General to keep the Council fully informed of further developments in the implementation of the settlement plan;

5. *Decides* to remain seized of the matter.

**Decision of 17 April 1998 (3873rd meeting):
resolution 1163 (1998)**

At its 3873rd meeting, held on 17 April 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 13 April 1998 on the situation concerning Western Sahara pursuant to Security Council resolution 1133 (1997) requesting him to submit a report every 60 days on the progress made in the implementation plan.²²

²⁰ S/1998/35.

²¹ S/1998/60.

²² S/1998/316.

In his report, the Secretary-General observed that considering the slowdown in identification activities, the lack of progress in resolving issues linked to the identification of applicants from the “contested” tribal groups and the climate of mutual mistrust among the parties, the target date of 31 May 1998 was unlikely to be achieved. He expressed his concern that tensions could increase as completion of the identification process approached. He also expressed his concern over the continuing propaganda against MINURSO in the Moroccan press and called for its halt. He stated that, providing both parties cooperate fully, it should be possible to complete the identification of the “non-contested” tribes by the end of July 1998, but the time required for the entire process could not be specified. He stated that, notwithstanding delays in the transition period and the repatriation of Saharan refugees, it was important that the United Nations mine clearance activities start as soon as possible, as decided by the Security Council in resolution 1148 (1998). He urged both Morocco and the Frente Polisario to cooperate fully with his Special Representative and the Identification Commission so that the process could move forward, and with UNHCR and its preparatory work for the repatriation of refugees. The cooperation of Morocco, as well as that of Algeria and Mauritania, was also required so that the draft status of forces agreements could be approved in good time. In conclusion, he stated that if sufficient progress had been made by the end of June he would submit recommendations for a revised timetable for the full implementation of the settlement plan, including preparatory measures for the establishment of the Referendum Commission. If, on the other hand, no solutions had been found, it was his intention to recommend that the Security Council reconsider the viability of the mandate of MINURSO. In the meantime, he recommended that the mandate of MINURSO be extended for a period of three months, until 20 July 1998.

At the same meeting the President (Japan) drew the attention of the Council to a draft resolution prepared in the course of the Council’s prior consultations.²³ The draft resolution was then put to the vote and adopted unanimously as resolution 1163 (1998), which reads:

The Security Council,

²³ S/1998/331.

Recalling all its previous resolutions on the question of Western Sahara,

Reaffirming its full support for the Secretary-General, his Personal Envoy, his Special Representative and the United Nations Mission for the Referendum in Western Sahara in the implementation of the settlement plan and the agreements reached by the two parties for its implementation, and recalling that under these agreements the responsibility for implementing the identification process lies with the Identification Commission,

Reiterating its commitment to assist the parties to achieve a just and lasting solution to the question of Western Sahara,

Reiterating also its commitment to the holding without further delay of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties,

Welcoming the report of the Secretary-General of 13 April 1998, and supporting the observations and recommendations contained therein,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 20 July 1998, in order that the Mission may proceed with its identification tasks, with the aim of completing the process;

2. *Calls upon* the parties to cooperate constructively with the United Nations, the Special Representative of the Secretary-General and the Identification Commission established pursuant to the settlement plan in order to complete the identification- of-voters phase of the settlement plan and the agreements reached for its implementation;

3. *Notes* the continuing deployment of the engineering unit required for demining activities and of the administrative staff required to support the deployment of military personnel as proposed in annex II to the report of the Secretary-General of 13 November 1997, as further described in the recommendations of the report of the Secretary-General of 13 April 1998;

4. *Expresses again its intention* to consider positively the request for the remaining additional military and police assets for the Mission as proposed in annex II to the report of the Secretary-General of 13 November 1997, as soon as the Secretary-General reports that the identification process has reached a stage which makes the deployment of these assets essential;

5. *Calls upon* the Governments of Morocco, Algeria and Mauritania to conclude respective status-of-forces agreements with the Secretary-General, and recalls that pending the conclusion of such agreements, the model status-of-forces agreement dated 9 October 1990, as provided for in General Assembly resolution 52/12 B of 19 December 1997, should apply provisionally;

6. *Requests* the Secretary-General to report to the Council every thirty days from the date of extension of the

mandate of the Mission on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments in the interim period, and, as appropriate, on the continuing viability of the mandate of the Mission;

7. *Decides* to remain seized of the matter.

**Decision of 20 July 1998 (3910th meeting):
resolution 1185 (1998)**

At its 3910th meeting, held on 20 July 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 10 July 1998 on the situation concerning Western Sahara, submitted pursuant to Security Council resolution 1163 (1998).²⁴

In his report, the Secretary-General observed that MINURSO was on track to finish the identification of all applicants from non-disputed tribes and both sides were cooperating in moving the process forward. He informed the Council that the Moroccan authorities had expressed their readiness to cooperate with UNHCR and that status-of-forces agreements had been received from Algeria and Mauritania and he hoped that they would be signed shortly. He expected that the Moroccan authorities would provide an early positive response. He noted that the restrictions imposed by Morocco limiting the use of MINURSO aircraft exclusively to MINURSO personnel were not in line with the practice of United Nations peacekeeping operations, and could have a negative public relations impact on the peace process in Western Sahara and could reduce the availability to Security Council members and troop- and police-contributing nations of useful information related to the Mission. He noted that differences between the parties on how to proceed with the identification of members of “contested” tribal groupings (H41, H61 and J51/52) remained substantial and neither party had provided practical suggestions for reconciliation. In the light of the progress made in identifying applicants from the other groupings he recommended that the mandate of MINURSO be extended for two months until 21 September 1998 and he would submit his report by 15 September 1998. At that time, if it appeared that there was still a possibility that the settlement plan could be implemented he would submit a revised timetable along with the report. If it appeared that the settlement plan

²⁴ S/1998/634.

was no longer viable, he would include recommendations on the continuing viability of the mandate of MINURSO.

At the same meeting the President (Russian Federation) drew the attention of the Council to a draft resolution prepared in the course of the Council’s prior consultations.²⁵ The draft resolution was then put to the vote and adopted as resolution 1185 (1998), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Reaffirming its full support for the Secretary-General, his Personal Envoy, his Special Representative and the United Nations Mission for the Referendum in Western Sahara in the implementation of the settlement plan, and the agreements reached by the two parties for its implementation, and recalling that under these agreements the responsibility for implementing the identification process lies with the Identification Commission,

Reiterating its commitment to assist the parties to achieve a just and lasting solution to the question of Western Sahara,

Reiterating also its commitment to the holding without further delay of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties,

Welcoming the report of the Secretary-General of 10 July 1998, and supporting the observations and recommendations contained therein,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 21 September 1998, in order that the Mission may proceed with its identification tasks, with the aim of completing the process;

2. *Welcomes*, in line with the report of the Secretary-General, engagement by his Personal Envoy with the parties to seek a solution to those issues bearing upon implementation of the settlement plan;

3. *Calls upon* the parties to cooperate constructively with the United Nations, the Personal Envoy of the Secretary-General, the Special Representative of the Secretary-General and the Identification Commission established pursuant to the settlement plan in order to complete the identification-of-voters phase of the settlement plan and the agreements reached for its implementation;

4. *Notes with satisfaction* the expressed readiness of the Moroccan Government to cooperate with the Office of the United Nations High Commissioner for Refugees in order to

²⁵ S/1998/661.

formalize the presence of the Office of the High Commissioner in Western Sahara, according to the settlement plan;

5. *Notes* the continuing deployment of the engineering unit required for demining activities and of the administrative staff required to support the deployment of military personnel as proposed in annex II to the report of the Secretary-General of 13 November 1997, as further described in the recommendations of the report of the Secretary-General of 13 April 1998;

6. *Expresses again its intention* to consider positively the request for the remaining additional military and police assets for the Mission as proposed in annex II to the report of the Secretary-General of 13 November 1997, as soon as the Secretary-General reports that the identification process has reached a stage which makes the deployment of these assets essential;

7. *Calls* for a prompt conclusion of status-of-forces agreements with the Secretary-General which would greatly facilitate the full and timely deployment of the Mission-formed military units, in particular the deployment of the military engineering support and demining units, and in this context notes progress that has been made, and recalls that pending the conclusion of such agreements, the model status-of-forces agreement dated 9 October 1990, as provided for in General Assembly resolution 52/12 B of 19 December 1997, should apply provisionally;

8. *Calls* for the lifting of any restrictions imposed on the Mission aircraft, or on passengers whose travel the Mission determines to be of assistance to the fulfilment of the mandate, in line with the practice of United Nations peacekeeping operations, and notes that discussions are being held to this end;

9. *Requests* the Secretary-General to report to the Council every thirty days from the date of extension of the mandate of the Mission on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments in the interim period, and, as appropriate, on the continuing viability of the mandate of the Mission;

10. *Decides* to remain seized of the matter.

Decision of 18 September 1998 (3929th meeting): resolution 1198 (1998)

At its 3939th meeting, held on 18 September 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 11 September 1998 on the situation concerning Western Sahara, pursuant to Security Council resolution 1185 (1998).²⁶

²⁶ S/1998/849.

In his report, the Secretary-General observed that the identification of over 147,000 applicants had been completed with the cooperation of the two parties but he was concerned that the identification of applicants from the three disputed tribal groupings remained outstanding. While welcoming the decision of Algeria and Mauritania to sign the status-of-forces agreements, he noted that the signatures were long overdue, and he hoped that the agreement with Morocco might be concluded soon after the Secretariat had completed its review of their reply. While welcoming the agreement of Morocco to formalize the presence of UNHCR, he stated his concern that they had not yet taken concrete action to enable UNHCR to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote and their immediate families. He maintained that it was imperative for UNHCR to begin activities in the Territory, including confidence-building, infrastructure development and road reconnaissance, in order to complete its preparatory tasks and logistics planning. He noted that his Personal Envoy was assessing whether the settlement plan could be carried out in its current form or whether there needed to be adjustments to it, acceptable to the parties, which would improve the chances of implementing it or whether it could not be carried out. To allow the Envoy to carry out consultations with the parties, the Secretary-General recommended extending the mandate of MINURSO until 31 October 1998.

At the same meeting the President (Sweden) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.²⁷ The draft resolution was then put to the vote and adopted unanimously as resolution 1198 (1998), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Reiterating its commitment to assist the parties to achieve a just and lasting solution to the question of Western Sahara,

Reiterating also its commitment to the holding without further delay of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties,

²⁷ S/1998/863.

Welcoming the report of the Secretary-General of 11 September 1998, and supporting the observations and recommendations contained therein,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 31 October 1998;

2. *Welcomes*, in line with paragraph 23 of the report of the Secretary-General, engagement of his Personal Envoy with the parties to seek a solution to those issues bearing upon implementation of the settlement plan;

3. *Welcomes also* the agreement of the Moroccan authorities to formalize the presence of the Office of the United Nations High Commissioner for Refugees in Western Sahara, and requests both parties to take concrete action to enable the Office of the High Commissioner to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote, and their immediate families, according to the settlement plan;

4. *Calls* for a prompt conclusion of status-of-forces agreements with the Secretary-General which would greatly facilitate the full and timely deployment of the Mission-formed military units, and in this context notes new progress that has been made, and recalls that pending the conclusion of such agreements, the model status-of-forces agreement dated 9 October 1990, as provided for in General Assembly resolution 52/12 B of 19 December 1997, should apply provisionally;

5. *Requests* the Secretary-General to report to the Council thirty days from the date of extension of the mandate of the Mission on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments and, as appropriate, on the continuing viability of the mandate of the Mission;

6. *Decides* to remain seized of the matter.

**Decision of 30 October 1998 (3938th meeting):
resolution 1204 (1998)**

At its 3983rd meeting, held on 30 October 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 26 October 1998 on the situation concerning Western Sahara pursuant to Security Council resolution 1198 (1998).²⁸

In his report, the Secretary-General observed that the situation concerning Western Sahara remained deadlocked primarily due to the inability of the Moroccan Government and the Frente Polisario to reach a compromise on the much-debated issue of the

“contested” tribal groupings H41, H61 and J51/52, and he had decided to present his own arbitration in order to move ahead on that issue. He stated that he was asking the Identification Commission to proceed in considering requests from any applicants from the tribal groupings in question who wished to present themselves individually, in order to verify whether they have the right to vote, having regard to the five eligibility criteria accepted by the parties. This would prolong the Identification Commission’s programme of work, and he therefore advised launching the appeals process simultaneously, which would require the publishing of the provisional list of voters. In order to implement this programme and keep to the proposed timetable, he recommended that the number of the Commission’s members and support personnel be gradually increased. Holding the referendum was also dependent on measures taken to prepare for the return of refugees who were eligible to vote, and he urged Morocco, the Frente Polisario, Algeria and Mauritania to grant the United Nations and UNHCR all the necessary facilities and guarantees to enable them to prepare for the refugees’ return and to formalize the presence of UNHCR in the Territory as soon as possible. He noted that adjustments to the timetable presented in annex II of his report of 13 November 1997 were dependent on the cooperation of the parties and the timely provision of the necessary resources by the Security Council. He informed the Council that neither the Government of Morocco nor the Frente Polisario had voiced objections and that they had stated their intention to cooperate with MINURSO in implementing his proposals. Consequently he recommended the extension of the mandate of MINURSO to 30 April 1999 and stated that he intended to submit recommendations on a full deployment of MINURSO in December 1998. He concluded by stating his expectation that all documents, including the outstanding status-of-forces agreement and the protocols on the identification of applicants from the “contested” tribal groupings, would be initialed by the time he returned to the region.

At the same meeting the President (United Kingdom) drew the attention of the Council to a letter dated 30 October 1998 from the representative of Morocco addressed to the President of the Security Council,²⁹ expressing his concern that paragraph 6 of draft resolution S/1998/1011, which stated the Security Council’s support for the intention of MINURSO to

²⁸ S/1998/997.

²⁹ S/1998/1014.

publish the provisional list of voters, was in contradiction with paragraph 21 of the settlement plan,³⁰ which stipulates that the voter list would be published only when the identification process was complete. The President maintained that the Council would not consider the resolution as modifying the relevant provisions of the settlement plan.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³¹ The draft resolution was then put to the vote and adopted unanimously as resolution 1204 (1998), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Reiterating its commitment to assist the parties to achieve a just and lasting solution to the question of Western Sahara,

Reiterating its commitment also to the holding without further delay of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties,

Welcoming the report of the Secretary-General of 26 October 1998 and the observations and recommendations contained therein,

Welcoming also the stated intentions of the Government of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to cooperate actively with the United Nations Mission for the Referendum in Western Sahara in implementing the proposals contained in the report,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 17 December 1998;

2. *Welcomes* paragraph 4 of the report of the Secretary-General, regarding the protocol relating to the identification of those presenting themselves individually from tribes H41, H61 and J51/52, the protocol relating to the appeals process, the memorandum pertaining to the activities of the Office of the United Nations High Commissioner for Refugees in the region, and an outline of the next stages of the settlement plan, and calls on the parties to agree to this package of measures by mid-November 1998 in order to allow positive consideration of further stages in the settlement process;

3. *Notes* the intention of the Office of the High Commissioner to forward to the parties soon a protocol relating to the repatriation of refugees, and supports efforts in this regard;

4. *Welcomes also* the agreement of the Moroccan authorities to formalize the presence of the Office of the High Commissioner in Western Sahara, and the agreement of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to resume pre-registration activities in the refugee camps, and requests both parties to take concrete action to enable the Office of the High Commissioner to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote, and their immediate families, according to the settlement plan;

5. *Notes with regret* the constraints on the operational capability of engineering support unit of the Mission, calls for a prompt conclusion of status-of-forces agreements with the Secretary-General which is an indispensable prerequisite for the full and timely deployment of the Mission-formed military units, and recalls that pending the conclusion of such agreements, the model status-of-forces agreement dated 9 October 1990, as provided for in General Assembly resolution 52/12 B of 19 December 1997, should apply provisionally;

6. *Supports* the intention of the Mission to start publishing the provisional list of voters by 1 December 1998, as proposed by the Secretary-General, and supports also the proposed increase in staff of the Identification Commission from eighteen to twenty-five members, and the increase also in the necessary support personnel, in order to strengthen the Commission and enable it to continue working with utmost rigour and impartiality with a view to keeping to the proposed timetable;

7. *Requests* the Secretary-General to report to the Council by 11 December 1998 on the implementation of the present resolution and on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments and, as appropriate, on the continuing viability of the mandate of the Mission;

8. *Decides* to remain seized of the matter.

Decision of 17 December 1998 (3956th meeting): resolution 1215 (1998)

At its 3956th meeting, held on 17 December 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 11 December 1998 on the situation concerning Western Sahara, pursuant to Security Council resolution 1204 (1998).³²

In his report, the Secretary-General observed that although his arbitration package had been formally accepted by the Frente Polisario, Algeria and Mauritania, Morocco had expressed several concerns and was seeking clarifications on the draft protocols. He

³⁰ S/22464 and Corr.1.

³¹ S/1998/1011.

³² S/1998/1160.

maintained that in view of the concerns expressed by Morocco, the proposed measures to launch simultaneously the identification and appeals process would still entitle all applicants to both an initial hearing and a process of appeal and that the final list of voters would be published only after the end of the appeals for all applicants. In conclusion, he expressed his hope that the draft protocol would be agreed on and signed by Morocco, the Frente Polisario, Algeria and Mauritania on the occasion of the visit by the United Nations High Commissioner for Refugees in early 1999 and that Morocco would promptly sign the status-of-forces agreement. To allow consultations to lead to an agreement, he recommended that the mandate of MINURSO be extended until 31 January 1999. If the prospects for completing the identification process remained uncertain, it was his intention to revert to the Council and ask his Personal Envoy to reassess the situation and the viability of the mandate of MINURSO.

At the same meeting the President (Bahrain) drew the attention of the Council to a letter dated 3 November 1998 from the representative of Algeria addressed to the President of the Security Council,³³ and a letter dated 24 November 1998 from the representative of Mauritania addressed to the President of the Security Council,³⁴ respectively, informing the Security Council that they had signed the status-of-forces agreement; and to a letter dated 15 December 1998 from the representative of Morocco addressed to the President of the Security Council,³⁵ drawing attention to the need to draw a distinction between the Secretary-General's arbitration concerning the 65,000 applicants and all the other proposals contained in the protocols submitted to it by the Under-Secretary-General for Peacekeeping Operations.

At the same meeting the President also drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³⁶ The draft resolution was then put to the vote and adopted unanimously as resolution 1215 (1998), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara, and reaffirming in particular resolution 1204 (1998) of 30 October 1998,

Welcoming the report of the Secretary-General of 11 December 1998 and the observations and recommendations contained therein,

Noting the stated position of the Government of Morocco, and welcoming the formal acceptance by the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to implement the package of measures contained in paragraph 2 of the report of the Secretary-General, in order to move forward with the implementation of the settlement plan,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 31 January 1999 to allow for further consultations in the hope that those consultations will lead to agreement on the various protocols without undermining the integrity of the Secretary-General's proposed package or calling into question its main elements;

2. *Notes*, in this regard, that the implementation of the proposal of Secretary-General to launch simultaneously the identification and appeals processes could clearly demonstrate the willingness of the parties to accelerate the referendum process, in accordance with the wishes they have publicly expressed in recent months;

3. *Calls upon* the parties and the interested States to sign as soon as possible the proposed refugee repatriation protocol with the Office of the United Nations High Commissioner for Refugees, urges the Government of Morocco to formalize the presence of the Office of the High Commissioner in the Territory, and requests both parties to take concrete action to enable the Office of the High Commissioner to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote, and their immediate families, according to the settlement plan;

4. *Urges* the Government of Morocco promptly to sign a status-of-forces agreement with the Secretary-General as an indispensable condition for the full and timely deployment of the Mission-formed military units, and recalls that pending the conclusion of such agreement, the model status-of-forces agreement dated 9 October 1990, as provided for in General Assembly resolution 52/12 B of 19 December 1997, should apply provisionally;

5. *Notes* that the contracts of the majority of the Identification Commission staff will expire by the end of December 1998, and that future extensions will depend on the prospects for resuming the identification work in the immediate future and on the decisions the Council will take concerning the mandate of the Mission;

6. *Requests* the Secretary-General to report to the Council by 22 January 1999 on the implementation of the present resolution and on the progress in the implementation of the settlement plan and the agreements reached between the parties, and further requests him to keep the Council regularly informed of all significant developments including, as appropriate, a

³³ S/1998/1031.

³⁴ S/1998/1142.

³⁵ S/1998/1169.

³⁶ S/1998/1183.

reassessment by his Personal Envoy of the continuing viability of the mandate of the Mission;

7. *Decides* to remain seized of the matter.

Decision of 28 January 1999 (3971st meeting): resolution 1224 (1999)

At the 3971st meeting of the Security Council, held on 28 January 1999 in accordance with the understanding reached in its prior consultations, the President (Brazil) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³⁷

At the same meeting the President also drew the attention of the Council to a letter dated 30 December 1998 from the representative of Austria, addressed to the Secretary-General, transmitting a statement on Western Sahara issued on 29 December 1998 by the Presidency of the European Union reiterating their support for the United Nations settlement plan for Western Sahara.³⁸

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1224 (1999), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 11 February 1999;
2. *Requests* the Secretary-General to keep the Council informed of all significant developments in the implementation of the settlement plan and the agreements reached between the parties, and, as appropriate, on the continuing viability of the mandate of the Mission;
3. *Decides* to remain seized of the matter.

Decision of 11 February 1999 (3976th meeting): resolution 1228 (1999)

At its 3976th meeting, held on 11 February 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 28 January 1999 on the situation concerning Western Sahara pursuant to Security Council resolution 1215 (1998).³⁹

In his report, the Secretary-General observed that Morocco had asked for a few days to review the clarifications it had requested from the United Nations before presenting the changes it wanted to the texts of the voter identification and appeals protocols. As long as those changes did not affect the balance and spirit of the package of measures and the timeline, he expressed his hope that this would lead to a prompt resumption of identification and the initiation of the appeals process. He welcomed the decision of Morocco to formalize the status of UNHCR in the Territory and expressed his belief that the pre-registration operation in the Tindouf camps needed to be allowed to resume as soon as possible. He called on Morocco to begin discussions without delay with UNHCR on the refugee repatriation draft protocol and maintained that the United Nations would respond promptly to the comments on the protocol submitted by the Frente Polisario and Algeria. He informed the Council that Morocco had decided to proceed with the signature of the status-of-forces agreement concerning MINURSO and he thus recommended that the mandate be extended for four weeks, until 28 February 1999. If the prospects for putting the package of measures into effect remained uncertain at that time, it was his intention to ask his Personal Envoy to reassess the situation and the viability of the mandate of MINURSO.

At the same meeting the President (Canada) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁰ The draft resolution was then put to the vote and adopted unanimously as resolution 1228 (1999), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara, and reaffirming in particular resolutions 1204 (1998) of 30 October 1998 and 1215 (1998) of 17 December 1998,

Welcoming the report of the Secretary-General of 28 January 1999 and the observations and recommendations contained therein,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 31 March 1999 to allow for consultations in the hope and expectation of agreement on the protocols on identification, appeals and repatriation planning activities, as well as on the essential issue of the implementation calendar, without undermining the integrity of the Secretary-General's proposed

³⁷ S/1999/78.

³⁸ S/1999/7.

³⁹ S/1999/88.

⁴⁰ S/1999/130.

package of measures or calling into question its main elements, for the prompt resumption of voter identification and initiation of the appeals process;

2. *Requests* both parties to take concrete action to enable the Office of the United Nations High Commissioner for Refugees to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote, and their immediate families, according to the settlement plan;

3. *Requests* the Secretary-General to report to the Council by 22 March 1999 on the implementation of the present resolution;

4. *Supports* the intention of the Secretary-General to ask his Personal Envoy to reassess the viability of the mandate of the Mission should the prospects for putting the package of measures into effect remain elusive at the time of submission of the next report of the Secretary-General;

5. *Decides* to remain seized of the matter.

**Decision of 30 March 1999 (3990th meeting):
resolution 1232 (1999)**

At its 3990th meeting, held on 30 March 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 22 March 1999 on the situation concerning Western Sahara, pursuant to Security Council resolution 1228 (1999).⁴¹

In his report, the Secretary-General observed that the United Nations had provided the clarifications requested to the protocol by the Government of Morocco, and had received a communication from Morocco communicating Morocco's agreement in principle. The identification and appeals protocols would be adjusted to take into account necessary revisions and then would need the approval of both parties. He would apprise the Security Council of developments prior to the expiration of the mandate of MINURSO. He welcomed the signature of Morocco and the MINURSO force commander on the agreement on mines and unexploded ordnance and noted that MINURSO was engaged in efforts to reach a similar agreement promptly with the Frente Polisario. He noted that progress had been made by UNHCR in establishing itself in the Territory and in preparing the ground for the start of substantive work that would enable it to complete its preparatory work for the repatriation of Saharan refugees. All parties needed to move ahead to

reach an agreement on the refugee repatriation protocol, and he called on the Frente Polisario to allow the resumption of the work of pre-registration of refugees in the Tindouf camps. In the light of the resignation of his Special Representative and pending the Security Council's decision regarding the future status of MINURSO, he had designated the Chairman of the Identification Commission as his Acting Special Representative. He recommended that the mandate of MINURSO be extended until 30 April 1999 to provide time for an understanding to be reached on modalities for the implementation of the identification and appeals protocols.

At the same meeting the President (China) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴² The draft resolution was then put to the vote and adopted unanimously as resolution 1232 (1999), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Welcoming the report of the Secretary-General of 22 March 1999 and the observations and recommendations contained therein,

Welcoming also the agreement in principle to the Secretary-General's package of measures by the Government of Morocco, and recalling its acceptance by the Frente Popular para la Liberación de Saguia el Hamra y de Río de Oro,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 30 April 1999 to allow for an understanding to be reached among all concerned on detailed modalities for the implementation of the identification and appeals protocols, including a revised implementation schedule, in a manner that would preserve the integrity of the Secretary-General's package of measures;

2. *Requests* both parties to move ahead with the necessary discussions to reach an agreement on the refugee repatriation protocol, so that all aspects of the work needed to prepare the way for the repatriation of refugees may begin, including confidence-building measures, and in that regard welcomes the decision of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to allow the resumption of pre-registration activities of the Office of the United Nations High Commissioner for Refugees in Tindouf;

3. *Welcomes* the signature, by the Government of Morocco and the Force Commander of the Mission, of the agreement on mines and unexploded ordnance mentioned in

⁴¹ S/1999/307.

⁴² S/1999/354.

paragraph 13 of the report of the Secretary-General, and urges the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to engage in a similar effort;

4. *Requests* the Secretary-General to report to the Council by 23 April 1999 on the implementation of the present resolution;

5. *Decides* to remain seized of the matter.

**Decision of 30 April 1999 (3994th meeting):
resolution 1235 (1999)**

At its 3994th meeting, held on 30 April 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 27 April 1999 on the situation concerning Western Sahara, pursuant to Security Council resolution 1232 (1999).⁴³

In his report, the Secretary-General observed that Morocco and the Frente Polisario would shortly convey their formal positions on the protocols and operational directives, which would provide for the resumption of the identification process on 1 June 1999 and of the appeals process on 1 July 1999. The simultaneous conduct of the identification and appeals processes would shorten the timeline of the referendum but require increased staffing and logistics requirements for which he would submit supplementary budget proposals in due course. He informed the Council that the consultations between UNHCR and Morocco had already led to formal arrangements for the installation of UNHCR in the Territory and they had begun consultations on the protocol governing planning for refugee repatriation and would begin to do so shortly with the Frente Polisario. He welcomed the military agreements reached between MINURSO and the two parties on the demarcation of mines and unexploded ordnance and noted that they had begun to implement those agreements. He maintained that the implementation of the timeline was predicated on many critical assumptions but that if the parties agreed to the proposed protocols and operational directive, the Security Council should extend the mandate of MINURSO for six months, until October 1999. He stated his intention to report to the Council at two-month intervals on progress being made.

At the same meeting the President (France) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁴ The

draft resolution was then put to the vote and adopted unanimously as resolution 1235 (1999), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Taking note of the report of the Secretary-General of 27 April 1999 and the observations and recommendations contained therein,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 14 May 1999;

2. *Requests* the Secretary-General to keep the Council informed of all significant developments in the implementation of the settlement plan and the agreements reached between the parties, and, as appropriate, on the continuing viability of the mandate of the Mission;

3. *Decides* to remain seized of the matter.

**Decision of 14 May 1999 (4002nd meeting):
resolution 1238 (1999)**

At its 4002nd meeting, held on 14 May 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 27 April 1999 on the situation concerning Western Sahara and an addendum containing the text of the five documents that he had transmitted to Morocco and the Frente Polisario.⁴⁵

At the same meeting the President (Gabon) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁶

At the same meeting the President drew the attention of the Council to two letters dated 13 May 1999 from the Secretary-General transmitting the responses of Morocco and of the Frente Polisario respectively to the detailed modalities for the implementation of the Secretary-General's package of measures relating to the identification of voters, the appeals process and the revised implementation timetable.⁴⁷

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1238 (1999), which reads:

The Security Council,

⁴³ S/1999/483.

⁴⁴ S/1999/489.

⁴⁵ S/1999/483 and Add.1.

⁴⁶ S/1999/556.

⁴⁷ S/1999/554 and S/1999/555.

Recalling all its previous resolutions on the question of Western Sahara,

Welcoming the report of the Secretary-General of 27 April 1999 and the observations and recommendations contained therein,

Welcoming also the acceptance by the Government of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro of the detailed modalities for the implementation of the Secretary-General's package of measures relating to the identification of voters, the appeals process and the revised implementation timetable as a good foundation for the completion of this phase of the settlement plan and taking note of their respective letters,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 14 September 1999 in order to resume the identification process, start the appeals process and conclude all outstanding agreements needed to implement the settlement plan, and reaffirms the rights of the applicants, with the expectation that the appeals process will not be turned into a second round of identification;

2. *Supports* the proposed increase in staff of the Identification Commission from twenty-five to thirty members, and the proposed increase also in the necessary support activities, in order to strengthen the Commission and enable it to continue working with full authority and independence, in accordance with its mandate as authorized by the Security Council, and to accomplish its tasks expeditiously;

3. *Requests* the Secretary-General to report every forty-five days on significant developments in the implementation of the settlement plan, in particular on the following issues which will form, inter alia, the basis of its consideration of a further extension of the mandate of the Mission: full and unequivocal cooperation of the parties during the resumption of voter identification and during the start of the appeals process; agreement by the Government of Morocco on the modalities for implementing paragraph 42 of the status-of-forces agreement; agreement of the parties on the protocol relating to refugees; and confirmation that the Office of the United Nations High Commissioner for Refugees is fully operational in the region;

4. *Requests* the Office of the High Commissioner to provide the Security Council with recommendations for confidence-building measures and time lines for their implementation;

5. *Requests* the Secretary-General to submit to the Council a revised timetable and financial implications for the holding of the referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan and the agreements with the parties for its implementation;

6. *Decides* to remain seized of the matter.

Decision of 13 September 1999 (4044th meeting): resolution 1263 (1999)

At the 4044th meeting, held on 13 September 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 8 September 1999 on the situation concerning Western Sahara, pursuant to Security Council resolution 1238 (1999).⁴⁸

In his report, the Secretary-General observed that while some delays had occurred, the continuation of the appeals process and the resumption of the identification operation on 6 September were positive developments. Although shortages of qualified United Nations personnel had been addressed in part, the number of appeals filed was substantial and would require more time and the deployment of a larger staff than originally envisaged. He noted that preparations for the repatriation of refugees had been jointly addressed by UNHCR and MINURSO and relevant consultations were in progress with Morocco and the Frente Polisario. Discussions between MINURSO and Morocco were in progress on modalities for implementing paragraph 42 of the status-of-forces agreement concerning the carriage of weapons by MINURSO troops and were expected to be finalized that month. He concluded by stating that while developments had fallen short of expectations and he was not in a position to submit a revised timetable and financial implications, they could be considered as progress. He recommended that the Security Council extend the mandate of MINURSO for a period of three months, until 14 December 1999, to allow for the completion of identification and of the preparations towards the next stages.

At the same meeting the President (Netherlands) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁹ The draft resolution was then put to the vote and adopted unanimously as resolution 1263 (1999), which reads:

The Security Council,

Recalling all its previous resolutions on Western Sahara,

Welcoming the report of the Secretary-General of 8 September 1999 and the observations and recommendations contained therein,

Welcoming also the resumption of the identification of voters and the commencement of the appeals process,

⁴⁸ S/1999/954.

⁴⁹ S/1999/964.

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 14 December 1999 in order to complete the identification of voters as envisaged in paragraph 21 of the report of the Secretary-General, to implement confidence-building measures and conclude all outstanding agreements needed to implement the settlement plan, and to continue with the appeals process, and reaffirms the rights of the applicants, with the expectation that the appeals process will not be turned into a second round of identification;

2. *Requests* the Secretary-General to report every forty-five days on significant developments in the implementation of the settlement plan;

3. *Also requests* the Secretary-General to submit to the Security Council before the end of the current mandate a comprehensive assessment of steps taken towards the completion of the appeals process, and of staffing requirements as outlined in the report, as well as preparations for the repatriation of refugees and the start of the transitional period;

4. *Decides* to remain seized of the matter.

**Decision of 14 December 1999 (4080th meeting):
resolution 1282 (1999)**

At its 4080th meeting, held on 14 December 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 6 December 1999 on the situation concerning Western Sahara pursuant to Security Council resolution 1263 (1999).⁵⁰

In his report, the Secretary-General observed that identification of the remaining individual applicants from tribal groupings H41, H61 and J51/51 was on track to be completed by the end of the month, which would permit the publication of the second part of the provisional voter list and the initiation of the appeals process for them. He noted that the current number of appeals and the opposing positions taken by the parties on the issue of admissibility allowed little possibility of holding the referendum before 2002 or even beyond. Tangible progress on the UNHCR draft plan for cross-border confidence-building measures not having been made, he called on both parties to cooperate with UNHCR and MINURSO without delay and to resume consultations with all parties to the UNHCR repatriation protocol. In the light of those developments, he recommended that the Council extend the mandate of MINURSO until 29 February 2000 to

allow time for the completion of identification and to allow his Special Representative to continue to seek reconciliation of views regarding the appeals process, the repatriation of refugees and other crucial aspects of the settlement plan. He noted that difficulties might be encountered in this process and thus in the implementation of the settlement plan itself within a reasonable period of time.

At the same meeting the President (United Kingdom) drew the attention of the Council to a draft resolution submitted by France, the Russian Federation, the United Kingdom and the United States.⁵¹

Before the vote the representative of Namibia stated that his delegation firmly believed in the inalienable right of the people of Western Sahara to self-determination and independence and that the United Nations settlement plan for Western Sahara remained the only credible mechanism to achieve that. He informed the Council that the settlement plan had the full support of the Organization of African Unity. He stated that he would have preferred a technical resolution to extend the mandate of MINURSO to 29 February 2000 as recommended by the Secretary-General, while they were awaiting a more comprehensive report. In his view, the draft resolution did not faithfully represent the content of the last report of the Secretary-General, was selective in its approach and ignored crucial concerns previously expressed by the Council, for example the omission of reference to the concern expressed by the Council in resolutions 1238 (1999) and 1263 (1999) that stated that the appeals process should not be turned into a new round of identification. He continued that it was their view that the draft resolution painted a negative picture, which might negatively affect the implementation of the settlement plan and send a wrong message to the international community. For those reasons he could not support the draft resolution.⁵²

At the same meeting, the draft resolution was put to the vote and adopted by 14 votes to none, with 1 abstention (Namibia), as resolution 1282 (1999),⁵³ which reads:

The Security Council,

⁵⁰ S/1999/1219.

⁵¹ S/1999/1239.

⁵² S/PV.4080, p. 2.

⁵³ For the vote, see S/PV.4080, p. 2.

Recalling all its previous resolutions on Western Sahara, in particular resolutions 1238 (1999) of 14 May 1999 and 1263 (1999) of 13 September 1999,

Welcoming the report of the Secretary-General of 6 December 1999 and the observations and recommendations contained therein,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 29 February 2000 in order to complete the identification of voters, issue a second provisional voters list, and initiate appeals for tribal groupings H41, H61 and J51/52;

2. *Welcomes* the reiteration by the parties of their agreement in principle to the draft plan of action for cross-border confidence-building measures, including person-to-person contacts, submitted pursuant to resolution 1238 (1999), and calls upon them to cooperate with the United Nations High Commissioner for Refugees and the Mission for the initiation of these measures without further delay;

3. *Takes note* of the concern that the problems posed by the current number of candidates who have exercised their right of appeal and the opposing positions taken by the parties on the issue of admissibility seem to allow little possibility for holding the referendum before 2002 or even beyond, and supports the intention of the Secretary-General to instruct his Special Representative to continue his consultations with the parties on these issues, seeking a reconciliation of their opposing views regarding the appeals process, the repatriation of refugees and other crucial aspects of the United Nations settlement plan;

4. *Takes note also* of the assessment by the Secretary-General, however, that difficulties may be encountered in reconciling the opposing views of the parties, and therefore requests the Secretary-General to report before the end of the present mandate on prospects for progress in implementing the settlement plan within a reasonable period of time;

5. *Decides* to remain seized of the matter.

2. The situation in Liberia

Decision of 29 January 1996 (3624th meeting): resolution 1041 (1996)

On 23 January 1996, in pursuance of Security Council resolution 1014 (1995), the Secretary-General submitted to the Council his fifteenth progress report on the United Nations Observer Mission in Liberia (UNOMIL).¹ The report provided an update on developments in the country, and the implementation of the new mandate of the Observer Mission.

In his report, the Secretary-General expressed concern at the events in Liberia and the continuing delays in the implementation of the Abuja Agreement,² and noted that the full support of those concerned would be required to bring the peace process back on track. Faction leaders needed to ensure that their forces observed the ceasefire, disengaged without further delay and cooperated with the Economic Community of West African States Monitoring Group (ECOMOG) and UNOMIL to initiate the disarmament and demobilization process. The international community, for its part, needed to provide the necessary resources to enable the Monitoring Group to fulfil its responsibilities. Notwithstanding the setbacks, the Secretary-General recommended a four-month extension of the mandate of UNOMIL, until 31 May 1996. During that period, he hoped that the Liberian National Transitional Government and the faction leaders would

extend their full cooperation to ECOMOG and UNOMIL in stabilizing the situation and bringing the peace process back on track.

At its 3621st meeting, held on 25 January 1996 in accordance with the understanding reached in its prior consultations, the Council included on its agenda the item entitled “the situation in Liberia”, as well as the report of the Secretary-General. After the adoption of the agenda, the President (United Kingdom) invited the representatives of Côte d’Ivoire, the Czech Republic, Ethiopia, the Gambia, Ghana, Guinea, Liberia, Nigeria, Senegal, Swaziland, Togo and Tunisia, at their request, to participate in the discussion, without the right to vote.

Opening the debate, the representative of Liberia affirmed that the Liberian civil war was virtually over, and stated that the Council of State considered the “recent skirmishes” in certain areas of the country as “unfortunate incidents”, which would not deprive the people of Liberia of the peace they had longed for. He reiterated the determination of the Liberian Council of State to abide by the Abuja Agreement and to support the Economic Community of West African States (ECOWAS) peace initiative. While acknowledging that Liberians were ultimately responsible for restoring peace and democracy in their country, he noted that they needed the Council’s help to jump start the disarmament

¹ S/1996/47 and Add.1.

² The Abuja Agreement to supplement the Cotonou and Akosombo Agreements as subsequently clarified by the

Accra Agreement was signed by the leaders of the factions involved in the conflict in Liberia, at Abuja, Nigeria, on 19 August 1995 (S/1995/742, annex).

and demobilization process, social and economic rehabilitation, and the holding of national elections.³

The representative of the United States believed that the conflict in Liberia was among the élites, not the people; they were not fighting over ideology, but personal power. She stated that in her meetings with the Council of State she had stressed that although her Government and the international community remained committed to helping Liberia, only Liberians could make the peace and the international community was losing patience. The Liberian Council of State had offered many reasons for the setbacks, however, as far as the United States was concerned, the word “delay” could no longer be accepted. Liberians and their leaders needed to find the political will to build a new country. Regarding UNOMIL, she stressed that they expected UNOMIL to follow through urgently on its other responsibilities including investigating and reporting to the Secretary-General on human rights abuses, on any other major violations of international humanitarian law and on humanitarian assistance activities.⁴

The representative of Germany also expressed concern at the lack of progress and at the fighting between soldiers of the United Liberation Movement of Liberia for Democracy (ULIMO-J) and ECOMOG troops, and noted that the cessation of hostilities and the restoration of security were essential to any measures of reconstruction and development that the international community might consider. He further noted that the operation of ECOMOG was an important example of a successful peacekeeping mission, in which African countries had assumed a greater share of responsibility for the re-establishment of peace and stability in one of their countries, and thus for the stabilization of the region as a whole. In addition, its cooperation with UNOMIL had demonstrated that a “division of labour” between the United Nations and regional organizations was a feasible model. While expressing support for the extension of the mandate of UNOMIL, he stressed that, if there were to be no visible progress with regard to maintaining the cease-fire, the disengagement of troops and disarmament during that period, his Government

would have difficulties in supporting a further extension.⁵

The representative of China deemed that the situation in Liberia posed a threat to peace and stability in the neighbouring countries and the region as a whole. He urged the parties to cooperate with the United Nations and ECOWAS, strictly implement the peace Agreement and relevant Council resolutions, and complete the disarmament and demobilization process.⁶

During the course of the debate, a number of speakers expressed concern about the incidence of ceasefire violations and attacks against ECOMOG troops, as well as continuing delays in the implementation of the Abuja Agreement, which threatened the peace process and jeopardized the holding of the legislative and presidential elections scheduled for August 1996. While supporting the Secretary-General’s recommendation to extend the mandate of UNOMIL, and calling for increased financial and logistical assistance to the Monitoring Group, they stressed, however, that the continued support of the international community was contingent on the parties’ commitment to the Agreement.⁷

The representative of Botswana noted that the international community should not lose sight of the crucial role that the holding of legislative and presidential elections could play in establishing a legitimate Government in Liberia which could contribute to the sustenance of peace and stability in the country. In that context, he welcomed the Secretary-General’s intention to send a technical mission to Liberia to consult with the Liberian National Transitional Government, the Organization of African Unity (OAU) and ECOWAS on matters related to the electoral process.⁸ His delegation also supported the extension of the mandate of UNOMIL and hoped that, during that period, substantial progress would be made and that the elections would be held as scheduled.⁹

The representative of Egypt noted that the experience of ECOWAS provided a good model for the future role of regional and non-regional organizations in containing and settling regional conflicts. The

³ S/PV.3621, pp. 2-3.

⁴ *Ibid.*, pp. 3-5.

⁵ *Ibid.*, pp. 5-6.

⁶ *Ibid.*, pp. 6-7.

⁷ *Ibid.*, p. 7 (Italy); pp. 11-12 (Honduras); pp. 12-13 (Republic of Korea); pp. 13-15 (Indonesia); pp. 15-17

(Poland); p. 17 (Guinea-Bissau); pp. 17-19 (Chile); pp. 19-21 (Senegal); pp. 21-22 (Gambia); pp. 23-24 (Guinea); pp. 24-25 (Togo); p. 27 (Tunisia); and pp. 29-30 (Czech Republic).

⁸ S/1996/47, para. 10.

⁹ S/PV.3621, pp. 7-9.

experience had demonstrated how important it was that the United Nations provide support for those organizations, most of which lacked technical and financial resources, as well as equipment, to make regional endeavours a success.¹⁰

The representative of France deplored the serious fighting incidents in Liberia, in particular the one which had claimed the lives of several members of ECOMOG. He maintained that United Nations involvement in Liberia was conditional upon the good will of the factions to put an end to the war and to restore democracy. He also reiterated his Government would continue to provide assistance to Liberia, but warned that aid could not be provided indefinitely, and that Liberians needed to seize the opportunity to close “one of the most dismal pages of their national history”.¹¹

The representative of the Russian Federation urged the Liberian parties to cooperate fully with ECOMOG and UNOMIL and to fulfil their obligations under the Abuja Agreement. He stressed that the Liberian parties needed to understand that the patience of the international community was not boundless, that the Security Council could not go on endlessly extending the mandate of UNOMIL, and that further active support by the international community for the peace process would depend on whether the Liberian parties were able to demonstrate the political will to normalize the situation and fulfil the provisions of the Abuja Agreement.¹²

The representative of the United Kingdom stressed that it was the responsibility of the Council of State to ensure that the terms of the Abuja Agreement were adhered to. He also underlined that all in Liberia needed to understand that the continued commitment of the international community depended on the willingness of the factions to observe a ceasefire, disengage, disarm and demobilize.¹³

The representative of Ghana stated that the Council had yet to show enough interest in Liberia, which compared to the situation in other zones of conflict, did not demand too much for a successful resolution. Moreover, the international community’s reluctance to provide material assistance was beginning to reflect negatively on the peace process. As a result,

ECOMOG had not been able to deploy its troops throughout the country as quickly as desired; disarmament and demobilization of combatants remained behind schedule; and the skirmishes between some factions and ECOMOG troops had caused casualties on all sides, and among the civilian population.¹⁴

The representative of Nigeria stated that it was only when ECOMOG was able, or enabled, to fulfil its role and carry out its responsibilities that UNOMIL could have any impact in Liberia. In that connection, they drew attention to the failure of the international community to deliver on its commitment to provide a force level of 160 military observers, as against the current level of 82.¹⁵

The representative of Ethiopia, speaking in his capacity as the representative of OAU, stated that despite setbacks, the peace process would succeed if it received the full support and cooperation of all concerned. It would be naïve, however, to expect that free and fair elections could take place without the demobilization of combatants, extensive consultations, and the improvement of the security situation in Liberia. The Organization of African Unity was closely monitoring the situation and had committed itself to provide financial support to assist ECOMOG.¹⁶

The President (United Kingdom), summing up, noted that most speakers had acknowledged that the peace process was at a critical juncture and called on all parties to strive to overcome setbacks. They had also underlined the complementarity between national, regional and international efforts, as well as the need for continued support to ECOMOG. Some also maintained that the conflict was among the élite, and that Liberian party leaders and factions bore the main responsibility to bring the peace process back on track.¹⁷

At its 3624th meeting, held on 29 January 1996 in accordance with the understanding reached in its prior consultations, the Council resumed consideration of the item on its agenda. After the adoption of the agenda, the President (United Kingdom), in accordance with the decision taken at the 3621st meeting, invited Mr. Alhaji G. V. Kromah, member of the Liberian National Transitional Government collective

¹⁰ Ibid., pp. 9-10.
¹¹ Ibid., pp. 10-11.
¹² Ibid., pp. 16-17.
¹³ Ibid., p. 19.

¹⁴ Ibid., pp. 22-23.
¹⁵ Ibid., pp. 25-26.
¹⁶ Ibid., pp. 28-29.
¹⁷ Ibid., p. 31.

presidency, to take a seat at the Council table. The President then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations.¹⁸

At the outset, Mr. Kromah stated that after six years of war, there was finally hope for lasting peace. Liberian leaders and people had no choice but to obey the call of reality: "live in peace or live no more". He stated that a key factor in paving the way for peace and guaranteed elections in Liberia was disarmament. In that regard he informed that deployment of peacekeepers had started and the completion of that exercise was expected, accompanied by the backing promised by the international community to set the real pace for disarmament. He stressed that it was not only ECOMOG that was underequipped but also the Government of Liberia and UNOMIL, which were required by the peace agreements to implement various relevant provisions of the accord. He also appealed for greater international assistance to the election programme.¹⁹

During the debate, a number of speakers reiterated their concern over the ceasefire violations and the slow pace in the implementation of the Abuja Agreement; emphasized that the people of Liberia and their leaders bore the ultimate responsibility for achieving peace and reconciliation; and urged them to abide by their commitments and to bring the peace process back on track. They also urged the international community to provide ECOMOG with the necessary financial and logistical assistance for carrying out its mandate.²⁰

The representative of Italy, speaking on behalf of the European Union,²¹ stated that the Abuja Agreement had been a turning point towards national reconciliation, after a long war which had claimed the lives of 150,000 people and forced some 800,000 to leave Liberia. However, the Secretary-General's report had presented a very gloomy picture of the situation in the country, with major ceasefire violations and the ensuing deaths of some ECOMOG soldiers. Notwithstanding those tragic developments, the United Nations and the international community needed to remain committed to the peace process. The European Union hoped that the

necessary conditions would be in place for the holding of the August elections, as scheduled.²²

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1041 (1996), which reads:

The Security Council,

Recalling all its previous resolutions concerning the situation in Liberia, in particular resolution 1020 (1995) of 10 November 1995,

Having considered the report of the Secretary-General of 23 January 1996 on the United Nations Observer Mission in Liberia,

Commending the positive role of the Economic Community of West African States in its continuing efforts to restore peace, security and stability in Liberia,

Expressing its grave concern about the recent incidence of ceasefire violations and attacks on troops of the Economic Community of West African States Monitoring Group, as well as continuing delays in the process of disengagement and disarmament of forces,

Stressing the need for all parties to the Abuja Agreement to adhere strictly to its terms and expedite its implementation,

Emphasizing once again that the people of Liberia and their leaders bear the ultimate responsibility for achieving peace and national reconciliation,

Expressing its appreciation to those African States which have contributed and are contributing troops to the Monitoring Group,

Commending those Member States which have provided assistance in support of the peace process and to the Monitoring Group, including contributions to the United Nations Trust Fund for Liberia,

1. *Welcomes* the report of the Secretary-General of 23 January 1996;

2. *Decides* to extend the mandate of the United Nations Observer Mission in Liberia until 31 May 1996;

3. *Calls upon* all the Liberian parties to respect and implement fully and expeditiously all the agreements and commitments they have already entered into, in particular the provisions of the Abuja Agreement with regard to the maintenance of the ceasefire, disarmament and demobilization of combatants, and national reconciliation;

¹⁸ S/1996/57.

¹⁹ S/PV.3624, pp. 2-5.

²⁰ *Ibid.*, pp. 6-7 (Botswana); pp. 7-8 (Egypt); p. 8 (Honduras); pp. 8-9 (Guinea-Bissau); and pp. 9-10 (Republic of Korea).

²¹ Cyprus, the Czech Republic, Hungary, Lithuania, Poland, Romania and Slovakia also associated themselves with the statement.

²² S/PV.3624, pp. 5-6.

4. *Condemns* the recent armed attacks against personnel of the Economic Community of West African States Monitoring Group and against civilians, and demands that such hostile acts cease forthwith;

5. *Expresses its condolences* to the Governments and peoples of the countries members of the Monitoring Group and the families of the Monitoring Group personnel who have lost their lives;

6. *Demands once more* that all factions in Liberia strictly respect the status of Monitoring Group and Mission personnel, as well as organizations and agencies delivering humanitarian assistance throughout Liberia, and also demands that these factions facilitate such deliveries and that they strictly abide by the relevant rules of international humanitarian law;

7. *Urges* all Member States to provide financial, logistical and other assistance in support of the Monitoring Group to enable it to carry out its mandate, particularly with respect to disarmament of the Liberian factions;

8. *Stresses* that continued support by the international community for the peace process in Liberia, including the participation of the Mission, is contingent on the demonstrated enduring commitment by the Liberian parties to resolve their differences peacefully and to achieve national reconciliation in line with the peace process;

9. *Requests* the Secretary-General to submit by 31 March 1996 a progress report on the situation in Liberia, in particular the progress in disarmament and demobilization, and in planning for elections;

10. *Calls upon* the Monitoring Group, in accordance with the agreement regarding the respective roles and responsibilities of the Mission and the Group in the implementation of the Cotonou Agreement and with the concept of operations of the Mission, to intensify the action necessary to provide security for Mission observers and civilian staff;

11. *Stresses* the need for close contacts and enhanced coordination between the Mission and the Monitoring Group in their operational activities at all levels;

12. *Urges* Member States to continue to provide additional support for the peace process in Liberia by contributing to the United Nations Trust Fund for Liberia;

13. *Stresses* the importance of respect for human rights in Liberia as well as the need to rehabilitate promptly the penitentiary system in this country;

14. *Reminds* all States of their obligations to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) of 19 November 1992 and to bring all instances of violations of the embargo before the Security Council Committee established pursuant to resolution 985 (1995) of 13 April 1995;

15. *Expresses its appreciation* to the Secretary-General, his Special Representative and all Mission personnel for their tireless efforts to bring peace and reconciliation to Liberia;

16. *Decides* to remain seized of the matter.

Speaking after the vote, the representatives of the United States and Germany, while expressing support for the extension of UNOMIL, warned that they would not tolerate any further delays and would have difficulty supporting a further extension in the absence of visible progress with regard to the ceasefire, disengagement of troops and disarmament.²³

**Decision of 9 April 1996 (3649th meeting):
statement by the President**

At its 3649th meeting, held on 9 April 1996 in accordance with the understanding reached in its prior consultations, the Council continued consideration of the item on its agenda. After the adoption of the agenda, the President (Chile) invited the representative of Liberia, at his request, to participate in the discussion without the right to vote. The President then made the following statement on behalf of the Council:²⁴

The Security Council expresses its grave concern at the outbreak of fighting in Monrovia and the rapidly deteriorating situation throughout Liberia. This new outbreak of factional fighting, and the harassment and abuse of the civilian population and humanitarian and relief workers, threaten the peace process and raises serious doubts about the commitment of the factions to its implementation.

The Council reminds all parties of their responsibility fully to respect international humanitarian law with regard to the civilian population and to ensure the safety of United Nations and other international personnel, and calls upon them to take immediate steps to this end. The Council calls upon all parties to fulfil their obligation to respect the inviolability of diplomatic personnel and property.

The Council expresses its deep concern at the failure of the Council of State and the faction leaders to demonstrate the political will and determination required for implementation of the Abuja Agreement. Unless Liberia's political leaders immediately show by concrete positive actions a reaffirmation of their commitment to the Abuja Agreement and fully honour their obligation to re-establish and maintain the ceasefire, they risk losing the support of the international community. The Council underscores the personal responsibility of Liberia's leaders in this regard.

The Council reaffirms its support for the Abuja Agreement as the only existing framework for resolving Liberia's political

²³ Ibid., pp. 10-11 (United States); and p. 11 (Germany).

²⁴ S/PRST/1996/16.

crisis and the crucial role of the Economic Community of West African States in bringing the conflict to an end.

The Council calls upon the Liberian National Transitional Government and the Liberian parties to work with the Economic Community of West African States Monitoring Group immediately to disengage all forces, re-establish peace and law and order in Monrovia and an effective and comprehensive ceasefire throughout the country. The Council calls upon the parties, in particular the wing of the United Liberation Movement of Liberia for Democracy that is known as ULIMO-J, to release all hostages without harm. It further calls upon the parties to return all captured weapons and equipment to the Monitoring Group.

The Council reminds all States of their obligation to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) and to bring all instances of violations of the arms embargo before the Security Council Committee established pursuant to resolution 985 (1995).

The Council declares its intention, based on the progress made by the Liberian parties in implementing the steps set out above, and after consideration of the report of the Secretary-General on developments in Liberia, to determine what further measures may be appropriate regarding the future United Nations presence in Liberia.

**Decision of 6 May 1996 (3661st meeting):
statement by the President**

At its 3661st meeting, held on 6 May 1996 in accordance with the understanding reached in its prior consultations, the Council continued consideration of the item on its agenda. Following the adoption of the agenda, the President (China) invited the representative of Liberia, at his request, to participate in the discussion without the right to vote. The President then made the following statement on behalf of the Council:²⁵

The Security Council expresses once again its grave concern at the deteriorating situation in Liberia. The Council strongly deplores the wanton killing and atrocities committed against innocent civilians by the forces of the warring factions. The escalating violence among the factions in violation of the Abuja Agreement puts the peace process at grave risk.

The Council calls upon the parties immediately to cease fighting, to observe the ceasefire and to return Monrovia to a safe haven under the protection of the Economic Community of West African States Monitoring Group. It expresses its support for the efforts of the Economic Community of West African States, including the role of the Monitoring Group, to bring this conflict to an end.

²⁵ S/PRST/1996/22.

²⁶ S/1996/312.

The Council regrets that the deterioration of the situation in Liberia has forced the evacuation of significant numbers of personnel of the United Nations Observer Mission in Liberia. The Council reminds all States of their obligation to comply with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992).

The Council stresses the importance it attaches to the summit meeting of the Economic Community of West African States to be held in Accra on 8 May 1996 and urges the leaders of the Liberian factions to reaffirm by concrete positive actions their commitment to the Abuja Agreement.

**Decision of 31 May 1996 (3671st meeting):
resolution 1059 (1996)**

By a letter dated 19 April 1996 addressed to the President of the Security Council,²⁶ the Secretary-General described the widespread looting and complete breakdown of law and order since the eruption of fighting in Monrovia on 6 April 1996. Given the security situation, civilian and military non-essential personnel of UNOMIL, United Nations agencies and non-governmental organizations had been relocated to neighbouring countries. Thousands of people had been displaced and were living in desperate conditions. He stressed that those developments had clearly demonstrated that the Monitoring Group's chronic lack of manpower and logistics had seriously undermined its operational effectiveness.

On 21 May 1996, pursuant to resolution 1041 (1996), the Secretary-General submitted to the Council his seventeenth progress report on UNOMIL, describing developments in Liberia, and containing his recommendations on the future role of the Observer Mission.²⁷ The Secretary-General reported that renewed hostilities had continued and were seriously jeopardizing the peace process, and the security situation in Monrovia remained dangerous and unpredictable. Over the previous six weeks, faction leaders had shown wanton disrespect for the United Nations, ECOWAS and the international community, as well as disregard for the Liberian people's desire for peace. ECOWAS had agreed on steps to resume the implementation of the Abuja Agreement, but warned the faction leaders that if they failed to implement the measures agreed upon, it would reconsider its involvement in Liberia. He underscored that the withdrawal of ECOMOG could be catastrophic, not only

²⁷ S/1996/362.

for the country but for the whole subregion. Moreover, should the Monitoring Group be compelled to withdraw, UNOMIL would be forced to do the same. The Secretary-General stated that UNOMIL continued to play an important role in Liberia and therefore recommended a three-month extension of its mandate, until 31 August 1996. The willingness of the faction leaders to engage in genuine negotiations would be an important factor in determining further involvement of the international community in Liberia.

At its 3667th meeting, held on 28 May 1996 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the President (China) invited the representatives of Algeria, Djibouti, Ghana, Liberia, Nigeria, Zambia and Zimbabwe, at their request, to participate in the discussion without the right to vote. The President also drew the attention of the members of the Council to letters dated 15 and 17 May 1996, respectively, by the representatives of Italy and Ghana, addressed to the Secretary-General.²⁸

At the outset, the representative of Liberia recalled that since the eruption of the civil war, the Liberian people had struggled to seek a settlement through political accommodation and national reconciliation. Regrettably, the country appeared to be no closer to peace than it was when the war started in December 1989. The Abuja Agreement remained largely unimplemented, hostilities were continuing, and the ceasefire and other measures called for by ECOWAS had not been honoured. As a result, there was a breakdown of law and order, and the Council of State was unable to function since some of its members had left the country because their safety could not be guaranteed. He urged the Security Council to demand strict compliance with the embargo and to put in place penalties against all known violators. Reiterating his appeal for continued assistance to ECOMOG, he stated that the Charter needed to be amended to ensure that a mechanism was put in place whereby any subregional peacekeeping operations sanctioned by the Security Council would be financed by the United Nations. He

endorsed the Secretary-General's recommendations, particularly on the deployment of a United Nations peacekeeping force in Liberia, and the incorporation of ECOMOG into the larger force.²⁹

The representative of the United States reiterated that the problem in Liberia was "a struggle among a few élites for power". The faction leaders were committed to their own interests rather than the well-being of their people. They had reignited violence; turned Monrovia from a safe haven into a war zone; and looted the equipment of relief agencies. Notwithstanding that situation, the international community needed to remain engaged in the efforts to provide relief and to bring peace to the people of Liberia. He expressed his country's belief that the Security Council needed to support the important initiative by the countries of the region. His delegation would support the extension of the mandate of UNOMIL; however it urged all Liberians, particularly the faction leaders, to use that time to meet the conditions ECOWAS had laid out and to offer their people the chance for peace.³⁰

During the course of the debate, most speakers expressed concern over the resumption of hostilities and the spread of fighting into the previously safe area of Monrovia; and urged faction leaders to observe the ceasefire, withdraw all fighters and arms from Monrovia, and allow unimpeded deployment of the Monitoring Group. While supporting the additional extension of the mandate of UNOMIL, they urged the parties to make use of that period to resume negotiations and bring the peace process back on track, and also reiterated their appeal for continued assistance to ECOMOG.³¹ Some speakers denounced the continued flow of arms to the warring factions and called for strict compliance with the embargo imposed by the Council on all deliveries of weapons and military equipment to Liberia.³²

The representative of the Republic of Korea noted that as Liberia was the first case in which a regional organization had been leading peacekeeping operations in cooperation with the United Nations, the failure of the Monitoring Group's peacekeeping mission could have

²⁸ S/1996/353, transmitting a statement by the European Union on Liberia's boat people, and S/1996/377, transmitting a statement by the Government of Ghana on the Liberian situation, respectively.

²⁹ S/PV.3667, pp. 2-5.

³⁰ Ibid., pp. 5-6.

³¹ Ibid., pp. 6-8 (Egypt); pp. 8-9 (Honduras); pp. 9-10 (Botswana); pp. 13-14 (United Kingdom); pp. 13-14 (Germany); pp. 15-16 (Poland); pp. 18-19 (Indonesia); pp. 20-21 (China); and pp. 21-22 (Nigeria).

³² Ibid., p. 11 (Republic of Korea); p. 17 (Chile); p. 19 (Indonesia); p. 20 (Guinea-Bissau); and p. 22 (Nigeria).

adverse consequences for the future role of regional organizations in Africa in dealing with intra-regional conflicts.³³

The representatives of China and Zambia stated that the conflict in Liberia had not only affected the people of that country, but also posed a threat to peace and stability in the entire region.³⁴

The representative of the Russian Federation stated that the resumption of hostilities in Liberia threatened the stability of the neighbouring countries of the region. He called upon the leaders of the warring parties to comply with the ceasefire; provide security guarantees to United Nations and other international personnel; to withdraw their fighters from Monrovia; to allow the unimpeded deployment of ECOMOG within the city; and to restore its status as a safe haven.³⁵

The representative of Italy, speaking on behalf of the European Union,³⁶ expressed the hope that the “stubbornness” of the Liberian “warlords” would not force the international community once again to withdraw from an African country, which was in desperate need of help. He underscored that the European Union did not intend to extend recognition to any Government established through the use of force.³⁷

The representative of France stated that the factions bore full responsibility for the events in Liberia. He recalled that ECOWAS had recently stated that the presence of the African force would depend on the progress made to implement the peace process, and that the Secretary-General had indicated that UNOMIL would remain only if ECOMOG were still there. He stressed that the international community’s total withdrawal from Liberia would cause renewed fighting throughout the country and would endanger the stability of the subregion. The Council should evaluate whether the “warlords” truly intended to re-establish peace in Liberia. If not, his delegation would have to reconsider the role of the Mission. He expressed their hope that he would not be obliged to vote for its withdrawal.³⁸

The representative of Ghana stated that the Council needed to secure unconditional logistical and

financial support for ECOMOG, together with humanitarian and development assistance for Liberia. He commented that “a solution now will be cheaper, in terms of human lives and material resources, than it will be tomorrow, after ECOMOG is compelled to withdraw as a result of inaction by the international community”.³⁹

The representative of Zimbabwe wondered why the involvement of UNOMIL was contingent on the Monitoring Group’s presence in Liberia. He reiterated that when regions or regional organizations came up with peace initiatives to arrest dangerous threats to peace and security they ought to, of necessity, receive the active, all-round support of the international community through the United Nations. In their view, that was what Chapter VIII of the Charter was about. He stressed that rather than playing the role of substitute for the uniquely mandated role of the United Nations, those regional efforts needed to be viewed and treated as facilitators in the efforts of the United Nations in pursuit of its Charter-enshrined responsibility to maintain international peace and security.⁴⁰

At its 3671st meeting, on 31 May 1996, the Council resumed consideration of the item on its agenda. After the adoption of the agenda, the President (China) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of its prior consultations.⁴¹ The draft resolution was then put to the vote and adopted unanimously as resolution 1059 (1996), which reads:

The Security Council,

Recalling all its previous resolutions concerning the situation in Liberia, in particular resolution 1041 (1996) of 29 January 1996,

Having considered the report of the Secretary-General of 21 May 1996 on the United Nations Observer Mission in Liberia,

Stressing that the escalating violence is in violation of the Abuja Agreement and puts the peace process at grave risk,

Firmly convinced of the importance of Monrovia as a safe haven, and noting especially the recent broader deployment of the

³³ Ibid., pp. 10-11.

³⁴ Ibid., pp. 20 and 28, respectively.

³⁵ Ibid., pp. 11-12.

³⁶ Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Slovakia also associated themselves with the statement (S/PV.3667,

p. 12).

³⁷ S/PV.3667, pp. 12-13.

³⁸ Ibid., pp. 14-15.

³⁹ Ibid., pp. 24-26.

⁴⁰ Ibid., pp. 26-27.

⁴¹ S/1996/394.

Economic Community of West African States Monitoring Group in the city,

Emphasizing once again that the people of Liberia and their leaders bear the ultimate responsibility for achieving peace and national reconciliation,

Commending the positive role of the Economic Community of West African States in its continuing efforts to restore peace, security and stability in Liberia,

Noting the adoption of a mechanism for returning Liberia to the Abuja Agreement by the Ministers for Foreign Affairs of countries members of the Economic Community of West African States on 7 May 1996,

Expressing its appreciation to those African States that have contributed and are contributing troops to the Economic Community of West African States Monitoring Group,

Commending those Member States that have supported the peace process and the Monitoring Group, including through contributions to the United Nations Trust Fund for Liberia,

Stressing that the presence of the Mission in Liberia is predicated on the presence of the Monitoring Group and its commitment to ensuring the safety of military observers and civilian staff of the Mission,

1. *Welcomes* the report of the Secretary-General of 21 May 1996;

2. *Decides* to extend the mandate of the United Nations Observer Mission in Liberia until 31 August 1996;

3. *Recognizes* that the deterioration of the security situation on the ground warranted the decision of the Secretary-General to reduce temporarily the strength of the Mission;

4. *Notes* the intention of the Secretary-General to maintain Mission deployments at their present level, and requests that he advise the Security Council of any significant planned increase in the number of personnel deployed depending on the evolution of the security situation on the ground;

5. *Expresses its grave concern* at the collapse of the ceasefire, the resumption of hostilities and the spread of fighting into the previously safe area of Monrovia and its environs;

6. *Condemns* all attacks against personnel of the Economic Community of West African States Monitoring Group, the Mission and international organizations and agencies delivering humanitarian assistance, as well as the looting of their equipment, supplies and personal property, and calls for the immediate return of looted property;

7. *Demands once more* that the factions in Liberia strictly respect the status of Monitoring Group and Mission personnel, as well as international organizations and agencies delivering humanitarian assistance throughout Liberia, and also demands that these factions facilitate such deliveries and that they strictly abide by the relevant rules of international humanitarian law;

8. *Calls upon* the Liberian parties to implement fully and expeditiously all the agreements and commitments they have already entered into, in particular the Abuja Agreement, and in this regard demands that they restore an effective and comprehensive ceasefire, withdraw all fighters and arms from Monrovia, allow the deployment of the Monitoring Group and restore Monrovia as a safe haven;

9. *Stresses* that continued support by the international community for the peace process in Liberia, including the participation of the Mission, is contingent on the Liberian parties demonstrating their commitment to resolving their differences peacefully and on the fulfilment of the conditions set out in paragraph 8 above;

10. *Stresses* the importance of respect for human rights in Liberia;

11. *Recalls* the obligation of all States to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) of 19 November 1992 and to bring all instances of violations of the embargo before the Security Council Committee established pursuant to resolution 985 (1995) of 13 April 1995;

12. *Encourages* the members of the Economic Community of West African States, in preparation for their summit, to consider ways and means to strengthen the Monitoring Group and to persuade the faction leaders to resume the peace process;

13. *Urges* all Member States to provide financial, logistical and other assistance in support of the Monitoring Group to enable it to carry out its mandate;

14. *Calls upon* the Monitoring Group, in accordance with the agreement regarding the respective roles and responsibilities of the Mission and the Group in the implementation of the Cotonou Agreement and with the concept of operations of the Mission, to provide for the security of Mission observers and civilian staff;

15. *Expresses support* for the resolve of the ministers of the countries members of the Economic Community of West African States not to recognize any Government in Liberia that comes to office through the use of force;

16. *Urges* Member States to continue to provide additional support for the peace process in Liberia by contributing to the United Nations Trust Fund for Liberia;

17. *Requests* the Secretary-General to continue to keep the Security Council closely informed of the situation in Liberia, and expresses its readiness, if the situation further deteriorates, to consider possible measures against those who do not cooperate with the resumption of the peace process;

18. *Decides* to remain seized of the matter.

Decision of 30 August 1996 (3694th meeting): resolution 1071 (1996)

On 22 August 1996, in pursuance of resolution 1059 (1996), the Secretary-General submitted to the Council a progress report on UNOMIL, describing developments in Liberia, and containing his recommendations on the future role of the Mission.⁴²

The Secretary-General stated that Liberia had suffered a tremendous ordeal since the outbreak of hostilities in Monrovia in April. Thousands of lives had been lost, hundreds of families displaced and its economy had been largely destroyed. Recent weeks had witnessed a new wave of violence, some of which had been politically motivated. Given the limited means of evacuation from the city and the precarious security situation, the strength of UNOMIL had been reduced during the reporting period. He noted, however, that the successful outcome of the ECOWAS summit meeting on 17 August 1996,⁴³ which had extended the Abuja Agreement and had established a new timetable for its implementation,⁴⁴ offered some hope for the restoration of the peace process. In the light of the above, the Secretary-General recommended the extension of the mandate of UNOMIL for a period of three months. During that time, and should the factions demonstrate their full commitment to the peace process, he would submit further recommendations on any enhanced United Nations role in Liberia. In conclusion, noting the decision of ECOWAS to give the faction leaders one last chance despite their lack of cooperation, the Secretary-General urged them to seize that opportunity to restore peace in their country. If they did not, the international community might have no choice but to disengage from Liberia.

At its 3694th meeting, held on 30 August 1996 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General on its agenda. After the adoption of the agenda, the President (Germany) invited the representatives of Liberia and Nigeria, at their request,

to participate in the discussion without the right to vote. He also drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations⁴⁵ and to a letter dated 21 August 1996 from the representative of Nigeria, addressed to the President of the Security Council.⁴⁶

The representative of Liberia, acknowledging that the outbreak of hostilities had been a serious setback to the peace process, affirmed that the leaders of ECOWAS and other national, regional and international players had worked tirelessly over the past four months to prevent the country's slide into a state of anarchy. He noted, however, that although the leaders of the warring factions had reiterated their commitment to the implementation of the revised Agreement, their repeated failure to honour previous agreements raised doubts about their sincerity and commitment. He further stated that while ECOMOG had experienced some financial and administrative problems, it nevertheless represented a pioneering effort to bring to fruition Chapter VIII, and thus deserved greater support from the United Nations. In that context, he stressed that the Organization should establish a mechanism whereby subregional and regional peacekeeping operations, undertaken with the Council's approval, would receive the requisite support.⁴⁷

During the course of the debate, most of the speakers acknowledged the contribution of ECOWAS to restoring peace and stability in Liberia, and welcomed its decision extending the Abuja Agreement, and establishing a revised timetable for its implementation, providing the means to verify compliance with its provisions, and stipulating measures for non-compliance. They urged the faction leaders to overcome their political differences and to comply with their commitments under the Agreement. They supported the extension of the mandate of UNOMIL, and called for international financial, logistical and other assistance in support of ECOMOG.⁴⁸

⁴² S/1996/684.

⁴³ S/1996/679 and Corr.1. Letter addressed to the President of the Security Council from the representative of Nigeria, transmitting the text of the final communiqué issued at the fourth meeting of the Heads of State and Government of the ECOWAS Committee of Nine on Liberia, held at Abuja on 17 August 1996.

⁴⁴ S/1996/684, annex I.

⁴⁵ S/1996/701.

⁴⁶ S/1996/679 and Corr.1, transmitting the text of the final communiqué issued at the end of the fourth meeting of the Heads of State and Government of the ECOWAS Committee of Nine on Liberia, held at Abuja, Nigeria, on 17 August 1996.

⁴⁷ S/PV.3694, pp. 2-4.

⁴⁸ *Ibid.*, pp. 4-5 (Nigeria); pp. 6 (Italy); pp. 6-7 (Egypt); pp. 7-8 (Botswana); p. 9 (Indonesia);

Speaking before the vote, the representative of China stated that his country had consistently supported regional organizations in their efforts to resolve problems in their respective regions, pursuant to the provisions of the Charter of the United Nations. His delegation also supported the extension of the mandate of UNOMIL and hoped that the Liberian parties would seize that opportunity to disarm their forces and to make preparations for the general elections.⁴⁹

The representative of the United Kingdom stated that the Agreement reached in Abuja and the extension of UNOMIL would test the will of the faction leaders to abide by their commitments, and noted that severe penalties would be imposed on anyone who failed to do so. They also needed to cease the intimidation and attacks against United Nations, ECOMOG and other non-governmental organization personnel, end the looting and return all stolen property. He stressed that this was the last chance for Liberia to resolve its problems with the assistance of the United Nations.⁵⁰

The representative of the Russian Federation noted with satisfaction the positive developments in the country. He recognized, however, the complexity of implementation of the tasks, as in the past the parties had repeatedly violated the agreements they had signed. Noting the substantial objective difficulties to the implementation of the Abuja Agreement, he maintained that it was important that the efforts of the regional peacekeepers be supported by the necessary additional resources. He affirmed that responsibility for restoration of peace lay ultimately with Liberians and their leaders, and hoped that they would make use of that last chance; otherwise, the international community would have no choice but to leave Liberia.⁵¹

The draft resolution was put to the vote and adopted unanimously as resolution 1071 (1996), which reads:

The Security Council,

Recalling all its previous resolutions concerning the situation in Liberia, in particular resolution 1059 (1996) of 31 May 1996,

Having considered the report of the Secretary-General of 22 August 1996 on the United Nations Observer Mission in Liberia,

Taking note of the letter dated 21 August 1996 from the representative of Nigeria to the President of the Security Council containing the final communiqué issued at the fourth meeting of heads of State and Government of the Committee of Nine on Liberia of the Economic Community of West African States, held at Abuja on 17 August 1996,

Welcoming the increasing restoration of Monrovia as a safe haven,

Emphasizing once again that the people of Liberia and their leaders bear the ultimate responsibility for achieving peace and national reconciliation,

Recognizing the positive role of the Economic Community of West African States in its efforts to restore peace, security and stability in Liberia,

Expressing its appreciation to those African States contributing troops to the Economic Community of West African States Monitoring Group,

Commending those Member States that have supported the peace process, the Mission and the Monitoring Group, including through contributions to the United Nations Trust Fund for Liberia,

Stressing that the continued presence of the Mission in Liberia is predicated on the presence of the Monitoring Group and its commitment to ensuring the safety of the Mission, and emphasizing the need for enhanced coordination between the Mission and the Monitoring Group,

1. *Welcomes* the report of the Secretary-General of 22 August 1996;

2. *Decides* to extend the mandate of the United Nations Observer Mission in Liberia until 30 November 1996;

3. *Welcomes* the agreement of the Economic Community of West African States in Abuja on 17 August 1996, which extended the Abuja Agreement of 1995 until 15 June 1997, established a timetable for implementation of the Agreement, adopted a mechanism to verify compliance by the faction leaders with the Agreement and proposed possible measures against the factions in the event of non-compliance;

4. *Calls upon* the Liberian factions to implement fully and expeditiously all the agreements and commitments they have entered into;

5. *Requests* the Secretary-General to report to the Security Council by 15 October 1996 with proposals for assistance which the Mission or other United Nations agencies could provide in support of the Liberian peace process, including support for the election process, disarmament, demobilization, and verification of compliance by the factions;

pp. 10-11 (Republic of Korea); pp. 11-12 (Honduras); pp. 12-13 (Guinea-Bissau); pp. 13-14 (Poland); and pp. 14-15 (Chile). After the vote: pp. 16-17 (Germany).

⁴⁹ *Ibid.*, pp. 8-9.

⁵⁰ *Ibid.*, pp. 9-10.

⁵¹ *Ibid.*, p. 12.

6. *Decides* to maintain Mission deployments at an appropriate level as recommended in the report of the Secretary-General, and requests that the Secretary-General take into account the need to ensure the security of Mission personnel and advise the Council of any planned further deployments;

7. *Stresses* that the continued support of the international community for the peace process in Liberia, including the participation of the Mission, is contingent on the Liberian factions demonstrating their commitment to resolving their differences peacefully and to achieving national reconciliation in accordance with the agreement reached in Abuja on 17 August 1996;

8. *Condemns* all attacks against and intimidation of personnel of the Monitoring Group, the Mission and the international organizations and agencies delivering humanitarian assistance, as well as the looting of their equipment, supplies and personal property, calls upon the leaders of the factions to ensure the immediate return of looted property, and requests the Secretary-General to include in the report referred to in paragraph 5 above information on how much of the stolen property has been returned;

9. *Condemns* the practice of some factions of recruiting, training, and deploying children for combat, and requests the Secretary-General to include in the report referred to in paragraph 5 above details on this inhumane and abhorrent practice;

10. *Demands once more* that the factions and their leaders strictly respect the status of the personnel of the Monitoring Group, the Mission and international organizations and agencies, including humanitarian assistance workers, and also demands that these factions facilitate the freedom of movement of the Mission and the delivery of humanitarian assistance and that they strictly abide by the relevant principles and rules of international humanitarian law;

11. *Stresses* the importance of respect for human rights in Liberia and also the human rights aspect of the Mission's mandate;

12. *Stresses also* the obligation of all States to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) of 19 November 1992, to take all actions necessary to ensure strict implementation of the embargo, and to bring all instances of violations of the embargo before the Security Council Committee established pursuant to resolution 985 (1995) of 13 April 1995;

13. *Urges* all States to provide financial, logistical and other assistance in support of the Monitoring Group to assist it in carrying out its mandate;

14. *Also urges* all States to contribute to the United Nations Trust Fund for Liberia;

15. *Stresses* the importance of close contacts and enhanced coordination between the Mission and the Monitoring Group in their operational activities at all levels, and calls upon the Monitoring Group, in accordance with the agreement regarding the respective roles and responsibilities of the Mission and the Group in the implementation of the Cotonou Agreement and with the concept of operations of the Mission, to provide security for the Mission;

16. *Requests* the Secretary-General to continue to keep the Security Council closely informed of the situation in Liberia;

17. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United States stated that Liberia's recent history was "littered with broken promises and lost opportunities for peace". Faction leaders needed to realize that the world was more concerned with their deeds than with their words, and that the United States would be closely monitoring their actions. The Secretary-General's call for increased deployments of UNOMIL, which his delegation supported, would be justified only if the peace process remained on track. He stressed that the ECOWAS States and the international community at large needed to do everything in their power to ensure compliance by the parties.⁵²

The representative of France stated that the revised Abuja Agreement gave new hopes for peace. In addition, the sanctions envisaged for non-compliance constituted an important guarantee for its implementation. He cautioned that another failure could lead to the withdrawal of the international community, a widespread renewal of fighting and a major threat to stability in the region.⁵³

Decision of 27 November 1996 (3717th meeting): resolution 1083 (1996)

On 19 November 1996, pursuant to resolution 1071 (1996), the Secretary-General submitted to the Council his twentieth progress report on UNOMIL, providing an update on developments in Liberia and containing recommendations on the future role of the Mission.⁵⁴ The Secretary-General reported that, despite an attempt made on the life of Councilman Charles Taylor, the leader of the National Patriotic Front (NPF), on 31 October, there had been some encouraging developments. The ECOWAS countries had reiterated their determination to increase the force level of

⁵² *Ibid.*, pp. 15-16.

⁵³ *Ibid.*, p. 16.

⁵⁴ S/1996/962.

ECOMOG, subject to the availability of logistic and financial resources, and steps had been taken to address the complicated question of holding free and fair elections in Liberia. In that connection, and at the request of the Liberian National Transitional Government, he intended to send a technical survey team to Liberia to prepare recommendations on the conduct of the electoral process and on the role the United Nations could play. The Secretary-General noted, however, that despite those positive developments, the entrenched hostility and mistrust continued to pose a threat to the peace process. He called upon faction leaders to put aside their differences and to use the political process, instead of military means, so that the peace process could move forward. He also called on them to facilitate the delivery of urgently needed humanitarian assistance. In the meantime, he recommended an extension of the mandate of UNOMIL for a further period of four months, until 31 March 1997. During that period, he would continue to keep the situation under close review and would submit to the Council by 31 January 1997 his recommendations on possible United Nations support for the holding of free and fair elections in the country.

At its 3717th meeting, held on 27 November 1996 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General on its agenda. After the adoption of the agenda, the President (Indonesia) invited the representative of Liberia, at his request, to participate in the discussion without the right to vote. The President drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations.⁵⁵ The draft resolution was thereupon put to the vote and adopted unanimously as resolution 1083 (1996), which reads:

The Security Council,

Recalling its previous resolutions concerning the situation in Liberia, in particular resolution 1071 (1996) of 30 August 1996,

Welcoming the report of the Secretary-General of 19 November 1996,

Noting with grave concern the continued violations by the factions of the ceasefire as agreed to in the Abuja Agreement of 19 August 1995 and in the timetable for implementation established on 17 August 1996 when the Abuja Agreement was extended, which threaten the prospects for peace in Liberia,

Welcoming the beginning of the disarmament process on 22 November 1996 in accordance with the amended implementation schedule of the Abuja Agreement, and urging all factions to participate as they have agreed,

Reiterating that the people of Liberia and their leaders bear the ultimate responsibility for achieving peace and national reconciliation,

Noting with appreciation the active efforts of the Economic Community of the West African States to restore peace, security and stability to Liberia, and commending the African States which have contributed to the Economic Community of West African States Monitoring Group,

Expressing its appreciation to those States which have supported the United Nations Military Observer Mission in Liberia and those which have contributed to the United Nations Trust Fund for Liberia,

Emphasizing that the continued presence of the Mission is predicated on the presence of the Monitoring Group and its commitment to ensuring the safety of the Mission,

1. *Calls upon* the Liberian factions to cease hostilities immediately and to implement the commitments they have entered into, especially the agreement of the Economic Community of West African States in Abuja of 17 August 1996, which established a timetable for implementation of the Abuja Agreement, adopted a mechanism to verify compliance by the faction leaders with the Agreement and proposed possible measures against the factions in the event of non-compliance;

2. *Urges* the factions to complete on time the disarmament process, which is one of the key steps leading up to the forthcoming elections in 1997;

3. *Stresses* the urgent need for the international community to support the work and training projects to help to ensure the social and economic rehabilitation of demobilized combatants;

4. *Decides* to extend the mandate of the United Nations Observer Mission in Liberia until 31 March 1997;

5. *Decides also* to maintain Mission deployments at an appropriate level as recommended in paragraph 37 of the report of the Secretary-General, and requests that the Secretary-General, taking into account the need to ensure the security of Mission personnel, advise the Council of any planned further deployments;

6. *Condemns in the strongest possible terms* the practice of recruiting, training and deploying children for combat, and demands that the warring parties immediately cease this inhumane and abhorrent activity and release all child soldiers for demobilization;

7. *Condemns* all attacks against and intimidation of personnel of the Monitoring Group, the Mission and the

⁵⁵ S/1996/984.

international organizations and agencies delivering humanitarian assistance, as well as the looting of their equipment, supplies and personal property, and calls upon the leaders of the factions to return stolen property;

8. *Demands* that the factions facilitate the freedom of movement of the Mission, the Monitoring Group and international organizations and agencies and the safe delivery of humanitarian assistance, and that they strictly abide by the principles and rules of international humanitarian law;

9. *Stresses* the importance of respect for human rights in Liberia, and emphasizes the human rights aspect of the Mission's mandate;

10. *Stresses also* the obligation of all States to comply strictly with the embargo on the deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) of 19 November 1992, to take all actions necessary to ensure strict implementation of the embargo, and to bring all instances of violations of the embargo before the Security Council Committee established pursuant to resolution 985 (1995) of 13 April 1995;

11. *Reiterates strongly* its appeal to all States to provide financial, logistical and other assistance in support of the Monitoring Group to assist it in carrying out its mission and to contribute to the United Nations Trust Fund for Liberia in order to help to implement the peace process, including demobilization and reintegration;

12. *Stresses* the importance of close contacts and enhanced coordination between the Mission and the Monitoring Group at all levels, and calls upon the Monitoring Group, in accordance with the agreement regarding the respective roles and responsibilities of the Mission and the Group in the implementation of the Cotonou Agreement and with the concept of operations of the Mission, to provide security for the Mission;

13. *Requests* the Secretary-General to keep the Council informed of the situation in Liberia, especially on the progress of demobilization and disarmament, and to submit by 31 January 1997 a progress report and recommendations on possible United Nations support for the holding of free and fair elections;

14. *Decides* to remain seized of the matter.

**Decision of 27 March 1997 (3757th meeting):
resolution 1100 (1997)**

On 19 March 1997, pursuant to resolution 1083 (1996), the Secretary-General submitted to the Council his twenty-second progress report on UNOMIL, providing an update on developments in Liberia and containing his recommendations on the role of the Mission in the forthcoming elections.⁵⁶ The Secretary-General reported that the period under review had witnessed an improvement in the security situation, the

revitalization of Liberian civil society, and reactivation of political parties to prepare for elections, making it possible to begin preparations for the holding of elections. Reporting on the electoral process, the Secretary-General stated that on 26 February 1997 he had dispatched an assessment mission to Liberia to assess electoral requirements and make recommendations on the role of UNOMIL during the electoral process. The Mission had concluded that conditions in Liberia provided a reasonable basis for the organization and conduct of elections on 30 May 1997, as scheduled. The United Nations was expected to play an essential role in the elections, by providing, in conjunction with ECOWAS and other international organizations, technical assistance to the electoral authorities. The Mission, in addition to its current mandate, would work jointly with ECOWAS to ensure adequate coordination, and would also support voter education. The Secretary-General therefore recommended that the Council extend the mandate of UNOMIL for a period of three months, until the end of June 1997, at which time he expected to be in a position to report on the conduct and the results of the elections.

At its 3757th meeting, held on 27 March 1997 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General on its agenda. Following the adoption of the agenda, the President (Poland) invited the representatives of Liberia and the Netherlands, at their request, to participate in the discussion without the right to vote. The President then called the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations.⁵⁷

The representative of Liberia stated that thanks to the proactive role of the United Nations in conflict resolution, the Liberian conflict was receiving the deserved attention of the Organization. In addition, the pioneering efforts by a subregion had made manifest Chapter VIII of the Charter and had demonstrated that, with the requisite political will, countries could act decisively in bringing some of the objectives of the Charter to fruition. He urged the international community to provide the necessary resources to enable ECOMOG's deployment throughout the country; to assist eligible voters who were refugees in neighbouring countries to return home; and to restructure the Liberian armed forces and paramilitary units in view of the

⁵⁶ S/1997/237.

⁵⁷ S/1997/254.

intention of ECOWAS to withdraw its Monitoring Group from Liberia six months after the elections. In that context, he pointed out that the Secretary-General's basic framework for the holding of elections in Liberia,⁵⁸ which had been agreed to by the parties and ECOWAS, were the fundamental requirement for sustainable peace in Liberia and would allow Liberians to select their own leaders under conditions which had to be declared by all as being free and fair.⁵⁹

The representative of the Netherlands, speaking on behalf of the European Union,⁶⁰ stated that the European Union fully supported the electoral process as defined by the Liberians and ECOWAS, on the basis of the recommendations of the Monitoring Group's Committee of Nine. His delegation welcomed the increase of the military component of UNOMIL and supported the proposal of the Secretary-General to strengthen its electoral unit. Provided the timetable was respected, the Union would supply financial and technical assistance to the electoral process. It also intended to send a team of electoral observers to Liberia.⁶¹

Speaking before the vote, the representative of the United States expressed concern at the delays in inaugurating the independent Elections Commission and expressed hope that the Elections Commission and the Supreme Court would be installed and would start to function without further delay. He stated that they supported the extension of UNOMIL through June to enable it to assist with preparations for and observation of the elections.⁶²

Speaking before the vote, most speakers expressed their support for the extension of the mandate of UNOMIL to assist with preparations for and observation of the elections in Liberia. They commended the efforts of ECOWAS and its Monitoring Group to restore peace, security and stability in the country, and urged the parties to extend their full cooperation, so that the elections could be held as scheduled. They also urged the international community to provide financial, logistical and other assistance to the electoral process,

as well as additional resources to ECOMOG to enable it to maintain a secure environment during the elections.⁶³

The draft resolution was thereupon put to the vote and adopted unanimously as resolution 1100 (1997), which reads:

The Security Council,

Recalling its previous resolutions concerning the situation in Liberia, in particular resolution 1083 (1996) of 27 November 1996,

Welcoming the report of the Secretary-General of 19 March 1997, especially his conclusion that the period under review has witnessed an improvement in the security situation, revitalization of civil society, and reactivation of political parties to prepare for elections,

Noting the agreement between the Council of State and the Economic Community of West African States on a basic framework for the holding of elections in Liberia scheduled for 30 May 1997,

Emphasizing that the holding of free and fair elections as scheduled is an essential phase of the peace process in Liberia,

Reiterating that the people of Liberia aid their leaders bear the ultimate responsibility for achieving peace and national reconciliation,

Noting with appreciation the active efforts of the Economic Community of West African States to restore peace, security and stability to Liberia, and commending the States which have contributed to the Monitoring Group of the Economic Community of West African States,

Expressing its appreciation to those States which have supported the United Nations Military Observer Mission in Liberia and those which have contributed to the United Nations Trust Fund for Liberia,

Emphasizing that the continued presence of the Mission is predicated on the presence of the Monitoring Group and its commitment to ensure the safety of the Mission,

1. *Decides* to extend the mandate of the United Nations Military Observer Mission in Liberia until 30 June 1997;

2. *Welcomes* the recommendations of the Secretary-General contained in paragraphs 29 and 30 of his report of 19 March 1997 concerning the role of the Mission in the electoral process;

⁵⁸ S/1997/237, paras. 18 and 20. See also the letter dated 10 February 1997 from the Secretary-General, addressed to the President of the Security Council (not issued as a document of the Council).

⁵⁹ S/PV.3757, pp. 2-3.

⁶⁰ Bulgaria, the Czech Republic, Hungary, Latvia, Lithuania, Norway, Poland, Romania, Slovakia and

Slovenia also aligned themselves with the statement (S/PV.3757, p. 3).

⁶¹ S/PV.3757, pp. 3-4.

⁶² *Ibid.*, p. 10.

⁶³ *Ibid.*, pp. 4-5 (France); pp. 5-6 (Egypt); p. 6 (China); pp. 6-7 (Portugal); pp. 7-8 (Sweden); pp. 8-9 (Chile); and pp. 9-10 (Japan).

3. *Expresses its concern* at the delay in the installation of the new independent Elections Commission and the reconstituted Supreme Court, and the implications of this delay for the electoral process, and urges that they be installed immediately;

4. *Urges* the international community to provide financial, logistical and other assistance to the electoral process in Liberia, including through the United Nations Trust Fund for Liberia, and to provide additional support for the Monitoring Group of the Economic Community of West African States to enable it to sustain a secure environment for the elections;

5. *Stresses* the importance of close contacts and enhanced coordination between the Mission and the Monitoring Group at all levels and, in particular, the importance of the Monitoring Group continuing to provide effective security for international personnel ring the election process;

6. *Urges* all Liberian parties to cooperate with the peace process, including by respecting human rights and facilitating humanitarian activities and disarmament;

7. *Stresses* the importance of respect for human rights in Liberia, not least in the period leading up to elections, and emphasizes the human rights aspect of the mandate of the Mission;

8. *Also stresses* the importance of assisting with the prompt repatriation of refugees who are willing to return to Liberia in time to participate in the registration and voting process;

9. *Further stresses* the obligation of all States to comply strictly with the embargo on the deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) of 19 November 1992, to take all actions necessary to ensure strict implementation of the embargo, and to bring all instances of violations of the embargo before the Security Council Committee established pursuant to resolution 985 (1995) of 13 April 1995;

10. *Requests* the Secretary-General to keep the Council informed on a regular basis of the situation in Liberia and, in particular, significant developments in the electoral process, and to submit a report by 20 June 1997;

11. *Decides* to remain seized of the matter.

**Decision of 27 June 1997 (3793rd meeting):
resolution 1116 (1997)**

On 19 June 1997, pursuant to resolution 1100 (1997), the Secretary-General submitted to the Council his twenty-third progress report on UNOMIL, providing an update on developments in Liberia and containing an

assessment of the status of preparations for the forthcoming elections.⁶⁴

In his report, the Secretary-General stated that the peace process in Liberia was approaching its culminating stage, the holding of free and fair elections for a new, democratically elected Government. He noted, however, that the timetable for the remaining phases of the electoral process was “uncomfortably” tight and that the electoral calendar established by the Liberian Independent Elections Commission was so demanding that it would require close cooperation and coordination among all the actors involved. In addition, the current logistical resources were not sufficient to support all the activities associated with the electoral process. The Secretary-General noted that the possibility of unrest during and after the elections, especially if the results were contested, could not be ruled out. Moreover, should a run-off election for the presidency be necessary, it would take place on 2 August 1997, followed by the installation of the new Government on 16 August. He believed that UNOMIL should remain in Liberia at its current strength until that date and, therefore, recommended that its mandate be extended for a final three-month period until 30 September 1997. In the meantime, he would keep the Council fully informed of all developments, especially during and immediately following the elections, with particular emphasis on their freeness, fairness and credibility, and of any changes in the security situation. The Secretary-General affirmed that the departure of UNOMIL would not mean the end of United Nations involvement in Liberia. In addition to the development work by its agencies, and subject to the agreement of the incoming Government and to the concurrence of the Security Council, the Organization would maintain a small political office in Monrovia for a limited period of time.

At its 3793rd meeting, held on 27 June 1997 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General on its agenda. After the adoption of the agenda, the President (Russian Federation) invited the representative of Liberia, at his request, to participate in the discussion without the right to vote. He also drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations.⁶⁵

⁶⁴ S/1997/478.

⁶⁵ S/1997/493.

The draft resolution was put to the vote and was adopted unanimously as resolution 1116 (1997), which reads:

The Security Council,

Recalling all its previous resolutions concerning the situation in Liberia, in particular resolution 1100 (1997) of 27 March 1997,

Welcoming the report of the Secretary-General of 19 June 1997,

Noting the decision of the Economic Community of West African States to postpone the election date to 19 July 1997,

Emphasizing that the holding of free and fair elections is an essential stage of the peace process in Liberia and that the United Nations Observer Mission in Liberia is mandated to observe and verify the election process, including the legislative and presidential elections, as stated in resolution 866 (1993) of 22 September 1993,

Reiterating that the people of Liberia and their leaders bear the ultimate responsibility for achieving peace and national reconciliation,

Emphasizing that the presence of the Mission is predicated on the presence of the Monitoring Group of the Economic Community of West African States and its commitment to ensure the safety of military observers and civilian staff of the Mission,

Noting with appreciation the active efforts of the Economic Community of West African States to restore peace, security, and stability to Liberia, and commending those African States which have contributed and continue to contribute to the Monitoring Group,

Expressing its appreciation to those States which have supported the Mission and those which have contributed to the United Nations Trust Fund for Liberia;

1. *Decides* to extend the mandate of the United Nations Mission of Observers in Liberia until 30 September 1997, in the expectation that it will terminate on that date;

2. *Calls upon* the Liberian parties to implement fully all the agreements and commitments they have entered into, and urges all Liberians to participate peacefully in the electoral process;

3. *Expresses its gratitude* to the international community for providing financial, logistical and other forms of assistance for the electoral process in Liberia, including through the United Nations Trust Fund for Liberia, and for providing support to the Monitoring Group of the Economic Community of West African States to enable it to carry out its peacekeeping responsibilities and to sustain a secure environment for the elections;

4. *Emphasizes* the need for constructive collaboration between the United Nations, the Economic Community of West African States, the Liberian Independent Elections Commission and the international community in coordinating assistance for the elections;

5. *Stresses* the importance of close coordination between the Mission, the Monitoring Group, and the joint electoral coordination mechanism at all levels and, in particular, the importance that the Monitoring Group continue to provide effective security for international personnel during the election process and provide the necessary logistical support to the Independent Elections Commission;

6. *Also stresses* the importance of respect for human rights in Liberia, and emphasizes the human rights aspect of the mandate of the Mission;

7. *Further stresses* the obligation of all States to comply strictly with the embargo on the deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) of 19 November 1992, to take all actions necessary to ensure strict implementation of the embargo, and to bring all instances of the violations of the embargo before the Security Council Committee established pursuant to resolution 985 (1995) of 13 April 1995;

8. *Requests* the Secretary-General to keep the Council informed on a regular basis of the situation in Liberia and, in particular, developments in the electoral process, and to submit a report by 29 August 1997;

9. *Decides* to remain seized of the matter.

Decision of 30 July 1997 (3805th meeting): statement by the President

By a letter dated 24 July 1997, the Secretary-General informed the President of the Security Council that the Liberian electoral process had been successfully completed and the results officially announced, thus concluding the final element of the revised schedule of the implementation of the Abuja Agreement. A joint certification statement, on behalf of ECOWAS and the United Nations, attested to the fact that the entire electoral process had been conducted in an impartial and transparent manner, and that the elections had been certified as having been free and fair.⁶⁶

At its 3805th meeting, held on 30 July 1997 in accordance with the understanding reached in its prior consultations, the Council included the letter from the Secretary-General on its agenda. After the adoption of the agenda, the President (Sweden) invited the representative of Liberia, at his request, to participate in the discussion

⁶⁶ S/1997/581.

without the right to vote. He then made the following statement on behalf of the Council:⁶⁷

The Security Council welcomes the successful holding of presidential and legislative elections in Liberia on 19 July 1997. The Council notes with satisfaction the letter dated 24 July 1997 from the Secretary-General to the President of the Security Council and the declaration in the joint certification statement by the Chairman of the Economic Community of West African States and the Secretary-General that the electoral process was free, fair and credible, and that the outcome of the elections reflects the will of the Liberian voters.

The Council calls upon all parties to abide by the results of the elections and to cooperate in the formation of a new government. The Council also calls upon the new government to protect the democratic system and to promote human rights and fundamental freedoms under the rule of law.

The Council congratulates the people of Liberia on the courage and determination they have shown in proceeding with the elections under difficult circumstances. The Council commends all international personnel, especially those of the United Nations Observer Mission in Liberia and the Monitoring Group of the Economic Community of West African States, who contributed to the successful holding of elections.

The Council welcomes the goodwill and cooperation demonstrated by the parties in the electoral process, which provides a strong foundation for the people of Liberia to achieve a durable peace, the re-establishment of constitutional government, and a return to the rule of law. The Council expresses the hope that the successful holding of elections will encourage refugees to exercise their right of return and calls upon the new government to fulfil its obligations under international law regarding returning refugees.

The Council notes that the successful holding of elections represents a critical step towards economic development. The Council urges the international community to continue to provide support and assistance to Liberia through this period of reconstruction.

The Council further notes that the successful conclusion of the electoral process marks the fulfilment of a key element of the mandate of the Mission.

The Council will remain seized of the matter.

On 12 September 1997, pursuant to resolution 1116 (1997), the Secretary-General submitted to the Council a final report on UNOMIL.⁶⁸ The report contained an account of developments in Liberia, including an update on discussions at the summit meeting of States members of ECOWAS, held at Abuja on 28 and 29 August 1997. The Secretary-General stated that the expiry of the current mandate of the Mission would bring to a close an operation whose successful conclusion had been long delayed and often doubted. The lessons learned in UNOMIL and their application to current and future missions of a similar kind were being carefully examined. The repatriation of its staff was progressing satisfactorily. His Special Representative and his immediate staff were expected to leave Liberia on or before 30 September. Thereafter, a small team would remain in the country to complete the usual liquidation and closing process. The Secretary-General noted that the establishment of a United Nations office in Liberia would assist the Government and its people in the long process of reconstruction and national reconciliation. He hoped that the international community would continue to contribute to addressing the problems of post-Mission Liberia, as they had done in the past.

3. The situation in Somalia

Decision of 24 January 1996 (3620th meeting): statement by the President

At its 3620th meeting held on 24 January 1996 in accordance with the understanding reached in its prior consultations, the Security Council included in its

⁶⁷ S/PRST/1997/41.

⁶⁸ S/1997/712.

agenda the report of the Secretary-General on the situation in Somalia dated 19 January 1996,¹ submitted in response to the request of the Security Council on 14 December 1995 for a written report on recent developments in Somalia and pursuant to the statement by the President of the Council of 6 April 1995.²

In his report, the Secretary-General noted that in the statement by the President of 6 April 1995, the Council had supported his view that, even after the termination of the mandate of the United Nations Operation in Somalia (UNOSOM II), the United Nations should not abandon Somalia but should continue to assist the Somali people to achieve a political settlement and to provide humanitarian and other services, provided that the Somalis themselves demonstrated a disposition to peaceful resolution of the conflict and cooperated with the international community. The Council had also requested him to continue to monitor the situation in Somalia and to keep it informed about further developments. He observed that the political situation in Somalia had been dominated by a debilitating stalemate for almost two years since the Somali faction leaders had failed to honour their commitments in the Nairobi declaration of 24 March 1994. While there had been no major progress towards national reconciliation, the worst scenario of an all-out civil war had been averted. The widely felt frustration seemed to have engendered some new political trends. It had contributed to the split in the United Somali Congress/Somali National Alliance (USC/SNA), which together with other factors, might have led General Aideed to declare a "Government" without the consent of other key political factions. However, the "Government" had not been recognized by any Member State or regional organization. Another significant trend had been the emergence of regional administrations as a result of initiatives by faction and community leaders. It was unclear whether such regional authorities would be formed in most of the regions in Somalia and, if so, what constitutional character they would assume; the Somalis seemed to be divided in their view as to whether these regional authorities should constitute the basis for a federal system of government or whether they should simply represent a degree of regional autonomy. Given the nature of Somali politics, however, the importance of sustainable peace at the local and inter-clan levels was obvious. The Secretary-General expressed his hope that further progress in establishing

regional authorities, begun under UNOSOM II, would have a beneficial impact on efforts to establish a central authority in the near future. He suggested that the Security Council might want to reiterate its call on all Somali parties, especially those who adopted a unilateral approach, to return to an inclusive process of consultation and negotiation. In that process, it was undesirable for any outside party to intervene in favour of one or other of the Somali factions, for such support could tilt the delicate balance with negative consequences. He noted that while many Somali leaders had requested the United Nations, through the United Nations Political Office for Somalia, to support some of their peace initiatives financially and logistically, the Office had no resources for such support. He suggested that their best hope of attracting such support would be to give some first signs of concrete progress towards peace and reconciliation. He informed the Council that the low level of food production, continued political instability and other factors combined to make international assistance to Somalia essential. The United Nations agencies believed that, even in the worst-case scenario, their continued operations could play an important role in preventing another major humanitarian crisis, while the drawing down of their activities could have the opposite effect, particularly in the southern regions. He urged the international community to respond generously to the calls for assistance by the humanitarian agencies and stressed once again the responsibility of all the Somali parties to ensure the security of the courageous and dedicated humanitarian workers, who had suffered a number of casualties.

At the same meeting, the President made the following statement on behalf of the Council:³

The Security Council has considered the report of the Secretary-General of 19 January 1996 on the situation in Somalia and is deeply concerned about the absence of any credible progress towards national reconciliation. It calls upon all Somali political leaders and parties to return to an inclusive process of consultation and negotiation aimed at national reconciliation leading to the establishment of a broad-based national government.

The Council welcomes with appreciation the efforts of the Organization of African Unity, the Organization of the Islamic Conference, the League of Arab States, the European Union and neighbouring States in promoting national dialogue in the search for a solution to the Somali crisis. These efforts demonstrate the commitment of the international community not to abandon the

¹ S/1996/42.

² S/PRST/1995/15.

³ S/PRST/1996/4.

people of Somalia. It reaffirms that the people of Somalia bear ultimate responsibility for achieving national reconciliation and restoring peace. In this respect, the Council urges the leaders of Somali factions to reject violence and place the interests of the country and people above their personal differences and political ambitions.

The Council also welcomes and supports the intention of the Secretary-General to maintain the United Nations Political Office for Somalia. It stresses the importance of the Office maintaining close cooperation with the regional organizations, monitoring developments in Somalia and continuing contacts with Somali factions. It looks forward to the return of the Office to Somalia as soon as circumstances permit.

The Council expresses deep concern at the continuing conflict. The resulting insecurity, banditry and general lawlessness increase the suffering of the civilian population. The Council condemns the harassment, beatings, abduction and killings of personnel of international humanitarian organizations, and underlines the responsibility of all parties in Somalia for ensuring the safety and security of humanitarian and other international personnel. This atmosphere of insecurity has regrettably forced the United Nations agencies to relocate international personnel, thus hindering the smooth delivery of much needed humanitarian assistance.

The Council commends the valiant efforts of United Nations and international humanitarian agencies and their Somali personnel for the courage and determination to render assistance to the people of Somalia. The Council encourages Member States to continue to provide humanitarian assistance in order to avoid a further deterioration of the current situation.

The Council considers the uninterrupted delivery of humanitarian assistance to be a crucial factor in the overall security and stability of Somalia. In this respect, the closure of the Mogadishu main seaport and other transportation facilities severely aggravates the present situation and poses a potential major impediment to future emergency deliveries. The Council calls upon the Somali parties and factions to open those facilities unconditionally.

The Council reminds all States of their obligation to implement fully the general and complete embargo imposed by paragraph 5 of resolution 733 (1992) on all deliveries of weapons and military equipment to Somalia. In this respect, it calls upon all States to refrain from any actions which might exacerbate the situation in Somalia.

The Council requests the Secretary-General to continue to keep it informed about developments in Somalia. The Council remains seized of the matter.

Deliberations of 15 March 1996 (3641st meeting)

⁴ S/PV.3641, p. 15.

⁵ Cyprus, Czech Republic, Hungary, Lithuania, Malta,

At the 3641st meeting of the Security Council, held on 15 March 1996 in accordance with the understanding reached in its prior consultations, the President (Botswana), with the consent of the Council, invited the representatives of Algeria, Djibouti, Ethiopia, Guinea, India, Jordan, Kenya, Morocco, Pakistan, Rwanda, Swaziland, Tunisia, Uganda and Zimbabwe at their request, to participate in the discussion without the right to vote. The Council also extended an invitation, at the request of Guinea-Bissau, under rule 39 of its provisional rules of procedure to the Permanent Observer of the Organization of African Unity to the United Nations.⁴

The representative of Italy, speaking on behalf of the European Union and associated countries,⁵ stated with reference to Somalia that this corner of Africa was sunk in a seemingly never-ending political struggle whose main ingredients were individual and clan rivalries, banditry and the use of violence. Somalia, then, was a country without even a semblance of central authority. He noted that UNOSOM II had been terminated almost one year earlier, and he maintained that against the background of continued fighting between the warlords there was a limit to what could be achieved by the international community. He underlined that the United Nations objectives in Somalia were fundamentally undermined by the lack of progress in the peace process and in national reconciliation, and in particular by the lack of sufficient cooperation from the Somali parties. The situation seemed particularly critical in the capital, where the increase in criminal activity was compounded by the continued closure of the port and the airport, leading to a blockade of commercial activity. The European Union was deeply concerned by the spiral of seemingly endless violence gripping Somalia. Reiterating the line of strict neutrality towards the various Somali factions, he expressed their belief that Somalia would not be able to take its proper place in the international community until a government emerged that was truly representative of all the Somali components. He expressed their support for the continuation of the small political office for Somalia in Nairobi and reiterated their conviction that the efforts of the United Nations and of the international agencies to assist the civilian population needed to be pursued within the limits allowed by the unstable situation. The European Union strongly reiterated the appeal made by the Security Council to the

Poland, Romania and Slovakia (S/PV.3641, p. 2).

Somali parties and factions to open unconditionally Mogadishu's main seaport and other transportation facilities for delivery of humanitarian assistance. The European Union also supported international and regional organizations such as OAU and encouraged them to continue their efforts to foster the return of peace and stability in Somalia.⁶

The representative of Indonesia stated that while they firmly believed that the people of Somalia bore the ultimate responsibility for achieving national reconciliation and restoring peace, nonetheless, the international community needed to resist, as reflected in Security Council resolution 954 (1994) and as stated in the Presidential statement of 24 January 1996,⁷ the temptation to abandon the crisis in Somalia. His delegation therefore, encouraged OAU, the League of Arab States (LAS) and the Organization of the Islamic Conference (OIC) to continue their efforts, in cooperation with the United Nations, in the search for a lasting peace in Somalia. The Indonesian delegation believed that there was an urgent need for the international community to pursue new initiatives to break the impasse. To that end, his delegation considered that it was an appropriate time to explore a wide range of options that would allow for both immediate and long-term responses. One of the options available would consist in upgrading the United Nations Political Office for Somalia by relocating it to Somalia as soon as circumstances permitted. The Office needed to be headed by a resident, high-ranking officer who would not only provide the Council with timely and accurate assessments of unfolding developments but would also act as facilitator in assisting the Somali parties towards national reconciliation and a peaceful settlement. Furthermore, the Council might consider, as security conditions permitted, sending a mission to Somalia, similar to the one sent in 1994, so that the Council would be in a better position to respond more effectively.⁸

The representative of the United States emphasized that in 1992 the international intervention led by the United States, the United Task Force (UNITAF), quickly ended the famine, saving thousands of lives. UNOSOM had continued that undertaking. Almost all Somalis, even those who were sharply critical of the subsequent United Nations actions in their country had expressed gratitude for the international community's response to the famine. She maintained

that one year after UNOSOM II forces had withdrawn, the United States had not abandoned Somalia and did not intend to. While they did not recognize or support any Somali group or faction, they remained in communication with all the political groups in the country. The United States and the international aid community were closely monitoring the food situation in order to prevent another famine. She called on the factions in Somalia to reopen the port and to ensure that it remained open so that assistance could be delivered. She also urged the Somalis to form a broad-based national government that enjoyed widespread support among all segments of the population.⁹

The representative of Germany underlined that a solution to the present situation could only be found through political dialogue. The Political Office of the United Nations had already established relations with those warring factions that were represented in Nairobi. The United Nations Office had been able to gain a reputation for impartiality, so that it was being accepted by all but one of the warring factions as a partner for dialogue. Therefore, he suggested that it might make sense to increase the number of personnel in the Office. He noted that it had proved particularly difficult for the Political Office of the United Nations to initiate a dialogue with General Aideed. His insistence on being recognized as president of Somalia had so far prevented any negotiations with him about the political future of the country. At the same time, the destabilization of agriculturally fertile provinces constituted a threat to the economic situation of the whole country. He appealed to the warring factions to accept the good offices of the United Nations and to finally agree among themselves on a peaceful solution.¹⁰

The representative of Egypt called upon the international community to shoulder its responsibility for the people of Somalia. The aim of the United Nations intervention in Somalia under Security Council resolution 794 (1992) was the establishment of a favourable climate for humanitarian relief operations, and this intervention had been undertaken under Chapter VII of the Charter, in view of the exceptional conditions prevailing in Somalia. Although the United Nations had achieved great success at a humanitarian level, it had not succeeded in laying down a framework for settlement and national reconciliation to which all parties were

⁶ S/PV.3641, pp. 2-3.

⁷ S/PRST/1996/4.

⁸ S/PV.3641, pp. 5-6.

⁹ *Ibid.*, pp. 9-10.

¹⁰ *Ibid.*, pp. 10-11.

committed. He stated that nevertheless, OAU had decided to dispatch a new mission to Somalia to establish contact and to assess the real situation. The League of Arab States had also proposed a joint mission of representatives of regional and international organizations to meet with Somali leaders. For its part, the Organization of the Islamic Conference had called for an international conference for peace and national reconciliation in Somalia with the participation of all the Somali parties and all the relevant regional and international organizations. Turning to the role of the United Nations he maintained that there should be a follow-up to the ongoing commitment to the comprehensive international embargo on the supply of arms and military equipment to Somalis under Security Council resolution 733 (1992), as well as active, comprehensive follow-up with respect to the political and humanitarian situation with a view to building State institutions and to carrying out post-conflict peacebuilding. However, none of that was taking place. His country considered it necessary to energize the role of the United Nations in Somalia, and to that end they wished to propose a number of ideas, any or all of which could be adopted. First, he advocated the convening in a neighbouring State of a pan-Somali conference attended by representatives of all Somali regions. Second, regional and international organizations needed to be encouraged to undertake a joint initiative to convince Somali leaders of the importance of dialogue. Third, the United Nations and regional organizations should offer Somali leaders feasible alternatives, such as the establishment of a country-wide joint presidential council, similar to the current experiment in Liberia or other means of power-sharing such as a federal or confederative system. Fourth, the role of the United Nations office in Nairobi should be enhanced. Fifth, the Security Council should dispatch a mission of Council members or a high-level envoy to assess the situation on the ground and to ascertain whether the time was ripe for making specific proposals. In conclusion, he reiterated that the basic responsibility for stability in Somalia lay with the people of Somalia.¹¹

The representative of France requested that every effort be made to promote national reconciliation and that no possibility of restoring civil peace in Somalia be overlooked. He underlined that if they waited too long, the entire country might collapse. The north-west was already drifting away from the other provinces, and soon

it would no longer be possible to preserve the territorial unity of the country, which had been a goal of the Security Council. He suggested that they might encourage mediation by African public figures acceptable to the factions and expressed their belief that the countries of the Horn of Africa in cooperation with OAU and the League of Arab States had a key role to play. If those African countries could give their concrete support to an initiative led by one or several African public figures, mediation would gain strength and credibility. Finally, he noted that thus far the message of the Security Council to the factions had had no impact. Since the factions believed that the Council was expressing the particular interest of only some of its members, he asked whether they could show that the international community as a whole disapproved of the policy pursued by the warlords. To that end he suggested considering organizing a debate in the General Assembly to allow all the Members of the United Nations to inform the parties to the conflict that the path of violence could only be a dead end.¹²

The representative of Tunisia spoke on behalf of the African group. He expressed his belief that the international community needed to mobilize in order to resolutely express its commitment to the Somali people. To that end, he urged that the following actions be taken. First, the Security Council should pursue and reinforce its interest in the question of Somalia, the first step being to send a mission to explore the prospects for national reconciliation. Second, a common strategy should be adopted by the United Nations, OAU, League of Arab States and OIC with a view to facilitating national reconciliation. Third, a joint mission should be dispatched, consisting of high-level representatives of international and regional organizations, to convey to the leaders and factions the desire of the international community to help the Somali people overcome the grave crisis threatening its survival. Fourth, an attempt should be made, using independent political figures of international stature, to narrow the gap between the different positions and attitudes of the factions. Fifth, the United Nations Office in Nairobi should be strengthened in two ways: by appointing to its head either an Assistant Secretary-General or a Special Representative of the Secretary-General and by giving it the financial and human resources to enable it to discharge its task properly. At a later stage it would be advisable to consider transferring the Office to

¹¹ Ibid., pp. 11-13.

¹² Ibid., pp. 13-14.

Mogadishu if progress had been made with regard to security guarantees by the Somali factions.¹³

The representative of Guinea stated that his country had presided over the Islamic Conference of Foreign Ministers of OIC; as Chairman of the group of members of OIC at the United Nations, his delegation was pleased to recall that at the twenty-third session of the Islamic Conference of Foreign Ministers, held in Guinea, States members of OIC reiterated their commitment to the restoration and preservation of the unity, sovereignty, territorial integrity and political independence of Somalia. That conference had noted with appreciation the efforts of OIC to bring national reconciliation to Somalia and to relieve the suffering of the Somali people, in cooperation with the States of the region, the United Nations, the League of Arab States and OAU, in the context of a joint approach. It called for a continuation of those efforts and requested the Secretary-General of OIC to dispatch a contact group to urge the various Somali groups to resume dialogue to achieve national reconciliation. The conference called for the convening of an international conference on peace and national reconciliation in Somalia pursuant to the relevant resolutions of the General Assembly, with the participation of all Somali parties and the international and regional organizations concerned.¹⁴

The representative of Kenya stated that the Security Council must continue to treat the situation in Somalia as a threat to international peace and security and must augment the efforts that were being made by regional organizations such as OAU. It could not run away from the responsibility bestowed upon it by the Charter. He maintained that the United Nations could do much more to make a difference in Somalia.¹⁵

The representative of Ethiopia spoke as the representative of the current Chairman of OAU. He stated that notwithstanding the primary responsibility of the Somali people, the international community needed to monitor closely the situation in Somalia and contribute its share in assisting and encouraging all inclusive national reconciliation. He noted that many Somali leader had requested the United Nations to support their peace initiatives financially and logistically, while the United Nations had no resources for such support. While they understood the frustration and disappointment of the international community over the lack of progress in the process of national

reconciliation, he also stressed that every opportunity needed to be seized to encourage and promote dialogue and to maintain contact with all Somali factions to that end. At the regional level, OAU had continued to monitor closely developments in Somalia. In May 1995 OAU had dispatched a tripartite mission to assess the situation and to encourage dialogue and direct contact with the various factions in that country. The sixty-third session of the OAU Council of Ministers, held in Addis Ababa from 26 to 28 February 1996, also considered the report of the OAU Secretary-General on Somalia and adopted a resolution, in which it expressed concern over the situation in Somalia and over the stalemate in the process of national reconciliation and the establishment of a broad-based national authority. It also called upon the Somali leaders to act urgently to promote dialogue aimed at the pursuit of national reconciliation. Furthermore, the OAU Council of Ministers appealed to OAU member States and the international community as a whole to provide humanitarian assistance in view of the worsening situation. He emphasized the important role that the United Nations and OAU and other regional organization could play in the search for a solution.¹⁶

The permanent observer of OAU noted that at its sixty-third session, the OAU Council of Ministers had decided that the tripartite mission should make another visit to Somalia in order to maintain direct contacts with the various Somali factions and assess the situation on the ground. As the humanitarian situation was serious, OAU appealed to Member States and to the international community to provide humanitarian assistance to deal with the worsening humanitarian situation. He stated that it was the time to support the proposals of Tunisia and Ethiopia and to reaffirm their support for establishing permanent United Nations representation in Somalia, which they believed was imperative.¹⁷

The representative of Rwanda stated that they could not forget that Somalia was not an isolated case in Africa; there was also Rwanda, Burundi, Liberia, Sierra Leone and others. His delegation also denounced the “minimalist practice, increasingly adopted by this Organization, of abandoning member countries in difficulty”. He stated that they had seen it in Somalia, Rwanda and, to some extent, in Liberia. It was well known that the withdrawal of the United Nations force from Somalia helped to increase chaos there. “Genocide” in Rwanda was made possible by the withdrawal of the United Nations Assistance Mission

¹³ *Ibid.*, pp. 19-20.

¹⁴ *Ibid.*, p. 21.

¹⁵ *Ibid.*, pp. 21-23.

¹⁶ *Ibid.*, pp. 25-27.

¹⁷ *Ibid.*, pp. 33-34.

for Rwanda. Yet the same Organization was prepared to intervene elsewhere, in countries where the problems were similar but less severe. He maintained that experience had shown that countries which had been abandoned ultimately experienced disasters from which they had difficulty recovering. As for Somalia, while it was for the Somalis to find a solution to their problems, the parties had said that they needed a facilitator, the necessary resources and a forum. Those same leaders had also appealed to the United Nations to continue to play the role of facilitator and mediator. He asked what the point was of having several United Nations offices for Somalia in Kenya. Their effectiveness was difficult to gauge. His delegation was convinced that the establishment of the United Nations Political Office for Somalia in Nairobi was useful neither for the Somalis nor for United Nations agencies. He noted that the latest report of the Secretary-General mentioned no important initiatives taken by that office throughout 1995. He maintained that depriving Somalia of the presence of the international community and the United Nations in Mogadishu had given a green light to the various factions. However, the Somali leaders had requested reinstatement of the Office in Mogadishu, and his delegation hoped that that legitimate appeal would be heeded and answered. In conclusion, he noted that humanitarian aid should be continued, but it should be borne in mind that the most pressing need was to find a political solution.¹⁸

During the course of the debate, several other speakers spoke, noting the extraordinarily complex problems that existed and deploring the lack of progress and the humanitarian situation. They all expressed their belief that the primary responsibility for the situation lay with the Somalis themselves and called on them to return to negotiations with a view to establishing a broad-based national government. Several speakers underlined the importance of maintaining a neutral position with regard to the Somali factions. A number of speakers urged all States to observe strictly the arms embargo in accordance with Security Council resolution 733 (1992). Several speakers encouraged the Secretary-General to transfer the Office from Kenya to Mogadishu as soon as the circumstances allowed. A few speakers recommended sending a Security Council mission to Somalia to meet with the faction leaders and to urge

them to resume negotiations. A number of speakers recommended closer collaboration with the United Nations and regional organizations, including OAU and OIC.¹⁹

**Decision of 20 December 1996 (3726th meeting):
statement by the President**

At the 3726th meeting of the Security Council, held on 20 December 1996 in accordance with the understanding reached in its prior consultations, the President (Italy) made the following statement on behalf of the Council:²⁰

The Security Council is gravely concerned at the resumption of fighting in Mogadishu, where the latest clashes are taking an increasingly heavy toll in human lives. It is deeply concerned, in particular, at the plight of the civilian population, whose suffering is increased even further by the fighting.

The Council calls upon all Somali factions to cease immediately all hostilities and to restore an effective ceasefire.

The Council fully supports the efforts of the countries of the region as well as of international and regional organizations, in particular the Organization of African Unity and the League of Arab States, to facilitate a political settlement of the crisis in Somalia. It appeals to all Somali factions to join in such efforts and to start a process of national reconciliation aimed at the establishment of a broad-based national Government.

The Council reaffirms its commitment to a lasting solution to the crisis in Somalia and encourages the Secretary-General to continue to monitor closely the situation and to report to the Council on any further development.

The Council once again reminds all States of their obligations to implement fully the general and complete embargo imposed by resolution 733 (1992) on all deliveries of weapons and military equipment to Somalia.

The Council reaffirms its appreciation to all the organizations and individuals who carry out humanitarian activities in Somalia and calls upon all Somali factions to ensure the safety of all the personnel involved.

**Decision of 27 February 1997 (3742nd meeting):
statement by the President**

At its 3742nd meeting, held on 27 February 1997 in accordance with the understanding reached in its prior consultations, the Security Council included in its

¹⁸ Ibid., pp. 34-35.

¹⁹ Ibid., pp. 3-4 (Chile); pp. 6-7 (Russian Federation); pp. 7-8 (Republic of Korea); pp. 14-15 (Honduras); p. 15 (Poland); p. 16 (United Kingdom); pp. 16-17 (China); pp. 17-18 (Guinea-Bissau); pp. 18-19

(Botswana); pp. 23-24 (Swaziland); pp. 24-25 (Algeria); pp. 27-28 (India); pp. 28-29 (Morocco); pp. 29-30 (Pakistan); pp. 30-31 (Jordan); pp. 31-32 (Zimbabwe); and pp. 33-34 (Uganda).

²⁰ S/PRST/1996/47.

agenda the report of the Secretary-General on the situation in Somalia dated 17 February 1997.²¹

In his report, the Secretary-General noted that the Security Council had requested him to consult with countries in the region and to submit recommendations on the role that, within its mandate, the United Nations, including the Council, could play in support of regional efforts for peace, particularly those of Ethiopia and Kenya. He informed the Council that the President of Kenya had succeeded in bringing together Hussein Aided, Osman Atto and Ali Mahdi Mohamed in Nairobi, which marked the first participation of the Aided faction with the other two since 1994 and 1995, respectively. Those leaders had asked the President to continue his mediation efforts and had agreed to a cessation of hostilities throughout the country. Ethiopia, which had a mandate from both OAU and the Intergovernmental Authority on Development (IGAD), succeeded in bringing together 27 Somali leaders, representing 26 political factions, in Sodere, which had culminated in the adoption of a declaration of national pledges and commitments and a solemn declaration. However, neither Mr. Hussein Aided nor Mr. Mohamed Ibrahim Egal had participated in the meeting.

The Secretary-General observed that United Nations efforts had continued throughout the reporting period in the form of the good offices of the Secretary-General; the United Nations Political Office for Somalia's facilitation of mediation efforts; cooperation with regional organizations and neighbouring States; periodic reviews by the Security Council; humanitarian relief and rehabilitation assistance; and efforts to improve respect for human rights; all of which would continue. The regional actors had called for massive international aid in support of reconciliation, rehabilitation and reconstruction. The Government of Ethiopia and the Government of Kenya, as Chairman of IGAD, had stated that the most critical support that the United Nations could provide for the regional efforts for peace in Somalia was through exerting the necessary pressure on Somali factions and groups to show greater commitment to national reconciliation. The Security Council in particular had an important role to play in making sure that all efforts were pursued not with a further proliferation of initiatives, but by building on the positive achievements made thus far, and stressed that

what had been achieved at Sodere under the auspices of the IGAD countries was sufficiently inclusive to merit the full support of the United Nations. The Secretary-General noted that while the United Nations was already undertaking and would continue to undertake efforts in the fields of relief and rehabilitation, if those efforts were to be expanded, it would be necessary for Member States to contribute more generously than they had in the recent past. He also suggested that the Council could call upon all the Somali parties to cooperate with the efforts of OAU and IGAD and serve notice that it recognized the will of the Somalis represented by those who signed the Sodere and Nairobi declarations and that it would not tolerate any faction's non-cooperation with those who were striving to put those declarations into effect. He noted that while his predecessor had discussed sending a joint fact-finding mission with OAU, it was not evident that it could add significantly to the efforts of neighbouring States at this time. He stated that should the regional actors consider it desirable, he would be ready to designate a high-level Special Envoy for Somalia, whose mission would be to liaise with them in order to support their peacemaking efforts. The Security Council might also wish to urge all States to observe fully their obligations related to the arms embargo under resolution 733 (1992). Finally he noted that the efforts that had culminated in the Nairobi and Sodere declarations had entailed significant costs for the host Governments, and should those Governments wish, the Security Council could request the Secretary-General to establish a trust fund and could call upon Member States to contribute to it. In conclusion, the Secretary-General expressed his view, similar to that of the Security Council, that the best hopes for restoring peace to Somalia lay in the negotiation of a political settlement entrusting power to a broad-based Government in which all factions would be represented.

At the same meeting, the President (Kenya) drew the attention of the members of the Council to a letter dated 8 January 1997 from the representative of Ethiopia,²² transmitting the text of a letter dated 6 January and its appendices concerning the High-level Consultative Meeting of the Somali factions held at Sodere, Ethiopia.

²¹ S/1997/135.

²² S/1997/17.

At the same meeting, the President made the following statement on behalf of the Council:²³

The Security Council has considered the report of the Secretary-General of 17 February 1997 on the situation in Somalia.

The Council reaffirms its commitment to a comprehensive and lasting settlement of the situation in Somalia, bearing in mind respect for the sovereignty and territorial integrity of Somalia, in accordance with the principles of the Charter of the United Nations. It reiterates that full responsibility for achieving national reconciliation and for restoring peace rests with the Somali people.

The Council expresses its full support for the efforts of regional and other interested States, as well as those of international and regional organizations, particularly the Organization of African Unity, the Intergovernmental Authority on Development and the League of Arab States, to promote a direct political dialogue and facilitate a broad-based political settlement in Somalia.

The Council calls upon all Somali factions to cease immediately all hostilities and to cooperate with the regional and other efforts for peace and national reconciliation in Somalia, including the initiatives taken at Sodere, Ethiopia, and at Nairobi, Kenya.

The Council encourages all States to contribute generously to the appeals of the United Nations to ensure continued relief and rehabilitation efforts in Somalia, including those aimed at the strengthening of civil society. It also encourages States to contribute to regional mediation efforts for Somalia.

The Council reiterates its call upon all States to fulfil their obligations to implement the embargo imposed by resolution 733 (1992) on all deliveries of weapons and military equipment to Somalia. In this context, it calls upon all States to refrain from any actions which might exacerbate the situation in Somalia.

The Council again expresses its appreciation for all United Nations agencies and other organizations and individuals carrying out humanitarian activities in Somalia. It calls upon the Somali factions to ensure the safety and freedom of movement of all humanitarian personnel and to facilitate the delivery of humanitarian relief to the Somali people, including through the opening of the airport and harbour of Mogadishu.

The Council encourages the Secretary-General to continue his consultations with the Somali parties, regional States and organizations on the role the United Nations can play in supporting the peace efforts, including on specific options contained in his report. It requests the Secretary-General to continue monitoring the situation in Somalia and to report to it in an appropriate manner on those consultations and developments in the situation generally.

The Council will remain seized of the matter.

Deliberations of 23 April 1997 (3770th meeting)

At the 3770th meeting of the Security Council, held on 23 April 1997 in accordance with the understanding reached in its prior consultations, the President (Portugal), with the consent of the Council, invited the representatives of Ethiopia, Italy, Kuwait, the Netherlands and Tunisia, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 16 April 1997 from Kuwait,²⁴ transmitting the text of resolution 5638, of 31 March 1997, adopted at the one hundred and seventh regular session of the Council of the League of Arab States, entitled "The situation in Somalia".

The representative of Egypt stated that the situation in Somalia differed radically from the situation in the past. Numerous regional initiatives had led to many positive developments. The Egyptian delegation hoped that the proposals of the Secretary-General would be given serious consideration. Egypt supported the Secretary-General sending a Special Envoy to Somalia on a mission similar to that of the Special Envoy to the Great Lakes region. The new Special Envoy should be sent with a view to establishing contacts with the war lords and the representatives of the Somali people, and perhaps also in order to visit neighbouring States and other interested States and to consult with competent regional organizations with a view to presenting a comprehensive report to the Secretary-General on measures to be taken, at which time the Security Council could consider them and adopt an appropriate resolution. He maintained that it was now necessary to reach an agreement on the nature of the United Nations role in Somalia. The delegation of Egypt called for a substantial modification of that role, and it called upon the international community, to assume its responsibilities vis-à-vis the Somali people. He maintained that the efforts of the United Nations and of regional and international organizations to support national reconciliation depended on a number of considerations; the most important of which was that the international community must not recognize any authority in Somalia that did not represent all factions of the Somali people. Second, the embargo on arms shipments needed to be respected and strictly monitored.

²³ S/PRST/1997/8.

²⁴ S/1997/324.

The international community needed to continue all necessary humanitarian and development assistance to all regions of Somalia without exception. The territorial integrity of Somalia and the principle of non-intervention in its internal affairs needed to be respected. In conclusion, he reaffirmed that the main responsibility for stability in Somalia rested with the Somali people themselves.²⁵

The representative of France stated that the international community needed to try to convince Somali leaders that there was no alternative to negotiations to achieve national reconciliation. That effort had to involve in particular those who might be tempted by the idea of secession, since, as was the case throughout Africa, the maintenance of the territorial integrity and national unity of Somalia was essential to any settlement. He stated that at the time the best chances for progress lay with the continued efforts of the States of the region, of other interested States and of regional organizations, including the Organization of African Unity, the League of Arab States and the Intergovernmental Authority on Development. He maintained that strengthening the United Nations role did not seem possible unless it was very gradual and was accepted by the Somali leaders, who needed to demonstrate that they sincerely wanted to participate in negotiations to achieve national reconciliation.²⁶

The representative of China stated that China welcomed and supported the regional efforts and called on the factions in Somalia to cooperate closely with them and maintained that they should receive firm and effective support and cooperation from the international community, including the United Nations. The United Nations, particularly the Security Council, had the responsibility, and ought to take measures, to contribute constructively to the settlement of the Somali question. In that connection, they were of the view that the role of the United Nations Political Office for Somalia needed to be strengthened and that the Council should consider positively the Secretary-General's recommendations, made in his report of 17 February 1997 to designate a Special Envoy on the question of Somalia, to send a United Nations/OAU joint fact-finding mission and to establish a Secretary-General's trust fund.²⁷

The representative of the United Kingdom, while maintaining that the Secretary-General of the United Nations and the Security Council had shown their concern about the continuing conflict in Somalia and their support for regional and other efforts to initiate a political dialogue, in the light of the efforts being made in Kenya, Ethiopia and others, they themselves, however, saw no need for a new initiative on Somalia at that point. However, it was vital to ensure that the ongoing efforts were properly coordinated and fully complementary with each other. This was also the moment to recall that none of the efforts could succeed unless the leaders of the various parties in Somalia showed the necessary political will. He noted that the recent drought highlighted the continuing need for humanitarian assistance, but successful relief operations required the cooperation of the parties on the ground. He expressed his concern to hear of the problems that humanitarian agencies had encountered in Mogadishu and elsewhere and reiterated that the leaders of all parties needed to "stop jockeying for power and concentrate on the needs of the people they were supposed to represent".²⁸

The representative of Kenya stated that as a member of the Intergovernmental Authority on Development, which had continuously been involved in the search for peace in Somalia, he wanted to stress the following points: first, the prospects for peace in Somalia had never been greater, and the international community needed to seize the opportunity to facilitate negotiations and dialogue. Second, all efforts aimed at securing peace in Somali needed to be complementary and coordinated with the IGAD initiative that was already in place. Third, the planned Bossaso conference needed to be provided with material and financial support to ensure its success. He reiterated that a regional initiative was in place, and he called on the international community to support it and to help the people of Somalia to help themselves.²⁹

The representative of Ethiopia reiterated that the primary responsibility for the solution of the problem lay in the hands of the Somalis themselves, and that the role of OAU, IGAD, the United Nations and others was to assist and facilitate the efforts of the Somalis. He informed the Council that in pursuing the mandate of the Sodere meeting, the Somali political movements had also

²⁵ S/PV.3770, pp. 2-3.

²⁶ *Ibid.*, pp. 3-4.

²⁷ *Ibid.*, p. 4.

²⁸ *Ibid.*, pp. 4-5.

²⁹ *Ibid.*, pp. 11-12.

agreed to convene a national reconciliation conference at Bossaso, Somalia, to be followed by a concluding national conference to announce the formation of a transitional central authority. They were pleased and encouraged that preparations were currently under way in that direction and that the Somali political movements had agreed at their recent meeting held in Mogadishu to convene the National Reconciliation Conference on 10 June 1997 in Bossaso, Somalia. He noted that the Sodere initiative clearly recognized the need for inclusiveness and set procedures for the eventual inclusion of all those who might not have joined the process initially, and it was his hope that those who had not joined would do so. He expressed his belief that the United Nations, and in particular the Security Council, needed to take the following measures. First, as indicated in the report of the Secretary-General, the Security Council needed to call upon all the Somali parties to cooperate with the efforts of OAU and IGAD, and make it clear that the Council would not tolerate any faction's non-cooperation with those who had shown concrete commitment to peace and national reconciliation. Second, the United Nations needed to expand its relief and rehabilitation assistance to Somalia with the clear aim of maintaining and advancing the present momentum for peace and of strengthening the constituencies for peace in the country. Third, to ensure the success of the National Reconciliation Conference and to support the regional peace process, the Security Council should request the Secretary-General to establish a trust fund and call upon Member States to contribute. Fourth, the United Nations and its Security Council should emphasize the importance of closer coordination and consultation among those working for peace in Somalia. The new spirit of cooperation and commitment to consultation on the part of the United Nations and others should be welcomed and further enhanced. To that end, the proliferation of initiatives needed to be resisted by the United Nations.³⁰

During the course of the debate several other speakers spoke, underlining the need to support the continued efforts of States of the region, of other interested States and of regional organizations; expressing concern for the humanitarian situation and reiterating the fact that responsibility for the situation was

primarily on the Somali people themselves. Most speakers also called for strict enforcement of the arms embargo established by resolution 733 (1992). Most speakers also called on the Somali factions to ensure appropriate security conditions for the operations of international humanitarian organizations. A number of speakers expressed support for the idea of a possible designation of a Special Envoy of the Secretary-General to support the peacemaking efforts. A number of speakers also reiterated the importance of any peace settlement being inclusive of all factions.³¹

Decision of 23 December 1997 (3845th meeting): statement by the President

At the 3845th meeting of the Security Council, held on 23 December 1997 in accordance with the understanding reached in its prior consultations, the President (Costa Rica) drew the attention of the Council to a letter dated 22 December 1997 from the representative of Egypt addressed to the President of the Security Council,³² transmitting the text of the Cairo Declaration on Somalia signed by the Somali leaders on that date in concluding their meetings in Cairo, Egypt.

At the same meeting, the President made the following statement on behalf of the Council:³³

The Security Council has considered the situation in Somalia, including the recent developments in the political, military and humanitarian fields.

The Council reaffirms its commitment to a comprehensive and lasting settlement of the crisis in Somalia, bearing in mind respect for the sovereignty and territorial integrity of Somalia, in accordance with the Charter of the United Nations. In this context, it stresses that the responsibility for achieving genuine national reconciliation and peace rests with the Somali people themselves.

The Council expresses its full support for the efforts of regional and other interested States as well as those of international and regional organizations, particularly the Organization of African Unity, the Intergovernmental Authority on Development, the League of Arab States, the European Union and the Organization of the Islamic Conference, to promote a direct political dialogue and facilitate the emergence of a broad-based central Government in Somalia.

The Council welcomes the outcome of meetings between the Somali leaders held in Cairo concluded on 22 December 1997,

³⁰ Ibid., pp. 21-22.

³¹ Ibid., pp. 5-6 (Republic of Korea); pp. 6-7 (Japan); pp. 7-8 (Russian Federation); pp. 8-9 (Chile); pp. 9-10 (Sweden); pp. 10-11 (Costa Rica); pp. 12-13 (Guinea-Bissau); pp. 13-14 (Poland); pp. 14-15 (Portugal);

pp. 15-16 (Netherlands on behalf of the European Union and associated and aligned countries); pp. 16-17 (Italy); pp. 18-19 (Kuwait); and pp. 19-20 (Tunisia).

³² S/1997/1000.

³³ S/PRST/1997/57.

in particular their decision to adopt a federal system with regional autonomy and their agreement to form a transitional government of national unity and to hold an inclusive conference of national reconciliation in Baidoa through which a presidential council and a Prime Minister will be elected. It also welcomes the signing of the Cairo Declaration on Somalia and other important agreements attached thereto, particularly on the creation of an elected Constituent Assembly, the establishment of an independent judicial system and the preparation of a transitional charter. The Council calls upon all Somali leaders to contribute positively to the current momentum for peace and reconciliation created by the significant progress achieved in Cairo, and by the other previous initiatives of Sodere, Nairobi and Sanaa, through the widest possible participation in the planned conference and to cease immediately all acts of violence and to observe the ceasefire.

The Council urges all States to contribute generously to the appeals of the United Nations to ensure continued relief and rehabilitation efforts in all regions of Somalia, including those aimed at the strengthening of civil society. It also stresses the urgent need to address the humanitarian situation in those areas affected by the recent floods.

The Council reiterates its call upon all States to fulfil their obligations to implement the embargo imposed by resolution 733 (1992) of 23 January 1992 on all deliveries of weapons and military equipment to Somalia. In this context, it calls upon all States to refrain from any actions which might exacerbate the situation in Somalia.

The Council also expresses its support for the efforts exerted by the Secretary-General aimed at exploring means for the United Nations to assist in restoring peace and stability in Somalia. It notes with appreciation the decision of the Secretary-General to strengthen the United Nations Political Office for Somalia in Nairobi. In this regard, it stresses the need for closer coordination of all efforts for peace in Somalia.

The Council expresses again its appreciation to all United Nations agencies, other organizations and individuals carrying out humanitarian activities in all regions of Somalia. It calls upon the Somali factions to ensure the safety and freedom of movement of all humanitarian personnel and to facilitate the delivery of humanitarian relief, including through the immediate reopening of the airport and seaport of Mogadishu.

The Council encourages the Secretary-General to continue his consultations with the Somali parties, interested and regional States and organizations concerned on means for the United Nations to support peace and reconciliation efforts, including through specific options contained in his report of 17 February 1997. It requests the Secretary-General to keep it regularly informed and submit a report about these consultations and developments in the situation in due course.

The Council will remain seized of the matter.

Decision of 27 May 1999 (4010th meeting): statement by the President

By a letter dated 17 May 1999 addressed to the President of the Security Council,³⁴ the representative of Ethiopia drew the attention of the Security Council to a very dangerous development in Somalia caused by Eritrea's involvement in the conflict in that country. They stated that recent eyewitness accounts had revealed that Eritrea had embarked on a large-scale military activity of destabilization in Somalia in support of one of the warring factions in that war-torn country through shipments by air and sea of arms, including heavy weapons, in flagrant violation of Security Council resolution 733 (1992). As Ethiopia was the ultimate target of Eritrea's lawlessness and its manifest promotion and sponsorship of terrorism, Ethiopia reserved the right to take the appropriate measures in defence of its national security.

By a letter dated 24 May 1999 addressed to the President of the Security Council,³⁵ the representative of Djibouti shared his country's apprehension about a menacing development in the Horn of Africa that could have the potential of igniting widespread regional conflict. He referred to the widely reported and corroborated accounts of Eritrean weapons and personnel involvement in the anarchic and clearly explosive situation in Somalia. This was also a clear violation of Security Council resolution 733 (1992) and subsequent resolutions. The Government of Djibouti, therefore, called upon the Council to take urgent necessary measures designed to thwart Eritrea's undisguised provocative and destabilizing activities in the region, whose implications were "far beyond measurement of comprehension".

By a letter dated 26 May 1999 addressed to the President of the Security Council,³⁶ the representative of Eritrea forwarded a statement issued on 26 May 1999 by the Minister for Foreign Affairs of the State of Eritrea concerning Ethiopia's accusations regarding Eritrean involvement in Somalia, which were only intended to serve as a smokescreen for Ethiopia's longstanding and escalating armed intervention in Somalia to forward its "own expansionist and hegemonist goals".

At the 4010th meeting of the Security Council, held on 27 May 1999 in accordance with the

understanding reached in its prior consultations, the President (Gabon) drew the attention of the Council to the above-mentioned letters.

At the same meeting, the President made the following statement on behalf of the Council:³⁷

The Security Council expresses its alarm at the serious deterioration in the political, military and humanitarian situation in Somalia and concern at the reports of increasing external interference in Somalia.

The Council reaffirms its commitment to a comprehensive and lasting settlement of the situation in Somalia, bearing in mind respect for the sovereignty, territorial integrity and political independence and unity of Somalia, in accordance with the principles of the Charter of the United Nations. It reiterates that full responsibility for achieving national reconciliation and for restoring peace rests with the Somali people.

The Council expresses its support for the activities of the Standing Committee on Somalia and calls upon all Somali factions to cease all hostilities immediately and to cooperate with the regional and other efforts to achieve peace and reconciliation.

The Council is deeply concerned at recent reports of the illicit delivery of weapons and military equipment to Somalia, in violation of the arms embargo imposed by resolution 733 (1992) of 23 January 1992, which could exacerbate the crisis in Somalia and endanger the peace and security of the region as a whole.

The Council reiterates its call upon States to observe the arms embargo and to refrain from any actions which might exacerbate the situation in Somalia. It further requests Member States having information about violations of the provisions of resolution 733 (1992) to provide this information to the Security Council Committee established pursuant to resolution 751 (1992) of 24 April 1992.

The Council expresses its deep concern at the humanitarian impact of the long-lasting crisis and, in particular, condemns attacks or acts of violence against civilians, especially women, children and other vulnerable groups, including internally displaced persons. It also condemns attacks on humanitarian workers, in violation of the rules of international law.

The Council calls upon the Somali factions to cooperate on the basis of the principles of neutrality and non-discrimination with the United Nations agencies and other organizations carrying out humanitarian activities. The Council urges all parties to guarantee the security and the freedom of movement of humanitarian personnel and to ensure unhindered access to those in need of assistance. In this regard, it also commends the existing coordination of all efforts of the international community to meet the humanitarian needs of the Somali people, undertaken by the

³⁴ S/1999/563.

³⁵ S/1999/600.

³⁶ S/1999/611.

³⁷ S/PRST/1999/16.

Somalia Aid Coordination Body, comprising donors, United Nations agencies and non-governmental organizations.

The Council urges all States to contribute generously to the appeal of the United Nations to ensure continued relief and rehabilitation efforts in all regions of Somalia, including those aimed at the strengthening of civil society.

The Council welcomes the continuing efforts of the Secretary-General and the United Nations Political Office for Somalia in Nairobi.

The Council requests the Secretary-General to submit periodic reports on the situation in Somalia.

The Council will remain seized of the matter.

Decision of 12 November 1999 (4066th meeting): statement by the President

At its 4066th meeting held on 12 November 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General on the situation in Somalia dated 16 August 1999,³⁸ submitted pursuant to the request in the statement of the President of 27 May 1999.³⁹

In his report, the Secretary-General observed that despite persistent security threats and rising distribution costs caused by clan conflict, mines and other problems, the United Nations agencies and their humanitarian partners continued to deliver food aid to a high proportion of the most affected areas and to most settlements known to have incorporated displaced families. However, in areas threatened by sporadic armed conflict, aid delivery had not been maintained at requisite levels. He stated that greater investment was needed to strengthen local community capacities and resilience to meet the demands of man-made and natural emergencies. While “loud” emergencies in Somalia had been met by substantial short-term responses from the donor community, the operational capacity of humanitarian agencies had gradually been eroded, primarily owing to inadequate donor support for medium-term rehabilitation measures. Such longer-term support was a prerequisite for any agency to be able to maintain its staff and its presence. He noted that little or no development had taken place in Somalia for 10 years and the country’s development process had even gone into reverse. In addition, in both informal and formal discussions of the Security Council, Member States had expressed concern about the

increasingly evident effects of the lack of a functioning central government in Somalia. Somalia was different from other African societies in crisis, given its fundamentally homogeneous character. There was no major religious divide, ethnic division or dispute over the allocation of wealth derived from natural resources. Rather, Somalia was a polity in crisis. He stated that while a negotiated settlement of Somalia’s crisis had continued to be elusive, some important steps forward had been made. Within Somalia itself, there was increasing evidence that ordinary Somalis were tired of violence and were pressuring their leaders to opt for peace. However, several Somali leaders had said that they believed that no progress was possible while Eritrea and Ethiopia continued to be at war and to involve Somali faction leaders in that war. The conflict between Eritrea and Ethiopia was clearly having a highly adverse effect on the situation in Somalia. He noted that while reports of arms flows into Somalia, in contravention of the embargo established by Security Council resolutions 773 (1992), were deeply worrying, the United Nations Political Office for Somalia lacked the requisite mandate and capacity to verify those reports.

He expressed his belief that the stage had been reached at which it might be appropriate for the United Nations to play an enhanced role in Somalia. He proposed that consideration be given to action on two fronts. First, the United Nations, working impartially and objectively with interested Member States, especially with the IGAD process, needed to do more to bring about national unity and the restoration of a national government in Somalia. In addition, consideration might be given as to whether, in advance of political agreements on the formation of a national government, actions could be taken by the international community to assist Somalia to recover its sovereignty in certain limited fields, for example the protection of offshore natural resources. Efforts could also be made to limit the introduction of illegal arms and weapons. Other possibilities might exist in the area of developmental assistance.

At the same meeting, the President (Slovenia) made the following statement on behalf of the Council:⁴⁰

The Security Council recalls the report of the Secretary-General of 16 August 1999 on the situation in Somalia.

³⁸ S/1999/882.

³⁹ S/PRST/1999/16.

⁴⁰ S/PRST/1999/31.

The Council reaffirms its commitment to a comprehensive and lasting settlement of the situation in Somalia, bearing in mind respect for the sovereignty, territorial integrity and political independence and unity of Somalia, in accordance with the principles of the Charter of the United Nations.

The Council expresses its grave concern at the increasingly evident effects of the lack of a functioning central government in Somalia. It regrets the fact that most children receive no health care and that two generations have had no access to formal education. It is concerned that some Somali natural resources are being exploited, mainly by foreigners, without regulation and monitoring. It expresses its deep distress over reports that the absence of law and order in the country risks creating a haven for criminals of all kinds.

The Council welcomes the progress that has been made in the development of a greater uniformity of approach on the part of the international community in addressing the crisis in Somalia. It recognizes that the Standing Committee on Somalia, created a year ago, has been instrumental in monitoring the evolution of the Somali situation and working for a greater coordination of efforts by the various external actors, in order to avoid contrasting influences and to give weight to common actions. It calls for the strengthening of the coordination of these efforts aimed at securing peace and stability in Somalia.

The Council expresses its full support for the efforts exerted by the Intergovernmental Authority on Development to find a political solution to the crisis in Somalia. In this context, it welcomes the initiative of the President of Djibouti aimed at restoring peace and stability in Somalia, which was outlined in his letter dated 23 September 1999 to the President of the Security Council. It endorses the call made by the President of Djibouti to the warlords to recognize fully and accept the principle that the Somali people are free to exercise their democratic right to choose their own regional and national leaders. The Council looks forward to the finalization of the proposals of the President of Djibouti at the forthcoming summit of the Intergovernmental Authority on Development and stands ready to work with the Intergovernmental Authority and the Standing Committee to help to bring about national unity and the restoration of a national government in Somalia. It calls upon the leaders of the Somali factions and all others concerned to cooperate constructively and in good faith in the efforts to resolve the crisis.

The Council strongly calls upon all States to observe and improve the effectiveness of the arms embargo imposed by resolution 733 (1992) of 23 January 1992 and to refrain from any actions which might exacerbate the situation in Somalia. It urges Member States having information about violations of the provisions of resolution 733 (1992) to provide this information to the Security Council Committee established pursuant to resolution 751 (1992) of 24 April 1992, with a view to supporting the work of the Committee.

The Council expresses its grave concern at the continuing deterioration of the humanitarian situation in Somalia. It urges all States to contribute generously to the appeals of the United Nations to ensure continued relief and rehabilitation efforts in all regions of Somalia, including those aimed at the strengthening of civil society. In this context, it encourages enhancement of the operational capacity of humanitarian agencies in Somalia through donor support.

The Council expresses its appreciation to all United Nations agencies, other organizations and individuals carrying out humanitarian activities in all regions of Somalia. It calls upon the Somali factions to ensure the safety and freedom of movement of all humanitarian personnel and to facilitate the delivery of humanitarian relief. In this context, it strongly condemns attacks and acts of violence against, and the murder of, humanitarian workers in Somalia, and reiterates its position that those responsible for these acts should be brought to justice.

The Council expresses its satisfaction that despite all the difficulties, approximately half of Somali territory continues to enjoy relative peace. In this context, it notes that local administrations in some parts of the country are beginning to provide some basic services to the people of Somalia.

The Council welcomes the efforts of civil society in Somalia. It is encouraged by the political initiatives of Somalis, through regional conferences, often organized by traditional leaders and informal cross-clan contacts, to find a peaceful solution to the crisis. In this context, it underlines the active role of Somali women's groups.

The Council welcomes the continuing efforts of the Secretary-General and the United Nations Political Office for Somalia in Nairobi.

The Council encourages the Secretary-General to review the role of the United Nations in Somalia, as a prelude to the United Nations playing an enhanced role, aimed at achieving a comprehensive and lasting settlement of the situation in Somalia. This review would include the possible relocation of some United Nations programmes and agencies, as well as the United Nations Political Office, to Somalia. The review should also consider the security situation carefully, as well as the resources that would be necessary to provide a secure environment for United Nations operations in Somalia.

The Council takes note of the recommendation in the report of the Secretary-General of 16 August 1999 that the international community should consider establishing mechanisms which would allow financial assistance to flow into secure and stable areas of Somalia even before a formal central government and other institutions are re-established, with a view to promoting the sovereignty, territorial integrity and political independence and unity of Somalia.

The Council will remain seized of the matter.

4. The situation in Angola

**Decision of 8 February 1996 (3629th meeting):
resolution 1045 (1996)**

At the 3628th meeting of the Security Council, held on 6 February 1996 in accordance with the understanding reached in its prior consultations, the President (United States), with the consent of the Council, invited the representatives of Angola, Brazil, Lesotho, Malawi, New Zealand, Norway, Portugal, South Africa, Tunisia, Zambia, and Zimbabwe, at their request, to participate in the discussion without the right to vote.

At the same meeting the Council included in its agenda the report of the Secretary-General dated 31 January 1996 on the United Nations Angola Verification Mission (UNAVEM III) pursuant to Security Council resolution 1008 (1995).¹ In his report, the Secretary-General observed that the peace process in Angola had been proceeding at a disappointingly slow pace and the implementation of the Lusaka Protocol was still woefully behind schedule. A deep-seated mistrust and a lack of political will to take decisive measures had prevented the parties from honouring their commitments. However, both the Government and the União Nacional para a Independência Total de Angola (UNITA) had agreed on a new timetable to move the peace process forward. He noted that the promising steps taken by the Government of Angola in the previous weeks were encouraging and he urged UNITA to respond positively by a large-scale and fully verifiable movement of its troops to quartering areas; by releasing all prisoners; and by provision to the United Nations of the information required by the Lusaka Protocol. He stated that the talks on military matters needed to be concluded as a matter of urgency, with workable and fair agreements concerning the incorporation of UNITA troops in the Angolan Armed Forces (FAA) and the gradual demobilization of its other forces. He also urged the President of Angola and the head of UNITA to meet as soon as possible in order to promote mutual confidence and resolve outstanding issues. Although the success of the peace process lay in the hands of the Angolan parties, the failure of past attempts to bring peace to Angola underscored the need for active international involvement and encouragement. He recommended that the mandate of UNAVEM III be extended for a further six months, and stated that he would continue to submit comprehensive reports to the

Council every two months. He also noted that large segments of the population still required massive emergency assistance and that the Department of Humanitarian Affairs would issue a revised version of the current inter-agency appeal, extending the existing humanitarian programme through 1996.

The representative of Angola stated that the implementation of the Lusaka Protocol had entered its most decisive and defining stage, but not without difficulties, some of which were caused by non-compliance and violations on the part of UNITA, others obviously resulting from the very nature and complexity of the conflict and from the process of the practical implementation of the Agreement. Major, substantial progress had been made, the most significant aspect being the maintenance of the ceasefire one year after its signing. The main issue was the question of the quartering of the UNITA military forces, their disarmament and demobilization, which was affecting the conclusion of the formation of a single national army and the integration of UNITA cadres into the national unity government. He underlined that they wanted the process to be as transparent as possible and entirely verified by UNAVEM III, in order to avoid any military forces or war materiel escaping the control of the United Nations, as was the case at the time of the Bicesse Accords. He expressed their concern about the continued UNITA military activity in some regions of the country, in a pattern of military movement without prior notification to UNAVEM III and of isolated attacks and ambushes against civilian and military targets alike. He noted that the difficulties posed by UNITA regarding the free movement of people and goods in the areas that were still under its control were one of the other serious obstacles that the implementation of the Protocol was facing since they hampered the free movement not only of Angolan citizens but also of UNAVEM III personnel. He stated that as the new mandate of UNAVEM III began, it was imperative that non-compliance and unjustified delays be prevented and that those responsible be held accountable. The question of humanitarian assistance also needed to be the object of special attention during the new mandate. He also reiterated that there continued to be violations by the Republic of Zaire of the clause contained in resolution 863 (1993) that prohibited the supply of military or any other assistance to UNITA. Zaire, in a clear challenge to the authority of the Council, continued to serve as a base

¹ S/1996/75.

for the UNITA planes that violated Angolan airspace and land clandestinely in areas under its control to obtain supplies of lethal materiel. He hoped that the Council and the Sanction Committee, in particular, would adopt urgent and effective measures to discourage Zaire from engaging in such behaviour, which could only contribute to increasing the obstacles to the implementation of the Accords and which constituted gross interference in the internal affairs of his country. As to the draft resolution, his Government endorsed all positive steps consistent with the present situation concerning the peace process in his country.²

The representative of Italy spoke on behalf of the European Union and associated countries.³ He stated that the European Union welcomed the commitment recently undertaken both by the Government and by UNITA on a new timetable to move the peace process forward. He underlined that it was essential that UNITA confirm its recent pledge to accelerate the quartering of its troops, which had not yet reached significant levels. He noted with satisfaction the steps that had been taken by the Government of Angola in the implementation of the peace process, and encouraged it to speed up compliance. He expressed concern over the delays in demining activities and reports that efforts of the Angolan parties in that area continue to be minimal. The European Union was equally concerned over the further deterioration of the Angolan economy, which was partly a result of complex post-war problems, but which also reflected the Government's difficulty in implementing effective stabilization measures and necessary reforms. The European Union stressed the importance of international support for the peace process in Angola, and underlined the stabilizing role of UNAVEM III in the current fragile situation. He stated that the European Union remained committed to the Angolan peace process and was undertaking demarches with both the Government and UNITA to urge them to make further and rapid progress in the implementation of the Lusaka Protocol.⁴

The representative of the Russian Federation stated that it, as a member of the troika of observer States to the Angolan settlement, was deeply concerned at obstruction of the peace process by UNITA, which was continuing to evade implementation of the priority provisions of the Lusaka Protocol, particularly the

quartering and disarmament of troops, thus hindering the normal activity of UNAVEM III, against which it had even launched a propaganda campaign. He expressed belief that it was time for the international community to stop accepting the inconsistency of UNITA and endless manoeuvring vis-à-vis the resolution of a set of military issues. That was particularly important in the light of the fact that the present policy of the leadership of UNITA recalled to a great extent its actions at the end of 1992, when it provoked the breakdown of the Bicesse agreements and the resumption of the civil war. It was also extremely important that at the UNITA quartering points there were real soldiers, with real weapons, and not unarmed youths, as was the case on several occasions. He expressed his belief that the UNITA leadership could have no justification for further procrastination in the release of all prisoners, in providing the United Nations with information on military questions and in ensuring freedom of movement for people and goods throughout the territory of the country. He noted the constructive steps taken by the Government of Angola to strengthen the peace process.⁵

The representative of the United Kingdom expressed their concern that major elements of the Lusaka Protocol had not yet been implemented and underlined that there would be no excuse if UNITA failed to quarter the promised troops by 8 February. He expected that all mercenaries would be repatriated promptly and that the agreement on integrating UNITA troops in the Angolan armed forces would be implemented. He stated that his delegation was disappointed that UNAVEM III radio was not yet properly established, despite the repeated calls of the Council to the Government of Angola on the subject. He also stated that if peacekeeping operations were to be enabled to fulfil their mandates they had to receive funds in full and on time. The operation which they were discussing then was crucial to the restoration of peace and stability to a war-torn country. Conflict in Angola had posed a threat to peace and security more widely in southern Africa, and United Nations mission could not fail because of lack of money.⁶

The representative of France stated that there were good reasons for concern over the lack of progress in implementing the peace process described by the

² S/PV.3628, pp. 2-5.

³ Ibid., p. 5 (Poland, Romania and Slovakia; and Lithuania, Malta and Latvia).

⁴ Ibid., pp. 5-6.

⁵ Ibid., p. 10.

⁶ Ibid., p. 11.

Secretary-General, although in their view it was natural that after 20 years of war a certain distrust between the belligerents continued. He noted the new commitments undertaken by the two parties and expected them to be scrupulously respected. He also noted that the authorities in Luanda had since tried to demonstrate good will by implementing certain fundamental points of the peace agreement and the encouraging progress by UNITA on the quartering of its troops. However, it was not acceptable for UNITA to refuse to cooperate with UNAVEM III in concluding the task of quartering, and UNITA had to continue the operation to its end, as rapidly as possible. He stated that the agreement defined the level of the participation of UNITA in the new Angolan Armed Forces, but such an agreement would have no effect if UNITA did not allow itself to be disarmed and quartered and if the government forces did not withdraw far enough from the assembly zones or if they sought to take advantage of the disarmament of UNITA. France felt that extending the mandate of UNAVEM III for six months might not send a sufficiently clear signal from the Council. They would therefore prefer that the mandate of the United Nations operation be renewed for three months, thus allowing the Council to re-examine the situation by 8 May, particularly regarding the progress made in the disarmament and quartering of troops.⁷

The representative of the United States stated that, having personally toured the operations of UNAVEM III, she could confirm that the United Nations peacekeepers were critical to the peace process launched by the Lusaka Protocol. However the future of Angola rested with the Government and with UNITA. She noted that to a large extent the Government of Angola had been moving in the right direction. However, the poor performance of UNITA under the Lusaka Protocol had jeopardized the peace process and undermined the viability of UNAVEM III. She underlined that the Council anticipated that if the Secretary-General reported insufficient progress towards implementing the Lusaka Protocol, by either side, then they would re-evaluate the merit of continuing the mandate of UNAVEM III to February 1997.⁸

The representative of Norway stated that his country had participated in UNAVEM II and III with military observers, and supported the renewal of the

mandate and would continue their participation. However the numerous delays in the implementation of the Lusaka Protocol remained a matter of grave concern. He therefore urged the parties to the Protocol, and in particular UNITA, to continue to commit themselves fully and faithfully to implementing its provisions and to respect and maintain the ceasefire throughout the country. The reports of deteriorating security for humanitarian activities, especially in areas controlled by UNITA, were disturbing. He stressed the importance they attached to UNITA and the Government continuing to cooperate fully with the international humanitarian relief effort.⁹

The representative of the United States, in her second intervention, stated that she had spoken to the head of UNITA, Mr. Jonas Savimbi, that afternoon. She had expressed her nation's concern that the quartering process was seriously behind schedule and that UNITA would not be able to honour its commitments. He had acknowledged that the quartering was behind schedule but had stated that he was working around the clock to fulfil his commitments. She had also reminded him that the troops were required to bring their weapons with them and he had stated that they were. He had also confirmed that owing to a lack of communication from UNITA troops there had been instances where UNAVEM had sent transport for UNITA troops but the troops had not been at the appointed location. She had also informed him that the Council meeting was a sign that the international community was following developments very closely.¹⁰

The representative of Portugal stated that Portugal had been deeply committed to the process in Angola, first as a mediator in the negotiations which led to the "Acordos de Paz" and now as a member of the troika of observer countries and they shared the concerns with the delays in the implementation of the Lusaka Protocol. They were particularly concerned with the slow pace at which UNITA troops were being quartered and with reports that the combatants moving towards the quartering area were either very young or very old and many of them unarmed. He underlined that UNAVEM III was not a buffer force between the parties in conflict: its aim was to monitor compliance with the "Acordos de Paz" and the Lusaka Protocol. Therefore, it was essential that it should impose strict controls on the

⁷ Ibid., pp. 12-13.

⁸ Ibid., pp. 20-21.

⁹ Ibid., pp. 21-22.

¹⁰ Ibid., pp. 20-21.

armaments of UNITA, including its heavy weapons. He urged the President of Angola and the head of UNITA to meet as soon as possible. Regarding the mandate of UNAVEM III, Portugal considered that the use of the duration of the mandate of UNAVEM III as a form of pressure towards the implementation of the Lusaka Protocol was probably not the best solution for the Council to act upon at this stage. In his view, in order to apply pressure effectively, the Council resolution needed to be tailored to include an operative paragraph establishing clearly a review of the implementation of the provisions of the Lusaka Protocol, which could take place on a monthly basis. In this way, the Council would send a strong signal that it would be closely monitoring developments in Angola, and that at any moment it could consider new action required in the light of any developments, such as imposing restrictive measures against any offending party.¹¹

The representative of New Zealand while noting that there had been some positive progress of a limited nature, stated that a pro-active Security Council using the various tools at its disposal under Chapter VI of the Charter, was the best response to the current situation. He stated that his Government was pleased at the report of the Secretary-General which noted progress in the area of mine clearance, where New Zealand had made a serious commitment. However, mine clearance had not been without its problems and the key to the future would be the integration of the programme into the work of UNAVEM III. Regarding the draft resolution, he believed that it would be a mistake to try to put pressure on the parties by establishing an artificially short time-period for the mandate. In his view, the best way to signal a determination to keep up the pressure was by insisting on regular review periods within the mandate. He requested that the draft resolution take a firm and even-handed approach to both of the parties in Angola and a firm approach on the question of mine clearance and that it reinforce the importance of the human rights component in the United Nations presence.¹²

Several other speakers spoke calling on both parties to adhere to the Lusaka Protocol and to the timetable for its full implementation, underlining the

importance of UNITA implementing all commitments particularly the quartering of its troops, noting positive actions by the Government of Angola, calling on both parties to cooperate with UNAVEM III and humanitarian agencies and agreeing to support the extension of the mandate of UNAVEM III. Some speakers called on UNITA to immediately release all prisoners, for both parties to cooperate in demining activities and for UNAVEM III radio to be given access to the airwaves. Some speakers also noted that international assistance would be forthcoming only if both parties provided proof of their will for peace. Some speakers also expressed concern about the financial situation of UNAVEM and called on Member States to pay their assessed contributions.¹³

At the 3629th meeting of the Security Council, held on 8 February 1996 in accordance with the understanding reached in its prior consultations, the President, in accordance with the decision taken at the 3628th meeting, invited the representative of Angola to participate in the discussion without the right to vote.

At the same meeting the Council again included in its agenda the report of the Secretary-General dated 31 January 1996 on the United Nations Angola Verification Mission, pursuant to Security Council resolution 1008 (1995).¹⁴

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations¹⁵ and to several revisions made to the text. The draft resolution, as orally revised, was then put to the vote and adopted unanimously as resolution 1045 (1996), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General of 31 January 1996,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to the full implementation by the Government of Angola and the União

pp. 22-23 (Zimbabwe); pp. 23-24 (Brazil); p. 25

(Lesotho); pp. 27-28 (South Africa); pp. 28-29 (Tunisia); and pp. 30-31 (Zambia).

¹⁴ S/1996/75; see also the 3628th meeting in the present chapter.

¹⁵ S/1996/86.

¹¹ Ibid., pp. 26-27.

¹² Ibid., pp. 29-30.

¹³ Ibid., pp. 6-7 (Honduras); pp. 7-8 (Germany); p. 8 (China); p. 9 (Republic of Korea); p. 13 (Poland); pp. 14-15 (Egypt); pp. 15-16 (Guinea-Bissau); pp. 16-18 (Indonesia); pp. 18-19 (Botswana); pp. 19-20 (Chile);

Nacional para a Independência Total de Angola of the “Acordos de Paz”, the Lusaka Protocol and relevant Security Council resolutions,

Deeply concerned at delays in the implementation of the Lusaka Protocol and the lack of steady progress towards lasting peace,

Concerned at the deteriorating humanitarian situation in many parts of Angola and, in particular, at the lack of security guarantees and freedom of movement for the personnel of humanitarian organizations,

Emphasizing the importance of the reconstruction and rehabilitation of the Angolan national economy and its vital contribution to durable peace,

Recalling its resolution 976 (1995) of 8 February 1995 which stated, inter alia, the expectation that United Nations Angola Verification Mission III would complete its mission by February 1997,

Noting that one half of the duration of the mission, as envisaged in resolution 976 (1995), has already elapsed, while implementation of the Lusaka Protocol is seriously behind schedule,

Noting also the agreement between the Government of Angola and the União Nacional para a Independência Total de Angola of 21 December 1995, and welcoming the efforts of the Secretary-General, his Special Representative and the three observer States to the Angolan peace process to facilitate the establishment of a revised timetable for implementing the tasks in the agreement between the two parties at Bailundo of 9 January 1996,

Welcoming the efforts by Member States, the Organization of African Unity and the international community as a whole to promote peace and security in Angola,

1. *Welcomes* the report of the Secretary-General of 31 January 1996;

2. *Decides* to extend the mandate of the United Nations Angola Verification Mission III until 8 May 1996;

3. *Expresses deep concern* at the numerous delays in the implementation of the Lusaka Protocol, reminds the Government of Angola and the União Nacional para a Independência Total de Angola of their obligations to consolidate the peace process, and, in this regard, urges them to maintain an effective ceasefire, conclude their military talks on integration of the armed forces, undertake active engagement in the demining process and commence the integration of personnel of the União Nacional para a Independência Total de Angola into administrative and governmental institutions in furtherance of the objective of national reconciliation;

4. *Welcomes* the positive steps taken by the Government of Angola in implementing its commitments, in particular the cessation of offensive operations, the withdrawal of its troops from offensive positions in the vicinity of quartering areas of the União Nacional para a Independência Total de

Angola, the release of all prisoners registered by the International Committee of the Red Cross, the beginning of the quartering of the rapid reaction police and the termination of contracts of expatriate personnel as agreed;

5. *Expresses the expectation* that the Government of Angola will continue its progress with the goal of implementing fully its obligations under the Lusaka Protocol, including quartering of the rapid reaction police, deployment to barracks of the Angolan Armed Forces, the repatriation of expatriate personnel as agreed and the drawing up of a programme for disarming the civilian population;

6. *Expresses deep concern* at the slow pace of quartering and disarming troops of the União Nacional para a Independência Total de Angola, notes the public commitment by the União Nacional para a Independência Total de Angola to quarter its troops in an expeditious and comprehensive fashion, and reiterates its conviction that the quartering of troops, as the first step in the transformation of the União Nacional para a Independência Total de Angola to a legitimate political party, is a crucial component of the peace process;

7. *Urges* the União Nacional para a Independência Total de Angola to proceed immediately with the orderly, large-scale and verifiable movement of its troops to the quartering areas at Vila Nova, Lunduimbali, Negage and Quibaxe, without further interruption, in strict adherence to the new timetable agreed by the parties on 9 January 1996, and in full cooperation with the Mission;

8. *Calls upon* the União Nacional para a Independência Total de Angola, following completion of this initial quartering, to proceed immediately with the orderly movement of all its troops to the other quartering areas and to conclude all quartering within the period of the renewed mandate;

9. *Also calls upon* the União Nacional para a Independência Total de Angola to extend full cooperation to the Mission and the Joint Commission at all levels, including the exchange of military information as required by the Lusaka Protocol;

10. *Further calls upon* the União Nacional para a Independência Total de Angola to release all remaining prisoners;

11. *Calls upon* the two parties, in particular the União Nacional para a Independência Total de Angola, to ensure the freedom of movement of people and goods throughout the country;

12. *Also calls upon* the two parties, in particular the União Nacional para a Independência Total de Angola, to cooperate fully with humanitarian organizations by granting them all the necessary security guarantees and freedom of movement to facilitate their work;

13. *Reminds* the Government of Angola and the União Nacional para a Independência Total de Angola of their obligation to cease the dissemination of hostile propaganda;

14. *Notes* the importance attached to the dissemination of impartial information by UNAVEM Radio, and calls upon the Government of Angola to provide all the facilities necessary for the independent functioning of UNAVEM Radio;

15. *Encourages* both the President of Angola and the President of the União Nacional para a Independência Total de Angola to meet, as soon as possible and thereafter on a regular basis, to promote mutual confidence and achieve the full, fair and speedy implementation of the Lusaka Protocol, including its provisions on national reconciliation and other outstanding issues;

16. *Commends* the Joint Commission for the positive role it continues to play in support of the implementation of the Lusaka Protocol;

17. *Commends also* the efforts of the Secretary-General, his Special Representative and the personnel of the Mission to facilitate the implementation of the Lusaka Protocol;

18. *Urges* the international community to continue to provide the assistance necessary to facilitate the rehabilitation and reconstruction of the Angolan national economy, provided that the two parties meet their obligations under the Lusaka Protocol;

19. *Reaffirms* the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993) of 15 September 1993;

20. *Urges* all States, in particular those neighbouring Angola, to facilitate the process of national reconciliation in Angola and to take steps in their territory to facilitate full implementation of the provisions of the Lusaka Protocol;

21. *Requests* the Secretary-General to report by 7 March, 4 April and 1 May 1996 on the progress made by the Government of Angola and the União Nacional para a Independência Total de Angola in taking concrete steps towards meeting the goals and timetable agreed between them, and to keep the Council fully informed on developments in the situation on the ground, so that the Council may respond accordingly;

22. *Expresses its readiness*, in the light of recommendations by the Secretary-General and developments in Angola, to consider any further measures;

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

Decision of 24 April 1996 (3657th meeting): statement by the President

At the 3657th meeting of the Security Council, held on 24 April 1996 in accordance with the understanding reached in its prior consultations, the President (Chile), with the consent of the Council,

invited the representative of Angola, at his request, to participate in the discussion without the right to vote.

At the same meeting, the Council included in its agenda the report of the Secretary-General dated 4 April 1996 on the United Nations Angola Verification Mission pursuant to Security Council resolution 1045 (1996).¹⁶

In his report, the Secretary-General observed that the progress achieved in the period covered by the report was limited and had not fulfilled the hopes generated by the meeting between the President of Angola and Mr. Savimbi on 1 March. Much remained to be done to fulfil the tasks that the two sides had agreed to undertake in accordance with the then adjusted timetable; implementation was once again behind schedule. He underlined that complete and fully verifiable quartering by UNITA of its troops was the key element, and the results so far were inadequate. He called on the Government and UNITA to implement in good faith, and within the agreed timeframe, the provisions of the Lusaka Protocol, as well as the crucial agreements reached at Libreville concerning the completion of the quartering process, the formation of the new armed forces and the establishment of a government of national unity and reconciliation.

At the same meeting, the President made the following statement on behalf of the Council:¹⁷

The Security Council has considered the report of the Secretary-General of 4 April 1996 on the United Nations Angola Verification Mission III pursuant to paragraph 21 of Council resolution 1045 (1996) of 8 February 1996.

The Council notes that some progress has been achieved during the past two months in the implementation of the Lusaka Protocol, although it has been limited and has not fulfilled the hopes generated by the meeting between President dos Santos and Mr. Savimbi in Libreville, on 1 March 1996. The Council stresses the importance it attaches to the full implementation of the Protocol. The Council reminds President dos Santos and Mr. Savimbi of their commitments and urges them to take the necessary actions to move the peace process forward.

The Council notes that the União Nacional para a Independência Total de Angola has quartered more than 20,000 of its troops, but expresses concern over delays in the quartering of troops and urges the União Nacional para a Independência Total de Angola to move expeditiously to achieve full quartering of its troops. The Council expresses concern about the quality of weapons surrendered by the União Nacional para a Independência Total de Angola and urges it to fulfil its commitment to turn over all of its arms, ammunition and military equipment as the

¹⁶ S/1996/248 and Add.1.

¹⁷ S/PRST/1996/19.

quartering process continues. It reiterates that the quartering process is a crucial component of the peace process and stresses the need for quartering to be credible and fully verifiable. The Council expresses its concern at the statements made by Mr. Savimbi on 13 and 27 March 1996. In this context, the Council urges all Angolan leaders to consider carefully the effect of public statements on the climate of confidence necessary to nurture the peace process. It also urges the União Nacional para a Independência Total de Angola to release all remaining prisoners.

The Council recognizes with satisfaction the progress by the Government of Angola in the implementation of its commitments under the Lusaka Protocol and the current timetable, and encourages the Government to continue this progress. The Council emphasizes the importance of completion of the calendar of actions for April, including, the continuation of the pull-back of government forces from areas near the quartering sites of the União Nacional para a Independência Total de Angola, the return of the rapid Reaction police to barracks, the resolution of the question of amnesty for officials of the União Nacional para a Independência Total de Angola and the adoption of a plan to disarm the civilian population, as well as the quartering of troops of the União Nacional para a Independência Total de Angola. The Council encourages the two parties to complete the integration of the União Nacional para a Independência Total de Angola into the Angolan Armed Forces.

The Council also encourages the Government to grant the Mission the requisite facilities for the establishment of an independent United Nations radio.

The Council stresses its concern at the extensive presence of landmines throughout Angola and expresses support for the efforts of the United Nations, the Government and non-governmental organizations to address this problem. The Council urges the Government and the União Nacional para a Independência Total de Angola to destroy their stockpiles of anti-personnel landmines. It encourages them to make a meaningful public gesture towards destruction of landmines which could have a positive effect on public confidence and the free circulation of people and goods.

The Council notes with concern credible reports of continuing purchases and delivery of weapons to Angola and considers that such actions are contrary to paragraph 12 of resolution 976 (1995) of 8 February 1995 and undermine confidence in the peace process. The Council reaffirms the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993) of 15 September 1993.

The Council emphasizes that the ultimate responsibility for restoring peace rests with the Angolans themselves. The Council reminds the parties that extension of the mandate of the Mission will be based, to a large part, on progress by the two parties towards meeting the goals set by the Lusaka Protocol.

The Council condemns the incident on 3 April 1996 which resulted in the death of two Mission personnel, the wounding of a third, and the death of a humanitarian assistance official, and

reiterates the importance it attaches to the safety and security of Mission and humanitarian assistance personnel. The Council notes the cooperation offered by the Angolan Government and the União Nacional para a Independência Total de Angola with the investigation by the Mission of this deplorable incident.

The Council reiterates its gratitude to the Special Representative of the Secretary-General, the staff of the Mission, and the three observer countries whose unflagging service to the cause of peace has been outstanding. The Council will continue to monitor the situation in Angola closely and requests the Secretary-General to continue to keep it informed of progress in the Angolan peace process.

Decision of 8 May 1996 (3662nd meeting): resolution 1055

At the 3662nd meeting of the Security Council, held on 8 May 1996 in accordance with the understanding reached in its prior consultations, the President (China), with the consent of the Council, invited the representative of Angola, at his request, to participate in the discussion without the right to vote.

At the same meeting the Council included in its agenda the report of the Secretary-General dated 30 April 1996 on the United Nations Angola Verification Mission pursuant to Security Council resolution 1045 (1996).¹⁸

In his report, the Secretary-General observed that progress in implementing the Lusaka Protocol had been disappointingly slow and many of the tasks which the parties had agreed to carry out remained unfulfilled. The quartering of UNITA troops had virtually stalled and paragraph 8 of Security Council resolution 1045 (1996) remained largely unfulfilled. The repeated failure of the UNITA leadership to honour its commitments had reinforced the doubts about its good faith; further procrastination could not be justified and, if continued, could bring about the collapse of the whole peace process, with consequent interruption of the international aid Angola required for reconstruction, rehabilitation and demining. Other areas of acute concern were the delays in reaching agreement on the incorporation of UNITA personnel into the joint armed forces and the formation of the Government of National Unity and Reconciliation by mid-July 1996. In light of the unsatisfactory state of affairs, he recommended that the mandate of UNAVEM III be extended for a period of two months.

¹⁸ S/1996/328.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁹ The President then drew the attention of the Council to a letter dated 8 May 1996 from Angola addressed to the President of the Security Council, transmitting the text of the "Amnesty Law".²⁰

The representative of Angola reiterated his full and unconditional commitment to peace and reconciliation and his Government's support for the UNAVEM III and the Lusaka Protocol. He stated that at the current pace, and if no additional measures were taken to convince UNITA to accelerate the demobilization, quartering would not be completed on schedule. Since the Government wanted to preserve the hope for a positive outcome of the peace process, he requested the Security Council to take diplomatic measures to persuade UNITA to live up to its commitments so that all could jointly move towards peace, progress, democracy and the well-being of all Angolans. He noted that the Government of Angola had completed many essential tasks, with the aim of creating an environment of confidence, including producing a revised text of the law of amnesty. He stated that even though UNITA had not met the deadlines or troop-level goals for demobilization, they were ready to move forward with the immediate integration of UNITA troops into the Angolan Armed Forces. He informed the Council that they had undertaken joint military missions with UNAVEM III and with UNITA personnel to verify that FAA forces had not occupied areas vacated by UNITA, had found solutions to the concerns expressed by UNITA related to its presence in the Lundas, the country's diamond region, and had reiterated their invitation to Mr. Savimbi to join the Government as a Vice-President. He noted that they had announced their full support for the initiative promoted by the United States and 30 additional Governments with a view to banning the use of land mines. All of those steps demonstrated the Government's commitment to peace and national reconciliation. With regard to a time limit, he urged the Security Council to agree that if UNITA had not met the targets for the conclusion of the national armed forces and the demobilization of UNITA, the timing and numbers for which had been established by the draft resolution, the United Nations should move quickly to review the situation, to meet directly with the

head of UNITA, to emphasize the urgency of the situation and to implement the measures contained in resolution 864 (1993).²¹

The representative of Italy spoke on behalf of the European Union and the associated countries.²² He expressed the European Union's deep concern over the slow pace of the quartering of UNITA troops. He called on the Government of Angola to fully comply with its own obligations under the Lusaka Protocol by continuing the withdrawal of its forces to the nearest barracks and by completing the quartering of the rapid reaction police under UNAVEM monitoring. The European Union appealed to both parties to undertake without delay the disarmament of the civilian population and to show better cooperation with the civilian police component of UNAVEM III. Noting that the slow progress in demining activities was also of great concern, he stated that the parties needed to cooperate fully in the first place by destroying their stockpiles of landmines, by allowing UNAVEM III and the mine clearance companies to operate unhindered and by transmitting all the information they had available on the location of minefields. Graduates of the mine clearance courses run by the United Nations should be promptly employed in operations in the field. In the light of the various acts of aggression against United Nations personnel and other international officials, he also called on all parties to renew their commitment to guarantee the security of such personnel, who were working on behalf of the entire country. He welcomed the decision of the Secretary-General to instruct his Special Representative to give priority to human rights issues. Noting that two months was an unusually brief mandate for the largest peacekeeping operation of the United Nations, he stated that many uncertainties still existed, particularly in relation to the pledges made by the leadership of UNITA. He expressed the belief that compliance with the commitments undertaken in the Lusaka Protocol would be ensured only by constant international pressure and stated that the European Union fully backed all diplomatic efforts aimed at preserving the spirit of Lusaka, and was directly committed to the objective of a long-lasting peace in Angola.²³

Speaking before the vote, the representative of Honduras stated that there were clear delays in meeting

¹⁹ S/1996/336.

²⁰ S/1996/340.

²¹ S/PV.3662, pp. 2-4.

²² Ibid., p. 4 (Bulgaria, Cyprus, Hungary, Lithuania, Malta, Poland, Romania and Slovakia).

²³ Ibid., pp. 4-5.

the successive timetables agreed by the parties and that particularly UNITA needed to accelerate the quartering of its troops, in accordance with the provisions of Council resolution 1045 (1996). He stated that it was necessary that an end be put to hostile propaganda and for the Government of Angola to facilitate the establishment of a United Nations radio to help in confidence-building and in national reconciliation. He stated that they would vote in favour of the draft resolution, although, taking into account the fact that many tasks remain pending in the peace process in Angola, they would have preferred a longer period of time to make it possible for UNAVEM to fully accomplish its mission.²⁴

The representative of the Russian Federation stated that his Government, as a member of the troika of observers, had spared no effort to attain the goal of lasting peace and stability. He stated that the obstructionist policy of UNITA in quartering and disarming its troops was of particular concern and that the UNITA leadership had again failed to comply with its obligations and to quarter its troops by 8 May, in accordance with Security Council resolution 1045 (1996). Also, no decision had yet been made in respect of UNITA representation in the integrated command of the Angolan Armed Forces, which had hampered the creation of a unified army and the demobilization of those soldiers who would like to return to a normal life. Given the security guarantees offered to UNITA, they deemed inadmissible any linkage between the quartering and disarming process and other matters that were sometimes pushed artificially to the fore. They expected that the Government of Angola would likewise fulfil the tasks incumbent on it in this plan of action. He maintained that one important component of the peace process requiring complementary efforts from both Angola parties was their speedy completion of negotiations on the entire complex of military questions. He stated that the draft resolution established the appropriate controls for monitoring the compliance of the Angolan parties with the agreed plans and contained a stern warning on the inadmissibility of delay in the peace process, which was already far behind schedule.²⁵

Several other speakers, speaking both before and after the vote, praised the progress that had been made

in the peace process, expressed concern over the slow pace at which it was progressing, particularly the fact that the quartering and disarming of UNITA troops was not being completed as scheduled; called on both parties to cooperate with and ensure the safety of UNAVEM III and United Nations and international personnel; called on the parties to complete the remaining steps including the integration of UNITA soldiers into the FAA, disarmament of the civilian population and the establishment of the Government of Unity and National Reconciliation; and urged them to use the two-month extension of the mandate to deal with all outstanding issues. Several speakers underlined the importance of mine clearance, and called for an acceleration of efforts with the active cooperation of the Angolan parties. Several speakers also underlined the importance of economic development and urged the international community to provide the necessary assistance in order to reconstruct the Angolan economy.²⁶

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1055 (1996), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General dated 30 April 1996,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to the full and timely implementation by the Government of Angola and the União Nacional para a Independência Total de Angola of the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions,

Recognizing that although some progress has been made towards consolidating the peace process, the overall pace has been disappointingly slow,

Noting with concern the repeated delays in the implementation of successive timetables agreed to by the two parties, in particular the quartering of troops of the União Nacional para a Independência Total de Angola and the completion of talks on military issues regarding the integration of the armed forces,

(Guinea-Bissau); after the vote: pp. 14-15 (United States); pp. 15-16 (Chile); pp. 16-17 (France); and pp. 19-20 (China).

²⁴ Ibid., pp. 11-12.

²⁵ Ibid., pp. 12-13.

²⁶ Ibid., p. 6 (Egypt); p. 8 (Botswana); pp. 9-10 (Republic of Korea); pp. 10-11 (United Kingdom); pp. 13-14

Taking note that five months have elapsed since the first troops of the União Nacional para a Independência Total de Angola arrived in quartering areas, and expressing concern that prolonging the stay of troops in quartering areas puts strains on United Nations resources and on discipline within the ranks of the União Nacional para a Independência Total de Angola,

Noting the agreement reached between the President of Angola and the President of the União Nacional para a Independência Total de Angola in Libreville on 1 March 1996 on the formation of the unified armed forces by June 1996 as well as the establishment of the Government of Unity and National Reconciliation between June and July 1996,

Recalling its resolution 976 (1995) of 8 February 1995 which stated, inter alia, the expectation that the United Nations Angola Verification Mission III would complete its mission by February 1997,

Emphasizing the need for adequate security for all United Nations and other international personnel, and awaiting the results of the investigation of the deaths on 3 April 1996 of two military observers of the Mission and a humanitarian assistance official,

Underlining the need for respect for human rights, and urging the Angolan parties to give greater attention to preventing and investigating incidents of human rights abuse,

Expressing concern at the extensive presence of landmines throughout Angola, and emphasizing the need for the political will to speed up demining efforts to enable the free circulation of people and goods and to restore public confidence,

Stressing the importance of the demilitarization of Angolan society, including the disarmament of the civilian population and the demobilization and social reintegration of ex-combatants,

Reiterating the importance of the reconstruction and rehabilitation of the Angolan national economy and its vital contribution to a durable peace,

Welcoming the efforts by Member States, in particular the three observer States to the Angolan peace process, the Organization of African Unity and the international community as a whole to promote peace and security in Angola,

1. *Welcomes* the report of the Secretary-General of 30 April 1996;

2. *Decides* to extend the mandate of the United Nations Angola Verification Mission III until 11 July 1996;

3. *Expresses profound regret* at the overall slow pace of implementation of the peace process which is far behind schedule;

4. *Notes with deep concern* the failure of the União Nacional para a Independência Total de Angola to complete the quartering of all its troops by 8 May 1996, in accordance with resolution 1045 (1996) of 8 February 1996;

5. *Reiterates* that quartering and disarming of troops of the União Nacional para a Independência Total de Angola are crucial components of the peace process, which are fundamental to its success, and stresses that further procrastination cannot be justified and, if continued, could bring about the collapse of the whole peace process;

6. *Notes* the recent progress in the quartering of troops of the União Nacional para a Independência Total de Angola, and calls upon the União Nacional para a Independência Total de Angola to fulfil by June 1996 its obligation to complete the credible, uninterrupted and fully verifiable quartering of its troops and to turn over to the Mission all arms, ammunition and military equipment;

7. *Calls upon* the União Nacional para a Independência Total de Angola to release unconditionally and without further delay all remaining prisoners, in accordance with its obligations under the Lusaka Protocol;

8. *Underlines* the importance of the completion of the talks on military issues regarding the integration of the troops of the União Nacional para a Independência Total de Angola into the Angolan Armed Forces and the formation of a joint military command, and urges the two parties to resolve the remaining issues by 15 May 1996, as agreed in the Joint Commission's calendar of actions for May;

9. *Welcomes* the proclamation by the National Assembly of Angola of amnesty arrangements, as agreed in Libreville, for offences resulting from the Angolan conflict, in order to facilitate the formation of a joint military command;

10. *Urges* the Government of Angola and the União Nacional para a Independência Total de Angola to abide strictly by their obligations under the Lusaka Protocol as well as the commitments entered into in Libreville, on 1 March 1996, including the selection of the troops of the União Nacional para a Independência Total de Angola for incorporation into the Angolan Armed Forces and the completion of the formation of the unified armed forces by June 1996;

11. *Also urges* the Government of Angola and the União Nacional para a Independência Total de Angola to take all necessary steps for the deputies of the União Nacional para a Independência Total de Angola to take their places in the National Assembly for the beginning of the controlled movement of the União Nacional para a Independência Total de Angola troops out of quartering areas in accordance with the provisions of the Lusaka Protocol, for the incorporation of the União Nacional para a Independência Total de Angola personnel into the State administration, the Angolan Armed Forces and the national police, for the orderly transition of demobilized troops to civilian life, for moving constitutional issues forward in a spirit of national reconciliation, and for the formation of the Government of Unity and National Reconciliation by July 1996;

12. *Encourages* the President of Angola and the President of the União Nacional para a Independência Total de Angola to meet at the earliest opportunity within Angola to resolve all remaining issues;

13. *Welcomes* the progress made by the Government of Angola in quartering the rapid reaction police;

14. *Urges* the Government of Angola to continue to pull back its forces from areas near the quartering sites of the União Nacional para a Independência Total de Angola and to complete the return of the rapid reaction police to barracks under the monitoring of the Mission in accordance with the provisions of the Lusaka Protocol;

15. *Notes* the intention of the Joint Commission to study the plan for the disarmament of the civilian population, and urges the parties to begin its implementation without delay;

16. *Reminds* the Government of Angola and the União Nacional para a Independência Total de Angola of their obligation to cease the dissemination of hostile propaganda;

17. *Calls upon* the Government of Angola to provide the requisite facilities for the establishment of an independent United Nations radio;

18. *Also calls upon* the Government of Angola and the União Nacional para a Independência Total de Angola to signal their commitment to peace by destroying their stockpiles of landmines and to begin this process through joint public action;

19. *Reaffirms* the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993) of 15 September 1993, and reiterates that continuing acquisition of weapons would be contrary to paragraph 12 of resolution 976 (1995) of 8 February 1995 and would undermine confidence in the peace process;

20. *Notes with concern* reports that the União Nacional para a Independência Total de Angola has impeded, on occasion, the work of the Mission, and reminds the parties, in particular the União Nacional para a Independência Total de Angola, to extend full cooperation to the Mission and the Joint Commission at all levels;

21. *Demands* that all parties and others concerned in Angola take all necessary measures to ensure the safety of United Nations and international personnel and premises and guarantee the safety and freedom of movement of humanitarian supplies throughout the country;

22. *Commends* the Joint Commission and the Armed Conflict Prevention Group for the positive role they continue to play in support of the implementation of the Lusaka Protocol;

23. *Commends also* the efforts of the Secretary-General, his Special Representative and the personnel of the Mission to facilitate the implementation of the Lusaka Protocol;

24. *Urges* Member States to provide the assistance necessary to facilitate the demobilization and social reintegration of ex-combatants;

25. *Urges* the international community to continue to provide the assistance necessary to facilitate the rehabilitation and reconstruction of the Angolan national economy, provided that the two parties meet their obligations under the Lusaka Protocol;

26. *Requests* the Secretary-General to report by 1 July 1996 on the progress made towards meeting the goals and timetable agreed between the two parties and to keep the Council fully informed on a regular basis on developments in the situation on the ground, in particular by providing a comprehensive briefing by 17 May 1996 on whether the two parties have fulfilled the tasks they have specified in the Joint Commission's calendar of actions for May to be carried out by 15 May 1996;

27. *Declares* that it will place special emphasis, during its future discussion of the mandate of the Mission, on the progress demonstrated by the parties;

28. *Reiterates its readiness*, in the light of recommendations by the Secretary-General and the state of affairs in Angola, to consider any further measures;

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

The representative of Germany stated that by extending the mandate, the international community had underlined its readiness to promote the peace process. However, both parties in Angola had to be reminded that the lack of progress since the last extension of the mandate of UNAVEM had given rise to serious doubts as to the will for peace. Therefore, all means needed to be deployed to make clear to both parties to the conflict what would be the consequences in the event of a further stagnation of the peace process. He stated that there would be no United Nations peacekeeping operation in Angola after February 1997. The Government of Germany had provided shelters and water treatment equipment for the assembly sites. He stated that the Government of Germany attached particular importance to the question of mine clearance, and deplored the fact that the efforts of UNAVEM still encountered obstruction, especially by UNITA. He reiterated a call for a complete end of arms deliveries to Angola, stating that any further purchases of arms could only raise suspicions concerning the respective commitment to the peace process. He stated that finally, the question of good governance and economic reform had to be addressed.²⁷

The representative of Poland stated that despite some positive developments the parties in Angola remained well behind their agreed schedule. He stated that they were particularly anxious about the degree of

²⁷ Ibid., pp. 17-18.

compliance by UNITA with the obligation to quarter its troops, the lack of final agreement between the parties on the formation of the Angolan Armed Forces and the formation of the Government of Unity and National Reconciliation. He also expected them to respect the UNAVEM III mandate and to guarantee the security and safety of its personnel, as well as of all the international personnel working in their country. Finally, the Polish delegation supported the idea of holding an open debate on the situation in Angola before the current UNAVEM III mandate expired, in order to assess the progress made by the parties and to discuss related issues, including the future of UNAVEM III.²⁸

**Decision of 11 July 1996 (3679th meeting):
resolution 1064 (1996)**

At the 3679th meeting of the Security Council held on 11 July 1996 in accordance with the understanding reached in its prior consultations, the President (France), with the consent of the Council, invited the representatives of Algeria, Angola, Brazil, Cape Verde, Malawi, Mozambique, Portugal, Tunisia, South Africa, the United Republic of Tanzania and Zimbabwe, at their request, to participate in the discussion without the right to vote.

At the same meeting the Council included in its agenda the report of the Secretary-General on the United Nations Angola Verification Mission pursuant to Security Council resolution 1055 (1996).²⁹

In his report, the Secretary-General observed that though the pace of implementation of the Lusaka Protocol had improved somewhat, the parties had not fulfilled the time frame agreed upon. Continuing delays in the quartering of UNITA troops, the high number of desertions from the quartering areas, the unsatisfactory quality and quantity of weapons and ammunition handed over, the failure to quarter UNITA police personnel and the incomplete withdrawal of FAA from forward positions all required urgent corrective actions if the peace process was to retain credibility. The picture was no more reassuring on the political front, as the parties had yet to take a number of steps towards the formation of the Government of Unity and National Reconciliation. It was also essential that the question of the post of Vice-President to be occupied by UNITA should be expeditiously resolved. He noted that the

demobilization and socio-economic reintegration of former combatants was another essential precondition for lasting peace in Angola. He stated that the continued involvement of UNAVEM III, particularly at the stage of the implementation of the Lusaka Protocol, remained essential. Therefore, he recommended that its mandate be extended for three months, until 11 October 1996. He had also initiated contingency planning for the phased downsizing of its military component as soon as the quartering process had been successfully concluded and the incorporation of UNITA troops into FAA and the formation of the unified armed forces had reached an advanced stage.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³⁰

At the same meeting the President also drew the attention of the Council to the text of a note verbale dated 26 June 1996 from Angola addressed to the Secretary-General,³¹ transmitting a letter from the President of Angola to the Secretary-General asking that he send to Angola a Security Council mission, by the end of the current month, with the aim of evaluating the process and leaving UNITA with recommendations that advise it against taking any actions that might lead to new delays in the implementation of the Lusaka Protocol and that might provoke disturbances for the UNAVEM III peace mission.

The Vice-Minister without Portfolio of Angola underlined some of the achievements of the Government in implementing the Lusaka Protocols, but stated that in spite of those efforts, the process had moved forward slowly and the achievement could have been more significant with greater cooperation from UNITA. The main obstacle was the quality of UNITA forces and of the materiel sent to the quartering areas. It was therefore, incumbent upon the Council and UNAVEM III to take action that would help improve performance in the quartering process. He stated that they were also concerned by the proliferation of armed elements under UNITA command. He stated that by 30 July 1996 the Government should have re-established control over all areas controlled by UNITA, which by then should become a legal political party, with members participating in the Government. He also underlined that it was essential for Angola's neighbours

²⁸ Ibid., pp. 18-19.

²⁹ S/1996/503.

³⁰ S/1996/536.

³¹ S/1996/494.

to suspend any negative actions that might reduce the chances of success. The constant violations of Angolan territory by illegal aliens and by foreign enterprises were an issue that needed to be considered by the Sanctions Committee of the Council. Noting that paragraph 19 of resolution 864 (1993) clearly called on Member States to maintain a posture conducive to peace in their country, refraining from actions that might violate the security of any nation, he appealed to the Council to act in accordance with its high responsibilities in that area. He also appealed to the international community for assistance in the social reintegration of soldiers being demobilized and the economic rehabilitation of the hardest-hit areas. As the process neared its conclusion, he called on the Security Council to send a special mission to Angola to assess the peace process and to recommend measures appropriate to the situation, before declaring the Lusaka Protocol fully implemented. He stated that they agreed to the extension of the mandate of UNAVEM III for another three months.³²

The representative of Portugal stated that they were pleased to note some positive developments which had taken place, however the pace of implementation was too slow and he, therefore, appealed to the parties to take the necessary steps to achieve a lasting peace. He stated that despite the progress in quartering UNITA personnel, it was urgent that the process be completed in accordance with the Joint Commission time table and the handing over of heavy military equipment. It was also important to continue the withdrawal of Angolan armed forces to barracks, and intensify efforts at demining. As a member of the troika of observer countries of the peace process he stated that the possibility of a meeting at the earliest opportunity between the President of Angola and the head of UNITA was encouraging. He stated that while Portugal encouraged all efforts aimed at transforming UNITA into a political party, they also looked forward to concrete measures leading to the formation of a Government of Unity and National Reconciliation. He reiterated his belief that national reconciliation could

only be achieved through the full implementation of the “Acordos de Paz” and of the Lusaka Protocol.³³

Several other speakers spoke, both before and after the vote, welcoming the progress made in implementing the Protocol, expressing concern over the delayed quartering of UNITA and its reluctance to hand over better-quality and heavy weapons and participation in the Government, appealing to donors for support for demobilization and reintegration, calling on the President of Angola and the leader of UNITA to meet to resolve all outstanding differences and stating their support for the extension of the mandate of UNAVEM III.³⁴

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1064 (1996), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General of 27 June 1996,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to full and timely implementation by the Government of Angola and the União Nacional para a Independência Total de Angola of the “Acordos de Paz”, the Lusaka Protocol and relevant Security Council resolutions,

Noting with approval the recent progress made towards consolidating the peace process, but reiterating that the overall pace has been slow,

Reminding the parties that if the peace process is to succeed they must show greater readiness to implement in good time their commitments and to act in the spirit of flexibility and compromise,

Welcoming the successful conclusion of military talks between the two parties, which paves the way for the formation of the unified armed forces,

Noting the agreement reached between the President of Angola and the leader of the União Nacional para a Independência

³² S/PV.3679, pp. 2-5.

³³ *Ibid.*, pp. 5-6.

³⁴ *Ibid.*, before the vote: pp. 6-8 (Algeria); pp. 8-9 (Algeria); pp. 9-10 (Brazil); p. 10 (South Africa); pp. 10-12 (United Republic of Tanzania); p. 12 (Tunisia), pp. 13-14 (Zimbabwe); p. 15 (Cape Verde); pp. 15-16 (Germany); pp. 16-17 (Egypt); pp. 17-18 (Botswana); pp. 18-20

(Chile); pp. 20-21 (Republic of Korea); pp. 21-22 (China); pp. 22-23 (Italy); pp. 23-24 (Guinea-Bissau); pp. 24-25 (Russian Federation); p. 25 (United Kingdom); pp. 25-26 (Honduras); pp. 26-28 (Indonesia) and pp. 28-29 (Poland); after the vote: pp. 29-30 (United States) and pp. 30-31 (France).

Total de Angola on the establishment of the Government of Unity and National Reconciliation,

Emphasizing the necessity for adequate security for all United Nations and other international personnel,

Underlining the need for respect for human rights, and urging the Angolan parties to give greater attention to preventing and investigating incidents of human rights abuse,

Noting with approval the progress made towards free circulation of people and goods, and emphasizing the importance of continuation of demining efforts to make that free circulation possible and to restore public confidence,

Stressing the importance of the demilitarization of Angolan society, including disarmament of the civilian population and the demobilization and social reintegration of ex-combatants,

Reiterating the importance of the reconstruction and rehabilitation of the Angolan national economy and its vital contribution to a durable peace,

Welcoming the efforts by Member States, in particular the three observer States to the Angolan peace process, the Organization of African Unity, and the international community as a whole to promote peace and security in Angola,

1. *Welcomes* the report of the Secretary-General of 27 June 1996;

2. *Decides* to extend the mandate of the United Nations Angola Verification Mission III until 11 October 1996;

3. *Acknowledges* the recent progress in consolidation of the peace process, but expresses regret that its implementation is still behind schedule;

4. *Commends* both parties for the adoption of the framework agreement on military matters and for beginning the incorporation of military personnel of the União Nacional para a Independência Total de Angola into the Angolan Armed Forces, and expresses its satisfaction with the positive role of the Joint Commission and the armed conflict prevention group in support of the implementation of the Lusaka Protocol;

5. *Welcomes* the efforts of both parties in lifting checkpoints and opening major routes, emphasizes the importance of full completion of such efforts to ensure the free circulation of people and goods, stresses the importance of extending State administration throughout the country, and encourages the Government of Angola to use units of the newly integrated military forces to improve the security situation;

6. *Welcomes also* the progress made so far by the registration of over 52,000 troops of the União Nacional para a Independência Total de Angola in quartering areas, and calls upon the União Nacional para a Independência Total de Angola to complete the credible and fully verifiable quartering of all its troops, in accordance with the timetable of the Joint Commission, and hand over to the Mission all arms, in particular heavy

weapons, ammunition and military equipment, without which the quartering process will not be complete;

7. *Reiterates* that quartering and disarming of troops of the União Nacional para a Independência Total de Angola are crucial components of the peace process which are fundamental to its success;

8. *Urges* the União Nacional para a Independência Total de Angola to make available for duty, as agreed by the Joint Commission, the Generals and other high ranking military officers designated to enter the Angolan Armed Forces, as well as the officials of the União Nacional para a Independência Total de Angola designated to take up posts in the State administration at the national, provincial and local levels;

9. *Commends* the Government of Angola for the promulgation of the Amnesty Law, for the quartering of the rapid reaction police, and for the continuing withdrawal of the Angolan Armed Forces to barracks, and urges the Government to take the required corrective measures regarding the withdrawal movements, as agreed with the Mission, and to reach agreement with the Mission on remaining withdrawal operations;

10. *Welcomes* the launching of the programme for the disarmament of the civilian population by the Government of Angola, and stresses the need for its full and effective implementation;

11. *Notes* the closing of eight out of fifteen quartering areas of the União Nacional para a Independência Total de Angola for the induction of additional troops, requests the Government of Angola to prepare a programme for phased demobilization and social reintegration of ex-combatants, and calls upon both parties and the international community to extend their full cooperation and support to that end;

12. *Urges* the Government of Angola and the União Nacional para a Independência Total de Angola to take all necessary steps for completion of the formation of the national armed forces, in particular the establishment of integrated headquarters, for the planned movement of troops of the União Nacional para a Independência Total de Angola out of quartering areas in accordance with the provisions of the Lusaka Protocol and for the orderly transition of demobilized troops to civilian life;

13. *Also urges* the Government of Angola and the União Nacional para a Independência Total de Angola to take all necessary steps for all elected members of Parliament to take their seats in the National Assembly, for moving constitutional issues forward in a spirit of national reconciliation, for the formation of the Government of Unity and National Reconciliation and for the incorporation of the União Nacional para a Independência Total de Angola personnel into the State administration, the Angolan Armed Forces and the national police;

14. *Encourages* the President of Angola and the leader of the União Nacional para a Independência Total de Angola to meet at the earliest opportunity within Angola to resolve all remaining issues;

15. *Notes* the progress made in the area of demining, encourages both parties to intensify their demining efforts, and stresses the need for continued commitment to peace by destruction of stockpiles of landmines;

16. *Notes also* the reduction in the intensity and frequency of hostile propaganda, and reminds the parties of their obligation to cease the dissemination of all hostile propaganda with a view to promoting a spirit of tolerance, coexistence and mutual trust;

17. *Urges* the Government of Angola to provide the requisite facilities for the establishment of the independent United Nations radio, and also urges the União Nacional para a Independência Total de Angola to finalize the transformation of its radio station Vorgan into a non-partisan station;

18. *Reaffirms* the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993) of 15 September 1993, and notes with concern that the failure by States, in particular those neighbouring Angola, to do so is inconsistent with the peace process and undermines economic recovery;

19. *Reiterates* that continuing acquisition of weapons would be contrary to paragraph 12 of resolution 976 (1995) of 8 February 1995 and would undermine confidence in the peace process;

20. *Condemns* the use of mercenaries;

21. *Demands* that all parties and others concerned in Angola take all necessary measures to ensure the safety of United Nations and other international personnel and premises and to guarantee the safety and freedom of movement of humanitarian supplies throughout the country, and reminds the parties to extend full cooperation to the Mission at all levels;

22. *Strongly urges* Member States to provide promptly the financial resources necessary to facilitate the demobilization and social reintegration of ex-combatants through the United Nations consolidated inter-agency appeal for Angola;

23. *Urges* the international community to fulfil expeditiously its pledges to provide assistance to facilitate the rehabilitation and reconstruction of the Angolan national economy and the resettlement of displaced persons, stresses the importance of such assistance at this time in order to consolidate the gains in the peace process, and calls upon the two parties to meet their obligations under the Lusaka Protocol in order to create the necessary stability for economic recovery;

24. *Commends* the efforts of the Secretary-General, his Special Representative, and Mission personnel, and expresses confidence in their abilities to continue to facilitate the implementation of the Lusaka Protocol;

25. *Requests* the Secretary-General to report by 1 October 1996 on the progress made towards meeting the goals and timetable agreed between the two parties and to keep the

Council fully informed on a regular basis on developments in the situation on the ground, in particular by providing a comprehensive briefing by the third week of August on whether the two parties have fulfilled the task of forming the Government of Unity and National Reconciliation;

26. *Declares* that it will place special emphasis, during its future discussion of the mandate of the Mission, on the progress demonstrated by the parties;

27. *Reminds* the Government of Angola and the União Nacional para a Independência Total de Angola of its resolution 976 (1995) which stated, inter alia, the expectation that the Mission would complete its mission by February 1997;

28. *Reiterates* its readiness, in the light of recommendations by the Secretary-General and the state of affairs in Angola, to consider any further measures;

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

**Decision of 11 October 1996 (3703rd meeting):
resolution 1075 (1996)**

By a letter dated 7 October 1996 addressed to the President of the Security Council,³⁵ Zimbabwe informed the Council that the summit meeting of the Southern African Development Community (SADC) had selected a five-man team composed of the Ministers for Foreign Affairs of Angola, Botswana, Mozambique, South Africa and Zimbabwe (Chairman) to proceed to New York in order to participate in the debate on the peace process in Angola and, therefore, had requested a meeting of the Security Council to consider the critical situation in Angola on Thursday, 10 October 1996.

At its 3702nd meeting, held on 10 October 1996, the Council included the letter and the progress report of the Secretary-General dated 4 October 1996 on UNAVEM III in its agenda.³⁶ After the adoption of the agenda, the President (Honduras), with the consent of the Council, invited the representatives of Algeria, Angola, Brazil, Burundi, Cape Verde, Costa Rica, Cuba, India, Lesotho, Mali, Portugal, Tunisia, Zambia and Zimbabwe, at their request, to participate in the discussion without the right to vote.

In his report, the Secretary-General observed that while the ceasefire was holding, the lack of significant progress in the peace process was a source of particular concern and the continuing delays, particularly on the part of UNITA, were no longer acceptable. He stated that the failure of the leader of UNITA to attend the SADC summit held at Luanda was unfortunate as his

³⁵ S/1996/832.

³⁶ S/1996/827.

participation in the summit would have provided a good opportunity for a meeting on Angolan soil with the President of Angola to resolve key outstanding issues. He underlined that if UNITA genuinely felt that their leader, Mr. Savimbi, could not assume a vice-presidential post, it was incumbent on it to make a meaningful counter-proposal as soon as possible. He maintained that unless the donor community provided the indispensable additional resources, the demobilization and reintegration process would come to a halt and he urged that they provide the required support and fulfilled the pledges made at the 1995 Brussels Round Table Conference. Despite the fact that the date envisaged for the completion of the mandate of UNAVEM III was fast approaching, he stated that it would be possible for UNAVEM III to fulfil most of its mandated tasks by February 1997. It was therefore his intention to initiate the downsizing of the Mission, although further troop reductions would be made in accordance with the progress achieved in implementing the remaining provisions of the Lusaka Protocol. He would present a detailed schedule for the drawdown of military units, as well as recommendations regarding the role the United Nations should play in Angola to consolidate the peace process in his next report. He recommended that unless serious progress was made, the Council should consider only a short extension of the mandate, so that it could keep the situation under close review.

At the same meeting the President drew the attention of the Council to identical letters dated 1 October 1996 from the representative of Angola addressed to the Secretary-General and to the President of the Security Council informing the Council of difficulties in implementing the Lusaka Protocol,³⁷ including the rejection by the leader of UNITA of the post of Vice-President, and calling on the Council to impose sanctions on UNITA; and a letter dated 10 October 1996 from the representative of Zimbabwe addressed to the President of the Security Council,³⁸ transmitting the communiqué of the Summit of the SADC Organ on Politics, Defence and Security, held on 2 October 1996.

The Minister for Foreign Affairs of Zimbabwe, speaking as the Chairman of the SADC ministerial delegation to the Security Council, stated that the Heads

of State of the members of the SADC Organ on Politics, Defence and Security had met in Luanda with the intention of giving a fresh impetus to the Angola peace process and had invited the UNITA leader, who, however, had decided not to turn up. It was a matter of great disappointment to them that Angola was no nearer peace than the last time the Council met, and instead delays in meeting the targets laid out in Security Council resolution 864 (1993) were not only undermining the peace process, but were threatening to unravel the gains made thus far. While the Government of Angola had taken a number of positive steps, including launching the programme for the disarmament of the civilian population ahead of schedule, UNITA had dismally failed to honour its commitments. Moreover, the Secretary-General's report had clearly revealed that UNITA had been obstructing the deployment of UNAVEM III by hindering the movement of personnel and aircraft. He maintained that the no-peace no-war state in Angola was undermining the stability of the region as a whole and it was time the Security Council exercised its authority in a clear and decisive manner to salvage the Angolan peace process and restore the credibility of the United Nations. He stated that if UNITA did not comply with the commitment it had voluntarily undertaken, then the following additional measures would be taken against it: all UNITA bank accounts would be frozen; its office would be closed and no new ones allowed to open; the non-issuance of visas to UNITA leaders and personnel; and the limitation of trips to Bailundo or Andulo to peace process-related missions. Those measures should come into force within 30 days of the adoption of a resolution, which, inter alia, contained the above provisions, unless UNITA fully complied with the Lusaka Protocol.³⁹

The Minister for Foreign Affairs of the Republic of Angola stated that the situation in Angola was characterized by a serious crisis of confidence, which was the result of systematic delays caused by UNITA. Fundamental measures, including the return of UNITA members to the National Assembly, had been postponed due to lack of cooperation. He stated that the Government had already fulfilled all its duties as envisaged in the Lusaka Protocol, except those related to the disarming of the civilian population, and those tasks could not be accomplished unless State administration was restored in those areas under UNITA

³⁷ S/1996/822.

³⁸ S/1996/841.

³⁹ S/PV.3702, pp. 2-4.

control. He stated that the refusal of the leader of UNITA to accept the vice-presidency and to take part in the SADC summit was clear evidence that his designs differed from those of the Government and the international community. His Government felt that the time had come to exert greater pressure to compel UNITA to carry out the areas of the Lusaka Protocol still pending. He reminded the Council that one of the pressure mechanisms, adopted in Security Council resolution 864 (1993), provided for the application of sanctions against UNITA but had never been fully applied. He stated that it was the time for the Council to apply the second package of sanctions under paragraph 26 of Council resolution 864 (1993), since only by exerting effective pressure would they succeed in forcing UNITA to abide by Security Council decisions.⁴⁰

The Minister for Foreign Affairs of Mozambique stated that although the ceasefire continued to hold, he was concerned with the slow pace of implementation of major provisions of the Lusaka Protocol by UNITA. Moreover, restrictions imposed by them on mine clearance and road rehabilitation activities would only delay the undertaking of the needed humanitarian relief operations. He noted that the SADC Organ on Politics, Defence and Security had expressed deep regret over the absence of the leader of UNITA from the meeting and had made a strong appeal for UNITA to fulfil its commitments. He maintained that peace in Angola was a regional concern and that continued instability there had prevented the country from contributing to the implementation of projects envisaged by their Community and had hindered regional efforts at creating a favourable environment for investment. He expressed his belief that in order to ensure the expeditious implementation of the “Acordos de Paz” and all relevant Council resolutions, the Council needed to send a strong message to UNITA.⁴¹

The Minister for Foreign Affairs of Botswana stated that persistent obstruction by UNITA of the activities of UNAVEM III, their policies of procrastination and their reluctance to honour their commitments under the Lusaka Protocol had cast a shadow of doubt on UNITA’s will for peace. He encouraged the Government of Angola and UNITA to hold high-level talks aimed at resolving the outstanding

issues and putting the peace process back on track and expressed his hope that the leader of UNITA would respond positively to their invitation to attend the next meeting of SADC on the situation in Angola. He maintained that a continuation of the current stalemate could only lead to a new outbreak of hostilities, which would pose a serious threat to peace and stability in southern Africa. The time had come for the Council and the international community to send a firm message that return to hostilities would not be tolerated. He stated that Botswana was convinced that the Council should be prepared to impose on UNITA the measures set out in paragraph 26 of Security Council resolution 864 (1993) and call for the vigorous and strict implementation of the measures outlined in part B of that resolution.⁴²

The representative of the United States stated that they were very troubled to find the peace process nearly at a standstill and he urged UNITA to avail itself of the security of the few remaining months of the mission of UNAVEM III to rapidly complete their commitments, particularly taking their place in the Government, and integrating their senior generals and soldiers in the Angolan army. He stated that the continued commitment of the United States to the success of the peace process was evidenced by the fact that the Secretary of State would visit Luanda next week.⁴³

The representative of China stated that like the SADC countries, they were deeply disturbed by the impasse in the Angola peace process, particularly the delay by UNITA in participating in the formation of Government of National Unity and unified armed forces, and the rejection of the vice-presidency offered to the leader of UNITA. He stated that by doing so UNITA had not only reneged on its own commitments but had harmed the restoration of trust between the two parties. He stated that the Chinese delegation was ready to consider favourably a further extension of the UNAVEM III mandate, and he hoped that the two parties, particularly UNITA, would seize the opportunity by taking concrete measures to redouble their efforts for peace, so that a durable peace would soon reign in Angola and in the whole of southern Africa.⁴⁴

The representative of the Russian Federation stated that many key provisions of the Lusaka Protocol

⁴⁰ Ibid., pp. 5-6.

⁴¹ Ibid., p. 7.

⁴² Ibid., pp. 8-9.

⁴³ Ibid., pp. 9-10.

⁴⁴ Ibid., pp. 10-11.

had not yet been fulfilled. The events of the last three months had shown that responsibility for the situation lay primarily with UNITA. The time had come to send UNITA an extremely clear signal on the international community's readiness to take harsh measures to combat attempts to obstruct the peace process. He stated that the draft resolution to be adopted by the Security Council needed to set forth a strict time frame for the compliance of UNITA with a specific list of the most urgent tasks to be carried out to help strengthen trust between the two Angolan parties, and to give a fresh impetus to the peace process. They also needed to issue a clear warning to the leaders of UNITA that if they undermined the implementation of that timetable, the Security Council would very soon consider again imposing additional sanctions against UNITA. He expressed the support of his delegation for the short two-month period of UNAVEM III. He also expressed agreement with the views in the report of the Secretary-General on an orderly and phased downsizing of the United Nations Mission, bearing in mind further progress in the implementation of the provisions of the Lusaka Protocol.⁴⁵

The representative of Portugal stated that they were concerned over the absence of significant progress in the implementation of the peace process and urged UNITA to integrate its Generals and soldiers in the Angolan armed forces and to proceed with the return to the National Assembly. He also noted with concern the increasing number of desertions in the quartering areas and reports that such desertions were organized. He stated that at such a crucial stage of the process, the Security Council should, in the absence of substantial progress on the remaining military and political issues to be resolved, be prepared to consider the imposition of measures. However, the implementation of such measures should be decided upon only after a further evaluation of the situation by the Council following the next report of the Secretary-General.⁴⁶

Several other speakers spoke, expressing concern over the lack of progress in the implementation of the Lusaka Protocol by UNITA, criticizing the refusal of the leader of UNITA to attend the SADC summit and their lack of cooperation with UNAVEM III, and stating their support for the short-term extension of the mandate. Several speakers also endorsed consideration of the proposals made by the SADC summit regarding possible sanctions against UNITA.⁴⁷

The President then adjourned the meeting.⁴⁸

When the Council resumed its consideration of the item at its 3703rd meeting, on 11 October 1996, the President drew the attention of the Council to a draft resolution,⁴⁹ prepared in the course of the Council's prior consultations. The draft resolution was then put to the vote and adopted unanimously as resolution 1075 (1996), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General of 4 October 1996,

Welcoming the Summit of the Southern African Development Community Organ on Politics, Defence and Security, which took place in Luanda on 2 October 1996, and noting the communiqué issued at that time,

Welcoming also the ministerial delegation of the Southern African Development Community Organ on Politics, Defence and Security to the Security Council to participate in its consideration of the situation in Angola,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to full implementation by the Government of Angola and the União Nacional para a Independência Total de Angola of the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions,

⁴⁵ Ibid., pp. 17-18.

⁴⁶ Ibid., pp. 24-25.

⁴⁷ Ibid., pp. 11-12 (Indonesia); pp. 12-13 (Italy); pp. 13-15 (Guinea-Bissau); pp. 15-16 (Germany); pp. 16-17 (Republic of Korea); pp. 18-19 (United Kingdom); pp. 19-20 (Egypt); pp. 20-21 (France); pp. 21-22 (Chile); pp. 22-23 (Poland); p. 23 (Honduras); pp. 25-26 (Nigeria); pp. 26-27 (Zambia); pp. 27-28 (Tunisia); pp. 28-29 (Ireland on behalf of the European Union and associated and aligned countries: Czech Republic,

Estonia, Hungary, Malta, Poland, Romania, Slovakia and Slovenia, and Iceland and Norway); pp. 30-31 (India); pp. 31-32 (Malaysia); pp. 32-33 (Algeria), pp. 33-34 (Brazil); pp. 34-35 (Cape Verde); pp. 35-36 (Costa Rica); pp. 36-37 (Malawi); pp. 37-38 (Nicaragua); pp. 38-40 (Burundi); pp. 40-41 (Cuba); pp. 41-42 (Mali); and pp. 42-43 (Lesotho).

⁴⁸ Ibid., p. 43.

⁴⁹ S/1996/844.

Underlining the need for respect for human rights, and stressing the need for the Angolan parties to give greater attention to preventing incidents of human rights abuse and investigating alleged human rights violations,

Emphasizing the importance of a continued and effective United Nations presence in Angola with a view to fostering the peace process and advancing the full implementation of the “Acordos de Paz” and the Lusaka Protocol,

Welcoming the efforts of the Secretary-General, his Special Representative and personnel of the United Nations Angola Verification Mission III, the three observer States to the Angolan peace process, the Organization of African Unity, the Southern African Development Community, and the international community as a whole, and encouraging them to continue their efforts to promote peace and security in Angola,

1. *Welcomes* the report of the Secretary-General of 4 October 1996;

2. *Expresses deep concern* at the lack of significant progress in the peace process over the past three months;

3. *Expresses concern* that the protracted delay in the beginning of the demobilization of personnel of the União Nacional para a Independência Total de Angola from the quartering areas has set the process behind schedule so that progress will be made more difficult by the onset of the rainy season;

4. *Stresses* that it is imperative that the personnel of the União Nacional para a Independência Total de Angola be moved rapidly from the quartering areas, in the light of the strains which their prolonged presence in quartering areas is placing on the political process, on morale in the camps and on United Nations finances, and in the light of the need to reintegrate expeditiously into the civilian community those not selected for incorporation into the Angolan Armed Forces;

5. *Emphasizes* that continuing delays and unfulfilled promises, in particular on the part of the União Nacional para a Independência Total de Angola, in implementing the successive timetables for the completion of key military and political issues are no longer acceptable;

6. *Welcomes* the efforts of the Government of Angola to implement the provisions of the Lusaka Protocol, and encourages the Government of Angola to continue making progress in that direction;

7. *Acknowledges* as positive steps the arrival in Luanda of generals of the União Nacional para a Independência Total de Angola for duty in the Angolan Armed Forces, the registration of over 63,000 troops of the União Nacional para a Independência Total de Angola in quartering areas, the surrender of additional heavy weapons in September, the selection of approximately 10,000 troops of the União Nacional para a Independência Total de Angola for incorporation into the Angolan Armed Forces, the beginning of the demobilization of under-age personnel on 24 September 1996 and the submission by the União Nacional para

a Independência Total de Angola of its proposal regarding the special status of its leader;

8. *Decides* to extend the mandate of the United Nations Angola Verification Mission III until 11 December 1996;

9. *Welcomes* the Summit of the Southern African Development Community Organ on Politics, Defence and Security, which took place in Luanda on 2 October 1996, regrets the failure of the leader of the União Nacional para a Independência Total de Angola to attend the Summit and seize the opportunity for a more rapid advancement of the process, and expresses support for the continuing efforts of the heads of State and Government of the Southern African Development Community to accelerate the peace process in Angola;

10. *Urges* the President of Angola and the leader of the União Nacional para a Independência Total de Angola to meet at the earliest opportunity in Angola to resolve all outstanding issues;

11. *Expresses the expectation* that the Government of Angola and the União Nacional para a Independência Total de Angola will, without delay and in a spirit of mutual cooperation, uphold strictly their obligations under the Lusaka Protocol and the commitments they entered into at the meeting between the President of Angola and the leader of the União Nacional para a Independência Total de Angola in Libreville on 1 March 1996;

12. *Expresses deep disappointment* with the União Nacional para a Independência Total de Angola for delaying the full implementation of the Lusaka Protocol, underlines the importance it attaches to the União Nacional para a Independência Total de Angola fulfilling its commitments, reaffirmed at its Third Extraordinary Congress held at Bailundo from 20 to 27 August 1996, to complete its transformation from an armed opposition to a political party, and, to this end, calls upon the União Nacional para a Independência Total de Angola immediately to fulfil the following tasks enumerated in the “Mediation Document” formulated by the Special Representative of the Secretary-General in consultation with the representatives of the observer States and called for by the Lusaka Protocol:

(a) To complete substantially the selection of 26,300 soldiers of the União Nacional para a Independência Total de Angola for incorporation into the Angolan Armed Forces;

(b) To stem the flow of deserters from quartering areas and to continue to return those soldiers who have deserted;

(c) To register in the quartering areas policemen of the União Nacional para a Independência Total de Angola who have remained in the areas vacated by the military forces of the União Nacional para a Independência Total de Angola;

(d) To dismantle all command posts of the military forces of the União Nacional para a Independência Total de Angola;

(e) To issue a formal, written declaration that all soldiers of the União Nacional para a Independência Total de Angola have been quartered and that the União Nacional para a

Independência Total de Angola has no more weapons and military equipment in its possession, in order to remove any obstacles to the extension of State administration throughout Angola;

(f) To cooperate fully with the Mission and the Joint Commission in the extension of State administration throughout Angola;

(g) To make available other generals and high-ranking military officers for duty in the Angolan Armed Forces, as well as the officials of the União Nacional para a Independência Total de Angola designated to take up posts in the State administration at the national, provincial and local levels;

(h) To return all elected deputies to the National Assembly;

(i) To cease interference with United Nations aircraft flights and with mine-clearing activities;

(j) To cooperate in good faith with the Government of Angola to finalize the transformation of its radio station into a non-partisan station;

(k) To complete the training of personnel of the União Nacional para a Independência Total de Angola for the protection of its leaders;

(l) To establish the free circulation of people and goods;

13. *Expresses its readiness* to consider the imposition of measures, including, those specifically mentioned in paragraph 26 of resolution 864 (1993) of 15 September 1993, unless, by 20 November 1996, the Secretary-General has reported that the União Nacional para a Independência Total de Angola has made substantial and genuine progress in fulfilling its tasks in the "Mediation Document" and its commitments under the Lusaka Protocol;

14. *Welcomes* the continuation of the programme for the disarmament of the civilian population by the Government of Angola, and stresses the need for its full and effective implementation, including disarmament of the Civilian Defence Corps;

15. *Urges* the Government of Angola and the União Nacional para a Independência Total de Angola to take all necessary steps for completion of the formation of the Angolan Armed Forces, in particular the establishment of integrated headquarters, for the planned and orderly movement of personnel of the União Nacional para a Independência Total de Angola from the quartering areas in accordance with the Lusaka Protocol, for the orderly transition of demobilized troops to civilian life, for all elected members of Parliament to take their seats in the National Assembly, for constitutional issues to move forward in the spirit of national reconciliation, for the formation of a Government of Unity and National Reconciliation, and for the incorporation of the personnel of the União Nacional para a Independência Total de Angola into the Government, the military, and the Angolan national police, without the imposition of undue qualifications;

16. *Reiterates its concern* over the acquisition of weapons contrary to paragraph 12 of resolution 976 (1995) of 8 February 1995, which undermines confidence in the peace process;

17. *Reaffirms* the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993), calls upon all States to take the necessary actions to implement the provisions of paragraphs 19 to 25 of resolution 864 (1993) vigorously and strictly, and expresses deep concern that the failure by States, especially those neighbouring Angola, to do so is inconsistent with the peace process and undermines economic recovery;

18. *Demands* that all parties and others concerned in Angola take all necessary measures to ensure the safety of United Nations and other international personnel and premises and to guarantee the safety and freedom of movement of humanitarian supplies throughout the country;

19. *Condemns* the actions by the União Nacional para a Independência Total de Angola with regard to United Nations aircraft flights on 8, 15 and 21 September 1996, and reminds the parties to extend full cooperation to the Mission at all levels;

20. *Expresses regret* for the casualties caused to Mission troops by landmines, expresses serious concern about interference by the União Nacional para a Independência Total de Angola with mine-clearing activities, calls upon both parties to intensify their demining efforts, and stresses the need for continued commitment to peace by destruction of stockpiles of landmines;

21. *Strongly urges* Member States to provide promptly the financial resources necessary to facilitate the demobilization and social reintegration of ex-combatants through the United Nations consolidated inter-agency appeal for Angola;

22. *Urges* the international community to fulfil expeditiously its pledges to provide assistance to facilitate the rehabilitation and reconstruction of the Angolan national economy and the resettlement of displaced persons, and stresses the importance of such assistance at this time in order to consolidate the gains in the peace process;

23. *Notes* the intention of the Secretary-General to initiate the downsizing of military forces of the Mission by the end of December 1996 pursuant to resolution 976 (1995) which stated, inter alia, the expectation that the Mission would complete its mission by February 1997, and to submit recommendations regarding the role the United Nations should continue to play in Angola to consolidate the peace process, including his plans for further drawdown of formed military units of the Mission;

24. *Requests* the Secretary-General to report by 20 November 1996 and by 1 December 1996 on the progress made towards consolidating the peace process in Angola;

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

Decision of 11 December 1996 (3722nd meeting): resolution 1087 (1996)

At the 3722nd meeting of the Security Council, held on 11 December 1996 in accordance with the understanding reached in its prior consultations, the Council included in its agenda the progress report of the Secretary-General on UNAVEM III dated 2 December 1996, submitted pursuant to resolution 1075 (1996).⁵⁰ Following the adoption of the agenda, the President (Italy), with the consent of the Council, invited the representatives of Angola, Brazil, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Portugal, Sao Tome and Principe, South Africa, the United Republic of Tanzania, Zambia and Zimbabwe, at their request, to participate in the discussion without the right to vote.

In his report, the Secretary-General observed that while substantial progress had been made in carrying out the major tasks outlined in Security Council resolution 1075 (1996), implementation continued to proceed often only after increased pressure had been applied on the parties. He stated that it was certainly possible and indeed important for the parties to carry out all their obligations in the consolidated mediation timetable before the expiration of the present mandate of UNAVEM III on 11 December 1996. This would enable his Special Representative to concentrate on resolving the key outstanding political issues. He appealed to the Government and UNITA to resolve the issue of the return of UNITA deputies to the National Assembly, to establish the Government of National Unity and Reconciliation, and to reach agreement on the special status of the leader of the largest opposition party before 1 January 1997. He informed the Council that the withdrawal of four military units had been initiated, and as they approached the end of the two-year period foreseen in resolution 976 (1995) for the completion of the operation, he intended to plan for the gradual and progressive withdrawal of the Mission. He recommended that the withdrawal of UNAVEM III military units resume in February 1997, with a view to a complete drawdown within a period of six to seven months. He expressed his belief that a rapid reaction force should be retained, unless the political and security conditions permitted a more expeditious drawdown. In order to conclude the implementation of the tasks contained in the Lusaka protocol, a continued

presence of the United Nations would be required after February 1997, and he stated that he would make recommendations on the tasks, mandate and size of a follow-up presence after the withdrawal of the bulk of the Mission's formed military units. He recommended that the present mandate of UNAVEM III be extended until 28 February 1997.

At the same meeting the Council had before it a draft resolution prepared in the course of the Council's prior consultations,⁵¹ on the basis of the draft resolution submitted by Portugal, the Russian Federation and the United States.

At the same meeting, the President further drew the attention of the Council to a letter dated 11 December 1996 from the representative of Angola addressed to the President of the Security Council,⁵² transmitting a communiqué which refers to the Presidential decrees nominating the nine Generals of UNITA to various posts in the Angolan Armed Forces, in accordance with the declaration issued by the leadership of UNITA.

The representative of Angola stated that substantial progress in the implementation of the Lusaka Protocol had led them to believe that they were now very close to the conclusion of its implementation. He informed the Council that the Vice-Minister without Portfolio had signed the official appointment of the nine UNITA generals. He also noted their concern with the reintegration of the demobilized soldiers into civilian society, and they were making an enormous financial effort to ensure not only the reintegration of the demobilized soldiers but also to finance the costs of transporting them, their weapons and the UNITA soldiers to the quartering areas. He therefore appealed to all donor nations to honour their commitments resulting from the September 1995 Brussels Round Table Conference.⁵³

The representative of Portugal welcomed the fact that UNITA had made a formal declaration on the quartering of its troops and the delivery of its armaments and other materiel and that the Government of Angola had incorporated the nine Generals. Nevertheless, several important provisions of the Lusaka Protocol remained unfulfilled. He stated that they looked forward to firm initiatives from the Government and UNITA

⁵⁰ S/1996/1000.

⁵¹ S/1996/1026.

⁵² S/1996/1029.

⁵³ S/PV.3722, pp. 2-3.

towards national reconciliation and hoped to see the establishment of Government of National Unity soon. He stated that they favoured the phased withdrawal of UNAVEM III following the recommendations of the Secretary-General; however, it was crucial that the pace of withdrawal be determined by the progress achieved in the different phases of the process. Finally, he stressed the urgency of making the necessary financial resources available for the demobilization and social reintegration of ex-combatants.⁵⁴

Speaking before the vote, the representative of the Russian Federation noted that a major success had been achieved in the announcements that UNITA had finished the quartering of all its military personnel and the Government of Angola had incorporated the nine UNITA generals into the Armed Forces, thus opening up the opportunity to focus on the outstanding political questions. Regarding the approaching expiry of the mandate of UNAVEM III and its withdrawal, they were in favour of the process being thought through carefully, implemented gradually and sufficiently flexibly, without unjustified delays, but also on the basis of the real status of the peace process. In that context, his delegation felt that it would be useful for the Council, before the end of February 1997, to send its mission to Angola, which would allow them to draft and adjusted strategy and tactics for UNAVEM III in its final phase and to define a position on the basic parameters for a continued United Nations presence in that country.⁵⁵

The representative of the United States stated that they were gratified that the stern warning contained in resolution 1075 (1996) had been heeded and significant progress had been made. Despite those advances, the military tasks remained incomplete and they found themselves once again considering how to urge or compel the parties to act swiftly in meeting their obligations. In particular, they were concerned that the quartering camps remained full of UNITA troops, even though many had been selected for integration in the Angolan Armed Forces or demobilization. He stated that while the success of the quartering process was owed in large measure to the presence of the neutral international

military forces of UNAVEM III at the camps, the time had come for the camps to close and UNAVEM to begin withdrawing. He called on the Government and UNITA to deploy integrated units to the former areas occupied by UNITA.⁵⁶

Several other speakers spoke, both before and after the vote, stating their support for the draft resolution, the phased withdrawal of UNAVEM III, depending on the progress made in the peace process, and a follow-up force upon the full implementation of the Lusaka Protocol, and calling on the parties to fulfil their remaining commitment and form the Government of National Unity and Reconciliation as quickly as possible. Several speakers called on the international community to support demobilization and reintegration efforts. Some speakers also supported the idea of sending a Security Council mission to Angola to assess the situation.⁵⁷

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1087 (1996), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General of 2 December 1996,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to full implementation by the Government of Angola and the União Nacional para a Independência Total de Angola of the “Acordos de Paz”, the Lusaka Protocol and relevant Security Council resolutions,

Reminding the Government of Angola and the União Nacional para a Independência Total de Angola to uphold strictly, without delay, their obligations under the Lusaka Protocol and the commitments they entered into in Libreville and Franceville, Gabon,

Underlining the need for respect for human rights, and stressing the need for the Angolan parties to give greater attention to preventing incidents of human rights abuse, investigating

⁵⁴ Ibid., pp. 3-4.

⁵⁵ Ibid., p. 10.

⁵⁶ Ibid., pp. 13-14.

⁵⁷ Ibid., pp. 4-5 (Botswana); pp. 5-6 (China); p. 6 (United Kingdom); pp. 7-8 (Poland); pp. 8-9 (Egypt); pp. 9-10 (Indonesia); p. 11 (Chile); pp. 11-12 (Republic of Korea); pp. 12-13 (Guinea-Bissau); p. 13 (Honduras).

After the vote: pp. 15-16 (Zimbabwe); pp. 16-17 (Namibia); p. 18 (Brazil); pp. 18-19 (Zambia); pp. 20-21 (Mozambique); pp. 21-22 (United Republic of Tanzania); pp. 22-23 (Lesotho); pp. 23-24 (South Africa); pp. 24-25 (Malawi); and p. 25 (Sao Tome and Principe).

alleged human rights violations and punishing those found guilty by due process of law,

Welcoming the efforts of the Secretary-General, his Special Representative and personnel of the United Nations Angola Verification Mission III, the three observer States to the Angolan peace process, the Organization of African Unity, Southern African Development Community and the international community as a whole, and encouraging them to continue their efforts to promote peace and security in Angola,

1. *Welcomes* the report of the Secretary-General of 2 December 1996;

2. *Expresses concern* at the overall slow pace of the peace process, but notes some positive steps in its implementation;

3. *Decides* to extend the mandate of the United Nations Angola Verification Mission III until 28 February 1997;

4. *Approves* the recommendation of the Secretary-General to resume withdrawal of formed military units of the Mission during February 1997, as set forth in paragraphs 30 through 32 of his report of 2 December 1996, with the understanding that the pace of withdrawal will be commensurate with progress achieved in the quartering areas, in demobilization and in the extension of State administration, and that the first phase of withdrawal will begin on schedule in February 1997;

5. *Authorizes* the Secretary-General to commence the gradual and progressive withdrawal of formed military units of the Mission from individual quartering areas prior to February 1997 and to accelerate the withdrawal schedule subsequently, if former combatants vacate the quartering areas in accordance with the Lusaka Protocol and other factors are conducive to withdrawal, without putting at risk the successful completion of the peace process;

6. *Stresses* that both parties must immediately begin to cooperate on integrating selected officers and troops of the União Nacional para a Independência Total de Angola into the Angolan Armed Forces and on demobilizing those remaining in the quartering areas, and underlines the need for the Government of Angola to make available all necessary funds it has pledged and to speed up the processing of demobilization certificates and other administrative matters;

7. *Reminds* Member States that the need has now become urgent for the financial resources necessary to facilitate the demobilization and social reintegration of ex-combatants through the United Nations consolidated inter-agency appeal for Angola;

8. *Calls upon* the União Nacional para a Independência Total de Angola to cooperate with the Government of Angola in its immediate task of creating integrated Angolan Armed Forces and police units which would begin, in the spirit of the Lusaka Protocol and monitored by the Mission, the gradual, orderly and peaceful extension of State administration into areas formerly

occupied by the União Nacional para a Independência Total de Angola;

9. *Urges* the Government of Angola to avoid offensive military operations which go beyond those strictly necessary for the restoration and maintenance of law and order in the areas formerly occupied by the União Nacional para a Independência Total de Angola;

10. *Recalls* the need for the President of Angola and the President of the União Nacional para a Independência Total de Angola to meet inside Angola at the earliest opportunity, and calls upon both parties to move rapidly on the political steps towards national reconciliation, including the assumption of their posts by the deputies and officials of the União Nacional para a Independência Total de Angola, followed by the establishment of a Government of Unity and National Reconciliation prior to 31 December 1996;

11. *Urges* the two parties to reach agreement on the special status of the President of the União Nacional para a Independência Total de Angola as the President of the largest opposition party before 31 December 1996, without linkage of that issue to the formation of a Government of Unity and National Reconciliation;

12. *Calls upon* the President of the União Nacional para a Independência Total de Angola to travel to Luanda for the creation of the Government of Unity and National Reconciliation and thereafter to maximize the amount of time spent in Luanda in order to enhance confidence in the country's democratic institutions and the irreversibility of the peace process;

13. *Welcomes* the continuation of the programme for the disarmament of the civilian population by the Government of Angola, and stresses the need for its full and more effective implementation, including disarmament of the Civilian Defence Corps;

14. *Reiterates its concern* over the acquisition of weapons contrary to paragraph 12 of resolution 976 (1995) of 8 February 1995, while the peace process is under way;

15. *Reaffirms* the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993) of 15 September 1993, calls upon all States to take the necessary actions to implement the provisions of paragraphs 19 to 25 of resolution 864 (1993) vigorously and strictly, and expresses deep concern that the failure by States, especially those neighbouring Angola, to do so is inconsistent with the peace process and undermines economic recovery;

16. *Demands* that all parties and others concerned in Angola take all necessary measures to ensure the safety of personnel and premises of United Nations and other international bodies, including non-governmental organizations, and to guarantee the safety and freedom of movement of humanitarian supplies throughout the country;

17. *Calls upon* both parties to intensify their demining efforts, reiterates the need for continued commitment to peace by

destruction of stockpiles of landmines monitored and verified by the Mission, and expresses support for various United Nations demining activities in Angola, including plans aimed at enhancing national demining capacity;

18. *Urges* the Government of Angola and the União Nacional para a Independência Total de Angola to remove all illegal checkpoints that constitute obstacles to the free circulation of people and goods throughout the country;

19. *Urges* the international community to fulfil expeditiously its pledges to provide assistance to facilitate the rehabilitation and reconstruction of the Angolan national economy and the resettlement of displaced persons, and stresses the importance of such assistance at this time in order to consolidate the gains in the peace process;

20. *Requests* the Secretary-General to continue planning for a follow-on United Nations presence along the lines described in paragraph 33 of his report of 2 December 1996, which would include military observers, police observers, a political component, human rights monitors and a Special Representative, with the aim of maintaining a limited United Nations presence in Angola, and to report thereon no later than 10 February 1997;

21. *Expresses its readiness* to consider, in that context, the possibility of sending a Security Council mission to Angola before the expiry of the mandate of the Mission;

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

Speaking after the vote, the representative of Mauritius stated that UNITA was responsible for the protracted process of implementation, since they could only be induced to take significant measures when the situation was due to be renewed by the Council. While his delegation welcomed the adoption of the resolution, it held the view that the Council should seriously consider applying some of the measures against UNITA envisaged in resolution 1075 (1996), notwithstanding unverified declaration of UNITA to the effect that it had quartered all its troops and surrendered all military equipment.⁵⁸

Decision of 30 January 1997 (3736th meeting): statement by the President

At the 3736th meeting of the Security Council, held on 30 January 1997 in accordance with the understanding reached in its prior consultations, the President (Japan), with the consent of the Council, invited the representative of Angola, at her request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁵⁹

The Security Council expresses its deep concern at the delay in the formation of a Government of National Unity and Reconciliation as a result of the failure of the União Nacional para a Independência Total de Angola to meet the timetable established by the Joint Commission in the context of the Lusaka Protocol.

The Council also notes with concern the slow pace of implementation of the remaining military aspects of the peace process, in particular, the demobilization and integration of soldiers of the União Nacional para a Independência Total de Angola into the Angolan Armed Forces.

The Council takes note of the conclusions of the meeting of the Joint Commission on 23 January 1997, according to which the Government of Angola and the União Nacional para a Independência Total de Angola agreed to postpone the inauguration of the Government of National Unity and Reconciliation beyond 25 January 1997, the União Nacional para a Independência Total de Angola agreed to ensure that all of its National Assembly deputies and its designated members of the future Government of National Unity and Reconciliation would be in Luanda on 12 February 1997, and the Government of Angola agreed to set a date for the inauguration of the Government of National Unity and Reconciliation immediately following the arrival of the deputies of the União Nacional para a Independência Total de Angola.

The Council calls upon the parties to implement this agreement strictly and to form the Government of National Unity and Reconciliation without any linkages and without further delay. Failure to implement this agreement could jeopardize the peace process and lead the Council to consider appropriate measures, as indicated in relevant Council resolutions, against those responsible for the delays.

The Council emphasizes that the ultimate responsibility for restoring peace rests with the Angolans themselves. The Council reminds the União Nacional para a Independência Total de Angola and the Government of Angola that the international community can only provide assistance if progress is achieved in the peace process and that it will consider a United Nations presence in Angola after the expiration of the mandate of the United Nations Angola Verification Mission III in this context.

The Council expresses its appreciation to the Special Representative of the Secretary-General and the three observer countries for their efforts to assist the parties in Angola in advancing the peace process.

The Council will continue to monitor closely the implementation of the agreement of the Joint Commission.

The Council will remain seized of the matter.

⁵⁸ Ibid., pp. 19-20.

⁵⁹ S/PRST/1997/3.

**Decision of 27 February 1997 (3743rd meeting):
resolution 1098 (1997)**

At the 3743rd meeting of the Security Council, held on 27 February 1997 in accordance with the understanding reached in its prior consultations, the President (Kenya), with the consent of the Council, invited the representatives of Algeria, Angola, Brazil, Cape Verde, Lesotho, Malawi, Mali, Mozambique, Namibia, the Netherlands, South Africa and Tunisia, at their request, to participate in the discussion without the right to vote.

The Council included in its agenda the report of the Secretary-General on UNAVEM III dated 7 February 1997 pursuant to Security Council resolution 1087 (1997).⁶⁰ In his report, the Secretary-General observed that despite encouraging developments, new delays and difficulties had arisen, especially in connection with the future status of the leader of UNITA, and the pace of implementation of the remaining military and political tasks, owing mainly to the lack of cooperation of UNITA, had been slow and disappointing. If the Government of National Unity and Reconciliation was formed before the expiration of the mandate of UNAVEM III on 28 February 1997, he recommended to the Security Council that the mandate of UNAVEM be extended for a two-month period, with the understanding that it would proceed with the transition towards an observer mission. If the UNITA National Assembly members and officials failed to arrive in Luanda by 12 February and the new Government is not formed, he would recommend that the Council extend the mandate of UNAVEM for one month, until 31 March 1997. After that, the Council might wish to consider appropriate steps to address the situation. He stated that the planned withdrawal of United Nations military units needed to take into account the situation on the ground, and he reiterated his appeal to the international community for contributions to the demobilization and reintegration programmes.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁶¹

The Vice-Minister without Portfolio of Angola stated that advances in the peace process to date would not have been possible without action by the Security

Council, which had employed various means of pressure, including, in resolution 864 (1993), enforcement measures against UNITA. However, exerting further pressure on UNITA continued to be necessary because of the excessive delays in the application of the Lusaka accord. He reiterated that the formation of the Government and the swearing in of members of parliament needed to take place unconditionally, without any linkages and within the legal framework defined by the accords, and other agreements that were valid for the peace process. Regarding the end of the mandate of UNAVEM III, he noted that some tasks would continue to require the assistance of the United Nations, such as the extension of State administration, completion of the formation of the Angolan Armed Forces, demobilization and reintegration of former combatants, and demining. In conclusion, he stated his support for the draft resolution.⁶²

Speaking before the vote, the representative of the Russian Federation expressed concern that the peace process was proceeding with difficulty, constantly encountering new obstacles because of the lack of due cooperation on the part of UNITA. The Russian delegation agreed with the conclusion of the report of the Secretary-General that the Council needed to send the Angolan parties, and particularly UNITA, a clear-cut signal on the inadmissibility of further delays in resolving military and other issues and in establishing the Government of National Unity. He expressed his country's support for the option proposed by the Secretary-General to extend the mandate of UNAVEM III until 31 March 1997, with the clear-cut warning that if the Government had not been established by then because of procrastination on the part of UNITA, the Council would have to consider taking appropriate and concrete measures with regard to that organization. He stated that the draft resolution submitted for consideration by the Security Council was adequate to the task.⁶³

The representative of Portugal pointed out that significant tasks in both military and political aspects of the peace process remained unfulfilled and were behind schedule. Since the publication of the report of the Secretary-General, no significant moves had been made in the selection and incorporation of UNITA personnel

⁶⁰ S/1997/115.

⁶¹ S/1997/162.

⁶² S/PV.3743, pp. 3-4.

⁶³ *Ibid.*, pp. 4-5.

into the Angolan Armed Forces, in the closure of quartering areas, in the process of demobilization and in the extension of State administration throughout the entire territory of Angola. UNITA bore a special responsibility to demonstrate its commitment to the full implementation of the Lusaka Protocol, without attempting to establish new conditions or linkages. He noted that the complexity of the issues in the Angolan peace process required some flexibility on the part of the international community. At a time when UNAVEM III should be completing its mission, he recognized that the United Nations needed to continue its current mandate in support of the progress. He fully agreed that the pace of the planned withdrawal of former military units needed to take into account the situation on the ground, and not lose sight of the fact that the United Nations was playing a vital role in bringing peace to Angola.⁶⁴

The representative of the United States stated that as they considered the extension of the UNAVEM III mandate, they needed to confront the reality that the time-tables agreed to and the actions promised by the parties in Angola to advance the peace process had not been fulfilled. In addition, the camps established as an interim measure in demobilizing the forces of UNITA were still full, even though the UNAVEM III forces that protect those camps were scheduled to be withdrawn. The draft resolution provided only for a one month extension, during which the remaining personnel of UNAVEM III would continue to perform their missions while the withdrawal continued, and the Security Council would review its involvement in the Angolan peace process. He expressed their deep concern with the primary role of UNITA in the failure of the time-table for the unity Government, and observed that the draft resolution noted the readiness of the Council to consider the imposition of further measures if the Government of National Unity and Reconciliation was not formed by 20 March. Reaffirming the presidential statement of 7 February 1997,⁶⁵ he also warned the parties against any involvement in the conflict in Zaire.⁶⁶

Several other speakers spoke, supporting the one month extension of the mandate of UNAVEM III, expressing concern over the failure to form the Government of National Unity and Reconciliation and calling on UNITA to cooperate in the process without any linkages or further delays, and agreeing that a follow-up mission to UNAVEM II would have an important role in promoting reconciliation and reconstruction. Several speakers stated their support for considering the imposition of measures, including those mentioned in paragraph 26 of resolution 864 (1993), if UNITA failed to cooperate in the peace process.⁶⁷

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1098 (1997), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Recalling the statement by its President of 30 January 1997,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to full implementation by the Government of Angola and the União Nacional para a Independência Total de Angola of the “Acordos de Paz”, the Lusaka Protocol and the relevant Security Council resolutions,

Deeply concerned at the second delay in the formation of the Government of Unity and National Reconciliation, as a result of the failure of the União Nacional para a Independência Total de Angola to meet the timetable established by the Joint Commission, in the context of the Lusaka Protocol,

Concerned at the continued delay in the implementation of the remaining political and military aspects of the peace process, including the selection and incorporation of soldiers of the União Nacional para a Independência Total de Angola into the Angolan Armed Forces, and demobilization,

Stressing that it is imperative for the parties, in particular the União Nacional para a Independência Total de Angola, to take urgent and decisive steps to fulfil their commitments in order to

⁶⁴ Ibid., p. 8.

⁶⁵ S/PRST/1997/5, p. 1.

⁶⁶ S/PV.3473, pp. 12-13.

⁶⁷ Ibid., p. 5 (Japan); p. 7 (Republic of Korea); pp. 5-6 (United Kingdom); pp. 6-7 (Egypt); pp. 8-9 (Sweden); p. 9 (Chile); pp. 9-10 (China); pp. 10-11 (Guinea-Bissau); pp. 11-12 (Costa Rica); and pp. 13-14 (Kenya). After the vote: p. 14 (France); pp. 14-15 (Malawi);

pp. 15-16 (Mozambique); pp. 17-18 (Cape Verde); p. 18 (Namibia); pp. 19-20 (Lesotho); pp. 20-21 (South Africa); pp. 21-22 (Algeria); pp. 22-23 (Brazil); pp. 23-24 (Tunisia); pp. 24-25 (the Netherlands on behalf of the European Union and associated and aligned countries: Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Iceland and Norway); and pp. 25-26 (Mali).

ensure the continued involvement of the international community in the peace process in Angola,

Having considered the report of the Secretary-General dated 7 February 1997,

1. *Welcomes* the recommendations contained in the report of the Secretary-General of 7 February 1997;

2. *Decides* to extend the mandate of United Nations Angola Verification Mission III until 31 March 1997;

3. *Urges* the Government of Angola and in particular the União Nacional para a Independência Total de Angola to solve the remaining military and other issues and to establish, without further delay, the Government of Unity and National Reconciliation, and requests the Secretary-General to report by 20 March 1997 on the status of the formation of this Government;

4. *Expresses its readiness*, in the light of the report referred to in paragraph 3 above, to consider the imposition of measures, including those specifically mentioned in paragraph 26 of resolution 864 (1993) of 15 September 1993;

5. *Stresses* that the good offices, mediation, and verification functions of the Special Representative of the Secretary-General, in close collaboration with the Joint Commission, remain essential for the successful completion of the Angolan peace process;

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

**Decision of 21 March 1997 (3755th meeting):
statement by the President**

At its 3755th meeting, held on 21 March 1997 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General on UNAVEM III pursuant to Security Council resolution 1098 (1997) by which the Council had requested him to report by 20 March 1997 on the status of the formation of the Government.⁶⁸

In his report, the Secretary-General observed that despite determined and intensive efforts, the Government of Unity and National Reconciliation had not yet been established, owing primarily to the failure of UNITA to send all of its officials to Luanda as previously agreed. The delays were having a negative impact on the implementation of major aspects of the peace process, including the normalization of State administration and the demobilization of excess UNITA personnel. Since the patience of the international community was wearing thin, he had decided to visit Angola from 22 to 25 March 1997 with the intention of

making a first-hand assessment of the situation and impressing upon the parties the need to establish the Government of Unity and National Reconciliation without any further delay. During the visit, he would also consult his Special Representative, the representatives of the observer States and other Governments concerned on ways and means of injecting new vigour into the peace process.

At the same meeting, the President (Poland) made the following statement on behalf of the Council:⁶⁹

The Security Council takes note of the report of the Secretary-General of 19 March 1997 and once again expresses its deep concern that the Government of Unity and National Reconciliation has not yet been established, owing primarily to the failure of the União Nacional para a Independência Total de Angola to send all of its officials to Luanda as previously agreed. The Council reminds the União Nacional para a Independência Total de Angola of its obligations in accordance with the provisions of the Lusaka Protocol and subsequent agreements between the two parties.

The Council expresses its full support for the Secretary-General in his mission to Angola to assess the situation and impress upon the parties the need to establish the Government of Unity and National Reconciliation without any further delay. It calls upon the parties, in particular the União Nacional para a Independência Total de Angola, to cooperate fully with the Secretary-General, his Special Representative, and the Observer States and to use the occasion of the visit of the Secretary-General to install the Government of Unity and National Reconciliation.

The Council remains actively seized of the matter and recalls that, in accordance with resolution 1098 (1997) of 27 February 1997, it will consider the imposition of measures, including those specifically mentioned in paragraph 26 of resolution 864 (1993) of 15 September 1993, against the party responsible for the failure to form the Government of unity and National Reconciliation. The Council, following the next report of the Secretary-General, will also consider the role of the United Nations in Angola after the expiration of the current mandate of United Nations Angola Verification Mission III on 31 March 1997 on the basis of the progress made by the parties to full implementation of their commitments under the "Acordos de Paz" and the Lusaka Protocol, as well as their obligations under the relevant Council resolutions.

**Decision of 31 March 1997 (3759th meeting):
resolution 1102 (1997)**

At the 3759th meeting of the Security Council, held on 31 March 1997 in accordance with the understanding reached in its prior consultations, the President (Poland), with the consent of the Council,

⁶⁸ S/1997/239.

⁶⁹ S/PRST/1997/17.

invited the representative of Angola, at her request, to participate in the discussion without the right to vote.

The Council included in its agenda the report of the Secretary-General on UNAVEM III dated 25 March 1997, submitted pursuant to resolution 1098 (1997).⁷⁰

In his report, the Secretary-General observed that while there had been little progress towards the implementation of the remaining aspects of the Lusaka Protocol the meetings held with the President of Angola and the leader of UNITA had given rise to expectations that new vigour could be injected into the peace process. The resolution of the future status of the UNITA leader and his promise to send to Luanda the rest of the UNITA National Assembly deputies and designated officials were encouraging signs. In the meantime, given the uncertainty concerning the exact date for the inauguration of the Government of Unity and National Reconciliation, he recommended that the Security Council consider extending the mandate of UNAVEM III for two weeks only, until 15 April 1997.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations,⁷¹ which was then put to the vote and adopted unanimously as resolution 1102 (1997), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Recalling the statements by its President of 30 January and 21 March 1997,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to full implementation by the Government of Angola and the União Nacional para a Independência Total de Angola of the "Acordos de Paz", the Lusaka Protocol and the relevant Security Council resolutions,

Stressing that it is imperative for the parties to take urgent and decisive steps to fulfil their commitments in order to ensure the continued involvement of the international community in the peace process in Angola,

Having considered the report of the Secretary-General of 25 March 1997,

1. *Commends* the efforts of the Secretary-General during his recent visit to Angola to move the peace process forward;

2. *Welcomes* the arrival in Luanda, although after considerable delay in the implementation of the provisions of the Lusaka Protocol, of the deputies of the União Nacional para a Independência Total de Angola and officials of the future Government of Unity and National Reconciliation, in accordance with subsequent agreements between the two parties;

3. *Welcomes also* the decision by the Government of Angola, as announced by the Joint Commission, to install the Government of Unity and National Reconciliation on 11 April 1997;

4. *Calls upon* both parties to form the Government of Unity and National Reconciliation on that date;

5. *Also calls upon* both parties to remove all remaining obstacles to the peace process and to implement without further delay the remaining military and political aspects of the peace process, in particular the incorporation of soldiers of the União Nacional para a Independência Total de Angola into the Angolan Armed Forces, demobilization, and normalization of State administration throughout the national territory;

6. *Decides* to extend the mandate of United Nations Angola Verification Mission III until 16 April 1997, and requests the Secretary-General to report by 14 April 1997 on the status of the installation of the Government of Unity and National Reconciliation;

7. *Also decides* that, in accordance with resolution 1098 (1997) of 27 February 1997, it remains ready to consider the imposition of measures, including those specifically mentioned in paragraph 26 of resolution 864 (1993) of 15 September 1993, if the Government of Unity and National Reconciliation is not installed by 11 April 1997;

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

**Decision of 16 April 1997 (3769th meeting):
resolution 1106 (1997)**

At the 3767th meeting of the Security Council held on 16 April 1997 in accordance with the understanding reached in its prior consultations, the President (Portugal), with the consent of the Council, invited the representatives of Angola, Argentina, Brazil, Cameroon, Lesotho, Malawi, Mozambique, the Netherlands, Peru, Qatar, South Africa, Uruguay, and Zimbabwe, at their request, to participate in the discussion without the right to vote.

The Council included in its agenda the progress report of the Secretary-General dated 14 April 1997 on

⁷⁰ S/1997/248.

⁷¹ S/1997/262.

UNAVEM III pursuant to Security Council resolution (1997) on the status of the installation of the Government of Unity and National Reconciliation.⁷²

In his report, the Secretary-General informed the Council that on 8 April 1997 the National Assembly had enacted into law the text on the special status of the leader of UNITA and on 11 April, the Government of Unity and National Reconciliations was inaugurated. It was attended by Heads of State and Government, and the leader of UNITA sent a special message which was read out by the UNITA vice-president. He observed that these developments were very encouraging and an essential step forward in the peace process and expressed his hope that the meeting between the President of Angola and the leader of UNITA would soon take place. However, much remained to be done, including the normalization of State administration throughout the whole country, completing the formation of the unified armed forces and police, demobilization of excess UNITA military personnel, determining the status of UNITA radio and the security detachment of the leader of UNITA, the disarmament of the civilian population, and the dismantling of illegal command posts and checkpoints. He stated that he was convinced that the international community needed to remain engaged in Angola until the full implementation of the Lusaka Protocol was achieved. Since the unity Government had been inaugurated, he recommended that the Security Council approve the extension of the mandate of UNAVEM III until 30 June 1997, on the understanding that the operation would proceed with the transition towards an observer mission. He further recommended that the observer mission, to be known as the United Nations Observer Mission in Angola (MONUA), be formally established on 1 July 1997. In addition to the completion of the remaining military tasks, the Observer mission would focus on political, police and human rights aspects, as well as on humanitarian and public information programmes aimed at supporting the national reconciliation process.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁷³

The representative of Angola stated that the inauguration of the Government of National Unity and Reconciliation, and the return of UNITA members to

Parliament finally occurred, allowing for the first time the beginnings of the normal operation of the democratic institutions that were put in place after the general elections of 1992. There were however important tasks still to be accomplished. He appealed to the international community to continue to render its valuable support and recalled that it was time to speed up the implementation of the programme of community rehabilitation and national reconciliation adopted during the Brussels Round Table Conference. He stated that the draft resolution contained important requirements for the completion of the Angolan peace process. The pertinent recommendations in paragraph 9 of the Secretary-General's report, regarding the phased and gradual withdrawal of the contingent of UNAVEM III, as well as those in operative paragraph 4 of the draft resolution, were proof of the sincerity and responsibility with which the Angolan peace process had proceeded.⁷⁴

The representative of the Russian Federation noting that the peace process had ascended to a new level, expressed concern about the situation of the political and particularly the military aspects of the Lusaka Protocol. They attached particular importance to the appeal contained in the draft resolution before the Council to fulfil the remaining aspects of the peace process precisely and promptly and promoting their implementation to be the most important part of the mandate of UNAVEM III. As military and political questions were tackled, and as the military contingent of the Verification Mission would be withdrawn, it would be possible to undertake transitional measures for a United Nations presence beyond 30 June 1997. On the whole, his delegation could support the proposals of the Secretary-General in that regard, and would be prepared, in the context of the competencies of the Council, to consider any specific recommendations he might present later.⁷⁵

The representative of the United Kingdom stated that the new Government deserved full support. He expressed agreement with the Secretary-General's recommendation that UNAVEM III should continue to provide operational support to the mine clearance programme, on a cost-reimbursable basis from the Department of Humanitarian Affairs, until the end of June. He expressed concern about reports of Angolan involvement in the conflict in Zaire and stated that

⁷² S/1997/304.

⁷³ S/1997/316.

⁷⁴ S/PV.3767, pp. 2-4.

⁷⁵ *Ibid.*, p. 4.

Angola needed to refrain from any action that would exacerbate conflict in Zaire. He stated that the international community needed to remain in Angola until the goal of full implementation of the peace agreements was reached and support the recommendation to extend the mandate of UNAVEM III to 30 June 1997 and to deploy a United Nations observer mission thereafter. He attached particular importance to the human rights element of it and to the mission having powers to investigate alleged abuses, as well as to the civilian police and public information programmes.⁷⁶

The representative of the United States congratulated the former Government and UNITA for the formation of the Government of Unity and National Reconciliation and other recent events. However, more needed to be done, and the highest priority was the rapid induction of selected former UNITA personnel into the armed forces and police, and the demobilization of the others, and then the extension of State administration to all parts of the country. He strongly encouraged the president of UNITA, to take advantage of the special position now legally established for him by meeting frequently with the President of Angola, and he hoped that the first meeting would occur at the earliest opportunity. He maintained that the international community still had an important role to play in supporting the process of national reconciliation and reconstruction. By renewing the mandate of UNAVEM III until 30 June 1997, they were signaling their intention to assist the parties to complete the remaining tasks of the peace process and he listed a number of areas where Angola needed international support. Noting the persistent reports of Angolan involvement in the conflict in Zaire, he called upon all Angolans to put an immediate halt to such actions and to give their full support to the international effort left by the United Nations/OAU Representative, to reach a negotiated settlement to the conflict on the basis of the United Nations five-point peace plan.⁷⁷

Several other speakers spoke, welcoming the formation of the Angolan Government of Unity and National Reconciliation; calling on both parties to cooperate in fully implementing the Lusaka Protocol;

and expressing support for their extension of the mandate of UNAVEM III and further adjustments in light of the gradual development of the situation in Angola, including a possible follow-on mission.⁷⁸

The Council resumed its consideration of the item at its 3769th meeting, held on 16 April 1997. The President (Portugal), with the consent of the Council, invited the representative of Botswana, at his request, to participate in the discussion without the right to vote.

The representative of Cameroon, speaking as the representative of the Chairman of the OAU, congratulated the parties on the formation of the Government of Unity and National Reconciliation, but noted that there was much that needed to be done. He stated that the international community and all who had played some part in the establishment of the Government of Unity and National Reconciliation had a moral and political obligation to stay engaged in the efforts of the Special Representative of the Secretary-General. The full implementation of the Lusaka Protocol was the objective to be achieved, and they needed to persevere in the task and encourage the Government of Unity and National Reconciliation to resolve all pending issues.⁷⁹

The representative of the Netherlands, speaking on behalf of the European Union and the associated and aligned countries, welcomed the inauguration of the Government of Unity and National Reconciliation, but noted that much remained to be done.⁸⁰ The European Union had provided significant political, financial, material, and personnel support for demining activities in Angola, and hoped that the planned transfer for the responsibility for mine-clearance from UNAVEM III to UNDP would take place soon. He concurred with the Secretary-General's recommendation for the extension of the mandate of UNAVEM III and the transition towards an observer mission. He stated that they attached particular importance to the deployment of human rights officers and of police observers, who would monitor compliance with the peace accords, including freedom of movement throughout the country.⁸¹

⁷⁶ Ibid., p. 7.

⁷⁷ Ibid., p. 13.

⁷⁸ Ibid., p. 5 (China); pp. 5-6 (Japan); pp. 6-7 (Republic of Korea); pp. 7-8 (Poland); pp. 8-9 (France); pp. 9-10 (Guinea-Bissau); pp. 10-11 (Egypt); and pp. 11-12 (Kenya).

⁷⁹ S/PV.3769, pp. 8-9.

⁸⁰ Ibid., p. 11 (Bulgaria, Cyprus, Czech Republic, Hungary, Lithuania, Poland, Romania, Slovakia and Slovenia, and Iceland and Norway).

⁸¹ Ibid., p. 11.

The representative of Portugal welcomed the developments in the political situation but noted that being close to peace did not translate into a consolidated peace. He expressed his country's readiness to maintain its assistance programmes, as long as they resulted from the will of the Angolan Government, and he therefore welcomed the United Nations consolidated inter-agency appeal for Angola. The Government of Portugal agreed with the recommendation of the Secretary-General that the Council should approve the extension of the mandate of UNAVEM until 30 June 1997.⁸²

The representative of Angola, replying to the speculation regarding the alleged official involvement of the Government of Angola in the Zaire conflict, stated that from the beginning of the civil unrest in Zaire, the Government of Angola had pleaded for its rapid resolution and appealed very strongly to the parties involved to choose the negotiating table as a means to settle their differences. He strongly rejected the reports suggesting Angolan interference in the internal affairs of Zaire.⁸³

Several other speakers spoke, welcoming the formation of the Angolan Government of Unity and National Reconciliation; calling on both parties to cooperate in fully implementing the Lusaka Protocol; expressing support for their extension of the mandate of the mandate of UNAVEM III and further adjustments in light of the gradual development of the situation in Angola, including a possible follow-on mission.⁸⁴

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1106 (1997), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent resolutions,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to fill implementation by the Government of Angola and the União Nacional para a Independência Total de Angola of the "Acordos de Paz", the Lusaka Protocol and the relevant Security Council resolutions,

Expressing its satisfaction with the recent progress in the peace process, including the approval by the Angolan National Assembly of the special status for the leader of the União Nacional para a Independência Total de Angola as the Leader of the Largest Opposition Party and the seating of the deputies of the União Nacional para a Independência Total de Angola in the National Assembly on 9 April 1997,

Reiterating that the ultimate responsibility for the completion of the peace process rests with the Angolans themselves,

Having considered the reports of the Secretary-General of 7 February and 14 April 1997,

1. *Warmly welcomes* the inauguration on 11 April 1997 of the Government of Unity and National Reconciliation;

2. *Strongly urges* the parties, acting through the Government of Unity and National Reconciliation and with the continued support of the Joint Commission, to complete without delay the remaining military aspects of the peace process, including the incorporation of soldiers the União Nacional para a Independência Total de Angola into the Angolan Armed Forces, and demobilization, and the selection and incorporation of personnel of the União Nacional para a Independência Total de Angola into the Angolan National Police, as well as to move ahead with the political tasks, in particular the normalization of State administration throughout the national territory; in this context, considers that a meeting between the President of Angola and the leader of the União Nacional para a Independência Total de Angola within the territory of Angola would contribute to this process of national reconciliation, and expresses the hope that such meeting will take place;

3. *Welcomes* the recommendations contained in the report of the Secretary-General of 14 April 1997;

4. *Decides* to extend the mandate of United Nations Angola Verification Mission III until 30 June 1997 to assist in the implementation of these remaining tasks, with the understanding that the Mission will begin, as appropriate, to proceed with the transition towards an observer mission as described in section W of the report of the Secretary-General of 7 February 1997, using resources already provided or allocated to the Mission for the period ending 30 June 1997;

5. *Requests* the Secretary-General to complete the withdrawal of military units of the Mission as scheduled, taking into account progress in the remaining relevant aspects of the peace process;

6. *Expresses its intention* to consider the establishment of a follow-on United Nations presence, bearing in mind the reports of the Secretary-General of 7 February and 14 April 1997, which would succeed the Mission, and requests the Secretary-

(Uruguay); pp. 7-8 (Mozambique); pp. 9-10 (Argentina); pp. 10-11 (Lesotho); p. 12 (Zimbabwe); pp. 12-13 (Qatar); pp. 13-14 (Peru); p. 14 (Botswana); and pp. 14-15 (Chile).

⁸² Ibid., pp. 16-17.

⁸³ Ibid., p. 17.

⁸⁴ Ibid., pp. 2-3 (Sweden); pp. 3-4 (Costa Rica); pp. 4-5 (Malawi); pp. 5-6 (Brazil); p. 6 (South Africa); pp. 6-7

General to submit for its consideration, no later than 6 June 1997, a report containing his recommendations regarding the structure, specific goals and cost implications of such a mission;

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

**Decision of 30 June 1997 (3795th meeting):
resolution 1118 (1997)**

At the 3795th meeting of the Security Council held on 30 June 1997 in accordance with the understanding reached in its prior consultations, the President (Russian Federation), with the consent of the Council, invited the representatives of Angola, Argentina, Brazil, Lesotho, Mauritius, Mozambique, the Netherlands, Zambia and Zimbabwe at their request, to participate in the discussion without the right to vote.

The Council included in its agenda the progress report of the Secretary-General dated 5 June 1997 on UNAVEM III pursuant to Security Council resolution 1106 (1997) on his recommendations regarding the structure, specific goals and cost implications of an observer mission in Angola to succeed UNAVEM III.⁸⁵

In his report, the Secretary-General observed that events in Angola since March 1997 had generally been moving in a positive direction. However, the recent tensions in the northern part of the country had underscored the unsettled situation prevailing in some areas of the country. The process of extension of State administration to the areas formerly under UNITA control was proceeding at a slow pace and had given rise to some incidents, including one in which officials were attacked by a local UNITA crowd in an apparently organized protest. Moreover, the psychological and political barriers between the parties were still wide, and, in this connection, the holding of the long-overdue meeting between the President of Angola and the leader of UNITA could accelerate the peace process. He stated that the demobilization of tens of thousands of troops and their reintegration into civil society remained one of the most crucial challenges under the Lusaka Protocol. He once again urged the donor community to provide the urgently needed assistance to IOM for the demobilization programmes. To consolidate the gains made thus far in the peace process, a continued, but

scaled-down presence of the United Nations would be required. Therefore, after the expiration of the mandate of UNAVEM III on 30 June 1997, he recommended the establishment, as of 1 July 1997, of a new operation to be known as the United Nations Observer Mission in Angola/Missão de Observação das Nações Unidas em Angola and gave details on its mandate and organizational structure. He stated that the performance of the new mission and its components would be measured against specific indicators, such as the completion of the demobilization process, the incorporation of ex-UNITA combatants into the Angolan Armed Forces and the Angolan National Police, the integration of UNITA personnel in all levels of State administration and other essential tasks. In view of the magnitude of those tasks, he recommended that the new mission be established for a period of seven months until 1 February 1998, after which it would be gradually drawn down in accordance with plans which he would submit by the end of the year.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁸⁶

The representative of the Netherlands spoke on behalf of the European Union and the associated and aligned countries.⁸⁷ He stated that the Council would be adopting a draft resolution creating MONUA, which would take over from UNAVEM III. MONUA was the result of positive developments, including the formation of a Government of National Unity and Reconciliation, the participation of UNITA deputies in the National Assembly and the beginning of the normalization of Government administration. Recent developments in the Democratic Republic of the Congo⁸⁸ had increased tensions in Angola, and he stated that both sides needed to cooperate with the United Nations and grant full access to all areas under their control. The European Union believed that an early meeting within the national territory between the President of Angola and the leader of the largest opposition party would contribute significantly to easing political tension. It would also resolve the precarious military situation in the border area between Angola and the Democratic Republic of the Congo. The transformation of the UNITA radio

⁸⁵ S/1997/438 and Add.1.

⁸⁶ S/1997/498.

⁸⁷ S/PV.3795, p. 2 (Bulgaria, Cyprus, Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia and Norway).

⁸⁸ By a communication dated 20 May 1997, the Secretariat was informed by the Member State known formerly as "Zaire" that the name of the State had been changed on 17 May to "Democratic Republic of the Congo".

station into a non-partisan broadcasting facility and the transformation of UNITA into a political party were other remaining political aspects to be completed. He stated that MONUA would have an important role to play in the field of human rights, which was still a reason for concern in Angola. It was also a concern that the Office of the United Nations High Commissioner for Refugees considered the conditions for the return of refugees and demobilized soldiers unfavourable. It was important that more funds be made available, both for demobilization and for the Office's repatriation programmes.⁸⁹

The representative of Angola stated that the Lusaka Protocol had entered its final stage, although much still remained to be done. He noted that both the Government of Unity and National Reconciliation and Parliament were now working normally, although their impact on the peace process might be affected if all pending military and political matters were not resolved due to the lack of cooperation from UNITA. UNITA continued to hold significant amounts of weapons and forces that were never reported to the UNAVEM III, many of those forces were providing support to the regime in the former Republic of Zaire. Those forces needed to be disarmed, confined to quarters and demobilized. The country's north-eastern areas had in recent times seen a massive influx of people coming from the former Republic of Zaire, including former Zairian soldiers and former Rwandan Hutu militias, and he stated that the Government had felt compelled to take appropriate measures to keep the country's borders from being violated. The Government was working in collaboration with the Office of the United Nations High Commissioner for Refugees to resolve the problem. Taking into account that the military items of the peace process were still pending, his delegation reiterated his country's proposal to defer temporarily the withdrawal of the Blue Helmets, until the fundamental tasks, especially the military one, were completed. He pledged his country's full cooperation and support to MONUA and stated its support for the draft resolution, although it would prefer some improvements in its contents.⁹⁰

The representative of Portugal stated that MONUA was the right response to the current situation in Angola, and would permit the United Nations to remain engaged in the fragile process. On the other hand, the Angolans

had to get the message that they needed to seize the opportunity to consolidate peace. He expressed his hope that the long-awaited meeting inside Angola between the President of Angola and the leader of UNITA would take place as soon as possible. He stated that the different components of MONUA would play a crucial role in the important stage of the peace process. In particular, the monitoring of human rights and humanitarian aspects would have a long-term effect on the type of post-war society that would emerge in Angola. In that context, he stated that they fully supported the strengthening of the police component of MONUA as well as its political assistance for promotion of tolerance and national reconciliation. Regarding the military aspects, he agreed with the Secretary-General that the pace of withdrawal needed to be dictated by the situation in Angola and the progress in consolidating peace rather than by external budgetary constraints.⁹¹

The representative of France stated that the formation of a Government of national unity and the participation of UNITA in political life marked a decisive turning point on the path of reconciliation. He noted that the events in the former Zaire had had repercussions in Angola and a shock wave had once again "swept the Angolan parties onto the path of confrontation". Escalation had been avoided due to the completion of important stages. However, tensions had shown that the provisions of the Lusaka Protocol were still being flouted, primarily by UNITA, which still retained significant military strength. UNITA needed to abide by its obligations and understand that only participation in political life could provide it with prospects for the future.⁹²

The representative of the United Kingdom expressed support for withdrawing UNAVEM III and establishing a follow-on United Nations observer mission. He agreed that the operation should retain a military element while demobilization continued and he also welcomed the increased capacity for monitoring and investigating human rights abuses. Despite the important progress in the peace process, he was concerned at the slow pace of extending State administration and at the continuing mood of mistrust between the parties. He noted that in recent weeks military clashes had jeopardized the peace process, and his Government was concerned at the build-up of

⁸⁹ Ibid., pp. 2-3.

⁹⁰ Ibid., pp. 4-6.

⁹¹ Ibid., pp. 10-11.

⁹² Ibid., p. 11.

military forces in northern Angola. He hoped that the remaining United Nations military presence would be given full access to areas which they wished to investigate and underlined that attacks by UNITA against the staff of UNAVEM II were totally unacceptable. He agreed that there was an urgent need to complete the demobilization process without further delay.⁹³

The representative of China expressed concern about the outbreak of military conflicts in some parts of the country and the failure to complete the demobilization of UNITA military personnel. He stressed that practice had proved that only when there was a peaceful and stable environment could efforts be concentrated on economic and social development. He hoped that the Government of Angola and UNITA would seize the historic opportunity to complete the pending tasks in the political and military fields and achieve national reconciliation to pave the way for national reconstruction and development. While the settlement of the Angolan question would ultimately rest with the Angolan people themselves, the international community also had the responsibility to promote the peace process in Angola and facilitate Angola's efforts at national reconciliation. The peace process was at a critical juncture and was in dire need of vigorous support from the international community, including the United Nations. Therefore he supported in principle the Secretary-General's recommendations to establish MONUA. At the same time, he maintained, that, as a principle, the Security Council should not get involved in matters that fell within the terms of reference of other United Nations bodies. China had different views regarding certain of the functions that the Council would be authorizing for MONUA. China therefore had reservations on certain provisions of the draft resolution. However, in order to help bring about peace and development in Angola at an early date, and considering the desires of Angola and other parties concerned, his delegation would vote in favour of the draft resolution.⁹⁴

The representative of the United States stated that they were pleased to join with other members of the Security Council in support of the draft resolution, which inaugurated a new phase in United Nations involvement in Angola's peace process. The United States called on the Government of Angola and on

UNITA to complete the process of peace and national reconciliation. He urged the Government of Angola to exhibit restraint as the peace process entered its final phase, noting that they were concerned by troop movement and ceasefire violations in the north-eastern provinces, and he called on the Government of Angola to desist immediately from unilateral military actions outside the Lusaka framework. Procedures for the normalization of Government control were clearly defined in the Lusaka Protocol and needed to be followed. He also expressed his belief that agreement regarding national symbols would contribute to the national reconciliation process. He urged UNITA fully and immediately to complete the political and military tasks it had agreed to in Lusaka. He stated that his delegation understood the security concerns of UNITA and intended to stay engaged in ensuring that both parties abided by their mutual security guarantees, but it was long overdue for UNITA to disarm and demobilize its armed elements and come into the mainstream of a peaceful political process.⁹⁵

The representative of the Russian Federation stated, as a member of the troika of observers and a troop contributor, that the draft resolution to be adopted by the Security Council on the transition from UNAVEM III to MONUA was of significant importance for achieving the goals of peace process. The draft resolution was specifically targeted, focusing the attention of the Angolan parties on the priority political and military questions of the settlement that they needed to resolve. Of particular concern was the tense situation in the north-eastern region that had arisen as a result of the penetration into the territory of Angola of armed soldiers of UNITA, the former Rwanda Government Forces and the former Zairian army and of attempts by UNITA to achieve significant military potential. He attached particular significance to the provisions of the draft resolution concerning the unimpeded extension throughout the national territory of the country of the State administration and the demand that UNITA immediately provide complete information regarding all armed personnel under its control for the purpose of verification, disarmament and demobilization, in accordance with the Lusaka Protocol. He stated that the draft resolution provided both an opportunity for effective monitoring of the course of the peace process and also for the adjustments necessary for the planned

⁹³ Ibid., pp. 11-12.

⁹⁴ Ibid., pp. 19-20.

⁹⁵ Ibid., p. 20.

schedule of withdrawal of United Nations troops from Angola.⁹⁶

Several other speakers while stating their support for the draft resolution and the formation of MONUA, also expressed concern over reports of serious clashes. They noted the progress in the peace process and the contributions of UNAVEM III, and underlined the need to promptly complete all outstanding tasks. Some speakers also urged the President of Angola and the leader of UNITA to meet and cooperate on the remaining issues.⁹⁷

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1118 (1997), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent resolutions,

Reaffirming also its commitment to the unity and territorial integrity of Angola,

Recognizing the successful contribution of United Nations, Angola Verification Mission III to the restoration of peace and the process of national reconciliation on the basis of the “Acordos de Paz”, the Lusaka Protocol and relevant Security Council resolutions,

Recognizing also that the formation of the Government of Unity and National Reconciliation provides a strong basis for the process of national reconciliation,

Emphasizing the need for the Government of Angola and the União Nacional para a Independência Total de Angola to implement without further delay the remaining political and military tasks of the peace process,

Expressing its concern about the recent increase in tensions, especially in the northeastern provinces, and the attacks by the União Nacional para a Independência Total de Angola on Mission posts and personnel,

Reiterating that the ultimate responsibility for the completion of the peace process rests with the Angolan people themselves,

Having considered the report of the Secretary-General of 5 June 1997,

1. *Welcomes* the recommendations contained in the report of the Secretary-General;

2. *Decides* to establish, as of 1 July 1997, the United Nations Observer Mission in Angola with the objectives, mandate, and organizational structure recommended by the Secretary-General in section VII of his report;

3. *Also decides*, with the expectation of full completion of the mission by 1 February 1998, that the initial mandate of the Observer Mission will extend until 31 October 1997, and requests the Secretary-General to report on the situation by 15 August 1997;

4. *Further decides* that the Observer Mission will assume responsibility for all components and assets of the United Nations Angola Verification Mission III remaining in Angola, including formed military units, to deploy as appropriate until they are withdrawn;

5. *Requests* the Secretary-General to continue to take into account the situation on the ground and progress in completing the remaining relevant aspects of the peace process in implementing the scheduled withdrawal of United Nations military units and to report thereon in the context of the review requested in paragraph 3 above;

6. *Calls upon* the Government of Angola to apply mutatis mutandis to the Observer Mission and its members the agreement concluded on 3 May 1995 between the United Nations and the Government of Angola on the status of the United Nations peacekeeping operation in Angola and requests the Secretary-General to confirm urgently that this has been done;

7. *Endorses* the recommendation of the Secretary-General that the Special Representative continue to chair the Joint Commission, as established under the Lusaka which has proved to be a vital conflict resolution and implementation mechanism;

8. *Calls upon* the Government of Angola and in particular the União Nacional para a Independência Total de Angola to cooperate fully with the Observer Mission and to ensure the freedom of movement and the safety of its personnel;

9. *Strongly urges* the Government of Angola and in particular the União Nacional para a Independência Total de Angola to complete the remaining political aspects of the peace process, including the normalization of State administration throughout the national territory according to a timetable and procedures agreed upon by both parties within the context of the Joint Commission, the transformation of the radio station of the União Nacional para a Independência Total de Angola into a non-partisan broadcasting facility, and the transformation of the União Nacional para a Independência Total de Angola into a political party;

10. *Also strongly urges* the Government of Angola and in particular the União Nacional para a Independência Total de Angola to complete without delay the remaining military aspects

(Chile); pp. 14-15 (Poland); pp. 15-16 (Guinea-Bissau); pp. 16-17 (Japan); pp. 17-18 (Sweden); pp. 18-19 (Egypt); p. 19 (Costa Rica); pp. 21-22 (Zimbabwe); and pp. 22-23 (Zambia).

⁹⁶ Ibid., pp. 20-21.

⁹⁷ Ibid., pp. 3-4 (Brazil); pp. 6-7 (Mozambique); pp. 7-8 (Lesotho); pp. 8-9 (Argentina); pp. 9-10 (Mauritius); pp. 12-13 (Kenya); pp. 13-14 (Republic of Korea); p. 14

of the peace process, including the registration and demobilization of all remaining military elements. The elimination of all obstacles to the free circulation of people and goods and the disarmament of the civilian population;

11. *Appeals in the strongest terms* to both parties to refrain from any use of force which could obstruct the full implementation of the peace process;

12. *Calls upon* the Government of Angola to notify the Observer Mission of any troop movements, in accordance with the provisions of the Lusaka Protocol;

13. *Demands* that the União Nacional para a Independência Total de Angola provide to the Joint Commission without delay complete information regarding all armed personnel under its control, including the security detachment of the Leader of the Largest Opposition Party, the so-called “mining police”, armed personnel of the União Nacional para a Independência Total de Angola returning from outside the national boundaries, and any of its other armed personnel not previously reported to the United Nations, in order for them to be verified, disarmed and demobilized in accordance with the Lusaka Protocol and agreements between the parties in the context of the Joint Commission;

14. *Expresses the hope* that the issues now delaying the implementation of the Lusaka Protocol may be resolved through a meeting, within the national territory, between the President of Angola and the Leader of the Largest Opposition party;

15. *Urges* the international community to provide assistance to facilitate the demobilization and social reintegration of ex-combatants, the resettlement of displaced persons and the rehabilitation and reconstruction of the Angolan national economy in order to consolidate the gains in the peace process;

16. *Expresses its appreciation* to the Secretary-General, his Special Representative and the United Nations Angola Verification Mission III personnel for assisting the parties in Angola in implementing the peace process;

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

Decision of 23 July 1997 (3803rd meeting): statement by the President

At the 3803rd meeting of the Security Council held on 23 July 1997 in accordance with the understanding reached in its prior consultations, the President (Sweden), with the consent of the Council, invited the representative of Angola, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁹⁸

The Security Council expresses its deep concern at recent destabilizing actions in Angola, in particular the failure of the União Nacional para a Independência Total de Angola to comply with resolution 1118 (1997) of 30 June 1997 and its continued efforts to restore its military capabilities. The Council considers the information submitted by the União Nacional para a Independência Total de Angola to the Joint Commission on 21 July 1997 with regard to the strength of its armed forces, the extension of state administration and the activities of its radio station Vorgan to be neither complete nor credible.

The Council condemns the mistreatment of the personnel of the United Nations and international humanitarian organizations in areas under the control of the União Nacional para a Independência Total de Angola, as well as the harassment of personnel of the United Nations Observer Mission in Angola in the exercise of their functions. Those actions by the União Nacional para a Independência Total de Angola are unacceptable and contrary to its commitments under the Lusaka Protocol and to Council resolutions. In this regard, the Council fully supports the joint statement by the Observer Mission and the representatives of the three Observer States issued on 14 July 1997.

The Council notes with concern that the increasing tension in the northern part of the country is rapidly spreading to the central and southern provinces, with very dangerous implications for the implementation of the remaining tasks of the peace process, including those referred to in Council resolution 1118 (1997). The Council calls upon both parties to refrain from any use of force, in accordance with their commitments under the Lusaka Protocol.

The Council also calls upon both parties to continue to work closely with the Joint Commission, and in particular the União Nacional para a Independência Total de Angola, to cooperate fully with the Observer Mission and to ensure the freedom of movement and the safety of its personnel, as well as of international humanitarian organizations.

The Council reiterates its belief that the long-awaited meeting within the territory of Angola between the President of Angola and the leader of the União Nacional para a Independência Total de Angola could contribute greatly to the reduction of tension and to the process of national reconciliation.

The Council notes with concern reports from the Observer Mission that unauthorized aircraft have landed in territory under the control of the União Nacional para a Independência Total de Angola. In this context, the Council calls upon all States to comply fully with paragraph 19 of resolution 864 (1993) of 15 September 1993.

The Council reaffirms its readiness to consider the imposition of measures, inter alia, those specifically mentioned in paragraph 26 of resolution 864 (1993), unless the União Nacional para a Independência Total de Angola, takes irreversible and concrete steps immediately to fulfil its obligations under the

⁹⁸ S/PRST/1997/39.

Lusaka Protocol. These steps should include demilitarization of all its forces, transformation of its radio station Vorgan into a non-partisan broadcasting facility and full cooperation in the process of the normalization of state administration throughout Angola. The Council requests the Secretary-General to keep it fully informed on the implementation of those tasks and to assess their fulfilment by the União Nacional para a Independência Total de Angola in his report to be submitted by 15 August 1997 in accordance with resolution 1118 (1997).

The Council will continue to monitor closely the situation in Angola and will remain seized of the matter.

**Decision of 28 August 1997 (3814th meeting):
resolution 1127 (1997)**

At the 3814th meeting of the Security Council, held on 28 August 1997 in accordance with the understanding reached in its prior consultations, the President (United Kingdom), with the consent of the Council, invited the representatives of Angola, Argentina, Brazil, Canada, Guinea, Lesotho, Luxembourg, Malawi, Mozambique, South Africa and Zimbabwe, at their request, to participate in the discussion without the right to vote.

At the same meeting, the Council included in its agenda the progress report of the Secretary-General dated 13 August 1997 on MONUA pursuant to paragraph 3 of Security Council resolution 1118 (1997).⁹⁹

In his report the Secretary-General observed that the peace process was experiencing some of the most serious difficulties since the signing of the Lusaka Protocol. Both parties bore a heavy responsibility for the future of the peace process and needed to refrain from any action that might lead to renewed fighting. However, he stated that it was obvious that the current state of affairs was mainly the result of delays by UNITA in implementing its obligations under the Lusaka Protocol, including the true transformation of UNITA into a political party. He reiterated that the international community expected a credible and unconditional implementation of those obligations. He hoped that the Council would continue to exercise its authority and take all necessary steps to ensure full compliance with

its decisions, including with the provisions of its resolution 1118 (1997) and the presidential statement of 23 July 1997.¹⁰⁰ It was his intention, with the concurrence of the Security Council, to further postpone the withdrawal of the United Nations military units from Angola and to retain in the country up to 2,650 military personnel until the end of October 1997. In taking that step, he had considered the prevailing precarious situation in Angola and the expressed wish of the Government of Angola to maintain a sizeable United Nations presence until the demobilization process was over.

At the same meeting the President drew the attention of the Council to a draft resolution submitted by Portugal, the Russian Federation and the United States.¹⁰¹

At the same meeting, the President also drew the attention of the Council to revisions to be made in the text of the draft resolution.¹⁰² He further drew the attention of the Council to a letter dated 31 July 1997 from the representative of Brazil addressed to the President of the Security Council,¹⁰³ transmitting the text of a letter dated 28 July 1997 from the Minister for External Relations of Brazil; and a letter dated 20 August 1997 from the representative of Luxembourg addressed to the Secretary-General, transmitting the text of the statement by the Presidency of the European Union concerning the peace process in Angola issued on 13 August 1997.¹⁰⁴

The representative of Angola stated that since the signing of the Lusaka Protocol, the framework envisioned under the peace accords had still not been fully established, and that there were still two armies: the AAF, and that of UNITA. As a result, tensions had mounted and there had been a serious deterioration of the political and military situation throughout the country. The main military units of UNITA, which were never disarmed and never reported to the United Nations, were undergoing training and being re-equipped. The continuing occupation of portions of the country's territory had enabled UNITA to preserve its military structures and to exploit the natural

⁹⁹ S/1997/640.

¹⁰⁰ S/PRST/1997/39.

¹⁰¹ S/1997/669.

¹⁰² In the preambular paragraph, the word "of" was added after the word "implementation"; in operative paragraph 4 (a) and (b), the word "adult" was added before the

word "members"; and in paragraph 11 (a), the words "of adult members of" was added before the words "their immediate families".

¹⁰³ S/1997/600.

¹⁰⁴ S/1997/658.

resources extracted from those areas in order to finance its war. He reiterated that the Angola peace accords and the Lusaka Protocol remained the only valid, legal basis for the settlement of the conflict. He underscored that it was incumbent on the Security Council to shoulder some of the responsibility in resolving the Angolan conflict, since it was the body which the Charter of the United Nations endowed with the authority and the mechanisms for the maintenance of peace and security in the world. The time had come to apply the second package of sanctions, which resolution 864 (1993) provided for. He stated that the Government of Angola fully supported the measures set forth in paragraph 4 of the draft resolution to be voted on, because they firmly believed that it was an effective instrument that would help prevent war and speed up the peace process. As crucial tasks for the consolidation of the process had yet to be fully carried out by the United Nations, they welcomed the Secretary-General's recommendation and the Council's decision to postpone the withdrawal of military units of the United Nations. In conclusion, he stated that the draft resolution had the full support of his Government.¹⁰⁵

The representative of Luxembourg spoke on behalf of the European Union and the aligned and associated countries.¹⁰⁶ He stated that despite the efforts the peace process in Angola was continuing to come up against serious difficulties. The European Union was extremely concerned by the persistent tension throughout the country and strongly urged the Government of Angola and UNITA in particular to do their utmost to improve the situation and to refrain from the use of force. He noted that since the adoption of resolution 1118 (1997) and despite frequent reminders, UNITA had not complied with the demands of the international community. In view of the security situation, the European Union had also endorsed the Secretary-General's proposal that the withdrawal of United Nations military units in Angola be further delayed. The European Union shared the Secretary-General's view that a meeting between the President of Angola and the leader of UNITA would help significantly improve the political atmosphere and advance the process of national reconciliation.¹⁰⁷

Speaking before the vote, the representative of the Russian Federation underscored that a final settlement

in Angola had not been realized and there was a real danger that the peace process might be reversed. The deterioration of the situation required very close scrutiny on the part of the Security Council and the Secretary-General, and redoubled efforts on the part of his Special Representative and MONUA, as well as on the part of the troika of observer States, of which the Russian Federation was a part. In the light of the developing situation it was quite justified that there be adjustment to the process of withdrawing the United Nations military contingents from Angola. He stated that the international community was entitled to demand that the Government of Angola, but first UNITA, fully and without further delay carry out the remaining aspects of the peace process and refrain from any further acts that might worsen the situation. This was precisely what guided the Russian Federation in drawing up, together with the other members of the troika, the draft resolution. UNITA bore the main responsibility for the present situation. He stated that UNITA was defying the United Nations and the Security Council, and he expressed his belief that the international community had no choice but to give an appropriate reply. Therefore, the draft resolution contained additional sanctions to be imposed on UNITA. These were precisely targeted and concrete and would not affect those representatives of UNITA who were members of Parliament or the Government or who were cooperating with the Joint Commission. He also noted that provision had been made for deferring the imposition of the sanctions and for the possibility of their being lifted, as well as for the adoption of further sanctions against UNITA if it were to fail to fully and expeditiously fulfil its obligations.¹⁰⁸

The representative of China stated that it was necessary for the Council to take further measures against UNITA in conformity with the will of the Angolan people to ensure smooth progress and the ultimate completion of the Angolan peace process. China had always taken a very prudent approach towards sanctions, however, for the purpose of an early realization of peace in Angola, and as a special case, China did not take exception to the measures contained in the draft resolution before them and would vote in

¹⁰⁵ S/PV.3814, pp. 2-5.

¹⁰⁶ *Ibid.*, p.8: Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania,

Slovakia, Slovenia and Norway.

¹⁰⁷ *Ibid.*, pp. 8-9.

¹⁰⁸ *Ibid.*, pp. 15-16.

favour of it. Finally, he expressed his hope that UNITA would return to the track of unity and cooperation.¹⁰⁹

The representative of Egypt noted that operative paragraph 4 of the draft resolution would oblige all states to deny the families of the leaders of UNITA entry into or transit through their territories, except those officials necessary for the full functioning of the Government of Unity and National reconciliation, the National Assembly and the Joint Commission. Despite their full support for the general thrust of the draft resolution, he expressed Egypt's reservations on including the families of the leaders of UNITA in such measures, since that constituted a breach of a legal norm: *nulla poena sine crimine*, or no punishment without a crime.¹¹⁰ It was inadmissible to punish families whose only crime was their relationship to those leaders. In addition, that measure might constitute a form of collective punishment, which Egypt strongly rejected in principle. Despite that general reservation the persistence of UNITA in defying the will of the international community, its refusal to abide by the Lusaka Protocol and the Government's approval of the draft text prompted them reluctantly to accept the draft resolution before the Council, provided that it would not constitute a precedent in the annals of Security Council resolutions.¹¹¹

The representative of Portugal stated that UNITA had to understand that its current behaviour had left the Security Council without other credible options besides the one of imposing additional sanctions, which had been designed to stimulate UNITA to move in the right direction. They still hoped that on 30 September the sanctions would not have to enter into force. Portugal also supported the Secretary-General's proposal to further postpone the withdrawal of the United Nations military units from Angola. In conclusion, he reiterated that the Security Council was giving UNITA another opportunity to abide by the obligations it freely accepted in 1991 and in 1994.¹¹²

The representative of the United States stated that they were gravely concerned that, because UNITA had failed to fulfil some key commitments, the peace process was not moving forward and the possibility of renewed fighting again threatened the people of Angola. He urged UNITA to make use of the period before 30

September to fulfil its obligations under the Lusaka Protocol. If UNITA did not act, the sanctions would take effect and they believed that the sanctions were strong, practical and enforceable. He stated that the United States stood ready to examine further measures by the Council should UNITA fail to respond. He reminded the Government of Angola that it, too, needed to abide by its commitments under the Lusaka Protocol. It needed to exercise restraint and refrain from any action that could lead to a resumption of the hostilities. He underlined that they would view any military offensives against UNITA as a reason to propose that the Council discontinue sanctions against UNITA. The Government needed to make every effort to bring the remainder of UNITA into the mainstream of Angolan society, allowing it to play its legitimate role as a democratic opposition party and giving full participation to those UNITA officials in the Unity Government. They called on the President of Angola and the leader of UNITA to meet as soon as possible within Angola. He expressed agreement with the Secretary-General's recommendations that some MONUA military units remain in the country. However, at their reduced strength, these military units could no longer ensure their own security should hostilities resume and would not be able to separate warring factions. If UNITA did not heed the call for complete demobilization, the withdrawal of the remaining MONUA military units should resume.¹¹³

The representative of France stated that UNITA bore the principal responsibility for the difficulties encountered in the peace process. He stated that the provisions of the draft resolution had been carefully defined. That applied to the modalities for the implementation of possible sanctions. It also applied to the mechanism for the lifting of those sanctions, should they be imposed; they would be lifted on the basis of specific criteria, respect for which the Secretary-General would have to assess. He reiterated the consistent position of France, which wanted the sanctions to be time-bound, with a set duration, and wanted the question of their extension to be decided by the Security Council. It was the hope of France that UNITA would take advantage of the time allowed it to meet its obligations. In fact, their objective was not to impose coercive measures but rather to give every chance to peace and national reconciliation in Angola

¹⁰⁹ Ibid., pp. 20-21.

¹¹⁰ This reservation was also expressed by Costa Rica; see S/PV.3814, p. 23.

¹¹¹ S/PV.3814, pp. 21-22.

¹¹² Ibid., pp. 24-25.

¹¹³ Ibid., pp. 25-26.

and to prevent any action that might lead to a resumption of fighting.¹¹⁴

The representative of the United Kingdom stated that UNITA was clearly not doing what it agreed to do in 1994, which was to transform itself from a military organization into a legitimate opposition party. He was very concerned by the military tensions in Angola. Both UNITA and the Government had contributed to those, and his Government was not about to apportion blame. But he did think both parties needed to make every effort not to resort to military measures. In that respect, he expressed his belief that a meeting between the President of Angola and the leader of UNITA could help to lower the political temperature and make a positive contribution to the peace process.¹¹⁵

Several other speakers spoke, expressing concern over recent developments in Angola, condemning the actions of UNITA which threatened the peace process and calling on them to complete all their outstanding obligations, and expressing support for the recommendations of the Secretary-General and the draft resolution. Several speakers called for a meeting between the President of Angola and the leader of UNITA, in the country, to take place as soon as possible. Several other speakers expressed extreme concern at reports of the planting of new mines in certain parts of the country.¹¹⁶

At the same meeting the draft resolution, as orally revised in its provisional form, was put to the vote and adopted unanimously as resolution 1127 (1997), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent resolutions,

Recalling the statement by its President of 23 July 1997, in which the Council expressed its readiness to consider the imposition of measures on the União Nacional para a Independência Total de Angola, inter alia, those specifically mentioned in paragraph 26 of resolution 864 (1993) of 15 September 1993,

Emphasizing the urgent need for the Government of Angola and in particular the União Nacional para a Independência Total de Angola to complete without further delay the implementation

of their obligations under the “Acordos de Paz”, the Lusaka Protocol, and the relevant Security Council resolutions,

Expressing its grave concern at the serious difficulties in the peace process, which are mainly the result of delays by the União Nacional para a Independência Total de Angola in the implementation of its obligations under the Lusaka Protocol,

Expressing its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Having considered the report of the Secretary-General of 13 August 1997,

Strongly deploring the failure by the União Nacional para a Independência Total de Angola to comply with its obligations under the “Acordos de Paz”, the Lusaka Protocol and with relevant Security Council resolutions, in particular resolution 1118 (1997) of 30 June 1997,

A

1. *Demands* that the Government of Angola and in particular the União Nacional para a Independência Total de Angola complete fully and without further delay the remaining aspects of the peace process and refrain from any action which might lead to renewed hostilities;

2. *Demands also* that the União Nacional para a Independência Total de Angola implement immediately its obligations under the Lusaka Protocol, including demilitarization of all its forces, transformation of its radio station Vorgan into a non-partisan broadcasting facility and full cooperation in the process of the normalization of State administration throughout Angola;

3. *Demands further* that the União Nacional para a Independência Total de Angola provide immediately to the Joint Commission, as established under the Lusaka Protocol, accurate and complete information with regard to the strength of all armed personnel under its control, including the security detachment of its leader, the so-called “mining police”, its armed personnel returning from outside the national boundaries, and any of its other armed personnel, not previously reported to the United Nations, in order for them to be verified, disarmed and demobilized in accordance with the Lusaka Protocol and agreements between the parties in the context of the Joint Commission, and condemns any attempts by the União Nacional para a Independência Total de Angola to restore its military capabilities;

¹¹⁴ Ibid., pp. 26-27.

¹¹⁵ Ibid., p. 27.

¹¹⁶ Ibid., pp. 5-6 (Malawi); pp. 6-7 (Brazil); pp. 7-8 (Argentina); pp. 9-10 (Lesotho); pp. 10-11 (Mozambique); pp. 11-12 (Zimbabwe); pp. 12-13

(Canada); pp. 13-14 (South Africa); p. 14 (Guinea); p. 16 (Japan); pp. 16-17 (Sweden); pp. 17-18 (Poland); p. 18 (Republic of Korea); pp. 18-19 (Kenya); pp. 19-20 (Guinea-Bissau); pp. 22-23 (Costa Rica); and pp. 23-24 (Chile).

B

Determining that the resulting situation in Angola constitutes a threat to international peace and security in the region,

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

4. *Decides* that all States shall take the necessary measures:

(a) To prevent the entry into or transit through their territories of all senior officials of the União Nacional para a Independência Total de Angola and of adult members of their immediate families, as designated in accordance with paragraph 11 (a) below, except those officials necessary for the full functioning of the Government of Unity and National Reconciliation, the National Assembly, or the Joint Commission, provided that nothing in the present paragraph shall oblige a State to refuse entry into its territory to its own nationals;

(b) To suspend or cancel all travel documents, visas or residence permits issued to senior officials and adult members of their immediate families of the União Nacional para a Independência Total de Angola, as designated in accordance with paragraph 11 (a) below, with the exceptions referred to in subparagraph (a) above;

(c) To require the immediate and complete closure of all offices of the União Nacional para a Independência Total de Angola in their territories;

(d) With a view to prohibiting flights of aircraft by or for the União Nacional para a Independência Total de Angola, the supply of any aircraft or aircraft components to the União Nacional para a Independência Total de Angola and the insurance, engineering and servicing of aircraft of the União Nacional para a Independência Total de Angola,

(i) To deny permission to any aircraft to take off from, land in, or overfly their territories if it has taken off from or is destined to land at a place in the territory of Angola other than one on a list supplied by the Government of Angola to the Security Council Committee established pursuant to resolution 864 (1993), which shall notify Member States;

(ii) To prohibit, by their nationals or from their territories or using their flag vessels or aircraft, the supply of or making available in any form, any aircraft or aircraft components to the territory of Angola other than through named points of entry on a list to be supplied by the Government of Angola to the Committee established pursuant to resolution 864 (1993), which shall notify Member States;

(iii) To prohibit, by their nationals or from their territories, the provision of engineering and maintenance servicing, the certification of airworthiness, the payment of new claims against existing insurance contracts, or the provision or renewal of direct insurance with respect to any

aircraft registered in Angola other than those on a list to be provided by the Government of Angola to the Committee established pursuant to resolution 864 (1993), which shall notify Member States, or with respect to any aircraft which entered the territory of Angola other than through a point of entry included in the list referred to in subparagraph (d) (i) above;

5. *Also decides* that the measures set out in paragraph 4 above shall not apply to cases of medical emergency or to flights of aircraft carrying food, medicine, or supplies for essential humanitarian needs, as approved in advance by the Committee established pursuant to resolution 864 (1993);

6. *Urges* all States and international and regional organizations to stop travel by their officials and official delegations to the central headquarters of the União Nacional para a Independência Total de Angola, except for the purposes of travel to promote the peace process and humanitarian assistance;

7. *Decides* that the provisions of paragraph 4 above shall come into force without any further notice at 0001 Eastern Standard Time on 30 September 1997, unless the Security Council decides, on the basis of a report by the Secretary-General, that the União Nacional para a Independência Total de Angola has taken concrete and irreversible steps to comply with all the obligations set out in paragraphs 2 and 3 above;

8. *Requests* the Secretary-General to submit by 20 October 1997, and every ninety days thereafter, a report on the compliance of the União Nacional para a Independência Total de Angola with all the obligations set out in paragraphs 2 and 3 above, and expresses its readiness to review the measures set out in paragraph above if the Secretary-General reports at any time that the União Nacional para a Independência Total de Angola has fully complied with these obligations;

9. *Expresses its readiness* to consider the imposition of additional measures, such as trade and financial restrictions, if the União Nacional para a Independência Total de Angola does not comply fully with its obligations under the Lusaka Protocol and all relevant Security Council resolutions;

10. *Calls upon* all States and all international and regional organizations to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any license or permit granted prior to the date of adoption of the present resolution, and also calls upon all States to comply strictly with the measures imposed in paragraphs 19, 20 and 21 of resolution 864 (1993);

11. *Requests* the Committee established pursuant to resolution 864 (1993):

(a) To draw up guidelines expeditiously for the implementation of paragraph 4 of the present resolution, including the designation of officials and of adult members of their immediate families whose entry or transit is to be prevented and whose travel documents, visas or residence permits are to be

suspended or cancelled in accordance with paragraphs 4 (a) and (b) above;

(b) To give favourable consideration to, and decide upon, requests for the exceptions set out in paragraph 5 above;

(c) To report to the Council by 15 November 1997 regarding the actions taken by States to implement the measures set out in paragraph 4 above;

12. *Requests* Member States having information on flights prohibited in paragraph 4 (d) above to provide this information to the Committee established pursuant to resolution 864 (1993) for distribution to Member States;

13. *Also requests* Member States to provide to the Committee established pursuant to resolution 864 (1993) information on the measures they have adopted to implement the provisions of paragraph 4 above no later than 1 November 1997; particular the União Nacional para a Independência Total de Angola cooperate fully with the United Nations Observer Mission in Angola, stop restricting the verification activities of the Observer Mission, refrain from laying new mines, and ensure the freedom of movement and especially the safety of the Mission and other international personnel;

14. *Reiterates its call* upon the Government of Angola to notify the Observer Mission of any troop movements, in accordance with the provisions of the Lusaka Protocol;

15. *Endorses* the recommendation of the Secretary-General in his report of 13 August 1997 to postpone the withdrawal of the United Nations military units from Angola until the end of October 1997, with the understanding that the plan is for the drawdown to be completed in November 1997, taking into account the situation on the ground and progress in completing the remaining relevant aspects of the peace process, and requests the Secretary-General to report thereon no later than 20 October 1997, including on the schedule for the resumed withdrawal of military personnel;

16. *Reiterates its belief* that the long-awaited meeting within the territory of Angola between the President of Angola and the leader of the União Nacional para a Independência Total de Angola could contribute greatly to the reduction of tensions, to the process of national reconciliation and to the achievement of the goals of the peace process as a whole;

17. *Expresses its appreciation* to the Secretary-General, his Special Representative and the personnel of the Observer Mission for assisting the parties in Angola in implementing the peace process;

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

Decision of 29 September 1997 (3820th meeting): resolution 1130 (1997)

At the 3820th meeting of the Security Council, held on 29 September 1997 in accordance with the understanding reached in its prior consultations, the President (United States), with the consent of the Council, invited the representative of Angola, at his request, to participate in the discussion without the right to vote.

At the same meeting, the Council included in its agenda the report of the Secretary-General dated 24 September 1997 on MONUA submitted pursuant to paragraph 7 of Security Council resolution 1127 (1997), in which the Council had requested him to report on whether UNITA had taken concrete and irreversible steps to comply with all its obligations set out in paragraphs 2 and 3 of the resolution before the coming into force of the measures specified in paragraph 4 of the resolution.¹¹⁷ The Secretary-General observed that the military situation in Angola had remained relatively calm and stable and the leader of UNITA had assured his Special Representative that UNITA was determined to take further steps to comply with the provisions of the resolution. However, the demilitarization of UNITA forces was not yet complete. MONUA and the observer States considered that the figure claimed by UNITA to be the total of its residual troops remained unconvincing, and that the quality and quantity of weapons and ammunitions surrendered to MONUA by these residual troops were insignificant. At the same time, it must be recognized that some advances had been made towards the establishment of a non-partisan FM broadcast facility to replace Radio Vorgan, which had recently made tangible efforts to reduce the level of hostile propaganda. With regard to the normalization of State administration, while a significant number of localities had been handed over, no progress had been registered in the extension of government authority to the five strategically important areas and the overall slow pace of the process continued to raise doubts about the intentions of UNITA. In the circumstances, he was not yet in a position to advise the Security Council that UNITA had taken the necessary steps to comply with all the obligations set out in paragraphs 2 and 3 of its resolution 1127 (1997).

At the same meeting the President drew the attention of the Council to a draft resolution prepared in

¹¹⁷ S/1997/741.

the course of the Council's prior consultations¹¹⁸ and to a revision to be made to the text of the draft resolution. The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 1130 (1997), which reads:

The Security Council,

Recalling its resolution 696 (1991) of 30 May 1991 and all subsequent resolutions, in particular resolution 1127 (1997) of 28 August 1997,

Taking note of the report of the Secretary-General of 24 September 1997, and subsequent information on steps taken by the União Nacional para a Independência Total de Angola,

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

1. *Stresses* the need for the União Nacional para a Independência Total de Angola to comply fully with all the obligations set out in resolution 1127 (1997);

2. *Decides* that the coming into force of the measures specified in paragraph 4 of resolution 1127 (1997) shall be postponed until 0001 Eastern Standard Time on 30 October 1997;

3. *Affirms its readiness* to review the imposition of the measures referred to in paragraph 2 above and to consider the imposition of additional measures in accordance with paragraphs 8 and 9 of resolution 1127 (1997);

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

**Decision of 29 October 1997 (3827th meeting):
resolution 1135 (1997)**

At the 3827th meeting of the Security Council, held on 29 October 1997 in accordance with the understanding reached in its prior consultations, the President (Chile), with the consent of the Council, invited the representatives of Angola and Brazil, at their request, to participate in the discussion without the right to vote.

At the same meeting, the Council had before them the report of the Secretary-General dated 17 October 1997 on MONUA, submitted pursuant to paragraph 3 of Security Council resolution 1118 (1997), and to paragraph 8 of Security Council resolution 1127 (1997) in which the Council had requested him to report on the compliance of UNITA with the obligations set out in paragraphs 2 and 3 of that resolution, as well as paragraph 16 requesting him to report on the drawdown of the military personnel of MONUA.¹¹⁹ The Secretary-General observed that since his last report there had been no significant progress in the peace process in Angola. He remained concerned by the very slow pace of the demilitarization of UNITA and the slowdown of the extension of State administration into the areas controlled by UNITA. Unless additional concrete steps were taken to accelerate the implementation of the remaining tasks, including the transformation of Radio Vorgan into a non-partisan broadcasting facility, it would be difficult to say that UNITA had taken all steps necessary to comply with the provisions of Council resolution 1127 (1997). He urged the Government and UNITA to take a number of specific steps that could enhance mutual trust and confidence, including a meeting of the President and the leader of UNITA inside Angola. He also urged the Government to notify MONUA, in accordance with established procedures, of any movements of its troops. In the meantime, reports of the presence of Angolan armed elements in the Republic of the Congo were a source of serious concern. In the circumstances he believed it would be advisable to postpone slightly the withdrawal of United Nations military formed units from Angola and he recommended that the mandate of MONUA be extended for three months, until 31 January 1998.

¹¹⁸ S/1997/750.

¹¹⁹ S/1997/807.

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹²⁰

The representative of Angola stated that UNITA had yet to fulfil the handover to the Government of all localities under its control, the demilitarization of its remaining troops and the cessation of its hostile anti-Government propaganda. The leadership of UNITA had completely disregarded the urging of the Council and violated its resolutions 1127 (1997) and 1130 (1997). Instead, UNITA, had resorted to manoeuvres aimed at impressing the members of the Council and the international community, with a view to avoiding the entry into force of sanctions as set out in operative paragraph 4 of resolution 1127 (1997). When a new deadline for UNITA to fulfil its obligations had come to an end, what we could conclude was that UNITA had not taken the necessary steps to comply with all the obligations set out in resolution 1127 (1997). Therefore, they could not expect less than immediate application of the measures set forth in paragraph 4 of resolution 1127 (1997), for the good of the people of Angola and to ensure the Council's moral authority.¹²¹

The representative of Brazil stated that while they understood that sanctions needed to be regarded as an instrument of last resort, in the case of Angola, they were convinced that the Security Council was on the correct path in adopting a draft resolution that triggered sanctions, specifically targeted against UNITA.¹²²

The representative of the Russian Federation stated that the UNITA leadership had disregarded the requirements of resolutions 1127 (1997) and 1130 (1997) and had not used the two goodwill pauses offered it by the international community. As a result, at midnight that day the sanctions against UNITA provided for in resolution 1127 (1997) would enter into effect. His delegation hoped that UNITA leadership would draw the correct conclusions and would immediately and fully comply with its commitments, thereby sparing the Council the task of further increasing the sanctions. Given the critical situation, the three-month extension of the mandate of MONUA and the postponement of the withdrawal of United Nations military formed units was of great significance. On that basis, they would vote for the draft resolution.¹²³

¹²⁰ S/1997/823.

¹²¹ S/PV.3827, pp. 2-3.

¹²² Ibid., pp. 3-4.

The representative of the United States stated that although the United States had actively pressed the leader of UNITA to meet their obligations under the Lusaka Protocol, but UNITA had not complied and had even taken some backward steps, such as impeding the work of the administrators in areas recently transferred to Government control. They therefore supported the automatic entry into force of the sanctions specified in resolution 1127 (1997). They would vigorously enforce those new measures as well as those measures imposed by resolution 864 (1993) and called on all Member States to do the same. He expressed hope that UNITA would see the imposition of measures as a sign of the international community's determination that UNITA move rapidly to complete the remaining tasks in the peace process. If it did so, the United States stood ready to reconsider the need for sanctions. However, there was a message in the draft resolution for the Government of Angola as well. The draft resolution called on the Government to demonstrate restraint as it implemented the final steps in the peace process. They believed that the peace process could be served by a meeting between the President of Angola and the leader of UNITA within the territory of Angola. He underlined that the United States and other members of the Council were gravely concerned by the Government of Angola's military intervention in the Republic of the Congo, which resulted in the overthrow of a democratically-elected President. That intervention was a violation of the Charters of the United Nations and the OAU. They understood the legitimate security concerns of Angola in Cabinda and its frustration over assistance provided by the Republic of the Congo to UNITA in contravention of existing United Nations sanctions. But military intervention was not an acceptable response. They condemned that intervention and demanded that the Government of Angola immediately withdraw its forces. The Foreign Minister of Angola had made a public commitment to do so by 15 November and they expected that to be honoured, as well as that mercenaries and other armed groups, including UNITA, also withdraw immediately.¹²⁴

During the course of the debate, several other speakers spoke, regretting that UNITA had not made significant progress in the remaining key tasks of the

¹²³ Ibid., p. 4.

¹²⁴ Ibid., pp. 11-12.

peace process, noting that it had been given two grace periods to move decisively towards fulfilling its obligations and had not done so thus necessitating the imposition of sanctions. They also stated their support for the recommendations of the Secretary-General on extending the mandate of MONUA and postponing the withdrawal of United Nations military formed units. Most speakers noted that the sanctions were targeted against UNITA to persuade them to fulfil all of its obligations. Several speakers noted that they would consider additional measures if needed and others reaffirmed the importance of holding a meeting between the President of Angola and the leader of UNITA on Angolan territory. Several speakers also stated their grave concern regarding the presence of Angolan armed elements in the Republic of the Congo.¹²⁵

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1135 (1997), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent resolutions,

Expressing its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Stressing the urgent need for the Government of Angola and in particular the União Nacional para a Independência Total de Angola to complete without further delay the implementation of their obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions,

Having considered the report of the Secretary-General of 17 October 1997,

Expressing its deep concern at the lack of significant progress in the peace process in Angola since the report of the Secretary-General of 24 September 1997,

Strongly deploring the failure by the União Nacional para a Independência Total de Angola to comply fully with its obligations under the "Acordos de Paz" and the Lusaka Protocol and with relevant Security Council resolutions, in particular resolution 1127 (1997) of 28 August 1997,

Recognizing the important role of the United Nations Observer Mission in Angola at this critical stage of the peace process,

A

1. *Decides* to extend the mandate of the United Nations Observer Mission in Angola until 30 January 1998, and requests the Secretary-General to submit a report and recommendations no later than 13 January 1998 on the United Nations presence in Angola after 30 January 1998;

2. *Endorses* the recommendation of the Secretary-General in his report of 17 October 1997 to postpone the withdrawal of formed military units of the United Nations until the end of November 1997 according to the plan outlined in paragraph 15 of the report, and requests the Secretary-General to report no later than 8 December 1997 on the schedule for the resumed withdrawal of military personnel, taking into account the situation on the ground;

B

3. *Demands* that the Government of Angola and in particular the União Nacional para a Independência Total de Angola complete fully and without further delay the remaining aspects of the peace process and refrain from any action which might lead to renewed hostilities;

4. *Demands also* that the Government of Angola and in particular the União Nacional para a Independência Total de Angola cooperate fully with the Observer Mission, including by providing full access for its verification activities, and reiterates its call on the Government of Angola to notify the Mission in a timely manner of its troop movements, in accordance with the provisions of the Lusaka Protocol and established procedures;

Determining that the present situation constitutes a threat to international peace and security in the region,

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

5. *Demands* that the União Nacional para a Independência Total de Angola comply immediately and without any conditions with the obligations set out in resolution 1127 (1997), including full cooperation in the normalization of State administration throughout Angola, including in Andulo and Bailundo;

6. *Notes* that the measures specified in paragraph 4 of resolution 1127 (1997) come into force on 0001 Eastern Standard Time on 30 October 1997 in accordance with paragraph 2 of resolution 1130 (1997) of 29 September 1997, and reaffirms its readiness to review those measures or to consider the imposition of additional measures in accordance with paragraphs 8 and 9 of resolution 1127 (1997);

7. *Requests* the Secretary-General, in lieu of the reports referred to in paragraph 8 of resolution 1127 (1997), to report by 8 December 1997, and every ninety days thereafter, on the compliance of the União Nacional para a Independência Total de Angola with all the obligations set out in paragraph 5 above;

¹²⁵ Ibid., pp. 4-5 (United Kingdom); pp. 5-6 (Egypt); p. 6 (Republic of Korea); pp. 6-7 (Sweden); pp. 7-8 (Japan); p. 8 (Portugal); pp. 8-9 (Costa Rica); pp. 9-10 (France);

p. 10 (Kenya); p. 10 (Poland); pp. 10-11 (Guinea-Bissau); p. 11 (China); and pp. 12-13 (Chile).

8. *Requests* Member States to provide to the Security Council Committee established pursuant to resolution 864 (1993) information on the measures they have adopted to implement the measures specified in paragraph 4 of resolution 1127 (1997) no later than 1 December 1997;

9. *Requests* the Committee established pursuant to resolution 864 (1993) to report to the Council by 15 December 1997 regarding the actions taken by Member States to implement the measures specified in paragraph 4 of resolution 1127 (1997);

C

10. *Reiterates its belief* that a meeting in Angola between the President of the Republic of Angola and the leader of the União Nacional para a Independência Total de Angola could facilitate the process of peace and national reconciliation;

11. *Urges* the international community to provide assistance to facilitate the demobilization and social reintegration of ex-combatants, demining, the resettlement of displaced persons and the rehabilitation and reconstruction of the Angolan economy in order to consolidate the gains in the peace process;

12. *Expresses its appreciation* to the Secretary-General, his Special Representative and the personnel of the Observer Mission for assisting the parties in Angola in implementing the peace process;

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

Speaking after the vote, the President expressed the Security Council's grave concern regarding the presence of Angolan armed elements in the Republic of the Congo, as reported by the Secretariat. It reaffirmed the statement of its President of 16 October 1997.¹²⁶ It condemned all external interference in the Republic of the Congo, called on all foreign forces, including mercenaries, to withdraw immediately from that country, and stressed the importance of a political settlement, national reconciliation and transitional arrangements leading to the holding of democratic and free and fair elections with the participation of all parties as soon as possible.

**Decision of 27 January 1998 (3850th meeting):
resolution 1149 (1998)**

At the 3850th meeting of the Security Council, held on 27 January 1998 in accordance with the understanding reached in its prior consultations, the President (France), with the consent of the Council, invited the representatives of Angola, Cape Verde,

Mozambique, Namibia and Zimbabwe, at their request, to participate in the discussion without the right to vote.

The Council included in its agenda the report of the Secretary-General on MONUA dated 12 January 1998, submitted pursuant to paragraph 1 of Security Council resolution 1135 (1997), in which the Council had requested him to present recommendations on the United Nations presence in Angola after 30 January 1998.¹²⁷ The Secretary-General observed that while significant progress had no doubt been achieved towards that goal, and the Government and UNITA continued to express their willingness to fulfil their remaining obligations, persistent delays in the implementation of the Lusaka Protocol continued to be a source of serious concern. There was a great need for both parties, but in particular UNITA, to display a greater sense of urgency in carrying out the Lusaka agreements and the relevant Security Council resolutions. While the presence of the United Nations in Angola was much needed to implement the remaining provisions of the Lusaka Protocol and to enhance confidence, he believed that the extension of the MONUA mandate should take into account the real commitment of both parties to respect their obligations and to expedite the peace process. In that connection, he welcomed the agreement reached on 9 January 1998 on the new implementation timetable, which envisaged that major progress should be achieved by the end of February 1998 when the UNITA leadership had promised to install itself in Luanda and transfer its two strongholds to the control of State administration. Considering those developments, he recommended that the mandate of MONUA be extended for three months, until 30 April 1998. He also welcomed the ongoing contacts between the two parties concerning the meeting inside Angola of the President of Angola and the leader of UNITA.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹²⁸

The President further drew the attention of the Council to a letter dated 21 January 1998 from the Secretary-General addressed to the President of the Security Council,¹²⁹ transmitting the final timetable for the implementation of the Lusaka Protocol, which had

¹²⁶ S/PRST/1997/47.

¹²⁷ S/1998/17.

¹²⁸ S/1998/62.

¹²⁹ S/1998/56.

been approved by the Joint Commission on 9 January 1998.

The representative of Angola stated that they welcomed the recent positive developments in the peace process, particularly the advance in the normalization of State administration. He stressed that all Security Council resolutions and other decisions must continue to be enforced; restrictive and mandatory measures, particularly those contained in the Council's resolutions 864 (1993), 1127 (1997) and 1135 (1997), needed to be observed by all Member States and strictly monitored by the Committee on sanctions.¹³⁰

The representative of China stated that the peace process in Angola was at a crucial juncture and still needed the firm support of the United Nations, including the Security Council, and considering that the parties concerned in Angola were also requesting the United Nations to continue to play a positive role in the peace process, the Chinese delegation was in favour of extending the mandate of MONUA and would vote in favour of the draft resolution. However, he noted that when the Council adopted resolution 1118 (1997), the Chinese delegation expressed reservations with regard to certain functions of MONUA and that position remained unchanged.¹³¹

The representative of the Gambia stated that the continued presence of MONUA in Angola should not be limited by time bounds, but should rather be measured by the impact made in the implementation of the provisions of the Lusaka peace process. That presence could ensure concentration on the political, economic and social issues and challenges that desperately needed attention in Angola. Not only was that presence essential for the accomplishment of the mandated tasks of MONUA, but it was also necessary for the creation of conditions conducive to the holding of future elections.¹³²

Several other speakers spoke and welcomed the agreement by both parties on a timetable for the completion of the Lusaka Protocol by the end of February; welcomed the progress made in completing the outstanding provisions; supported the

recommendations made by the Secretary-General, included for the extension of the mandate of MONUA; and urged the international community to support the peace process. Several speakers stated that despite the progress made, the measures imposed by the Council on UNITA should be maintained in order to ensure the full compliance of UNITA with the commitments it made under the Lusaka Protocol. Several speakers expressed concern over reports that UNITA continued to regroup its military elements in some areas.¹³³

The representative of the United States urged the Government of Angola and UNITA to comply strictly with the timetable for the completion of the remaining tasks of the Lusaka Protocol and, in the spirit of national reconciliation, to exercise restraint and protect the rights of all Angolan citizens as the implementation of the peace process proceeded. As they had stated at the time of the adoption of resolution 1135 (1997), if UNITA moved rapidly to complete the remaining tasks in the peace process, the United States stood ready to reconsider the need for sanctions. He also urged the Government of Angola to withdraw its forces from the Republic of the Congo expeditiously.¹³⁴

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1149 (1998), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Expressing its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Having considered with appreciation the report of the Secretary-General of 12 January 1998,

Welcoming the timetable approved by the Joint Commission on 9 January 1998, according to which the Government of Angola and the União Nacional para a Independência Total de Angola agreed to complete the remaining tasks of the Lusaka Protocol by the end of February 1998,

Recognizing the important role of the United Nations Observer Mission in Angola at this critical stage of the peace process,

¹³⁰ S/PV.3850, pp. 2-3.

¹³¹ *Ibid.*, p. 10.

¹³² *Ibid.*, pp. 15-16.

¹³³ *Ibid.*, pp. 4-5 (Mozambique); pp. 5-6 (United Kingdom on behalf of the European Union); pp. 6-7 (Zimbabwe); p. 7 (Namibia); pp. 7-8 (Cape Verde); pp. 8-9 (Costa

Rica); pp. 9-10 (Brazil); pp. 10-11 (Sweden); p. 11 (Japan); pp. 11-12 (Russian Federation); pp. 12-13 (Slovenia); pp. 13-14 (Portugal); pp. 14-15 (Kenya); p. 16 (Bahrain); pp. 16-17 (Gabon); and p. 18 (France).

¹³⁴ *Ibid.*, pp. 17-18.

1. *Stresses* the urgent need for the Government of Angola and in particular the União Nacional para a Independência Total de Angola to complete, in accordance with the timetable approved by the Joint Commission on 9 January 1998, the implementation of their obligations under the Lusaka Protocol as well as to complete the implementation of their obligations under the “Acordos de Paz” and relevant Security Council resolutions;

2. *Decides* to extend the mandate of United Nations Observer Mission in Angola, including the military task force as outlined in paragraphs 35 and 36 of the report of the Secretary-General of 12 January 1998, until 30 April 1998;

3. *Requests* the Secretary-General to submit no later than 13 March 1998 a comprehensive report, which would also incorporate the report requested in paragraph 7 of resolution 1135 (1997) of 29 October 1997, on the situation in Angola, especially in regard to the implementation of the timetable approved by the Joint Commission, with recommendations regarding the possible reconfiguration before 30 April 1998 of the components of the Mission, referred to in section VII of the report of the Secretary-General of 12 January 1998, as well as preliminary recommendations regarding the United Nations presence in Angola after 30 April 1998;

4. *Stresses* the importance of strengthening the rule of law, including the full protection of all Angolan citizens throughout the national territory;

5. *Requests* the Government of Angola, in cooperation with the Mission, to take appropriate steps, including through its integrated national police and armed forces, to ensure an environment of confidence and safety in which the United Nations and humanitarian personnel may carry out their activities;

6. *Calls upon* the Government of Angola and in particular the União Nacional para a Independência Total de Angola to refrain from any action which might undermine the process of normalization of State administration or lead to renewed tensions;

7. *Demands* that the Government of Angola and in particular the União Nacional para a Independência Total de Angola cooperate fully with the Mission, including by providing full access for its verification activities, and reiterates its call upon the Government of Angola to notify the Mission in a timely manner of its troop movements, in accordance with the provisions of the Lusaka Protocol and established procedures;

8. *Reaffirms its readiness* to review the measures specified in paragraph 4 of resolution 1127 (1997) of 28 August 1997 or to consider the imposition of additional measures in accordance with paragraphs 8 and 9 of resolution 1127 (1997) and on the basis of the report referred to in paragraph 3 above;

9. *Reiterates its belief* that a meeting between the President of the Republic of Angola and the leader of the União

Nacional para a Independência Total de Angola could facilitate the process of peace and national reconciliation;

10. *Urges* the international community to provide assistance to facilitate the demobilization and social reintegration of ex-combatants, demining, the resettlement of displaced persons and the rehabilitation and reconstruction of the Angolan economy in order to consolidate the gains in the peace process;

11. *Endorses* the recommendation of the Secretary-General that his Special Representative continue to chair the Joint Commission, as established under the Lusaka Protocol, which has proved to be a vital mechanism for the advancement of the peace process;

12. *Expresses its appreciation* to the Secretary-General, his Special Representative and the personnel of the Mission for assisting the Government of Angola and the União Nacional para a Independência Total de Angola to implement the peace process;

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

Decision of 20 March 1998 (3863rd meeting): resolution 1157 (1998)

At the 3863rd meeting of the Security Council, held on 20 March 1998 in accordance with the understanding reached in its prior consultations, the President (Gambia), with the consent of the Council, invited the representative of Angola, at his request, to participate in the discussion without the right to vote.

The Council included in its agenda the report of the Secretary-General on MONUA dated 13 March 1998 submitted pursuant to Security Council resolution 1149 (1998), requesting him to submit a comprehensive report, which would also incorporate the update requested in paragraph 7 of resolution 1135 (1997) of 29 October 1997, on the implementation of the timetable approved by the Joint Commission on 9 January 1998.¹³⁵ In his report, the Secretary-General observed that while the failure to comply with the 9 January 1998 timetable for the implementation of the remaining tasks of the Lusaka Protocol had resulted in an impasse, largely due to the delaying tactics of UNITA, it was hoped that the adoption of the adjusted timetable would reinvigorate the peace process and urged both parties to abide strictly by the new understanding. He strongly deplored the attacks by UNITA on United Nations personnel in several areas in Angola and underlined that UNITA needed to unconditionally guarantee the safety and security of all international staff that had been assisting the Angolan people in their pursuit of a lasting

¹³⁵ S/1998/236.

peace. He reiterated that many of the remaining tasks could be completed swiftly, including the full normalization of State administration throughout Angola and the final resolution of all issues related to the leader of Angola's security detachment. He also underlined that a meeting between the President of Angola and the leader of UNITA might accelerate the peace process. Equally, UNITA leadership needed to move to Luanda, as agreed in the Lusaka Protocol. Regarding MONUA, it would be his intention, subject to security conditions on the ground and to the concurrence of the Security Council, to proceed with its reconfiguration as outlined in the report.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations,¹³⁶ which was voted upon and adopted unanimously as resolution 1157 (1998), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Expressing its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Having considered the report of the Secretary-General of 13 March 1998,

Deploring the failure by the União para a Independência Total de Angola to complete the implementation of the remaining tasks of the Lusaka Protocol according to the timetable approved by the Joint Commission on 9 January 1998,

Taking note of the declaration by the União Nacional para a Independência Total de Angola on the complete demilitarization of its forces as of 6 March 1998 and of the declaration by the Government of Unity and National Reconciliation on 11 March 1998 legalizing the status of the União Nacional para a Independência Total de Angola as a political party,

1. *Stresses* the urgent need for the Government of Unity and National Reconciliation and in particular the União Nacional para a Independência Total de Angola to complete immediately and without conditions the implementation of all remaining obligations under the "Acordos de Paz", the Lusaka Protocol, and relevant Security Council resolutions, and demands that the União Nacional para a Independência Total de Angola stop its pattern of delays and linkages;

2. *Calls upon* the Government of Unity and National Reconciliation and in particular the União Nacional para a Independência Total de Angola to complete immediately their obligations in the areas of demobilization of all remaining military elements of the União Nacional para a Independência

Total de Angola, normalization of State administration throughout the national territory, transformation of Radio Vorgan into a non-partisan broadcasting facility, as well as disarmament of the civilian population;

3. *Endorses* the planned visit by the Chairman of the Committee established pursuant to resolution 864 (1993) of 15 September 1993 to Angola and other interested countries to discuss the full and effective implementation of the measures specified in paragraph 4 of resolution 1127 (1997) of 28 August 1997 with a view to urging compliance by the União Nacional para a Independência Total de Angola with its obligations under the Lusaka Protocol and relevant Security Council resolutions;

4. *Calls upon* all Member States to implement fully and without delay the measures specified in paragraph 4 of resolution 1127 (1997), reiterates its request that Member States having information on flights and other actions prohibited in paragraph 4 of resolution 1127 (1997) provide this information to the Committee established pursuant to resolution 864 (1993), and requests the Secretary-General to report on those violations by the União Nacional para a Independência Total de Angola and certain Member States in the report referred to in paragraph 8 below;

5. *Reaffirms its readiness* to review the measures specified in paragraph 4 of resolution 1127 (1997) or to consider the imposition of additional measures in accordance with paragraphs 8 and 9 of resolution 1127 (1997);

6. *Endorses* the recommendation of the Secretary-General to resume the gradual downsizing of the military component of the United Nations Observer Mission in Angola before 30 April 1998, with the understanding that the withdrawal of all formed military units, with the exception of one infantry company, the helicopter unit and the signals and medical support units, will be completed as soon as conditions on the ground permit, but no later than 1 July 1998;

7. *Decides* to increase gradually and as needed the number of civilian police observers, giving special emphasis to their language qualifications, by up to eighty-three, to assist the Government of Unity and National Reconciliation and the União Nacional para a Independência Total de Angola to resolve disputes during the normalization of State administration, identify and investigate allegations of abuse, and facilitate the training of the Angolan National Police according to internationally accepted standards, and requests the Secretary-General to keep the modus operandi of the civilian police component under review and to report by 17 April 1998 on whether its tasks can be performed on the basis of a more limited increase in the number of personnel or with a reconfiguration of existing personnel;

8. *Takes note* of the recommendations contained in section IX of the report of the Secretary-General of 13 March 1998, and requests the Secretary-General to report by 17 April 1998 on the status of the implementation of the peace process, with final recommendations regarding the modalities of the United Nations presence in Angola after 30 April 1998, including

¹³⁶ S/1998/236.

the exit strategy and expected termination date of the Mission and the follow-on activities by the United Nations, after the termination of the Mission, to consolidate the peace process and assist in the social and economic recovery of Angola;

9. *Strongly condemns* the attacks by members of the União Nacional para a Independência Total de Angola on Mission personnel and on Angolan national authorities, and demands that the União Nacional para a Independência Total de Angola immediately stop such attacks, cooperate fully with the Mission and guarantee unconditionally the safety and freedom of movement of Mission and other international personnel;

10. *Calls upon* the Government of Unity and National Reconciliation to continue to give priority to peaceful actions that contribute to the successful conclusion of the peace process and to refrain from any action, including the excessive use of force, which might undermine the process of normalization of State administration or lead to renewed hostilities;

11. *Stresses* the importance of strengthening the rule of law, including the full protection of all Angolan citizens throughout the national territory;

12. *Urges* the Government of Unity and National Reconciliation and in particular the União Nacional para a Independência Total de Angola to cooperate fully with the National Institute for the Removal of Unexploded Ordnance and provide information on minefields, and urges the international community to continue to provide assistance to the demining programme;

13. *Reiterates its belief* that a meeting between the President of the Republic of Angola and the leader of the União Nacional para a Independência Total de Angola could accelerate the process of peace and national reconciliation, and urges the leadership of the União Nacional para a Independência Total de Angola to move to Luanda, as agreed upon in the Lusaka Protocol;

14. *Expresses its appreciation* to the Secretary-General, his Special Representative and the personnel of the Mission for assisting the Government of Angola and the União Nacional para a Independência Total de Angola to implement the peace process;

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

**Decision of 29 April 1998 (3876th meeting):
resolution 1164 (1998)**

At the 3876th meeting of the Security Council, held on 29 April 1998 in accordance with the understanding reached in its prior consultations, the President (Japan), with the consent of the Council, invited the representative of Angola, at his request, to participate in the discussion without the right to vote.

The Council included in its agenda the report of the Secretary-General on MONUA dated 16 April 1998 submitted pursuant to Security Council resolution 1157 (1998), reporting on the status of the implementation of the peace process, with recommendations regarding the modalities of the United Nations presence in Angola after 30 April 1998.¹³⁷ In his report, the Secretary-General observed that although the remaining tasks under the Lusaka Protocol were not fully completed by the 31 March 1998 deadline, most of the tasks contained had been carried out, including the promulgation into law of the special status of the leader of UNITA, the appointment of the governors and vice-governors nominated by UNITA, the return of some UNITA senior officials to Luanda, and the termination of Radio Vorgan broadcasts. At the same time, he was concerned at the slow pace of the implementation of the extension of State administration. He regretted that that had not ameliorated the security situation in the country, with the increase in armed attacks and acts of banditry a particular concern. It was also deplorable that the security of MONUA personnel and property was seriously undermined in several areas of Angola and that UNITA continued to impose restrictions on United Nations activities in some regions. He reiterated his recommendations that MONUA continue, with the necessary adjustments, to carry out its activities on the basis of the mandate and structure outlined in previous reports.¹³⁸ Apart from the military component the other substantive components of MONUA should continue their operations until the end of 1998, albeit at a progressively reduced level after September/October 1998. In the meantime, he recommended that the mandate of MONUA be extended for two months, until 30 June 1998.

The Vice-Minister of Territorial Administration of Angola stated that good progress had been made, but there was more to be done, particularly concerning the extension of State administration into all areas of Angola. He was pleased to note that the draft resolution before the Council called on all members of the international community, to implement fully the measures specified in paragraph 4 of resolution 1127 (1997). He reiterated that it remained critical to keep the pressure on UNITA to meet fully and quickly its obligations under the Lusaka Protocol. He reiterated his country's full support for maintaining peace, promoting national reconciliation and rebuilding the country.

¹³⁷ S/1998/333.

¹³⁸ S/1998/17 and S/1998/236.

Furthermore, he wanted to stress that his Government expected to be consulted by the Special Representative of the Secretary-General, in order to ensure the full implementation of paragraphs 8 to 12 of the draft resolution, which concerned specifically the structure and tasks to be assigned to MONUA after 30 June 1998.¹³⁹

The representative of Kenya stated that on the question of the existing sanctions against UNITA, that during his visit to Angola and States of the region, he had found those measures to be working effectively. There was political will on the part of the Member States to ensure compliance with the provisions of the Security Council resolutions. Nevertheless, there were some gaps that needed to be filled by Member States in attempting to fully implement those measures. He maintained that it would be in the interest of the Angolan peace process if those measures were made fully effective.¹⁴⁰

The representative of the United States stated that as the tasks of the Lusaka Protocol were complete, they would reconsider the need for sanctions against UNITA. However, the United States was increasingly concerned that the Government of Angola and UNITA were meeting the letter, but not the spirit, of the Lusaka Protocol.¹⁴¹

In the course of the debate, several speakers spoke and stated that while they were encouraged by the recent progress, they also were concerned with the slow pace of the extension of State administration and at the setbacks in the security situation. They expressed support for the Secretary-General's recommendations to extend the mandate of MONUA and make changes in its structure. Many speakers called for UNITA to cease all attempts to frustrate the work of MONUA and to allow the extension of central administration. Several speakers encouraged the long-delayed meeting between the President of Angola and the leader of UNITA to be held as soon as possible.¹⁴²

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1164 (1998), which reads:

The Security Council,

¹³⁹ S/PV.3876, pp. 2-3.

¹⁴⁰ *Ibid.*, pp. 6-7.

¹⁴¹ *Ibid.*, pp. 12-13.

¹⁴² *Ibid.*, p. 3 (United Kingdom on behalf of the European Union); p. 4 (Brazil); pp. 4-5 (Portugal); pp. 5-6

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Expressing its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Having considered the report of the Secretary-General of 16 April 1998,

Welcoming the recent steps by the Government of Unity and National Reconciliation and the União Nacional para a Independência Total de Angola towards completing the remaining tasks of the Lusaka Protocol including promulgation of the law granting special status to the leader of the União Nacional para a Independência Total de Angola, the appointment of the remaining governors and vice-governors nominated by the União Nacional para a Independência Total de Angola, agreement on a list of ambassadors nominated by the União Nacional para a Independência Total de Angola, cessation of broadcasts by Radio Vorgan and the arrival in Luanda of senior officials of the União Nacional para a Independência Total de Angola to prepare for the establishment of the headquarters of the União Nacional para a Independência Total de Angola in the capital,

1. *Calls upon* the Government of Unity and National Reconciliation and in particular the União Nacional para a Independência Total de Angola to complete all remaining obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions, including the normalization of State administration throughout the national territory as well as disarmament of the civilian population;

2. *Strongly reiterates its demand* that the União Nacional para a Independência Total de Angola stop its pattern of delays and linkages and cooperate immediately and without conditions in completing the normalization of State administration throughout the national territory, including in particular in Andulo and Bailundo;

3. *Takes note* of steps taken by the União Nacional para a Independência Total de Angola regarding some of the obligations set out in paragraphs 2 and 3 of resolution 1127 (1997) of 28 August 1997, and reaffirms its readiness to review the measures specified in paragraph 4 of resolution 1127 (1997) or to consider the imposition of additional measures in accordance with paragraphs 8 and 9 of resolution 1127 (1997);

4. *Strongly condemns* the attacks by members of the União Nacional para a Independência Total de Angola on the personnel of the United Nations Observer Mission in Angola, international personnel and Angolan national authorities, including the police, demands that the União Nacional para a Independência Total de Angola immediately stop such attacks,

(Russian Federation); p. 7 (France); pp. 7-8 (Sweden); pp. 8-9 (Slovenia); pp. 9-10 (Bahrain); p. 10 (China); pp. 10-11 (Gabon); pp. 11-12 (Costa Rica); p. 13 (Gambia); and pp. 13-14 (Japan).

and urges the Mission to investigate promptly the recent attack in N'gove;

5. *Calls upon* the Government of Unity and National Reconciliation and in particular the União Nacional para a Independência Total de Angola to guarantee unconditionally the safety, security and freedom of movement of all United Nations and international personnel;

6. *Also calls upon* the Government of Unity and National Reconciliation to refrain from any action, including the excessive use of force, which might undermine the process of normalization of State administration or lead to renewed hostilities, and encourages the Government to continue to give priority to peaceful actions that contribute to the successful conclusion of the peace process;

7. *Reiterates its belief* that a meeting in Angola between the President of the Republic of Angola and the leader of the União Nacional para a Independência Total de Angola could facilitate the successful conclusion of the peace process and accelerate the process of national reconciliation;

8. *Decides* to extend the mandate of the Mission until 30 June 1998;

9. *Reaffirms* paragraph 6 of resolution 1157 (1998) of 20 March 1998, and endorses the recommendation of the Secretary-General to complete the withdrawal of all military personnel, with the exception of one infantry company, the helicopter unit, the signals and medical support units and ninety military observers, no later than 1 July 1998, and in accordance with paragraph 38 of his report of 16 April 1998;

10. *Endorses* the recommendation of the Secretary-General in his report referred to in paragraph 9 above to deploy eighty-three additional civilian police observers, as authorized by resolution 1157 (1998), following consultations with the Government of Unity and National Reconciliation;

11. *Takes note with appreciation* of the recommendations of the Secretary-General contained in section IX of his report regarding the beginning of the drawdown of the military observers and civilian personnel of the Mission and the termination of the Mission, and expresses its intention to take a final decision by 30 June 1998 on the mandate, size and organizational structure of the Mission or a follow-on United Nations presence after that date, based on progress in the peace process and in the light of the report referred to in paragraph 12 below;

12. *Requests* the Secretary-General to submit a report by 17 June 1998 on the status of the peace process, with further recommendations regarding the mandate, size and organizational structure of the Mission or a follow-on United Nations presence after 30 June 1998 and revised estimates of the cost of that United Nations presence;

13. *Expresses its appreciation* to the Chairman of the Committee established pursuant to resolution 864 (1993) who visited Angola and other interested countries and reinforced the need for full and effective implementation of the measures specified in paragraph 4 of resolution 1127 (1997) in order to achieve compliance by the União Nacional para a Independência Total de Angola with its obligations under the Lusaka Protocol and relevant Security Council resolutions;

14. *Calls upon* all Member States to implement fully and without delay the measures specified in paragraph 4 of resolution 1127 (1997), reiterates its request that Member States having information on flights and other actions prohibited in paragraph 4 of resolution 1127 (1997) provide this information to the Committee established pursuant to resolution 864 (1993), and requests the Secretary-General to report on those violations by the União Nacional para a Independência Total de Angola and certain Member States in the report referred to in paragraph 12 above;

15. *Expresses its appreciation* to the Secretary-General, his Special Representative and the personnel of the Mission for assisting the Government of Angola and the União Nacional para a Independência Total de Angola to implement the peace process;

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

Decision of 22 May 1998 (3884th meeting): statement by the President

At the 3884th meeting of the Security Council, held on 22 May 1998 in accordance with the understanding reached in its prior consultations, the President (Kenya), with the consent of the Council, invited the representative of Angola, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:¹⁴³

The Security Council strongly condemns the armed attack in Angola on 19 May 1998 against personnel from the United Nations and the Angolan National Police, in which one person was killed and three people were seriously injured. It demands that the Government of Unity and National Reconciliation and in particular the União Nacional para a Independência Total de Angola guarantee unconditionally the safety and freedom of movement of all United Nations and other international personnel.

The Council strongly deplores the failure by the União Nacional para a Independência Total de Angola to complete the implementation of its remaining obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Council resolutions, especially its failure to cooperate in completing the normalization of State administration throughout the national territory, including in particular in Andulo and Bailundo. It also strongly condemns the confirmed attacks by members of the União

¹⁴³ S/PRST/1998/14.

Nacional para a Independência Total de Angola on the personnel of the United Nations Observer Mission in Angola, international personnel and Angolan national authorities. The Council expresses its deep concern at the serious abuses committed by the Angolan National Police, particularly in areas recently transferred to State administration, as well as at the recent increase in hostile propaganda. The lack of progress in completing the remaining tasks of the peace process has led to a serious deterioration in the military and security situation in the country. The Council calls upon the Government of Unity and National Reconciliation and the União Nacional para a Independência Total de Angola in the strongest terms to refrain from any action which might lead to renewed hostilities or derail the peace process.

The Council endorses the plan for the completion of the remaining tasks of the Lusaka Protocol by 31 May 1998 that was submitted by the Special Representative of the Secretary-General to the Joint Commission on 15 May 1998. The Council demands that the Government of Unity and National Reconciliation and in particular the União Nacional para a Independência Total de Angola fulfil their obligations in accordance with this plan. In this context, the Council reaffirms its readiness to review the measures specified in paragraph 4 of resolution 1127 (1997) of 28 August 1997 and to consider the imposition of additional measures in accordance with paragraphs 8 and 9 of resolution 1127 (1997).

The Council expresses its appreciation to the Secretary-General, his Special Representative, and the personnel of the Mission for their efforts to assist the Government of Unity and National Reconciliation and the União Nacional para a Independência Total de Angola to implement their peace process obligations.

The Council will remain actively seized of this matter.

**Decision of 12 June 1998 (3891st meeting):
resolution 1173 (1998)**

At the 3891st meeting of the Security Council, held on 12 June 1998 in accordance with the understanding reached in its prior consultations, the President (Portugal), with the consent of the Council, invited the representative of Angola, at his request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁴⁴

He further drew the attention of the Council to a letter dated 12 June 1998 from Portugal addressed to the

President of the Security Council,¹⁴⁵ transmitting a press release issued on 2 June 1998 by MONUA, in which the troika of observer States to the Angolan Peace Process deplored continuing delays by UNITA in the conclusion of the extension of State administration.

The representative of Angola stated that his delegation had to once more inform the Council of their concern at the instability in Angola brought about by the destabilizing activities carried out by UNITA, which had significantly damaged the prospects for immediate peace. Those armed activities had to be stopped to prevent another armed confrontation in Angola, which could have catastrophic results. While State administration was already starting to have its effect in areas formerly controlled by UNITA, and the lives of rural population had been slowly returning to normal, all of that was being impeded by obstacles to the free circulation of people and goods and by increasing attacks on villages and towns by UNITA military forces, which did not augur well for the efforts aimed at the full implementation of the Lusaka Protocol.¹⁴⁶

During the course of the debate several other speakers spoke, expressing concern at the deterioration in the situation and the increase in armed incidents, including against the United Nations Mission and urging UNITA to fulfil its remaining obligations by the deadline for the automatic imposition of sanctions. Many speakers praised the constructive attitude of the Government of Angola, while some also urged them to exercise patience and restraint.¹⁴⁷

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1173 (1998), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolution 1127 (1997) of 28 August 1997,

Reaffirming its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Expressing its grave concern at the critical situation in the peace process, which is the result of the failure by the União Nacional para a Independência Total de Angola to implement its obligations under the "Acordos de Paz", the Lusaka Protocol

¹⁴⁴ S/1998/504.

¹⁴⁵ S/1998/503.

¹⁴⁶ S/PV.3891, pp. 2-3.

¹⁴⁷ *Ibid.*, p. 3 (United Kingdom on behalf of the European Union). Before the vote: p. 4 (Brazil); pp. 4-5 (Costa

Rica); pp. 5-6 (Russian Federation); p. 6 (China); p. 6

(Sweden); pp. 6-7 (Gambia); p. 7 (Japan); pp. 7-8

(Bahrain); pp. 8-9 (Slovenia); p. 9 (France); pp. 9-10

(United States); p. 10 (Kenya); and pp. 10-11 (Portugal).

relevant Security Council resolutions and the plan for the completion by 31 May 1998 of the remaining tasks of the Lusaka Protocol, which was submitted by the Special Representative of the Secretary-General to the Joint Commission on 15 May 1998,

Recalling the statement by its President of 22 May 1998,

Recognizing the steps taken by the Government of Unity and National Reconciliation to fulfil its obligations under the above-mentioned plan to cease the dissemination of hostile propaganda on State-controlled media and to reduce cases of abuse by the Angolan National Police,

Taking note of the statement of 2 June 1998 issued by the Mission regarding the continued existence of non-demobilized forces of the União Nacional para a Independência Total de Angola,

A

1. *Condemns* the União Nacional para a Independência Total de Angola, and holds its leadership responsible, for its failure to implement fully its obligations contained in the Lusaka Protocol, relevant Security Council resolutions, in particular resolution 1127 (1997), and the plan submitted by the Special Representative of the Secretary-General to the Joint Commission;

2. *Demands* that the União Nacional para a Independência Total de Angola fully cooperate without conditions in the immediate extension of State administration throughout the national territory, including in particular in Andulo, Bailundo, Mungo and Nharea, and stop any attempts to reverse this process;

3. *Reiterates its demand* that the União Nacional para a Independência Total de Angola complete its demilitarization and stop any attempts to restore its military capabilities;

4. *Demands* that the União Nacional para a Independência Total de Angola cooperate fully with the United Nations Observer Mission in Angola in the verification of its demilitarization;

5. *Demands also* that the União Nacional para a Independência Total de Angola stop any attacks by its members on the personnel of the Mission, international personnel, the authorities of the Government of Unity and National Reconciliation, including the police, and the civilian population;

6. *Urges* the Government of Unity and National Reconciliation to continue to refrain from any action, including the excessive use of force, which might undermine the process of normalization of State administration, encourages the Government to make use of the personnel of the União Nacional para a Independência Total de Angola, as appropriate and in accordance with the provisions of the Lusaka Protocol, in areas to which State administration is extended, and also encourages the Government to continue to give priority to peaceful actions that contribute to the successful conclusion of the peace process;

7. *Calls upon* the Government of Unity and National Reconciliation and in particular the União Nacional para a

Independência Total de Angola to avoid taking any action which might lead to renewed hostilities or undermine the peace process;

8. *Stresses* the importance of strengthening the rule of law, including the full protection of all Angolan citizens throughout the national territory;

9. *Calls upon* the Government of Unity and National Reconciliation and in particular the União Nacional para a Independência Total de Angola to guarantee unconditionally the safety, security and freedom of movement of all United Nations and international personnel;

10. *Requests* the Secretary-General to redeploy Mission personnel immediately and, as appropriate, to support and facilitate the extension of State administration throughout the national territory, including in particular in Andulo, Bailundo, Mungo and Nharea, and calls upon the União Nacional para a Independência Total de Angola to cooperate fully in this regard;

B

Recalling paragraph 9 of resolution 1127 (1997),

Determining that the current situation in Angola constitutes a threat to international peace and security in the region,

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

11. *Decides* that all States, except Angola, in which there are funds and financial resources, including any funds derived or generated from property of the União Nacional para a Independência Total de Angola as an organization or of senior officials of the União Nacional para a Independência Total de Angola or adult members of their immediate families designated pursuant to paragraph 11 of resolution 1127 (1997), shall require all persons and entities within their own territories holding such funds and financial resources to freeze them and ensure that they are not made available directly or indirectly to or for the benefit of the União Nacional para a Independência Total de Angola as an organization or of senior officials of the União Nacional para a Independência Total de Angola or adult members of their immediate families designated pursuant to paragraph 11 of resolution 1127 (1997);

12. *Decides also* that all States shall take the necessary measures:

(a) To prevent all official contacts with the leadership of the União Nacional para a Independência Total de Angola in areas of Angola to which State administration has not been extended, except for those by representatives of the Government of Unity and National Reconciliation, of the United Nations and of the Observer States to the Lusaka Protocol;

(b) To prohibit the direct or indirect import from Angola to their territory of all diamonds that are not controlled through the Certificate-of-Origin regime of the Government of Unity and National Reconciliation;

(c) To prohibit, upon notification by the Chairman of the Committee established pursuant to resolution 864 (1993) of 15

September 1993 of all Member States of guidelines approved by that Committee, the sale or supply to persons or entities in areas of Angola to which State administration has not been extended, by their nationals or from their territory, or using their flag vessels or aircraft, of equipment used in mining or mining services;

(d) To prohibit, upon notification by the Chairman of the Committee established pursuant to resolution 864 (1993) of 15 September 1993 of all Member States of guidelines approved by that Committee, the sale or supply to persons or entities in areas of Angola to which State administration has not been extended, by their nationals or from their territory, or using their flag vessels or aircraft, of motorized vehicles or watercraft or spare parts for such vehicles, or ground or waterborne transportation services;

13. *Decides further* that the Committee established pursuant to resolution 864 (1993) may authorize, on a case-by-case basis, upon a no-objection procedure, exemptions to the measures specified in paragraphs 11 and 12 above for verified medical and humanitarian purposes;

14. *Decides* that the measures specified in paragraphs 11 and 12 above shall come into force without further notice at 0001 hours Eastern Daylight Time on 25 June 1998, unless the Security Council decides, on the basis of a report by the Secretary-General, that the União Nacional para a Independência Total de Angola has fully complied by 23 June 1998 with all its obligations under paragraph 2 above;

15. *Expresses its readiness* to review the measures specified in paragraphs 11 and 12 above and in paragraph 4 of resolution 1127 (1997) and terminate them, if the Secretary-General reports at any time that the União Nacional para a Independência Total de Angola has fully complied with all its relevant obligations;

16. *Expresses its readiness also* to consider the imposition of further additional measures if the União Nacional para a Independência Total de Angola does not fully comply with its obligations under the “Acordos de Paz”, the Lusaka Protocol and relevant Security Council resolutions;

17. *Calls upon* all States and all international and regional organizations to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of adoption of the present resolution;

18. *Also calls upon* all States to implement strictly the measures imposed in paragraphs 19 to 21 of resolution 864 (1993) and paragraph 4 of resolution 1127 (1997), as well as to comply with paragraph 6 of resolution 1127 (1997);

C

19. *Requests* the Government of Unity and National Reconciliation to designate, and to notify to the Committee

established pursuant to resolution 864 (1993), the areas of Angola to which State administration has not been extended;

20. *Requests* the Committee established pursuant to resolution 864 (1993):

(a) To draw up guidelines expeditiously for the implementation of paragraphs 11 and 12 above and to consider ways and means for further strengthening the effectiveness of the measures adopted by the Council in its previous resolutions;

(b) To report to the Council by 31 July 1998 regarding the actions taken by States to implement the measures specified in paragraphs 11 and 12 above;

21. *Requests* Member States to provide to the Committee established pursuant to resolution 864 (1993), no later than 15 July 1998, information on the measures they have adopted to implement the provisions of paragraphs 11 and 12 above;

22. *Also requests* Member States having information about any violations of the provisions of the present resolution to provide this information to the Committee established pursuant to resolution 864 (1993) for distribution to Member States;

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

**Decision of 24 June 1998 (3894th meeting):
resolution 1176 (1998)**

By a letter dated 24 June 1998 addressed to the President of the Security Council,¹⁴⁸ the Secretary-General referred to paragraph 14 of Security Council resolution 1173 (1998), in which the Council had decided that additional measures against UNITA would come into force on 25 June 1998, unless UNITA fully cooperated, by 23 June, in the immediate extension of State administration throughout Angola. He stated that while the leader of UNITA had not set specific dates for the implementation of the extension of State administration in the four strategic localities, the leader had expressed his willingness to cooperate in the normalization of those localities by 30 June 1998. As the President of Angola and the Joint Commission had agreed to that proposal, the Secretary-General recommended to the Security Council to postpone the date of the entry into force of the additional measures against UNITA to 30 June 1998.

At its 3894th meeting, held on 24 June 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. After the agenda was adopted, the President (Portugal), with the consent of the Council, invited the

¹⁴⁸ S/1998/566.

representative of Angola, at his request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁴⁹ The draft resolution was put to the vote and adopted unanimously as resolution 1176 (1998), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolution 1173 (1998) of 12 June 1998,

Taking note of the letter dated 24 June 1998 from the Secretary-General to the President of the Security Council,

Determining that the current situation in Angola constitutes a threat to international peace and security in the region,

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

1. *Demands* that the União Nacional para a Independência Total de Angola comply fully and unconditionally with the obligations referred to in resolution 1173 (1998);

2. *Decides* that, notwithstanding paragraph 14 of resolution 1173 (1998), the measures specified in paragraphs 11 and 12 of resolution 1173 (1998) shall come into force without further notice at 0001 hours Eastern Daylight Time on 1 July 1998, unless the Security Council decides, on the basis of a report by the Secretary-General, that the União Nacional para a Independência Total de Angola has fully complied with all its obligations under paragraph 2 of resolution 1173 (1998);

3. *Requests* the Committee established pursuant to resolution 864 (1993), notwithstanding paragraph 20 (b) of resolution 1173 (1998), to report to the Council by 7 August 1998 regarding the actions taken by States to implement the measures specified in paragraphs 11 and 12 of resolution 1173 (1998);

4. *Requests* Member States, notwithstanding paragraph 21 of resolution 1173 (1998), to provide to the Committee established pursuant to resolution 864 (1993), no later than 22 July 1998, information on the measures they have adopted to implement the provisions of paragraphs 11 and 12 of resolution 1173 (1998);

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

**Decision of 29 June 1998 (3899th meeting):
resolution 1180 (1998)**

At the 3899th meeting of the Security Council, held on 29 June 1998 in accordance with the understanding reached in its prior consultations, the

President (Portugal), with the consent of the Council, invited the representatives of Angola and Mali, at their request, to participate in the discussion without the right to vote.

At the same meeting the Deputy Secretary-General, the President of the Security Council, and the representatives of Angola and Mali made expressions of sympathy in connection with the deaths of the Special Representative of the Secretary-General for Angola and his colleagues in MONUA.¹⁵⁰

The Council included in its agenda the report of the Secretary-General on MONUA dated 17 June submitted pursuant to paragraph 12 of Security Council resolution 1164 (1998).¹⁵¹ The Secretary-General observed that the situation in Angola had continued to deteriorate quickly and had become critical. That deterioration was attributable, for the most part, to the failure of UNITA to fulfil its obligations and to implement the well-balanced plan which his Special Representative had offered to the parties on 15 May. Some of the statements reportedly made by the leader of UNITA could only increase the very serious concern of the international community. In a meeting the UNITA leader reportedly told his supporters that the impositions of additional sanctions would be considered as an attack against UNITA, to which it should be "ready to respond", and as a result he "would not be able" to hand over Bailundo and Andulo to the Government. At the same time, the President of Angola had stated that it was still possible to save the Angola peace process and that his Government would continue, until the end of June, to work with the international community to seek a peaceful solution. The Secretary-General recommended that if the demands contained in Security Council resolution 1173 (1998) were duly implemented, that the mandate of MONUA be extended for two months, and that the strength of MONUA be maintained at the present level. However, should it become clear that there was no political will to complete the peace process expeditiously, he intended to resume the withdrawal of United Nations troops in accordance with resolution 1164 (1998) and to stop the deployment to Angola of the additional police observers whose presence was intended to enhance confidence between the parties and to consolidate the deployment of MONUA throughout the country. It would also become necessary in such a

¹⁴⁹ S/1998/569.

¹⁵⁰ S/PV.3899, pp. 2-3.

¹⁵¹ S/1998/524.

situation to review the United Nations involvement in Angola.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁵² The draft resolution was put to the vote and adopted unanimously as resolution 1180 (1998), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolution 1173 (1998) of 12 June 1998 and resolution 1176 (1998) of 24 June 1998,

Reaffirming its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Having considered the report of the Secretary-General of 17 June 1998,

Expressing concern in the strongest terms at the critical situation in the peace process, which is the result of the failure by the União Nacional para a Independência Total de Angola to complete its obligations under the "Acordos de Paz", the Lusaka Protocol, and relevant Security Council resolutions, including in particular its obligation to cooperate fully and without conditions in the immediate extension of State administration throughout the national territory,

Expressing its grave concern at the deterioration of the security situation in Angola as a result of the reoccupation by the União Nacional para a Independência Total de Angola of localities where State administration was recently established, attacks by armed elements of the União Nacional para a Independência Total de Angola, new minelaying activity, and banditry,

Noting with deep concern cases of serious abuse by some elements of the Angolan National Police, and stressing the importance of strengthening the rule of law, including the full protection of all Angolan citizens throughout the national territory,

Recognizing the important role of the United Nations Observer Mission in Angola at this critical stage of the peace process,

1. *Welcomes* the recommendations of the Secretary-General in paragraph 44 of his report of 17 June 1998, and decides to extend the mandate of the United Nations Observer Mission in Angola until 15 August 1998;

2. *Decides* to resume the withdrawal of the military component of the Mission in accordance with paragraph 9 of resolution 1164 (1998) of 29 April 1998 as soon as conditions permit;

3. *Requests* the Secretary-General to reconsider the deployment of the additional civilian police observers authorized under paragraph 10 of resolution 1164 (1998), taking into account conditions on the ground and progress in the peace process;

4. *Also requests* the Secretary-General to submit a report, as necessary, but no later than 7 August 1998, with recommendations regarding the involvement of the United Nations in Angola, taking into account the safety and freedom of movement of Mission personnel and the status of the peace process;

5. *Reiterates its demand* that the União Nacional para a Independência Total de Angola immediately stop any attacks by its members on Mission personnel, international personnel, the authorities of the Government of Unity and National Reconciliation, including the police, and the civilian population, and calls again upon the Government and in particular the União Nacional para a Independência Total de Angola to guarantee unconditionally the safety and freedom of movement of all United Nations and international personnel;

6. *Demands* that the Government of Unity and National Reconciliation and in particular the União Nacional para a Independência Total de Angola cooperate fully with the Mission in providing full access for its verification activities, including the verification of the full demilitarization of the União Nacional para a Independência Total de Angola, and reiterates its call upon the Government to notify the Mission in a timely manner of its troop movements, in accordance with the provisions of the Lusaka Protocol and established procedures;

7. *Calls upon* the Government of Unity and National Reconciliation and in particular the União Nacional para a Independência Total de Angola to refrain from the laying of new mines;

8. *Expresses its appreciation* to the Secretary-General, his Special Representative and the personnel of the Mission for assisting the Government of Unity and National Reconciliation and the União Nacional para a Independência Total de Angola to implement the peace process;

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

Decision of 13 August 1998 (3916th meeting): resolution 1190 (1998)

At the 3916th meeting of the Security Council, held on 13 August 1998 in accordance with the understanding reached in its prior consultations, the President (Slovenia), with the consent of the Council, invited the representative of Angola, at his request, to participate in the discussion without the right to vote.

The Council included in its agenda the report of the Secretary-General on MONUA dated 7 August 1998,

¹⁵² S/1998/577.

submitted pursuant to paragraph 4 of Security Council resolution 1180 (1998) giving recommendations regarding United Nations involvement in Angola.¹⁵³ The Secretary-General observed that there had been no improvement in the already deplorable situation and that the country continued to drift towards full-fledged hostilities. He informed the Council that he had decided to send his Special Envoy to Angola, who would assess the various aspects of the situation and advise him on the possible course of action. After his mission was completed, he would be in a better position to make recommendations about the future role of the United Nations in Angola. In the meantime, he recommended that the Security Council extend the mandate of MONUA for one month until 15 September 1998.

At the same meeting the President drew the attention of the Council to a draft resolution submitted by Portugal, the Russian Federation and the United States.¹⁵⁴

He further drew the attention of the Council to a letter dated 7 August 1998 from the Acting Chairman of the Security Council Committee established by resolution 864 (1993) concerning the situation in Angola addressed to the President of the Security Council, transmitting a report of the Committee.¹⁵⁵

The representative of Angola stated that the peace process was taking a serious and dangerous turn owing to the progressive and rapid deterioration of the security situation. UNITA, instead of fulfilling its commitments and obligations, had chosen to launch armed attacks with a view to occupying additional territory. It had reoccupied 90 localities where State administration had already been normalized. This pattern of violations not only cast serious doubts on its commitment to the full implementation of the Lusaka Protocol but had led them to believe that it was a strategy to provoke chaos, hoping to create an environment for UNITA to assume power in Angola by force. Stronger action was needed to force UNITA to stop such barbaric actions. The Angolan Government, as a member of the United Nations family, was entitled to receive the necessary support from the United Nations in order to prevent a new escalation of the war. Therefore, he believed that in order to be more

effective, the existing sanctions needed to be coupled with other measures likely to tighten the isolation of the military wing of UNITA.¹⁵⁶

Several other speakers stated their support for the extension of the mandate of MONUA, and called on UNITA to fulfil all its outstanding obligations and put an end to the violence against MONUA and the Government and people of Angola. Most speakers welcomed the appointment of the new Special Representative of the Secretary-General and the dispatch of the Under-Secretary-General and the Special Envoy.¹⁵⁷

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1190 (1998), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions, including resolutions 864 (1993) of 15 September 1993, 1127 (1997) of 28 August 1997 and 1173 (1998) of 12 June 1998,

Reaffirming also its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Strongly deploring the deteriorating political and security situation in Angola, which is primarily the result of the failure by the União Nacional para a Independência Total de Angola to complete its obligations under the “Acordos de Paz”, the Lusaka Protocol and relevant Security Council resolutions,

Taking note of recent positive steps to restore confidence in the peace process,

Having considered the report of the Secretary-General of 6 August 1998,

1. *Welcomes* the decision by the Secretary-General to dispatch a Special Envoy to assess the situation in Angola and advise on a possible course of action, and requests the Secretary-General to submit, no later than 31 August 1998, a report with recommendations regarding the future role of the United Nations in Angola;

2. *Expresses its intention* to review the recommendations referred to in paragraph 1 above and to consider appropriate actions;

3. *Decides* to extend the mandate of the United Nations Observer Mission in Angola until 15 September 1998, and takes note of the considerations specified in paragraph 38 of the report

(Portugal); p. 5 (Sweden); pp. 5-6 (Costa Rica); pp. 6-7 (China); p. 7 (Gambia); pp. 7-8 (Japan); p. 8 (France); pp. 8-9 (Russian Federation); p. 9 (Gabon); pp. 9-10 (Bahrain); pp. 10-11 (Kenya); p. 11 (United States); and pp. 11-12 (Slovenia).

¹⁵³ S/1998/723.

¹⁵⁴ S/1998/749.

¹⁵⁵ S/1998/728.

¹⁵⁶ S/PV.3916, pp. 2-3.

¹⁵⁷ *Ibid.*, pp. 3-4 (Brazil); p. 4 (United Kingdom); pp. 4-5

of the Secretary-General of 6 August 1998 regarding the deployment of the Mission throughout the country;

4. *Calls upon* the Government of Unity and National Reconciliation and in particular the União Nacional para a Independência Total de Angola in the strongest terms to refrain from any steps which could further exacerbate the present situation;

5. *Demands* that the União Nacional para a Independência Total de Angola comply immediately and without conditions with its obligations under the Lusaka Protocol and with relevant Security Council resolutions, in particular the complete demilitarization of its forces and full cooperation in the immediate and unconditional extension of State administration throughout the national territory, in order to prevent a further deterioration of the political and security situation;

6. *Demands also* that the União Nacional para a Independência Total de Angola cease its reoccupation of localities where State administration was established and stop attacks by its members on civilians, authorities of the Government of Unity and National Reconciliation, including the police, and United Nations and international personnel;

7. *Calls upon* the Government of Unity and National Reconciliation and the União Nacional para a Independência Total de Angola to cease hostile propaganda, refrain from laying new mines, stop forced conscriptions and renew efforts towards national reconciliation, including by implementing confidence-building measures, such as the reactivation of the joint mechanisms in the provinces and the disengagement of military forces on the ground;

8. *Calls upon* the Government of Unity and National Reconciliation to ensure that the Angolan National Police refrain from practices inconsistent with the Lusaka Protocol and to respect the legal activities of the União Nacional para a Independência Total de Angola as a political party in accordance with the Lusaka Protocol;

9. *Demands* that the Government of Unity and National Reconciliation and in particular the União Nacional para a Independência Total de Angola cooperate fully with the Mission in providing full access for its verification activities and guarantee unconditionally the safety and freedom of movement of all United Nations and international personnel, including those providing humanitarian assistance;

10. *Expresses its firm belief* that a meeting in Angola between the President of the Republic of Angola and the leader of the União Nacional para a Independência Total de Angola could provide momentum to the peace process;

11. *Calls upon* Member States to implement fully the relevant provisions of resolutions 864 (1993), 1127 (1997) and 1173 (1998);

12. *Welcomes* the appointment of a new Special Representative to Angola, and urges the Government of Unity and National Reconciliation and the União Nacional para a Independência Total de Angola to cooperate fully with him in promoting peace and national reconciliation;

13. *Encourages* the Secretary-General to continue his personal engagement in the peace process;

14. *Expresses its appreciation* to the personnel of the Mission;

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

Decision of 15 September 1998 (3925th meeting): resolution 1195 (1998)

At the 3925th meeting of the Security Council, held on 15 September 1998 in accordance with the understanding reached in its prior consultations, the President (Sweden), with the consent of the Council, invited the representative of Angola, at his request, to participate in the discussion without the right to vote.

The Council included in its agenda the report of the Secretary-General on MONUA dated 7 September 1998 submitted pursuant to paragraph 1 of Security Council resolution 1190 (1998).¹⁵⁸ In his report, the Secretary-General observed that the situation had continued to deteriorate and both parties seemed to be preparing themselves for a confrontation. The conflict in the Democratic Republic of the Congo had brought a new dimension to the crisis and complicated the situation further, as evidenced by the involvement of Angolan military units in that country. In addition, the decision to suspend the UNITA members of the Government and the National Assembly raised doubts about the prospects for national reconciliation. He believed that the international community should give the Angolan parties an additional chance to return to the peace process and to allow his new Special Representative to explore with the parties effective ways and means of overcoming the current difficulties. On that basis, he proposed that the mandate of MONUA be extended until 31 January 1999, on the understanding that the Security Council would conduct a comprehensive review of the situation by the end of November 1998. If at that time there had been no substantial progress towards full compliance by the parties with their respective obligations it would be incumbent on the Council to take the necessary action and a reduction of MONUA would be accelerated with

¹⁵⁸ S/1998/838.

a view to closing it down by early February 1999. However, if decisive progress was made by the parties by the end of November, MONUA would be allowed to carry out its mandate.

At the same meeting, the President drew the attention of the Council to identical letters dated 11 September from the representative of Angola addressed to the President of the Security Council and the Secretary-General,¹⁵⁹ respectively, transmitting a letter dated 10 September 1998. By the letter, the President of Angola informed the Council that the leader of UNITA, Mr. Savimbi, had again launched a military campaign all over the national territory and had hardened his positions against the Angolan Government, the Troika of Observers and the United Nations themselves. This was an unequivocal demonstration that the leader of UNITA no longer considered the Lusaka Protocol a valid instrument for the establishment of peace in Angola and he expressed his belief that diplomatic means would no longer have any effect on Mr. Savimbi's position. Given the facts, the Government of Angola had decided to break its dialogue with Mr. Savimbi. He also informed the Council that the countries of southern Africa had reached the same conclusions as the Angolan Government and believed that Mr. Savimbi and his military forces were a serious and continuous threat to peace in the subregion as well as in Central Africa; therefore, it was necessary to unite means, actions and forces in the region so as to combat and neutralize the war machine of UNITA. However, a large group of UNITA political and military leaders had broken away from their leader, whom they had removed from the leadership of the party, and created a Renovation Committee that had provisionally assumed the mandate position until the party held its Congress. The Renovation Committee had decided to assume the position of interlocutor with the Government, the troika of observers and the Special Representative in the peace process. The Angolan Government had decided to recognize the UNITA Renovation Committee as the only legitimate interlocutor for the conclusion of the Lusaka Protocol and requested that the Security Council support their position.

At the same meeting the President drew the attention of the Council to a draft resolution submitted by Kenya, Portugal, the Russian Federation, Slovenia and the United States.¹⁶⁰ The draft resolution was put to

the vote and adopted unanimously as resolution 1195 (1998), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Reaffirming its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Taking note of the letter dated 10 September 1998 from the President of the Republic of Angola to the Secretary-General,

Having considered the report of the Secretary-General of 7 September 1998,

1. *Emphasizes* that the primary cause of the crisis in Angola and of the current impasse in the peace process is the failure by the leadership of the União Nacional para a Independência Total de Angola to comply with its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions, and demands that the União Nacional para a Independência Total de Angola comply immediately and without conditions with its obligations, in particular the complete demilitarization of its forces and full cooperation in the immediate and unconditional extension of State administration throughout the national territory;

2. *Demands* that the União Nacional para a Independência Total de Angola withdraw immediately from territories it has occupied through military action;

3. *Reiterates its full support* for the implementation of the Lusaka Protocol;

4. *Demands* that the União Nacional para a Independência Total de Angola transform itself into a genuine political party through the dismantling of its military structure, and, in the context of the full implementation of the Lusaka Protocol, strongly urges the Angolan authorities to reconsider their decision to suspend the participation of members of the União Nacional para a Independência Total de Angola in the Government of Unity and National Reconciliation and in the National Assembly;

5. *Calls upon* Member States to implement fully the relevant provisions of resolutions 864 (1993) of 15 September 1993, 1127 (1997) of 28 August 1997 and 1173 (1998) of 12 June 1998;

6. *Strongly urges* the Government of Angola, the União Nacional para a Independência Total de Angola and States in the region to reject military action, to pursue dialogue to resolve the crisis and to refrain from any steps which could exacerbate the current situation;

7. *Reiterates its support* to the Secretary-General for his personal engagement in the peace process, and urges the Government of Angola and the União Nacional para a

¹⁵⁹ S/1998/847.

¹⁶⁰ S/1998/850.

Independência Total de Angola to cooperate fully with the Special Representative of the Secretary-General and with other relevant initiatives by Member States to seek a peaceful resolution of the crisis;

8. *Decides* to extend the mandate of the United Nations Observer Mission in Angola until 15 October 1998 and to assess the overall situation and take action on the future role of the United Nations in Angola on the basis of a report and recommendations to be submitted by the Secretary-General no later than 8 October 1998;

9. *Endorses* the decision of the Secretary-General to instruct the Mission to adjust its deployment on the ground, as needed, to ensure the safety and security of Mission personnel, and demands that the Government of Angola and in particular the União Nacional para a Independência Total de Angola guarantee unconditionally the safety and freedom of movement of the Special Representative of the Secretary-General and all United Nations and international humanitarian personnel, including those providing humanitarian assistance;

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

**Decision of 15 October 1998 (3936th meeting):
resolution 1202 (1998)**

At the 3936th meeting of the Security Council, held on 15 October 1998 in accordance with the understanding reached in its prior consultations, the President (United Kingdom), with the consent of the Council, invited the representative of Angola, at his request, to participate in the discussion without the right to vote.

The Council had before it the report of the Secretary-General on MONUA dated 8 October 1998, submitted pursuant to paragraph 8 of Security Council resolution 1195 (1998).¹⁶¹ In his report, the Secretary-General noted that the most significant negative development was the breaking by the Government of all contacts with UNITA and their recognition of the leadership of UNITA Renovation Committee. Although some UNITA members in the National Assembly and the Government of Unity and National Reconciliation had disassociated themselves from the leader of UNITA, the UNITA leadership in Andulo had insisted that it remained the legitimate partner in the peace process, thus creating a conflicting situation over the representation of UNITA in the Joint Commission and preventing that important body from effectively carrying out its duties. He observed that while the

international community had agreed that UNITA bore the primary responsibility for the crisis, a political settlement remained the most viable means to restore normalcy. To that end, it was important to keep the door to dialogue open. Accordingly, he had instructed his Special Representative to maintain contacts with all concerned, old parties and new. In view of those considerations, he recommended that the Security Council extend MONUA for another short period of up to six weeks, in order to give his Special Representative an additional opportunity to revive the stalled peace process. If after the expiration of the proposed extension the pattern of UNITA non-compliance with those obligations continued, he would have no alternative for the Council but to propose an immediate readjustment of the United Nations presence. On the humanitarian side, special urgent measures would need to be taken to enable the humanitarian operations to perform their tasks in accordance with internationally accepted principles.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁶²

At the same meeting, the President further drew the attention of the Council to a letter dated 5 October 1998 from South Africa addressed to the President of the Security Council,¹⁶³ transmitting the final communiqué and the statement on Angola of the Summit of Heads of State or Government of the Southern African Development Community on 13 and 14 September 1998. He also drew the attention to a letter dated October 1998 from Portugal, the Russian Federation and the United States addressed to the Secretary-General,¹⁶⁴ transmitting a statement issued on 24 September 1998 by the Troika Foreign Ministers of the Observer States to the Lusaka Protocol and another letter dated 24 September 1998 to Jonas Savimbi, leader of UNITA. He further drew the attention to a letter dated 1 October 1998 from Austria addressed to Secretary-General,¹⁶⁵ transmitting a statement on Angola by the Presidency of the European Union; and a letter dated 12 October 1998 from Angola addressed to the President of the Security Council,¹⁶⁶ giving a brief chronology of the events since 1992 showing that responsibility for the consecutive

¹⁶¹ S/1998/931.

¹⁶² S/1998/952.

¹⁶³ S/1998/915.

¹⁶⁴ S/1998/916.

¹⁶⁵ S/1998/919.

¹⁶⁶ S/1998/944.

failures of the Angolan peace process fell uniquely and exclusively on Mr. Jonas Savimbi, leader of UNITA.

At the same meeting, the representative of Angola stated that the suspension of the implementation of the Lusaka Protocol was attributable to the non-compliance of the leader of UNITA, Jonas Savimbi, with the commitments of UNITA to fulfilling its side of the bargain. The forces of Mr. Savimbi had struck police detachments, attacked civilians, and occupied townships and other communities in areas where State administration had been restored. Armed actions had occurred in diamond-producing areas in the northern and central part of the country, with the support of Banyamulenge rebels and Rwandan and Ugandan contingents concentrated there after having fled the Democratic Republic of the Congo. The representatives informed the Council that on 2 September 1998, a core team made up of UNITA officers and personnel had issued a manifesto and ousted Mr. Savimbi from the UNITA leadership and had ratified their commitment to the Lusaka Protocol. The Government of Angola had encouraged and supported this provisional leadership of UNITA in its efforts for peace. That public position taken by his Government represented the end of the dialogue with Jonas Savimbi, and consequently, he was no longer the UNITA interlocutor in exchanges with the Angolan Government and the various Government agencies. The decision made by the UNITA Renovation Committee, which had changed its name to the UNITA Provisional Political Committee, was supported not only by the Government but also by the Heads of State or Government of the Southern African Development Community at their summit meeting held on 13-14 September in Mauritius. They considered Mr. Savimbi a war criminal and a threat to the peace of all member countries and the region in general, and a similar position had been adopted at the Central African summit in September. The Angolan Government believed that the Security Council could not afford to remain indifferent to non-compliance with its pertinent resolutions by certain member countries. The Council needed to adopt severe sanctions against States that failed to honour its decisions. It was equally important to move for more expeditious and proactive measures by the Sanctions Committee. It was also important that the Council and the international community support the

provisional leadership of UNITA-Renovada by strengthening its leadership role, not only to diminish Jonas Savimbi's influence on his military forces but also to de-escalate the state of war in Angola. With specific reference to the extension of the Mission, the Government of Angola ratified its support for the extension of MONUA to December 1998 and then its gradual phasing out and total withdrawal from Angola.¹⁶⁷

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1202 (1998), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Reaffirming its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Reiterating the validity of the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions as the fundamental basis of the peace process,

Reaffirming its resolution 1196 (1998) of 16 September 1998,

Taking note of the statement by the Ministers for Foreign Affairs of the three Observer States to the Lusaka Protocol and of their letter dated 24 September 1998 to the leader of the União Nacional para a Independência Total de Angola,

Welcoming regional efforts in support of the peace process in Angola,

Noting the call on the international community, particularly countries and leaders who have an influence on the leader of the União Nacional para a Independência Total de Angola, to persuade the rebel movement to rededicate itself to the path of peace and reconstruction in Angola as a matter of urgency, that was contained in the Final Communiqué of the Summit of the Heads of State or Government of the Southern African Development Community adopted on 14 September 1998,

Taking note of the establishment of UNITA-Renovada,

Having considered the report of the Secretary-General of 8 October 1998,

1. *Reiterates* that the primary cause of the crisis in Angola and of the current impasse in the peace process is the failure by the leadership of the União Nacional para a Independência Total de Angola to comply with its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions, and demands that the União Nacional para a Independência Total de Angola comply immediately and without conditions with its obligations, in

¹⁶⁷ S/PV.3936, pp 2-3.

particular the complete demilitarization of its forces and full cooperation in the immediate and unconditional extension of State administration throughout the national territory;

2. *Demands* that the União Nacional para a Independência Total de Angola withdraw immediately from territories it has reoccupied through military action;

3. *Stresses* that there can be no military solution to the conflict in Angola, and calls upon the Government of Angola and in particular the União Nacional para a Independência Total de Angola to seek a political settlement;

4. *Decides* to extend the mandate of the United Nations Observer Mission in Angola until 3 December 1998;

5. *Requests* the Secretary-General to continue to adjust the deployment and force structure of the Mission, as needed, in accordance with security conditions and its ability to implement its mandate in support of the peace process, and to prepare further contingency plans;

6. *Emphasizes* that the extension of the mandate of the Mission provides the Special Representative of the Secretary-General with an additional opportunity to revive the stalled peace process, and strongly urges the União Nacional para a Independência Total de Angola to take advantage of this period to transform itself into a genuine political party and to secure a legitimate and constructive role in the Angolan political process;

7. *Reiterates its full support* for the implementation of the Lusaka Protocol and for the reactivation of the Joint Commission;

8. *Calls upon* the Government of Angola and the União Nacional para a Independência Total de Angola to cooperate fully with the Special Representative of the Secretary-General, including by facilitating his contacts with all those key to the peace process in order to convey, inter alia, the demands reiterated in the present resolution;

9. *Encourages* the Special Representative of the Secretary-General to coordinate his efforts with regional and subregional organizations in order to bring about a solution within the framework of the Lusaka Protocol;

10. *Reiterates its concern* over the safety and security of Mission personnel, and demands that the Government of Angola and the União Nacional para a Independência Total de Angola guarantee unconditionally the safety and freedom of movement of the Special Representative of the Secretary-General and all United Nations and international humanitarian personnel, including those providing humanitarian assistance, throughout the territory of Angola;

11. *Stresses* the importance of strengthening the rule of law and respect for human rights, including the full protection of all Angolan citizens throughout the national territory, in particular representatives and members of all political parties;

12. *Expresses its deep concern* at the continued deterioration of the humanitarian situation, especially the significant increase in the number of internally displaced persons, which now totals 1.3 million people, and the lack of access by humanitarian organizations to vulnerable groups;

13. *Calls upon* Member States to implement fully the measures imposed on the União Nacional para a Independência Total de Angola contained in the relevant provisions of resolutions 864 (1993) of 15 September 1993, 1127 (1997) of 28 August 1997 and 1173 (1998) of 12 June 1998, and expresses its readiness to consider appropriate reinforcing steps;

14. *Requests* the Chairman of the Committee established pursuant to resolution 864 (1993) to investigate reports that the leader of the União Nacional para a Independência Total de Angola travelled outside Angola in violation of resolution 1127 (1997) and that forces of the União Nacional para a Independência Total de Angola received military training and assistance as well as arms from outside Angola in violation of resolution 864 (1993);

15. *Requests* the Secretary-General to submit a comprehensive report no later than 23 November 1998 which will enable the Security Council to consider the future role of the United Nations in Angola and to make recommendations regarding ways of improving the implementation of the measures referred to in paragraph 13 above;

16. *Expresses its deep concern* at the crash of the Russian civilian aircraft in the Malanje region of Angola, which resulted in the loss of human lives, calls upon the Government of Angola to carry out without delay a thorough investigation of the causes of the crash, requests the Mission to assist as appropriate, and insists that the União Nacional para a Independência Total de Angola cooperate fully with these efforts;

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

Decision of 3 December 1998 (3951st meeting): resolution 1213

At the 3951st meeting of the Security Council, held on 3 December 1998 in accordance with the understanding reached in its prior consultations, the President (Bahrain), with the consent of the Council, invited the representative of Angola, at her request, to participate in the discussion without the right to vote.

The Council had before them the report of the Secretary-General on MONUA dated 23 November 1998, submitted pursuant to paragraph 15 of Security Council resolution 1202 (1998).¹⁶⁸ In his report, the Secretary-General observed that the overall political, military and security situation in the country had further deteriorated. The dialogue between the

¹⁶⁸ S/1998/1110.

Government and Mr. Savimbi and UNITA had ceased. The joint mechanisms, including the Joint Commission, were not functioning and preparations for a military showdown continued. As a result MONUA was, in fact, unable to carry out most of its mandated tasks and the prospects for reactivating the peace process looked bleak. The Secretary-General informed the Council that his Special Representative was still unable to establish direct contact with Mr. Savimbi and the recent abrogation by the National Assembly of the law granting special status to Mr. Savimbi could prevent all possibility of political accommodation. He noted that while it was clear that Mr. Savimbi and UNITA were mainly responsible for the deadlock, the rejection of all contacts and dialogue with him was not likely to advance the cause of peace and national reconciliation. He maintained that despite the absence of any progress, the international community needed to remain engaged in order to dissuade the parties, as far as possible, from a return to war. Accordingly, he proposed that the mandate of MONUA be extended for another short period of up to three months, on the understanding that if the security situation were to become untenable, he would immediately revert to the Security Council and submit further recommendations, including the withdrawal of MONUA.

At the same meeting the President drew the attention of the Council to a draft resolution submitted by Portugal, the Russian Federation and the United States.¹⁶⁹

The representative of Angola stated that Jonas Savimbi, who was primarily responsible for the current state of affairs, had become more brazen in his disdain for the United Nations. In violation of international law and the Lusaka Protocol, the UNITA military wing had taken 15 members of MONUA hostage in Bailundo and Andulo, refusing to allow United Nations planes to land and evacuate those individuals. She urged the Council to join them in condemning such rogue acts against United Nations personnel. To prevent similar situations from occurring, the Government of Angola recommended that all remaining MONUA personnel be consolidated into areas under the Government's authority. The latest actions by UNITA demanded a strong reaction from the international community. Any strides that had been made in the process might be traced directly to the imposition of United Nations sanctions.

¹⁶⁹ S/1998/1135.

The Angolan Government insisted that the United Nations and its Member States redouble their efforts to enforce existing sanctions against Savimbi and his personal army to deny them access to military equipment and financial resources. She called on the Security Council to interdict all UNITA's communication links and to ban the transfer of all communications equipment to UNITA. The assets of UNITA needed to be frozen. Travel sanctions also needed to be more effectively enforced. The Government reaffirmed its decision not to have further contact, at any level, with Savimbi and endorsed the Security Council's recommendation that the mandate of MONUA be extended for three months. However, it also emphasized that MONUA could not remain in Angola indefinitely. The representative expressed the strong belief of her Government that in the near future the Government, working with UNITA-Renovada and the United Nations, could and had to officially and definitely conclude the Lusaka Protocol. At that time, they would look to the Security Council to adopt language acknowledging the conclusion of the Lusaka Protocol and endorsing the withdrawal of MONUA.¹⁷⁰

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1213 (1998), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolutions 864 (1993) of 15 September 1993, 1127 (1997) of 28 August 1997 and 1173 (1998) of 12 June 1998,

Reaffirming its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Emphasizing the validity of the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions as the fundamental basis of the peace process,

Strongly condemning the failure of the União Nacional para a Independência Total de Angola to implement the remaining tasks of the Lusaka Protocol, in particular the complete demilitarization of its forces and full cooperation in the immediate and unconditional extension of State administration throughout the national territory,

Expressing its deep concern at the failure of the leader of the União Nacional para a Independência Total de Angola to respond to the letter dated 6 October 1998 addressed to him by the Special Representative of the Secretary-General, which contained proposals for restoring the peace process, and to the letter dated 24 September 1998 addressed to him by the Ministers

¹⁷⁰ S/PV.3951, pp. 2-3.

for Foreign Affairs of the three Observer States to the Lusaka Protocol, which called for irreversible steps towards peace,

Expressing its grave concern at the serious humanitarian impact of the impasse in the peace process and the deteriorating security conditions,

Having considered the report of the Secretary-General of 23 November 1998,

1. *Emphasizes* that the primary cause of the crisis in Angola and of the current impasse in the peace process is the failure by the leadership of the União Nacional para a Independência Total de Angola in Bailundo to comply with its obligations under the “Acordos de Paz”, the Lusaka Protocol and relevant Security Council resolutions, and demands that the União Nacional para a Independência Total de Angola comply immediately and without conditions with its obligations, in particular the complete demilitarization of its forces and full cooperation in the immediate and unconditional extension of State administration throughout the national territory;

2. *Demands* that the União Nacional para a Independência Total de Angola withdraw immediately from territories it has reoccupied through military or other action;

3. *Calls upon* the leadership of the União Nacional para a Independência Total de Angola to cooperate fully and immediately with the United Nations Observer Mission in Angola in the withdrawal of Mission personnel from Andulo and Bailundo, and holds the leadership of the União Nacional para a Independência Total de Angola in Bailundo responsible for their safety and security;

4. *Stresses* that there can be no military solution to the conflict in Angola, and calls upon the Government of Angola and the União Nacional para a Independência Total de Angola to cooperate fully with the Special Representative of the Secretary-General, including by facilitating his contacts with all those key to the implementation of the Lusaka Protocol, to seek a peaceful resolution of the crisis;

5. *Emphasizes* the importance of the Special Representative of the Secretary-General maintaining contact with all elements of the União Nacional para a Independência Total de Angola in Luanda in order to revive the stalled peace process and encourage the transformation of the União Nacional para a Independência Total de Angola into a genuine political party;

6. *Stresses* the importance of strengthening the rule of law and respect for human rights, including the full protection of all Angolan citizens throughout the national territory, in particular representatives and members of all political parties;

7. *Reiterates its concern* at the continued deterioration of the humanitarian situation, especially the significant increase in the number of internally displaced persons and the increase in minelaying activity, and calls upon the Government of Angola and in particular the União Nacional para a Independência Total de Angola to guarantee unconditionally the safety and freedom of movement of all international humanitarian personnel, to

cooperate fully with international humanitarian organizations in the delivery of emergency relief assistance to affected populations, to cease minelaying activity, and to respect international humanitarian, refugee and human rights law;

8. *Urges* the international community to provide financial and other resources in order to allow the continued delivery of emergency relief assistance to vulnerable groups in Angola;

9. *Urges* all Member States to support the peace process in Angola through full and immediate implementation of the measures against the União Nacional para a Independência Total de Angola contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998), and expresses its readiness to consider appropriate reinforcing steps in accordance with the recommendations contained in the report referred to in paragraph 13 below;

10. *Decides* to extend the mandate of the Mission until 26 February 1999, and endorses the recommendation contained in the report of the Secretary-General to continue to adjust the deployment and force structure of the Mission, as needed, in accordance with security conditions and its ability to implement its mandate;

11. *Recognizes* that the Secretary-General may revert to the Council before 26 February 1999 with further recommendations regarding the Mission in the light of security conditions on the ground;

12. *Expresses its growing concern* for the security and freedom of movement throughout Angola of Mission personnel, and calls upon the Government of Angola and in particular the União Nacional para a Independência Total de Angola to ensure their safety;

13. *Requests* the Secretary-General to submit a report no later than 15 January 1999 regarding the status of the peace process, the future role and mandate of the United Nations in Angola and the force structure of the Mission in the light of its ability to carry out its mandated tasks, and reiterates the request contained in its resolution 1202 (1998) of 15 October 1998 for recommendations regarding technical and other ways for Member States to improve the implementation of the measures referred to in paragraph 9 above;

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

**Decision of 23 December 1998 (3960th meeting):
statement by the President**

At the 3960th meeting of the Security Council, held on 23 December 1998 in accordance with the understanding reached in its prior consultations, the President (Bahrain), with the consent of the Council, invited the representative of Angola, at his request, to participate in the discussion, without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:¹⁷¹

The Security Council deplores the serious deterioration of the situation in Angola and calls for an immediate cessation of hostilities. It reaffirms its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola.

The Council reiterates that the primary responsibility for the failure to achieve peace in Angola clearly lies with the leadership of the União Nacional para a Independência Total de Angola. The persistent violation by the União Nacional para a Independência Total de Angola, under the leadership of Mr. Jonas Savimbi, of its obligations under the “Acordos de Paz”, the Lusaka Protocol and relevant Security Council resolutions, in particular those obligations related to the complete demilitarization of its forces and the extension of State administration throughout the national territory, has seriously undermined the peace process.

The Council demands that the União Nacional para a Independência Total de Angola comply immediately and without conditions with its obligations and reiterates that only a political settlement, on the basis of the relevant agreements and resolutions, will bring a lasting peace to Angola.

The Council, in this context, urges the Government of Angola and the União Nacional para a Independência Total de Angola to cooperate fully with the Special Representative of the Secretary-General, including by facilitating his contacts with all those key to reviving the stalled peace process and to implementing the Lusaka Protocol. It expresses concern at the public statements blaming the United Nations for the recent aggravation of the security situation in the country. The Council reiterates its full support for the United Nations Observer Mission in Angola, whose mandate has been extended until 26 February 1999, and emphasizes that both the Government, which concurred with the extension of this mandate, and the União Nacional para a Independência Total de Angola have an obligation to guarantee the safety and freedom of movement of Mission personnel.

The Council expresses its deep concern at the worsening humanitarian situation in Angola and emphasizes the responsibility of the Government of Angola and the leadership of the União Nacional para a Independência Total de Angola to facilitate humanitarian assistance efforts, guarantee the safety and freedom of movement of humanitarian workers and permit an independent assessment of the needs of the civilian population, to be carried out swiftly in any part of the country as necessary. The Council also expresses concern at the plight of those most vulnerable groups, such as children, women, the elderly and internally displaced persons who are particularly at risk and need special protection.

The Council urges the Government of Angola and the leadership of the União Nacional para a Independência Total de

Angola to ensure full respect for international humanitarian, refugee and human rights law.

The Council underscores the need for the full and immediate implementation of the measures against the União Nacional para a Independência Total de Angola contained in resolutions 864 (1993) of 15 September 1993, 1127 (1997) of 28 August 1997 and 1173 (1998) of 12 June 1998. It expresses deep concern at recent reports of violations of those measures, particularly those related to arms and diamonds, and expresses its intention to follow up on those reports.

The Council expresses its grave concern at reports that aircraft were shot down over areas controlled by União Nacional para a Independência Total de Angola and demands full cooperation by all concerned, especially the União Nacional para a Independência Total de Angola, in the investigation of those incidents, including of the fate of the crews and passengers.

The Council will remain actively seized of the matter.

Decision of 31 December 1998 (3962nd meeting): resolution 1219 (1998)

At the 3962nd meeting of the Security Council, held on 31 December 1998 in accordance with the understanding reached in its prior consultations, the President (Bahrain), with the consent of the Council, invited the representative of Angola, at his request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council’s prior consultations.¹⁷² The draft resolution was put to the vote and adopted unanimously as resolution 1219 (1998), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolutions 1202 (1998) of 15 October 1998 and 1213 (1998) of 3 December 1998,

Recalling the statement by its President of 23 December 1998,

Expressing concern in the strongest terms at the crash of United Nations flight 806 and at the disappearance of other aircraft reportedly over territory controlled by the União Nacional para a Independência Total de Angola,

1. *Expresses its deep concern* regarding the fate of the passengers and crew of United Nations flight 806, and deplores the incomprehensible lack of cooperation in clarifying the circumstances of this tragedy and in permitting the prompt dispatch of a United Nations search and rescue mission;

¹⁷¹ S/PRST/1998/37.

¹⁷² S/1998/1238.

2. *Demands* that the leader of the União Nacional para a Independência Total de Angola, Mr. Jonas Savimbi, immediately respond to the appeals from the United Nations and guarantee the security and access necessary for, and assist in, the search for and rescue of possible survivors of the above-mentioned incidents in territory controlled by the União Nacional para a Independência Total de Angola, and calls upon the Government of Angola to cooperate as appropriate in fulfilment of its expressed commitment to do so;

3. *Expresses its serious concern* at the increase in incidents involving the disappearance of aircraft reportedly over territory controlled by the União Nacional para a Independência Total de Angola;

4. *Condemns* the lack of effective action to determine the fate of the crews and passengers of the aircraft referred to in paragraph 3 above, calls for an immediate and objective international investigation of those incidents, and calls upon all concerned, especially the União Nacional para a Independência Total de Angola, to facilitate such an investigation;

5. *Expresses its intention* to assess compliance with the present resolution no later than 11 January 1999 and to take action, as appropriate, in accordance with the relevant provisions of the Charter of the United Nations;

6. *Reaffirms* the need for compliance with the measures against the União Nacional para a Independência Total de Angola contained in resolutions 864 (1993) of 15 September 1993, 1127 (1997) of 28 August 1997 and 1173 (1998) of 12 June 1998, which were imposed under Chapter VII of the Charter;

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

**Decision of 12 January 1999 (3965th meeting):
resolution 1221 (1999)**

At the 3965th meeting of the Security Council, held on 12 January 1999 in accordance with the understanding reached in its prior consultations, the President (Brazil), with the consent of the Council, invited the representatives of Angola and Portugal, at their request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution submitted by Brazil, Canada, France, Gabon, Malaysia, Namibia, Portugal and the Russian Federation.¹⁷³

Speaking before the vote, the representative of the United States stated that they would vote in favour of the draft resolution because of their deep concern about the fate of the crews and passengers of the two United Nations aircraft that were downed over Angola. They

urgently called on the Government of Angola and UNITA to cooperate fully with the search-and-rescue mission and with the investigation of those tragic incidents. He stated that they however did have concerns about two aspects of the draft resolution. He questioned the appropriateness of the reference to Chapter VII, since the draft resolution did not seek to authorize new international enforcement actions, and they were concerned that such a reference might be misunderstood as a step in that direction. He also stated that they doubted the wisdom of considering the imposition of sanctions against communications with UNITA, as the past three weeks had demonstrated the crucial importance of being able to communicate quickly with them on search-and-rescue and other humanitarian concerns. He expressed his belief that the only way to resolve the conflict was through negotiations and a negotiated settlement could not be achieved without the ability to communicate with all parties. In that context, the report requested by the draft resolution needed to address how such communications could be maintained with all parties.¹⁷⁴

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1221 (1999), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolutions 1196 (1998) of 16 September 1998 and 1219 (1998) of 31 December 1998,

Recalling the statement by its President of 23 December 1998,

Expressing its outrage at the downing on 2 January 1999 of a second United Nations-chartered aircraft over territory controlled by the União Nacional para a Independência Total de Angola, which brings to six the number of aircraft lost in this area in recent months,

Expressing its deep concern regarding the fate of the passengers and crews of the above-mentioned aircraft, and its deep regret at the loss of life in these incidents,

Stressing that attacks against personnel who act on behalf of the United Nations are unacceptable and unjustifiable by whomsoever committed,

Deploing the lack of cooperation by the União Nacional para a Independência Total de Angola in clarifying the circumstances of these tragic incidents, which occurred over

¹⁷³ S/1999/27.

¹⁷⁴ S/PV.3965, p. 2.

territory under its control, and in permitting the prompt dispatch of the United Nations search and rescue mission,

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

1. *Condemns* the downing of the two aircraft chartered by the United Nations, deplores the loss under suspicious circumstances of other commercial aircraft, and demands that all such attacks cease immediately;

2. *Reaffirms its resolve* to establish the truth about the circumstances of and to determine the responsibility for the downing of the two aircraft chartered by the United Nations and the loss under suspicious circumstances of other commercial aircraft over territory controlled by the União Nacional para a Independência Total de Angola through an immediate and objective international investigation of these tragic incidents, and reiterates its call upon all concerned, especially the União Nacional para a Independência Total de Angola, to cooperate fully with and to facilitate such an investigation;

3. *Concludes* that the leader of the União Nacional para a Independência Total de Angola, Mr. Jonas Savimbi, has not complied with the demands contained in its resolution 1219 (1998);

4. *Reiterates its demand* that the leader of the União Nacional para a Independência Total de Angola, Mr. Jonas Savimbi, cooperate immediately and in good faith in the search for and rescue of possible survivors of the above-mentioned incidents;

5. *Welcomes* the concrete actions undertaken by the Government of Angola to follow up the commitment made by the President of Angola to the Special Envoy of the Secretary-General on 6 January 1999 regarding the cooperation to be extended to the United Nations search and rescue efforts, and encourages it to continue to extend such cooperation;

6. *Requests* the International Civil Aviation Organization to provide all possible support to the investigation of those incidents as soon as conditions on the ground permit, and urges Member States with investigative capability and expertise to assist the United Nations, upon request, in the investigation of those incidents;

7. *Stresses* the obligation of Member States to comply with the measures imposed against the União Nacional para a Independência Total de Angola contained in resolutions 864 (1993) of 15 September 1993, 1127 (1997) of 28 August 1997 and 1173 (1998) of 12 June 1998;

8. *Expresses its readiness* to pursue reports of violations of the measures referred to in paragraph 7 above, to take steps to reinforce the implementation of those measures and to consider the imposition of additional measures, including in the area of telecommunications, on the basis of a report to be prepared by the Security Council Committee established pursuant

to resolution 864 (1993), by 15 February 1999, drawing on the expertise of relevant bodies and organizations, including the International Telecommunication Union;

9. *Encourages* the Chairman of the Committee referred to in paragraph 8 above to consult with the Organization of African Unity and the Southern African Development Community on ways to strengthen the implementation of the measures referred to in paragraph 7 above;

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

Decision of 21 January 1999 (3969th meeting): statement by the President

At the 3969th meeting of the Security Council held on 21 January 1999 in accordance with the understanding reached in its prior consultations, the President (Brazil), with the consent of the Council, invited the representative of Angola, at his request, to participate in the discussion without the right to vote.

The Council had before it the report of the Secretary-General on MONUA dated 17 January 1999, submitted pursuant to resolution 1213 (1998) on the future role and mandate of MONUA.¹⁷⁵ The Secretary-General observed that the events of the last few months had clearly demonstrated that the Angolan peace process had collapsed and the country was in a state of war. In the light of the expressed determination of the parties to test their fortunes on the battlefield, the steadily worsening security situation, and the inability of MONUA to carry out its mandate, it had become increasingly clear that, for the time being, the conditions for a meaningful United Nations peacekeeping role in Angola had ceased to exist. In addition, the Government of Angola had informed the United Nations that it did not intend to support the extension of MONUA beyond its current mandate. Moreover, UNITA had not taken any serious initiative to restore meaningful contacts with the United Nations or to resume the implementation of key provisions of the Lusaka Protocol. Regarding the presumed shooting down of two United Nations aircraft, he condemned those crimes in the strongest terms and was appalled by the parties' insensitivity and their lack of cooperation with the United Nations in the immediate aftermath of the crashes. It was imperative that a full-fledged investigation be conducted into the two incidents and that the perpetrators be identified. Under the circumstances, he expressed his belief that MONUA had

¹⁷⁵ S/1999/49.

no other option but to continue to reduce its presence within Angola and proceed with the orderly repatriation of United Nations personnel and property as requested by the Angolan Government. He underlined that the United Nations stood ready to play a political role, if requested, in order to assist all concerned in Angola in reaching a peaceful solution. Consequently, it was his intention to designate a senior official to serve as his Special Envoy for Angola, who would be based in New York. He stated that the work of the United Nations human rights presence in Angola, subject to the concurrence of the Angolan parties and satisfactory security guarantees, should continue its activities.

At the same meeting, the President made the following statement on behalf of the Council:¹⁷⁶

The Security Council expresses its alarm at the serious deterioration in the political and military situation in Angola. It reaffirms its belief that lasting peace and national reconciliation cannot be achieved through military means, and urges the Government of Angola and especially the União Nacional para a Independência Total de Angola to resume a constructive dialogue on the basis of the “Acordos de Paz”, the Lusaka Protocol and relevant Council resolutions in order to seek a peaceful resolution of the conflict and spare the Angolan people further war and suffering. In this context, it reaffirms that the primary cause of the crisis in Angola is the refusal by the União Nacional para a Independência Total de Angola to comply with the basic provisions of the Lusaka Protocol and reiterates its demand that the União Nacional para a Independência Total de Angola comply with its obligations to demilitarize and to permit the extension of State administration to territories it controls.

The Council shares the assessment and judgments of the Secretary-General on the political and military situation in Angola contained in his report of 17 January 1999. It underscores the contribution of the United Nations to the past four years of relative peace in Angola. It expresses its deep regret that the present political and security situation in the country and the lack of cooperation with the United Nations Observer Mission in Angola, especially by the União Nacional para a Independência Total de Angola, have prevented the Mission from carrying out its mandated role fully.

The Council underlines the great importance it attaches to a continued multidisciplinary presence of the United Nations under the direction of a representative of the Secretary-General in Angola. It recognizes that such a continued presence depends on the safety of United Nations personnel and requires the agreement of the Government of Angola and the cooperation of all concerned. In this context, it appeals to the Government of Angola to provide such agreement and to the União Nacional para a Independência Total de Angola to cooperate fully. It welcomes the

intention of the Secretary-General to consult urgently with the Government of Angola on such a United Nations presence and to report to the Council in this regard.

The Council again calls upon Member States to support the peace process in Angola through full and immediate implementation of the measures against the União Nacional para a Independência Total de Angola contained in resolutions 864 (1993) of 15 September 1993, 1127 (1997) of 28 August 1997 and 1173 (1998) of 12 June 1998, and reiterates its readiness to take steps to reinforce the implementation of those measures on the basis of the recommendations contained in section IV of the report of the Secretary-General of 17 January 1999.

The Council expresses its profound concern at the humanitarian impact of the conflict on the Angolan people. It urges the international community to support the Government of Angola in fulfilling its primary responsibility for the humanitarian needs of the Angolan people and, in this regard, urges Member States to fund generously the 1999 United Nations Consolidated Inter-Agency Appeal for Angola. It calls upon all concerned to concur and cooperate with United Nations humanitarian assistance activities on the basis of the principles of neutrality and non-discrimination, to guarantee the security and freedom of movement of humanitarian personnel, and to ensure necessary, adequate and safe access and logistics by land and air. It urges all concerned to cooperate with the human rights activities of the United Nations, which help to lay a basis for lasting peace and national reconciliation.

The Council will remain actively seized of the matter.

**Decision of 26 February 1999 (3983rd meeting):
resolution 1229 (1999)**

At the 3983rd meeting of the Security Council, held on 26 February 1999 in accordance with the understanding reached in its prior consultations, the President (Canada), with the consent of the Council, invited the representative of Angola and Zambia, at their request, to participate in the discussion without the right to vote.

At the same meeting, the Council included in its agenda the report of the Secretary-General on MONUA dated 26 February 1999, submitted pursuant to the request of the Security Council in its presidential statement of 21 January 1999,¹⁷⁷ on consultations with the Government of Angola on a continued multidisciplinary presence of the United Nations.¹⁷⁸ In his report, the Secretary-General observed that the Government of Angola had informed his Special Representative that a continued multidisciplinary

¹⁷⁶ S/PRST/1999/3.

¹⁷⁷ S/PRST/1999/3.

¹⁷⁸ S/1999/202.

presence of the United Nations in Angola was not necessary and that conditions for maintaining a MONUA presence had ceased to exist. The Government had expressed the view that the United Nations should continue its activities through the specialized agencies, under the coordination of the United Nations Development Programme. They also had emphasized that they were not opposed to the appointment of a representative of the Secretary-General, based in New York, who could maintain contact with the Government in monitoring the evolution of the situation in the country.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁷⁹

At the same meeting, the President further drew the attention of the Council to a letter dated 12 February 1999 from the Chairman of the Security Council Committee established pursuant to Security Council resolution 864 (1993) concerning the situation in Angola addressed to the President of the Security Council,¹⁸⁰ transmitting a report dated 12 January 1999 on the implementation of sanctions against UNITA. He also drew their attention to a letter dated 18 February 1999 from the representative of Angola addressed to the Secretary-General,¹⁸¹ and a letter dated 20 February 1999 from the representative of Zambia addressed to the President of the Security Council,¹⁸² transmitting a press statement denying the Angolan allegations of "involvement of the Zambian authorities in the logistic and military support sent to Dr. Jonas Savimbi inside Angola".

The Vice-Minister for Territorial Administration of Angola stated that the Angolan Government believed that if there were greater commitment on the part of the international community and a more exacting mechanism for monitoring compliance with the United Nations sanctions, Mr. Savimbi and his armed group would soon be neutralized militarily and that conditions would then be conducive to the reestablishment of peace in Angola. He stated that they did not believe in the good intentions of any country that acted in a manner other than that they had described. Such "so-called contributions" were useful only if made in close coordination with the Government of Angola. He

appealed to all neighbouring countries to break off all contact with Mr. Savimbi and to suspend all logistical support that enabled him to wage war in Angola. Concerning Zambia, the Angolan Government firmly believed that the current diplomatic demarches would prompt Zambian authorities to become ever more vigilant in preventing Zambian territory from continuing to be used as a point of trans-shipment for the military and logistical materiel that Mr. Savimbi needed for his military campaign. He firmly believed that as a result of a new cooperation framework between the Angolan Government and the United Nations, new and more stringent measures would be taken to isolate and neutralize Mr. Savimbi.¹⁸³

The representative of Zambia stated that the purpose of his address was to put on record the concerns of his Government about allegations that had been made by the Government of Angola that Zambia was providing logistical and military support to UNITA. He noted that Angola had threatened to wage war against Zambia and other alleged supporters of UNITA. His country found it curious that those allegations were being repeated, in spite of the fact that most of them had already been jointly investigated with Angola. In addition, the Security Council had sent the Chairman of the Committee on Sanctions against UNITA and the OAU had sent its Assistant Secretary-General for Political Affairs to investigate the allegations and both had cleared Zambia. However, owing to the persistent allegations they were again extending an invitation to the Secretary-General to once again send a mission to Zambia to investigate the allegations. He reiterated that the conduct of UNITA had been totally unacceptable and had been condemned by Zambia. However, notwithstanding obstacles, the Lusaka Protocol still remained the best framework for a peaceful settlement of the Angolan conflict. Therefore, every effort needed to be made to ensure that a vacuum was not created which could lead to the worsening of the security situation in the southern African subregion. Such a situation would have an adverse impact on the security of his country. They were also concerned that those serious allegations were being made at a time when their mediation efforts in the Democratic Republic of the Congo had reached an advance stage. The allegations,

¹⁷⁹ S/1999/203.

¹⁸⁰ S/1999/147.

¹⁸¹ S/1999/166.

¹⁸² S/1999/182.

¹⁸³ S/PV.3983, pp. 2-3.

therefore, were likely to undermine Zambia's mediation of the conflict.¹⁸⁴

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1229 (1999), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolutions 864 (1993) of 15 September 1993, 1127 (1997) of 28 August 1997 and 1173 (1998) of 12 June 1998, as well as resolutions 1219 (1998) of 31 December 1998 and 1221 (1999) of 12 January 1999,

Recalling the statements by its President of 23 December 1998 and of 21 January 1999,

Reaffirming its commitment to preserve the sovereignty and territorial integrity of Angola,

Reiterating that the primary cause of the present situation in Angola is the failure of the União Nacional para a Independência Total de Angola, under the leadership of Mr. Jonas Savimbi, to comply with its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions,

Expressing its concern at the humanitarian effects of the present situation on the civilian population of Angola,

Reiterating that lasting peace and national reconciliation can only be achieved through peaceful means, and in this regard reaffirming the importance of the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions,

Underscoring the contribution of the United Nations to the past four years of relative peace in Angola, and expressing its deep regret that the present political and security situation in the country has prevented the United Nations Observer Mission in Angola from carrying out its mandated role fully,

Taking note of the letter dated 11 February 1999 from the President of the Republic of Angola to the Secretary-General,

Reaffirming its view that a continued presence of the United Nations in Angola can contribute greatly to national reconciliation, and noting the ongoing consultations with the Government of Angola to obtain its agreement regarding the practical arrangements for this presence,

Having considered the report of the Secretary-General of 24 February 1999,

1. *Takes note* that the mandate of the United Nations Observer Mission in Angola expires on 26 February 1999;

2. *Endorses* the recommendations contained in paragraphs 32 and 33 of the report of the Secretary-General of 24 February 1999 regarding the technical liquidation of the Mission;

3. *Affirms* that notwithstanding the expiration of the mandate of the Mission, the status-of-forces agreement applicable to the Mission remains in force, pursuant to relevant provisions thereof, until the departure of the final elements of the Mission from Angola;

4. *Decides* that the human rights component of the Mission shall continue its current activities during the liquidation period;

5. *Requests* the Secretary-General to designate a channel to liaise with the Government of Angola pending the conclusion of the consultations with the Government of Angola regarding the follow-up configuration of the United Nations presence in Angola;

6. *Calls upon* all concerned to cooperate with the United Nations humanitarian assistance activities throughout the national territory of Angola on the basis of the principles of neutrality and non-discrimination and to guarantee the security and freedom of movement of humanitarian personnel;

7. *Expresses its deep concern* at the lack of progress in investigating the downing of the two aircraft chartered by the United Nations and the loss under suspicious circumstances of other commercial aircraft over areas controlled by the União Nacional para a Independência Total de Angola, and reiterates its call upon all concerned, especially the União Nacional para a Independência Total de Angola, to cooperate fully with and to facilitate an immediate and objective international investigation of those incidents;

8. *Endorses* the recommendations contained in the report of 12 February 1999 of the Security Council Committee established pursuant to resolution 864 (1993), reiterates its readiness to take steps to reinforce the measures against the União Nacional para a Independência Total de Angola contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998), and calls upon all Member States to implement those measures fully;

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

**Decision of 7 May 1999 (3999th meeting):
resolution 1237 (1999)**

At the 3999th meeting of the Security Council, held on 7 May 1999 in accordance with the understanding reached in its prior consultations, the President (Gabon), with the consent of the Council, invited the representatives of Angola and Portugal, at their request, to participate in the discussion without the right to vote. The Security Council again included the

¹⁸⁴ Ibid., pp. 3-4.

earlier report of the Secretary-General dated 17 January 1999 on MONUA in its agenda.¹⁸⁵

At the same meeting, the President drew the attention of the Council to letters concerning the situation in Angola dated 12 February and 4 May 1999, respectively, from the Chairman of the Security Council Committee established pursuant to Security Council resolution 864 (1993) addressed to the President of the Security Council, transmitting a report by the Committee,¹⁸⁶ and transmitting the text of a conceptual framework for the expert studies to be undertaken to trace violations in arms trafficking, oil supplies and the diamond trade, as well as the movement of UNITA funds.¹⁸⁷

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁸⁸ The draft resolution was put to the vote and adopted unanimously as resolution 1237 (1999), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolutions 864 (1993) of 15 September 1993, 1127 (1997) of 28 August 1997 and 1173 (1998) of 12 June 1998, as well as resolution 1229 (1999) of 26 February 1999,

Reaffirming its commitment to preserve the sovereignty and territorial integrity of Angola,

Reiterating that the primary cause of the present crisis in Angola is the refusal of the União Nacional Para a Independência Total de Angola, under the leadership of Mr. Jonas Savimbi, to comply with its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions,

Expressing its alarm at the humanitarian effects of the present crisis on the civilian population of Angola,

Emphasizing its strong concern at reports of the provision of military assistance, including mercenaries, to the União Nacional para a Independência Total de Angola,

Having considered the recommendations contained in section IV of the report of the Secretary-General of 17 January 1999 concerning improvement of the implementation of the measures imposed against the União Nacional para a Independência Total de Angola, and having endorsed the recommendations contained in the report of 12 February 1999 of the Security Council Committee established pursuant to resolution 864 (1993),

Welcoming the recommendations contained in the annex to the letter dated 4 May 1999 from the Chairman of the Committee established pursuant to resolution 864 (1993),

A

1. *Stresses* that lasting peace and national reconciliation in Angola can only be achieved through a political settlement of the conflict, and in this regard reaffirms the importance of the "Acordos de Paz" and the Lusaka Protocol;

2. *Welcomes and endorses* the planned visits by the Chairman of the Security Council Committee established pursuant to resolution 864 (1993) to Angola and other concerned countries to discuss ways to improve the implementation of the measures against the União Nacional para a Independência Total de Angola specified in paragraph 5 below;

B

Determining that, as a result of the refusal of the União Nacional para a Independência Total de Angola to comply with its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions, the current situation in Angola continues to constitute a threat to international peace and security in the region,

Emphasizing its concern at reports of violations of the measures with respect to arms and related materiel, petroleum, diamonds and financial assets, imposed against the União Nacional para a Independência Total de Angola by resolutions 864 (1993), 1127 (1997) and 1173 (1998), and in this context acting under Chapter VII of the Charter of the United Nations,

3. *Deplores* the deteriorating situation in Angola, which is primarily due to the refusal of the União Nacional para a Independência Total de Angola, under the leadership of Mr. Jonas Savimbi, to comply with its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions;

4. *Condemns* the continued, indiscriminate attacks by the União Nacional para a Independência Total de Angola against the civilian population of Angola, particularly in the cities of Huambo, Kuito and Malange;

5. *Stresses* the obligation of all Member States to comply fully with the measures imposed against the União Nacional para a Independência Total de Angola by resolutions 864 (1993), 1127 (1997) and 1173 (1998);

6. *Endorses* the letter dated 4 May 1999, and the annex thereto, from the Chairman of the Committee established pursuant to resolution 864 (1993), and decides to establish the expert panels referred to therein for a period of six months with the following mandate:

¹⁸⁵ S/1999/49. See also the 3969th meeting in the present chapter.

¹⁸⁶ S/1999/147.

¹⁸⁷ S/1999/509.

¹⁸⁸ S/1999/521.

(a) To collect information and investigate reports, including through visits to the countries concerned, relating to the violation of the measures imposed against the União Nacional para a Independência Total de Angola with respect to arms and related materiel, petroleum and petroleum products, diamonds and the movement of funds of the União Nacional para a Independência Total de Angola as specified in the relevant resolutions, as well as information on military assistance, including mercenaries;

(b) To identify parties aiding and abetting the violations of the above-mentioned measures;

(c) To recommend measures to end such violations and to improve the implementation of the above-mentioned measures;

7. *Requests* the Chairman of the Committee established pursuant to resolution 864 (1993) to submit to the Council no later than 31 July 1999 an interim report of the expert panels regarding their progress and preliminary findings and recommendations and to submit to the Council within six months of the formation of the expert panels their final report with recommendations;

8. *Calls upon* all States, relevant United Nations bodies and concerned parties, as appropriate, including non-governmental organizations and enterprises, to cooperate in a full and timely manner with the expert panels to facilitate the implementation of their mandate, including by making available to the expert panels information relating to their mandate;

9. *Calls upon* the Governments of the States concerned in which the expert panels will carry out their mandate to cooperate fully with the expert panels in the fulfilment of their mandate, including responding positively to requests from the expert panels for security, assistance, and access in pursuing investigations, including:

(a) Adoption by them of any measures needed for the expert panels and their personnel to carry out their functions throughout the respective territories with full freedom, independence, and security;

(b) Provision by them to the expert panels or to the Chairman of the Committee established pursuant to resolution 864 (1993) of information in their possession which the expert panels request or which is otherwise needed to fulfil their mandate;

(c) Freedom of access for the expert panels and their personnel to any establishment or place they deem necessary for their work, including border points and airfields;

(d) Appropriate measures to guarantee the safety and security of the personnel of the expert panels and guarantees by them of full respect for the integrity, security and freedom of witnesses, experts and any other persons working with the expert panels in the fulfilment of their mandate;

(e) Freedom of movement for the personnel of the expert panels, including freedom to interview any person in private, at any time, as appropriate;

(f) The grant of relevant privileges and immunities in accordance with the General Convention on the Privileges and Immunities of the United Nations;

10. *Expresses its concern* at the delays in the investigation into the downing on 26 December 1998 and 2 January 1999 of two aircraft chartered by the United Nations and the loss under suspicious circumstances of other commercial aircraft over areas in Angola controlled by the União Nacional para a Independência Total de Angola as well as the crash on 26 June 1998 in Côte d'Ivoire of the aircraft carrying the Special Representative of the Secretary-General to Angola and other United Nations personnel, and reiterates its call upon all concerned to cooperate fully with and to facilitate an immediate and objective international investigation of these incidents;

C

11. *Endorses* the recommendation contained in the annex to the letter dated 4 May 1999 from the Chairman of the Committee established pursuant to resolution 864 (1993) that the expert panels should be supported as an expense of the Organization and through a United Nations trust fund established for this purpose, requests the Secretary-General to take the necessary steps towards this end, and urges States to make voluntary contributions to the trust fund;

12. *Reiterates its call* upon all concerned to cooperate with the United Nations humanitarian assistance activities on the basis of the principles of neutrality and non-discrimination, to facilitate the delivery of humanitarian assistance to all those in need throughout the territory of Angola and to guarantee unconditionally the security and freedom of movement of humanitarian personnel;

13. *Expresses its strong support* for further consultations between the Secretary-General and the Government of Angola regarding the follow-up configuration of the United Nations presence in Angola;

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

Speaking after the vote, the representative of the United States welcomed and expressed its appreciation for the initiative of the Chairman of the Angola sanctions committee, who would travel to countries in the region to discuss ways to improve the implementation of sanctions against UNITA. They also welcomed the establishment of expert panels to investigate sanctions violations.¹⁸⁹

¹⁸⁹ S/PV.3999, p. 2.

Decision of 19 May 1999 (4007th meeting): statement by the President

At the 4007th meeting of the Security Council, held on 19 May 1999 in accordance with the understanding reached in its prior consultations, the President (Gabon) made the following statement on behalf of the Council:¹⁹⁰

The Security Council strongly condemns the criminal act by the União Nacional Para a Independência Total de Angola against commercial aircraft, namely the shooting down of an Antonov-26 aircraft on 12 May 1999 near Luzamba and the taking of its Russian crew hostage, while the fate of its Angolan passengers remains unknown.

The Council expresses its grave concern at the fate of those who were on board the downed aircraft, demands the immediate and unconditional release of the Russian crew members and all other foreign nationals that may be held hostage in Angola by the União Nacional para a Independência Total de Angola, and also demands information on the fate of the Angolan passengers. It stresses that the União Nacional para a Independência Total de Angola and its leader, Mr. Jonas Savimbi, carry full responsibility for their security.

The Council calls upon the Government of Angola and all other concerned parties to cooperate in obtaining the release of the Russian crew members as well as in ascertaining the fate of passengers and crew members of other commercial aircraft lost under suspicious circumstances over territory controlled by the União Nacional para a Independência Total de Angola.

The Council will remain actively seized of the matter.

Deliberations of 29 July 1999 (4027th meeting)

At its 4027th meeting, held on 29 July 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the item “Briefing by the Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola” in its agenda. Following the adopting of the agenda, the President (Malaysia), drew the attention of the Council to a letter dated 28 July 1999 from the Chairman of the Security Council Committee established pursuant to resolution 864 addressed to the President of the Security Council and the annexed report by the Chairman.¹⁹¹

¹⁹⁰ S/PRST/1999/14.

¹⁹¹ S/1999/829.

¹⁹² S/PV.4027, pp. 2-5.

¹⁹³ *Ibid.*, p. 6 (United States); pp. 6-7 (Russian Federation); p. 7 (Argentina); pp. 7-8 (Namibia); pp. 8-9 (China); p. 9

The representative of Canada and Chairman of the Security Council Committee established pursuant to resolution 864 stated that the premise of the work in the Sanctions Committee was that the war could be ended only through political dialogue and that their intention was to do everything possible to limit the ability of UNITA to pursue the war option. Their objective was to give teeth to hitherto ineffective sanctions and to make very clear that sanctions violations were no longer cost free. He then commented on the steps that the Committee was taken to take to give the sanctions teeth. They had made two visits abroad and were about to announce the creation of two expert panels. The African trip had resulted in a set of 14 preliminary recommendations, included in the report submitted in early June. The recommendations included the prospect of sanctions monitors, and a proposal for close collaboration with Interpol and other international organizations. The trips also included extensive discussion of the effective application of sanctions against the trade in diamonds by UNITA.¹⁹²

During the course of the debate, several speakers spoke, welcoming the Chairman’s approach, supporting his recommendations, and underlining the importance of States cooperating in implementing the sanctions.¹⁹³

At the end of the meeting, the Chairman spoke again and responded to some of the questions raised.¹⁹⁴

Decision of 24 August 1999 (4036th meeting): statement by the President

At the 4036th meeting of the Security Council, held on 24 August 1999 in accordance with the understanding reached in its prior consultations, the President (Namibia), with the consent of the Council, invited the representative of Angola, at her request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:¹⁹⁵

The Security Council expresses its deep concern at the deteriorating political, military and humanitarian situation in Angola, at the suffering of the people and at the dramatic increase in the number of internally displaced persons, which has now reached well over two million, not including the unknown number

(United Kingdom); pp. 9-10 (France); pp. 10-11 (Gambia); p. 11 (Brazil); pp. 11-12 (Gabon); p. 12 (Bahrain); pp. 12-13 (Slovenia); and p. 13 (Malaysia).

¹⁹⁴ *Ibid.*, pp. 14-16.

¹⁹⁵ S/PRST/1999/26.

of internally displaced persons in areas which are currently inaccessible to humanitarian agencies.

The Council reiterates that the primary cause of the current crisis in Angola is the failure by the leadership of the União Nacional para a Independência Total de Angola to comply with its obligations under the Lusaka Protocol, and it again demands that the União Nacional para a Independência Total de Angola comply immediately and without conditions with its obligations to demilitarize and permit the extension of state administration to areas under its control. It reaffirms its belief that lasting peace and national reconciliation can only be achieved through political dialogue.

The Council expresses its concern at the critical condition of the internally displaced persons who suffer from lack of food, medicines, shelter, arable land and other necessities. The Council further expresses its grave concern at the number of malnourished children and at the outbreak of diseases such as polio and meningitis due to the lack of access to clean water and hygiene. In this regard, the Council commends the excellent work by the Government of Angola and the United Nations system in their efforts towards the eradication of diseases in Angola. The Council also expresses its concern at the plight of those vulnerable groups, such as children, women, the elderly and the handicapped, who are particularly at risk and in need of special assistance.

The Council expresses its concern that the continuing conflict in Angola has increased the cost of humanitarian assistance. It notes the insufficient level of contributions to the 1999 United Nations Consolidated Inter-Agency Appeal for Angola and reiterates its appeal to the donor community to contribute generously, financially and in kind, to the humanitarian appeal to enable the agencies to address effectively the plight of the internally displaced persons. The Council welcomes the announcement by the Government of Angola of an emergency plan for humanitarian assistance.

The Council also expresses its concern that the continuing conflict and lack of access jeopardize the ability of the agencies to continue to deliver assistance to those in need. The Council urges the Government of Angola and particularly the União Nacional para a Independência Total de Angola to provide access to all internally displaced persons in Angola and to facilitate the mechanisms necessary for the delivery of humanitarian assistance to all populations in need throughout the country. The Council urges both parties, particularly the União Nacional para a Independência Total de Angola, to guarantee the safety and security and freedom of movement of humanitarian personnel, including United Nations and associated personnel, providing assistance to internally displaced persons. The Council strongly urges respect for the principle of neutrality and impartiality in the delivery of assistance. The Council commends the determination and courage of those working to relieve human suffering in Angola, including the Office for the Coordination of

Humanitarian Affairs, the World Food Programme and the United Nations Children's Fund and other agencies.

The Council urges both parties to ensure full respect for human rights and international humanitarian law. In this connection, the Council urges the União Nacional para a Independência Total de Angola to cease committing atrocities, including killing civilians and attacking humanitarian aid workers, and demands the release of all foreign citizens, including the Russian aircrews, held by the União Nacional para a Independência Total de Angola. It expresses its concern at reports of re-mining activities as well as the laying of mines in new areas in the country.

The Council will remain actively seized of the matter.

**Decision of 15 October 1999 (4052nd meeting):
resolution 1268 (1999)**

By a letter dated 11 August 1999 addressed to the President of the Security Council,¹⁹⁶ the Secretary-General reported on the consultations with the Government of Angola on a continued multidisciplinary presence of the United Nations in the country, as requested in the statement of the President of the Security Council dated 21 January 1999.¹⁹⁷ The Secretary-General stated that the Government of Angola had indicated that conditions were now created for the signing of an agreement with the United Nations which would enable the United Nations office to start operating in Angola. Accordingly he intended to initiate practical arrangements for the earliest establishment of the new office and the conclusion with the Government of Angola of a status-of-mission agreement. He noted that the United Nations Humanitarian Assistance Coordination Unit, the activities of which enjoyed the fullest support of the Government, would continue to operate in its present configuration.

At its 4052nd meeting, held on 15 October 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (Russian Federation), with the consent of the Council, invited the representative of Angola, at his request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁹⁸ The

¹⁹⁶ S/1999/871.

¹⁹⁷ S/PRST/1999/3.

¹⁹⁸ S/1999/1061.

draft resolution was put to the vote and adopted unanimously as resolution 1268 (1999), which reads:

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolutions 1229 (1999) of 26 February 1999 and 1237 (1999) of 7 May 1999,

Recalling the statements by its President of 21 January and 24 August 1999,

Reaffirming its commitment to preserve the sovereignty and territorial integrity of Angola,

Reiterating that the primary cause of the present situation in Angola is the failure of the União Nacional para a Independência Total de Angola, under the leadership of Mr. Jonas Savimbi, to comply with its obligations under the “Acordos de Paz”, the Lusaka Protocol and relevant Security Council resolutions,

Reiterating also that lasting peace and national reconciliation can only be achieved through peaceful means, and in this regard reaffirming the importance of the “Acordos de Paz”, the Lusaka Protocol and relevant Security Council resolutions,

Expressing its concern at the humanitarian effects of the present situation on the civilian population in Angola,

Welcoming the letter from the Secretary-General to the President of the Security Council dated 11 August 1999, and the letters referred to therein from the Minister for Foreign Affairs of the Republic of Angola to the Secretary-General dated 26 July 1999 and from the Secretary-General to the Minister for Foreign Affairs of the Republic of Angola dated 2 August 1999,

Reaffirming its view that a continued United Nations presence in Angola can contribute greatly to the promotion of peace, national reconciliation, human rights and regional security,

1. *Authorizes* the establishment, for an initial period of six months until 15 April 2000, of the United Nations Office in Angola staffed with the personnel necessary to liaise with the political, military, police and other civilian authorities, with a view to exploring effective measures for restoring peace, assisting the Angolan people in the area of capacity-building, humanitarian assistance and the promotion of human rights, and coordinating other activities;

2. *Decides* that, pending further consultations between the United Nations and the Government of Angola, the United Nations Office in Angola shall consist of up to thirty substantive professional staff, as well as the necessary administrative and other support personnel;

3. *Stresses* that the United Nations Humanitarian Assistance Coordination Unit will continue to operate and to be funded in its present configuration;

4. *Calls upon* all parties concerned and in particular the União Nacional para a Independência Total de Angola to ensure the safety, security and freedom of movement of United

Nations and associated personnel and to respect fully their status;

5. *Calls upon* the Government of Angola and the Secretary-General to conclude as soon as possible a status-of-mission agreement;

6. *Expresses its readiness* to review the configuration and mandate of the United Nations presence in Angola upon the recommendation of the Secretary-General in consultation with the Government of Angola;

7. *Requests* the Secretary-General to provide every three months a report on developments in Angola, including his recommendations about additional measures the Council might consider to promote the peace process in Angola;

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

5. Items relating to the situation in Rwanda

A. The situation concerning Rwanda

Decision of 8 March 1996 (3640th meeting): resolution 1050 (1996)

At its 3640th meeting held on 8 March 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General dated 29 February 1996 on the United Nations Assistance Mission for Rwanda (UNAMIR),¹ submitted pursuant to Security Council resolution 1029 (1995), in its agenda. Following the adoption of the agenda, the President (Botswana), with the consent of the Council, invited the representative of Rwanda, at his request, to participate in the discussion without the right to vote.

In his report, the Secretary-General observed that when Rwanda emerged from civil war and genocide with the establishment of the Government of National Unity on 19 July 1994, conditions in the country were nothing short of disastrous. There was no administration, no functioning economy, no judicial or education system, no water or electricity supply and no transport; the population, moreover, was still in a state of profound shock. Nevertheless, conditions in Rwanda had begun to return to normal, though a significant portion of the population was still refugees or displaced persons. Along with the efforts of the Rwandan people themselves, UNAMIR, other United Nations and international agencies and non-governmental organizations had also worked with the Government to restore basic infrastructure and to rehabilitate vital sectors of the economy, clear mines, construct transit camps, and provide humanitarian assistance. The Mission by its presence had provided a sense of security and confidence to the representatives of the United Nations agencies, intergovernmental institutions and non-governmental organizations who, throughout the country and sometimes under very difficult circumstances, had worked for the recovery of Rwanda. The Secretary-General, in recalling his report of 30 January 1996, reiterated his view that the United Nations would still have a useful role to play even after the expiry of the UNAMIR mandate.² He gave three

options for a continued United Nations presence: a small political office to support the efforts by the Government of Rwanda to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure; a political office plus a military component consisting of military observers to monitor and support the return of refugees; or the establishment of a regional office with responsibilities for promoting peace, stability and development in the Great Lakes region as a whole. He informed the Council that despite the significant progress towards normalcy in Rwanda the relative peace that prevailed would be under constant threat as long as the 1.5 million refugees, mixed with elements of the former Rwandan army and militias, were camped along the border. The security situation was a major factor discouraging the refugees from returning and, therefore, the deployment of United Nations military personnel in those areas to which large numbers of refugees were expected to return, could speed up the process of return both by building confidence and by providing much needed logistic support. However, the above options required the consent of the Rwandan Government; with that consent not forthcoming, there appeared no alternative to the complete withdrawal of all the civilian and military components of UNAMIR, in accordance with paragraph 5 of resolution 1029 (1995). Notwithstanding the withdrawal of UNAMIR, other United Nations agencies and programmes would remain in the country, carrying out their respective mandates.

At the same meeting the President also drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³

The President, at the same meeting, further drew the attention of the Council to a letter dated 23 February 1996 from the representative of Zaire addressed to the President of the Security Council,⁴ transmitting Zaire's position on the interim report of the International Commission of Inquiry into the allegations of the supply by Zaire of arms or training to former Rwandan government forces, and a letter dated 6 March 1996 from the Secretary-General addressed to the President of the Security Council,⁵ transmitting the text

¹ S/1996/149.

² S/1006/61.

³ S/1996/177.

⁴ S/1996/132.

⁵ S/1996/176.

of a letter dated 1 March 1996 from Rwanda accepting the offer of the Secretary-General to maintain the office of the Special Representative for six months and providing a list of areas for the United Nations agencies to concentrate on.

The representative of Rwanda thanked the Secretary-General for his report which showed the positive evolution of the situation in Rwanda. He stated that the setting up of a coalition Government and Parliament representative of all groups was a major sign of the beginning of a process of national reconciliation. He informed the Council that the Government had for the first time established a policy of repatriation of refugees and had translated its commitment into action by a variety of measures. Those had already led to the return of 2.3 million refugees in one year including those who had been outside the country since 1959. In terms of reforms, the rehabilitation of the judicial system also continued to be one of their main priorities; they had also started to reorganize and strengthen the gendarmerie and the police and intended to proceed with the demobilization of part of the army. He stated that they were looking forward to the effective implementation of the International Tribunal for Rwanda as a major step in healing the wounds of genocide. He expressed his hope that the Secretariat would engage in a serious analysis of its most recent experience with UNAMIR in Rwanda both before and after the genocide and would learn the right lessons. As they were handing the UNAMIR troops back to the United Nations in a generally secure environment, they expected the Secretariat to comply with its obligation to Rwanda, as some issues raised by his Government had never received satisfactory attention. He informed the Council that the Government had accepted the Secretary-General's proposal for a small political office to support the efforts to strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure as a follow-up to UNAMIR.⁶

The representative of Italy, speaking on behalf of the European Union and associated countries,⁷ stated that despite the relative calm and stability prevailing in the country, serious issues with refugees, the judicial system and prison crowding needed to be addressed as a matter of priority in order to achieve national reconciliation and future stability. He underlined the

importance of the International Tribunal for Rwanda, which was fundamental to restoring a climate of trust and confidence, and the need to assure protection for its personnel and premises. He stated his agreement with the assessment of the Secretary-General that Rwanda could have benefited from a further phase of United Nations involvement to consolidate peace and security, but welcomed their agreement to the maintenance of a political office. One of the main priorities of the future United Nations presence in Rwanda would remain supporting the efforts of the Government to promote national reconciliation. He noted with satisfaction the continuation of the United Nations human rights operation in Rwanda, to which the European Union attached a fundamental importance. In conclusion, he stressed the importance of the continuation of efforts for the careful preparation and convening of a Regional Conference for Peace, Security and Development in the Great Lakes Region, which was mentioned in the draft resolution.⁸

Before the vote, the representative of Germany noted that Rwanda's call for "post-genocide peacebuilding" had enabled the Security Council to draft the draft resolution based on Chapter VI of the United Nations Charter. He stressed the importance of the Human Rights Field Operation in Rwanda, which constituted a true confidence-building measure. While welcoming the fact that UNAMIR would contribute to the protection of the International Tribunal, he noted that after their withdrawal new arrangements would be needed. In conclusion, he informed the Council that the Secretary-General would submit a recommendation for the release of non-lethal UNAMIR equipment to Rwanda and he hoped that any decision would take into account the tremendous needs in that respect.⁹

The representative from the United Kingdom stated his support for the draft resolution, which would place the weight of the Security Council behind the Secretary-General's proposal for the continued maintenance of the office of the Special Representative. He also noted the particular importance of the security that UNAMIR would provide to the International Tribunal until the withdrawal. Early clarification from the Secretariat of the precise arrangements for protection of the Tribunal after the withdrawal was also an area of great importance. He expressed his hope that while it

⁶ S/PV.3640, pp. 2-4.

⁷ Bulgaria, Czech Republic, Estonia, Latvia, Malta, Poland, Romania and Slovakia.

⁸ S/1996/177.

⁹ S/PV.3640, pp. 6-7.

was important that United Nations rules be followed in the disposition of UNAMIR equipment, some flexibility could be shown to benefit Rwanda. In conclusion he encouraged all States in the region to cooperate closely with each other, particularly in the return of refugees, to help bring about a real prospect of lasting peace and stability in the Great Lakes region.¹⁰

The representative of the Russian Federation stated their support for the resolution and noted with satisfaction the partial stabilization of the situation. However, he noted that many problems remained to be solved, the most acute of which was the problem of almost 2 million displaced persons and refugees and the resulting potential threat of destabilization. That complex, large-scale problem could not be resolved without the active cooperation of the international community and they therefore attached importance to the establishment of the United Nations political office to support the Government of Rwanda, strengthen confidence and stability, and keep the United Nations abreast of developments. He stated that he trusted that the safety of the personnel of the International Tribunal, specialized agencies and other international organizations would be assured after the withdrawal of UNAMIR.¹¹

Several other speakers also spoke, stating their support for the resolution, noting the positive development in the country, and expressing concern over the unresolved issues, particularly the problem of the 1.7 million refugees. Most speakers expressed support for the work of the International Tribunal and the Field Operation and the continuation of the political office and called on States and agencies to provide humanitarian assistance and support for the other United Nations missions.¹² Several countries also hoped that a way could be found to permit Rwanda to retain non-lethal UNAMIR equipment for productive purposes.¹³

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1050 (1996), which reads:

The Security Council,

Recalling its previous resolutions on the situation in Rwanda,

Having considered the report of the Secretary-General of 29 February 1996 on the United Nations Assistance Mission for Rwanda,

Welcoming the letter dated 1 March 1996 from the Minister for Foreign Affairs and Cooperation of Rwanda addressed to the Secretary-General,

Paying tribute to the work of the Mission and to the personnel who have served in it,

Stressing the continued importance of the voluntary and safe repatriation of Rwandan refugees and of genuine national reconciliation,

Emphasizing the importance it attaches to the role and responsibility of the Government of Rwanda in the promotion of a climate of confidence, security and trust and the safe return of Rwandan refugees,

Emphasizing also the importance it attaches to States acting in accordance with the recommendations adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons held in Bujumbura from 15 to 17 February 1995, the summit of heads of State of the Great Lakes region held in Cairo on 28 and 29 November 1995 and the follow-up conference held on 29 February 1996 in Addis Ababa, and the importance it attaches to the continuation of efforts to convene a regional conference for peace, security and development in the Great Lakes region,

Encouraging all States to cooperate fully with the International Commission of Inquiry established by resolution 1013 (1995) of 7 September 1995,

Recognizing the importance of the Human Rights Field Operation in Rwanda in contributing to the establishment of confidence in the country, and concerned that it may not be possible to maintain its presence throughout Rwanda unless sufficient funds for that purpose are secured in the very near future,

Concerned about ensuring the effective operation of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994, established by resolution 955 (1994) of 8 November 1994,

Commending the continuing efforts of the Government of Rwanda to maintain peace and security as well as to reconstruct and rehabilitate the country,

Stressing its concern that the United Nations should continue to play an active role in assisting the Government of

(Poland); pp. 11-12 (Indonesia); and p. 13 (Honduras).

¹³ Ibid., pp. 11-12 (Indonesia); and pp. 8-9 (Republic of Korea).

¹⁰ Ibid., p. 7.

¹¹ Ibid., pp. 7-8.

¹² Ibid., pp. 5-6 (Chile); pp. 8-9 (Republic of Korea); pp. 9-10 (Guinea-Bissau); p. 10 (China); pp. 10-11

Rwanda in promoting the return of refugees, in consolidating a climate of confidence and stability and in promoting the rehabilitation and reconstruction of Rwanda,

Reiterating the responsibility of the Government of Rwanda for the safety and security of all United Nations personnel and other international staff serving in the country,

1. *Takes note* of the arrangements made by the Secretary-General for the withdrawal, starting on 9 March 1996, of the United Nations Assistance Mission for Rwanda pursuant to Council resolution 1029 (1995) of 12 December 1995;

2. *Authorizes* elements of the Mission remaining in Rwanda prior to their final withdrawal to contribute, with the agreement of the Government of Rwanda, to the protection of the personnel and premises of the International Tribunal for Rwanda;

3. *Welcomes* the intention of the Secretary-General to submit recommendations to the General Assembly regarding non-lethal equipment of the Mission that may be released for use in Rwanda in accordance with paragraph 7 of its resolution 1029 (1995), and calls upon the Government of Rwanda to take all necessary steps to ensure that Mission personnel, and equipment which is not remaining in Rwanda, can be withdrawn without impediment and in an orderly and safe manner;

4. *Encourages* the Secretary-General, in agreement with the Government of Rwanda, to maintain in Rwanda a United Nations office, to be headed by his Special Representative and to include the present United Nations communications system and radio station, for the purpose of supporting the efforts of the Government of Rwanda to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure, and of coordinating the United Nations efforts to that end;

9. *Decides* to remain seized of the matter.

Following the vote, the representative of France stated that it was urgent that war criminals be brought before the International Tribunal, a process which would exonerate many of the thousands of men and women currently in prison. He stated that they would have preferred if UNAMIR had been entrusted to continue its many tasks, as the Secretary-General had outlined. However, the political office would allow the United Nations to continue to give assistance to Rwanda in needed areas, particularly national reconciliation. He maintained that national reconciliation in Rwanda implied dialogue with Rwandans outside the country who wished to return, though not with the perpetrators of genocide. He noted that there would be no real security in the region unless all the humanitarian and political problems of the region found an overall solution. He expressed his belief that a Conference on

5. *Commends* the efforts of States, including neighbouring States, the United Nations and its agencies, the European Union and non-governmental organizations which have provided humanitarian assistance to refugees and displaced persons, and underlines the importance it attaches to continued efforts by the Government of Rwanda, neighbouring States, the international community and the United Nations High Commissioner for Refugees to facilitate the early, safe, voluntary and organized return of Rwandan refugees to their own country in accordance with the recommendations of the Bujumbura Conference;

6. *Calls upon* States and organizations to continue to give assistance for the reconstruction of Rwanda and the rehabilitation of the infrastructure of the country, including the Rwandan justice system, directly or through the United Nations trust funds for Rwanda, and invites the Secretary-General to consider whether there is a need to adjust the scope and purposes of those funds to bring them into line with current requirements;

7. *Also calls upon* States to contribute urgently to the costs of the Human Rights Field Operation in Rwanda, and encourages the Secretary-General to consider what steps might be taken to place the Operation on a more secure financial basis;

8. *Requests* the Secretary-General to report to the Council by 5 April 1996 on the arrangements that have been agreed upon with the Government of Rwanda for the protection of the personnel and premises of the International Tribunal for Rwanda after the withdrawal of the Mission and on the arrangements he has made pursuant to paragraph 4 above, and to keep the Council closely informed thereafter of developments in the situation;

Peace, Security and Development in the Great Lakes Region, under the auspices of the United Nations, and in cooperation with the Organization of African Unity would be useful and he hoped that that would be the outcome from the negotiations of the group of five at Tunis, where the United Nations was involved as an observer.¹⁴

The representative of the United States stated that there could not be long-lasting peace and stability for Rwanda and the entire region, unless the 1.7 million refugees returned. He urged the Special Representative to encourage repatriation as one of his highest priorities. He praised the work of the human rights monitors and the Rwandan Government for accepting them. He maintained that the international community had to ensure that sufficient resources were available for the International Tribunal, including additional funds for security, and ensure that thousands of prisoners in

¹⁴ *Ibid.*, p. 14.

Rwanda's jails received a speedy trial. As the Commission of Inquiry to investigate reports of the sale or supply of arms to former Rwandan government forces had not had the benefit of full cooperation from all Rwanda's neighbours, he called on all States to offer the Commission their fullest support. He noted that differences between the Secretariat and the Government of Rwanda remained concerning the disposition of equipment and financing and he urged them to resolve those differences as soon as possible.¹⁵

The representative of Egypt reiterated that the successful repatriation of the refugees was key to stability in Rwanda. He stressed the need to ensure complete implementation of the decisions of the Bujumbura Conference, the Cairo Summit and the Addis Ababa follow-up conference and of convening an international conference on peace, stability and development in the Great Lakes region. He noted that the experience of Rwanda had taught them a critical lesson about the importance of preventive diplomacy and the need to remain committed to preventive measures in averting crises. Despite their concerns about facilitating the return of refugees, Egypt supported the resolution in solidarity with the Government of Rwanda.¹⁶

Finally, he stated their support for the convening of a regional conference.¹⁷

**Decision of 23 April 1996 (3656th meeting):
resolution 1053 (1996)**

By a letter dated 13 March 1996 addressed to the President of the Security Council,¹⁸ the Secretary-General, transmitted the final report of the International Commission of Inquiry authorized under Security Council resolution 1013 (1995) to investigate, inter alia, reports relating to sale or supply of arms and related materiel to former Rwandan government forces in the Great Lakes region in violation of Council resolutions 918 (1994), 997 (1995) and 1011 (1995). The report contained the Commission's conclusions, as well as its recommendations regarding possible measures to curb the illegal flow of arms in the Great Lakes region. He stated that in the light of those recommendations, the Security Council might wish to decide whether the Commission should continue its investigations or

The representative of Botswana noted that they were one of the delegations that had not favoured a precipitous departure of UNAMIR from Rwanda, and they were delighted that the United Nations would continue to play a significant role. He noted that the refugee problem and the need to strengthen the judicial system were two key elements in the process that needed the support of the international community. He stated that the problems facing Rwanda had a subregional dimension, which needed to be addressed urgently by the countries of the region. The return of the refugees could proceed smoothly only with close consultation and cooperation with the States hosting them. He maintained that it was an established fact that there was intimidation in the refugee camps by elements of the former Government against those intending to return to Rwanda and that those elements harboured intentions of undertaking military incursions into Rwanda. He urged the international community to make it clear to those elements that the withdrawal of UNAMIR did not in any way mean the abrogation of the measures it undertook through the relevant Security Council resolutions to bring an end to intimidation in the refugee camps and to the military activities against Rwanda: the arms embargo under resolutions 918 (1994) and resolution 1011 (1995) remained in force.

whether other measures should be put in place to promote compliance with the relevant resolutions of the Council.

At the 3656th meeting of the Security Council, held on 23 April 1996 in accordance with the understanding reached in its prior consultations, the President (Chile), with the consent of the Council, invited the representatives of Burundi, Rwanda, and Zaire, at their request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to the following documents: a letter dated 14 March 1996 from the Secretary-General addressed to the President of the Security Council;¹⁹ a letter dated 27 March 1996 from Rwanda addressed to the President of the Security Council,²⁰ giving their position on the International Commission of Inquiry and calling on the Council to strengthen the Commission to better investigate a situation that fell under Chapter VII

¹⁵ *Ibid.*, pp. 14-15.

¹⁶ *Ibid.*, pp. 15-16.

¹⁷ *Ibid.*, pp. 17-18.

¹⁸ S/1996/195.

¹⁹ S/1996/202.

²⁰ S/1996/222.

of the Charter; and a letter dated 3 April 1996 from Zaire addressed to the President of the Security Council,²¹ denying the allegations against them presented in the final report of the Commission of Inquiry.

At the same meeting the President also drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.²²

The representative of Rwanda noted the important fact that the first report of the International Commission of Inquiry differed remarkably from the second. The latter report brought to light "elements of incontestable information and pieces of evidence". He maintained that control over the implementation of a resolution formulated under Chapter VII could only be exercised with the authority granted under another, stronger resolution and that the draft resolution was too weak to allow the Commission to be effective. He expressed his belief that the Council was aware of the consequences of the failure of the Commission, including the destabilization of the region due to the arms and militia infiltrating Rwanda and Burundi, loss of life, displaced persons and refugees, economic regression, and the possibility of the subregion "going up in flames". He requested that the Council cease taking a "sectoral" approach to Rwanda as the problems of the subregion were interlinked and interdependent. The problem of the rearming of former Rwandan troops was linked to the arms embargo against the people who committed genocide, yet the sectoral approach obliged them to treat the matter as if it were "a simple offence committed by some businessman carrying out some sort of illicit operation". He noted that the word "genocide" appeared nowhere, which contributed to further playing down the offence; nor did the International Tribunal mention it, a fact which had further weakened its role and importance. He asked how they could encourage the refugees to return when "their self-proclaimed leaders" were in the process of rearming themselves and were receiving "various kinds of support from member countries of this Organization". He urged the Council to consider the question holistically, which would then make it clear that the Commission had more importance than the draft resolution attributed to it. He denied the information in the Secretary-General's report suggesting that negotiations with respect to establishing a small political office had become difficult. In fact, he was

pleased to inform the Council that the Under-Secretary-General for Political Affairs had arrived in Kigali and that the outstanding questions had been resolved that morning. He reminded the Council that it was customary for the Government of Rwanda to be consulted in every matter of interest to the country. On the subject of the request of the Secretary-General that Rwanda be given non-military materiel from the departing Mission to speed up the reconstruction, he informed the Council that the equipment, inaccurately valued at \$15.3 million, was of such a nature, and in such a state of disrepair that the Government could not receive it. He stated that they could only conclude that there had been a deliberate desire not to give the proper equipment to Rwanda to help it reconstruct the country and to keep the Government in a difficult situation. He expressed his hope that the new political office would be able to do what the United Nations had so far been unable to do to help Rwanda.²³

The representative of Burundi stated that the violations of the arms embargo had had serious consequences and that the report of the Commission of Inquiry confirmed that there were people, still embracing genocide, who were preparing to attack Rwanda. He maintained that a major indicator of the danger posed by the former forces of the Rwandan army and the militias was their alliance with factions in Burundi. A large number of these soldiers had infiltrated Burundi and were preying on the most vulnerable sectors of society. He noted that certain Governments and foreign circles were demanding that his Government negotiate with those responsible for those atrocities, and some were even making their assistance contingent on that. He praised France's realistic position and the "official and vigorous" condemnation by the United States of the recent atrocities and contrasted them with the "European Union's inclination to deprive both Rwanda and Burundi of foreign aid" at the time when they needed it most. He maintained that the Charter of the United Nations and the Charter of the Organization of African Unity as well as resolutions 918 (1994), 997 (1995) and 1011 (1995) enjoined all countries of asylum and all States and companies providing weapons to abide strictly by the letter and the spirit of the arms embargo, as did the commitments entered into by the Heads of State of the Great Lakes region at the Cairo and Tunis summits. In that regard, he welcomed the

²¹ S/1996/241.

²² S/1996/298.

²³ S/PV.3656, pp. 2-5.

recently adopted policy of Tanzania. He maintained that the primary *raison d'être* of the Economic Community of the Great Lakes Countries, Rwanda, Burundi and Zaire, was to prohibit acts of subversion in any of the Member countries against any of the others and Burundi would automatically stand in solidarity with the legal Government of Zaire to disarm and neutralize the groups opposing it in the eastern region. In conclusion he underlined that the proliferation of weapons, war materiel and armed terrorist groups could lead to widespread insecurity and instability. He called on the Economic Community of the Great Lakes Countries to convene a special summit dedicated to urgently finding solutions.²⁴

The representative of Zaire stated that the interim and final reports drafted by the Commission of Inquiry could not be considered separately from each other and that he would recall facts he considered essential from both. The Commission noted that new weapons had been found on Iwawa Island in Rwanda, but had no information as to where those weapons had come from. People interrogated by the Commission informed them that they were Rwandans and had been trained in weapons at the Mugunga camp in Zaire under the supervision of former Rwandan government forces and that no foreigners were involved. This was cited in paragraphs 18, 19, and 20 of the interim report. He wondered how his Government could be implicated in an affair that was occurring entirely on the territory of another State with actors who were nationals of that country. He maintained that his Government had been subjected to discriminatory treatment partially due to their refusal to provide suitable housing to the Commission, despite their having the resources to arrange it on its own. He also informed the Council that the report, in paragraph 35, had stated that Zaire seemed to wish to renegotiate the mandate of the Commission and be present at talks with potential witnesses, which was untrue. In fact, his Government had only suggested that the Commission refrain from making any press conferences, that it reserve its conclusions for the Secretary-General and the Security Council and that it reside in Zaire while working in north and south Kivu. Despite those requests, the Commission had held multiple press conferences and had demanded to stay in Rwanda. During the Commission's inspection missions in Rwanda, it was aided by officers of the Rwandese

Patriotic Army (RPA) but this favourable treatment was refused Zaire. These examples were representative of the discriminatory treatment of Zaire by the Commission. He noted that most of the final report dealt with a single case, an arms purchase in Seychelles, while it was content with a single letter denying violation of the embargo from other countries that actually produced weapons. He went on to mention several inaccuracies, inconsistencies and omissions in the report that called its validity into question. He commented that the draft resolution also contained inaccuracies and inconsistencies, specifically mentioning paragraphs 10 and 11, and calling attention to his Government's alternative draft of paragraph 12.²⁵ He denied the claims that 8,000 Zairian refugees had entered Rwanda, stating that these were in fact Rwandan refugees from 1927 and 1959 who had decided to return to their native land. He maintained that the arms traffic in the region was being exaggerated and noted that the worst of the killing in Rwanda was done by machete, not by modern weapons. In conclusion he noted that operative paragraphs 9 and 10 of the draft resolution and operative paragraph 1 (c) of resolution 1013 (1995) called upon States whose nations had been implicated to carry out their own reports and make them available. Since the embargo had been decreed under Chapter VII of the Charter, banking institutions could not hide behind a "screen of financial secrecy" and he called on those countries to help identify and bring down all the people involved. He called on the Council to provide answers to the many questions his Government had asked in its letter of 3 April 1996²⁶ and stated that while they were eagerly awaiting the return of the Commission of Inquiry, which would enjoy the open cooperation of the Government, he hoped that it would leave its prejudices behind.²⁷

The representative of the Russian Federation expressed his belief that the tasks of restoring peace, security and stability to that country and to the region as a whole could be achieved only through a well-thought-out and comprehensive approach. An integral part of that needed to be the establishment of an impregnable barrier against the illegal dissemination of weapons, the continuing inflow of which was undermining mutual trust and preventing national reconciliation, and was also capable of provoking a new spiral of bloody violence with all its devastating implications for the people of the region. They supported the work of the

²⁴ Ibid., pp. 5-8.

²⁵ S/1996/298.

²⁶ S/1996/241.

²⁷ S/PV.3656, pp. 8-13.

International Commission of Inquiry and would vote in favour of the draft resolution. He underlined that it was particularly important to take specific steps to ensure the effective implementation of the embargo on arms supplies to illegal militia forces, as well as to appeal to all countries of the region not to allow their territories to be used as bases for launching attacks on any other State. He expressed their belief that it was extremely important that the measures proposed should be implemented in coordination with countries neighbouring Rwanda. They regarded that as a means of guaranteeing the efforts of the international community to resolve that complicated problem, which could also become an important precondition for stabilizing the situation in the region, in particular by implementing the provisions of the Tunis Declaration of Heads of State of the Great Lakes Region of 18 March 1996.²⁸

The representative of the United Kingdom stated his support for the draft resolution. He noted that the Commission of Inquiry had done a very professional job but that it had not always met with the cooperation that it needed. He expressed his belief that the draft resolution would ensure that the Commission could remain in being, though in reduced strength, to complete its earlier investigations and to pursue any further allegations of violations, which he believed would be possible within existing resources. The resolution would also send a signal that the Council expected fuller cooperation with the Commission, in particular from Zaire and that it wished to see other mechanisms put in place in the region to ensure that the arms embargo was fully effective. He underlined the great importance his country paid to the implementation of resolution 1050 (1996), the establishment of a United Nations political office in Rwanda, the retention of a United Nations radio station there, the fullest support for former President Nyerere's efforts to further political dialogue in Burundi and for holding a regional conference to address the wider problems of the region.²⁹

The representative of Guinea-Bissau stated their support for the resolution and reiterated the importance of resolutions 918 (1994), 997 (1995) and 1011 (1995), which imposed an embargo on the sale or delivery of weapons and related material to Rwanda, under Chapter VII of the Charter, in putting an end to the conflict. He expressed his concern over the statement of the

Commission that certain Rwandan elements were receiving military training for the purpose of conducting destabilizing incursions into Rwanda. He expressed his concern over the radio broadcasts that were disseminating hatred and fear and appealed to all States to cooperate in order to halt those broadcasts without delay, in keeping with the relevant resolutions of the Council and the Declaration of Heads of State of the Great Lakes region, adopted on 29 November 1995.³⁰

The representative of Botswana underlined the importance of the arms embargo, imposed by the Council in resolutions 918 (1994), 997 (1995) and 1011 (1995), being effectively implemented. He expressed their appreciation for the work of the Commission and recognized the efforts of non-governmental organizations, including Human Rights Watch and Amnesty International. He called upon all the States in the region to provide support and cooperation to the Commission, in accordance with operative paragraphs 8, 9 and 10 of the draft resolution. He stated that it would be an important step if the States neighbouring Rwanda would agree to the deployment of United Nations observers, in line with operative paragraph 7 of the draft resolution.³¹

The representative of Egypt stated their appreciation for the work of the International Commission, commended those Governments that had cooperated in a positive fashion with International Commission of Inquiry and appealed to all other parties to lend even greater support and cooperation so that the Commission could fulfil its mandate. He appealed to all States to ensure the effective implementation of the arms embargo on shipments to non-Government forces in Rwanda, as provided for in resolution 1011 (1995). He expressed his hope that no State in the Great Lakes region would allow any group to use its territory as a staging ground for attacks against any neighbouring State, in violation of international treaties and the Charter. He noted that in operative paragraph 7 of the draft resolution before the Council, the Council had requested the Secretary-General of the United Nations to consult with States neighbouring Rwanda on measures for the purpose of better implementation of the embargo. While fully supporting that request, he expressed his confidence that in the context of any accord to be discussed to deploy United Nations

²⁸ Ibid., p. 14.

²⁹ Ibid., pp. 14-15.

³⁰ Ibid., p. 15.

³¹ Ibid., pp. 15-16.

observers at airports and border checkpoints, there would be full compliance with the principle of national sovereignty of all States, and that securing the consent of the Government concerned would be a *sine qua non* condition for dispatching observers.³²

The representative of China stated that they believed that the illegal flow of arms to the Great Lakes region constituted a potential threat to peace and stability in the region and that it would impede the cause of reconstruction and development in the countries concerned, particularly Rwanda. They therefore favoured the adoption by the Council of appropriate measures to reduce or even stem the illegal flow of arms into the region and to work to increase mutual confidence between the countries of the Great Lakes region. They believed that in adopting actions in that area the Council should heed and respect the views of the country concerned and of the other countries concerned in the region. He also noted that those measures had already received wide support among African countries, including Rwanda.³³

Several other speakers spoke, stating their support for the draft resolution, underlining the need to address the illegal flow of arms to the region and the question of refugees; expressing concern over reports that elements were receiving training for destabilizing incursions into Rwanda; supporting the convening of an international conference; and maintaining the importance of cooperation of all interested countries in the region and of sufficient funding for the Commission and other initiatives.³⁴

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1053 (1996), which reads:

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular resolutions 918 (1994) of 17 May 1994, 997 (1995) of 9 June 1995, 1011 (1995) of 16 August 1995 and 1013 (1995) of 7 September 1995,

Having considered the letter dated 13 March 1996 from the Secretary-General to the President of the Security Council and the report of the International Commission of Inquiry established by resolution 1013 (1995), annexed to that letter, as well as the interim report of the Commission of 17 January 1996,

Expressing its support for the Tunis Declaration of Heads of State of the Great Lakes Region of 18 March 1996,

Expressing once again its grave concern at allegations of the sale and supply of arms and related *matériel* to former Rwandan government forces in violation of the embargo imposed under its resolutions 918 (1994), 997 (1995) and 1011 (1995), and underlining the need for Governments to take action to ensure the effective implementation of the embargo,

Commending the members of the Commission for the excellent investigation they have conducted,

Welcoming the assistance given to the Commission by some Governments,

Noting with concern the continuing lack of full cooperation the Commission has received from other Governments,

Gravely concerned by the finding of the Commission that certain Rwandan elements are receiving military training to conduct destabilizing raids into Rwanda,

Deeply disturbed by the strong evidence presented by the Commission leading to the conclusion that it is highly probable that a violation of the arms embargo occurred, in particular by the sale of arms which took place in Seychelles in June 1994 and the subsequent two shipments of arms from Seychelles to Goma, Zaire, destined for former Rwandan government forces,

Noting that the Commission received strong indications from its sources that aircraft are continuing to land at Goma and Bukavu with arms for former Rwandan government forces and that senior figures among those forces are still actively raising money apparently for the purpose of funding an armed struggle against Rwanda,

Noting also that the Commission has not yet been able to investigate thoroughly these allegations of continuing violations of the arms embargo,

Reaffirming the need for a long-term solution to the refugee and related problems in the Great Lakes States,

Reaffirming also the importance of terminating radio broadcasts which spread hate and fear in the region, and emphasizing the need for States to assist the countries of the region in terminating such broadcasts as stated by the Cairo Declaration adopted by the heads of State of the Great Lakes region on 29 November 1995,

1. *Reaffirms* the importance it attaches to the work of the International Commission of Inquiry, to the investigations it has conducted to date, and to continued effective implementation of the relevant Council resolutions;

2. *Requests* the Secretary-General to maintain the Commission, on the basis set out in paragraph 91 (c) of its report, to follow up its earlier investigations and to stand ready to pursue any further allegations of violations, especially of current and expected arms shipments;

³² *Ibid.*, pp. 17-18.

³³ *Ibid.*, p. 18.

³⁴ *Ibid.*, pp. 13-14 (Indonesia); p. 16 (Italy); and pp. 16-17 (Republic of Korea).

3. *Expresses its determination* that the prohibition on the sale or supply of arms and related materiel to non-governmental forces for use in Rwanda should be implemented fully in accordance with resolution 1011 (1995);

4. *Calls upon* States in the Great Lakes region to ensure that their territory is not used as a base for armed groups to launch incursions or attacks against any other State in violation of principles of international law and the Charter of the United Nations;

5. *Urges* all States, in particular those in the region, to intensify their efforts to prevent military training and the sale or supply of weapons to militia groups or former Rwandan government forces and to take the steps necessary to ensure the effective implementation of the arms embargo, including by the creation of all necessary national mechanisms for implementation;

6. *Encourages* States of the Great Lakes region to ensure the effective implementation of the Tunis Declaration of Heads of State of the Great Lakes Region of 18 March 1996;

7. *Requests* the Secretary-General to consult with States neighbouring Rwanda, in particular Zaire, on appropriate measures, including the possible deployment of United Nations observers in the airfields and other transportation points in and around border crossing points, for the purpose of better implementation of the arms embargo and deterrence of the shipment of arms to former Rwandan government forces in violation of Council resolutions;

8. *Expresses concern* at the lack of response by certain States to the Commission's inquiries, and calls upon those States that have not yet done so to cooperate fully with the Commission in its inquiries and to investigate fully reports of their officials and nationals suspected of violating the relevant Council resolutions;

9. *Calls upon* States, in particular those whose nationals have been implicated by the report of the Commission, to investigate the apparent complicity of their officials or private citizens in the purchase of arms from Seychelles in June 1994, and in other suspected violations of the relevant Council resolutions;

10. *Also calls upon* States to make available to the Commission the results of their investigations, and to cooperate fully with the Commission, including by providing to the Commission at any time any access they request to airfields and to witnesses, in private and without the presence of officials or representatives of any Government;

11. *Encourages* States to make voluntary contributions to the United Nations Trust Fund for Rwanda, established by the Secretary-General, to support the work of the Commission, and to contribute equipment and services to the Commission, through the Secretary-General;

12. *Requests* the Secretary-General to submit to the Council by 1 October 1996 a report on the implementation of the present resolution;

13. *Reiterates its concern* that the uncontrolled illegal flows of arms and related *matériel* in violation of Council resolutions would pose a threat to peace and stability in the Great Lakes region, and declares its willingness to consider further measures in this regard;

14. *Decides* to remain seized of the matter.

Following the vote, the representative from France stated that the resolution would make it possible for the International Commission to shed light on the rumoured arms traffic that was poisoning the political climate in the Great Lakes region. The report of the Commission had emphasized the existence of recent arms trafficking in violation of resolution 918 (1994) and 1011 (1995), a revelation which was a great cause for worry. He stated that the very existence of the Commission had a deterrent effect on illicit trafficking and he hoped that resolution 1053 would prolong the effect. He noted that the idea of creating an International Commission of Inquiry had been in an amendment submitted by France to resolution 1011 (1995) and that they had supported establishing the Commission in resolution 1013 (1995). They had invited the Council to Paris and that the report established the "total absence of substance in the allegations" against France. He called on all countries in the region to cooperate fully with the Commission.³⁵

The representative of Germany stated the importance of the Commission in working to stop the flow of arms to the area and strongly encouraged the countries mentioned in the report to do their utmost to investigate the sources of their nationals who might have been involved in purchasing and supplying arms to the region. He also underlined the importance of the intensification of efforts by the countries in the region to prevent any military activities by members of the former Rwandan regime. He agreed with the Secretary-General that the Commission should be provided with sufficient funds to carry out its mission and expressed his hope that the Tunis Declaration would be implemented.³⁶

The representative of Honduras stated that the report of the Commission had confirmed reports of the sale of embargoed material to former Rwandan government forces, something which threatened the peace and stability of the entire region. Considering this,

³⁵ Ibid., pp. 18-19.

³⁶ Ibid., p. 19.

he called on the Council to strengthen the mandate of the Commission so that it could carry out a thorough investigation of all reports, past and present, on the sale and provision of arms to elements of the former Rwandan government forces. It also needed the effective cooperation of the entire international community, particularly those that were implicated in the alleged violations. He also stated the necessity of all parties to observe the commitments undertaken in the Tunis Declaration of 18 March. He had voted in favour of the resolution bearing in mind the imperative need for all States to effectively implement the embargo and to observe the principles of international law and of the United Nations Charter, while avoiding at all times the use of their territories by armed groups to launch attacks against another State.³⁷

The representative of the United States praised the work of the Commission despite the inadequate cooperation from several key Governments. He expressed his shock at the evidence of violations of the embargo on arms sales to members of the former Rwandan forces in June 1994, when the genocide was ongoing. He called for the thorough investigation of continuing violations and for all Governments to cooperate fully with the Commission's investigations. He noted that the terms of the mandate were clear and robust: the Commission had the authority to interview witnesses in private, without representatives of any Government; it was free to choose its own interpreters; United Nations members were obligated to assist the Commission and to provide the security and access it had requested. He underlined that the embargo on arms to former Rwandan armed forces had been imposed under Chapter VII of the Charter of the United Nations, and that such sales were a threats to international peace and security. The armed insurgency needed to be stopped and the leaders of the ex-Rwandan armed forces who committed genocide needed to be prosecuted by the International Tribunal for Rwanda. He maintained that the embargo on arms sales to ex-Rwandan armed forces would be enforced, and the evidence the Commission would uncover would be used by Member States to investigate, arrest and prosecute the arms traffickers.³⁸

**Decision of 9 April 1998 (3870th meeting):
resolution 1161 (1998)**

At the 3870th meeting of the Security Council, held on 9 April 1998 in accordance with the understanding reached in its prior consultations, the President (Japan), with the consent of the Council, invited the representatives of Belgium and Germany, at their request, to participate in the discussion, without the right to vote.³⁹ The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁰

At the same meeting the representative of the United Kingdom spoke on behalf of the European Union, and the associated and aligned countries.⁴¹ He expressed his great concern at the recurrent violence in Rwanda which was contributing to the persistent instability in the Great Lakes region as a whole and unequivocally condemned the continued armed insurgency and acts of brutality against vulnerable groups by elements with a genocidal motive. He welcomed the action of the Security Council to reactivate the International Commission of Inquiry on illegal arms flows to Rwanda, and informed the Council that the European Union had affirmed its support and full cooperation for the work of the Commission as an important means to help bring an end to the continuing destabilizing conflict. The European Union was committed to working together with the Government of Rwanda to secure an end to conflict and recovery from genocide, promote national reconciliation and the democratic process, protect human rights and foster economic prosperity.⁴²

The representative of Germany stated that the illegal flow of small arms and light weapons was a serious obstacle to the lasting resolution of conflict and was of particular concern to his Government. He noted that they had been active in the General Assembly on this issue, especially in the context of the General Assembly resolution, initiated by Germany, "Consolidation of peace through practical disarmament measures" and that a German expert was a member of the Commission of Inquiry from October 1995 until April 1996.⁴³

³⁷ Ibid., pp. 19-20.

³⁸ Ibid., p. 20.

³⁹ For details see S/PV.3870, p. 2 and Chap. III.

⁴⁰ S/1998/306.

⁴¹ S/PV.3870, p. 2 (Bulgaria, Czech Republic, Estonia,

Hungary, Latvia, Lithuania, Poland, Romania and Slovakia, and Cyprus and Iceland).

⁴² Ibid., p. 2.

⁴³ Ibid., pp. 2-3.

The representative of Belgium welcomed the reactivation of the International Commission and noted the destabilizing effect of arms sales to the former Rwandan Government forces and militias in the Great Lakes. He hoped that the International Commission would be able to complete its inquiry and to make specific recommendations to put an end to the illegal flow of arms.⁴⁴

The representative of the United States of America stated that the United States remained extremely concerned about the continuing violence in the Great Lakes region and the renewed threat of genocide, and noted that the fluid traffic in small arms had been a contributing factor. She noted that the final report of the Commission had been released just as fighting had begun in the Rwandan refugee camps in what was then eastern Zaire. The work of the Commission was overtaken by the dramatic events in the region and the Council had taken no action on the Commission's recommendations. At the regional summit in Kampala, the President of the United States and six heads of State from the Great Lakes region had affirmed their commitment to take concrete steps to combat the culture of ethnic violence that pervaded Rwanda and endorsed the reactivation of the International Commission of Inquiry on arms flows as a means to identify and to stop illegal arms trafficking to the former Rwandan army and militia forces. She expressed her hope that the work of the Commission and the subsequent reports by the Secretary-General would place the Commission's findings within a broader regional context and provide both an accurate assessment and specific recommendations for further action.⁴⁵

The representative of Portugal, while supporting the reactivation of the mandate of the Commission, and underlining that the fragile process of reconciliation in Rwanda required the unequivocal support of the international community, expressed his firm belief that a more comprehensive and global framework in regulating the flow of small arms would be a significant contribution to the problem. He welcomed the proposals of the President of Mali and the work of the Oslo Conference, convened by the Norwegian Initiative on Small Arms Transfers and the United Nations Development Programme. He stated that his

Government considered that the reactivation of the International Commission also constituted an important signal of the interest and concern on the part of the United Nations towards the region and that it was also designed to impress on those forces intent on undermining peace in the region that their actions would not be tolerated.⁴⁶

The representative of Japan stated that the illegal flow of arms, in violation of the embargo imposed by the Council in resolution 918 (1994), 997 (1995) and 1011 (1995) appeared to be increasing. If this flow of arms into the hands of former government forces, militias and other groups were to be left unchecked there was a real danger of a resurgence of armed conflict and a serious destabilization of the entire Great Lakes region. As Chairman of the Sanctions Committee under Security Council resolution 918 (1994) on Rwanda, he welcomed the decision to reactivate the Commission of Inquiry and stated that the information it gathered would help the Council to determine what concrete measures to take to stem the illegal flow of arms in the region. At the same time, his delegation found it judicious that the draft resolution took a carefully balanced approach, allowing the Commission to present to the Council its recommendations on measures related to the illegal flow of arms without actually expanding the Commission's mandate itself. He also stated Japan's belief that the international community should seriously consider the overall question of how to address the illegal flow of arms, which due to the complex and sensitive nature of the issue might need to be approached within the context of their efforts to build a comprehensive framework for preventive strategy.⁴⁷

In the course of the debate several other speakers stated their support for the resolution and for reactivating the Commission of Inquiry and underlined the importance of all States cooperating with the Commission and not allowing their territory to be used as a base for armed groups. Most speakers also noted their concern over the reports of persistent violence in Rwanda and other parts of the Great Lakes region and the complex dimension that had been added to the situation since the last report of the Commission and expressed their hope that any measures recommended would contribute to the stabilization of the region.⁴⁸

⁴⁴ Ibid., p. 3.

⁴⁵ Ibid., pp. 3-4.

⁴⁶ Ibid., pp. 4-5.

⁴⁷ Ibid., pp. 9-10.

⁴⁸ Ibid., p. 5 (Brazil); p. 5 (Kenya); pp. 5-6 (Sweden); p. 7

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1161 (1998), which reads:

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular resolutions 918 (1994) of 17 May 1994, 997 (1995) of 9 June 1995, 1011 (1995) of 16 August 1995, 1013 (1995) of 7 September 1995 and 1053 (1996) of 23 April 1996,

Condemning the continuing violence in Rwanda, including the massacre of civilians, including refugees, at Mudende in December 1997, and similar acts of violence observed in the Great Lakes region, including in Burundi,

Expressing grave concern at reports of the sale and supply of arms and related *matériel* to the former Rwandan government forces and militias, in violation of the embargo imposed under its resolutions 918 (1994), 997 (1995) and 1011 (1995), and underlining the need for Governments to take action to ensure the effective implementation of the embargo,

Commending the members of the International Commission of Inquiry established by resolution 1013 (1995) on the investigation they conducted and, in particular on their final report and the addendum thereto,

Noting that widespread violence in the eastern region of the former Zaire in October 1996 caused the suspension of effective follow-up to the work of the Commission, but recognizing the need for a renewed investigation of the illegal flow of arms to Rwanda, which is fuelling violence and could lead to further acts of genocide, with specific recommendations to the Security Council for action,

Reaffirming the need for a long-term solution to the refugee and related problems in the territories of States of the Great Lakes region,

Reaffirming also the importance of countering radio broadcasts and pamphlets which spread hate and fear in the region, and emphasizing the need for States to assist countries in the region to counter such broadcasts and publications,

1. *Requests* the Secretary-General to reactivate the International Commission of Inquiry, with the following mandate:

(a) To collect information and investigate reports relating to the sale, supply and shipment of arms and related *matériel* to former Rwandan government forces and militias in the Great Lakes region of central Africa, in violation of Security Council resolutions 918 (1994), 997 (1995) and 1011 (1995);

(b) To identify parties aiding and abetting the illegal sale to or acquisition of arms by former Rwandan government forces and militias, contrary to the resolutions referred to above;

(c) To make recommendations relating to the illegal flow of arms in the Great Lakes region;

2. *Calls upon* all States, relevant United Nations bodies, including the Committee established pursuant to resolution 918 (1994) and, as appropriate, other organizations and interested parties, to collate information in their possession relating to the mandate of the Commission, and to make this information available to the Commission as soon as possible;

3. *Calls upon* the Governments of the States concerned in which the Commission will carry out its mandate to cooperate fully with the Commission in the fulfilment of its mandate, including by responding positively to requests from the Commission for security, assistance and access in pursuing investigations, as specified in paragraph 5 of resolution 1013 (1995);

4. *Calls upon* all States in the Great Lakes region to ensure that their territory is not used as a base for armed groups to launch incursions or attacks against any other State in violation of the Charter of the United Nations and other provisions of international law;

5. *Urges* all States and relevant organizations to cooperate in countering radio broadcasts and publications that incite acts of genocide, hatred and violence in the region;

6. *Encourages* States to make voluntary contributions to the United Nations Trust Fund for Rwanda to provide the financing for the work of the Commission and to contribute equipment and services to the Commission;

7. *Recommends* that the Commission resume its work as soon as possible, requests the Secretary-General to report to the Council on the reactivation of the Commission, and further requests him to submit an interim report to the Council on the initial conclusions of the Commission within three months of its reactivation, to be followed by a final report containing its recommendations three months later;

8. *Reiterates* its concern that the uncontrolled illegal flows of arms and related *matériel* in violation of its above-mentioned resolutions pose a threat to peace and stability in the Great Lakes region, and declares its willingness to consider further other measures in this regard, including the recommendations referred to in paragraph 1 (c) above, and any other related recommendations offered by the Commission;

9. *Decides* to remain seized of the matter.

(France); p. 6 (Bahrain); pp. 6-7 (Slovenia); p. 7 (China); pp. 7-8 (Gabon); pp. 8-9 (Gambia); p. 9

(Costa Rica); and p. 9 (Russia).

B. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Such Violations Committed in the Territory of Neighbouring States

Decision of 30 April 1998 (3877th meeting): resolution 1165 (1998)

At its 3877th meeting, held on 30 April in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda without objection the item entitled “Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States”.

At the same meeting the President (Japan) drew the attention of the Council to a draft resolution submitted by Costa Rica, France, the Gambia, Kenya, Portugal, Slovenia, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States.⁴⁹ The President also drew the attention of the Council to a letter dated 15 October 1997 from the Secretary-General,⁵⁰ transmitting a letter dated 1 August 1997 from the President of the International Criminal Tribunal for Rwanda, requesting the creation of a third Trial Chamber of the Tribunal.

The representative of the United Kingdom spoke on behalf of the European Union and the associated and aligned countries.⁵¹ He stated that the International Tribunal for Rwanda had been established by the Security Council in its resolution 955 (1994) with the aim of putting an end to the impunity of persons responsible for genocide and other serious violations of humanitarian law committed in Rwanda in 1994. The European Union had cooperated closely with the Tribunal through the arrest and transfer of suspects to the Tribunal, through voluntary contributions to the

Trust Fund in surplus of assessed contributions and through the provision of staff and continued strong support. He noted that in paragraph 7 of resolution 955 (1994), the Council had agreed that it would consider increasing the number of judges and Trial Chambers of the Tribunal if it became necessary. In this context, he emphasized the importance of respecting the human rights of the individual and the need to try those accused of crimes within the jurisdiction of the Tribunal without undue delay. He therefore expressed his concern with the current situation regarding the number of accused persons in pre-trial detention in the Tribunal’s prison quarters in Arusha. Considering the need for a speedy trial of these and other persons who might yet be brought to the Tribunal, he stated that it was important to create a third Trial Chamber for the International Tribunal for Rwanda, consisting of three judges, in order that the administration of justice by the Tribunal could be accelerated. However he reiterated their position that the Tribunal must be able to function efficiently and that while he was pleased to recall that the Office of Internal Oversight Services had recently reported significant improvements, many problems remained, notably in the areas of financial and administrative control, recruitment of personnel and the establishment of an effective witness-protection program. He stressed the importance of continued improvement in these areas.⁵²

The representative of China stated that the International Tribunal had done a lot of work and played a positive role in the stabilization of the situation in the Great Lakes region as well as Rwanda and that he fully understood the need for a third Tribunal to help expedite the trial of the indicted. He stated his support for the draft resolution and expressed his hope that the Tribunal would take measures to improve its efficiency. However, he maintained that his Government’s position regarding the creation of international tribunals remained unchanged and that the reference to Chapter VII of the Charter in the draft resolution was only a technical reaffirmation of the content of resolution 955 (1994) and did not constitute a precedent.⁵³

The representative of the Russian Federation stated that the Tribunal was an important element in the process of national reconciliation and welcomed the request to create a third Trial Chamber to accelerate the

⁴⁹ S/1998/353.

⁵⁰ S/1997/812.

⁵¹ S/PV.3877, p. 2 (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and

Slovakia, and Cyprus and Norway).

⁵² *Ibid.*, p. 2.

⁵³ *Ibid.*, p. 7.

process. He also stated that if the Tribunal was to function effectively, further measures would have to be taken to improve its procedures and methods of work and to rectify the situation with regard to the lack of administrative and technical personnel and the construction of additional facilities. Finally, he noted that while they supported the draft resolution, they believed that the reference made in it to Chapter VII of the Charter of the United Nations was a purely technical one and would not set a precedent for the Security Council's consideration of similar situations.⁵⁴

The representative of the United States stated that the International Tribunal for Rwanda had to carry out its mission more effectively, more efficiently and more productively, and the trials and judgments needed to be rendered in a timely manner. She informed the Council that the United Nations Office of Internal Oversight Services had made extensive recommendations for reforms of the Tribunal, some of which had been implemented. She remained deeply concerned that, despite efforts, serious problems remained. She expressed her hope that the third Trial Chamber added by the draft resolution would enable the Tribunal to render prompt justice. However, this needed to be carried out at the same time as ongoing reform efforts. She also noted that bringing to justice those responsible for crimes against humanity was equally urgent in the cases of the former Yugoslavia and Cambodia and stated that her Government was working to expand the tribunal in the former Yugoslavia and establishing one for Cambodia.⁵⁵

The representative of Japan noted the importance of the Tribunal in establishing the primacy of justice based on the principle of the rule of law. Noting his concern over reports that standard judicial procedures had not necessarily been observed in Rwanda, he maintained that the Tribunal needed to provide a model mechanism for bringing criminals to justice. The Tribunal was more than a judicial mechanism: it could show how a judicial system should function under the rule of law, assuring due process even to those accused of committing the most heinous of crimes. Peace could be preserved only if it was accompanied by justice, based on the rule of law and the respect for the human rights of all. He acknowledged that the Tribunal had not

always been successful in performing in an exemplary manner and maintained that the letter from the President of the Council to the President of the Tribunal pointing to the need to facilitate the efficient functioning of the Tribunal needed to be part of the decision to authorize expansion of the Tribunal. He expressed his hope that the expansion would allow the Tribunal to meet the expectations of the international community.⁵⁶

Speaking before the vote, several other speakers maintained the importance of the International Tribunal for Rwanda in bringing peace and justice to the region; the need for a third Chamber to allow them to try suspects without undue delay; and the importance of continued efforts to improved the efficiency of its work.⁵⁷

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1165 (1998), which reads:

The Security Council,

Reaffirming its resolution 955 (1994) of 8 November 1994,

Recalling its decision in that resolution to consider increasing the number of judges and Trial Chambers of the International Tribunal for Rwanda if it becomes necessary,

Remaining convinced that in the particular circumstances of Rwanda, the prosecution of persons responsible for serious violations of international humanitarian law will contribute to the process of national reconciliation and to the restoration and maintenance of peace in Rwanda and in the region,

Stressing the need for international cooperation to strengthen the courts and judicial system of Rwanda, having regard in particular to the necessity for those courts to deal with a large number of accused awaiting trial,

Having considered the letter from the President of the International Tribunal for Rwanda, transmitted by identical letters dated 15 October 1997 from the Secretary-General to the Presidents of the Security Council and the General Assembly,

Convinced of the need to increase the number of judges and Trial Chambers, in order to enable the International Tribunal for Rwanda to try without delay the large number of accused awaiting trial,

Noting the progress being made in improving the efficient functioning of the International Tribunal for Rwanda, and

⁵⁴ Ibid., p. 8.

⁵⁵ Ibid., p. 9.

⁵⁶ Ibid., pp. 9-10.

⁵⁷ Ibid., p. 3 (Sweden); pp. 3-4 (Portugal); p. 4 (Slovenia);

pp. 4-5 (Kenya); pp. 5-6 (Costa Rica); p. 6 (Brazil); p. 7 (Bahrain); pp. 7-8 (Gabon); p. 8 (France); and p. 8 (Gambia).

convinced of the need for its organs to continue their efforts to further such progress,

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

1. *Decides* to establish a third Trial Chamber of the International Tribunal for Rwanda, and to this end decides to amend articles 10, 11 and 12 of the statute of the Tribunal, replacing those articles with the text set out in the annex to the present resolution;

2. *Decides* that the elections for the judges of the three Trial Chambers shall be held together, for a term of office to expire on 24 May 2003;

3. *Also decides* that, as an exceptional measure to enable the third Trial Chamber to begin to function at the earliest possible date and without prejudice to article 12, paragraph 5, of the statute of the International Tribunal for Rwanda, three newly elected judges, designated by the Secretary-General in consultation with the President of the Tribunal, shall commence their term of office as soon as possible following the elections;

4. *Urges* all States to cooperate fully with the International Tribunal for Rwanda and its organs in accordance with resolution 955 (1994), and welcomes the cooperation already extended to the Tribunal in the fulfilment of its mandate;

5. *Urges* the organs of the International Tribunal for Rwanda actively to continue their efforts to increase further the efficiency of the work of the Tribunal in their respective areas, and in this connection further calls upon them to consider how their procedures and methods of work can be enhanced, taking into account relevant recommendations in this regard;

6. *Requests* the Secretary-General to make practical arrangements for the elections mentioned in paragraph 2 above and for enhancing the effective functioning of the International Tribunal for Rwanda, including the timely provision of personnel and facilities, in particular for the third Trial Chamber and related offices of the Prosecutor, and further requests him to keep the Security Council closely informed of progress in this regard;

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

Deliberations of 15 July 1998 (3908th meeting)

By a letter dated 8 July 1998 addressed to the President of the Security Council,⁵⁸ the Secretary-General proposed extending the deadline for nominations of judges for the Trial Chambers of the International Tribunal for Rwanda until 4 August 1998.

At its 3908th meeting, held on 15 July 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in

its agenda. Following the adoption of the agenda, the President (Russian Federation) drew the attention of the Council to a draft of a letter, endorsing the proposed extension of the deadline for nominating Judges, from the President of the Security Council to the Secretary-General. The Security Council endorsed the proposal and agreed that the letter should be sent to the Secretary-General as drafted.⁵⁹

Deliberations of 18 August 1998 (3917th meeting)

By a letter dated 7 August 1998 addressed to the President of the Security Council,⁶⁰ the Secretary-General forwarded to the Security Council the fourteen nominations for judges of the Trial Chambers of the Tribunal which had been received from States Members of the United Nations within the period specified in paragraph 3 (b) of article 12 of that statute, as extended by the Security Council in the decision taken at its 3908th meeting. He also noted that the number of candidates was short of the minimum number of eighteen which is required by paragraph 3 (c) of article 12 of the statute.

At its 3917th meeting, held on 18 August 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President drew the attention of the Council to a draft of a letter from the President of the Security Council to the Secretary-General, informing him of the decision by the Council to extend the deadline for nominations of judges of the Tribunal until 14 September 1998. The Security Council agreed that the letter should be sent to the Secretary-General as drafted.⁶¹

Decision of 30 September 1998 (3934th meeting): resolution 1200 (1998)

At its 3877th meeting, held on 30 September 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda without objection the item entitled "Establishment of the list of candidates for judges of the International Tribunal for Rwanda".

At the same meeting the President (Japan) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior

⁵⁸ S/1998/640.

⁵⁹ S/1998/646.

⁶⁰ S/1998/760.

⁶¹ S/1998/761.

consultations.⁶² The draft resolution was then put to the vote and adopted unanimously as resolution 1200 (1998), which reads:

The Security Council,

Recalling its resolutions 955 (1994) of 8 November 1994, 989 (1995) of 24 April 1995 and 1165 (1998) of 30 April 1998,

Having considered the nominations for judges of the International Tribunal for Rwanda received by the Secretary-General,

Forwards the following nominations to the General Assembly in accordance with paragraph 3 (d) of article 12 of the statute of the International Tribunal for Rwanda:

Ms. Eugénie Liliane Arivony (Madagascar)
Mr. Pavel Dolenc (Slovenia)
Mr. Salifou Fomba (Mali)
Mr. Willy C. Gaa (Philippines)
Mr. Asoka de Z. Gunawardena (Sri Lanka)
Mr. Mehmet Güney (Turkey)
Mr. Aka Edoukou Jean-Baptiste Kablan (Côte d'Ivoire)
Mr. Laïty Kama (Senegal)
Mr. Dionysios Kondylis (Greece)
Mr. Bouba Mahamane (Niger)
Mr. Erik Møse (Norway)
Mr. Yakov Ostrovsky (Russian Federation)
Mr. Cheick Dimkinsedo Ouédraogo (Burkina Faso)
Ms. Navanethem Pillay (South Africa)
Ms. Indira Rana (Nepal)
Mr. William Sekule (United Republic of Tanzania)
Mr. Tilahun Teshome (Ethiopia)
Mr. Lloyd George Williams (Jamaica and St. Kitts and Nevis)

**Decision of 19 May 1999 (4006th meeting):
resolution 1241 (1999)**

By a letter dated 17 May 1999 addressed to the President of the Security Council, the Secretary-General⁶³ requested an extension of the term of office of a non-elected judge of the Tribunal in order to allow him to dispose of two ongoing cases. In view

of the very short time which was available before the judge's term of office was due to come to an end, he asked if the letter and its annex could be brought to the immediate attention of the members of the General Assembly and of the Security Council for their speedy approval in the manner that they deemed fit.

At its 4006th meeting, held on 19 May 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the

⁶² S/1998/903.

⁶³ S/1999/566.

course of the Council's prior consultations.⁶⁴ The draft resolution was then put to the vote and adopted unanimously as resolution 1241 (1999), which reads:

The Security Council,

Taking note of the letter dated 17 May 1999 from the Secretary-General to the President of the Security Council, to which he attached a letter to him dated 14 May 1999 from the President of the International Tribunal for Rwanda,

Endorses the recommendation of the Secretary-General that Judge Aspegren, once replaced as a member of the Tribunal, finish the Rutaganda and Musema cases which he has begun before expiry of his term of office, and takes note of the intention of the Tribunal to finish these cases if possible before 31 January 2000.

6. The situation in Burundi

Decision of 5 January 1996 (3616th meeting): statement by the President

By a letter dated 29 December 1995 addressed to the President of the Security Council,¹ the Secretary-General shared his deep concern about the persistence of violence and the further escalation of human rights violations. According to his report, Burundi was the scene of a smouldering civil war. The situation had continued to deteriorate since May 1995 and was characterized by daily killings, massacres, torture and arbitrary detention. The deteriorating situation was underscored by recent decisions of international organizations including the International Committee of the Red Cross (ICRC), the World Food Programme (WFP) and most non-governmental organizations to curtail or suspend their activities following a spate of violent attacks against their personnel and assets. Furthermore, Burundi's borders with Zaire and the United Republic of Tanzania had remained closed for several days. In the existing circumstances, he felt that there was a real danger of the situation in Burundi degenerating to the point where it might explode into ethnic violence on a massive scale. He recalled the proposals he had made in his report on 11 October 1994.² He suggested the maintenance in Zaire, subject to the agreement of the Government, of a military presence capable of intervening rapidly in the event of a sudden deterioration of the situation in Burundi, a preventive measure that could help to avoid a repetition of the tragic events in Rwanda. He informed the Council that he had asked the United Nations High Commissioner for Refugees to travel immediately to Bujumbura as his personal envoy in order to discuss

with the government authorities, at the highest level, steps that might be taken on an urgent basis to defuse the situation and enable international organizations to function effectively.

At its 3616th meeting, held on 5 January 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (United Kingdom), with the consent of the Council, invited the representative of Burundi, at his request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a letter dated 3 January 1996 addressed to the President of the Security Council from the Secretary-General pursuant to resolution 1012 (1995), providing an interim report on the work of the International Commission of Inquiry in Burundi.³

At the same meeting, the President made the following statement on behalf of the Council:⁴

The Security Council has considered the letter dated 29 December 1995 from the Secretary-General to the President of the Council on developments in Burundi. The Council shares the deep concern of the Secretary-General about the situation in Burundi, which has been characterized by daily killings, massacres, torture and arbitrary detention. It condemns in the strongest terms those persons responsible for such actions, which must cease immediately. It encourages all States to take the measures deemed necessary to prevent such persons from travelling abroad and receiving any kind of support. It reiterates its profound concern about radio stations which incite hatred and acts of genocide and encourages Member States and others concerned to cooperate in the identification and dismantling of them. The Council calls upon all concerned in Burundi to exercise

⁶⁴ S/1999/576.

¹ S/1995/1068.

² S/1994/1152.

³ S/1996/8.

⁴ S/PRST/1996/1.

maximum restraint and to refrain from all acts of violence. It reiterates that all who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for such violations and should be held accountable. In this context, it stresses the importance it attaches to the work of the International Commission of Inquiry established pursuant to its resolution 1012 (1995) of 28 August 1995 and undertakes to study carefully the letter from the Secretary-General dated 3 January 1996 containing an interim report on that work.

The Council is gravely concerned at recent attacks on personnel of international humanitarian organizations, which have led to the suspension of essential assistance to refugees and displaced persons and to the temporary withdrawal of international personnel. The Council welcomes the decision of the Secretary-General to ask the United Nations High Commissioner for Refugees to visit Burundi to discuss with the Burundian authorities steps that might be taken to defuse the situation. It underlines the fact that the authorities in Burundi are responsible for the security of personnel of international humanitarian organizations and of the refugees and displaced persons there and calls upon the Government of Burundi to provide adequate security to food convoys and humanitarian personnel.

The Council welcomes the assumption of his functions by the new Special Representative of the Secretary-General for Burundi and calls upon all concerned to support his efforts. It commends the work of the Office of the Special Representative in seeking to promote dialogue and national reconciliation in Burundi, as well as the role played there by the Organization of African Unity. It welcomes the decision of the Organization of African Unity in Addis Ababa on 19 December 1995 to extend the mandate of its mission in Burundi for another three months and to strengthen the civilian component of the mission. The Council also welcomes the outcome of the Cairo conference of heads of State of the Great Lakes region held on 28 and 29 November 1995, supports the work of the facilitators appointed by the conference and emphasizes once again the importance it attaches to all States acting in accordance with the recommendations contained in the Cairo Declaration, as well as those adopted at the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura from 15 to 17 February 1995. It stresses the importance of continued attention by the international community as a whole to the situation in Burundi and encourages Member States to intensify contacts and visits.

The Council notes the proposals referred to in the letter from the Secretary-General dated 29 December 1995. It will consider these and other proposals he may submit in the light of the reports of Mrs. Ogata's mission and of his Special Representative for Burundi. It also requests the Secretary-General to consider what role United Nations personnel in the region and other support personnel might play in Burundi.

The Council reaffirms its support for the Convention on Governance of 10 September 1994, which constitutes the

institutional framework for national reconciliation in Burundi and for the institutions of Government established in line with it. It calls once again upon all political parties, military forces and elements of civil society in Burundi fully to respect and implement the Convention on Governance and to give their continued support to the institutions of Government established in line with it.

The Council will remain seized of this matter.

**Decision of 29 January 1996 (3623rd meeting):
resolution 1040 (1996)**

By a letter dated 16 January 1996 addressed to the President of the Security Council,⁵ the Secretary-General reported on the trip of his Personal Envoy to Burundi who recommended that a technical security mission to improve existing security arrangements, including United Nations guards, be deployed, and that expanded application of the Convention on the Safety of the United Nations and Associated Personnel to cover United Nations activities in Burundi and closer cooperation between the United Nations and OAU observers be considered. He noted that while these measures might defuse the security situation they would not have any impact on the fundamental problems of the country and he urged the Security Council and the international community to launch a major initiative to prevent another tragedy in the subregion, as well as to promote a dialogue embracing all the elements of the Burundian political spectrum. He stated that he had instructed his Special Representative for Burundi to explore urgently with Burundian leaders how such a dialogue might be established, possibly under United Nations auspices, and would revert to the Council on this matter as soon as possible.

At its 3623rd meeting, held on 29 January 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the above letter and the letter dated 29 December 1995 from the Secretary-General in its agenda.⁶ Following the adoption of the agenda, the President (United Kingdom), with the consent of the Council, invited the representatives of Burundi and Zaire, at their request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁷

⁵ S/1996/36.

⁶ S/1995/1068. See also the 3616th meeting in the present

chapter.

⁷ S/1996/56.

The President, at the same meeting, further drew the attention of the Council to a letter dated 18 January 1996 from the representative of Burundi, giving their response to the Secretary-General's proposal for a rapid response force and stating that not only was the plan for an inter-position force inappropriate, even the "spectre" of a military deployment in Burundi was exacerbating the crisis.⁸ They also provided their own recommendations for actions by the United Nations and the international community.

The representative of Burundi began by requesting clarification of operative paragraph 8 (a) of the draft resolution, which had caused some confusion and was open to various interpretations, and asked members to prepare their responses during his statement. He informed the Council that the security situation, while serious, had noticeably improved compared with previous months, and gave several facts supporting this conclusion. Particularly, although the entire Government had been travelling throughout the country to rally the population to the side of the Administration, none of the hundreds of political administrative and military authorities involved had been confronted by any of the armed bands. He noted that international opinion had been polarized regarding the dangers to the security of international humanitarian organizations and a technical mission was going to Burundi to evaluate the risks to United Nations personnel and facilities. However, during the 28 months that the crisis had lasted, no United Nations personnel had been a victim of a lack of security, and no office in the many buildings of the United Nations system in Burundi had been damaged. While noting that the Government had officially acknowledged the seriousness of the crisis, he maintained that it was far from having culminated in "an apocalyptic summit" and criticized the "avalanche of media fantasies" that had descended on Burundi. He maintained that a fundamental distinction needed to be made between the perpetrators of the genocide carried out in Rwanda and the followers or authors of that scourge in Burundi. In Rwanda, the Government and the Rwandan armed forces conceived, planned, organized and carried out the genocide against the Tutsi community. In Burundi, the country's army and the coalition Government, which represented national communities and 12 political parties, banded together against the terrorist groups that were determined to carry out Rwandan-style genocide. Referring to the Secretary-

General's letter's mention of a difference in opinion among Burundian officials on how to best approach the crisis, he underlined that the Government's official position was clear and they unanimously rejected military intervention in Burundi. He went on to inform the Council of the accomplishments in involving different political parties in an ongoing process and stated that he wished to show that the efforts of the Security Council, Secretary-General, OAU and other facilitators had achieved successes. To fulfil the goals stated in paragraph 2 of the draft resolution, they only needed to put these successes to good use, with good intentions. Emphasizing that the paramount role among facilitators fell on the States of the region, he stated that a certain new political approach threatened to deprive Burundi of "the statesman in the best position to make a broad contribution to settling the intra-Burundi conflict" Mr. Mobutu Sese Seko. Attempting to try to ostracize or marginalize the President of Zaire would be both unrealistic and contrary to the norms of international law, since no Government had the right to demand that all countries copy foreign democratic procedures. He maintained that one of the sine qua non conditions for ensuring the success of the United Nations was the ability to give diplomacy pride of place over military action and to devise solutions commensurate with the problems. To defuse the crisis in Burundi it was important to stress the pre-eminence of judicious diplomacy over military intervention. He concluded by stating that he would be obliged to speak on the draft resolution if the way it was interpreted appeared to penalize Burundi or undermine its national sovereignty.⁹

The representative of Zaire stated that his delegation had asked to participate in the Security Council's consideration of the draft resolution because they believed that the work the Council was doing was useful for defusing the tense situation prevailing in the Great Lakes region. The draft resolution was an important step towards applying the concept of preventative diplomacy and his Government endorsed the appeal addressed to all political factions in Burundi to apply, implement and respect in good faith the Convention on Governance, which had been freely devised and agreed to by the people of Burundi to help their country emerge from this persistent crisis. He informed the Council that his Government was at the disposal of the Secretary-General so that they could explore what measures needed to be proposed and he

⁸ S/1996/40.

⁹ S/PV.3623, pp. 2-6.

confirmed that they would cooperate fully in the formulation of plans. However, he maintained that Zaire was an important partner in the Great Lakes region, and they were loath to be presented with any *fait accompli*. Nevertheless, he stated that they would respect any measures which the Security-Council adopted pursuant to Chapter VII in the light of the report of the Secretary-General. He concluded by stating that they were in a situation in which peace could easily give way to war, and it was up to the international community to impose this peace, by force if necessary, upon those who violated it.¹⁰

The representative for Italy spoke on behalf of the European Union with Cyprus, the Czech Republic, Hungary, Lithuania, Poland and Slovakia associating themselves with the statement. He stated that the European Union remained deeply concerned by the continuing violence in Burundi and hoped that the spirit of reconciliation could be renewed in the country. The European Union would continue to support the efforts undertaken by the United Nations and regional efforts, particularly those of OAU. He emphasized that they were willing to assist in the recovery of Burundi, in particular by supporting the specific measures to promote peace and reconciliation between the various groups and maintained that only political solutions would enable a permanent end to the conflict. He reiterated their support for the idea of an increased and active international presence in Burundi that was both political and humanitarian. Moderate forces who were open to dialogue needed to be encouraged and more radical forces needed to be persuaded that dialogue was the only viable option and that the international community stood ready to adopt adequate measures to prevent the country from plunging into chaos. There was a need for a gradual approach to the deepening crisis in Burundi and the mediation and facilitation action of the Special Representative of the Secretary-General, of the Organization of African Unity, and of the European Union needed to be supported with every means possible. He maintained that the draft resolution sent a strong signal that the Security Council was ready to examine and eventually impose concrete measures to contain the deterioration of the situation and prevent a further destabilization of the country. Finally, he reiterated their belief in the need to call for a conference on the Great Lakes region, under the aegis of

the United Nations and OAU and informed the Council that the EU was in the process of appointing a special envoy for the Great Lakes region in order to increase its presence and contribute even more to the search for a peaceful and long-lasting solution to the many problems affecting the region.¹¹

Speaking for the second time the representative of Burundi stated that he had asked the sponsors of the text what the exact meaning of operative paragraph 8 (*a*) was since in their view “it might be somewhat confusing and susceptible to various interpretations”. Since the Security Council was supporting all the State institutions established by the Convention on Governance and thus the Government itself, it would be contradictory to threaten an arms embargo while that Government was making superhuman efforts to restore peace and security. However, he noted that the Security Council would be acting consistently not only by threatening but by immediately decreeing a ban on the delivery of all illegal weapons to those who disturb peace and security and all fanatical adherents of violence. However, treating the Government on an equal footing with such persons and penalizing it for its determination to neutralize outlaws “would be to turn the world on its head”. For the sake of its own credibility, he urged the Security Council to avoid adopting measures that would violate Burundi’s national sovereignty and the United Nations Charter. Therefore, he appealed to the Security Council to amend the disputed paragraph and stated that if it did not his Government would oppose it and not feel itself in any way bound by the subparagraph in question. He also observed that in the draft resolution, the Security Council remained silent on the needs, listed in their letter of 18 January 1996 for which his Government requested the assistance of the United Nations.¹² However, he welcomed the focus on reactivating the dialogue between the various political partners, which they felt was a positive approach.¹³

The President repeated that the Council was meeting in accordance with the understanding reached in its prior consultations: consultations which had included the delegation of Burundi. He expressed his belief that at this stage the Council was fully conversant

¹⁰ S/PV.3623, pp. 6-8.

¹¹ S/PV.3623, pp. 7-8.

¹² S/1996/40.

¹³ S/PV.3623, p.8.

with the view on the matter expressed again by Burundi.¹⁴

Speaking before the vote the representative of Egypt stated that the draft resolution reflected the grave concern of the international community over the very fragile conditions in Burundi and that its adoption would affirm that the international community had learned the value of preventive diplomacy. He informed the Council that in that regard Egypt had hosted a conference in Cairo on ways of underpinning stability in the Great Lakes region. He stated that they would vote in favour of the draft resolution and he urged all parties to exercise restraint and refrain from any act of violence as a necessary condition for allowing a national dialogue to begin. He expressed his hope that the report submitted by the Secretary-General pursuant to paragraph 7 of the draft resolution would contain encouraging elements showing that national dialogue had actually begun, so that the international community could continue its support for Burundi.¹⁵

The representative of Indonesia stated that the draft resolution was both timely and appropriate if Burundi was to escape the tragic and horrible fate suffered by Rwanda, and that there was an urgent need to defuse the situation. He stated their support for the appeal to all the parties and leaders in Burundi to take all necessary steps towards and earnest dialogue to resolve their differences. Nevertheless, in relation to subparagraph (a) of operative paragraph 8 concerning the imposition of travel restrictions, he maintained that it had always been their conviction that selective sanctions were not appropriate measures for resolving conflicts such as the one in Burundi. Although at that moment the behaviour of certain individuals could be construed as exacerbating tensions and conflict, the real possibility existed that they might play an important role in reaching a political solution at some future time. Thus the premature imposition of sanctions would only serve to antagonize the perpetrators even further and lead them to create obstacles to attaining peace and national reconciliation. He maintained that the Convention on Governance constituted a sound basis for promoting a political dialogue and national debate, as a means of fostering national reconciliation and that responsibility for attaining peace and national reconciliation rested

with Burundi's peoples and leaders. In the light of these observations he would vote for the draft resolution.¹⁶

Also speaking before the vote, several speakers stated their support for the draft resolution, their concern for the deteriorating situation, the need for international intervention in support of a political solution by the United Nations and regional actors, and the ongoing importance of security for international humanitarian personnel, and called on all parties responsible for the deterioration of the situation to participate in a broad political dialogue.¹⁷

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1040 (1996), which reads:

The Security Council,

Recalling the statement by its President of 5 January 1996,

Having considered the letters from the Secretary-General to the President of the Security Council dated 29 December 1995 and 16 January 1996,

Deeply concerned at the continued deterioration in the situation in Burundi and at the threat this poses to the stability of the region as a whole,

Condemning in the strongest terms those responsible for the increasing violence, including against refugees and international humanitarian personnel,

Underlining the importance it attaches to the continuation of humanitarian assistance to refugees and displaced persons in Burundi,

Underlining also the responsibility of the authorities in Burundi for the security of international personnel and of refugees and displaced persons there,

Welcoming, in this context, the recent visit of the United Nations High Commissioner for Refugees to Burundi, at the request of the Secretary-General, and plans for the establishment of a standing mechanism of consultation on security issues between the Government of Burundi, the United Nations and non-governmental organizations,

Stressing the paramount importance and imperative need for all concerned in Burundi to pursue dialogue and national reconciliation,

Stressing also the importance it attaches to the continuation and intensification of efforts by the international community to avert a further worsening of the situation in Burundi and to promote dialogue and national reconciliation there,

¹⁴ Ibid., p. 8.

¹⁵ Ibid., pp. 9-10.

¹⁶ Ibid., pp. 10-11.

¹⁷ Ibid., pp. 8-9 (Botswana); p. 11 (China); pp. 11-12 (Honduras); pp. 12-13 (Republic of Korea); pp. 13-14 (Poland); and p. 14 (Guinea-Bissau).

Noting with appreciation the ongoing efforts of the Secretary-General and his staff, the Organization of African Unity and its military observers in Burundi, the European Union, and the facilitators appointed by the Cairo conference of heads of State of the Great Lakes region held on 28 and 29 November 1995,

Reaffirming its support for the Convention on Governance of 10 September 1994, and for the institutions of Government established in line with it,

1. *Demands* that all concerned in Burundi exercise restraint and refrain from acts of violence;

2. *Expresses its fullest support* for the efforts of the Secretary-General and others, in support of the Convention on Governance, to facilitate a comprehensive political dialogue with the objective of promoting national reconciliation, democracy, security and the rule of law in Burundi;

3. *Calls upon* all concerned in Burundi to participate in a positive spirit and without delay in such dialogue and to support the efforts of the Special Representative of the Secretary-General and others seeking to facilitate such dialogue;

4. *Invites* Member States and others concerned to cooperate in the identification and dismantling of radio stations which incite hatred and acts of violence in Burundi;

5. *Requests* the Secretary-General, in consultation as appropriate with the Organization of African Unity and with Member States concerned, to consider what further steps may be necessary to prevent the situation from deteriorating further and to develop contingency plans as appropriate;

6. *Welcomes* the sending by the Secretary-General of a technical security mission to Burundi to examine ways to improve existing security arrangements for United Nations personnel and premises and the protection of humanitarian operations;

7. *Requests* the Secretary-General to keep the Council closely informed, including on the technical security mission he has sent to Burundi, and to submit to the Council by 20 February 1996 a full report on the situation, covering the progress of his efforts to facilitate a comprehensive political dialogue and the actions undertaken pursuant to paragraph 5 above, including contingency planning;

8. *Declares its readiness*, in the light of that report and of developments in the situation:

(a) To consider the imposition of measures under the Charter of the United Nations, including a ban on the supply of all arms and related *matériel* to Burundi and travel restrictions and other measures against those leaders in Burundi who continue to encourage violence;

(b) To consider what other steps may need to be taken;

9. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United States stated that the Security Council had sent a clear message to all the people of Burundi that the violence had to stop. She informed the Council that the United States would not support, recognize, or provide assistance to any government that came to power by force in Burundi and would lead an effort to isolate such a regime. She called on the Government of Burundi to guarantee the safety of aid workers and stated that it was up to the Burundians to ensure that Burundi did not commit “national suicide”.¹⁸

The representative of Germany expressed his Government’s extreme concern about the situation in Burundi and stated that the first step to calm the situation was for all the political actors in Burundi to engage in a comprehensive dialogue, with no important element of the political spectrum left out. He called on all parties to refrain from all acts of violence and stated Germany’s support for the initiatives taken by the Secretary-General, OAU and the European Union and by the facilitators. He maintained that those who encouraged ethnic violence or who refused to enter into a comprehensive dialogue would have to face the sanctions of the international community and he supported the call to cooperate in the identification and dismantling of radio stations which incited hatred and acts of violence in Burundi. His Government stood ready to consider the proposals of the Secretary-General under the Charter of the United Nations.¹⁹

The representative of the Russian Federation stated that the tragic situation taking shape in Burundi dictated that the international community urgently draw up a set of agreed measures to stop the further escalation of violence and to get the parties to the conflict in Burundi to resume a broad political dialogue in the interests of stability and national reconciliation and that African countries and OAU needed to play an authoritative role with support from the United Nations. The resolution sent a signal to all parties in Burundi that the international community could not stand by and watch extremist forces push the people onto a path of national suicide and warned extremists that if they continued to block dialogue and the peace process the Security Council would be obliged to enact selective, preventative enforcement measures. He urgently called on all parties to stop the conflict in Burundi and sit down

¹⁸ Ibid., pp. 14-15.

¹⁹ Ibid., p. 15.

at the negotiating table to speedily achieve a mutually acceptable settlement.²⁰

The representative of France stated that they encouraged dialogue and called upon all Burundians to renounce violence and cooperate with the Special Representative of the Secretary-General and anyone else who could serve as a facilitator of dialogue. He stated that France would be happy if African statesmen agreed to play that role and he paid tribute to the efforts of OAU. He stated that they were awaiting with interest the conclusions of the technical mission that the Secretary-General had dispatched and expressed their gratitude to the Secretary-General for giving priority to all possible preventative diplomacy measures. He maintained that the Council's request for consideration of new steps in no way prejudged the decision it would take, nor, a fortiori, the participation of his country in a possible operation. He affirmed that if the Council expressed its readiness to consider the adoption of restrictive measures against those who would continue to resort to violence, it needed to be clear that their role was not to punish Burundi but to help them overcome the crisis. Finally he underlined that the crisis affecting Burundi was part of the greater framework of difficulties confronting the Great Lakes region and expressed his belief in the need to call for a conference on the Great Lakes region, in order to resolve the region's problems as a whole.²¹

The representative of the United Kingdom reaffirmed their support for the Government of Burundi in its efforts to sustain the principles of the Convention on Governance, which set the framework within which the parties in Burundi should work together to promote stability and the rule of law. It was their view that the international community was rightly focusing its efforts on facilitating such dialogue and on preventive action designed to prevent a further worsening of the situation. He also maintained that it was right that those in the region played an active part in addressing the problem and paid tribute to those neighbouring Governments that had offered sanctuary to persons fleeing the violence. The resolution made clear the Council's readiness to take measures against those who sought to determine Burundi's future by violence. He noted that States, particularly those bordering Burundi, could now help by preventing activity in their territory by extremist groups

that sought to incite violence in Burundi, particularly in the case of the "hate" radio stations. He maintained that further steps of a preventive nature might become necessary if leaders, both in and outside the country, did not participate in or support the efforts to achieve national reconciliation and lasting stability. He fully supported the request made to the Secretary-General to consider, following consultations with OAU and concerned Member States, further preventive steps and contingency plans as appropriate and he stated that no option was ruled out in principle.²²

**Decision of 5 March 1996 (3639th meeting):
resolution 1049 (1996)**

At its 3693rd meeting, held on 5 March 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General submitted pursuant to resolution 1040 (1996) in its agenda.²³ Following the adoption of the agenda, the President, with the consent of the Council, invited the representatives of Burundi, the Congo, Nigeria, Norway, Rwanda and Tunisia, at their request, to participate in the discussion without the right to vote.

In his report, the Secretary-General gave a full report on Burundi and considered, in collaboration with OAU and the Member States, what steps of a preventive nature might be necessary to avoid a further deterioration of the situation. The Secretary-General observed that the situation in Burundi was desperately serious and it was his view that the collective efforts of the international community needed to be deployed to encourage dialogue among all sections of the Burundian political spectrum. However, he stated that it would not be prudent for the international community to assume the success of these efforts and not prepare and plan for contingency measures to avoid a catastrophe. He stated that the time was not yet ripe for the deployment of United Nations guards, but if the political dynamics of confrontation changed in favour of dialogue and if the Government agreed to their deployment, the dispatch of a contingent of guards could be a useful measure. He stated that it was important to note that it was some of the Burundian military and their extremist allies who were most opposed to the concept of international intervention or preventive deployment and the challenge

²⁰ Ibid., pp. 15-16.

²¹ Ibid., p. 16.

²² Ibid., pp. 16-17.

²³ S/1996/116.

to the international community was whether to take an initiative that was welcomed by those who wanted peace or to allow the extremist to retain a veto over international action. While underlining that preventive diplomacy was always the preferred course of action, he stated that there were some situations when it must be backed by a credible threat to use force, in order to stave off humanitarian disaster. He was convinced that an assertive approach involving contingency planning by some Member States would improve the chances of convincing the parties in Burundi to show more flexibility. Contingency planning could involve the establishment of a standby multinational force for humanitarian intervention under Chapter VII of the Charter. This force would consist of contingents, totalling up to 25,000 troops, ready for deployment on short notice, but remaining in their respective countries. He also recommended that a preventive deployment of a force headquarters and core logistics elements to neighbouring country be considered to enhance the credibility of the multinational force and to underscore the resolve of the international community not to allow another genocide.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.²⁴

The President, at the same meeting, further drew the attention of the Council to letters dated 14 and 19 February 1996, respectively, from the representative of Burundi addressed to the President of the Security Council,²⁵ noting improvement in the political situation and recommending specific areas where the international community could help, and a letter dated 23 February 1996 from the representative of Zaire addressed to the President of the Security Council,²⁶ transmitting their position on the situation in Burundi.

The representative of Burundi noted that in his report, the Secretary-General had strongly advocated a multinational military force dictated by a wish to protect Burundi from a Rwandan-style genocide. Those who predicted such an event believed that recurrence of genocide in Burundi was a near certainty in the light of the geographic environment Burundi shared with Rwanda and because of the ethnic, cultural and social similarities between the two countries. However, for the people of Burundi, this "mechanical fusion" of the two countries

called its intentions into question and was offensive in many respects. He noted that the Rwandan genocide was spread over three decades and had ebbed and flowed depending on the country's leadership. In contrast Burundi had resisted this trend and rejected and repelled even more strongly the Rwandan model. It was therefore shocking to impute to them any intention or inclination whatsoever to model the nation's future on the past of Rwanda. He maintained that in predicting a disaster of genocidal dimensions, many forgot that the Government and the national army had formed a coalition to restore peace and security, and he listed three new phenomena that gave hope that the dynamic of peace would be irreversible. The first of these phenomena was the strengthening of governmental solidarity, the second was the "healthy rallying of the population to work towards peace" and the third was the "burgeoning alliance between the population and the army". He maintained that despite demonization of the Burundi army, it was the most powerful catalyst for democratic institutions. He also stated several reasons against even any reference to the possibility of a military mission. At a moment when the campaign of mobilization for peace was in full swing under the direction of his Government and all the political bodies of the country, nothing could be more harmful than a polarization over military options. Military solutions would expose the Government to very great risk and might seriously jeopardize the Convention on Governance, which the Security Council had repeatedly supported in pronouncements and in resolution 1040 (1996). The Government and the country would be put up for grabs and the armed bands would raise the stakes. The proposed military intervention would also flagrantly violate paragraph 7 of Article 2 of the Charter, which prohibits the United Nations from interfering with the national sovereignty of its Member States. It would also lead to the mediation missions of the Secretary-General, OAU, the European Union and the Nyerere-Carter group being blocked or even blamed. He underlined that in the event of a catastrophe, it would be up to the Government of Burundi and its army to decide when and if to ask for humanitarian assistance. He observed that the Secretary-General's report suggested that the army of Burundi was split into two camps: one under the influence of Tutsi extremists sworn to total hostility against United Nations troops, and another made of moderates who were getting ready to welcome them in. In fact, both the military and

²⁴ S/1996/162.

²⁵ S/1996/110 and S/1996/121.

²⁶ S/1996/146.

civil society were united in their opposition to a foreign military presence on Burundi's soil. In conclusion, he asked whether it was not imperative that the international community's proclivity and ability to resolve all conflicts by peaceful means prevail over the tendency to resolve conflict with weapons.²⁷

The representative of Italy spoke on behalf of the European Union and associated countries.²⁸ He stated that the European Union had expressed its full support for the efforts of the United Nations and the regional organizations, particularly OAU, and maintained that the only way to end the crisis was through a political solution. He observed that a number of developments had taken place that could greatly contribute to the search for renewed peace and stability, including a stronger cohesion within the Government and closer coordination between the United Nations, OAU and the European Union. He expressed his belief that the draft resolution contained all the needed elements to support the progress along the path of dialogue. It was also very clear in warning the parties that the international community might be forced to change its attitude if there were acts of violence and attempts at destabilization. He maintained that it was right to encourage the Secretary-General to continue consultations for further steps towards supporting a comprehensive dialogue and for a possible response, in the unfortunate event of widespread violence and a serious deterioration in the situation. Noting that both political support and the willingness of the international community to concretely assist Burundi in development programmes were important, he stated that the European Union was the largest donor in Burundi but that their willingness to provide this much-needed assistance would nevertheless depend to a great extent on the Government's continuation of its efforts at dialogue and reconciliation.²⁹

The representative of Egypt stated that the draft resolution was a true reflection of the efforts made since the Council adopted resolution 1040 (1996) of 29 January, to achieve national reconciliation and stability by putting the presidency in the hands of the forces of moderation and tolerance rather than those of the advocates of extremism and to begin a national debate that would include all parties and complement the Convention on Governance. He emphasized the

responsibility of the people of Burundi for normalizing the situation in their country. He observed that there had been no improvement on the humanitarian level and no substantive progress had been made in implementing the recommendations of the Conference of Heads of State of the Great Lakes Region organized by the Carter Center, held in Cairo, on 29 November 1995. The Secretary-General had given several preventive options in his report and these options were not ruled out by the Council in resolution 1040 (1996), in which the Council had emphasized the need to begin a serious national debate that would include all political forces, including extremist ones, as the only way to solve the present crisis. He stated that Egypt supported the new approach, which combined preventive diplomacy with pre-emptive measures and brought all possible pressure to bear on all parties concerned so that they took more positive positions. He stated that OAU had played an important role in Burundi since 1993 and had sent an observer mission for dual political and military purposes and its military observers were providing protection to the officials of the international Commission of Inquiry. Even though that role was not initially welcomed by certain parties in Burundi and even though it received no political or material support from other international organizations it had become one of the major axes of development reaffirming the importance of the regional organization's support for containing crises and conflicts under Chapter VIII of the Charter. In conclusion he stated that he would vote for the draft resolution.³⁰

The representative of the United Kingdom stated that the draft resolution rightly focused on preventive diplomacy to assist efforts at finding a lasting political solution and encouraged the international community to help underpin those efforts in support of continuing political progress. He called upon all parties to refrain from violence and to engage in political dialogue and stated that his Government would support that dialogue from outside and provide international assistance of a political, preventive, and material kind in support of the progress which they achieve. However the initiative and the responsibility lay with the Government of Burundi itself. He observed that there had been some encouraging signs since the adoption of resolution 1040, including a reduction in tension, attributable to the

²⁷ S/PV.3639, pp. 2-6.

²⁸ Ibid., p. 6 (Cyprus, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Slovakia).

²⁹ Ibid., pp. 6-7.

³⁰ Ibid., pp. 7-8.

Government's pacification campaign, and the setting of a date for the national debate. The parties in Burundi needed to build on these positive developments and start the process of a genuine political dialogue in support of the Convention on Governance. He also noted that the draft resolution also envisaged more concrete forms of assistance including the possibility of a United Nations radio station to promote reconciliation and dialogue and it requested further contingency planning on other steps to support a comprehensive dialogue, which in his view might include the possibility of an international presence to underpin the political process. Since the situation in Burundi remained volatile, he maintained that his Government and the Council remained prepared to consider further measures against those who rejected political dialogue and chose to pursue violent means to achieve their aims and he stated his full support for continued contingency planning for a humanitarian response against the possibility of widespread violence and a worsening of the humanitarian situation.³¹

The representative of the United States stated that the Security Council had the opportunity to try to prevent, rather than respond to, a breach of international peace and security. The draft resolution reflected the determination of the Council to prevent in Burundi the kind of massive violations of human rights that consumed Rwanda in 1994. Her Government appreciated the work of the representatives of the Non-Aligned Movement in crafting the resolution which called on the leaders of Burundi to settle their differences and relieve their fears through dialogue and asked the Secretary-General to plan, on a contingency basis, for a rapid humanitarian response in the event of a serious deterioration in the situation. She stated that the United States would not support or assist, and would make every effort to isolate, any government that came to power by force. She stated that it was critical that the leaders of the various factions in Burundi not misunderstand the intentions and motives of the international community. She noted that the international community could provide resources, including a neutral place for dialogue, human rights monitors, economic aid and assistance in building effective political dialogue and she urged Burundi to take advantage of those resources. The contingency planning called for in the draft resolution was precisely the type of exercise envisioned when the United Nations

established its standby arrangement system over the last two years and was designed to identify in advance the resources that Member States might be willing to make available on short notice to carry out an emergency humanitarian mission. She urged other Governments to cooperate with the United Nations and the United States in this effort. She stated that it was an initiative designed to bolster the confidence of moderates in the Government of Burundi and elsewhere in society and could save thousands of lives. She also urged the Secretary-General to provide additional security and investigatory personnel to the International Commission of Inquiry since Commission needed to complete its investigation into the events of the attempted coup d'état of 1993 and the subsequent ethnic violence.³²

The representative of the Russian Federation stated that they were greatly concerned by the complex situation in Burundi, which had been hovering on the brink of disaster and threatened to destabilize the region as a whole. He observed that the draft resolution gave clear priority to preventive diplomacy and emphasized the need for the immediate resumption of a comprehensive and constructive dialogue and the activation of the process of national reconciliation. He considered it important to make optimum use of the peacekeeping potential of the Organization of African Unity, other regional organizations, neighbouring countries and other interested States. He expressed his belief that preparations should be stepped up for a regional conference for peace, security and development in the Great Lakes region. He maintained that if there were any broad escalation of violence the international community would be prepared to take adequate measures for a humanitarian response, from the range of appropriate options available. In turn, the international community stood ready to render all necessary support and assistance for a political settlement.³³

The representative of China stated that his Government had been concerned about the development of the situation in Burundi and sincerely hoped that peace and stability would be restored as soon as possible. He informed the Council that they had made their own efforts in that regard and were pleased to note the common understanding and determination manifested by the highest authorities in Burundi for the solution of the Burundi question. However, the country

³¹ Ibid., pp. 8-9.

³² Ibid., pp. 12-13.

³³ Ibid., pp. 14-15.

still faced many difficulties in the political, security and humanitarian field. He stated that they had all along held the view that the internal affairs of a country needed to be settled by the people of that country themselves and that the international community could provide assistance but could not engage in interference. He stated that he would vote in favour of the draft resolution with the understanding that no matter what kind of action the Council took in the future it needed to consult with the country concerned, obtain its consent and broadly canvass the view of all parties. He urged all parties to carry out a broad-based dialogue as soon as possible.³⁴

The representative of France observed that while the situation in Burundi remained fragile and worrisome, the institutions that had emerged from the Convention on Governance had to be encouraged to pursue their work to promote peace, restore order and foster national reconciliation. That joint effort of the Burundi authorities, supported by the Council, the European Union and OAU had already made progress. He stated that the Council had to ensure that its decisions did not run counter to the efforts of the Government of Burundi. While it was normal for the Council to demonstrate its vigilance by preparing to come to the assistance of the people of Burundi if the situation required, such preparations could not lead extremists of every stripe to push the country into the abyss. Therefore the Council had to be very mindful of how those primarily concerned perceived their actions. He stated that his Government supported the Secretary-General's proposals aimed at preventative diplomacy, as was also recommended by the OAU Foreign Ministers at their meeting in Addis Ababa. It was important to support the work of the various mediators and to implement preventive measures aimed at defusing dangerous situations. He noted that the harmful role of certain radio stations had long been denounced by Burundi itself and measures had to be taken to assist in the task of dismantling them. He welcomed the decision of OAU to increase the number of its observers in the field. Finally, he maintained that the international community needed to be enabled to respond to an emergency humanitarian situation and explore possible options that would allow them to respond in the most appropriate manner to a disaster.³⁵

³⁴ Ibid., pp. 15-16.

The representative of Rwanda stated that he would approach the Burundi question within the context of the Great Lakes countries. He stated that there were several points that affected the whole region including Burundi. The first point was the institutionalization of impunity within the subregion. The result of this ongoing culture of impunity, which culminated in the Rwandan genocide, had been to encourage criminals of all stripes, who had organized, trained and armed themselves and had stirred the beginnings of a genocide in Burundi. Through the inaction and inadequacy of its response, the international community had encouraged the institutionalization of impunity in the subregion. The second problem was "laissez-faire", the typical hands-off attitude which fostered the deterioration of the situation. He observed that Rwanda had lost one eighth of its population as a result of hate propaganda spread throughout radio broadcasts, which everyone recognized as having a powerful impact. However, no adequate action had been taken to shut down the radio stations that were currently sowing hatred among the people of Burundi and the subregion. He stated that there was a similar laissez-faire with respect to arming and training criminals and infiltrating them into Burundi. The culture of impunity had allowed the perpetrators of genocide in Rwanda to forge links with extremists in Burundi and yet no one gave a thought to stopping these criminals. On the contrary, Burundian forces had been harshly criticized and domestic movements attempting to organize to avert a Rwandan-style extermination had been labelled extremist. He continued that the subregion's third problem was the lack of consultation with the countries concerned by the international community, which often devised solutions and confronted countries in the subregion with a fait accompli. An example of this was the idea of a military intervention in Burundi. He asked on whose behalf such an intervention would be carried out and against whom. He stated that if the problems of the radio station and the infiltration of criminals were solved, the people of Burundi could enjoy a respite that would enable them to come together in constructive dialogue. Such a respite was vital and could not be achieved through United Nations-style big conferences, which would not get the people in the hills of Burundi to lay down their weapons and come to an understanding, and would not stop the criminal perpetrators of genocide. The fourth element that was important for the region was the economic

³⁵ Ibid., pp. 18-19.

situation which was quickly deteriorating because of the political situation and that economic support would contribute to easing tensions. He stated that it was necessary to change the methods and approach to solving African problems in general and the problems of the Great Lakes countries in particular. First, the Great Lakes countries had to participate more actively in the search for solution to their problems. He stated that he wanted to draw the attention of the international community to organizations that took advantage of the poverty of the subregion to create programmes and projects that only benefited their organizers without much impact on the recipients. Programmes needed to be redesigned to become holistic in their conception and in the sense that they needed to cover areas affected by the presence of refugees. He concluded by calling again for greater participation by the Great Lakes countries in decisions affecting their fate and for greater involvement by national, subregional and regional organizations in finding solutions for this part of Africa.³⁶

The representative of the Congo stated that helping the people of Burundi to overcome their existing difficulties was the principal concern of the representatives of the States of their subregion when they met a few months ago in Brazzaville within the framework of the United Nations Standing Advisory Committee on Security Questions in Central Africa, under the chairmanship of the Congo. In the statement, the Brazzaville declaration, the States members of the Committee expressed their deep concern at the ongoing tensions and violence in the central African subregion. The resulting insecurity was undermining the development efforts of the Governments and peoples of the subregion, despite their wealth of resources. He stated that the maintenance of peace and security in the subregion rested with the people and Governments of the countries concerned. Therefore the Convention on Governance remained an essential element in laying the foundations of an effective national reconciliation. However any lasting solution would need close cooperation between the international community, OAU, subregional institutions and the countries concerned.³⁷

³⁶ *Ibid.*, pp. 24-25.

³⁷ *Ibid.*, p. 25.

³⁸ *Ibid.*, pp. 9-10 (Indonesia); pp. 11-12 (Chile); pp. 13-14 (Honduras); pp. 16-17 (Republic of Korea); pp. 17-18

Several other speakers stated their support for the draft resolution; noted positive developments in Burundi but recognized the fragility of the situation; emphasized the need for all parties to participate in a political dialogue; praised regional efforts by OAU, former President Nyerere and others; called for international support for the peace process, reform and development projects; emphasized the need for preventive diplomacy; and stated their support for consideration of a contingency plan for a rapid humanitarian response in the event that the situation rapidly deteriorated.³⁸ Some speakers also spoke in support of the need to call for a conference on the Great Lakes region, under the auspices of the United Nations and the Organization of African Unity.³⁹

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1049 (1996), which reads:

The Security Council,

Reaffirming its previous resolutions and the statements by its President concerning the situation in Burundi, in particular the statement of 5 January 1996 and resolution 1040 (1996) of 29 January 1996,

Noting the views expressed by the Government of Burundi set out in its letter to the President of the Security Council dated 13 February 1996,

Welcoming the efforts of the President and the Prime Minister of Burundi and other members of the Government to calm the situation in the country,

Deeply concerned at the support extended to certain groups in Burundi by some of the perpetrators of the genocide in Rwanda and the threat this poses to the stability of the region,

Deeply concerned also at all acts of violence in Burundi and at the continued incitement to ethnic hatred and violence by radio stations and the growth of calls for exclusion and genocide,

Deeply disturbed that the persistence of the conflict has had a negative impact on the humanitarian situation and on the capacity of the international community to continue to assist the people of Burundi,

Supporting the work of the International Commission of Inquiry established by resolution 1012 (1995) of 28 August 1995,

Taking note of the letter from the Secretary-General to the President of the Security Council dated 3 January 1996, in which he reports that the Commission believes that the United Nations

(Germany); pp. 19-20 (Poland); p. 20 (Guinea-Bissau); pp. 20-21 (Botswana); pp. 21-22 (Norway); pp. 22-23 (Tunisia); and p. 26 (Nigeria).

³⁹ *Ibid.*, pp. 13-14 (Honduras).

security personnel currently provided for its protection are inadequate,

Reiterating the urgent need for all concerned in Burundi, including extremists inside and outside the country, to make concerted efforts to defuse the present crisis and to commit themselves to a dialogue aimed at establishing a permanent political settlement and the creation of conditions conducive to national reconciliation,

Reaffirming its commitment to assist the people of Burundi to achieve a lasting political solution,

Recognizing the urgent need for preparations aimed at anticipating and preventing the escalation of the present crisis in Burundi,

Reaffirming its support for the Convention on Governance of 10 September 1994 and for the institutions of Government established in line with it,

1. *Welcomes* the report of the Secretary-General of 15 February 1996;

2. *Condemns in the strongest terms* all acts of violence perpetrated against civilians, refugees and international humanitarian personnel and the assassination of government officials;

3. *Demands* that all concerned in Burundi refrain from all acts of violence, incitement to violence and from seeking to destabilize the security situation or depose the Government by force or by other unconstitutional means;

4. *Calls upon* all concerned in Burundi to engage, as a matter of urgency, in serious negotiations and mutual accommodation within the framework of the National Debate agreed upon by the signatories to the Convention on Governance and to increase efforts towards national reconciliation;

5. *Reiterates its invitation* to Member States and others to cooperate in the identification and dismantling of radio stations which incite hatred and acts of violence in Burundi;

6. *Requests* the Secretary-General, in consultation with interested States and organizations, to report to the Council on the possibility of establishing a United Nations radio station in Burundi, including through voluntary contributions, to promote reconciliation and dialogue and to relay constructive information as well as support the activities undertaken by other United Nations agencies, particularly in the fields of refugees and returnees;

7. *Calls upon* all parties to cooperate fully with the International Commission of Inquiry, reminds the Government of Burundi of its responsibility to ensure security and protection for members and personnel of the Commission, requests the Secretary-General to continue his consultations with the Government of Burundi and the observer mission in Burundi of the Organization of African Unity with a view to ensuring that adequate security is provided for the Commission, and invites

Member States to provide adequate voluntary financing to the Commission;

8. *Expresses strong support* for the efforts of the Secretary-General of the United Nations and his Special Representative, the Organization of African Unity, the European Union, former Presidents Nyerere and Carter and the other facilitators appointed by the Cairo conference of heads of State of the Great Lakes region, and others seeking to facilitate political dialogue in Burundi, and encourages the international community to extend political and financial support to the National Debate;

9. *Invites* Member States and regional, international and non-governmental organizations to stand ready to provide assistance in support of progress achieved by the parties towards political dialogue, and to cooperate with the Government of Burundi in initiatives for comprehensive rehabilitation in Burundi, including in military and police reform, judicial assistance, development programmes and support at international financial institutions;

10. *Encourages* the Organization of African Unity to increase the size of its observer mission in Burundi, as formally requested by the Government of Burundi, and stresses the need for the military observers to operate without any restrictions on their movement to any part of the country;

11. *Declares its commitment and readiness* to assist the parties in their implementation of agreements reached through political dialogue;

12. *Requests* the Secretary-General, in consultation as appropriate with the Government of Burundi, the heads of State of the Great Lakes region, Member States concerned, the Organization of African Unity and the European Union, to intensify the preparations for convening a regional conference for peace, security and development in the Great Lakes region to address the issues of political and economic stability, as well as peace and security in the Great Lakes States;

13. *Encourages* the Secretary-General to continue his consultations with Member States concerned and the Organization of African Unity, as appropriate, on contingency planning both for the steps that might be taken to support a comprehensive dialogue and for a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi;

14. *Decides* to keep the situation under constant review and to consider further the recommendations of the Secretary-General in the light of the developments in Burundi, and declares its readiness to respond as appropriate considering all relevant options, including those contained in resolution 1040 (1996);

15. *Requests* the Secretary-General to keep the Council closely informed on the situation in Burundi, including on his efforts to facilitate a comprehensive political dialogue, to report to the Council in the event of a serious deterioration in the situation, and to submit a full report on the implementation of the present resolution by 1 May 1996;

16. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of Burundi expressed his gratitude for the resolution in support of the process of the search for peace. He stated that some operative paragraphs deserved more praise than others, particularly paragraph 6, which dealt with the establishment of a United Nations radio station. He stated that this would have an extraordinarily beneficial impact on public opinion and on society. He stated that a resolution of this type was far more realistic than other options, which might have jeopardized all the efforts made in this process towards peace.⁴⁰

**Decision of 25 April 1996 (3659th meeting):
statement by the President**

By a letter dated 12 April 1996 addressed to the President of the Security Council,⁴¹ the Secretary-General informed the Council that the security situation in Burundi had taken another turn for the worse during March, with a sharp increase in the number of attacks by Hutu rebels and heavy fighting spreading to areas in the south previously untouched by the conflicts. On the political front, some serious differences had appeared between the President and the Prime Minister, particularly on the issue of negotiations with the armed opposition. The President had publicly favoured negotiations on condition that the rebels give up violence, while the Prime Minister had expressed opposition to any negotiation with certain groups and had invited the Tutsi community to arm itself. He had also disclaimed Burundi's need for foreign aid in response to comments from the European Union and the United States Agency for International Development (USAID) that economic assistance would not be forthcoming as long as the political and security situations remained unstable. While his Special Representative in Burundi had continued to appeal to all concerned for an immediate end to the violence and for a constructive dialogue, the Secretary-General expressed his fear that there was a real danger of the situation in Burundi degenerating to the point where it might erupt into a genocidal conflict.

At its 3659th meeting, held on 25 April 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the

President (Chile), with the consent of the Council, invited the representative of Burundi, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁴²

The Security Council has taken note of the letter dated 12 April 1996 from the Secretary-General to the President on the present situation in Burundi, in response to the request to the Secretary-General in resolution 1049 (1996) to keep the Council informed on the situation.

The Council is deeply concerned at the recent degeneration of security conditions and political cooperation in Burundi. The Council condemns all acts of violence. The Council is equally concerned at reported statements calling for the arming of civilians, which could lead to grave consequences. The dramatic increase in violence throughout the country already severely inhibits humanitarian aid and could have a negative effect on the capacity of the donor to implement development assistance in support of the search by the people of Burundi for reconciliation and rehabilitation.

The Council urges the authorities and all parties in Burundi to set aside their differences and demonstrate the necessary cohesion, unity and political will for settlement of the conflict by peaceful means. The Council calls upon all Burundians to renounce the use of violence and to engage in a comprehensive dialogue to ensure a peaceful future for the people of Burundi.

The Council is deeply concerned at the widespread purchase and use of weapons by Burundians, in particular the laying of landmines.

The Council looks forward to the recommendations of the Secretary-General in the report it requested by 1 May 1996 on the progress towards commencement of the National Debate and other initiatives for comprehensive political dialogue and national reconciliation. The Council extends its full support for and confidence in the efforts of the Special Representative of the Secretary-General and those of former President Nyerere and other envoys to facilitate negotiations to resolve the present crisis.

The Council requests the Secretary-General, in accordance with paragraph 13 of resolution 1049 (1996), to expedite consultations with Member States concerned and the Organization of African Unity, as appropriate, on contingency planning both for the steps that might be taken to support a comprehensive dialogue and for a rapid humanitarian response in the event of widespread violence or serious deterioration in the humanitarian situation in Burundi.

The Council underlines its commitment to follow events in Burundi closely and resolves to consider further all relevant options for an appropriate response by the international

⁴⁰ S/PV.3639, p. 27.

⁴¹ S/1996/313.

⁴² S/PRST/1996/21.

community upon receipt of the impending report of the Secretary-General.

Decision of 15 May 1996 (3664th meeting): statement by the President

At the 3664th meeting of the Security Council, held on 15 May 1996 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General on the situation in Burundi pursuant to Security Council resolution 1049 (1996), by which the Secretary-General had been requested to report on efforts to facilitate a comprehensive political dialogue, intensify preparations for a regional conference for peace, security and development in the Great Lakes region and to report on the possibility of establishing a United Nations radio station in Burundi.⁴³

In his report, the Secretary-General observed that although the United Nations and the OAU observer mission had limited capacity to observe what was happening on the ground, there had been a marked deterioration in the security system in Burundi and persistent reports indicating a downward spiral of violence. Extremist Hutu rebels, apparently infiltrating from Zaire, were undertaking attacks against both government and civilian targets and the armed forces were sometimes exacting reprisals against Hutu civilians in the area where attacks had taken place. He maintained that this vicious circle could be broken only if the moderates on both sides worked together to create a genuine and effective coalition Government. With reference to the establishment of a United Nations radio station, the mission had concluded that while feasible in a technical sense, the difficulties and political risks of doing Kirundi-language broadcasts made it unfeasible in the current political climate. It recommended that instead the Office of the Special Representative be strengthened through the addition of specialists in public information who would be responsible for developing co-productions with existing radio operations serving Burundi and for liaison with public information personnel of United Nations and other agencies. In the light of the disturbing circumstances, he maintained that there was a necessity for the international community to proceed with contingency planning for a possible military intervention to save lives if disaster struck and led to large scale killing of

civilians. Although the objectives were exclusively humanitarian, it was sensible to do preliminary planning for a situation where the deployment of a multinational force under Chapter VII of the Charter was necessary. He informed the Council that he had undertaken wide-ranging and intensive consultations pursuant to paragraph 13 of resolution 1049 (1996) and had approached, amongst others, the permanent members of the Security Council, major troop-contributing countries and interested States from both the region and other parts of the world. No states had yet volunteered to take the lead in an operation, and since there remained a need for further consultations, he had decided to use his good offices to facilitate consultations among the Member States concerned. However, at the urging of several States, plans for a possible peace-keeping mission under Chapter VI of the Charter to be deployed in the event of a political agreement were already under way.

At the same meeting, the President also drew the attention of the Council to a letter dated 8 May 1996 from the representative of Burundi,⁴⁴ transmitting a press release from the Minister for Foreign Affairs and Cooperation of the Republic of Burundi announcing various terrorist acts by rebel groups and denying the accusations that had been made against the Burundian army.

At the same meeting, the President made the following statement on behalf of the Council:⁴⁵

The Security Council has considered the report of the Secretary-General of 3 May 1996 on the situation in Burundi, submitted pursuant to resolution 1049 (1996).

The Council is gravely concerned at the continued deterioration of the security situation in Burundi, in particular at reports of a downward spiral of violence which has resulted in further large-scale killings in Buhoro and Kivyuka, and at the increasing flow of refugees from Burundi. The Council is deeply concerned that relief organizations have been prevented from delivering vital humanitarian and development assistance in Burundi, and at the suffering which this imposes on the people of Burundi. It calls upon the parties and all concerned to refrain from any action that could aggravate the problem of refugees.

The Council strongly condemns any use of violence and emphasizes its conviction that a lasting settlement of the situation in Burundi can be found only through peaceful means. The Council calls upon the parties to engage in a comprehensive political dialogue aimed at achieving national reconciliation in Burundi. The Council once again urges the authorities and all

⁴³ S/1996/335.

⁴⁴ S/1996/341.

⁴⁵ S/PRST/1996/24.

parties concerned in Burundi to set aside their differences, renounce the use of force and demonstrate a firm political will for a prompt settlement of the conflict.

The Council stresses the importance of the commencement of the National Debate provided for in the Convention on Governance, as an appropriate mechanism for a wide-ranging political dialogue in which all parties to the conflict should participate without any preconditions. The Council reaffirms its support for the convening of a regional conference for peace, security and development in the Great Lakes region and calls upon all the States concerned to render their cooperation for the convening of the conference.

The Council reiterates its full support for the ongoing efforts of former President Nyerere to facilitate negotiations and political dialogue to resolve the crisis in Burundi and looks forward to a successful outcome of the upcoming meeting in Mwanza, United Republic of Tanzania, on 22 May 1996. The Council calls upon the parties to make full use of the meeting to achieve progress towards national reconciliation. It also supports the efforts of the Secretary-General and his Special Representative to that end.

The Council emphasizes the importance of the continued cooperation of the United Nations with the Organization of African Unity, the European Union and other interested countries and organizations in coordination with former President Nyerere, aimed at achieving the objective of a comprehensive political dialogue between the parties in Burundi. In this regard, the Council expresses its support for the efforts of the Organization of African Unity and its observer mission and calls upon all States to contribute generously to the Peace Fund of the Organization of African Unity in order to enable that organization to increase the size of the mission and to extend its mandate beyond July 1996.

The Council welcomes the endorsement by the Secretary-General of the conclusions of the technical mission providing for United Nations radio broadcasts in Burundi and looks forward to being kept informed by him of progress made in the implementation of their recommendations.

The Council reiterates the importance it attaches to the contingency planning called for in paragraph 13 of resolution 1049 (1996) and notes the consultations which have already taken place. In the light of recent developments, it requests the Secretary-General and Member States concerned to continue to facilitate, as a matter of urgency, contingency planning for a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi. It also encourages the Secretary-General further to pursue planning for steps that might be taken to support a possible political agreement.

The Council reminds all parties of their responsibilities for restoring peace and stability in Burundi and recalls its readiness, as set out in resolution 1040 (1996), to consider the adoption of further measures should the parties fail to demonstrate the

necessary political will for a peaceful solution to the crisis. The Council will remain seized of the matter.

Decision of 24 July 1996 (3682nd meeting): statement by the President

By a letter dated 22 July 1996 addressed to the President of the Security Council,⁴⁶ the Secretary-General informed the Security-Council of yet another massacre of civilians. While the Burundi authorities claimed that the dead were Tutsis killed by Hutu rebels of the armed wing of the National Council for the Defence of Democracy (CNDD), CNDD had denied any role in the massacre, claiming that the victims were actually Hutus killed by soldiers of the Burundian army. The United Nations had no independent information concerning the perpetrators. Life in Bujumbura had ground to a halt after the former President Bagaza called for a two-day general strike in protest of the killings and the Arusha "security assistance" plan. He had also reportedly called for the overthrow of the Government and for the formation of a patriotic front to defend Burundi's sovereignty. It appeared that the latter reaction reflected a common sentiment among the Burundi security forces as well as CNDD. Both those conflicting groups had rejected the idea of an international peace-keeping force in Burundi and had vowed to fight it with all the means at their disposal. As a result, the International Technical Committee, which was established by the Arusha Summit, had been refused permission to visit Burundi. The Burundi National Security Council itself had been unable to take a decision on the deployment and mandate of possible troop contingents, or on alternative options to the peace plan. He stated that rumours of an impending coup d'état were widespread and demonstrations in Bujumbura had become more militant. Another matter of serious concern was the ongoing security operations to close down the Kibenzi and Ruvumu camps for Rwandan refugees. In conclusion, he stated that those reports only underlined the pressing need for the international community to take concrete and immediate action to halt the cycle of violence and to prevent another catastrophe in the Great Lakes region of Central Africa. It was for that reason that they needed to press forward with the ongoing contingency planning for a multinational force.

At its 3682nd meeting held on 24 July 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in

⁴⁶ S/1996/591.

its agenda. Following the adoption of the agenda, the President (France), with the consent of the Council, invited the representative of Burundi, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁴⁷

The Security Council is gravely concerned at recent information on political developments in Burundi. It strongly condemns any attempt to overthrow the present legitimate Government by force or coup d'état.

The Council takes note of the letter dated 22 July 1996 from the Secretary-General to the President. The Council condemns the massacre of civilians, including that of more than three hundred women, children and elderly men in the Bugendana commune in Gitega Province. The Council calls upon all parties to the conflict in Burundi to cease immediately any acts of violence and to cooperate fully with all those who are seeking to bring an end to the vicious cycle of violence. The Council urges all parties to exercise restraint and requests the Burundi authorities to conduct a proper investigation of the massacre.

The Council once again urges the authorities and all parties concerned in Burundi to set aside their differences, renounce the use of force and demonstrate a firm political will for the prompt settlement of the conflict.

The Council deplores the recent forced repatriation of Rwandan refugees from refugee camps in Kibenzi and Ruvumu and calls upon the Government of Burundi to honour its obligations under the Convention relating to the Status of Refugees of 28 July 1951, and to desist from further refoulement of refugees. The Council is also concerned at reports of Rwandan cooperation in the forced repatriation process.

The Council supports the efforts of the Office of the United Nations High Commissioner for Refugees and urges all parties to work with the Office of the High Commissioner to ensure that the rights of refugees are respected. The Council calls upon the international community to respond favourably to the recent appeal to fund the activities of the Office of the High Commissioner in the region.

The Council stresses its full support for the efforts of former President Nyerere, including the agreements of the Arusha Regional Summit of 25 June 1996, and welcomes the full support of the Organization of African Unity for those agreements. The Council supports also the acceptance by the Arusha Regional Summit of the request by the Government of Burundi for security assistance in order to complement and reinforce the Mwanza peace talks as well as for creating conducive security conditions for all parties to participate freely in the Mwanza process. The Council encourages all parties to work in a constructive manner with former President Nyerere. It urges the Government of Burundi to grant permission to the international technical

committee, established at the Arusha Regional Summit, to enter the country in order to work out the logistics of the regional peace plan.

The Council emphasizes the importance of the continued cooperation of the United Nations with the Organization of African Unity, the European Union, the United States of America and other interested countries and organizations in coordination with former President Nyerere, aimed at achieving a comprehensive political dialogue between the parties in Burundi. In this regard, the Council expresses its support for the efforts of the Organization of African Unity and its observer mission and welcomes the extension of the mandate of the mission.

The Council reiterates the importance it attaches to the contingency planning called for in paragraph 13 of resolution 1049 (1996) and notes the consultations which have already taken place. In the light of recent developments, it requests the Secretary-General and Member States concerned to continue to facilitate contingency planning for a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi.

The Council reminds all Burundian parties of their responsibilities for restoring peace and stability in Burundi, underlines its commitment to follow events in Burundi closely and recalls its readiness, as set out in resolution 1040 (1996), to consider the adoption of further measures should the parties fail to demonstrate the necessary political will for a peaceful solution to the crisis. The Council will remain seized of the matter.

**Decision of 29 July 1996 (3684th meeting):
statement by the President**

At the 3684th meeting of the Security Council, held on 29 July 1996 in accordance with the understanding reached in its prior consultations, the President, with the consent of the Council, invited the representative of Burundi, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁴⁸

The Security Council regrets that both civilian and military leaders of Burundi did not resolve their differences through established constitutional mechanisms and condemns the actions that led to the overthrow of constitutional order in Burundi.

The Council calls upon all Burundian leaders to respect the Burundi constitution and the will of the people of the country. The Council urges the military leaders of Burundi to restore constitutional government and processes, including the continuation of the elected National Assembly and civil institutions and respect for human rights. The Council stresses that the present situation in Burundi requires utmost restraint and

⁴⁷ S/PRST/1996/31.

⁴⁸ S/PRST/1996/32.

calls upon all concerned to refrain from any actions and statements that could provoke further escalation of the crisis.

The Council calls upon all Burundian parties and leaders to halt all violence and engage immediately in concerted efforts to achieve a lasting national settlement and reconciliation. The Council stresses their responsibility to protect the lives of all persons, including President Ntibantunganya, Prime Minister Nduwayo and members of their Government, and expects them to maintain democratic institutions and to enter into negotiations for a peaceful resolution of the crisis.

The Council reiterates its full support for regional mediation efforts, including those of former President Nyerere and the Organization of African Unity.

The Council will remain actively seized of the matter.

**Decision of 30 August 1996 (3695th meeting):
resolution 1072 (1996)**

By a letter dated 25 August 1996 addressed to the President of the Security Council,⁴⁹ the representative of Burundi requested an urgent meeting of the Council to consider the economic blockade imposed by the States of the Great Lakes region and the threat of an imminent arms embargo, and urged the President of the Security Council to organize a public debate before proceeding to the drafting of the draft resolution.

At its 3692nd meeting held on 28 August 1996 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General pursuant to Security Council resolution 1049 (1996).⁵⁰ Following the adoption of the agenda, the President, with the consent of the Council, invited the representatives of Australia, Belgium, Burundi, Canada, Ireland, Japan, South Africa, Uganda and the United Republic of Tanzania, at their request, to participate in the discussion without the right to vote.

In his report, the Secretary-General observed that Burundi had been caught in a cycle of attacks by armed Hutu bands against military and economic targets and of reprisals by the Burundi Army and Tutsi militias. Despite regional attempts at mediation, including a summit of Heads of State and Government in Arusha, Burundi's ethnically divided leaders failed to unite, the President and Prime Minister "resigned", the army took power and the Tutsi former Head of State Major Buyoya

was declared President. The Secretary-General observed that the conflict in Burundi was exacerbated by a deeply rooted perception among its people that the survival of each community would be imperilled unless it secured the reins of power for itself. Consequently the historically dominant Tutsi minority refused to relinquish effective control, whereas the Hutu majority was determined to recover power which it won in a democratic election in 1993. Still, the conflict was not susceptible to a military solution and a political mechanism had to be found to share power between the majority and the minority in a way that would allay the fears of both. The coup d'état had not made this process easier but would reinforce the fears of one side, strengthen extremists on both and add to the suffering of the Burundian people. He stated that the prompt and forceful reaction of the countries of the region in imposing sanctions underlined their concern at the coup's implication for peace and security in the already troubled Great Lakes region. However, sanctions were not an instrument of punishment, nor could they be allowed to add to the hardship of the suffering people of Burundi. Regarding the proposed contingency force he noted that although few countries had offered troops and none had offered to lead a multinational force, he maintained that the international community had to allow for the possibility that genocide could occur in Burundi and military intervention to save lives might become an inescapable imperative. Because it would be quicker and more effective if it were planned in advance by countries with the necessary capacity, he again appealed to those countries to undertake the contingency planning which the United Nations did not have the capacity to do.

At the same meeting, the President drew the attention of the Council to a letter dated 5 August 1996 from the Secretary-General of the Organization of African Unity,⁵¹ transmitting the communiqué of 5 August 1996, by the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, regarding the current situation in Burundi; a letter dated 25 July 1996 from the Secretary-General,⁵² transmitting the final report of the International Commission of Inquiry for Burundi; a letter dated 2 August 1996 from the representative of the United Republic of Tanzania,⁵³ transmitting the full text of the

⁴⁹ S/1996/690.

⁵⁰ S/1996/660.

⁵¹ S/1996/628.

⁵² S/1996/682.

⁵³ S/1996/620.

Joint Communiqué of the Second Arusha Regional Summit on Burundi; a letter dated 7 August 1996 from the representative of Kenya,⁵⁴ transmitting a statement issued by the Government of Kenya on 5 August 1996 on the imposition of economic sanctions against Burundi; and a letter dated 19 August 1996 from the representative of Ireland, transmitting a statement on Burundi issued by the Presidency on behalf of the European Union.⁵⁵

At the same meeting, the representative of Burundi informed the Council that after the new regime in his country had come to power, a summit held at Arusha by the countries of the Great Lakes region decreed general economic sanctions against Burundi. He stated that there were four factors against the embargo: the national imperative in favour of a change in government, the haste to use coercive measures, the clear illegality and immorality of the economic embargo and the devastating consequences for the people of Burundi. In relation to the national imperative for a change in government he stated that the former system had completely failed in its primary mission, which was to save the people from extermination. This sad reality had been evoked in a series of reports by the Secretary-General, including that of 15 August 1996.⁵⁶ He maintained that the Government before 25 July 1996 had not resulted from elections. It was merely the outcome of the Convention on Governance concluded by 12 political parties and was called upon to govern Burundi during a transitional period. The abdication of the President and the Prime Minister resulted in a headless State and the emergence of the new regime responded to a paramount national imperative to avoid genocide and provide a powerful springboard to a new democratic process. The second argument against the embargo was the haste of coercive measures. He stated that a minimum of realism and political wisdom required that the new regime be allowed to succeed or fail in its own development towards elective democracy, as had been the case in countries of the region and throughout the world. He noted that the arms embargo being contemplated by certain actors would deprive Burundi of the shield normally provided by the national army, which would place the population in the hands of armed terrorists who would not submit to any prohibition on weapons. He proposed that a more realistic and

constructive solution would be to send a diplomatic mission to the States of the Great Lakes region, including Burundi, which would make it possible for the Council better understand the ins and outs of the overall problem. The third argument against the economic blockade against Burundi was its clear illegality and immorality. He maintained that this embargo was a form of intervention in Burundi's internal affairs, a type of intervention that had been prohibited since the 1970s by the United Nations. These sanctions, judging by their nature and their excessive gravity, were identical to those stipulated under Chapter VII of the United Nations Charter. Under the terms of Article 39, such sanctions could only be imposed on a Member State of the Organization when such a State had been guilty of a grave threat to the peace, a breach of peace or an act of aggression. He underlined that the breaking of economic relations and the interruption of various forms of communication by virtue of Article 41 of the Charter were in no way justified in the case of his country since it had not attacked any other State or threatened the peace anywhere in the region that had saddled it with sanctions. Even if a country deserved economic sanctions under Article 41 of the Charter, their imposition required prior authorization by the Security Council, under the terms of Article 53 of the Charter. A grave attack on the peace, as specified in Article 39 of the Charter, was in evidence and it was up to the Security Council to fully exercise the responsibility assigned to it under Article 24, paragraph 1, of the Charter, for "the maintenance of international peace and security". By virtue of legal logic and under the terms of international law, the measures contained in Article 41 of the Charter should have been reversed because they were deserved instead by the countries that initiated the blockade against a State that was innocent according to the spirit and the letter of Article 39 of the Charter. He also stated that the Convention on the Law of the Sea had also been violated, since it stipulated to States the right of passage through the territorial waters of coastal States and in part X, articles 124-132, the right of landlocked States to access to and from the sea and to freedom of transit.⁵⁷

The representative of Ireland spoke on behalf of the European Union and the associated and aligned countries.⁵⁸ He stated that the European Union had

⁵⁴ S/1996/651.

⁵⁵ S/1996/673.

⁵⁶ S/1996/660.

⁵⁷ S/PV.3692, pp. 2-6.

⁵⁸ *Ibid.*, p. 7 (Bulgaria, Cyprus, Czech Republic, Estonia,

closely followed the evolving situation in Burundi and he called on all sides to stop the violence and to commit themselves to, and work actively towards, a negotiated and peaceful resolution of the crisis. He maintained that it was essential for a dialogue to be organized bringing together all of Burundi's political forces without exception, including representatives of civil organizations. He underlined that political mechanisms had to be found to share power in a way that would allay the fears of both sides and gradually build up the confidence that would enable them to live in harmony. He noted that the European Union had made significant contributions at both the multilateral and bilateral levels to alleviate the plight of the people of Burundi and reaffirmed their willingness to support Burundi's recovery efforts, once the necessary national reconciliation was embarked on. Finally, he reiterated the utmost importance that the European Union attached to the prompt and satisfactory resolution of the situation of those who had sought protection in the European Union and other foreign missions in Bujumbura.⁵⁹

The representative of United Republic of Tanzania stated that most conflicts like the one in Burundi transcended borders and his country had been adversely affected by this conflict, both socially and economically, for many years. The coup had to be condemned in the strongest terms as it had reversed the democratic process and basically returned Burundi to its state prior to the 1993 elections. He stated that their greatest fear was the further deterioration of the situation into a full-fledged civil war with tragic and disastrous consequences. He stated his Government's satisfaction with and total support for all the decisions taken during the Arusha regional summit, which decided to impose economic sanctions on Burundi and appealed to the international community to support its decisions. He noted that the Bujumbura regime was floating the misguided concept that the Arusha decision, especially the imposition of sanctions, was interference in the sovereignty and internal affairs of Burundi. He stated that they were firmly of the view that these decisions were the only viable means to assist the people of Burundi to settle their differences amicably.⁶⁰

The representative of Canada deplored the military takeover that contravened the constitutional and legal

institutions of Burundi. He said Canada had been striving to encourage a peaceful, lasting solution to the disputes rampant in Central Africa's Great Lakes region. Canada fully supported the mediation and facilitation efforts undertaken by former President Nyerere and the firm stance taken by the Heads of State in Arusha. He informed the Council that as part of his country's support for the efforts of Mr. Nyerere, the Canadian Minister for International Cooperation and Minister responsible for La Francophonie chaired a meeting the previous June in Geneva involving interested contributors and the Burundian authorities to help develop the outlines of a transitional economic assistance plan for Burundi, to be implemented once peace was restored.⁶¹

The representative of Australia urged all sectors of Burundi's population to engage in constructive dialogue and all parties to the conflict to recognize that continued violence would not bring peace to Burundi. He underlined that unimpeded provision of and access to humanitarian assistance was imperative if the situation in Burundi was to be stabilized. Further human displacement would have serious ramifications for peace and security throughout the Great Lakes region and its prevention must be regarded as a priority by the international community. He maintained that if intervention by outside parties was left as the only means to prevent a slide into anarchy and genocide, then there was an obligation upon Members of the United Nations to see that the objectives of such an action were clearly defined and that the means of achieving them were sufficient and well prepared. With that in mind, the Secretary-General needed to continue with OAU to plan for the prevention of another humanitarian disaster.⁶²

The representative of Uganda stated that the leaders of the Great Lakes subregion had met on several occasions to work out an acceptable and peaceful resolution to the conflict. At these meetings, they had reiterated their opposition to resorting to unconstitutional means to resolve the problems of Burundi and warned that they would not accept any government that came to power through such means. They unequivocally condemned the "putschists" in Burundi and demanded a speedy return to constitutional governance. He noted that the Council was aware that

Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, and Iceland, Liechtenstein and Norway).

⁵⁹ Ibid., pp. 7-8.

⁶⁰ Ibid., pp. 9-10.

⁶¹ Ibid., p. 10.

⁶² Ibid., p. 11.

they had imposed sanctions on Burundi as a result of the coup. Those sanctions were not meant to punish but rather to encourage the leadership in Bujumbura to urgently undertake measures aimed at restoring constitutional order in the country and at encouraging all parties to the conflict to hold unconditional negotiations within the framework of the Mwanza peace process, reinforced by the Arusha peace initiative. In this regard, the leadership in Burundi had to restore and work with the national Parliament and the various political parties. He expressed his strong condemnation of the killing of innocent and unarmed civilians. In conclusion he underlined the importance of closer cooperation and better coordination between the United Nations and the OAU, as well as countries in the region.⁶³

The representative of France noted that the Security Council had set out the principles necessary for a political settlement in Burundi: the cessation of violence, initiation of a comprehensive dialogue without exception, and support for initiatives from outside to facilitate such a dialogue. He stated that his Government would associate itself with the efforts and demands of the Council on these points. He expressed their concern for the humanitarian repercussions of the measures taken by the States in the region and maintained that it was important that international organizations and non-governmental organizations were able to continue their work on behalf of disadvantaged groups. He urged that this question be examined urgently and with the greatest possible attention, and called for a regional conference for peace, security and development in the Great Lakes region, to be convened by the United Nations with support from the OAU as soon as conditions were met.⁶⁴

The representative of the United States noted that there had been no progress towards restoration of constitutional government or the cessation of violence. He stated their support for the efforts of the States of the region and the various people and organizations involved with mediation efforts. He expressed his strong support for the economic sanctions imposed on Burundi and stated that the Security Council was willing to consider further action in support of cessation of hostilities or to compel cessation of hostilities, which could include an arms embargo or targeted sanctions against faction leaders, as the situation warranted. All

sanctions needed to be carefully implemented to permit continuing humanitarian relief so that they did not injure the already suffering innocent civilians in this crisis-torn country. He observed that the Secretary-General's report noted that he was continuing to facilitate contingency planning for a rapid humanitarian response to a crisis in Burundi. He stated that his Government welcomed finalization of the emergency operations plan for Burundi. The United States had worked closely with the Secretariat in its two-track approach to military contingency planning and continued to urge that other Governments support this effort. He stated that the Security Council needed to take further actions and that he would be working with other members of the Council to produce a resolution that sent an unmistakable message to leaders of the Burundian factions: stop the killing now and initiate an immediate dialogue.⁶⁵

The representative of the United Kingdom expressed their full support for the initiatives taken at Arusha by the leaders of the States neighbouring Burundi, their principled approach towards the unconstitutional change of Government and the decision with regard to economic sanctions. However, he stated that he shared the Secretary-General's concern about the possible effect of sanctions on humanitarian supplies and personnel. He welcomed the decisions of the regional leaders to establish a regional coordinating committee in Nairobi and the assurance that humanitarian supplies would be allowed access. He maintained that there was a continuing need for the presence of human rights observers in Burundi. He noted that while Major Buyoya had made many public promises and taken some potentially positive actions with regard to control of the armed forces, it was clear that acts of oppression continued and that there was no national consensus as yet behind his proposal for an extended transitional period before a return to constitutional government. He underlined that once a lasting settlement had been achieved, they were willing to contribute to international efforts to restore Burundi's economy in support of such a settlement. He also expressed agreement with the Secretary-General that contingency planning needed to continue in case regional and international efforts were not sufficient to forestall a humanitarian catastrophe in Burundi.⁶⁶

⁶³ Ibid., pp. 12-13.

⁶⁴ Ibid., pp. 19-20.

⁶⁵ Ibid., pp. 24-25.

⁶⁶ Ibid., p. 28.

The representative of the Russian Federation stated that they were firmly convinced that the problems of Burundi could not be resolved militarily or by coups and that it was important to ensure the restoration of constitutional forms of governance, both for reasons of principle and in order to provide the necessary conditions to revive an inter-Burundian dialogue. The task of the international community and the mediators was to promote carefully gauged and well-balanced decisions, which would, on one hand, remove the threat of another wave of bloodshed and genocide and, on the other, set the parties to the conflict in Burundi on the road to creating political machinery to provide security for all Burundians. He stated that they had always welcomed and supported the efforts of the countries in the subregion. However, it was necessary to ensure the proper observance of humanitarian standards for sanctions in order to minimize their detrimental effect on the already grievous situation of the population. Sanctions needed to have very clear-cut criteria and time-frames for their introduction and lifting and they needed to be aimed first and foremost at extremist forces both within the country and beyond its borders; those forces that opposed the cessation of violence and were hindering the negotiating process. He expressed his belief that the most effective steps would be the imposition of an arms embargo on all Burundian opposition parties, the freezing of their assets in foreign banks and the introduction of other possible restrictions affecting the personal interests of the extremist leaders, until they put an end to the violence and concluded a lasting peace agreement. He also stated that sending a Security Council mission to Burundi at the appropriate time could prove extremely useful in assessing the situation and influencing the parties to the conflict by stimulating them to make progress in the peace process. He underlined that Russia, as a permanent member of the Security Council, was aware of its responsibility for the maintenance of international peace and security. Therefore, in concert with other members of the Council, it would duly participate in efforts made by the international community to normalize the situation and to prevent the spread of violence in Burundi, as well as to ensure the strict observance of generally accepted norms of human rights and humanitarian law.⁶⁷

⁶⁷ *Ibid.*, pp. 29-30.

⁶⁸ *Ibid.*, pp. 30-31.

⁶⁹ *Ibid.*, p. 8 (Belgium); pp. 11-12 (South Africa); pp. 14-15 (Ethiopia); pp. 15-18 (Botswana); pp. 17-19

The representative of Germany stated that he fully supported the statement made on behalf of the European Union. He reiterated the importance they attached to the prompt and satisfactory resolution of the situation of those who had sought protection in their and other foreign missions in Bujumbura. He maintained that the sanctions imposed by the regional leaders should not be seen as an instrument of punishment but as a means to an end, which should not be allowed to add to the hardship of the people. He also reiterated the importance they attached to renewed deployment of human rights observers throughout the country, which had so far been funded by the European Commission. He stated that they would continue to contribute constructively to the drafting of a Security Council resolution on Burundi. It was their hope that the discussion on the imposition of further measures by the Security Council would become obsolete as they saw progress in the development of the situation on the ground.⁶⁸

Several other speakers spoke, condemning the coup d'état; calling on the regime to restore democratic governance and on all parties to cease violence and return to negotiations; stating their support for the actions taken by the Heads of State at Arusha, including sanctions; underlining the need for humanitarian efforts; recommending that the Security Council continue with contingency planning and consider further actions as necessary, including targeted sanctions; and underlining that only an inclusive political dialogue could lead to peace.⁶⁹

The representative of Burundi underlined that the regime was fully prepared to enter into a dialogue with all those groups and factions that were claiming any rights whatsoever. He noted that the Secretary-General's report tended to concentrate on the situation that prevailed before 25 July 1996 and would have been much more useful if it had been updated so as to include mention of the massacres. However, he emphasized that the situation was not as alarming as it had been presented and described by a fair number of speakers. In that regard, he informed the Council that his Government had published a statement in which it invited the entire international community, starting with Amnesty International, to immediately begin investigations of allegations by Amnesty International

(Chile); pp. 20-21 (Indonesia); pp. 21-22 (Italy); pp. 22-23 (Republic of Korea); pp. 23-24 (Poland); pp. 25-26 (Guinea-Bissau); pp. 25-26 (Honduras); pp. 27-28 (Egypt) and p. 29 (China).

and had invited the United Nations High Commissioner for Human Rights and the Secretary-General to increase the number of human rights observers since the Government was resolved to take all appropriate measures to end the cycle of violence as soon as possible and ensure lasting respect for human rights. He also noted that his Government had urged former President Nyerere to reactivate the talks and bring together all the groups and parties involved in the conflict.⁷⁰

At the 3695th meeting of the Security Council, held on 30 August 1996 in accordance with the understanding reached in its prior consultations, the President, in accordance with the decision taken by the Council at its 3692nd meeting, invited the representatives of Australia, Belgium, Burundi, Canada, Ethiopia, Ireland, Japan, South Africa, Uganda and the United Republic of Tanzania, at their request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution submitted by Botswana, Chile, Egypt, Germany, Guinea-Bissau, Honduras, Indonesia, the Republic of Korea, the United Kingdom and the United States and joined by the Russian Federation.⁷¹

At the same meeting, speaking before the vote, the representative of Chile spoke on behalf of the sponsors of the draft resolution. He stated that the draft resolution reflected the position of the Security Council, which was united in support of the goal of helping Burundi reach a comprehensive political settlement with the participation of the entire international community. It also reflected an unequivocal support to regional leaders in their efforts to overcome peacefully the crisis in Burundi. The Security Council had declared its readiness to support Burundi if its leaders set out on the path to peace, political negotiation and reconciliation through international cooperation and other initiatives. He continued that the draft resolution also indicated with unwavering resolve that if within 60 days, the leaders had not initiated the necessary negotiations to bring about a comprehensive political settlement, the Council would then consider the imposition of measures under the Charter, including an arms embargo and other measures targeted against the leaders of the regime and of the factions that continued to promote violence and to stand in the way of a peaceful solution. The draft

resolution maintained that the present crisis should not exacerbate the humanitarian suffering of the population of that country and it mentioned the need to ensure that humanitarian corridors were established so that all in Burundi could have access to assistance. It unambiguously condemned the use of force and violence in Burundi, both in the overthrow of the legitimate Government and in the resort to violence by the parties to attain their political objectives. He also called on the regime to bring about a return to constitutional order and legality, to restore the National Assembly and to lift the ban on all political parties. He stated that the Council would meet again on 31 October 1996 to assess the situation and it was their hope that that meeting would serve to support the negotiations that should have by then begun in Burundi.⁷²

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1072 (1996), which reads:

The Security Council,

Reaffirming all its previous resolutions and statements by its President on the situation in Burundi,

Recalling the statement by its President of 24 July 1996, in which the Council strongly condemned any attempt to overthrow the legitimate Government of Burundi by force or *coup d'état*, and recalling also the statement by its President of 29 July 1996 in which the Council condemned the actions that led to the overthrow of constitutional order in Burundi,

Deeply concerned at the continued deterioration in the security and humanitarian situation in Burundi that has been characterized in the last years by killings, massacres, torture and arbitrary detention, and at the threat that this poses to the peace and security of the Great Lakes region as a whole,

Reiterating its appeal to all parties in Burundi to defuse the present crisis and to demonstrate the necessary cohesion, unity and political will to restore constitutional order and processes without delay,

Reiterating the urgent need for all parties in Burundi to commit themselves to a dialogue aimed at establishing a comprehensive political settlement and the creation of conditions conducive to national reconciliation,

Recalling that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for such violations and should be held accountable, and reaffirming the need to put an end to impunity for such acts and the climate that fosters them,

⁷⁰ Ibid., pp. 32-33.

⁷¹ S/1997/319.

⁷² S/PV.3695, pp. 2-3.

Strongly condemning those responsible for the attacks on personnel of international humanitarian organizations, and underlining the fact that all parties in Burundi are responsible for the security of such personnel,

Emphasizing the urgent need to establish humanitarian corridors to ensure the unimpeded flow of humanitarian goods to all people in Burundi,

Taking note of the letter dated 2 August 1996 from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Secretary-General,

Taking note also of the note by the Secretary-General transmitting a letter from the Secretary-General of the Organization of African Unity dated 5 August 1996,

Reiterating its support for the immediate resumption of dialogue and negotiations under the auspices of the Mwanza peace process facilitated by former President Nyerere and the joint communiqué of the Second Arusha Regional Summit on Burundi of 31 July 1996 which seeks to guarantee democracy and security for all people in Burundi,

Determined to support the efforts and initiatives of the countries in the region, which were also supported by the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity, aimed at returning Burundi to a democratic path and contributing to stability in the region,

Underlining the importance it attaches to the continuation of the efforts of the Organization of African Unity and its observer mission,

Welcoming the efforts made by interested Member States and by the European Union to contribute to a peaceful solution of the political crisis in Burundi,

Underlining the fact that only a comprehensive political settlement can open the way for international cooperation for the reconstruction, development and stability of Burundi, and expressing its readiness to support the convening, when appropriate, of an international conference involving the United Nations system, regional organizations, international financial institutions, donor countries and non-governmental organizations, aimed at mobilizing international support for the implementation of a comprehensive political settlement,

Recalling its resolution 1040 (1996) of 29 January 1996, in particular paragraph 8 thereof, in which the Council declared its readiness to consider the imposition of measures under the Charter of the United Nations,

Taking note of the report of the Secretary-General of 15 August 1996,

A

1. *Condemns* the overthrow of the legitimate Government and constitutional order in Burundi, and condemns also all those parties and factions which resort to force and violence to advance their political objectives;

2. *Expresses its strong support* for the efforts of regional leaders, including at their meeting in Arusha on 31 July 1996, of the Organization of African Unity and of former President Nyerere, to assist Burundi to overcome peacefully the grave crisis which it is undergoing, and encourages them to continue to facilitate the search for a political solution;

3. *Calls upon* the regime to ensure a return to constitutional order and legality, to restore the National Assembly and to lift the ban on all political parties;

4. *Demands* that all sides in Burundi declare a unilateral cessation of hostilities, call an immediate halt to violence and assume their individual and collective responsibilities to bring peace, security and tranquillity to the people of Burundi;

5. *Demands also* that the leaders of all parties in Burundi ensure basic conditions of security for all in Burundi by a commitment to abstain from attacking civilians, to ensure the security of humanitarian personnel operating in the territory they control and to guarantee the protection within Burundi and safe passage out of the country for the members of President Ntibantunganya's Government and the members of parliament;

6. *Demands further* that all of Burundi's political parties and factions without exception, whether inside or outside the country and including representatives of civil society, initiate unconditional negotiations immediately, with a view to reaching a comprehensive political settlement;

7. *Declares its readiness* to assist the people of Burundi with appropriate international cooperation to support a comprehensive political settlement resulting from these negotiations, and, in this context, requests the Secretary-General, in consultation with the international community, to undertake preparations when appropriate for the convening of a pledging conference to assist in the reconstruction and development of Burundi following the achievement of a comprehensive political settlement;

8. *Encourages* the Secretary-General in consultation with all those concerned, including the neighbouring States, other Member States, the Organization of African Unity and international humanitarian organizations, to establish mechanisms to ensure the safe and timely delivery of humanitarian relief throughout Burundi;

9. *Acknowledges* the implication of the situation in Burundi for the region, and underlines the importance of convening at an appropriate time a regional conference of the Great Lakes region, under the auspices of the United Nations and the Organization of African Unity;

B

10. *Decides* to re-examine the matter on 31 October 1996, and requests that the Secretary-General report to the Council by that time on the situation in Burundi, including on the status of the negotiations referred to in paragraph 6 above;

11. *Decides*, in the event that the Secretary-General reports that the negotiations referred to in paragraph 6 above have not been initiated, to consider the imposition of measures under the Charter of the United Nations to further compliance with the demand set out in paragraph 6 above; these may include, among others, a ban on the sale or supply of arms and related matériel of all types to the regime in Burundi and to all factions inside or outside Burundi, and measures targeted against the leaders of the regime and all factions who continue to encourage violence and obstruct a peaceful resolution of the political crisis in Burundi;

12. *Reiterates* the importance it attaches to the contingency planning called for in paragraph 13 of resolution 1049 (1996) of 5 March 1996, and encourages the Secretary-General and Member States to continue to facilitate contingency planning for an international presence and other initiatives to support and help to consolidate a cessation of hostilities, as well as to make a rapid humanitarian response in the event of widespread violence or a serious deterioration in the humanitarian situation in Burundi;

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

Speaking after the vote, the representative of France welcomed the steps taken by the authors of the draft. He stated that his Government, in expressing its concerns directly to Major Buyoya, emphasized certain points: that a dialogue needed to be quickly organized that brought together all the political forces to organize an institutional and democratic consensus; that political votes of confidence needed to be given very rapidly to all the political elements in the country; that commitments to respect human rights needed to be made; and that the major State bodies and institutions had to be opened to all ethnic groups. It was also important that a conference be held under the auspices of the United Nations, and in cooperation with the Organization of African Unity, that would deal in a lasting manner with the crises in the Great Lakes region. He stated that his Government had approved of the idea that the Council reconsider the item within 60 days and consider the implementation of binding measures if negotiations with all parties had not begun. In regard to measures taken by the countries at the Arusha meeting on 31 July 1996, he reiterated his delegation's grave concern over the potential humanitarian impact, especially on the most disadvantaged sectors of the population and urged that this question be considered on an urgent basis and that international and non-governmental organizations be allowed to continue their work in favour of these sectors.⁷³

The representative of Italy stated that he had voted in favour of the resolution because in matters such as the Burundi crisis, it was essential that unanimity be shown. He drew the attention of the Council to a letter from the presidency of the European Union on Burundi⁷⁴ that expressed support for the regional leaders, OAU and former President Nyerere in their efforts and called for a dialogue to be organized bringing together all of Burundi's political forces. Noting that this was the second time in one month that the Council had expressed a clear position on the coup d'état in Burundi, he appealed to all the parties to exercise restraint and to show a constructive attitude in order to put the country back on the track of democracy, national reconciliation, economic reconstruction and development.⁷⁵

The representative of Burundi thanked the Council for its fervent attachment to saving Burundi and stated that it was incumbent on his delegation to work closely and at all levels with the members of the Council. He expressed his appreciation for the realistic position of the European Union and 14 other European countries. He stated that not only was his Government receptive to the appeals of the Council but was prepared to initiate a set of measures aimed at implementing the provisions of the resolution which were compatible with the sacred and supreme interests of Burundi as a nation and in keeping with the charter of the Organization of African Unity and the Charter of the United Nations. This was a necessary condition for the new regime to eradicate all the causes of the national tragedy. However, he stated that this task could not be accomplished quickly and that they were counting on the patience and indulgence of the Security Council. Moreover, the arbitrary economic sanctions imposed on Burundi were an enormous stumbling block in the way of the general national stabilization programme of the Government. He underlined that being geographically landlocked, diplomatically encircled and economically strangled, they found it impossible to meet fully and quickly all the conditions imposed by the resolution. He stated that the major defects in the resolution were the absence of the express condemnation of the economic blockade, and the at least temporary refusal to establish an ad hoc commission to be dispatched to the Great Lakes region to gather objective and legitimate facts. He maintained that one could not penalize the new regime and the people of Burundi for crimes perpetrated by outlaws. He

⁷³ *Ibid.*, p. 3.

⁷⁴ S/1996/673.

⁷⁵ S/PV.3695, pp. 3-4.

stated that what emerged from this state of affairs was that the Security Council resolution might from the moment of its adoption be hamstrung because of those defects, and he emphasized that they were counting on the assistance of the Security Council to bypass or remove those stumbling-blocks.⁷⁶

**Decision of 30 May 1997 (3785th meeting):
statement by the President**

At the 3785th meeting of the Security Council held on 30 May 1997 in accordance with the understanding reached in its prior consultations, the President, with the consent of the Council, invited the representative of Burundi, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of the Council to a letter dated 18 April 1997 from the United Republic of Tanzania,⁷⁷ transmitting a copy of the official communiqué of the Fourth Arusha Regional Summit on the Burundi Conflict.

At the same meeting, the President made the following statement on behalf of the Council:⁷⁸

The Security Council is concerned that, despite recent positive developments, there is continuing instability in Burundi. It recalls its resolution 1072 (1996) of 30 August 1996, in which, *inter alia*, it demanded that all sides in Burundi declare a unilateral cessation of hostilities and initiate unconditional negotiations with a view to reaching a comprehensive political settlement.

The Council reiterates its support for the efforts of the regional leaders and takes note of the joint communiqué of 16 April 1997 issued following the Fourth Arusha Regional Summit on the Burundi Conflict. In particular, the Council welcomes the decision of the regional leaders to ease sanctions in order to alleviate the suffering of the people of Burundi.

The Council welcomes the fact that talks are being held in Rome which are complementary to the Arusha process. It also welcomes the commitment of the Government of Burundi to the comprehensive political dialogue among all the parties within the framework of the Arusha process. It urges all the parties in Burundi to continue to pursue a negotiated settlement and to refrain from actions which are detrimental to such dialogue.

The Council expresses its deep concern at the involuntary resettlement of rural populations and calls upon the Government of Burundi to allow the people to return to their homes without any hindrance.

The Council expresses its support and appreciation to former President Nyerere as well as to the Special Representative

of the Secretaries-General of the United Nations and the Organization of African Unity in their efforts to find a peaceful solution to the crisis in Burundi.

The Council requests the Secretary-General to continue to keep it informed on the situation in Burundi, especially with regard to the progress of a negotiated and peaceful settlement in the country.

The Council will remain seized of the matter.

**Decision of 12 November 1999 (4068th
meeting): statement by the President**

At the 4067th meeting of the Security Council, held on 12 November 1999 in accordance with the understanding reached in its prior consultations, the President, with the consent of the Council, invited the representatives of Burundi, Finland, Norway and the United Republic of Tanzania, at their request, to participate in the discussion without the right to vote. The President, with the consent of the Council, also invited the Assistant Secretary-General for Political Affairs to present his report on the situation in Burundi under rule 39 of the provisional rules of procedure.

The Assistant Secretary-General for Political Affairs stated that since the Secretariat's previous briefing of the Security Council, the basic situation regarding the peace process in and around Burundi had not changed. The process remained at a very critical stage, which gave rise to little optimism owing to political tensions, insecurity, the deterioration of the humanitarian situation and the political vacuum caused by the death of the Facilitator, former President Nyerere. He stated that he would focus on two facets: the internal situation and the situation regarding the Arusha process. The internal situation remained disturbing at all levels. At the political level, Burundi was facing a worrisome internal crisis, and the political partnership was faced with serious difficulties that threatened its very survival. This polarization of positions risked affecting the upcoming series of negotiations. The security situation remained uncertain, volatile and disturbing, with regular acts of violence in a number of provinces. The insecurity had been heightened by the departure of many Burundians for the United Republic of Tanzania, where they would join the other refugees, who were already numbered at more than 300,000. Conditions in the camps were deeply worrying. As for the process of the

⁷⁶ *Ibid.*, pp. 4-5.

⁷⁷ S/1997/319.

⁷⁸ S/PRST/1997/32.

Arusha accords, the death of former President Nyerere had created a political vacuum and the process had ground to a halt. He informed the Council that the Government of Burundi had requested assistance from the Secretary-General and the international community in seeking mediation and had suggested a South African mediator, although this had been opposed by some parties to the conflict.⁷⁹

The representative of Burundi stated that regarding the peace process, real progress had been made, even though the time limits set by both the Government and the facilitation process had not been respected. The death of the Facilitator had slowed the momentum of the peace negotiations and the Government had addressed a letter to the Secretary-General of the United Nations asking him to contribute to finding a new Facilitator as soon as possible. He maintained that the armed factions that considered themselves to have been excluded from the Arusha negotiations and to be the real combatants on the ground had to also be involved. He noted that since the beginning of the crisis they had been drawing attention to the contribution of the neighbouring countries to the return of peace since the rebels had bases outside the country and were in collusion with genocidal Rwandan elements, militias and the former Rwandan armed forces, which had begun to move back towards Burundi in the light of the Lusaka Accords. He noted that if the international community was not careful the conflict in the Democratic Republic of the Congo could further complicate an already tense situation in the entire subregion. Speaking about the *regroupement* of the population, he stated that the Government had decided to regroup the population of the region of rural Bujumbura in what were called "protection areas". However, he emphasized that the regroupement was not forced, they had responded to a real concern of the population, which was necessary to protect them and the capital. He urged the United Nations and the non-governmental organizations working in the humanitarian sphere not to become discouraged but to continue to come to the assistance of those who needed it. He informed the Council that a judicial commission had been established to investigate the circumstances of the death of the two United Nations staff members. He also informed the Council that the economic and social situation was deplorable, noting that although the

regional embargo had been suspended, regional actors did not want to resume cooperation until the peace agreement had been signed. He stated that the Government had already presented a peace plan and it was a real compromise. He expressed his hope that the neighbouring countries and the rest of the international community would accompany the process towards a definitive peace.⁸⁰

The representative of the United States stated that despite the upsurge in violence, there was a sizeable constituency for peace in Burundi and they needed to use this opportunity to ensure that the peace process went forward. She noted that the counter-insurgency effort now included the regroupement of 340,000 people near the capital, which they considered to be a major human rights violation and a matter of serious humanitarian concern. She maintained that the Security Council needed to endorse the immediate resumption of the peace process. She emphasized that the Security Council had to reassert its leadership in protecting the rights of individuals, and had to provide guidance and direction for non-governmental organizations operating in Burundi. She urged the Security Council to call for the resumption of negotiations, with a Facilitator acceptable to those Burundian parties that had entered into the process; affirm the Arusha process; condemn continuing violence and appeal to warring parties to come to the negotiating table; affirm the urgent need for States of the region to do everything possible to halt all cross-border insurgent activity; call for the dismantling of regroupement camps and recognize Burundi's desperate economic situation; and call for the donor community to expand economic assistance and deliver help as soon as possible.⁸¹

The representative of France stated that the death of the Facilitator of the Arusha accords had brought about a period of uncertainty and that the increased violence on the part of armed rebel groups had heightened tensions. He maintained that despite all difficulties, the reconciliation process, both internal and external, needed to resume and to make progress. He offered several suggestions that had resulted from the recent visit to the Great Lakes of the French Minister of Cooperation and La Francophonie. First, it was essential that the reconciliation process be based on what had already been achieved within the context of the Arusha

⁷⁹ S/PV.4067, pp. 2-4.

⁸⁰ Ibid., pp. 4-6.

⁸¹ Ibid., p. 9.

negotiations. Second, it was essential for all the parties to participate in the negotiations with a view to finding a settlement, with halting the fighting being a priority. Finally, the resumption and continuation of the process had to be supported by the international community in concrete and material terms with international assistance for reconciliation, reconstruction and democratization. He emphasized that the Council needed to consider the linkage with the situation in the Democratic Republic of the Congo. The implementation of the Lusaka Agreement was necessary if the full and complete recovery of Burundi was to be achieved. It was therefore necessary for the Council to consider the connection between the implementation of the Lusaka process and the resumption of the process that began with the Arusha negotiations. He concluded that a reasonable goal for the international community was the holding of a regional conference on the Great Lakes, sponsored jointly by the United Nations and OAU.⁸²

Several speakers spoke, expressing concern over the deteriorating situation; condemning the murder of United Nations staff; calling on the Government to provide security for all humanitarian personnel and on all parties to end hostilities and return to negotiations; paying tribute to former President Nyerere; supporting the idea of an international conference on the Great Lakes region; and urging that a new Facilitator be named as soon as possible.⁸³

The President, with the concurrence of the members of the Council, suspended the meeting.⁸⁴

When the Council resumed its 4067th meeting on 12 November 1999, the representative of Finland spoke on behalf of the European Union and the associated and aligned countries.⁸⁵ He expressed their serious concern about the slow pace of progress in the peace process and deplored the deterioration in the security, humanitarian and human rights situation in Burundi and its regional implications. He reiterated their support for the internal negotiations and the Arusha peace process and encouraged all Burundi rebel movements to join. While deploring the renewed outbreak of indiscriminate violence in Burundi, he urged that the neutrality of

refugee camps in the region be assured and called upon States to prevent the use of their territory to stage attacks against their neighbours. He reiterated their appeal to all parties to respect human rights and international humanitarian law, and to cooperate with humanitarian organizations. He welcomed the Secretary-General's decision to extend the United Nations political presence in Burundi and stated that the European Union remained ready to support the Secretary-General in his task of facilitating the restoration of constitutional rule and to promote peace and reconciliation and the rule of law and called on the Government of Burundi to continue its cooperation with the United Nations human rights mechanisms, particularly the Office of the United Nations High Commissioner for Human Rights.⁸⁶

The representative of Norway stated that he was deeply concerned by the recent increase in violence and that the international community had a special responsibility to prevent another human tragedy from happening. He strongly urged all parties concerned to join in the effort to appoint a new Facilitator. In light of the volatile situation in the Democratic Republic of the Congo, he maintained that it would be difficult to ensure peace in Burundi if the Lusaka Agreement was not effectively implemented.⁸⁷

The representative of the United Republic of Tanzania stated that the most fitting tribute the Council could bestow on the memory of his country's former President, Mwalimu Julius Kambarage Nyerere, would be to rededicate itself to the resolute search for a lasting solution to the conflict in Burundi. The situation there remained tense and challenging and it was incumbent upon the Council to take stock of where the efforts for a negotiated settlement in Burundi stood. He noted that there had been frequent accusations against his country that they supported and harboured armed elements operating against Burundi. He strongly rejected the allegations and reiterated that the United Republic of Tanzania had no interest in supporting armed attacks against Burundi or in harbouring, training or arming its opponents and stated that they were determined to continue to honour their international obligations relating to the hosting of refugees and, together with the

⁸² *Ibid.*, p. 12.

⁸³ *Ibid.*, pp. 6-7 (Russian Federation); p. 7 (China); pp. 7-8 (Argentina); pp. 9-10 (Canada); pp. 10-11 (United Kingdom); and pp. 11-12 (Bahrain).

⁸⁴ S/PV.4067, p. 12.

⁸⁵ S/PV.4067 (Resumption 1), p. 7 (Bulgaria, Czech

Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia, and Cyprus, Malta and Liechtenstein).

⁸⁶ *Ibid.*, pp. 7-9.

⁸⁷ *Ibid.*, pp. 9-10.

rest of the region, to strive for peace in Burundi. As for the role of the Security Council, he stated that it was important for it to come out unequivocally in support of the Arusha process and to continue to encourage the parties to persist in dialogue and to remain committed to the principle of a negotiated settlement. Second, it had to maintain and urge sustained support for the facilitation process and needed to provide it with resources. He expressed his gratitude on behalf of the facilitation, to the countries and organizations that had until now extended financial and other support to the Arusha process, which had enabled many actors to take part in the talks. Finally, he stated that his Government believed that the United Nations had to make contingency preparations for the outcome of the Arusha process, since they had learned in other situations how tragic it could be if they were not prepared. Burundi would also need to be supported in the area of reconstruction, in dealing with internally displaced people and refugees, and in building the institutions that would oversee the implementation of the peace process.⁸⁸

At the 4068th meeting of the Security Council, held on 12 November 1999 in accordance with the understanding reached in its prior consultations, the President, with the consent of the Council, invited the representative of Burundi, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁸⁹

The Security Council notes with concern the recent outbreaks of violence in Burundi and the delays in the peace process. It calls upon all the parties to put an end to this violence and pursue negotiations towards the peaceful resolution of Burundi's ongoing crisis.

The Council reiterates its support for the Arusha peace process and for the efforts to build an internal political partnership in Burundi. It notes with great sadness the death of Mwalimu Julius Nyerere, while at the same time rededicating its efforts to the cause of peace he served. The Council firmly believes that the process chaired by the late Mwalimu Nyerere offers the best hope for peace in Burundi and should be the foundation for all-party talks leading to the conclusion of a peace agreement. The States of the region, in close consultation with the United Nations, need to act quickly to appoint a new mediation team that is acceptable to the Burundian parties to the negotiations.

The Council commends those Burundian parties, including the Government, that demonstrated their commitment to continue

negotiations, calls upon those parties that remain outside the process to cease hostilities and calls for their full participation in Burundi's inclusive peace process.

The Council condemns the murder of United Nations personnel in Burundi in October. It calls upon the Government to undertake and cooperate with investigations, and for the perpetrators to be brought to justice. The Council urges all parties to ensure the safe and unhindered access of humanitarian assistance to those in need in Burundi and to guarantee fully the security and freedom of movement of United Nations and humanitarian personnel. The Council recognizes the important role of the States of the region, in particular the United Republic of Tanzania, which is host to hundreds of thousands of

⁸⁸ Ibid., pp. 10-12.

⁸⁹ S/PRST/1999/32.

Burundian refugees and home to the Julius Nyerere Foundation, which has provided outstanding support to the talks.

The Council calls upon States of the region to ensure the neutrality and civilian character of refugee camps and to prevent the use of their territory by armed insurgents. It also calls upon the Government of Burundi to halt the policy of forced regroupment and to allow the affected people to return to their

homes, with full and unhindered humanitarian access throughout the process. It condemns the attacks by armed groups against civilians and calls for an end to these unacceptable incidents.

The Council recognizes Burundi's dire economic and social conditions and affirms the need for the donor community to expand assistance for Burundi.

7. Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America

Decision of 18 April 1996 (3655th meeting): statement by the President

At its 3655th meeting, held on 18 April 1996 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the item entitled "Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America".¹ in connection with (a) the judiciary inquiry conducted on the attack on the UTA DC-10 airliner, flight 772 of 19 September 1989 (S/23306); (b) the investigation into the destruction of Pan Am flight 103 over Lockerbie, Scotland on 21 December 1988 and a joint declaration by the United States and the United Kingdom; and (c) the text of a tripartite declaration on terrorism issued by the Governments of France, the United Kingdom and the United States on 27 November 1991 following the investigation into the bombings of Pan Am flight 103 and UTA flight 772.

At the same meeting, the President made the following statement on behalf of the Council:²

On 16 April 1996, a Libyan-registered aircraft flew from Tripoli, Libyan Arab Jamahiriya, to Jeddah, Saudi Arabia. The Security Council considers this clear violation of Council resolution 748 (1992) of 31 March 1992 as totally unacceptable and calls upon Libyan Arab Jamahiriya to refrain from any further such violations. It recalls that arrangements have been made consistent with resolution 748 (1992) in order to fly Libyan pilgrims to perform the Hajj. The Council will review the matter should further violations occur.

The Council has requested the Committee established pursuant to resolution 748 (1992) to draw to the attention of

Member States their obligations under resolution 748 (1992) in the event that Libyan-registered aircraft land in their territory.

Decision of 29 January 1997 (3734th meeting): statement by the President

At the 3734th meeting of the Security Council, held on 29 January 1997 in accordance with the understanding reached in its prior consultations, the President (Japan) drew the attention of the Council to a letter dated 20 January 1997 from the Libyan Arab Jamahiriya, transmitting a letter dated 17 January 1997 addressed to the President of the Council from the Secretary of the General People's Committee for Foreign Liaison and International Co-operation of the Libyan Arab Jamahiriya, concerning the balloonist, Steve Fossett, who flew over Libyan airspace.³ The letter stated that a Mr. Steve Fossett, who was flying around the world in a balloon, had asked to be allowed to pass through Libyan airspace. It further stated that despite the aerial embargo on the Libyan Arab Jamahiriya, imposed by the Security Council in response to pressure from the United States, the United States had reproached them for preventing the balloon from passing through Libyan airspace. The letter maintained that it was incomprehensible that the United States should censure the Libyan Arab Jamahiriya while the "United States was behind the aerial embargo". He therefore informed the Security Council that as long as the United States censured the Libyan Arab Jamahiriya for having prevented the balloon from passing through its airspace because of the aerial embargo imposed on it, they in the Libyan Arab Jamahiriya would not only allow the balloon's passage through Libyan airspace, but would also approve passage for all aircraft through the

¹ S/23306, S/23307, S/23308, S/23309 and S/23317.

² S/PRST/1996/18.

³ S/1997/52.

airspace of the Jamahiriya and the landing of all aircraft at its airports. Libyan Arab Airways would also immediately resume its flights to all of the world's countries.

At the same meeting, the President made the following statement on behalf of the Council:⁴

The Security Council notes with concern the letter dated 17 January 1997 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya addressed to the President of the Council, announcing that Libyan Arab Airways would resume international flights out of the Libyan Arab Jamahiriya immediately. The Council considers the position expressed in the letter dated 17 January 1997 to be incompatible with Council resolution 748 (1992). Resolution 748 (1992) does not prohibit overflights of Libyan territory. Paragraph 4 (a) of the resolution does, however, prohibit all international flights to and from the Libyan Arab Jamahiriya. The Council would consider any such flights to be a violation of the terms of resolution 748 (1992).

The Council takes note of the reports that a Libyan-registered aircraft, in apparent violation of resolution 748 (1992), flew from Tripoli to Accra, on 21 January 1997, where it landed and later departed. The Council has requested the Committee established pursuant to resolution 748 (1992) to follow up this matter. The Council draws the attention of Member States to their obligations under resolution 748 (1992) in the event that Libyan-registered aircraft seek to land in their territory.

**Decision of 4 April 1997 (3761st meeting):
statement by the President**

At the 3761st meeting of the Security Council, held on 4 April 1997 in accordance with the understanding reached in its prior consultations, the President (Portugal), made the following statement on behalf of the Council:⁵

On 29 March 1997, a Libyan-registered aircraft flew from Tripoli, Libyan Arab Jamahiriya, to Jeddah, Saudi Arabia. The Security Council considers this clear violation of Council resolution 748 (1992) of 31 March 1992 as totally unacceptable and calls upon the Libyan Arab Jamahiriya to refrain from any further such violations. It recalls that arrangements have been made consistent with resolution 748 (1992) in order to fly Libyan pilgrims to perform the Hajj. The Council will review the matter should further violations occur.

The Council has requested the Committee established pursuant to resolution 748 (1992) to draw to the attention of Member States their obligations under resolution 748 (1992) in the event that Libyan-registered aircraft land in their territory.

⁴ S/PRST/1997/2.

⁵ S/PRST/1997/18.

**Decision of 20 May 1997 (3777th meeting):
statement by the President**

At the 3777th meeting of the Security Council, held on 20 May 1997 in accordance with the understanding reached in its prior consultations, the President (Republic of Korea), made the following statement on behalf of the Council:⁶

The Security Council takes note with concern of reports that Libyan-registered aircraft flew from the Libyan Arab Jamahiriya to Niger on 8 May 1997 and returned to the Libyan Arab Jamahiriya from Nigeria on 10 May in violation of Council resolution 748 (1992). The Council has requested the Committee established pursuant to resolution 748 (1992) to follow up this matter directly with the representatives of the Libyan Arab Jamahiriya, Niger and Nigeria. The Council calls upon all States to fulfil their obligations under resolution 748 (1992) in the event that aircraft flights originating in Libya seek to land in their territory.

The Council takes note of the letters from the Permanent Representative of Libya to the United Nations dated 16 May 1997 and the Permanent Representative of Niger to the United Nations dated 13 May 1997, and the note verbale from the Permanent Representative of Nigeria to the United Nations dated 15 May 1997. The Council recalls that in paragraph 4 of resolution 748 (1992), it decided that all States shall deny permission to any aircraft to take off from, land in or overfly their territory if it is destined to land in or has taken off from the territory of the Libyan Arab Jamahiriya, unless the particular flight has been approved on grounds of significant humanitarian need by the Committee established pursuant to paragraph 9 of the resolution.

Deliberations of 20 March 1998 (3864th meeting)

By a letter dated 2 March 1998 addressed to the President of the Security Council,⁷ the representative of the Libyan Arab Jamahiriya informed the Security Council of the two judgments delivered on 27 February 1998 by the International Court of Justice on the interpretation and application of the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation in connection with the Lockerbie incident of 1988. The judgments confirmed that the case was legal in nature and that it was the Court, not the Security Council, that had jurisdiction in accordance with the relevant provisions of the Montreal Convention of 1971. They also vindicated the several resolutions on the matter that had been adopted by various regional and international organizations, including the League of Arab States, the

⁶ S/PRST/1997/27.

⁷ S/1998/179.

Organization of African Unity, the Organization of the Islamic Conference and the Non-Aligned Movement, as well as by other States expressing the will of the international community. He then reiterated his country's request pursuant to Articles 31 and 32 of the Charter of the United Nations for a formal meeting of the Security Council to consider the case in all its aspects in the light of those two judgments of the International Court of Justice as well as in the context of the review of the sanctions that was to take place during the first week of March 1998.

By a letter dated 4 March 1998 addressed to the President of the Security Council,⁸ the representatives of Algeria, Egypt, the Libyan Arab Jamahiriya, Mauritania, Morocco, the Syrian Arab Republic and Tunisia, writing as the members of the Arab Committee of Seven in New York, requested, as a matter of urgency pursuant to Articles 31 and 32 of the Charter of the United Nations, the convening of a formal meeting of the Security Council to consider all aspects of the dispute between the Libyan Arab Jamahiriya and the United States and the United Kingdom, especially in the light of the two judgments delivered by the Court on 27 February 1998.

By a letter dated 4 March 1998 addressed to the President of the Security Council,⁹ the representative of Mali informed the Council that pursuant to the decision of the International Court of Justice pronouncing its competence to deal with the dispute under reference, the Group of African States in New York had convened a meeting on 4 March 1998 to review the position of the Court, especially within the framework of the decision taken by the Council of Ministers at the OAU from 23 to 27 February 1998. At the end of the meeting the Group of African States had requested him to ask the President of the Security Council to use his good offices to have the Security Council hold a public debate on the dispute between the Libyan Arab Jamahiriya and the United States and the United Kingdom, before the Security Council held its session to review sanctions. It was the wish of the Group of African States to see the sanctions against the Libyan Arab Jamahiriya either suspended or lifted altogether.

At its 3864th meeting, held on 20 March 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the item "Tribute to the memory of the victims of Pan Am Flight 103 and UTA Flight 772" and observed a minute of silence. Following the minute of silence, the President (Gambia), with the consent of the Council, invited the representatives of Algeria, Colombia, Cuba, the Democratic People's Republic of Korea, Egypt, Ghana, Guinea-Bissau, India, Indonesia, the Islamic Republic of Iran, Iraq, Jordan, Kuwait, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Malaysia, Mali, Malta, Mauritania, Morocco, Namibia, Nigeria, Oman, Pakistan, Qatar, the Sudan, the Syrian Arab Republic, Tunisia, Uganda, the United Arab Emirates, the United Republic of Tanzania, Viet Nam, Yemen and Zimbabwe, at their request, to participate in the discussion without the right to vote. The Council also decided, at the requests of the representatives of Indonesia, Bahrain and Gabon, respectively, to extend invitations under rule 39 of its provisional rules of procedure to the Deputy Permanent Observer of the Organization of the Islamic Conference to the United Nations, the Permanent Observer of the League of Arab States and the Permanent Observer of the Organization of African Unity.¹⁰

At the same meeting the President drew the attention of the Council to the following documents: letters dated 2, 2, 4 and 17 March 1998, respectively, from the representative of the Libyan Arab Jamahiriya addressed to the President of the Security Council;¹¹ a letter dated 4 March 1998 from the representative of Zimbabwe addressed to the Secretary-General,¹² transmitting a letter of the same date from the Secretary-General of the OAU; a letter dated 5 March 1998 from the representative of Saudi Arabia addressed to the President of the Security Council,¹³ supporting the request by the Libyan Arab Jamahiriya for a meeting; a letter dated 5 March 1998 from the representative of Colombia addressed to the President of the Security Council,¹⁴ on behalf of the Non-Aligned Movement, supporting the request for a meeting; a letter dated 15 January 1998 from the Secretary-General addressed to the President of the

⁸ S/1998/195.

⁹ S/1998/199.

¹⁰ S/PV.3864 and Corr.1, pp. 2-3; and S/1998/251, S/1998/252 and S/1998/253, respectively.

¹¹ S/1998/190, S/1998/191, S/1998/192 and S/1998/242.

¹² S/1998/196.

¹³ S/1998/198.

¹⁴ S/1998/200.

Security Council,¹⁵ transmitting the report submitted to him by the fact-finding mission to the Libyan Arab Jamahiriya; a letter dated 5 March 1998 from the representative of Zimbabwe addressed to the President of the Security Council,¹⁶ transmitting a letter of the same date from the Minister for Foreign Affairs of Zimbabwe and Chairman of the OAU Committee on the dispute between the Libyan Arab Jamahiriya, and the United Kingdom and the United States; and a letter dated 16 March 1998 from the representatives of the United Kingdom and the United States addressed to the President of the Security Council,¹⁷ giving their comments on the International Court of Justice judgments, noting that the Libyan letter was highly misleading when it suggested that anything in the judgments affected the resolutions of the Security Council.

At the same meeting, the representative of the Libyan Arab Jamahiriya stated that the meeting was being held in accordance with Articles 31 and 32 of the Charter, in response to their formal request. He noted that the agenda item went back seven years, and that the original letters contained demands from the United States and the United Kingdom upon Libya. Those demands were the extradition of two Libyan citizens suspected of being involved in the incident of the destruction of Pan Am flight 103 over Lockerbie, Scotland, in 1988, the payment of compensation and the provision of evidence proving the guilt of the two suspects. He emphasized that strange as they were, all these demands were related to legal procedures and any dispute over them was a legal one, and the Libyan Government thus had dealt with them on that basis. The representative stated that a new situation had arisen since the issuance of the two judgments by the Court, which should have been binding for all United Nations organs and their members given that, under Article 92 of the Charter, the Court was the principal judicial organ of the United Nations. The Lockerbie matter was a legal dispute between Libya, on the one hand, and the United States and the United Kingdom on the other. The Court had jurisdiction over that dispute in accordance with the Charter and the Statute of the Court. That being the case, the parties to the dispute needed to comply with the two judgments rendered by the Court in that respect. None of them could take unilateral or multilateral measures except through the Court. Since they were parties to the

dispute, they needed to abstain in the voting on any decision or recommendation relating to it, in accordance with Article 27, paragraph 3, of the Charter. Libya, as a party to the dispute, had from the beginning taken all the steps needed to resolve it peacefully and had implemented all requests by international organizations, including the Security Council, in relation to it, except for those relating to the interpretation and application of the 1971 Montreal Convention, on which it resorted to the Court, as provided in Article 33 of the Charter and article 14, paragraph 1, of the Convention, where it had been vindicated. He stressed that the sanctions the Security Council had adopted in accordance with its resolutions 748 (1992) and 883 (1993) constituted collective punishment against the entire Libyan people as a result of nothing more than mere suspicion against two of its citizens. The two Libyan citizens were mere suspects who had not been accused, interrogated, brought to trial or convicted by a court of law. The Libyan Arab Jamahiriya had urged the two suspects to agree to appear before a Scottish court in Scotland, but the two suspects had refused to do so because their defence lawyers had advised them not to agree to a trial in the United Kingdom or the United States, as they had already been pre-condemned there by the intensive and concentrated media coverage of the issue and statements made against them by officials of the two countries. The lawyers for the two suspects threatened to sue the Libyan State under local and international law if it surrendered the two suspects against their will to either of the two States. He further underlined that the sanctions provided for in Security Council resolutions 748 (1992) and 883 (1993) had become irrelevant and moot since the Court had accepted jurisdiction in the matter on which the resolutions were based. In conclusion, the representative stressed that for the sake of cooperation between the Court and the Security Council, the Council needed to take the necessary measures to give effect to the two judgments rendered by the Court on 27 February 1998; the Council needed to refrain from renewing the sanctions imposed on the Libyan Arab Jamahiriya pursuant to resolutions 748 (1992) and 883 (1993); those two resolutions needed to be rescinded insofar as they related to the imposition of sanctions on the Libyan Arab Jamahiriya; the two cases before the International Court of Justice needed to be considered the only peaceful means for settling the

¹⁵ S/1998/201.

¹⁶ S/1998/202.

¹⁷ S/1998/239.

dispute between the parties, and the Council needed to call on them not to take any unilateral or multilateral measures until the Court rendered its final decision; and finally as an interim measure, the Council needed to suspend implementation of the two resolutions insofar as they related to the sanctions imposed against the Libyan Arab Jamahiriya. Libya also believed that the two judgments by the International Court of Justice had paved the way for a definitive settlement of the Lockerbie dispute and thereby declared once more Libya's continued acceptance of the initiatives of international forums, including the League of Arab States, the Organization of African Unity, the Organization of the Islamic Conference and the Movement of Non-Aligned Countries, addressed to the Security Council with regard to settling the dispute.¹⁸

The representative of the United States of America addressed the issue of the recent decision by the International Court of Justice. He stated that the rulings in no way questioned the legality of the Security Council's actions affecting the Libyan Arab Jamahiriya or the merits of the criminal cases against the two accused suspects, but that they involved technical procedural issues. The Court was not calling for the review or suspension of Security Council resolutions, and had made clear that it was not dealing with the substance or the merits of the case. In reality the Court had said that the parties must now argue the legal merits of the case, and while the case was proceeding, the Libyan Arab Jamahiriya must finally adhere to the will of the international community, comply with its obligations pursuant to Security Council decisions and turn over the two accused suspects for a fair trial. Turning to the claims of humanitarian suffering in Libya, he stated that the United Nations sanctions against Libya were targeted sanctions imposed to address aspects of Libyan involvement in international terrorism but specifically designed to prevent suffering among the Libyan people. Those sanctions did not prohibit the importation of food, medicine or clothing. They did not close the land or sea borders of the Libyan Arab Jamahiriya, and they did not prevent the country from selling its oil on the open market. In fact, Libyan oil production under sanctions remained steady, so if the Libyan Arab Jamahiriya was suffering economically, it

was not because of United Nations sanctions. Speaking about the report of United Nations Under-Secretary-General Petrovsky, the representative stated that the Petrovsky mission had adhered to its mandate, which was simply to listen to Libyan views, and did not agree with, endorse, or confirm the claims of the Government of the Libyan Arab Jamahiriya. In fact, the report had underlined that Libya had failed to respond or take advantage of efforts by the United Nations to respond to its complaints. If Libya wanted the sanctions lifted, it could surrender the two suspects so that they could receive a fair trial in the appropriate criminal court.¹⁹

The representative of the Russian Federation stated that the Security Council and the United Nations as a whole had repeatedly proven their ability to seek compliance with United Nations decisions by showing firmness on the substance of their demands and flexibility in the methods of attaining the goals. A speedy resolution of the Lockerbie case would be of great importance for United Nations efforts in combating the scourge of terrorism. He maintained that the serious humanitarian consequences of sanctions for the Libyan people were attested to by the recent report on the results of the mission of the Under-Secretary-General, which indicated the need to create humanitarian exemptions to the sanctions regime. He stated that his delegation believed that the findings of the report gave sufficient grounds to discuss the adoption by the Council of humanitarian exemptions to the sanctions regime. The Council needed to give an adequate reaction to the positive steps already undertaken by the Libyan Arab Jamahiriya to comply with the appropriate decisions of the United Nations. While appealing again to the parties to speedily attain a compromise on the basis of the Security Council resolutions, the Russian Federation was in favour of the immediate entry into force of the humanitarian exemptions. He expressed hope that all of their partners would be prepared to work constructively in that area, both within the Council and in the Sanctions Committee.²⁰

The representative of China stated that as the Security Council was the main United Nations organ for maintaining international peace and security and since the Council acted on behalf of the entire membership, in

¹⁸ S/PV.3864 and Corr.1, pp. 4-12. Libya and other speakers also spoke extensively on the technical and legal issues regarding the imposition of sanctions; this is covered in more detail in a case study in chapter XI in

the section on Article 42.

¹⁹ *Ibid.*, pp. 12-14.

²⁰ *Ibid.*, pp. 15-16.

accordance with the Charter, it needed to listen to the broad range of views of Member States on the question of the Libyan Arab Jamahiriya. He reiterated that China was opposed to terrorism in any form and was of the view that terrorists should be brought to justice. He stated that the key to resolving the Lockerbie case was for the parties concerned to agree at an early date on the venue and method of the trial of the two suspects. He also took note of the recent decision of the International Court of Justice to accept the Lockerbie case, and expressed his delegation's support of the resolution of the issue through peaceful means, including legal procedures. He emphasized that the sanctions against the Libyan Arab Jamahiriya had brought untold suffering to the Libyan people, had undermined the development of that country, and had affected the economic development of third world countries. He expressed his Government's grave concern about the adverse effects of the sanctions and underlined that facts had proven that sanctions rather than solving the problem only aggravated matters. In their view the sanctions needed to be lifted as soon as possible. Commenting on the Secretary-General's fact-finding mission to Libya, he noted that the report of the mission was essentially an accurate account of the situation there and stated that the Security Council and its Sanctions Committee ought to consider it seriously and take measures to ease the situation.²¹

The representative of Bahrain stated that the judgment of the International Court of Justice, which confirmed its competence in this issue, logically required that the Security Council consider the suspension of sanctions, at least until the Court took a decision on the substance of the matter. The harmful effects of those sanctions in the long term had begun to be felt by the Libyan people in spite of the Libyan Arab Jamahiriya's oil riches. His delegation believed that the Council had to re-examine the sanctions against the Libyan Arab Jamahiriya because of the new factors in the case: the judgment handed down by the International Court of Justice and the options submitted on the matter, which were legal in nature and not political. The Council had to respond by decreeing a suspension of the sanctions until a ruling was handed down.²²

The representative of Brazil stated that the future decision of the International Court of Justice would be a

significant element to be considered by the Security Council in any decision referring to the present case. Brazil hoped that the international community, with the cooperation of the Government of Libya, would be able to ensure that in a fair and transparent way the responsibility for those "heinous acts" would finally be established by a fair trial. He also stressed that humanitarian aspects were especially important with regard to sanctions and that the relevant issues, which were then a part of the discussions in the Sanctions Committee, would benefit from statistical data and verifiable information on the possible links between humanitarian difficulties in the Libyan Arab Jamahiriya and the sanctions imposed by the United Nations.²³

The representative of France stated that for almost seven years the Security Council had been seized by three Governments, including that of France, of the attacks against Pan Am flight 103 and UTA flight 772. Following the investigations carried out by the competent authorities the Governments concerned had become convinced that Libyan nationals were involved in those terrorist acts. In its first resolution on the matter, the Security Council had urged the Government of the Libyan Arab Jamahiriya to provide a full and effective response to the requests for cooperation in order to establish responsibility for the two attacks in question. The request was not satisfied and the Council therefore decided in resolutions 748 (1992) and 883 (1993) to impose sanctions on Libya. Those sanctions were tough but limited to specific areas. A Security Council committee was established to authorize exemptions to the Council's proscriptions in order, in particular, to allow urgent medical evacuations and to accommodate the religious obligations of the Libyan population. He stated that France had taken note of the two judgments rendered by the International Court of Justice in the Lockerbie case. The Court, under the Charter, was the principal judicial organ of the United Nations, and it was therefore natural for the Court to decide on the petitions submitted to it. Nevertheless they noted that those judgments were basically procedural in nature; the Court had recognized its competence to hear the matter put before it and would rule on the substance of the case later. He underlined that those decisions did not affect the relevant resolutions of the Council. They also took note that for several years a number of States and regional organizations had taken the initiative of putting

²¹ Ibid., p. 17.

²² Ibid., p. 21-22.

²³ Ibid., pp. 26-28.

forward proposals to resolve the impasse over the Lockerbie case, and that the Government of the Libyan Arab Jamahiriya had accepted some of those proposals. He stated that in the meantime, France intended to be sensitive to the humanitarian consequences of the sanctions in force. In the Council, as in the Sanctions Committee, France acted to see to it that the exemptions regime was applied generously and effectively. In conclusion, he reiterated that the point of the debate was not whether to maintain sanctions; the sanctions were very recently renewed, and all knew that there was no agreement within the Council to amend the current sanctions regime.²⁴

The representative of the United Kingdom stated that the solution to the issue lay in the hands of the Government of the Libyan Arab Jamahiriya, as they had only to comply with the Security Council resolutions and hand over the two suspects in order for sanctions to be lifted. For whatever reasons, Libya had refused for over six years to comply and had instead sought to enlist other members of the United Nations behind its policies of non-compliance, on the basis of misrepresentations about the trial process, about the impact of sanctions and, most recently, about the preliminary ruling of the International Criminal Court of Justice. He expressed hope that those organizations would not be used to undermine the Council's resolutions and that their influence would eventually be deployed to bring about the Libyan Arab Jamahiriya's acceptance of international law and justice for the victims. He maintained that despite all attempts to muddy the waters, the plain fact remained that the Libyan Arab Jamahiriya was under international obligations adopted under Chapter VII of the Charter, with which it had not yet complied. The Libyan Arab Jamahiriya's claims that the ruling of the Court relieved it of its obligations to hand over the accused for trial in Scotland or the United States were simply false. Indeed, an application by the Libyan Arab Jamahiriya that it should no longer be called upon to surrender the two accused because of those proceedings had already been rejected by the International Court in a 1992 decision. He also stated that, as concluded by the Secretary-General's own mission to Scotland, contrary to Libyan claims, the accused would receive a fair trial under the Scottish judicial system, and that their rights during the pre-trial proceedings would be fully protected in accordance with international standards. He made it clear that for the trial

²⁴ *Ibid.*, pp. 28-29.

itself in Scotland, the Government of the United Kingdom would also welcome international observers, from the United Nations, from the OAU, from the Arab League and from the Libyan Arab Jamahiriya. The independent United Nations experts had already concluded that their presence could be easily and fully accommodated.²⁵

The representative of the League of Arab States stated that within the framework of the international efforts undertaken to reach a peaceful and just solution to the crisis and on the basis of the provisions of Chapter VII of the United Nations Charter concerning the activities of regional organizations that were in keeping with the objectives of the United Nations, the League of Arab States, in cooperation with the Organization of African Unity and the Organization of the Islamic Conference, had submitted three options to the Security Council as a basis on which to solve the problem. Those proposals consisted of either a trial of the suspects in a neutral country, or at the headquarters of the International Court of Justice, or by a special court, provided that the Security Council would consider approval of provisional measures to except air travel for humanitarian, religious and official purposes from the application of sanctions. The main objective of all the efforts undertaken by the League of Arab States and the other regional and international organizations, such as the Non-Aligned Movement and the Group of 77, which represented the majority of the members of the international community, was to achieve a just, peaceful, and final settlement to the problem in the framework of international legitimacy that would be satisfactory to all the parties concerned, including the families of the victims, and at the same time to safeguard Libyan sovereignty within the framework of law and justice. The time had come to alleviate the suffering of the Libyan people and to allow that sister country to play its positive role fully in the Arab, African, Islamic and Mediterranean context. He noted that the report of the fact-finding mission sent by the Secretary-General to the Libyan Arab Jamahiriya referred to the deteriorating economic and social conditions in the country, particularly in the health, social, agricultural and transportation sectors. The negative consequences of the sanctions also extended to other, neighbouring Arab and African countries, affecting the stability and the welfare of an entire region. He suggested that perhaps that was why many had raised their voices before the Council,

²⁵ *Ibid.*, pp. 31-32.

declaring that the time had come for the sanctions on the Libyan Arab Jamahiriya to be lifted and for a peaceful settlement of the dispute to be reached.²⁶

The representative of the Organization of African Unity stated that the dispute between the Libyan Arab Jamahiriya and the United States and the United Kingdom fell under Article 33 of the Charter of the United Nations. The OAU was convinced that a rapid and just settlement of the dispute in accordance with international law would make it possible to bring about the justice to which they aspired. He stressed that the consistency of the OAU in that matter was rooted in the principle of the peaceful settlement of disputes. The OAU wanted to see a speedy resolution of the dispute and the immediate lifting of the harsh sanctions measures imposed against the people of the Libyan Arab Jamahiriya. The three options that OAU and the League of Arab States had submitted signalled the willingness and flexibility of the Libyan Arab Jamahiriya to seek a peaceful settlement of the dispute. It was therefore up to the Security Council to choose one of those options.²⁷

The representative of the Organization of the Islamic Conference stated that their Organization was concerned by the suffering and material and human harm being experienced by the Libyan and neighbouring people because of the sanctions imposed in the implementation of Security Council resolutions 748 (1992) and 883 (1993). The new situation created by the Court's decision and the positions expressed by the various international forums showed that the only action worth taking to stay within the spirit of the Court's judgments was suspension of the air embargo.²⁸

The representative of the United Kingdom spoke on behalf of the European Union and the associated and aligned countries.²⁹ The European Union reiterated its unequivocal condemnation of terrorism in all its forms. He emphasized that terrorism constituted a threat to international peace and security and stressed the need to strengthen international cooperation between States, international organizations, agencies, regional organizations and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed. The decisions taken by the Security Council

with regard to the Libyan Arab Jamahiriya were and remained guided by the desire to curb international terrorism and to ensure that justice was done. The European Union regretted that more than nine years after the bombing of Pan Am flight 103 those accused of the crime had still not been brought to justice. The European Union also called on the Government of the Libyan Arab Jamahiriya to comply fully with the resolutions of the Council, in particular to ensure the appearance of those charged with the bombing for trial before the appropriate United Kingdom or United States court, as set forth in resolution 883 (1993). The European Union welcomed the report by independent legal experts appointed by the Secretary-General of the United Nations, whose findings made clear that the judicial system of Scotland was fair and independent; that the two accused would receive a fair trial in Scotland; and that their rights would be fully protected. The European Union also welcomed the offer of the United Kingdom to allow international observers to attend the trial in Scotland. The representative also welcomed the press statement by the Chairman of the Sanctions Committee emphasizing the readiness of that Committee to continue to respond promptly to requests for humanitarian exemptions and its determination to continue to pay special attention to all humanitarian issues arising under the relevant Security Council resolutions, including those pertaining to religious obligations. Finally, he stated that the European Union also noted declaration by the Libyan Arab Jamahiriya that it no longer supported terrorism and the steps it had taken to end its support for terrorism. Nevertheless, that country's failure to comply fully with Council resolutions remained a serious obstacle in the way of the development of its relations with the international community. The requirements of Security Council resolutions 731 (1992), 748 (1992) and 883 (1993) were clear. In the European Union's view, only when the Libyan Arab Jamahiriya had complied fully with those requirements would sanctions be lifted.³⁰

The representative of Malta stated that the meeting was an opportunity which allowed States Members of the United Nations who were not members of the Security Council to exercise the right under which justice and respect for the obligations arising from

²⁶ Ibid., pp. 34-36.

²⁷ Ibid., pp. 36-38.

²⁸ Ibid., pp. 38-39.

²⁹ Ibid., pp. 39-40 (Bulgaria, Czech Republic, Estonia,

Hungary, Latvia, Lithuania, Poland, Romania and Slovakia, and Iceland).

³⁰ Ibid., pp. 39-40.

treaties and other sources of international law could be maintained, and to employ international machinery for the promotion of the economic and social advancement of all peoples. As a neighbouring country to a country hit by sanctions, he stated that Malta needed to ensure that any preventive or enforcement measures undertaken by the Security Council in accordance with Chapter VII of the Charter did not in any way contribute to increased tensions and instability in the Mediterranean region. Together with other countries, Malta felt that a collateral effect of the application and enforcement of the sanctions regime on the Libyan Arab Jamahiriya was undermining the holistic approach of the political, economic and social initiatives launched to achieve security and stability in their region. He maintained that in their case those sanctions had had and continued to have a negative impact on their bilateral business and investment opportunities, on travel arrangements between the two countries, and on other economic and social exchanges. They expressed a strong belief that a serious and open debate should be launched to explore alternative measures for the application of sanctions and on measures that offered built-in incentives that encouraged changes in the behaviour of targeted countries. They also believed that the Council should impose sanctions only as a last resort. In their view the sanctions under the present format were not achieving their desired objective. While the Government of Malta would unequivocally continue to respect the sanctions imposed by the Council and abide by them to the letter, it felt duty bound not to remain silent in the face of undue suffering those sanctions could cause to the civilian populations. He reiterated his country's appeal to all Member States and members of the Council, to exhaust all diplomatic initiatives and all the tools of preventive diplomacy, for the peaceful and equitable solution to problems, be they at the global, regional or national level, before deciding on implementing such measures as were contemplated in Articles 41 and 42 of the Charter.³¹

The representative of Kuwait stated that they believed that the implementation by all States of all relevant Security Council resolutions was essential if they wished to ensure respect for the Charter, and supported international legitimacy and the rule of law while maintaining peace and security in the world. He also stated that a positive view needed to be adopted concerning the decisions of the International Court of Justice and they should be seriously considered by the Council in order to achieve progress. Within the framework of promoting close cooperation between regional organizations and the United Nations in the field of world peace and security, he suggested that the Council consider positively the options submitted by the regional organizations aimed at a speedy settlement of the case in order to alleviate the suffering of the Libyan people.³²

A number of speakers welcomed the fact that the problem was being addressed in an open debate; stressed that the Council measures remained in force because the Libyan Arab Jamahiriya had not yet complied with its obligations under the relevant Council resolutions; noted that the recent decisions of the International Court of Justice changed nothing on the substance of the matter and did not question the validity of the relevant resolutions of the Security Council; encouraged the Sanctions Committee to consider favourably requests for humanitarian exceptions under resolution 748 (1992); and called on the Libyan authorities to cooperate with the Council and fulfil their obligations.³³

Other speakers supported the proposed three options put forward by the OAU and other regional bodies. A number of speakers also stressed that with regard to the judgments of the Court there was no longer any reason for the Security Council to maintain sanctions against the Libyan people. A few speakers maintained that the future ruling of the Court would be a significant element to be considered by the Council.³⁴

³¹ Ibid., pp. 43-45.

³² Ibid., p. 50.

³³ Ibid., pp. 17-19 (Portugal); pp. 22-23 (Japan); pp. 24-25 (Slovenia); and pp. 25-26 (Sweden).

³⁴ Ibid., pp. 14-15 (Costa Rica); pp. 19-20 (Kenya); pp. 26-28 (Brazil); p. 28 (Gabon); pp. 32-34 (Gambia, as Secretary of State for Foreign Affairs); pp. 40-42 (Mali); pp. 45-46 (Algeria); pp. 46-47 (Indonesia); p. 47-48 (Syrian Arab Republic); pp. 48-49 (United Arab Emirates); p. 51 (Yemen); pp. 51-52 (Jordan); pp. 53-54

(Egypt); pp. 55-56 (Ghana); pp. 56-57 (Democratic People's Republic of Korea); pp. 57-59 (Iraq); p. 59 (Mauritania); pp. 59-61 (Pakistan); p. 61 (Zimbabwe); pp. 61-62 (Namibia); pp. 62-64 (Morocco); p. 64 (Tunisia); pp. 64-65 (Guinea-Bissau); pp. 65-66 (Sudan); pp. 65-66 (Nigeria); pp. 67-69 (India); pp. 69-70 (India); pp. 70-71 (Cuba); pp. 71-72 (Oman); pp. 72-73 (Islamic Republic of Iran); pp. 73-75 (Malaysia); pp. 75-76 (Colombia); pp. 76-77 (Lebanon); and p. 77 (Lao People's Democratic Republic).

**Decision of 27 August 1998 (3920th meeting):
resolution 1192 (1998)**

By a letter dated 24 August 1998 addressed to the President of the Security Council,³⁵ the United Kingdom and the United States expressed their grave concern that 10 years after the terrorist bombing of Pan Am flight 103 over Lockerbie, and several years since the Security Council in resolution 731 (1992), 748 (1992) and 883 (1993) had required the Libyan Arab Jamahiriya to ensure the appearance of the two accused for trial in the appropriate United Kingdom or United States court, the accused had not yet stood trial. In the interest of resolving the situation in a way which allowed justice to be done, their Governments were prepared, as an exceptional measure, to arrange for the accused to be tried before a Scottish court sitting in the Netherlands, and the Government of the Netherlands had already agreed to facilitate arrangements for the court. Their two Governments were prepared to support a further Security Council resolution for the purposes of the initiative, which would also suspend sanctions upon the appearance of the two accused for the trial, and which would require all States to cooperate to that end. They were willing to proceed in that exceptional way only on the basis of the terms set out in the letter and provided that the Libyan Arab Jamahiriya cooperated fully by ensuring the timely appearance of the two accused and the production of evidence and witnesses before the court, and complied fully with all the requirements of the Security Council resolutions.

At its 3920th meeting, held on 27 August 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (Slovenia), with the consent of the Council, invited the representatives of the Libyan Arab Jamahiriya and the Netherlands, at their request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³⁶ He further drew the attention of the Council to letters dated 25 and 26 August 1998, respectively,³⁷ from the Libyan Arab Jamahiriya addressed to the President of the Security Council, requesting that a decision on the draft resolution presented to the Council be postponed until

the Libyan Arab Jamahiriya's judicial authorities had completed their study of the proposal of the United Kingdom and United States and until the Secretary-General of the United Nations had played the role entrusted to him; and transmitting the text of the communiqué issued on 26 August 1998 by the General People's Committee for Foreign Affairs and International Cooperation of the Libyan Arab Jamahiriya, containing the response of the Libyan Arab Jamahiriya to the joint letter dated 24 August 1998 from the Governments of the United Kingdom and the United States.

The representative of the Libyan Arab Jamahiriya welcomed the acceptance by the United States and the United Kingdom of the proposals already made by the League of Arab States and the OAU and supported by the OIC and the Non-Aligned Movement. The acceptance was a positive step likely to result in a satisfactory and just solution to the long-standing dispute. He stated that his country accepted that the two suspects should be tried in a Scottish court in the Netherlands by Scottish judges, according to Scots law. Commenting on the draft resolution, he stated that its language gave legitimacy to their concerns. By recalling previous Security Council resolutions, the first preambular paragraph gave the impression that the resolutions had been implemented neither in part nor in their entirety, although his country had fully responded to those resolutions. By referring to Chapter VII of the Charter of the United Nations, the fifth preambular paragraph again placed the issue outside its proper context, especially since the intervention of the Security Council in the matter might be considered procedural, taking into account the Judgment of the International Court of Justice. Operative paragraph 1 of the resolution demanded once again that the Government of the Libyan Arab Jamahiriya immediately comply with resolutions 731 (1992), 748 (1992) and 883 (1993) and made no mention at all of the Libyan Arab Jamahiriya denunciation and condemnation of terrorism. Operative paragraph 2 welcomed the letter from the representatives of the United Kingdom and the United States, and also referred to arrangements that took place between the United Kingdom and the Netherlands, in which the Libyan Arab Jamahiriya did not participate. Paragraph 3 called on the Governments of the Netherlands and the United Kingdom to undertake the

³⁵ S/1998/795.

³⁶ S/1998/809.

³⁷ S/1998/803 and S/1998/808.

necessary measures to implement the initiative, without mentioning the United States of America, which might therefore consider that it had not committed itself to any agreement between the Netherlands and the United Kingdom. Paragraph 4 decided that the Libyan Arab Jamahiriya should ensure the appearance in the Netherlands of the two accused for the purpose of trial and that it should present any evidence or witnesses, but it did not provide for any assurances or special arrangements with regard to the two accused or the witnesses. Paragraph 5 requested the Secretary-General to assist the Libyan Arab Jamahiriya with transferring the two accused from there to the Netherlands. However, there were no guarantees or arrangements pertaining to the period of the trial itself. Paragraph 6 did not set out the tasks of the international observers. Paragraph 7 did not mention the Libyan Arab Jamahiriya or any arrangements with the Netherlands on transferring the two accused, nor did it mention their safety or residence or provide any guarantees to them. Paragraph 8 referred to the appearance of the two accused before an appropriate court in the United Kingdom or the United States at any time. Paragraph 9 pertained to additional measures that might be undertaken; this was particularly worrying as no dialogue or consultations had taken place with the Libyan Arab Jamahiriya to date. In conclusion, he reaffirmed their seriousness and eagerness to close the file and open a new page in its relations with the United States and the United Kingdom, based on mutual respect, non-interference in internal affairs, and dialogue and mutual benefit, instead of embargo.³⁸

The representative of the United States stated that the arrangements endorsed in the draft resolution would assure a fair trial for the two Libyan suspects. The terms of the draft resolution and modalities of the trial had been carefully crafted by legal experts and were based on the decisions of the international community, as reflected in Security Council resolutions 731 (1992), 748 (1992), and 883 (1993). He expressed thanks to the Netherlands for helping bring about the arrangements endorsed in the draft resolution. He also stated that they deeply regretted the “hostile and negative content” of the Libyan representative’s statement. He called upon those nations and organizations to urge the Libyan Arab Jamahiriya in the strongest terms to turn over the two defendants for trial regarding Pan Am flight 103 without delay. He reaffirmed the United States’ support for

France in its ongoing investigation of the UTA bombing, and supported their demand for Libya’s full cooperation on the question of UTA flight 772. He also stressed that the draft resolution spelled out exactly what Libya had to do and noted the Security Council’s intention to consider further measures if the two suspects did not appear for trial promptly.³⁹

The representative of France noted their satisfaction with the decision by the United Kingdom and United States to try the two suspects in the Netherlands. He stated that the French authorities had regularly kept the Security Council and the Secretary-General informed about developments in the investigation into the attack on UTA flight 772, most recently on 6 November 1997 and would continue to transmit new information that needed to be brought to their attention. He also recalled that the draft resolution modified the conditions for suspending the sanctions as regarding the holding of the trial in the attack of Pan Am flight 103. However, the other provisions of resolution 883 (1993) relating to cooperation with the French judicial authorities and to the final lifting of sanctions against Libya were not affected by the draft resolution.⁴⁰

The representative of the Russian Federation observed that since the imposition of sanctions, Libya had made progress towards fulfilling the requirements set out in resolutions 731 (1992) and 748 (1992), which related to the condemnation of terrorism and to the provision of information on the subject. In addition thanks to the Libyan Arab Jamahiriya cooperation, the investigation into the UTA flight 772 incident was being successfully concluded. He stated that the draft resolution would ensure a fair trial, with proper guarantees of the legal rights of the accused or witnesses. He stressed that it was extremely important that as soon as the two suspects arrived in the Netherlands, the sanctions regime against the Libyan Arab Jamahiriya be terminated. He noted that agreement on the draft resolution confirmed that stepping up all-round interaction among States on the basis of the norms of international law was the only way they could put a firm halt to international terrorism. Noting the importance of the cooperation of all sides, he welcomed the Libyan Arab Jamahiriya’s expression of willingness to cooperate with the Secretary-General in order to fulfil the procedures envisaged in the draft resolution.⁴¹

³⁸ S/PV.3920, pp. 2-5.

³⁹ *Ibid.*, pp. 5-7.

⁴⁰ *Ibid.*, p. 7.

⁴¹ *Ibid.*, pp. 8-9.

The representative of China expressed hope that the current positive development on the Lockerbie case would facilitate the early lifting of sanctions against the Libyan Arab Jamahiriya. He pointed out that some elements of the text could have been improved, so as to create a better climate for resolving the question. He expressed regret that the sponsors had not incorporated some other constructive proposals from their side in the text. Finally, he reiterated that there had been no change in China's reservations concerning resolutions 748 (1992) and 883 (1993) referred to in the text.⁴²

A number of other speakers made statements, noting that the draft resolution would open the way to bringing to trial the persons charged with the bombing of Pan Am flight 103 and welcoming the step by the United Kingdom and United States and the positive response of the Government of the Libyan Arab Jamahiriya. Several speakers reiterated the call upon the Government of the Libyan Arab Jamahiriya to ensure the prompt appearance of the two accused for trial.⁴³

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1192 (1998), which reads:

The Security Council,

Recalling its resolutions 731 (1992) of 21 January 1992, 748 (1992) of 31 March 1992 and 883 (1993) of 11 November 1993,

Taking note of the report of the independent experts appointed by the Secretary-General,

Having regard to the contents of the letter dated 24 August 1998 from the Acting Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and of the United States of America to the Secretary-General,

Noting, in the light of the above-mentioned resolutions, the communications of the Organization of African Unity, the League of Arab States, the Movement of Non-Aligned Countries and the Islamic Conference as referred to in the letter dated 24 August 1998,

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

1. *Demands once again* that the Libyan Government immediately comply with the above-mentioned resolutions;

2. *Welcomes* the initiative for the trial of the two persons charged with the bombing of Pan Am flight 103 ("the two

accused") before a Scottish court sitting in the Netherlands, as contained in the letter dated 24 August 1998 from the Acting Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and of the United States of America ("the initiative") and the attachments thereto, and the willingness of the Government of the Netherlands to cooperate in the implementation of the initiative;

3. *Calls upon* the Government of the Netherlands and the Government of the United Kingdom to take such steps as are necessary to implement the initiative, including the conclusion of arrangements with a view to enabling the court described in paragraph 2 above to exercise jurisdiction in the terms of the intended agreement between the two Governments, attached to the said letter dated 24 August 1998;

4. *Decides* that all States shall cooperate to this end and, in particular, that the Libyan Government shall ensure the appearance in the Netherlands of the two accused for the purpose of trial by the court described in paragraph 2 above, and that the Libyan Government shall ensure that any evidence or witnesses in Libya are, upon the request of the court, promptly made available at the court in the Netherlands for the purpose of the trial;

5. *Requests* the Secretary-General, after consultation with the Government of the Netherlands, to assist the Libyan Government with the physical arrangements for the safe transfer of the two accused from Libya direct to the Netherlands;

6. *Invites* the Secretary-General to nominate international observers to attend the trial;

7. *Decides* that, on the arrival of the two accused in the Netherlands, the Government of the Netherlands shall detain the two accused pending their transfer for the purpose of trial before the court described in paragraph 2 above;

8. *Reaffirms* that the measures set forth in its resolutions 748 (1992) and 883 (1993) remain in effect and binding on all Member States, and in this context reaffirms the provisions of paragraph 16 of resolution 883 (1993), and decides that the aforementioned measures shall be suspended immediately if the Secretary-General reports to the Council that the two accused have arrived in the Netherlands for the purpose of trial before the court described in paragraph 2 above or have appeared for trial before an appropriate court in the United Kingdom or the United States, and that the Libyan Government has satisfied the French judicial authorities with regard to the bombing of UTA 772;

9. *Expresses its intention* to consider additional measures if the two accused have not arrived or appeared for trial promptly in accordance with paragraph 8 above;

10. *Decides* to remain seized of the matter.

⁴² Ibid., pp. 12-13.

⁴³ Ibid., pp. 6-7 (Portugal); pp. 7-8 (Brazil); p. 9 (Japan), pp. 9-10 (Sweden); p. 10 (Gambia); pp. 10-11 (Bahrain);

pp. 11-12 (Costa Rica); p. 12 (Gabon); and p. 13 (Slovenia).

Speaking after the vote, the representative of the United Kingdom stated that the adoption of the resolution was an opportunity to resolve the matter with justice in a manner acceptable to the families and to all the parties concerned. While he welcomed that the Libyan representative had clearly stated his Government's acceptance that the two accused be tried in a Scottish court in the Netherlands by Scottish judges under Scottish law, he emphasized that what was then required was that the Libyan Arab Jamahiriya confirm through the Secretary-General of the United Nations its clear and unequivocal acceptance of that and its willingness to do so speedily and without prevarication. If the Government of the Libyan Arab Jamahiriya ensured the appearance of the accused in the Netherlands everything else would flow from that. He also stressed that the resolution clearly said that sanctions would be suspended as soon as the Secretary-General was able to confirm that the accused had been delivered to the Netherlands and that the requirements of French justice had also been met. The Governments of the United Kingdom and the United States had stated their commitment to that clearly in the letter to the Secretary-General. Once the Libyan Arab Jamahiriya accepted the proposal in its entirety they were prepared to do everything necessary to implement speedily the legal and other arrangements.⁴⁴

**Decision of 8 April 1999 (3992nd meeting):
statement by the President**

By a letter dated 5 April 1999 addressed to the President of the Security Council,⁴⁵ which constituted the report to be submitted pursuant to paragraph 8 of Security Council resolution 1192, the Secretary-General informed the Council that on 18 September 1998, the Governments of the Netherlands and the United Kingdom had signed an agreement concerning a trial in the Netherlands before a Scottish court and had enacted the necessary legislation. He also informed the Council that all the necessary assistance as requested in resolution 1192 (1998) had been provided to the Government of the Libyan Arab Jamahiriya and that on 5 April 1999, the two accused had safely arrived in the Netherlands and been detained by the Dutch authorities, as provided for in paragraph 7. He also noted that he had been informed by the French authorities that in regard

to the requests in the letter from the French authorities dated 20 December 1991,⁴⁶ in reporting to the Council under paragraph 8 of Security Council resolution 1192 (1998), he might indicate that the conditions set forth in resolution 1192 (1998) had been met, without prejudice to the other requests concerning the bombing of Pan Am flight 103. He stated that the measures set forth in Security Council resolution 748 (1992) and 883 (1993) should be suspended immediately as the conditions in Paragraph 8 of Security Council resolution 1192 (1998), that the two accused had arrived for trial in the Netherlands and that the Government of the Libyan Arab Jamahiriya had satisfied French judicial authorities with regard to the bombing of UTA 772, had been met. Paragraph 8 of resolution 1192 (1998) also reaffirmed paragraph 16 of Security Council resolution 883 (1993), which requested the Secretary-General to report, within 90 days of the suspension of measures, on compliance by the Libyan Arab Jamahiriya with the remaining provisions of resolution 731 (1992) and 748 (1992) so that the measures could be lifted immediately if he reported that they had fully complied. Therefore, he would proceed as expeditiously as possible with the preparing of the report.

At its 3992nd meeting, held on 8 April 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (France) drew the attention of the Council to a letter dated 8 April 1999 from Tunisia, transmitting a statement on behalf of the States members of the Council of the League of Arab States.⁴⁷

At the same meeting, the President made the following statement on behalf of the Council:⁴⁸

The Security Council recalls its resolutions 731 (1992) of 21 January 1992, 748 (1992) of 31 March 1992, 883 (1993) of 11 November 1993 and 1192 (1998) of 27 August 1998.

The Council welcomes the letter dated 5 April 1999 from the Secretary-General to the President of the Security Council, reporting that the two persons accused of the bombing of Pan Am flight 103 have arrived in the Netherlands for the purpose of trial before the court described in paragraph 2 of resolution 1192 (1998) and that, with regard to the bombing of UTA 772, the French authorities had informed the Secretary-General that he might indicate, in reporting to the Council under paragraph 8 of resolution 1192 (1998), that the conditions set forth in resolution

⁴⁴ Ibid., pp. 14-15.

⁴⁵ S/1999/378.

⁴⁶ S/23306.

⁴⁷ S/1999/397.

⁴⁸ S/PRST/1999/10.

1192 (1998) had been met, without prejudice to the other requests concerning the bombing of Pan Am flight 103.

The Council expresses its deep appreciation to the Secretary-General, the Governments of the Republic of South Africa and the Kingdom of Saudi Arabia and other countries for their commitment towards reaching a satisfactory conclusion relating to Pan Am flight 103.

The Council further notes the role played by the League of Arab States, the Organization of the Islamic Conference, the Organization of African Unity and the Movement of Non-Aligned Countries in this regard.

The Council notes that, with the letter from the Secretary-General dated 5 April 1999, the conditions set forth in paragraph 8 of resolution 1192 (1998) for the immediate suspension of the measures set forth in resolutions 748 (1992) and 883 (1993) have been fulfilled. In this regard, the Council recalls that, in accordance with resolution 1192 (1998), the measures set forth in resolutions 748 (1992) and 883 (1993) were immediately suspended upon receipt of the letter from the Secretary-General on 5 April 1999 at 1400 hours Eastern Standard Time. This development was immediately acknowledged through a statement by the President of the Security Council to the press on 5 April 1999 following consultations of the whole.

The Council remains seized of the matter.

**Decision of 9 July 1999 (4022nd meeting):
statement by the President**

On 30 June 1999, the Secretary-General submitted a report pursuant to paragraph 16 of Security Council resolution 883 (1993) and paragraph 8 of resolution 1192 (1998), on the compliance of the Libyan Arab Jamahiriya with the remaining measures.⁴⁹ He observed that the requirements referred to in document S/23306 relating to the bombing of UTA flight 772 had been met. He further noted that since the Scottish court had granted a request by defence lawyers of the two persons concerned to delay the trial for six months he was not in a position to provide any factual information on compliance with requirements emanating from document S/23308, as those requests related to actions which could only be undertaken during and following the conclusion of the trial. He stated that it appeared that under the circumstances the Libyan Arab Jamahiriya might only be expected to provide assurances of its commitment to comply with those requirements, particularly as regards access to witnesses, relevant documents and other material evidence. However, he pointed out that the Libyan authorities had indeed provided assurances that they would cooperate with the

Scottish court. As for the requirement in document S/23309 that the Libyan Arab Jamahiriya commit itself definitely to cease all forms of terrorist action and all assistance to terrorist groups, he noted that they had stated so on numerous occasions. Finally, he reported that he had hosted a tripartite meeting between the Libyan Arab Jamahiriya, the United States and the United Kingdom in order to assist the participants in clarifying the positions of their Governments regarding the requirements of the aforementioned Security Council resolutions for the lifting of measures.

At its 4022nd meeting, held on 9 July 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General of 30 June 1999 in its agenda. Following the adoption of the agenda the President (Malaysia) drew the attention of the Council to a letter dated 6 July 1999 from the Libyan Arab Jamahiriya

⁴⁹ S/1999/726.

reiterating that the Security Council was obliged, according to its decision, to lift the sanctions imposed on the Libyan Arab Jamahiriya upon the receipt of the Secretary-General's report.⁵⁰

At the same meeting, the President made the following statement on behalf of the Council:⁵¹

The Security Council recalls its resolutions 731 (1992) of 21 January 1992, 748 (1992) of 31 March 1992, 883 (1993) of 11 November 1993 and 1192 (1998) of 27 August 1998 and the statement by its President of 8 April 1999.

The Council welcomes the report of the Secretary-General of 30 June 1999 submitted in fulfilment of the request contained in paragraph 16 of resolution 883 (1993).

The Council welcomes the positive developments identified in the report and the fact that the Libyan Arab Jamahiriya has made significant progress in compliance with the

relevant resolutions. It welcomes also the commitment given by the Libyan Arab Jamahiriya to implement further the relevant resolutions by continuing cooperation in order to meet all the requirements contained therein. It encourages all parties concerned to maintain their spirit of cooperation. The Council recalls that the measures set forth in resolutions 748 (1992) and 883 (1993) have been suspended, and reaffirms its intention to lift those measures as soon as possible, in conformity with the relevant resolutions.

The Council expresses its gratitude to the Secretary-General for his continued efforts in his role as set out in paragraph 4 of resolution 731 (1992) and paragraph 6 of resolution 1192 (1998), and requests him to follow developments regarding this matter closely and to report to the Council accordingly.

The Council remains actively seized of the matter.

8. The situation in Sierra Leone

Decision of 15 February 1996 (3632nd meeting): statement by the President

At the 3632nd meeting, held on 15 February 1996, the Security Council included in its agenda without objection the item entitled "the situation in Sierra Leone".¹ The President (United States), with the consent of the Council, then invited the representative of Sierra Leone, at his request to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:²

The Security Council welcomes the results of the meeting of the National Consultative Conference on 12 February 1996 that overwhelmingly supported the decision to maintain 26 February 1996 as the date of the elections. The Council also welcomes the renewed promise of the Government of Sierra Leone, through the Chairman of the National Provisional Ruling Council, to abide by the will of the people expressed through the Conference to hold the elections as scheduled. The Council notes that the Chairman of the Interim National Electoral Commission has confirmed that all the necessary technical arrangements are in place for elections to proceed.

The Council reiterates its belief that the holding of free and fair elections as scheduled is of critical importance to Sierra Leone's transition to democratic constitutional rule. Any delay in the elections or interruption in this process is likely to erode

international donor support for Sierra Leone. It is also likely to greatly increase the potential for further instability and violence, with devastating consequences for the people of Sierra Leone.

The Council cautions all groups and individuals in Sierra Leone not to attempt to disrupt through violence or intimidation the electoral process which the great majority of the people of Sierra Leone support. The Council calls upon the Government to fulfil its undertaking to ensure a safe and free environment for the elections.

The Council urges all parties to end the violence in Sierra Leone. The Council welcomes the initial contacts between the Government and the Revolutionary United Front and calls upon the Revolutionary United Front to renew its ceasefire and to enter into a full dialogue for peace without any conditions.

The Council expresses its continued concern about the humanitarian situation and suffering of the people resulting from the conflict in Sierra Leone. The Council calls upon Member States to continue to provide humanitarian assistance to address this problem.

The Council commends the efforts of the Secretary-General to assist the conduct of the elections, and in particular the establishment of the Joint International Observer Group. It also commends the work of the Special Envoy of the Secretary-General to support the democratic transition and to facilitate peace negotiations between the Government and the Revolutionary United Front. The Council appreciates the important role of the Organization of African Unity and others,

⁵⁰ S/1999/752.

⁵¹ S/PRST/1999/22.

¹ S/PV.3632, p. 2.

² S/PRST/1996/7.

including States neighbouring Sierra Leone, in attempting to bring peace to that country.

The Council requests the Secretary-General to continue to monitor the situation in Sierra Leone and to keep the Council informed of all significant developments.

Decision of 19 March 1996 (3643rd meeting): statement by the President

At its 3643rd meeting held on 19 March 1996, in accordance with the understanding reached in its prior consultations, the President (Botswana) made the following the following statement on behalf of the Council:³

The Security Council welcomes the parliamentary and presidential elections held in Sierra Leone on 26 and 27 February 1996 and the second round of Presidential elections held on 15 March. It congratulates the people of Sierra Leone on the courage and determination they have shown in proceeding with the elections despite difficulties and disruptions, and pays tribute to all those involved in the success of the elections, in particular the Interim National Electoral Commission and its Chairman. The Council stresses the importance it attaches to a peaceful transition to civilian rule. It welcomes the commitment by the Chairman of the National Provisional Ruling Council to hand over authority by 31 March 1996 and calls upon all concerned to cooperate fully with the newly elected President and Parliament.

The Council notes that the Joint International Observer Group, which monitored the first round of elections, was impressed by the “overwhelming desire on the part of the people of Sierra Leone to exercise their democratic right in casting a ballot for the parties and candidates of their choice”. They have now done so, and it is incumbent on all concerned to help them to consolidate the gains that have been made. The Council is of the view that the circumstances created by the successful conclusion of the elections in Sierra Leone require redoubled efforts to end the fighting in that country. It commends the efforts of the Special Envoy of the Secretary-General and others, in particular the Government of Côte d’Ivoire, to that end. It reiterates its call to all parties to end the violence. It calls upon the Revolutionary United Front to accept the outcome of the elections, maintain the ceasefire and enter into a full dialogue for peace, without any conditions.

The Council calls upon the international community to provide generous assistance to help in resolving the humanitarian problems caused by the conflict in Sierra Leone, and to assist the Government and people of that country in the task of reconstruction that now faces them.

The Council requests the Secretary-General to continue to monitor the situation in Sierra Leone and to keep the Council informed of significant developments.

³ S/PRST/1996/12.

Decision of 4 December 1996 (3720th meeting): statement by the President

At the 3720th meeting of the Security Council, held on 4 December 1996 in accordance with the understanding reached in its prior consultations, the President (Italy), with the consent of the Council, invited the representative of Sierra Leone, at his request, to participate in the discussion without the right to vote.

At the same meeting the President made the following statement on behalf of the Council:⁴

The Security Council warmly welcomes the Peace Agreement signed by the Government of Sierra Leone and the Revolutionary United Front in Abidjan on 30 November 1996. The Agreement brings to an end a bitter conflict which has caused appalling suffering to the people of Sierra Leone. The Council pays tribute to the courage and determination of all those who have worked tirelessly towards this end. The Council hopes that the Agreement will provide encouragement to those working for peace in other parts of Africa.

The Council commends in particular the role played by the Government of Côte d’Ivoire whose commitment and determination in the chairmanship of the negotiations between the parties have been crucial to this successful outcome. The Council also pays tribute to the support provided to the negotiations by the Special Envoy of the Secretary-General in close coordination with the Organization of African Unity, the Commonwealth, the Economic Community of West African States and other organizations and neighbouring countries.

The Council continues to follow developments in Sierra Leone with close interest. The Peace Agreement is an essential first step towards national reconciliation and reconstruction. The Council will continue to support the development of peace and democracy in Sierra Leone. It notes in particular the need for a successful process of demobilization and reintegration of former combatants and stands ready to assist in this process. It stresses the importance of a coordinated international effort to alleviate the humanitarian situation in the country.

The Council requests the Secretary-General to continue to monitor the situation in Sierra Leone and to keep the Council informed of further significant developments.

Decision of 27 May 1997 (3781st meeting): statement by the President

⁴ S/PRST/1996/46.

By a letter dated 10 December 1996 addressed to the President of the Security Council,⁵ the Secretary-General informed the Council of the High Level Consultations on Post-Conflict Peace-Building in West Africa: Political and Development Initiatives held in New York on 21 October 1996.

By a letter dated 11 December 1996 addressed to the Secretary-General,⁶ the representative of Sierra Leone transmitted a document entitled “Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone”, signed at Abidjan on 30 November 1996.

By a letter dated 13 December 1996 addressed to the President of the Security Council,⁷ the Secretary-General transmitted two letters: one from the President of Sierra Leone and the other from the leader of the Revolutionary United Front, dated 30 November and 9 December 1996, respectively, and indicated his intention, subject to the concurrence of the Council, to send an assessment mission to Sierra Leone to develop recommendations on ways in which the United Nations could assist in monitoring the peace in that country.

In his report dated 26 January 1997, submitted pursuant to the letter of the President of the Council dated 17 December 1996,⁸ the Secretary-General reflected the findings of the assessment team which visited Sierra Leone from 22 December 1996 to 6 January 1997, and the team’s recommendations regarding the assistance the United Nations could extend to the parties in implementing the Abidjan Accord.⁹

At the 3781st meeting of the Security Council, held on 27 May 1997 in accordance with the understanding reached in its prior consultations, the President (Republic of Korea), with the consent of the Council, invited the representative of Sierra Leone, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:¹⁰

The Security Council is deeply concerned about the military coup d’état in Sierra Leone, especially when the United Nations is assisting the process of reconciliation in that country.

⁵ S/1996/1043.

⁶ S/1996/1034.

⁷ S/1996/1049.

⁸ S/1996/1050.

It strongly deplores this attempt to overthrow the democratically elected Government and calls for an immediate restoration of constitutional order. The Council takes note of the communiqué of 26 May 1997 of the Central Organ Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity, and underlines the imperative need to implement the Abidjan Agreement which continues to serve as a viable framework for peace, stability and reconciliation in Sierra Leone.

The Security Council strongly condemns the violence which has been inflicted on both local and expatriate communities, in particular United Nations and other international personnel serving in the country. It recalls the obligation of all concerned to ensure the protection of United Nations and other international personnel in the country, and calls for an end to the looting of premises and equipment belonging to the United Nations and international aid agencies.

**Decision of 11 July 1997 (3798th meeting):
statement by the President**

By a letter dated 9 July 1997 addressed to the President of the Security Council,¹¹ the representative of Nigeria, on behalf of the Chairman of the Economic Community of West African States (ECOWAS) requested an open meeting of the Security Council to be held as soon as possible to consider the item “the situation in Sierra Leone”.

At the 3797th meeting of the Security Council held on 11 July 1997, in accordance with the understanding reached in its prior consultations, and at the request contained in the letter dated 9 July 1997 from the representative of Nigeria, the President (Sweden), with the consent of the Council, invited the representatives of Côte d’Ivoire, Ghana, Guinea, Nigeria, Sierra Leone and Zimbabwe, at their request, to participate in the discussion without the right to vote. At the same meeting, the Council also extended, without objection, an invitation under rule 39 of the Council’s provisional rules of procedure to the Permanent Observer of the Organization of African Unity (OAU) to the United Nations.

At the same meeting, the representative of Nigeria stated that the crisis in Sierra Leone brought about by the seizure of power on 25 May 1997 by a section of the Sierra Leonean military, portended “grave consequences” for peace and stability in Sierra Leone and for the political process and constitutionality in the

⁹ S/1997/80 and Add.1.

¹⁰ S/PRST/1997/29.

¹¹ S/1997/531.

governance of that country. The countries of the subregion were horrified by the “sheer venom” of the operation, the mindless waste of human life, the disruption of civil society and the sustained destruction of infrastructure and property. He underlined that the presence of the Ministers for Foreign Affairs of Côte d’Ivoire, Ghana, Guinea and Nigeria, as well as the representatives of the secretariats of ECOWAS and the Organization of African Unity (OAU), underscored the extent of subregional concern over developments in Sierra Leone and the need for the international community to come to grips with the situation in that country and coordinate its efforts with those of the countries of the subregion to bring the crisis to a peaceful resolution. He warned that the developments in Sierra Leone gave cause for immediate concern. Sierra Leone, which shared vast borders with Liberia and Guinea, for no less than seven years had engaged the attention of the subregion as a country torn apart by inter-factional conflict. He maintained that with the sustained and collective efforts of the member States of ECOWAS, life had begun to return to normalcy in Liberia as the final phase of the peace process was being implemented, namely, the conduct of elections. It was important therefore to carefully manage the situation in Sierra Leone so that the progress so far achieved in Liberia would not be reversed. He further underlined that Guinea was also subject to the threat of destabilization from a number of sources. As a country bordering Liberia, it had received a considerable number of refugees from that country. With the situation in Guinea itself deteriorating, Guinea had also been burdened by a new wave of Sierra Leonean refugees. Those circumstances had overstretched the economy of Guinea and posed great difficulties to the political and social stability of the nation. The effects of refugees from Sierra Leone and Liberia went even beyond the confines of neighbouring countries. They were being felt all over the subregion, in particular in such countries as Côte d’Ivoire, the Gambia, Ghana and Nigeria, as well as in several others where sizeable numbers of refugees existed. In summarizing the actions and decisions undertaken by ECOWAS at its Ministerial meeting of Ministers for Foreign Affairs, held in Conakry, Guinea, on 26 June 1997, the representative of Nigeria highlighted the key elements of the communiqué issued at that meeting.¹² The first element included the objectives of calling for the reinstatement

of the legitimate Government of President Ahmad Tejan Kabbah; the return of peace and security to Sierra Leone and the resolution of the issues of refugees and displaced persons. The second element consisted of the means of achieving these objectives. Accordingly, they pledged to work towards the reinstatement of the legitimate Government of Sierra Leone by a combination of three measures: dialogue; the imposition of sanctions and embargo; and the use of force. In that regard, the representative of Nigeria underlined the concerns expressed by delegations at the Ministerial meeting in Conakry with respect to the use of force as a means of resolving the crisis in Sierra Leone. He stated that it was recognized that the other two options, including negotiations and sanctions cum blockade, could not be achieved without the use of some military force and that all three measures required consultations at the highest level among ECOWAS countries. For the third element, which consisted of the mechanism for implementing the decisions, the Ministers had established a committee to ensure the implementation of the recommendations of the meeting in Conakry. On 5 July 1997, the ministerial committee of four, including representatives of OAU and ECOWAS, presented a report to the Chairman of ECOWAS, who endorsed the recommendations and mandated the Committee with the steps outlined in the ECOWAS plan. In conclusion, the representative of Nigeria underlined that the people of Sierra Leone, the member States of ECOWAS and the entire continent of Africa looked with great expectation to the outcome of the Security Council meeting, which would be a clear and unequivocal message to the regime in Sierra Leone that it had to comply with the demands of the international community and return power to the legitimate Government of President Ahmad Tejan Kabbah.¹³

At the same meeting, speaking on behalf of the Chairman of the Organization of African Unity (OAU), the representative of Zimbabwe stated that OAU fully and unreservedly supported the initiative of the four ECOWAS member States and stood behind President Kabbah and the elected Government of Sierra Leone; it condemned the coup d’état and called upon the Security Council to support the efforts of ECOWAS and OAU in seeking the non-recognition and demise of the military regime in Sierra Leone and in working for the

¹² S/1997/499.

¹³ S/PV.3797, pp. 2-5.

restoration of the democratically elected government in that country.¹⁴

On 11 July 1997, at the 3798th meeting of the Security Council, held in accordance with the understanding reached in its prior consultations, the President (Sweden), with the consent of the Council, invited the representatives of Côte d'Ivoire, Ghana, Guinea, Nigeria, Sierra Leone and Zimbabwe to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:¹⁵

The Security Council recalls the statement by its President of 27 May 1997 following the military coup d'état in Sierra Leone on 25 May 1997. It remains deeply concerned about the continuing crisis in Sierra Leone and its negative humanitarian consequences on the civilian population, including refugees and internally displaced persons, and, in particular, the atrocities committed against the citizens of Sierra Leone, foreign nationals and personnel of the Monitoring Group of the Economic Community of West African States. It reiterates its view that the attempt to overthrow the democratically elected Government of President Ahmad Tejan Kabbah is unacceptable and calls again for the immediate and unconditional restoration of constitutional order in the country.

The Council is concerned about the grave crisis in Sierra Leone which endangers the peace, security and stability of the whole region and, in particular, about its possible negative impact on the ongoing peace process in neighbouring Liberia.

The Council strongly supports the decision adopted by the Council of Ministers of the Organization of African Unity at its sixty-sixth ordinary session, held at Harare from 28 to 31 May 1997, in which the Council of Ministers appealed to the leaders of the Economic Community of West African States and the international community to help the people of Sierra Leone to restore the constitutional order in that country and in which it underlined the imperative need to implement the Abidjan Agreement, which continues to serve as a viable framework for peace, stability and reconciliation in Sierra Leone.

The Council welcomes the participation of the Ministers for Foreign Affairs of the Economic Community of West African States members of the Committee of Four in its 3797th meeting of 11 July 1997.

The Council welcomes the mediation efforts initiated by the Economic Community of West African States and expresses its full support for the objectives of those efforts as set out in the final communiqué issued at the meeting of the Ministers for Foreign Affairs of the Economic Community of West African States held in Conakry on 26 June 1997.

The Council calls upon those who have seized power to cooperate fully with those efforts so that the constitutional order in Sierra Leone will be restored immediately.

The Council will continue to follow closely the progress of efforts aimed at the peaceful resolution of the crisis and stands ready to consider appropriate measures if constitutional order in Sierra Leone is not restored without delay.

The Council will remain actively seized of this matter.

**Decision of 6 August 1997 (3809th meeting):
statement by the President**

At the 3809th meeting of the Security Council, held on 6 August 1997 in accordance with the understanding reached in its prior consultations, the President (United Kingdom), with the consent of the Council, invited the representative of Sierra Leone, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:¹⁶

The Security Council recalls the statements of its President of 27 May and 11 July 1997 following the military coup d'état in Sierra Leone on 25 May 1997. It condemns the overthrow of the democratically elected Government of President Ahmad Tejan Kabbah and calls upon the military junta to take immediate steps to bring about the unconditional restoration of that Government. The Council remains deeply concerned about the situation in Sierra Leone, which endangers peace, security and stability in the whole region.

The Council underlines the need to implement the Abidjan Agreement, which continues to serve as a viable framework for peace, stability and reconciliation in Sierra Leone.

The Council expresses its appreciation to the Ministers for Foreign Affairs of the Economic Community of West African States members of the Committee of Four for their efforts to negotiate with representatives of the military junta on 17 and 18 July and 29 and 30 July 1997 in Abidjan on a peaceful resolution of the crisis, and reiterates its full support for the objectives of this mediation. It deeply regrets the breakdown of these talks, and considers that the responsibility for this failure rests entirely with the military junta which refused to negotiate in good faith.

The Council considers that the attempt by the military junta to set conditions for the restoration of the democratically elected Government is unacceptable, and calls upon the junta to renounce its declared intention to remain in power and to resume

¹⁴ Ibid., p. 5.

¹⁵ S/PRST/1997/36.

¹⁶ S/PRST/1997/42.

negotiations with the Committee of Four Ministers for Foreign Affairs without delay.

The Council will, in the absence of a satisfactory response from the military junta, be ready to take appropriate measures with the objective of restoring the democratically elected Government of President Kabbah.

The Security Council remains deeply concerned about the deteriorating humanitarian situation in Sierra Leone and at the continued looting and commandeering of relief supplies of international agencies. It calls upon the military junta to cease all interference with the delivery of humanitarian assistance to the people of Sierra Leone. The Council condemns the continuing violence and threats of violence by the junta towards the civilian population, foreign nationals and personnel of the Monitoring Group of the Economic Community of West African States, and calls for an end to such acts of violence. The Council also expresses its concern at the effects of the continuing influx of refugees into neighbouring countries, in particular Guinea, due to the crisis in Sierra Leone. It calls upon all States and relevant international organizations to provide help to these countries in dealing with this problem.

The Council will remain actively seized of this matter.

**Decision of 8 October 1997 (3822nd meeting):
resolution 1132 (1997)**

At the 3822nd meeting of the Security Council, held on 8 October 1997 in accordance with the understanding reached in its prior consultations, the President (Chile), with the consent of the Council, invited the representatives of Nigeria and Sierra Leone, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to the text of a draft resolution that had been prepared in the course of the Council's prior consultations.¹⁷

At the same meeting, the representative of Sierra Leone, while expressing his country's appreciation to the delegation of the United Kingdom for initiating the draft resolution which was before the Council, recalled that the Sierra Leoneans were aware that in their history, Queen Victoria often referred to Sierra Leone as "ancient and loyal Sierra Leone", and that Sierra Leoneans everywhere understood and appreciated that the United Kingdom was their loyal friend at the hour of crisis. He also thanked the members of the Security Council, particularly his African colleagues, for their efforts and stated that the draft resolution, as it stood, far exceeded their expectations. He, however, expressed his delegation's concern over extent to which the military

junta in Freetown would take seriously what would happen in the Security Council. He expressed further concern at the "high degree of recklessness" shown by the military junta in Freetown in dealing with the international community. He stated that the principal concern was that the junta should respect the institutional integrity of the Security Council. He informed the Council that since the coup d'état, the military junta had been consistently misled by "discredited" politicians and the so-called "elder statesmen" in Sierra Leone, who had told the military junta that the Security Council would reject the sanctions of ECOWAS and that the Council would not call for the restoration of the legitimate Government of Sierra Leone. He further added that during the four months of dialogue, the military junta had shown no inclination to agree to the restoration of the legitimate Government in Sierra Leone. His delegation believed that the draft resolution, if adopted, would perhaps make a new beginning — a new reality — which would enable the military junta to know that the world community was serious and wanted the legitimate Government to be restored. He further hoped that the draft resolution, when adopted, together with the talks that might start soon, would bring a new era in Sierra Leone, and one which was not one of recrimination but of reconciliation. In conclusion, the representative maintained that his delegation was in full agreement with the Secretary-General's statement that what they had in Sierra Leone was a matter of very serious principle, in which a Government was elected by the people under the rule of law.¹⁸

The representative of Nigeria stated that another important milestone had been reached in the fruitful cooperation between the United Nations and ECOWAS in their efforts to resolve the crisis situations in the subregion. He expressed satisfaction at the unchanged position of the United Nations, the Organization of African Unity and ECOWAS that the military junta in Freetown must step down and the democratically elected Government in Sierra Leone be restored without delay. He also urged the Security Council to remain unchanged on the principled position it had taken. He further informed the Council that although the initial round of talks between ECOWAS and the military junta, which aimed at a peaceful resolution of the crisis, had been encouraging and fruitful, the negotiations had fallen through during the following round of talks due to

¹⁷ S/1997/777.

¹⁸ S/PV.3822, pp. 2-3.

deliberate stalling and acts of bad faith on the part of the junta, whose representatives had reneged on their earlier commitments. Worse still, the regime had announced its intention to remain in power for four years and the situation in Sierra Leone, which was bad enough at the inception of the coup d'état, had since deteriorated. The representative reiterated that faced with such a situation, ECOWAS was left with no option but to adopt a set of measures in the form of sanctions and an embargo as a means of pressuring the regime in Freetown. He further added that the decisions and actions taken by ECOWAS to resolve the Sierra Leonean crisis were guided by the following considerations: that the situation in Sierra Leone was a clear threat to international peace and security in view of its potential to destabilize the entire region; that the subregion wanted to avoid another costly and long drawn-out engagement similar to what it had experienced in Liberia, with the attendant massive humanitarian problems; and that while ECOWAS was sufficiently seized of the matter, the support and endorsement of the United Nations was essential. He echoed the draft resolution in acknowledging that ECOWAS was the body closest to the situation on the ground and that it had a mechanism in the form of a monitoring group to carry out effective monitoring and implementation of whatever measures were agreed upon. In that regard, he welcomed the inclusion in paragraph 8 of the draft resolution enabling authorization of the Council for ECOWAS to carry out the tasks mandated by the ECOWAS summit. In conclusion, he appealed to all members of the international community to assist the Economic Community of West African States Monitoring Group (ECOMOG) to carry out those tasks by providing it with logistical assistance and vital information.¹⁹

Speaking before the vote, the representative of France stated that his delegation would vote in favour of the draft resolution and pointed out that while the draft resolution expressed the support of the United Nations for the efforts of the members of ECOWAS to bring about the peaceful restoration of constitutional order and the return of the democratically elected Government through negotiations, the decision of the States of the region to exert pressure in the form of economic sanctions, in view of the refusal of the perpetrators of the coup to join negotiations in good faith, were measures intended to promote a peaceful resolution of

the crisis, and not to worsen the humanitarian situation of the people of Sierra Leone. With reference to the provisions for imposition of sanctions provided in the draft resolution, he underlined that the sanctions were defined to cover only travel of members of the military junta and their families, as well as the supply of weapons and petroleum. While stating that the draft also contained some fairly precise criteria for the lifting of the sanctions and that the provisions made it possible to aim to avoid an indefinite extension of sanctions, he maintained that periodic decisions by the Council on the continuation of sanctions would be the best way to achieve that goal. He further voiced his delegation's concern with regard to the effects and economic consequences of the situation in Sierra Leone on neighbouring States since those States were taking in a very large number of refugees, without creating camps, and were generously opening their towns and resources to them.²⁰

The representative of the United Kingdom stated that his country, which had helped with the organization of the elections in March 1996, was appalled by the turn of events in Sierra Leone, and joined ECOWAS, OAU and the rest of the international community in condemning unequivocally the "arbitrary and unconstitutional" overthrow of a democratic Government. He also paid tribute to the dedicated efforts of the countries of ECOWAS and the Council's practical backing for it as provided in the draft resolution. He further stated that by establishing an international arms and oil embargo and visa restrictions on members of the junta, the Security Council was making clear to the illegal regime in Freetown that the entire international community was committed to reversing the military coup and restoring the democratically elected Government.²¹

The representative of the Russian Federation, maintaining that a new threat to stability had emerged in the troubled region, decisively condemned the perpetrators of the coup and firmly supported the demand made by African States that constitutional order be restored. He commended Africa's principled position on the question and the efforts of the member countries of ECOWAS to resolve the crisis in Sierra Leone. He pointed out however, that in order to attain the goal, peaceful means were to be used first and foremost and

¹⁹ Ibid., pp. 3-4.

²⁰ Ibid., p. 6.

²¹ Ibid., p. 7.

that given the active involvement of ECOWAS in resolving the crisis in Sierra Leone, his delegation attached particular importance to strengthening coordination between the Security Council and the subregional organization. He further stressed that cooperation between the United Nations and the regional organizations on questions relating to the maintenance of peace and security should be based on the Charter of the United Nations and that enforcement action was not to be undertaken by regional organizations without the authorization of the Security Council. He stated that the powerful means of pressure on the junta brought into play by the Council — the embargo on the delivery of arms, military equipment, petroleum and petroleum products and visa restrictions on the leaders of the coup — had been fine-tuned and were aimed at specific targets. His delegation assumed that member countries of ECOWAS, the Secretary-General of the United Nations and the Sanctions Committee would carefully monitor the situation in Sierra Leone and regularly inform the Council of the impact that sanctions were having on the humanitarian situation there. Nevertheless, he voiced concern that the draft resolution did not establish a clear time-frame for the application of sanctions. This question was exceptionally important both for the effective impact on the conduct of parties targeted by the sanctions and for timely adjustments by the Council of measures it had adopted, in light of the results achieved. The point of sanctions was not to punish the party that had threatened international peace and security but to change the conduct of that party. The logic and practice of indefinite sanctions regimes could not in principle do that, and in his delegation's view they were counterproductive. Nevertheless, given the careful review of sanctions in six months' time, as envisaged in the draft resolution and in order to accommodate the wishes of African States for a speedy and unanimous adoption of a resolution, the delegation of the Russian Federation was prepared in this specific case to be flexible and to support the draft resolution.²²

The representative of Portugal, while fully supporting the objectives of the draft resolution before the Council, underlined that under Chapter VIII of the Charter of the United Nations, which foresaw the utilization of regional arrangements for the enforcement of Council decisions, ECOWAS had been authorized to

ensure the strict implementation of the provisions of the draft resolution that were referred to in operative paragraph 8 and that the draft also sought the restoration of the democratically elected Government of Sierra Leone by peaceful means. Those sanctions were tailored to penalize those who had consistently refused to abide by the rules of democracy and they were not addressed against the people of Sierra Leone. He added that the crisis in Sierra Leone was worrying in itself on account of the usurpation of constitutional order, but it was also a destabilizing factor for the region, in particular for neighbouring countries, such as Liberia, where the still-fragile process of national reconciliation was trying to take hold.²³

The representative of the United States maintained that in voting for the draft resolution his delegation had joined with the citizens of Sierra Leone and with the other Council members to demand the immediate restoration of the democratically elected Government of President Kabbah and that with this draft resolution the Security Council had made clear its willingness to exercise the enforcement powers of Chapter VII of the United Nations Charter in the service of that goal. Furthermore, with this draft resolution, in accordance with Chapter VIII of the Charter, the Security Council also joined in the efforts of ECOWAS to try to resolve the crisis as ECOWAS had successfully done for neighbouring Liberia. He pointed out that the Security Council was voting to support the ECOWAS plan of action for Sierra Leone with concrete measures — sanctions that had been carefully targeted. The sanctions were designed to have maximum impact against the illegal junta of Sierra Leone, while imposing a minimum burden on the civilian population. With regard to the concerns of some members about the time frame for the sanctions, the representative maintained that “compliance, and not the calendar, should govern the Council's approach” and that the draft resolution had made clear how the junta could end those sanctions by restoring the legitimate Government of Sierra Leone.²⁴

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1132 (1997), which reads:

²² Ibid., pp. 9-10.

²³ Ibid., p. 13.

²⁴ Ibid., pp. 16-17.

The Security Council,

Recalling the statements by its President of 27 May, 11 July and 6 August 1997 condemning the military coup in Sierra Leone,

Taking note of the decision adopted by the Council of Ministers of the Organization of African Unity at its sixty-sixth ordinary session, held at Harare from 28 to 31 May 1997, concerning the situation in Sierra Leone,

Taking note also of the communiqué issued at the meeting of the Ministers for Foreign Affairs of the Economic Community of West African States on Sierra Leone, held in Conakry on 26 June 1997, the declaration on Sierra Leone of the Ministers for Foreign Affairs of the Economic Community of West African States members of the Committee of Four, issued at Abidjan on 30 July 1997, and the final communiqué and the decision on sanctions against the military junta in Sierra Leone, issued at the summit of the Economic Community of West African States, held at Abuja on 28 and 29 August 1997,

Taking note further of the letter dated 7 October 1997 from the Secretary-General to the President of the Security Council,

Expressing its full support and appreciation for the mediation efforts of the Committee of the Economic Community of West African States,

Reaffirming its view that the Abidjan Agreement continues to serve as a viable framework for peace, stability and reconciliation in Sierra Leone,

Deploring the fact that the military junta has not taken steps to allow the restoration of the democratically elected Government and a return to constitutional order,

Gravely concerned at the continued violence and loss of life in Sierra Leone following the military coup of 25 May 1997, the deteriorating humanitarian conditions in that country, and the consequences for neighbouring countries,

Determining that the situation in Sierra Leone constitutes a threat to international peace and security in the region,

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

1. *Demands* that the military junta take immediate steps to relinquish power in Sierra Leone and make way for the restoration of the democratically elected Government and a return to constitutional order;

2. *Reiterates its call* upon the junta to end all acts of violence and to cease all interference with the delivery of humanitarian assistance to the people of Sierra Leone;

3. *Expresses its strong support* for the efforts of the Committee of the Economic Community of West African States to resolve the crisis in Sierra Leone, and encourages it to continue to work for the peaceful restoration of the constitutional order, including through the resumption of negotiations;

4. *Encourages* the Secretary-General, through his Special Envoy, in cooperation with the Committee, to assist the

search for a peaceful resolution of the crisis and, to that end, to work for a resumption of discussions with all parties to the crisis;

5. *Decides* that all States shall prevent the entry into or transit through their territories of members of the military junta and adult members of their families, as designated in accordance with paragraph 10 (f) below, provided that the entry into or transit through a particular State of any such person may be authorized by the Committee established by paragraph 10 below for verified humanitarian purposes or purposes consistent with paragraph 1 above, and provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals;

6. *Decides also* that all States shall prevent the sale or supply to Sierra Leone, by their nationals or from their territories, or using their flag vessels or aircraft, of petroleum and petroleum products and arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not originating in their territory;

7. *Decides further* that the Committee established by paragraph 10 below may authorize, on a case-by-case basis under a no-objection procedure:

(a) Application by the democratically elected Government of Sierra Leone for the importation into Sierra Leone of petroleum or petroleum products;

(b) Applications by any other Government or by United Nations agencies for the importation of petroleum or petroleum products into Sierra Leone for verified humanitarian purposes, or for the needs of the Monitoring Group of the Economic Community of West African States, subject to acceptable arrangements for effective monitoring of delivery;

8. *Acting* under Chapter VIII of the Charter of the United Nations, authorizes the Economic Community of West African States, cooperating with the democratically elected Government of Sierra Leone, to ensure strict implementation of the provisions of the present resolution relating to the supply of petroleum and petroleum products, and arms and related materiel of all types, including, where necessary and in conformity with applicable international standards, by halting inward maritime shipping in order to inspect and verify their cargoes and destinations, and calls upon all States to cooperate with the Economic Community of West African States in this regard;

9. *Requests* the Economic Community of West African States to report every thirty days to the Committee established by paragraph 10 below on all activities undertaken pursuant to paragraph 8 above;

10. *Decides* to establish, in accordance with rule 28 of the provisional rules of procedure of the Council, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States further information regarding the action taken by them with a view to implementing effectively the measures imposed by paragraphs 5 and 6 above;

(b) To consider information brought to its attention by States concerning violations of the measures imposed by paragraphs 5 and 6 above and to recommend appropriate measures in response thereto;

(c) To make periodic reports to the Security Council on information submitted to it regarding alleged violations of the measures imposed by paragraphs 5 and 6 above, identifying where possible persons or entities, including vessels, reported to be engaged in such violations;

(d) To promulgate such guidelines as may be necessary to facilitate the implementation of the measures imposed by paragraphs 5 and 6 above;

(e) To consider and decide on expeditiously requests for the approval of imports of petroleum and petroleum products in accordance with paragraph 7 above;

(f) To designate expeditiously members of the military junta and adult members of their families whose entry or transit is to be prevented in accordance with paragraph 5 above;

(g) To examine the reports submitted pursuant to paragraphs 9 above and 13 below;

(h) To establish liaison with the Committee of the Economic Community of West African States on the implementation of the measures imposed by paragraphs 5 and 6 above;

11. *Calls upon* all States and all international and regional organizations to act strictly in conformity with the present resolution, notwithstanding the existence of any rights granted or obligations conferred 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 provisions set out in paragraphs 5 and 6 above;

12. *Requests* the Secretary-General to provide all necessary assistance to the Committee established by paragraph 10 above and to make the necessary arrangements in the Secretariat for this purpose;

13. *Requests* States to report to the Secretary-General within thirty days of the date of adoption of the present resolution on the steps they have taken to give effect to the provisions set out in paragraphs 5 and 6 above;

14. *Requests* all those concerned, including the Economic Community of West African States, the United Nations and other international humanitarian agencies, to establish appropriate arrangements for the provision of humanitarian assistance and to endeavour to ensure that such assistance

responds to local needs and is safely delivered to, and used by, its intended recipients;

15. *Urges* all States, international organizations and financial institutions to assist States in the region in addressing the economic and social consequences of the influx of refugees from Sierra Leone;

16. *Requests* the Secretary-General to submit an initial report to the Council within fifteen days of the adoption of the present resolution on compliance with paragraph 1 above, and thereafter every sixty days after the date of adoption of the present resolution, on its implementation and on the humanitarian situation in Sierra Leone;

17. *Decides*, if the measures set out in paragraphs 5 and 6 above have not been terminated in accordance with paragraph 19 below, to conduct, 180 days after the adoption of the present resolution and on the basis of the most recent report of the Secretary-General, a thorough review of the application of these measures and of any steps taken by the military junta to comply with paragraph 1 above;

18. *Urges* all States to provide technical and logistical support to assist the Economic Community of West African States in carrying out its responsibilities in the implementation of the present resolution;

19. *Expresses its intention* to terminate the measures set out in paragraphs 5 and 6 above when the demand in paragraph 1 above has been complied with;

20. *Decides* to remain seized of the matter.

Decision of 14 November 1997 (3834th meeting): statement by the President

On 14 November 1997, the Security Council held its 3834th meeting in accordance with the understanding reached in its prior consultations. The President (China), with the consent of the Council, invited the representative of Sierra Leone, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:²⁵

The Security Council recalls its resolution 1132 (1997) of 8 October 1997 and the statements by its President of 27 May, 11 July and 6 August 1997 in response to the military coup in Sierra Leone on 25 May 1997. It reiterates its condemnation of the overthrow of the democratically elected Government of President Ahmad Tejan Kabbah, and its concern about the threat to peace, security and stability in the region which the situation in Sierra Leone continues to present.

The Council expresses its full support and appreciation for the continued efforts of the Committee of Five on Sierra Leone of

²⁵ S/PRST/1997/52.

the Economic Community of West African States to seek a peaceful settlement of the crisis and the restoration of the democratically elected Government and constitutional order. In this regard, it welcomes the peace plan agreed upon in Conakry on 23 October 1997 between the Committee and representatives of the junta as set out in the documents issued after the meeting. It also notes with satisfaction President Kabbah's acceptance of the peace plan in his statement of 5 November 1997.

The Council calls upon the junta to fulfil its obligations under the peace plan, and in particular the ongoing maintenance of the ceasefire. It calls upon all parties concerned to work for the early and effective implementation of the peace plan, and encourages the Committee of the Economic Community of West African States to cooperate closely with the Special Envoy of the Secretary-General on Sierra Leone.

The Council takes note with appreciation of the briefing on the outcome of the meeting in Conakry on 23 October 1997 provided to its members in New York by representatives of the Committee of the Economic Community of West African States on 11 November 1997. It expresses its readiness to consider how it can support the implementation of the peace plan, and looks forward to early recommendations from the Secretary-General on the role the United Nations could play to that end.

The Council reiterates the need for the provision and distribution of humanitarian assistance in response to local needs, and calls upon the junta to ensure its safe delivery to its intended recipients. It urges all States and relevant international organizations to continue to assist those countries dealing with the influx of refugees caused by the crisis in Sierra Leone.

The Council reminds all States of their obligation to comply strictly with the embargo on the sale or supply of petroleum and petroleum products and arms and related materiel of all types to Sierra Leone, and with the other measures imposed by its resolution 1132 (1997).

**Decision of 26 February 1998 (3857th meeting):
statement by the President**

On 26 February 1998, the Security Council held its 3857th meeting in accordance with the understanding reached in its prior consultations. The President (Gabon), with the consent of the Council, invited the representative of Sierra Leone, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:²⁶

The Security Council recalls its resolution 1132 (1997) of 8 October 1997, and the statements by its President of 27 May, 11 July and 6 August 1997, following the military coup d'état in Sierra Leone on 25 May 1997. It expresses its deep regret at the violence, loss of life and property and immense suffering

undergone by the people of Sierra Leone since the coup. It remains gravely concerned at the continued violence in the country and calls for an urgent end to the fighting.

The Council welcomes the fact that the rule of the military junta has been brought to an end, and stresses the imperative need for the immediate restoration of the democratically elected Government of President Ahmad Tejan Kabbah and a return to constitutional order, in accordance with paragraph 1 of its resolution 1132 (1997).

The Council encourages the earliest possible return to Freetown by President Kabbah and looks forward to his re-establishing a functioning and autonomous government in the country.

The Council expresses its readiness to terminate the measures imposed by paragraphs 5 and 6 of its resolution 1132 (1997) as soon as the conditions referred to in paragraph 1 of that resolution have been fulfilled.

The Council commends the important role that the Economic Community of West African States has continued to play towards the peaceful resolution of this crisis. The Council encourages the Monitoring Group of the Economic Community of West African States to proceed in its efforts to foster peace and stability in Sierra Leone, in accordance with relevant provisions of the Charter of the United Nations. It underlines the need for close cooperation between the legitimate Government of Sierra Leone, the Economic Community of West African States, and in particular its Committee of Five Ministers for Foreign Affairs on Sierra Leone, the commanders of the Monitoring Group, the Special Envoy of the Secretary-General and his staff, United Nations agencies and relevant international organizations in their work, and specifically in the development of a plan for the disarmament, demobilization and reintegration into civilian life of all combatants in Sierra Leone. In this context, it supports the intention of the Secretary-General, subject to security conditions on the ground, to take rapid steps towards the reopening of the United Nations Liaison Office in Freetown in order to support the activities of his Special Envoy, and in particular to assist national reconciliation and political dialogue.

The Council expresses the view that the Conakry Agreement and the Abidjan Agreement provide important elements for a framework for peace, stability and national reconciliation in Sierra Leone. It calls upon all parties in Sierra Leone to work towards these objectives through peaceful means and political dialogue. In this regard, it condemns all reprisal killings and related violence in Sierra Leone and calls for an immediate end to such acts.

The Council looks forward to detailed proposals by the Secretary-General concerning the role of the United Nations and its future presence in Sierra Leone. It requests the Secretary-General to establish a trust fund to support such activities and calls upon all Member States to make early contributions to it.

²⁶ S/PRST/1998/5.

The Council welcomes the interim report of the inter-agency assessment mission to Sierra Leone of 10 February 1998 and commends those Member States and international organizations which have provided urgent humanitarian assistance to Sierra Leone. It remains deeply concerned about the serious and fragile humanitarian situation in the country, and calls upon all States and international organizations to provide further urgent assistance to Sierra Leone and neighbouring countries affected by the crisis. It calls upon the Monitoring Group and all those concerned to ensure safe and unrestricted access to those in need.

The Council expresses its concern about the safety of all humanitarian personnel in Sierra Leone and condemns the taking of hostages by former members of the deposed junta. It calls for the immediate release of all international personnel and others who have been detained or held hostage. It commends the Monitoring Group for its efforts to liberate those individuals being held against their will.

The Council will remain seized of this matter.

**Decision of 16 March 1998 (3861st meeting):
resolution 1156 (1998)**

By a letter dated 9 March 1998 addressed to the President of the Security Council,²⁷ the representative of Sierra Leone requested a meeting of the Security Council to consider, following the ouster of the illegal military junta by forces of ECOMOG, the lifting of the sanctions imposed on the importation of petroleum and petroleum products into the country by paragraph 6 of Security Council resolution 1132 (1997).

At the 3861st meeting of the Council, held on 16 March 1998 in response to the request of the representative of Sierra Leone, the President (Gambia), with the consent of the Council, invited the representative of Sierra Leone to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by Kenya and the United Kingdom of Great Britain and Northern Ireland.²⁸

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1156 (1998), which reads:

The Security Council,

Recalling its resolution 1132 (1997) of 8 October 1997 and the relevant statements by its President,

Taking note of the letter dated 9 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Sierra Leone to the United Nations addressed to the President of the Security Council,

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

1. *Welcomes* the return to Sierra Leone of its democratically elected President on 10 March 1998;

2. *Decides* to terminate, with immediate effect, the prohibitions on the sale or supply to Sierra Leone of petroleum and petroleum products referred to in paragraph 6 of resolution 1132 (1997);

3. *Welcomes* the intention of the Secretary-General to make proposals concerning the role of the United Nations and its future presence in Sierra Leone;

4. *Decides* to review the other prohibitions referred to in resolution 1132 (1997) in accordance with paragraph 17 of that resolution and in the light of developments and further discussion with the Government of Sierra Leone;

5. *Decides also* to remain seized of the matter.

**Decision of 17 April 1998 (3872nd meeting):
resolution 1162 (1998)**

At its 3872nd meeting, on 17 April 1998, in accordance with the understanding reached in its prior consultations, the Council resumed its consideration of the item entitled "The situation in Sierra Leone". The Council had before it the fourth report of the Secretary-General,²⁹ submitted pursuant to the presidential statement of 26 February 1998, in which the Council had requested the Secretary-General to submit detailed proposals concerning the role of the United Nations and its future presence in Sierra Leone.³⁰ In his report, the Secretary-General observed that the removal of the military junta by the action of ECOMOG, which opened the way for the re-establishment not just of the legitimate Government but also of civil order, was a positive development. He commended the consistent diplomacy of ECOWAS and called on it to continue its efforts to bring peace to Sierra Leone. To take advantage of the changed situation, the Secretary-General proposed a comprehensive set of measures to assist the Government and people of Sierra Leone in both their immediate and longer-term needs, including the strengthening of the office of his Special Envoy in Freetown. In addition, he recommended the deployment

²⁷ S/1998/215.

²⁸ S/1998/232.

²⁹ S/1998/249 and Add.1.

³⁰ S/PRST/1998/5.

to Sierra Leone of military liaison personnel and the provision of humanitarian assistance. He also called upon Member States to contribute generously to the Trust Fund for Sierra Leone.

At the same meeting, the President (Japan), with the consent of the Council, invited the representative of Sierra Leone, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of the Council to a draft resolution that had been prepared in the course of the Council's prior consultations.³¹ The draft resolution was put to the vote and unanimously adopted as resolution 1162 (1998), which reads:

The Security Council,

Recalling its resolutions 1132 (1997) of 8 October 1997 and 1156 (1998) of 16 March 1998 and the statement by its President of 26 February 1998,

Taking note of the report of the Secretary-General of 18 March 1998,

1. *Welcomes* the efforts made by the democratically elected President of Sierra Leone since his return on 10 March 1998 and by the Government of Sierra Leone to restore peaceful and secure conditions in the country, to re-establish effective administration and the democratic process and to embark on the task of reconstruction and rehabilitation;

2. *Commends* the Economic Community of West African States and its Monitoring Group, deployed in Sierra Leone, on the important role they are playing in support of the objectives related to the restoration of peace and security set out in paragraph 1 above;

3. *Emphasizes* the need to promote national reconciliation in Sierra Leone, and encourages all parties in the country to work together towards this objective;

4. *Notes with satisfaction* the steps taken by the Secretary-General to strengthen the office of his Special Envoy in Freetown with necessary civilian and military personnel with the aims proposed in his report of 18 March 1998;

5. *Authorizes* the deployment, with immediate effect, of up to ten United Nations military liaison and security advisory personnel, in accordance with paragraph 44 of the report of the Secretary-General, to Sierra Leone for a period of up to ninety days, to work under the authority of the Special Envoy of the Secretary-General, to coordinate closely with the Government of Sierra Leone and the Monitoring Group, to report on the military situation in the country, to ascertain the state of and to assist in the finalization of planning by the Monitoring Group for future

tasks, such as the identification of the former combatant elements to be disarmed and the design of a disarmament plan, as well as to perform other related security tasks as identified in paragraphs 42, 45 and 46 of the report of the Secretary-General;

6. *Welcomes* the discussions taking place between the Special Envoy of the Secretary-General, the Government of Sierra Leone and the Monitoring Group on the further elaboration and implementation of the concept of operations of the Monitoring Group, and the intention of the Secretary-General to revert to the Council with further recommendations on the possible deployment in this regard of United Nations military personnel, and expresses its intention to consider such recommendations and take a decision thereon expeditiously;

7. *Urges* all States and international organizations to provide urgent humanitarian assistance to Sierra Leone, in response to the consolidated inter-agency appeal launched on 3 March 1998;

8. *Encourages* all States and international organizations to assist and participate in the longer term tasks of reconstruction and economic and social recovery and development in Sierra Leone;

9. *Urges* all States to make contributions to the trust fund which has been established to support peacekeeping and related activities in Sierra Leone, and to provide technical and logistical support to assist the Monitoring Group to continue to carry out its peacekeeping role;

10. *Requests* the Secretary-General to report to the Council periodically, including on the activities of the military liaison and security advisory personnel referred to in paragraph 5 above and on the work of the office of his Special Envoy in Sierra Leone, within the reporting time frame in paragraph 16 of resolution 1132 (1997);

11. *Decides* to remain seized of the matter.

Decision of 20 May 1998 (3882nd meeting): statement by the President

On 20 May 1998, in accordance with the understanding reached in its prior consultations, the Security Council held its 3882nd meeting at which the President (Kenya), with the consent of the Council, invited the representative of Sierra Leone, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:³²

The Security Council condemns as gross violations of international humanitarian law the recent atrocities carried out against the civilian population of Sierra Leone, particularly women and children, by members of the Revolutionary United Front and the deposed military junta, including widespread rape,

³¹ S/1998/324.

³² S/PRST/1998/13.

mutilation, and slaughter. It calls for an immediate end to all violence against civilians. The Council, in this regard, expresses grave concern about reports of military support being provided to the rebels. It calls upon all States to observe strictly the provisions of resolution 1132 (1997) and to avoid any action that might further destabilize the situation in Sierra Leone.

The Council deplors the continued resistance to the authority of the legitimate Government of Sierra Leone and calls upon all rebels to cease their resistance, lay down their arms, and surrender to forces of the Monitoring Group of the Economic Community of West African States immediately. It again commends the Economic Community of West African States and the Monitoring Group for the important role they are playing to restore peace and security in Sierra Leone. The Council reiterates its call for States to provide technical and logistical support to assist the Monitoring Group to continue to enhance its ability to carry out its peacekeeping role and contribute to bringing an end to the atrocities being committed against the people of Sierra Leone.

The Council expresses deep concern for the plight of all those affected by the continuing insecurity, including the tens of thousands of refugees and displaced persons. It urges all those concerned to continue humanitarian assistance and underscores the importance of a comprehensive response by United Nations agencies in coordination with the Government of Sierra Leone and with the support of the Monitoring Group. The Council also recognizes the important role played by the international community, including the Organization of African Unity and relevant non-governmental organizations, to provide humanitarian assistance to civilians in dire need in Sierra Leone. The Council commends the Governments of neighbouring countries for their reception of refugees and calls upon all States and relevant international organizations to help them in responding to the refugee crisis.

The Council expresses concern for the safety of all humanitarian personnel working in Sierra Leone. It calls upon all parties concerned to facilitate the work of humanitarian agencies. The Council urges the parties to protect displaced persons seeking refuge, as well as United Nations and humanitarian aid workers.

The Council welcomes the efforts made by the democratically elected Government since its return on 10 March 1998 to restore peace and stability and to re-establish effective administration and the democratic process in Sierra Leone. It encourages the Economic Community of West African States to renew its political efforts to foster peace and stability and urges all parties in the country to embark on the tasks of national reconstruction, rehabilitation and reconciliation. The Council urges all parties concerned to respect fully international law, including human rights and humanitarian law.

The Council urges States and other parties concerned to contribute to the trust fund to support peacekeeping and related activities in Sierra Leone, and to humanitarian assistance efforts.

The Council requests the Secretary-General to keep it advised on the situation in Sierra Leone.

The Council will remain seized of this matter.

**Decision of 5 June 1998 (3889th meeting):
resolution 1171 (1998)**

At the 3889th meeting of the Security Council, held on 5 June 1998 in accordance with the understanding reached in its prior consultations, the President (Portugal), with the consent of the Council, invited the representative of Sierra Leone, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of the Council to a draft resolution that had been prepared in the course of the Council's prior consultations.³³ The draft resolution was then put to the vote and adopted unanimously as resolution 1171 (1998), which reads:

The Security Council,

Recalling its resolutions 1132 (1997) of 8 October 1997, 1156 (1998) of 16 March 1998 and 1162 (1998) of 17 April 1998 and the statements by its President of 26 February and 20 May 1998,

Welcoming the efforts of the Government of Sierra Leone to restore peaceful and secure conditions in the country, to re-establish effective administration and the democratic process, and to promote national reconciliation,

Deploring the continued resistance to the authority of the legitimate Government of Sierra Leone, and stressing the urgency for all rebels to put an end to the atrocities, cease their resistance and lay down their arms,

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

1. *Decides* to terminate the remaining prohibitions imposed by paragraphs 5 and 6 of resolution 1132 (1997);

2. *Also decides*, with a view to prohibiting the sale and supply of arms and related materiel to non-governmental forces in Sierra Leone, that all States shall prevent the sale or supply, by their nationals or from their territories, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, to Sierra Leone other than to the Government of Sierra Leone through named points of entry on a list to be supplied by that Government to the Secretary-General, who shall promptly notify all States Members of the United Nations of the list;

³³ S/1998/466.

3. *Further decides* that the restrictions referred to in paragraph 2 above shall not apply to the sale or supply of arms and related materiel for the sole use in Sierra Leone of the Monitoring Group of the Economic Community of West African States or the United Nations;

4. *Decides* that States shall notify all exports from their territories of arms or related materiel to Sierra Leone to the Committee established by resolution 1132 (1997), that the Government of Sierra Leone shall mark, register and notify to the Committee all imports made by it of arms and related materiel, and that the Committee shall report regularly to the Council on notifications so received;

5. *Also decides* that all States shall prevent the entry into or transit through their territories of leading members of the former military junta and of the Revolutionary United Front, as designated by the Committee established by resolution 1132 (1997), provided that the entry into or transit through a particular State of any such person may be authorized by the same Committee, and provided that nothing in the present paragraph shall oblige a State to refuse its own nationals entry to its territory;

6. *Further decides* that the Committee established by resolution 1132 (1997) shall continue to undertake the tasks referred to in subparagraphs 10 (a), (b), (c), (d), (f) and (h) of paragraph 10 of that resolution in relation to paragraphs 2 and 5 above;

7. *Expresses its readiness* to terminate the measures referred to in paragraphs 2, 4 and 5 above once the control of the Government of Sierra Leone has been fully re-established over all its territory, and when all non-governmental forces have been disarmed and demobilized;

8. *Requests* the Secretary-General to report to the Council within three months of the date of adoption of the present resolution, and again within six months, regarding, in particular, the export of arms and related materiel referred to in paragraph 2 above, and on progress made towards the objectives referred to in paragraph 7 above;

9. *Decides* to remain seized of the matter.

**Decision of 13 July 1998 (3902nd meeting):
resolution 1181 (1998)**

At its 3902nd meeting on 13 July 1998, the Security Council, in accordance with the understanding reached in its prior consultations, resumed its consideration of the item entitled "The situation in Sierra Leone". The Council had before it the fifth report of the Secretary-General, dated 9 June 1998.³⁴ In his report, submitted in accordance with the time frame set

out in paragraph 16 of resolution 1132 (1997) of 8 October 1997, the Secretary-General observed that the situation in Sierra Leone had, in some respects, improved considerably; however, in the eastern part of Sierra Leone and in parts of the north, the remnants of the former junta continued to resist ECOMOG forces and attack Sierra Leonean civilians. He recommended that the Security Council establish an observer mission in Sierra Leone to be known as the United Nations Observer Mission in Sierra Leone (UNOMSIL). He also supported the recommendation of his Special Representative for Children in Armed Conflict that Sierra Leone be made one of the pilot projects for a more concerted and effective response in the context of post-conflict peacebuilding.

At the same meeting, the President (Russian Federation), with the consent of the Council, invited the representatives of Austria, Nigeria and Sierra Leone, at their request, to participate in the discussion without the right to vote. The President also drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³⁵

At the same meeting, speaking on behalf of the European Union and the associated and aligned countries,³⁶ the representative of Austria welcomed the decision of the Council to establish UNOMSIL and agreed that through the deployment of military observers, civilian police staff and human rights officers a much needed impetus could be lent to the vital but still fragile peace and reconciliation process in Sierra Leone. He also welcomed the efforts of the Government of Sierra Leone to establish a national commission for reconstruction, resettlement and rehabilitation. He encouraged ECOMOG to proceed in its efforts to foster peace and stability in Sierra Leone and to cooperate closely with UNOMSIL. It was the European Union's view that successful national reconstruction and rehabilitation had to be accompanied by regional cooperation. The European Union welcomed the efforts of regional leaders to promote mutual cooperation in the subregion and, particularly, relations between Liberia and Sierra Leone. He maintained that the European Union as the principal donor would continue to provide humanitarian assistance to Sierra Leone and would also provide assistance to Sierra Leonean refugees in Guinea. The European Union welcomed the intention of the

³⁴ S/1998/486 and Add.1.

³⁵ S/1998/620.

³⁶ S/PV.3902, p. 2 (Bulgaria, Czech Republic, Estonia,

Hungary, Lithuania, Poland, Romania and Slovakia; and Cyprus, Liechtenstein and Norway).

Secretary-General to convene a special conference to mobilize international assistance for the disarmament, demobilization and reintegration process and for the reconstruction and rehabilitation of Sierra Leone.³⁷

The representative of the United Kingdom welcomed the Secretary-General's initiative to hold a high-level special political conference on Sierra Leone to help mobilize support for ECOMOG and the Government of Sierra Leone and urged the States Members of the United Nations to contribute to the Trust Fund. He stressed that the intervention of ECOMOG, the creation of the national disarmament and demobilization plan and the forthcoming deployment of UNOMSIL had created the conditions for a decisive change in Sierra Leone.³⁸

The representative of Nigeria stated that the adoption of a draft resolution creating UNOMSIL would be a milestone in the constructive relationship between the United Nations and ECOWAS in the efforts to restore peace and security to Sierra Leone. He maintained that it was important to emphasize that the success of UNOMSIL would depend to a large extent on continued close cooperation and mutual support between UNOMSIL and ECOMOG, and that such cooperation and support would encourage greater and successful collaboration not only between the United Nations and ECOWAS but also between the United Nations and other regional bodies.³⁹

The representative of Japan maintained that his country's support for the draft resolution was based on its understanding that the role of UNOMSIL was to monitor the disarmament and demobilization process on behalf of the Government of Sierra Leone and ECOMOG, as well as to provide the necessary support for the maintenance of peace and security in the region, and that UNOMSIL would build upon the work of the Special Envoy, and in coordination with ECOMOG would provide the effective means of fostering the normalization of the situation in that country. Japan also welcomed the deployment of ECOMOG to monitor the border area between Liberia and Sierra Leone.⁴⁰

The representative of France, while maintaining that the presence of UNOMSIL would help to stabilize

the situation in Sierra Leone, underlined that UNOMSIL was an interesting, promising and potentially fruitful experiment in coordination between a regional operation — that of ECOMOG on behalf of ECOWAS — and a United Nations operation. The success of UNOMSIL would depend on tangible cooperation between the two missions along the desired lines between the United Nations and the regional organizations.⁴¹

The representative of the United States maintained that the relationship between ECOMOG and the United Nations observers would be cooperative, as it was in Liberia. He hoped that the Secretary-General would quickly conclude status mission agreements with the Government of Sierra Leone and ECOWAS and applauded the commitment of ECOMOG to partnership and protection of the United Nations Observer Mission in Sierra Leone. Commenting on the draft resolution, he said that it reinforced his delegation's serious concern at reports of cross-border arms flows and support to the rebels in Sierra Leone, and that it reiterated the arms embargo that the Council had authorized in October. The neighbouring States had responsibility for implementing that embargo. He stated further that although preventing cross-border arms flow was a worthy idea, the United States had reservations about the proposal for border monitors under the existing circumstances, since the unfortunate reality was that ECOMOG was already overstretched and did not have the capability to take on this responsibility. The priority was to channel additional support for ECOMOG into its central function of providing security in Sierra Leone rather than monitoring the border or providing security for other monitors. He also underlined that coordination and planning among a variety of agencies and entities was critical to the success of conflict resolution and peacebuilding efforts.⁴²

Several other speakers, while commending the efforts of the ECOWAS Monitoring Group (ECOMOG) to restore peace and security to Sierra-Leone, welcomed the decision to establish the United Nations Observer Mission in Sierra Leone (UNOMSIL) as an important contribution of the international community to the process of peace and reconciliation in Sierra Leone.⁴³

³⁷ *Ibid.*, pp. 2-3.

³⁸ *Ibid.*, p. 4.

³⁹ *Ibid.*, pp. 5-6.

⁴⁰ *Ibid.*, p. 8.

⁴¹ *Ibid.*, pp. 11-12.

⁴² *Ibid.*, pp. 13-14.

⁴³ *Ibid.*, p. 6 (Kenya); p. 7 (Slovenia); pp. 8-9 (Costa Rica); p. 9 (China); p. 10 (Bahrain); pp. 10-11 (Sweden); pp. 12-13 (Brazil); and p. 15 (Russian Federation).

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1181 (1998), which reads:

The Security Council,

Recalling its previous relevant resolutions and the statements by its President,

Welcoming the continued efforts of the Government of Sierra Leone to restore peaceful and secure conditions in the country, to re-establish effective administration and the democratic process and to embark on the task of national reconciliation, reconstruction and rehabilitation,

Recognizing the important contribution of the Economic Community of West African States in support of these objectives,

Having considered the report of the Secretary-General of 9 June 1998,

Noting the objectives set by the Economic Community of West African States for its Monitoring Group, as described in paragraph 17 of the report of Secretary-General,

Gravely concerned at the loss of life and immense suffering undergone by the people of Sierra Leone, including refugees and displaced persons, as a result of the continuing rebel attacks, and in particular at the plight of children affected by the conflict,

1. *Condemns* the continued resistance of remnants of the ousted junta and members of the Revolutionary United Front to the authority of the legitimate government and the violence they are perpetrating against the civilian population of Sierra Leone, and demands that they lay down their arms immediately;

2. *Emphasizes* the need to promote national reconciliation in Sierra Leone, encourages all parties in the country to work together towards this objective, and welcomes the assistance of the Secretary-General and his Special Envoy in that regard;

3. *Welcomes* the proposal in the report of the Secretary-General of 9 June 1998 on the establishment of the United Nations Observer Mission in Sierra Leone;

4. *Notes* that the Government of Sierra Leone has adopted a disarmament, demobilization and reintegration plan agreed upon with the International Bank for Reconstruction and Development, the United Nations Development Programme and other donors;

5. *Commends* the positive role of the Economic Community of West African States and its Monitoring Group in their efforts to restore peace, security and stability throughout the country at the request of the Government of Sierra Leone, and notes the role of the Monitoring Group in assisting the implementation of the disarmament, demobilization and reintegration plan adopted by the Government, including the provision of security and responsibility for arms collection and destruction;

6. *Decides* to establish the United Nations Observer Mission in Sierra Leone for an initial period of six months until 13 January 1999, and further decides that it shall include up to seventy military observers as well as a small medical unit, with the necessary equipment and civilian support staff, with the following mandate:

(a) To monitor the military and security situation in the country as a whole, as security conditions permit, and to provide the Special Representative of the Secretary-General with regular information thereon, in particular with a view to determining when conditions are sufficiently secure to allow subsequent deployments of military observers beyond the first phase described in paragraph 7 below;

(b) To monitor the disarmament and demobilization of former combatants concentrated in secure areas of the country, including monitoring of the role of the Monitoring Group in the provision of security and in the collection and destruction of arms in those secure areas;

(c) To assist in monitoring respect for international humanitarian law, including at disarmament and demobilization sites, where security conditions permit;

(d) To monitor the voluntary disarmament and demobilization of members of the Civil Defence Forces, as security conditions permit;

7. *Decides also* that the elements of the Mission referred to in paragraph 6 above shall be deployed as outlined in the report of the Secretary-General, with approximately forty military observers deployed in the first phase to the areas secured by the Monitoring Group, and that subsequent deployments shall take place as soon as security conditions permit, and subject to progress on the implementation of the disarmament, demobilization and reintegration plan and the availability of the necessary equipment and resources;

8. *Decides further* that the Mission shall be led by the Special Envoy of the Secretary-General, who will be designated Special Representative for Sierra Leone, that the Mission shall subsume the office of the Special Envoy and its civilian staff, and that the augmented civilian staff, as recommended by the Secretary-General in paragraphs 74 and 75 of his report, shall perform, inter alia, the following tasks:

(a) To advise, in coordination with other international efforts, the Government of Sierra Leone and local police officials on police practice, training, re-equipment and recruitment, in particular on the need to respect internationally accepted standards of policing in democratic societies, to advise on the planning of the reform and restructuring of the Sierra Leone police force, and to monitor progress in that regard;

(b) To report on violations of international humanitarian law and human rights in Sierra Leone, and, in consultation with the relevant United Nations agencies, to assist the Government of Sierra Leone in its efforts to address the country's human rights needs;

9. *Welcomes* the commitment of the Monitoring Group to ensure the security of United Nations personnel, and in this regard welcomes also the intention of the Secretary-General to establish security arrangements for United Nations personnel with the Chairman of the Economic Community of West African States and to conclude a status-of-mission agreement with the Government of Sierra Leone;

10. *Decides* that the elements of the Mission referred to in paragraph 6 above shall be deployed when the Secretary-General informs the Council that security arrangements and the status-of-mission agreement have been concluded, and further decides to keep the deployment of the Mission under review in the light of the prevailing security conditions;

11. *Stresses* the need for full cooperation and close coordination between the Mission and the Monitoring Group in their respective operational activities;

12. *Demands* that all factions and forces in Sierra Leone strictly respect the status of Mission personnel, as well as organizations and agencies delivering humanitarian assistance throughout Sierra Leone, and that they respect human rights and abide by applicable rules of international humanitarian law;

13. *Expresses its serious concern* at the reports of cross-border arms flows and support to the rebels in Sierra Leone, welcomes the intention of the Secretary-General, as indicated in his report, to pursue with all parties concerned steps to eliminate these activities, and in that regard reaffirms the obligation of all States to comply strictly with the terms of the embargo on the sale or supply of arms and related materiel to Sierra Leone imposed by resolution 1171 (1998) of 5 June 1998, and to bring all instances of violations of the arms embargo before the Committee established by resolution 1132 (1997) of 8 October 1997;

14. *Welcomes* the efforts of the Government of Sierra Leone to coordinate an effective national response to the needs of children affected by armed conflict, and the recommendation of the Special Representative of the Secretary-General for Children and Armed Conflict that Sierra Leone be made one of the pilot projects for a more concerted and effective response to the needs of children in the context of post-conflict peacebuilding;

15. *Welcomes also* the decision of the Secretary-General to convene a high-level conference to mobilize assistance for peacekeeping activities, emergency and humanitarian needs and reconstruction and rehabilitation in Sierra Leone;

16. *Reiterates its urgent appeal* to States to make contributions to the trust fund which has been established to support peacekeeping and related activities in Sierra Leone, to provide technical and logistical support to assist the Monitoring Group to carry out its peacekeeping role, and to help to facilitate the provision by other States members of the Economic Community of West African States of additional troops to strengthen the deployment of the Monitoring Group in Sierra Leone;

17. *Urges* all States and international organizations to provide urgent humanitarian assistance to Sierra Leone, in response to the consolidated inter-agency appeal launched on 24 June 1998;

18. *Encourages* all States and international organizations to assist and participate in the longer term tasks of reconstruction and economic and social recovery and development in Sierra Leone;

19. *Requests* the Secretary-General to submit an initial report to the Council within thirty days of the adoption of resolution and every sixty days thereafter on the deployment of the Mission and on its progress in carrying out its mandate, and also to inform the Council on plans for the later phases of the deployment of the Mission when security conditions permit these to be implemented;

20. *Decides* to remain seized of the matter.

Deliberations of 18 December 1998 (3957th meeting)

On 16 December 1998, pursuant to Security Council resolution 1181 (1998), the Secretary-General submitted to the Council a report on the United Nations Observer Mission in Sierra Leone.⁴⁴ In his report the Secretary-General observed that despite the progress made by the Government in consolidating its authority, he was disturbed at the continuing attacks inflicted by the rebels on civilians in the north. He stated that the elaboration of a dual-track approach to the resolution of the conflict following the ECOWAS summit of 31 October 1998 and the London meeting of the international contact group was a welcome development, and that UNOMSIL would work with the Government to pursue the approach. He called on the Government to explore ways to encourage more rebels to lay down their arms and surrender in order to avoid more bloodshed. He stated that clear evidence had emerged during the national consultative process that the people of Sierra Leone were willing to reconcile themselves with the rebels, on condition that they accept the authority of the Government, lay down their arms and surrender. He also noted that he was particularly encouraged by the outcome of the extraordinary summit meeting of the Mano River Union on 12 November 1998, at which the Presidents of Sierra Leone, Liberia and Guinea agreed to strengthen the Union and improve their mutual relations. The Secretary-General stressed that the importance of the subregional approach to the strengthening of stability and security could not be overemphasized. He concluded by saying that

⁴⁴ S/1998/1176.

UNOMSIL had proved its value to the Government and people of Sierra Leone and therefore he recommended that the mandate of the United Nations Observer Mission in Sierra Leone be extended for a further period of six months, until 13 July 1999. He also noted that he was planning a modest expansion of the civilian staff of UNOMSIL, to address the growing demands on the ground and to be able to assist the Government and people of Sierra Leone in their efforts.

At its 3957th meeting, held on 18 December 1998 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Bahrain), with the consent of the Council, invited the Under-Secretary-General for Peacekeeping Operations to participate in the discussion under rule 39 of the Council's provisional rules of procedure.

The Under-Secretary-General for Peacekeeping Operations stated that, while the Government of Sierra Leone had continued to consolidate its political authority during the period under review, the military and security situation continued to be extremely volatile and unpredictable because of the persistent resistance of elements of the former military junta, which were especially active in the east and north of the country. He informed the Council that they were endeavouring to bring about the deployment of up to 70 military observers, as well as a 15-person medical unit, that the Council had authorized. However, since the security situation had not improved, and the disarmament, demobilization and reintegration programme had not progressed, only 40 military observers had been deployed to date. With regard to the humanitarian situation, he stated that the efforts of the humanitarian community to maintain access to populations in need, especially in the north and the east, had been disrupted further in the last few days by a spate of rebel attacks near Freetown, which had caused thousands of villagers to flee and had rendered the roads unsafe.⁴⁵

The representative of Sweden stated that in his capacity as Chairman of the Sierra Leone Sanctions Committee he had visited the area, to make clear that the Council was actively engaged in the implementation of sanctions and ensuring that they were enforced. Summarizing the situation in the country, he stated that Sierra Leone was still plagued by a civil war and the

rebels had proved to be a very tough target. The acts of terror committed against civilians by the rebels in Sierra Leone were horrendous and the atrocities hard to describe. The humanitarian situation was also serious. He maintained that it was hard to see that any military solution could provide a lasting peace in Sierra Leone and that no effort ought to be spared to get the rebels to lay down their arms and surrender. He stressed the importance of the regional approach and of the relationship between Sierra Leone and Liberia. On the question of sanctions, he stated it was obvious they were not fully implemented and there were many reports of arms and ammunition getting through to the rebels from outside Sierra Leone, in contravention of the mandatory Security Council resolution. He stated that there was a strong perception in Sierra Leone that outside support was coming in from Liberia. The President of Liberia had stated that he could not dispute that some trafficking of arms had indeed come through Liberia, but he also stated that his Government had not been involved and also denied reports that the rebel leaders had been allowed to travel freely in his country. Referring to the proposal to set up a system of joint border controls between the two countries, the representative stated that it would be useful if the United Nations together with the international community were to consider supporting such joint operations. In conclusion, he reiterated that in the end it rested upon each and every State to do its utmost to ensure respect for United Nations sanctions.⁴⁶

The representative of France stated that although serious difficulties remained, with an impact on the humanitarian situation of the population, it was clear that the internal situation in Sierra Leone depended also on what took place at the regional level, so the Council should support anything that could be done to promote rapprochement among the three leaders and their countries. On the internal level, there was clearly only one solution: dialogue. The solution also needed to include support for regional initiatives, namely, for ECOWAS and ECOMOG. Finally, he stated that the Council needed to question itself about the effectiveness of its policy of embargo on the supply of arms to rebels in Sierra Leone, and whether it perhaps needed to be

⁴⁵ S/PV.3957, pp. 2-4.

⁴⁶ *Ibid.*, pp. 4-6.

strengthened to promote an abatement of tension and an end to conflict in Sierra Leone.⁴⁷

The representative of Japan noted that there had been a request for the United Nations military observers to be deployed in assisting ECOMOG in patrolling the frontier. There had also been a proposal for cooperation between Liberia and Sierra Leone in joint border patrols. He questioned whether this would be viable and if it was worthwhile pursuing the expansion of the mandate and strength of UNOMSIL if necessary.⁴⁸

The representative of the United States inquired regarding the joint border monitoring mechanism proposal between Liberia and Sierra Leone, what practical steps might be taken or what role the Council or the Secretariat might play in trying to help the process along. Second, on the question of force protection of the United Nations personnel deployed there, he asked whether arrangements were still adequate for their protection or whether consideration was still being given to any redeployment of the personnel of UNOMSIL.⁴⁹

The representative of the United Kingdom maintained that his country had a very strong interest in remedying the situation. The people of Sierra Leone had to be protected, and although UNOMSIL was doing excellent work, there was a particular and urgent need for the international community to give greater support to ECOWAS, in particular to enable further troops to be sent there to join those troops already in the field.⁵⁰

The representative of China stressed that he was deeply disturbed by continuing reports that large amounts of arms had been flowing illegally from Liberia into rebel hands in Sierra Leone. The Security Council needed to attach great importance to that, since it not only violated the provisions of the relevant Security Council resolutions, but had also caused harm to large numbers of innocent civilians. He proposed that the Security Council Sanctions Committees on Sierra Leone and Liberia carry out the necessary investigation and propose measures for improving the effectiveness of the implementation of the arms embargo. He expressed the hope that the two Sanctions Committees could

strengthen their coordination and exchanges in order to strengthen the implementation of the relevant Security Council resolutions.⁵¹

Several other speakers stressed the need to support the work of UNOMSIL and ECOWAS, and expressed concern over the humanitarian situation. A number of speakers also stressed the importance of strictly enforcing the sanctions.⁵²

The representative of Sweden responded to questions on the proposal for joint border surveillance between Sierra Leone and Liberia and possible assistance in that endeavour by the United Nations, stating that the proposal still had to be elaborated by the two countries and suggested that the Secretariat follow up on the discussions. However, any positioning of United Nations observers in the border zone would require that necessary security assurances be obtained, as there was at that time not enough security.⁵³

The Under-Secretary-General for Peacekeeping Operations also responded to the question on border monitoring and stressed that it was essentially a question of security. He stated that there was a role for the Sierra Leonean authorities and ECOMOG, but taking into account the difficulties and the means at the disposal of ECOMOG, it was clear that they did not have the capacity to deploy their troops along the border. With regard to measures taken to guarantee the safety of observers, he stressed that the security situation was being continuously reviewed at each of the sites where observers were deployed.⁵⁴

**Decision of 7 January 1999 (3963rd meeting):
statement by the President**

At the 3963rd meeting of the Security Council, held in accordance with the understanding reached in its prior consultations, the President (Brazil) with the consent of the Council, invited the representative of Sierra Leone, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁵⁵

⁴⁷ Ibid., pp. 6-7.

⁴⁸ Ibid., p. 8.

⁴⁹ Ibid., p. 13.

⁵⁰ Ibid., p. 13.

⁵¹ Ibid., pp. 13-14.

⁵² Ibid., p. 7 (Kenya); pp. 7-8 (Costa Rica); pp. 8-9

(Brazil); pp. 10-11 (Portugal); pp. 11-12 (Slovenia); p. 12 (Gabon); pp. 13-14 (Gambia); and p. 14 (Russian Federation).

⁵³ Ibid., pp. 14-15.

⁵⁴ Ibid., p. 15.

⁵⁵ S/PRST/1999/1.

The Security Council expresses its grave concern at the attacks by armed rebels of the former junta and the Revolutionary United Front in the capital of Sierra Leone and at the resulting suffering and loss of life. It condemns the unacceptable attempt by the rebels to overthrow by violence the democratically elected Government of Sierra Leone. The Council also condemns the continued campaign by the rebels to terrorize the population of Sierra Leone and, especially, the atrocities committed against women and children. The Council demands that the rebels lay down their arms immediately and cease all violence. The Council reiterates once more its firm support for the legitimate and democratically elected Government of President Ahmad Tejan Kabbah.

The Council strongly condemns all those who have afforded support, including through the supply of arms and mercenaries, to the rebels in Sierra Leone. In this context, it expresses its grave concern at reports that such support to the rebels is being afforded in particular from the territory of Liberia. It reaffirms the obligation of all Member States to comply strictly with existing arms embargoes. In that context, the Council urges the Committee established pursuant to resolution 985 (1995) and the Committee established pursuant to resolution 1132 (1997) to pursue active measures to investigate violations of the embargoes and to report to the Council, with recommendations as appropriate.

The Council stresses the importance of dialogue and national reconciliation for the restoration of lasting peace and stability to Sierra Leone. The Council welcomes the efforts to resolve the conflict being undertaken by the Government of President Kabbah, and further endorses the approach set out in the final communiqué of the meeting of the Committee of Six on Sierra Leone of the Economic Community of West African States, held in Abidjan on 28 December 1998. It welcomes the offers made by leaders in the region aimed at resolving the conflict and, in that context, urges them, including the Committee of Six, to facilitate the peace process. It also calls upon the Secretary-General to do all he can to assist in these efforts, including through his Special Representative.

The Council also expresses its concern at the serious humanitarian consequences of the escalating fighting in Sierra Leone. It calls upon all States and international organizations to provide appropriate humanitarian assistance and upon all parties in Sierra Leone to afford humanitarian access. The Council notes that United Nations agencies are working with the increasing numbers of refugees in neighbouring countries and calls upon all States to ensure that the humanitarian agencies are adequately resourced to meet the additional demand.

The Council commends the forces of the Monitoring Group of the Economic Community of West African States in Sierra Leone for the courage and determination they have demonstrated over the last year in their efforts to maintain security in Sierra Leone. It also commends the key contribution of the United Nations Observer Mission in Sierra Leone and the Special

Representative of the Secretary-General in efforts to restore stability in the country. The Council urges all States urgently to provide resources, including logistical and other support, to help to maintain an effective peacekeeping presence in Sierra Leone.

The Council expresses its intention to continue to monitor the situation closely and to consider urgently any further action which may be necessary.

Decision of 12 January 1999 (3964th meeting): resolution 1220 (1999)

On 16 December 1998, pursuant to paragraph 19 of resolution 1181 (1998), the Secretary-General submitted to the Security Council his third progress report on the United Nations Observer Mission in Sierra Leone.⁵⁶ In his report, the Secretary-General observed that, despite the progress made by the Sierra Leonean Government in consolidating its authority, the continuing attacks inflicted by the rebels on civilians and the atrocities and abductions that accompanied such attacks were disturbing. However, the elaboration of a dual-track approach to the resolution of the conflict following the ECOWAS summit of 31 October 1998 and the London meeting of the International Contact Group of 5 November was a welcome development, and UNOMSIL would work with the Government to pursue this approach. He was encouraged by the outcome of the extraordinary summit meeting of the Mano River Union on 12 November 1998, at which the Presidents of Sierra Leone, Liberia and Guinea agreed to continue to strengthen the Union and improve their mutual relations, and that the importance of the subregional approach to the strengthening of stability and security in all three countries could not be overemphasized. As UNOMSIL had proved its value to the Government and people of Sierra Leone in restoring order and peace in the country, the Secretary-General recommended to the Council that the mandate of UNOMSIL be extended for a further period of six months until 13 July 1999. He further observed that the uncertain security situation in parts of the country and the delays to which the Government's disarmament, demobilization and reintegration programme had consequently been subjected made it premature at that stage to proceed with further deployments of United Nations military observers, as authorized by resolution 1181 (1998).

On 7 January 1999, pursuant to resolution 1181 (1998) and in view of the serious developments in Sierra Leone since his third progress report, the Secretary-

⁵⁶ S/1998/1176.

General decided to submit to the Council a special report on the United Nations Observer Mission in Sierra Leone.⁵⁷ In his report, the Secretary-General deplored the intensification of hostilities and the rebel attacks on Freetown. The ECOWAS Committee of Six on Sierra Leone had shown commendable initiative and resolve. He endorsed its conclusions and urged ECOWAS to meet at the summit level to consider ways of dealing with the situation. He stated that ECOWAS and ECOMOG should not bear the burden alone. He commended the Governments of the Netherlands, the United Kingdom and the United States for their past and continuing efforts to ensure the provision of the necessary logistical support to ECOMOG, and encouraged Member States to be prepared to make further contributions to the peace process as might be required. He recommended that the mandate of UNOMSIL be extended for a two-month period until 13 March 1999.

[At its 3964th meeting, held on 12 January 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the Secretary-General's reports in its agenda. Following the adoption of the agenda, the President (Brazil), with the consent of the Council, invited the representatives of Sierra Leone and Togo, at their request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of the Council to a draft resolution that had been prepared in the course of the Council's prior consultations.⁵⁸ The draft resolution was then put to the vote and adopted unanimously as resolution 1220 (1999), which reads:

The Security Council,

Recalling its resolution 1181 (1998) of 13 July 1998, and the statement by its President of 7 January 1999,

Expressing its deep concern over the recent deterioration of the situation in Sierra Leone, and encouraging all efforts aimed at resolving the conflict and restoring lasting peace and stability,

Having considered the third progress report of the Secretary-General of 16 December 1998 on the United Nations Observer Mission in Sierra Leone and his special report on the Mission of 7 January 1999, and noting the recommendations contained therein,

1. *Decides* to extend the mandate of the United Nations Observer Mission in Sierra Leone until 13 March 1999;

2. *Takes note* of the intention of the Secretary-General, as expressed in paragraph 37 of his special report, to reduce the number of military observers in the Mission and to retain in Conakry a small number who would return to Sierra Leone when conditions permit, together with the necessary civilian substantive and logistical support staff under the leadership of his Special Representative;

3. *Requests* the Secretary-General to keep the Council closely informed on the situation in Sierra Leone and to submit a further report to the Council with recommendations on the future deployment of the Mission and on the implementation of its mandate by 5 March 1999;

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

Decision of 11 March 1999 (3986th meeting): resolution 1231 (1999)

On 4 March 1999, pursuant to Security Council resolution 1220 (1999), the Secretary-General submitted to the Council his fifth report on the United Nations Observer Mission in Sierra Leone.⁵⁹

At the 3986th meeting of the Security Council, held on 11 March 1999 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's report in its agenda. Following the adoption of the agenda, the President (China) invited the representative of Sierra Leone, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution that had been prepared in the course of the Council's prior consultations.⁶⁰

In his statement to the Council, the representative of Sierra Leone acknowledged the special role that the Government of Nigeria had continued to play in peacekeeping and in the maintenance of international peace and security, not only in their subregion but in Africa at large. He maintained that his Government had made enough serious efforts to hold a dialogue with the rebels, but the insincerity of the rebels in advancing the peace process was clearly evident by their continued atrocities. He called on the Council to put pressure on the rebels to be serious about talking peace.⁶¹

⁵⁷ S/1999/20.

⁵⁸ S/1999/26.

⁵⁹ S/1999/237.

⁶⁰ S/1999/262.

⁶¹ S/PV.3986, p. 4.

The representative of the United Kingdom maintained that for ordinary people ECOMOG was the sole means of protection from rebel atrocities and presented the only hope in the short term of bringing peace and security to Sierra Leone. He urged the need for continued international financial and logistical support for ECOMOG. He stated further that the stabilization of Sierra Leone also depended on continuing international pressure on those providing support to the rebels. In this regard, much of the Council's attention had rightly focused on support coming from Liberia and through the involvement of Liberian nationals. Referring to the draft resolution and the report, which highlighted the need to help Sierra Leone ensure its own security when ECOMOG left, he maintained that it was the only way the country could look forward to lasting peace and stability.⁶²

Several other speakers also expressed support for the draft resolution, stating that it would enable UNOMSIL to continue to play its key role in the peace process in tandem with the efforts of the ECOWAS to restore peace and security in Sierra Leone.⁶³

At the same meeting, the draft resolution was adopted unanimously as resolution 1231 (1999), which reads:

The Security Council,

Recalling its resolutions 1181 (1998) of 13 July 1998 and 1220 (1999) of 12 January 1999 and the statement by its President of 7 January 1999,

Expressing its continued concern over the fragile situation in Sierra Leone,

Affirming the commitment of all States to respect the sovereignty, political independence and territorial integrity of Sierra Leone,

Having considered the fifth report of the Secretary-General of 4 March 1999 on the United Nations Observer Mission in Sierra Leone, and noting the recommendations contained therein,

1. *Decides* to extend the mandate of the United Nations Observer Mission in Sierra Leone until 13 June 1999;

2. *Welcomes* the intention of the Secretary-General to re-establish the Mission in Freetown as soon as possible and, to that end, to increase the current number of military observers and human rights personnel as referred to in paragraphs 46 and 54 of his report and to redeploy the necessary staff to support the

relocation to Freetown, subject to strict attention to the security situation there;

3. *Condemns* the atrocities perpetrated by the rebels on the civilian population of Sierra Leone, including, in particular, those committed against women and children, deplores all violations of human rights and international humanitarian law which have occurred in Sierra Leone during the recent escalation of violence as referred to in paragraphs 21 to 28 of the report of the Secretary-General, including the recruitment of children as soldiers, and urges the appropriate authorities to investigate all allegations of such violations with a view to bringing the perpetrators to justice;

4. *Calls upon* all parties to the conflict in Sierra Leone fully to respect human rights and international humanitarian law and the neutrality and impartiality of humanitarian workers, and to ensure full and unhindered access for humanitarian assistance to affected populations;

5. *Expresses its grave concern* at continued reports that support is being afforded to the rebels in Sierra Leone, including through the supply of arms and mercenaries, in particular from the territory of Liberia;

6. *Acknowledges* the letter dated 23 February 1999 from the President of Liberia to the Secretary-General and the statement by the Government of Liberia of 19 February 1999 on the action it is taking to curtail the involvement of Liberian nationals in the fighting in Sierra Leone, including measures to encourage the return of Liberian fighters and directives to the Liberian national security agencies to ensure that no cross-border movement of arms takes place and that there is no trans-shipment of arms and ammunition through Liberian territory, and requests the Secretary-General to continue to consider, in coordination with the countries of the Mano River Union and other States members of the Economic Community of West African States, the practicability and effectiveness of the deployment of United Nations monitors along with forces of the Monitoring Group of the Economic Community of West African States at the Liberia/Sierra Leone border;

7. *Reaffirms* the obligation of all States to comply strictly with the provisions of the embargo on the sale or supply of arms and related materiel imposed by its resolution 1171 (1998) of 5 June 1998;

8. *Expresses its intention* to keep the issue of external support to the rebels in Sierra Leone under close review and to consider further steps to address this in the light of developments on the ground;

9. *Expresses its support* for all efforts, in particular by States members of the Economic Community of West African States, aimed at peacefully resolving the conflict and restoring lasting peace and stability to Sierra Leone, encourages the

⁶² Ibid., pp. 4-5.

⁶³ S/PV.3986, p. 6 (Netherlands); p. 5 (Canada); p. 6 (Argentina); p. 7 (Malaysia); p. 8 (Namibia); p. 9

(Slovenia); pp. 9-10 (Gabon); p. 11 (Gambia); pp. 11-12 (the United States); and p. 13 (China).

Secretary-General, through his Special Representative for Sierra Leone, to facilitate dialogue to these ends, welcomes the statement by the President of Sierra Leone of 7 February 1999 expressing the readiness of his Government to continue its efforts for dialogue with the rebels, and calls upon all parties involved, especially the rebels, to participate seriously in those efforts;

10. *Commends* the efforts of the Monitoring Group towards the restoration of peace, security and stability in Sierra Leone, and calls upon all Member States to provide the Monitoring Group with financial and logistical support and to consider the provision of prompt bilateral assistance to the Government of Sierra Leone in the creation of a new Sierra Leonean army to defend the country;

11. *Requests* the Secretary-General to keep the Council closely informed on the situation in Sierra Leone and, in this regard, to submit an additional report to the Council with recommendations on the future deployment of the Mission and on the implementation of its mandate by 5 June 1999;

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

**Decision of 15 May 1999 (4005th meeting):
statement by the President**

At the 4005th meeting of the Security Council, held on 15 May 1999, in accordance with the understanding reached in its prior consultations, the President (Gabon), with the consent of the Council invited the representative of Sierra Leone, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁶⁴

The Security Council stresses that an overall political settlement and national reconciliation are essential to achieving the peaceful resolution of the conflict in Sierra Leone. In this context, it welcomes the recent holding of internal talks by a rebel delegation in Lomé, and urges the Government of Sierra Leone and rebel representatives to ensure that there are no further obstacles to a start of direct talks without delay.

The Council calls upon all concerned to remain committed to the process of negotiation and to demonstrate flexibility in their approach to the process. In this context, the Council underlines its strong support for the mediation efforts of the United Nations within the Lomé process, in particular the work of the Special Representative of the Secretary-General to facilitate dialogue, and for the key role being played by the President of Togo.

The Council commends, once again, the continued efforts of the Government of Sierra Leone and the Monitoring Group of the Economic Community of West African States towards the restoration of peace, security and stability in Sierra Leone, and

calls for sustained support for the Monitoring Group from the international community.

The Council condemns the recent killings, atrocities, destruction of property and other violations of human rights and international humanitarian law perpetrated on civilians by the rebels in recent attacks, in particular at Masiaka and Port Loko. It calls upon the rebels to cease such actions immediately and urges the rebel leadership to release all hostages and abductees without delay.

The Council urges both parties to commit themselves to a cessation of hostilities for the duration of the Lomé talks, to ensure that this is fully respected on the ground and to work constructively and in good faith for a ceasefire agreement. It calls upon both sides to refrain from any hostile or aggressive act which could undermine the talks process.

The Council welcomes the intention of the Secretary-General to increase, as security conditions permit, the presence on the ground of the United Nations Observer Mission in Sierra Leone within currently authorized levels, in anticipation of a cessation of hostilities. The Council also welcomes the intention of the Secretary-General to send an assessment team to Sierra Leone to examine how an expanded Mission with a revised mandate and concept of operations might contribute to the implementation of a ceasefire and peace agreement in the event of a successful outcome to the negotiations between the Government of Sierra Leone and the rebels, and expresses its readiness to consider recommendations from the Secretary-General to that end.

The Council stresses, however, that it will be prepared to consider deploying monitors throughout Sierra Leone only when a credible ceasefire is in place and is being respected by all sides and there is a commitment by all parties to a framework peace agreement.

The Council underlines the importance, in the context of a lasting solution to the conflict in Sierra Leone, of a plan for the internationally supervised disarmament, demobilization and reintegration of ex-combatants, including child soldiers. It also draws attention to the need for the secure and timely disposal of collected arms, in accordance with any peace agreement reached.

The Council reaffirms the obligation of all States to comply strictly with the provisions of the embargo on the sale or supply of arms and related materiel imposed by its resolution 1171 (1998) of 5 June 1998.

The Council reiterates its grave concern at the humanitarian situation in Sierra Leone and urges all parties, in particular the rebel leadership, to guarantee safe and unhindered humanitarian access to all those in need.

The Council reiterates that a peaceful and lasting solution to the conflict in Sierra Leone remains the responsibility of the Government and people of Sierra Leone, but again emphasizes

⁶⁴ S/PRST/1999/13.

the strong commitment of the international community to support a sustainable peace settlement.

The Council will remain seized of the matter.

**Decision of 11 June 1999 (4012th meeting),
resolution 1245 (1999)**

On 4 June 1999, pursuant to Security Council resolution 1231 (1999), the Secretary-General submitted to the Council his sixth report on the United Nations Observer Mission in Sierra Leone.⁶⁵ In his report, the Secretary-General observed that, despite the continued unpredictability of the conflict situation in Sierra Leone, he was encouraged by the significant progress that had been made in pursuit of a dialogue between the government of Sierra Leone and the Revolutionary United Front (RUF). He maintained, however, that the political developments, including the signing of a ceasefire agreement and the start of the dialogue, had significant implications for the work of UNOMSIL. It was critical that the Mission, under the leadership of his Special Representative, should remain in a position to render effective assistance to the peace process in Sierra Leone. He therefore recommended the extension of the Mission's mandate for a period of six months, until 13 December 1999.

At its 4012th meeting held on 11 June 1999, the Security Council, in accordance with the understanding reached in its prior consultations, included the Secretary-General's report in its agenda.⁶⁶

At the same meeting, the President (Gambia), with the consent of the Council, invited the representative of Sierra Leone, at his request, to participate in the discussion without the right to vote.

Also at the same meeting, the President drew attention to a draft resolution that had been prepared in the course of the Council's prior consultations.⁶⁵ The draft resolution was then put to the vote and adopted unanimously as resolution 1245 (1999), which reads:

The Security Council,

Recalling its resolutions 1181 (1998) of 13 July 1998, 1220 (1999) of 12 January 1999 and 1231 (1999) of 11 March 1999 and the statements by its President of 7 January and 15 May 1999,

⁶⁵ S/1999/645.

⁶⁶ S/1999/664.

Acknowledging the cooperation provided by the Economic Community of West African States and its Monitoring Group,

Expressing its continued concern over the fragile situation in Sierra Leone,

Affirming the commitment of all States to respect the sovereignty, political independence and territorial integrity of Sierra Leone,

Having considered the sixth report of the Secretary-General of 4 June 1999 on the United Nations Observer Mission in Sierra Leone, and noting the recommendations contained therein,

1. *Decides* to extend the mandate of the United Nations Observer Mission in Sierra Leone until 13 December 1999;

2. *Stresses* that an overall political settlement and national reconciliation are essential to achieving a peaceful resolution of the conflict in Sierra Leone, and welcomes the holding of talks in Lomé between the Government of Sierra Leone and rebel representatives;

3. *Calls upon* all concerned to remain committed to the process of negotiation and to demonstrate flexibility in their approach to the process, underlines its strong support for all those involved in the mediation efforts of the United Nations within the Lomé process, in particular the Special Representative of the Secretary-General in his work to facilitate dialogue, and for the key role being played by the President of Togo as current Chairman of the Economic Community of West African States, and emphasizes the strong commitment of the international community to support a sustainable peace settlement;

4. *Takes note* of the intention of the Secretary-General, as expressed in paragraphs 52 to 57 of his report, to revert to the Council with recommendations on an expanded Mission presence in Sierra Leone with a revised mandate and concept of operations in the event of a successful outcome to the negotiations between the Government of Sierra Leone and rebel representatives in Lomé, and underlines the fact that further eventual deployment of the Mission should be considered, taking into account security conditions;

5. *Requests* the Secretary-General to keep the Council closely informed on the situation in Sierra Leone;

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

**Decision of 20 August 1999 (4035th meeting):
resolution 1260 (1999)**

On 30 July 1999, the Secretary-General submitted to the Security Council his seventh report on the United Nations Observer Mission in Sierra Leone.⁶⁷ In his report, the Secretary-General observed that the signing

⁶⁷ S/1999/836 and Add.1.

of the Lomé Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front was a great step forward for Sierra Leone, and he congratulated both sides for showing the flexibility that had made the agreement possible. The Secretary-General also credited the international community, in particular ECOWAS, for their leadership in bringing both sides together and facilitating the conclusion of the agreement. He cautioned, however, that the challenges ahead were daunting. Among those were the disarmament and demobilization of combatants, their reintegration into society, the restoration of State authorities and the necessity to address the humanitarian needs. He stressed that strict compliance with the terms of the agreement by both sides was indispensable and that the international community and the United Nations had an important responsibility to assist Sierra Leone and to ensure that momentum was maintained in the process, especially in the critical phase immediately after the signing of the peace agreement. The Secretary-General therefore recommended that the Security Council approve, as an immediate first step, the provisional expansion of the United Nations Observer Mission in Sierra Leone.

At the 4035th meeting of the Security Council, held on 20 August 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the Secretary-General's report in its agenda. At the same meeting, the President (Namibia) then invited the representative of Sierra Leone, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of the Council to a draft resolution that had been prepared in the course of the Council's prior consultations.⁶⁸

The representative of Sierra Leone informed the Council that after lengthy and often painful discussions in Lomé with the Revolutionary United Front, the Government of Sierra Leone had signed a comprehensive Peace Agreement with RUF on 7 July 1999. He expressed his delegation's gratitude to the Security Council for recognizing and commending, in the draft resolution before it, the courageous efforts of the Government of Sierra Leone to achieve peace. He maintained that the security and safety of the people of

Sierra Leone were vital and that the Peace Agreement signed in Lomé would remain fragile until the disarming of the combatants was successful. With regard to the ongoing consultations on the revised mandates of ECOMOG and UNOMSIL, he stated that there was a need to maintain the critical presence of ECOMOG in the country, which had executed a similar disarmament process in Liberia, which was familiar with the terrain as well as the operational tactics of the combatants in Sierra Leone, and which had performed the equally important job of retrieving hidden weapons. The Government of Sierra Leone therefore wholeheartedly welcomed the various provisions in the draft resolution concerning the need for international assistance in support of ECOMOG, the disarmament, demobilization and reintegration programme, humanitarian relief and long-term reconstruction, economic and social recovery and development.⁶⁹

The representative of the United Kingdom, while paying tribute to the Government of Sierra Leone and all those who had striven to bring about peace, particularly the role played by ECOMOG, maintained that Sierra Leone needed a coordinated and sustained effort by the international community to secure lasting peace. The United Kingdom viewed the draft resolution as a sign of the United Nations determination to support the implementation of the Lomé Agreement. Although the Lomé Agreement was not perfect, as it included a blanket amnesty for those who had committed atrocities, it was one of the hard choices that the Government of Sierra Leone had to make. Welcoming the steps that the Government of Sierra Leone had already taken, he stressed the need to immediately start the disarmament, demobilization and reintegration programme. He urged the Council to establish a full United Nations peacekeeping operation to assist in the implementation of the Peace Agreement and to help create a climate of confidence and he hoped that the United Nations and ECOMOG would soon agree on their respective areas of responsibility under the new peacekeeping regime.⁷⁰

The representative of the United States maintained that his country remained steadfast in its support for the Lomé Agreement and was ready to assist in its implementation. It also remained committed to supporting the efforts of the Military Observer Group of ECOWAS (ECOMOG) in implementing the Lomé

⁶⁸ S/1999/874.

⁶⁹ S/PV.4035 and Corr.1, pp. 2-3.

⁷⁰ *Ibid.*, pp. 4-5.

Agreement. Nevertheless, while the United States fully supported the Lomé Agreement, it was concerned by the Agreement's provisions of amnesty and was therefore eager to see the early establishment of the Truth and Reconciliation Commission, as called for by the Agreement. The United States also remained open to the possible establishment of an objective international fact-finding mission to document evidence of atrocities and provide information to the Truth and Reconciliation Commission as a basis for its work. The United States also supported the deployment of additional United Nations military observers, medical personnel and other support staff to help implement the Lomé Agreement in Sierra Leone.⁷¹

Several other speakers also stressed the progress made by the Government of Sierra Leone and RUF towards the full implementation of the Peace Agreement, and commended the tireless efforts of ECOWAS and ECOMOG in helping restore peace and stability in the country. All of them supported the Secretary-General's recommendation to authorize a provisional increase in the number of UNOMSIL military observers. All speakers reiterated that the international community and the United Nations had an important responsibility to assist Sierra Leone and to ensure that momentum was maintained in the peace process. Some speakers stated that the peace in Sierra Leone was still fragile and therefore it was absolutely essential for the parties to do everything to consolidate the gains made. This also applied primarily to the representatives of the belligerent forces in Sierra Leone to abide by the Peace Agreement. The speakers reiterated that a great deal also depended on neighbouring countries and regional organizations and on the atmosphere in which peacebuilding in Sierra Leone would take place.⁷²

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1260 (1999), which reads:

The Security Council,

Recalling its resolutions 1171 (1998) of 5 June 1998, 1181 (1998) of 13 July 1998, 1231 (1999) of 11 March 1999 and other relevant resolutions as well as the statement by its President of 15 May 1999,

Recalling also that in accordance with its resolution 1245 (1999) of 11 June 1999 the mandate of the United Nations Observer Mission in Sierra Leone extends until 13 December 1999,

Affirming the commitment of all States to respect the sovereignty, political independence and territorial integrity of Sierra Leone,

Having considered the report of the Secretary-General of 30 July 1999,

1. *Welcomes* the signing of the Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone in Lomé on 7 July 1999, and commends the President of Togo, the Special Representative of the Secretary-General, the Economic Community of West African States and all those involved in facilitating the negotiations in Lomé on their contribution to this achievement;

2. *Commends* the Government of Sierra Leone for its courageous efforts to achieve peace, including through legislative and other measures already taken towards implementation of the Peace Agreement, commends also the leadership of the Revolutionary United Front for taking this decisive step towards peace, and calls upon them both to ensure that the provisions of the Agreement are fully implemented;

3. *Commends also* the Monitoring Group of the Economic Community of West African States on the outstanding contribution it has made to the restoration of security and stability in Sierra Leone, the protection of civilians and the promotion of a peaceful settlement of the conflict, and urges all States to continue to provide technical, logistical and financial support to the Monitoring Group to help it to maintain its critical presence and continue to perform its role in Sierra Leone, including through the United Nations trust fund established to support peacekeeping and related activities in Sierra Leone;

4. *Authorizes* the provisional expansion of the United Nations Observer Mission in Sierra Leone to up to 210 military observers along with the necessary equipment and administrative and medical support to perform the tasks set out in paragraph 38 of the report of the Secretary-General, and decides that these additional military observers shall be deployed as security conditions permit and shall operate for the time being under security provided by the Monitoring Group as indicated in paragraph 39 of the report;

5. *Underscores* the importance of the safety, security and freedom of movement of United Nations and associated personnel, notes that the Government of Sierra Leone and the Revolutionary United Front have agreed in the Peace Agreement to provide guarantees in this regard, and urges all parties in Sierra Leone to respect fully the status of United Nations and associated personnel;

⁷¹ *Ibid.*, p. 14.

⁷² *Ibid.*, p. 5 (Russian Federation); pp. 5-6 (Argentina); pp. 6-7 (China); p. 7 (Malaysia); p. 8 (Gabon); p. 9

(France); pp. 9-10 (Gambia); p. 11 (Canada); pp. 11-12 (Bahrain); p. 12 (Slovenia); p. 13 (Netherlands); and p. 14 (Namibia).

6. *Authorizes* the strengthening of the political, civil affairs, information, human rights and child protection elements of the Mission as set out in paragraphs 40 to 51 of the report of the Secretary-General, including through the appointment of a deputy Special Representative of the Secretary-General and the expansion of the Office of the Special Representative of the Secretary-General;

7. *Encourages* the ongoing consultations among the parties concerned on future peacekeeping arrangements in Sierra Leone, including the respective tasks, strength and mandates of the Monitoring Group and the United Nations, and welcomes the intention of the Secretary-General to revert to the Council with comprehensive proposals concerning a new mandate and concept of operations for the Mission;

8. *Calls upon* the Revolutionary United Front and all other armed groups in Sierra Leone to begin immediately to disband and give up their arms, in accordance with the provisions of the Peace Agreement, and to participate fully in the disarmament, demobilization and reintegration programme in Sierra Leone;

9. *Urges* all States and international organizations to provide resources to help to ensure the successful conduct of the disarmament, demobilization and reintegration programme, in particular through the trust fund established by the International Bank for Reconstruction and Development for this purpose;

10. *Stresses* the urgent need to promote peace and national reconciliation and to foster accountability and respect for human rights in Sierra Leone, and in this context takes note of the views expressed in paragraph 54 of the report of the Secretary-General, welcomes the provisions in the Peace Agreement on the establishment of the Truth and Reconciliation Commission and the Human Rights Commission in Sierra Leone, and calls upon the Government of Sierra Leone and the Revolutionary United Front to ensure that these Commissions are established promptly within the time-frame provided for in the Peace Agreement;

11. *Welcomes* the adoption of the Human Rights Manifesto by the parties concerned in Sierra Leone, and stresses the need for international assistance to address the human rights issues in Sierra Leone as a step towards accountability in the country, as referred to in paragraph 20 of the report of the Secretary-General;

12. *Stresses* the need for the international community and the Government of Sierra Leone to design and implement programmes to address the special needs of war victims, in particular those who have suffered maiming mutilation, and, in this regard, welcomes the commitment of the Government of Sierra Leone as set out in article XXIX of the Peace Agreement to establish a special fund for this purpose;

13. *Stresses* the urgent and substantial need for humanitarian assistance to the people of Sierra Leone, in particular in the large proportion of the country hitherto

inaccessible to relief agencies, and urges all States and international organizations to provide such assistance as a priority, in response to the revised consolidated inter-agency appeal issued in July 1999;

14. *Calls upon* all parties to ensure the safe and unhindered access of humanitarian assistance to those in need in Sierra Leone, to guarantee the safety and security of humanitarian personnel and to respect strictly the relevant provisions of international humanitarian law;

15. *Stresses* the need for sustained and generous assistance for the longer term tasks of reconstruction, economic and social recovery and development in Sierra Leone, and urges all States and international organizations to participate in and contribute actively to these efforts;

16. *Welcomes* the commitment of the Government of Sierra Leone to work with the United Nations Children's Fund and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and other international agencies to give particular attention to the long-term rehabilitation of child combatants in Sierra Leone, and encourages those involved also to address the special needs of all children affected by the conflict in Sierra Leone, including through the disarmament, demobilization and reintegration programme and the Truth and Reconciliation Commission and through support to child victims of mutilation, sexual exploitation and abduction, to the rehabilitation of health and education services, and to the recovery of traumatized children and the protection of unaccompanied children;

17. *Welcomes* the decision of the Secretary-General, as indicated in paragraph 44 of his report, that the United Nations should develop a strategic framework approach for Sierra Leone in consultation with national and international partners;

18. *Requests* the Secretary-General to keep the Council closely informed on the situation in Sierra Leone and to submit an additional report to the Council as soon as possible, including recommendations for the mandate and structure of the enhanced United Nations peacekeeping presence that may be required in the country;

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

**Decision of 22 October 1999 (4054th meeting):
resolution 1270 (1999)**

On 23 September 1999, pursuant to the Security Council's request for recommendations for the mandate and structure of an enhanced United Nations peacekeeping presence that might be required in the country, the Secretary-General submitted to the Council his eighth report on the United Nations Observer Mission in Sierra Leone.⁷³ In that report, he observed that although with the signing of the Lomé Peace

⁷³ S/1999/1003.

Agreement, Sierra Leone had been able to repair some of the damage caused by the long conflict and get back on the road to peace and prosperity, it was in urgent need of security. Without security it would not be possible to carry out the programme of disarming and demobilizing approximately 45,000 ex-combatants, many of them children, and thus removing a threat to the stability of the State. He underscored that the United Nations could play its part in bolstering security in Sierra Leone by the swift deployment of a robust peacekeeping force. Such a force, which was called for by the Lomé Peace Agreement, would supplement the commendable efforts made over the past two and a half years by ECOMOG and would incorporate a substantial number of troops made available by ECOWAS countries. He further recommended that the Council authorize the deployment of the United Nations force, which, together with UNOMSIL military observers and civilian components, would be known as the United Nations Mission in Sierra Leone (UNAMSIL). Since the international community would not be able to maintain a major military presence in Sierra Leone indefinitely, he urged that the Sierra Leone Government expedite the establishment and training of its national police and armed forces, without which it would not be possible to achieve long-term stability, national reconciliation and the reconstruction of the country.

At the same meeting, the President (Russian Federation), with the consent of the Council, invited the representatives of Nigeria and Sierra Leone, at their request, to participate in the discussion without the right to vote. In accordance with the understanding reached in the Council's prior consultations, the President also extended an invitation under rule 39 of the Council's provisional rules of procedure to Olara Otunnu, Special Representative of the Secretary-General for Children in Armed Conflict.

At the 4054th meeting of the Security Council, held on 22 October 1999 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's report in its agenda.

At the same meeting, the President drew the attention of the Council to a draft resolution that had been prepared in the course of the Council's prior consultations.⁷⁴

⁷⁴ S/1999/1069.

At the same meeting, the Special Representative of the Secretary-General for Children in Armed Conflict stated that in view of what he had witnessed on the ground in Sierra Leone and the discussions he had held with national leaders, United Nations agencies and non-governmental organizations, he proposed a special 15-point agenda for action for the children of Sierra Leone, which puts forward several measures and initiatives. Among the principal elements was an urgent need to establish a national commission for children to ensure that their protection and welfare would be the central concern in the aftermath of the war. He advocated incorporating child protection into the mandate and operations of UNAMSIL and stressed that the demobilization and integration of children should be given special attention. He further stated that since a number of cross-border issues, including small arms flow, refugee movements, cross-border recruitment of child soldiers, and family tracing and reunification, all had an impact on the protection and rights of children within Sierra Leone, a neighbourhood initiative for the subregion comprising Guinea, Liberia and Sierra Leone, had been proposed.⁷⁵

The representative of Sierra Leone stated that the adoption of the draft resolution before the Council approving the establishment and deployment of a full-fledged United Nations peacekeeping operation in Sierra Leone, while bringing some relief to its people, would also provide an additional and more durable security blanket for all Sierra Leoneans. Furthermore, while appreciating the role UNOMSIL had played in the peace process, he noted that it had not been equipped to deal with certain situations, before and after the Lomé Peace Agreement had been signed between his country's Government and the Revolutionary United Front. His delegation wished to highlight paragraph 14 of the draft resolution, according to which the Council, acting under Chapter VII of the Charter, would authorize the new United Nations Mission in Sierra Leone, in the discharge of its mandate, to take the necessary action to ensure the security and freedom of movement of its personnel and to afford protection to civilians under imminent threat of physical violence. He maintained that his delegation regarded the interpretation of this paragraph as an insurance policy for both international peacekeepers and innocent civilians. In connection with the second aspect of the draft resolution, he stated that it underscored the efficacy of practical cooperation between the United

⁷⁵ S/PV.4054, pp. 3-4.

Nations and African regional or subregional organizations in peacekeeping activities. Maintaining that the continued presence of ECOMOG in Sierra Leone was crucial for the successful implementation of the Lomé Peace Agreement and the consolidation of peace in Sierra Leone, he appealed to the Council to do everything in its power to ensure that ECOMOG remained in Sierra Leone for the time being.⁷⁶

The representative of Nigeria stated that the draft resolution establishing UNAMSIL would be a landmark development in the search for a durable peace in Sierra Leone that would have an impact on the United Nations, ECOWAS, Nigeria and Sierra Leone. He noted that for the United Nations the draft resolution was an opportunity to fulfil its primary responsibility of maintaining international peace and security. It also represented a concrete attempt to assist the West African subregion in resolving a local conflict. For Nigeria, he said, the creation of UNAMSIL not only vindicated its conviction that the Sierra Leone crisis was a threat to international peace and security but also relieved them of a disproportionate burden in human and material resources. He underlined the Nigerian efforts in Liberia and later, in Sierra Leone, bore testimony to their devotion to the cherished principles of good neighbourliness and international responsibility, in the conviction that no meaningful development could take place in the absence of peace and stability, and he stressed that Nigeria stood ready to play its part in UNAMSIL to facilitate the implementation of the Lomé Peace Agreement. Expressing Nigeria's support and commending UNAMSIL as representing a rare but desirable form of cooperation between the United Nations and a subregional organization in fulfilment of Chapter VIII of the Charter of the United Nations, his delegation hoped that the United Nations would continue to employ a similar approach with other regional and subregional organizations in the pursuit of international peace and security.⁷⁷

The representative of the United Kingdom maintained that the draft resolution which the Council was about to adopt was an important and significant milestone on the long and challenging road to lasting peace in Sierra Leone. With the establishment of UNAMSIL, the United Nations would be making a major contribution to ensuring that the Lomé Peace

Agreement could succeed. He stated that the situation in Sierra Leone was a test case and the establishment of UNAMSIL would provide a clear opportunity for the Security Council and the United Nations membership generally to demonstrate that their commitment to conflict resolution applied as much to Africa as to other trouble spots around the world. He stressed further that the success of UNAMSIL would depend significantly on joint deployment and close cooperation with ECOMOG. The readiness of ECOWAS to work in tandem with the United Nations in Sierra Leone was an important example for cooperation with regional peacekeeping efforts around the world. In conclusion, he stated that the United Kingdom was also working with the Government of Sierra Leone to restructure and train a new professional and democratically accountable Sierra Leone army and police force to protect the people of Sierra Leone and encourage long-term stability.⁷⁸

The representative of the United States stated that the resolution of the conflict in Sierra Leone was a high priority for his Government. The representative stated that his Government recognized the enormous contributions made by the Monitoring Group's West African peacekeepers, led by Nigeria and commended the readiness of ECOMOG to remain in the field and to proceed with disarmament and demobilization. Furthermore, his delegation also remained committed to justice and accountability and establishing a truth and reconciliation commission and a human rights commission as called for in the Lomé Peace Agreement. His delegation also supported an international fact-finding mission to assist the work and proceedings of the truth and reconciliation and human rights commissions.⁷⁹

The representative of Malaysia maintained that, given the fragile, even volatile, political and security situation in Sierra Leone, only a peacekeeping force of credible strength, well equipped and well mandated would be able successfully to carry out the tasks assigned to it, and for that reason his delegation had underlined the need for the establishment of UNAMSIL under Chapter VII of the Charter of the United Nations, consistent with the "robust rules of engagement" that the Secretary-General had proposed for UNAMSIL in paragraph 43 of his report of 23 September 1999. The hostage-taking incident involving personnel of

⁷⁶ Ibid., pp. 5-6.

⁷⁷ Ibid., pp. 7-8.

⁷⁸ Ibid., pp. 8-9.

⁷⁹ Ibid., pp. 9-10.

ECOWAS, ECOMOG and UNAMSIL in August 1999 had served to highlight this concern. His delegation could support the language in the draft resolution with respect to Chapter VII. He stated that since the success of UNAMSIL could well have a bearing on future peacekeeping missions that the United Nations was planning in respect to other conflict areas in Africa, it was important for UNAMSIL to be given the tools to ensure that it had a fair chance of carrying out its mission successfully. His delegation welcomed the continued presence of ECOMOG in Sierra Leone to continue to provide security in accordance with its mandate to ensure the implementation of the Peace Agreement.⁸⁰

The representative of France stated that, as the Council adopted a draft resolution relating to UNAMSIL and at the same time envisaged prolonging the mandate of the United Nations Mission in the Central African Republic, it could conclude that those new developments were an encouraging sign for the African continent, which would take note of the extent of the sincere receptiveness of the members of the Security Council to its aspirations. France believed that when there were serious prospects of resolving conflicts, the international community and above all the Security Council needed to stand side by side with the leaders and people of Africa to facilitate a peaceful solution. It hoped that the commitment being made to Sierra Leone in the very tangible form of a United Nations peacekeeping operation could be pursued in other regions of Africa, particularly in the Democratic Republic of the Congo.⁸¹

Several other speakers welcomed the draft resolution establishing UNAMSIL and stated that the Security Council in doing so was taking a decisive and necessary step in support of the Lomé Peace Agreement. They maintained that the situation in Sierra Leone remained volatile and that robust rules of engagement were indeed essential if UNAMSIL was to fulfil its mandate and protect itself and civilians under threat. They all paid tribute to ECOMOG for its continued efforts towards peace in Sierra Leone and also supported the continued close cooperation between ECOMOG and UNAMSIL.⁸²

The representative of Argentina referred in particular to paragraph 14 of the draft resolution, which authorized UNAMSIL to act under Chapter VII of the Charter towards two well-defined objectives: to ensure the security and freedom of movement of its personnel and to afford protection to civilians under imminent threat of physical violence. He stated that the safety and security of personnel in the field of operations had to be an essential condition of all peacekeeping missions. He also stated that since there could be no doubt that the personnel of UNAMSIL would be carrying out their duties in a hazardous environment, Argentina deemed it appropriate that the draft resolution reinforce the rules of engagement of UNAMSIL with the additional authority of Chapter VII. Similarly, the Convention on the Safety of United Nations and Associated Personnel provided the legal mechanisms required for the trial and punishment of those committing crimes against United Nations personnel and in that regard his delegation ventured once again to appeal to those States that had not yet done so to ratify that Convention. Argentina believed that the protection of civilians under Chapter VII was a pertinent development in the context of the mandate of a peacekeeping operation. The draft resolution before them was significant in that it introduced a new fundamental, political, legal and moral dimension which had a bearing on the credibility of the Security Council and showed that the Council had learned from its own experience and that it would not remain indifferent to indiscriminate attacks against the civilian population. Realistically the objective to be fulfilled needed to be consonant with the means provided, and for that reason Argentina agreed with the limits that operative paragraph 14 of the draft resolution set on the actions of UNAMSIL. It established an objective limit, the competence the Council wished to give UNAMSIL; a geographic limit, the Mission's area of deployment; and a functional limit, so that it did not overlap the specific security responsibilities entrusted to ECOMOG pursuant to the mandate adopted by ECOWAS on 25 August 1999.⁸³

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1270 (1999), which reads:

The Security Council,

pp. 16-17 (Canada); and p. 18 (Bahrain).

⁸³ Ibid., pp. 15-16.

⁸⁰ Ibid., pp. 10-11.

⁸¹ Ibid., p. 12.

⁸² Ibid., p. 13 (Netherlands); p. 14 (China); p. 15 (Brazil);

Recalling its resolutions 1171 (1998) of 5 June 1998, 1181 (1998) of 13 July 1998, 1231 (1999) of 11 March 1999 and 1260 (1999) of 20 August 1999 and other relevant resolutions, and the statement by its President of 15 May 1999,

Recalling also the report of the Secretary-General of 8 September 1999 and its resolution 1265 (1999) of 17 September 1999 on the protection of civilians in armed conflict,

Affirming the commitment of all States to respect the sovereignty, political independence and territorial integrity of Sierra Leone,

Having considered the report of the Secretary-General of 23 September 1999,

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

1. *Welcomes* the important steps taken by the Government of Sierra Leone, the leadership of the Revolutionary United Front of Sierra Leone, the Monitoring Group of the Economic Community of West African States and the United Nations Observer Mission in Sierra Leone towards implementation of the Peace Agreement since its signing in Lomé on 7 July 1999, and recognizes the important role of the Joint Implementation Committee established by the Peace Agreement under the chairmanship of the President of Togo;

2. *Calls upon* the parties to fulfil all their commitments under the Peace Agreement to facilitate the restoration of peace, stability, national reconciliation and development in Sierra Leone;

3. *Takes note* of the preparations made for the disarmament, demobilization and reintegration of ex-combatants, including child soldiers, by the Government of Sierra Leone through the National Committee for Disarmament, Demobilization and Reintegration, and urges all concerned to make every effort to ensure that all designated centres begin to function as soon as possible;

4. *Calls upon* the Revolutionary United Front, the Civil Defence Force, former Sierra Leone Armed Forces/Armed Forces Revolutionary Council and all other armed groups in Sierra Leone to begin immediately to disband and give up their arms in accordance with the provisions of the Peace Agreement, and to participate fully in the disarmament, demobilization and reintegration programme;

5. *Welcomes* the return to Freetown of the leaders of the Revolutionary United Front and the Armed Forces Revolutionary Council, and calls upon them to engage fully and responsibly in the implementation of the Peace Agreement and to direct the participation of all rebel groups in the disarmament and demobilization process without delay;

6. *Deplores* the recent taking of hostages, including personnel of the Observer Mission and the Monitoring Group, by rebel groups, and calls upon those responsible to put an end to

such practices immediately and to address their concerns about the terms of the Peace Agreement peacefully, through dialogue with the parties concerned;

7. *Reiterates its appreciation* for the indispensable role Monitoring Group forces continue to play in the maintenance of security and stability in Sierra Leone and the protection of the people of Sierra Leone, and approves the new mandate for the Monitoring Group, adopted by the Economic Community of West African States on 25 August 1999;

8. *Decides* to establish the United Nations Mission in Sierra Leone with immediate effect for an initial period of six months and with the following mandate:

(a) To cooperate with the Government of Sierra Leone and the other parties to the Peace Agreement in the implementation of the Agreement;

(b) To assist the Government of Sierra Leone in the implementation of the disarmament, demobilization and reintegration plan;

(c) To that end, to establish a presence at key locations throughout the territory of Sierra Leone, including at disarmament/reception centres and demobilization centres;

(d) To ensure the security and freedom of movement of United Nations personnel;

(e) To monitor adherence to the ceasefire in accordance with the ceasefire agreement of 18 May 1999 through the structures provided for therein;

(f) To encourage the parties to create confidence-building mechanisms and support their functioning;

(g) To facilitate the delivery of humanitarian assistance;

(h) To support the operations of United Nations civilian officials, including the Special Representative of the Secretary-General and his staff, human rights officers and civil affairs officers;

(i) To provide support, as requested, to the elections, which are to be held in accordance with the present constitution of Sierra Leone;

9. *Also decides* that the military component of the United Nations Mission in Sierra Leone shall comprise a maximum of 6,000 military personnel, including 260 military observers, subject to periodic review in the light of conditions on the ground and the progress made in the peace process, in particular in the disarmament, demobilization and reintegration programme, and takes note of paragraph 43 of the report of the Secretary-General of 23 September 1999;

10. *Further decides* that the United Nations Mission in Sierra Leone shall take over the substantive civilian and military components and functions of the Observer Mission as well as its assets, and to that end decides that the mandate of the Observer Mission shall terminate immediately on the establishment of the United Nations Mission in Sierra Leone;

11. *Commends* the readiness of the Monitoring Group to continue to provide security for the areas where it is currently located, in particular around Freetown and Lungi, to provide protection for the Government of Sierra Leone, to conduct other operations in accordance with its mandate to ensure the implementation of the Peace Agreement, and to initiate and proceed with disarmament and demobilization in conjunction and full coordination with the United Nations Mission in Sierra Leone;

12. *Stresses* the need for close cooperation and coordination between the Monitoring Group and the United Nations Mission in Sierra Leone in the performance of their respective tasks, and welcomes the intended establishment of joint operations centres at headquarters and, if necessary, also at subordinate levels in the field;

13. *Reiterates* the importance of the safety, security and freedom of movement of United Nations and associated personnel, notes that the Government of Sierra Leone and the Revolutionary United Front have agreed in the Peace Agreement to provide guarantees in this regard, and calls upon all parties in Sierra Leone to respect fully the status of United Nations and associated personnel;

14. *Decides*, acting under Chapter VII of the Charter of the United Nations, that in the discharge of its mandate the United Nations Mission in Sierra Leone may take the necessary action to ensure the security and freedom of movement of its personnel and, within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence, taking into account the responsibilities of the Government of Sierra Leone and the Monitoring Group;

15. *Underlines* the importance of including in the United Nations Mission in Sierra Leone personnel with appropriate training in international humanitarian, human rights and refugee law, including child and gender-related provisions, negotiation and communication skills, cultural awareness and civilian-military coordination;

16. *Requests* the Government of Sierra Leone to conclude a status-of-forces agreement with the Secretary-General within thirty days of the adoption of the present resolution, and recalls that, pending the conclusion of such an agreement, the model status-of-forces agreement dated 9 October 1990 should apply provisionally;

17. *Stresses* the urgent need to promote peace and national reconciliation and to foster accountability and respect for human rights in Sierra Leone, underlines in this context the key role of the Truth and Reconciliation Commission, the Human Rights Commission and the Commission for the Consolidation of Peace established under the Peace Agreement, and urges the Government of Sierra Leone to ensure the prompt establishment and effective functioning of these bodies with the full participation of all parties and drawing on the relevant experience and support of Member States, specialized bodies, other multilateral organizations and civil society;

18. *Emphasizes* the fact that the plight of children is among the most pressing challenges facing Sierra Leone, welcomes the continued commitment of the Government of Sierra Leone to work with the United Nations Children's Fund, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and other international agencies to give particular attention to the long-term rehabilitation of child combatants in Sierra Leone, and reiterates its encouragement of those involved to address the special needs of all children affected by the conflict;

19. *Urges* all parties concerned to ensure that refugees and internally displaced persons are protected and are enabled to return voluntarily and in safety to their homes, and encourages States and international organizations to provide urgent assistance to that end;

20. *Stresses* the urgent need for substantial additional resources to finance the disarmament, demobilization and reintegration process, and calls upon all States, international and other organizations to contribute generously to the multi-donor trust fund established by the International Bank for Reconstruction and Development for that purpose;

21. *Stresses also* the continued need for urgent and substantial humanitarian assistance to the people of Sierra Leone, as well as for sustained and generous assistance for the longer term tasks of peace-building, reconstruction, economic and social recovery and development in Sierra Leone, and urges all States and international and other organizations to provide such assistance as a priority;

22. *Calls upon* all parties to ensure safe and unhindered access of humanitarian assistance to those in need in Sierra Leone, to guarantee the safety and security of humanitarian personnel and to respect strictly the relevant provisions of international humanitarian and human rights law;

23. *Urges* the Government of Sierra Leone to expedite the formation of professional and accountable national police and armed forces, including through their restructuring and training, without which it will not be possible to achieve long-term stability, national reconciliation and the reconstruction of the country, and underlines the importance of support and assistance from the international community in this regard;

24. *Welcomes* the continued work by the United Nations on the development of the strategic framework for Sierra Leone aimed at enhancing effective collaboration and coordination within the United Nations system and between the United Nations and its national and international partners in Sierra Leone;

25. *Notes* the intention of the Secretary-General to keep the situation in Sierra Leone under close review and to revert to the Council with additional proposals if required;

26. *Requests* the Secretary-General to report to the Council every forty-five days to provide updates on the status of the peace process, on security conditions on the ground and on the continued level of deployment of Monitoring Group personnel, so that troop levels and the tasks to be performed can

be evaluated as outlined in paragraphs 49 and 50 of the report of the Secretary-General of 23 September 1999;

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

**Deliberations of 10 December 1999
(4078th meeting)**

On 6 December 1999, pursuant to Security Council resolution 1270 (1999), the Secretary-General submitted his first report on the United Nations Mission in Sierra Leone.⁸⁴ In his report the Secretary-General observed that some progress had been made in the implementation of the Lomé Peace Agreement with the return of the Revolutionary United Front and the Armed Forces Revolutionary Council leadership to Sierra Leone, the establishment of the Government of National Unity, the provisional registration of RUF as a political party and an increase of the number of ex-combatants registering for the disarmament, demobilization and reintegration programme. However, the serious human rights abuses, ceasefire violations, including fighting between RUF and AFRC, extensive movement of troops and weapons by the former and the targeting of personnel gave cause for very serious concern. Commending ECOMOG for its continued efforts in support of the Government and the people of Sierra Leone, the Secretary-General emphasized the urgent need to strengthen and accelerate the process of disarmament, demobilization and reintegration of ex-combatants. He also welcomed the progress made by the Government of Sierra Leone and the invaluable contributions of the donor community, especially the Government of the United Kingdom and the World Bank, in establishing the necessary demobilization facilities.

At its 4078th meeting held on 10 December 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda.

At the same meeting, the President (United Kingdom), with the consent of the Council, invited the representative of Sierra Leone, at his request, to participate in the discussion without the right to vote. The Council also extended an invitation, under rule 39 of the Council's provisional rules of procedure, to the Under-Secretary-General for Peacekeeping Operations.

The representative of France emphasized the importance and the urgency of providing humanitarian assistance to Sierra Leone. He, however, also addressed a few questions to the representative of the Secretariat. He observed that UNAMSIL was deployed largely in the Southern part of the country, which also covered positions held by ECOMOG. His first question concerned the Secretariat's intentions as to the deployment in the northern part of the country and whether security guarantees for UNAMSIL troops had already been negotiated with the rebel movements active in those regions. Secondly, he asked how the Secretariat assessed the nature of the doubts with regard to the RUF commitment to the disarmament, demobilization and reintegration programme. Finally, he asked whether the plans concerning the organization of the work of the Commission for the Consolidation of Peace presented by the Chairman of the Commission truly reflected the wishes of all parties in Sierra Leone, and if those plans had also been discussed with the United Nations.⁸⁵

The representative of the United States expressed pleasure that things were under way in Sierra Leone, for the role of the United Nations was crucial to the success of the peace process. He underlined that some neighbours in Sierra Leone had direct responsibility in trying to push things forward, to move swiftly to disarm and demobilize as quickly as possible, and that the annual ECOWAS summit provided an opportunity for the leaders in the region to underscore that message. He stressed that it was important for all States in the region to support reintegration and to provide humanitarian development assistance.⁸⁶

The representative of the United Kingdom emphasized that while his delegation welcomed the continuing contribution of Nigeria, ECOMOG and the arrival of the Kenyan and Indian peacekeepers under the new Force Commander, it was crucial that the force be deployed to full strength as soon as possible and that the Council ensure that the Force Commander had the clearest possible guidance and backing from his headquarters in New York. He further expressed concern at the continuing ceasefire violations, human rights abuses and lack of humanitarian access. He underlined that the tensions between the different rebel groups and leaders lay behind much of the continuing unrest and

⁸⁴ S/1999/1223.

⁸⁵ S/PV.4078, pp. 8-9.

⁸⁶ *Ibid.*, pp. 12-13.

violence and it was essential to maintain dialogue with each of them to bring them and their followers into the Lomé agreement framework. He further urged the parties and all those with influence over them to continue to ensure the implementation of the provisions of the Lomé Peace Agreement to allow the desperately needed peacekeeping operation to fulfil its mandate.⁸⁷

Several other speakers maintained that although progress had been made in the implementation of the Lomé Peace Agreement, they remained deeply concerned at the continuing evidence of the fragility of the peace process in Sierra Leone. They stressed that the disarmament, demobilization and reintegration of ex-combatants was essential and in this respect they commended those Governments that contributed to the disarmament, demobilization and reintegration programme. Some speakers urged strict compliance with the provisions of the existing arms embargo on Sierra Leone and supported further measures such as the establishment of a monitoring and inspection mechanism to strengthen the effectiveness of the sanctions regime. All speakers expressed satisfaction with the deployment of UNAMSIL in support of the peace process. A number of speakers also supported the establishment of the Human Rights Commission in Sierra Leone and the Truth and Reconciliation Commission, and stated that the initiative to study the nexus between the work of the Truth and Reconciliation Commission and a possible international commission of inquiry into human rights violations would be welcomed. They further stated that the amnesty envisaged in the Lomé Peace Agreement was not to be extended to cover atrocities committed subsequent to that Agreement.⁸⁸

In response to questions raised by some delegations, the Under-Secretary-General for the Department of Peacekeeping Operations stated the following: with regard to the deployment in the north, which consisted of two contingents (Kenya and India), he underlined that the deployment was due in part to the desire of the organization and of the Secretariat to show clearly that the United Nations action was new and impartial and also to show their resolve that the action of the United Nations in that connection was vigorous. He also said that the deployment of those troops was taking place in a measured and well thought out manner in order to ensure

security. With regard to the doubts about the implementation of the disarmament, demobilization and reintegration programme by the Revolutionary United Front, given the fact that Foday Sankoh and Johnny Paul Koroma were in Freetown and actively participating in all the negotiations, and that they had made statements, it was clear that if they had deliberately wished not to implement it, for their own safety and security, they would doubtless have preferred not to be in Freetown at that stage. With regard to the arrival of UNAMSIL troops with strong resources, in the areas that had been only under rebel control throughout the entire period, he emphasized that there was a need for dialogue and clarification so as to create conditions of confidence with regard to all the rebel leaders. Since they had been isolated for months, even years, by combat and distrust, the sudden arrival of well-equipped foreign troops would doubtless give rise to fears and questions. The Under-Secretary-General also stressed that it was necessary to show that the disarmament, demobilization and reintegration programme included all the parties not only the rebel groups. Furthermore, he reiterated that it was important for the dialogue to continue and for ECOMOG to maintain a consolidated, firm and assured presence. With regard to the question concerning discussion of the organization of the work of the Commission for the Consolidation of Peace with the United Nations, the Under-Secretary-General pointed out that the Commission was a national one created

⁸⁷ Ibid., p. 15.

⁸⁸ Ibid., pp. 5-6 (Argentina); pp. 6-7 (Gabon); pp. 7-8 (Canada); p. 9 (Gambia); pp. 6-7 (Bahrain); pp. 10-11

(Malaysia); p. 11 (Slovenia); pp. 9-10 (Namibia); pp. 12-13 (Brazil); and pp. 14-15 (China).

under the Agreement and was not a Commission under the responsibility of the United Nations Mission. It was therefore essentially for the Sierra Leoneans themselves to organize and discuss it.⁸⁹

9. Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995

Initial proceedings

Decision of 31 January 1996 (3627th meeting): resolution 1044 (1996)

By a letter dated 9 January 1996 addressed to the President of the Security Council,¹ the representative of Ethiopia, in accordance with Article 35 of the Charter of the United Nations, requested an urgent meeting of the Security Council in view of the refusal of the Government of the Republic of the Sudan to comply with repeated demands for extradition to Ethiopia of the terrorists sought for their role in the assassination attempt against President Hosni Mubarak of Egypt and the serious implications of such non-compliance. In this regard the letter also referred to the meeting held between Ethiopia and members of the Security Council on 21 December 1995. The letter also included information on the assassination attempt as well as the statements issued at the end of the 11 September and 19 December 1995 meetings of the Central Organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution.

At the 3627th meeting of the Security Council, held on 31 January 1996 in response to the request contained in a letter dated 9 January 1996 from Ethiopia,² the Security Council included the letter in its agenda, without objection. At the same meeting, the President, with the consent of the Council, invited the representatives of Ethiopia, Pakistan and the Sudan, at their request, to participate in the discussion without the right to vote.

At the same meeting, the Council had before it the text of a draft resolution submitted by Botswana, Chile, Egypt, Guinea-Bissau, Honduras and Indonesia.³

At the same meeting, the President drew the attention of the Council to the following letters: a letter dated 15 January 1996 from the representative of Ethiopia addressed to the President of the Security Council,⁴ concerning “false accusations” of alleged Ethiopian aggression by the Sudan; a letter dated 11 January 1996 from the representative of the Sudan addressed to the President of the Security Council,⁵ transmitting the response of the Government of the Sudan to the allegations of the Government of Ethiopia against his country regarding the assassination attempt on the life of the Egyptian President; a letter dated 12 January 1996 from the Foreign Minister of the Sudan to the Secretary-General of OAU,⁶ concerning the assassination attempt against President Mubarak of Egypt; and a letter dated 12 January 1996 from the representative of the Sudan addressed to the President of the Security Council,⁷ requesting an urgent meeting of the Security Council to deal with the issue of Ethiopian aggression against the airspace and territory of the Sudan, in accordance with the principles of the Charter and the mandate of the Security Council in the maintenance of international peace and security.

The representative of Ethiopia stated that while his country enjoyed excellent relations with its neighbours and continued to contribute towards finding a durable solution to the crisis in Somalia, their efforts to cultivate and maintain good relations with the Sudan had not “yielded fruit”. This was because the forces that directed

⁸⁹ Ibid., pp. 16-18.

¹ S/1996/10.

² Ibid.

³ S/1996/69.

⁴ S/1996/30.

⁵ S/1996/22.

⁶ S/1996/25.

⁷ S/1996/29.

the Sudan had placed themselves on a collision course with the entire subregion. He stated that the “assassination attempt” directed against the President of Egypt had stunned the nation and shocked the world, especially Africa, whose leaders were congregating in Addis Ababa for the Organization of African Unity (OAU) summit. Even though the assassination attempt failed, the mounting evidence unearthed by their investigation team that implicated the Government of the Sudan clearly illustrated the continuing threat to the peace and security of the region. He maintained that it was with regret that they had brought the matter before the Council since it had been the intention of his Government to resolve the issue at the bilateral level. After investigation revealed that three of the terrorists suspected of involvement in the crime were taking shelter in the Sudan, his Government had provided the relevant information to the Government of the Sudan and requested it to extradite those three terrorists, on the basis of the 1964 extradition Treaty. He maintained that an act of State-sponsored international terrorism undertaken in the territory of another State constituted a clear threat to international peace and security, and since their efforts at the bilateral level had failed they were appealing to Council. He expressed their strong belief that a Security Council resolution calling on the Sudan to comply with the request made earlier by Ethiopia and then by OAU for the extradition of the three terrorists would confront the Sudanese authorities with a direct challenge. The Sudan needed to accept and carry out the decision of the Security Council, as stipulated in Article 25 of the Charter of the United Nations. He added that such action by the Security Council in support of the decisions of OAU would further enhance and strengthen cooperation and complementarity between the United Nations and regional organizations in the maintenance of peace and security. He noted that certain countries had been mentioned in their submission, which had provided some details of their investigation. Those were Kenya, Pakistan, Saudi Arabia and Yemen, and he underlined that none of these States, except for the Sudan, were involved in supporting the activities of the terrorists in any way.⁸

The representative of the Sudan stated that in the submission of Ethiopia to the Security Council, it had accused the Government of the Sudan of sheltering three suspects of Egyptian nationality and requested that the Sudan be called upon to cooperate in this matter without

consideration being given to the efforts already made by the Sudan towards solving the issue and without awaiting the outcome of the ongoing regional efforts. He underlined that the Sudan condemned, in the strongest terms, terrorism in all its forms and manifestations. They had consistently stated that the Sudan would not allow its territory, nationals or institutions to be used in any manner whatsoever for direct or indirect terrorist activities and were prepared to apply the severest punishments to all persons implicated in such acts. They were particularly outraged at the tragic incident of the terrorist assassination attempt on the life of the Egyptian President and condemned it, as the Sudan had done before on many other occasions involving attacks on the life of other Egyptian Presidents and Ministers. He noted that two weeks earlier, in an informal meeting with the members of the Security Council, the Minister for Foreign Affairs of the Sudan had reviewed what the Sudan had done in the face of the requests concerning the three Egyptian suspects and his delegation believed that it would be useful to recall the steps taken by the Sudan, with the aim of demonstrating the extent to which the Sudanese authorities had cooperated, and how much they wanted to uncover all the facts relating to those Egyptian suspects. He reiterated that upon receipt of the Ethiopian request the competent authorities in the Sudan had acted promptly in response. He informed the Council that the President of the Sudan himself had decreed the establishment of a high-level investigation committee from the relevant authorities and endowed it with all the necessary powers to undertake thorough investigations. The report of the investigations was communicated to the Government of Ethiopia within 10 days. The report reached the conclusion that there was no clue whatsoever showing that two of the terrorists had entered the Sudan at any time before or after the incident. Concerning the third suspect, the investigation had confirmed entry into the Sudan of a person bearing one of the three names given by the Ethiopian authorities, on a regular flight of Sudan Airways from Addis Ababa, and his disembarkation card was submitted in good faith. However, due to the time that had elapsed the Committee could not definitely locate the suspect, and this was conveyed to the Ethiopian authorities. He stated that in addition his country had reintroduced visa restrictions for entering the Sudan, which had been lifted for some nationalities. These had been adopted at great cost to their friendly relations with

⁸ S/PV.3627, pp. 2-3.

a number of countries, but were taken to cater to concerns expressed by the Government of Ethiopia and to assert the Sudan's cooperation and good will. The Government of Ethiopia responded to the Sudanese request for additional information with "more than rejection", and had preferred to bring the matter to the attention of OAU. The latter, without formally inviting the Sudan to attend the meeting, passed its resolution on 11 September 1995, in clear violation of the most basic principles of the established procedural rules of international organizations and basic principles of natural justice. He maintained that although the Sudan was disappointed at the outcome of the Central Organ meeting, it had loyally accepted the verdict and continued its cooperation by responding to the OAU mission, headed by an envoy of the Secretary-General of OAU, which visited the Sudan. The report of the Secretary-General was put before the meeting of the Central Organ of the OAU of 19 December 1995 and their Minister for Foreign Affairs had been invited to attend and address the meeting. He continued that, surprisingly, the same day as the adoption of the statement by OAU, the Deputy Foreign Minister of Ethiopia had flown to New York to bring the matter to the attention of the Security Council, which he had addressed informally on 21 December 1995. He asked why "some members of the Council" refused to await the outcome of OAU efforts on the question and why they were exerting pressure on the Security Council to consider the question at the same time as OAU was considering it. He maintained that the problem had not been created by any lack of cooperation on the part of the Sudanese authorities and that on the basis of OAU decisions, it had taken concrete, practical measures and had requested the Secretary-General of OAU to contact the Sudanese authorities with a view to implementing these decisions. He reaffirmed that the Sudan had always abided by the resolutions of OAU and any resolutions adopted by the United Nations. He stated that the draft resolution sought to achieve two main objectives: first, to send a clear message that the international community was determined to deal firmly with terrorism; and second, to ensure that the perpetrators of the attempt were brought to justice. The Sudan strongly supported these two aims. However, the draft resolution was imbalanced for a number of reasons including that it did not take into consideration the repeated position of the Sudan, which was to cooperate

fully and unconditionally. He also noted the hasty manner in which the draft resolution had been prepared. Its authors had "spared no effort to inject into the draft all negative elements, relevant or irrelevant with only one objective: to implicate the Sudan, as the symbol of international terrorism". He stated that operative paragraphs 4 (a) and (b) were a clear, indisputable example of the real intentions of the original authors of the draft resolution. The language of operative paragraph 4 (a) completely ignored the 19 December 1996 decision of the Central Organ, the last meeting held by OAU, in which the Sudan was called upon to locate and, if they were found and apprehended, extradite the three terrorists. He also stated that the draft resolution reflected a new dimension of Security Council resolutions, based on "hypothesis and assumptions". It assumed that the three suspects were in the hands of the Government of the Sudan and that all the Government needed to do was to take immediate action to extradite them. Regarding relations between the Sudan and its neighbours, as reflected in operative paragraph 4 (b), he stated that it was not the Sudan that had committed aggression against the territories of its neighbours or occupied part of their territories. He asked the Council to recall the acts of aggression committed against the Sudanese territories. He noted that all African States were equally obligated to respect the Charters of OAU and the United Nations and the sovereignty of States. He informed the Council that the Sudan's answer to all the allegations was the invitation extended by the Minister for Foreign Affairs to the Secretary-General of OAU to visit the Sudan and establish a fact-finding mission consisting of all the interested African countries, to verify the allegations that the Sudan was assisting, supporting and facilitating terrorist activities and giving shelter and sanctuary to terrorist elements. In conclusion, he once again appealed to the parties concerned to adopt a cooperative attitude so as to bring about a peaceful resolution to the dispute and to the Council to persuade the other parties to do the same. He expressed his wish to put on record that the Sudan abided by the United Nations Charter and that it accepted that all Security Council resolutions were binding and must be complied with, and welcomed the role that the Secretary-General was expected to play in resolving the issue, stating that they would undertake to cooperate fully with him.⁹

⁹ Ibid., pp. 4-7.

The representative of Indonesia expressed his indignation at the assassination attempt on the President of the Arab Republic of Egypt, which was particularly abhorrent because it occurred in Ethiopia, thus constituting a glaring violation of the sovereignty and territorial integrity of that State. The Indonesian delegation strongly condemned acts of violence and terrorism, which were the most flagrant violation of human rights, and called for intensified cooperation, at the national, international and regional levels, in the fight against terrorism, wherever it might occur. He maintained that the most expeditious way to resolve this question would be for the Council fully to support the continuing bilateral efforts that had already been made. These endeavours needed to be augmented by OAU, as regional efforts would also make a substantial contribution. He stated that they gave their full support to operative paragraph 7 of the draft resolution, which requested the Secretary-General to seek the cooperation of the Government of the Sudan. There was merit in this proposal because the method established required the cooperation of the Government of the Sudan, without which cooperation the task of OAU would be rendered infinitely more difficult. He noted that the Government of the Sudan had expressed its condemnation of international terrorism and had voiced its willingness to cooperate with OAU and the countries concerned, and had extended invitations to the Secretary-General of OAU. He noted that the draft resolution should be viewed as supporting the thrust and the objectives of the statements by the Central Organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution, adopted on 11 September 1995 and 19 December 1995. He stated that he had decided to vote in favour of the draft resolution because it offered a pragmatic approach and provided OAU with a flexible and appropriate mechanism for resolving the question. His delegation was confident that the good offices of the Secretary-General of the United Nations and OAU would yield positive results.¹⁰

The representative of Botswana stated that it pained them to discuss this issue before the Security Council, because it was an African problem that deserved an African solution, and that they would have preferred to resolve the issue without reference to the Council. However, they were fully aware that any State Member of the United Nations had the right to bring any

issue to the attention of the Council, and Ethiopia had exercised that right. He stated that the draft resolution before the Security Council was in no way intended to usurp the role and authority of OAU in this matter. They were convinced that OAU would greatly welcome and appreciate an early implementation of its decisions. In this respect, OAU needed the support of the international community. There was only one Security Council, and international legitimacy and authority stemmed from it alone. It was only natural, therefore, that the Council should support OAU in its efforts to bring the three suspects to justice. The draft resolution did not call for the imposition of any measures against the Sudan. It simply called upon the Government of the Sudan to comply with the requests of OAU to extradite without delay the three suspects to Ethiopia, and it was for those reasons that Botswana supported the adoption of the draft resolution.¹¹

The representative of Honduras stated that they had always unequivocally condemned all acts, methods and practices of terrorism, wherever and by whomever they were committed. There was an urgent need for States to cooperate with each other at all levels and for the United Nations to foster such cooperation in order to prevent and eradicate them. The assassination attempt was a clear example of an intolerable practice that had damaged the sovereignty and stability not only of Ethiopia but also of the African region as a whole. It served as a reminder to States of their obligation to adopt measures to combat and eliminate terrorism. He expressed his belief that one of the ways to combat and eliminate such acts and secure conviction of the guilty was cooperation between States and international organizations and he commended Ethiopia's efforts to resolve the problem of extraditing the suspects, both bilaterally and regionally. It was also necessary for States to show a resolute will and it was appropriate for the Council to urge the Sudan to comply with the requests contained in the statements of OAU. He would therefore vote in favour of the draft resolution.¹²

The representative of Chile stated that they supported the draft resolution and vigorously condemned the assassination attempt against a world leader. He noted that this reflected the position of the international community as expressed in General Assembly resolution 49/60. The unanimous decision of

¹⁰ Ibid., pp. 7-8.

¹¹ Ibid., p. 8.

¹² Ibid., pp. 10-11.

the Assembly was reinforced by the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, which applied particularly in this case involving a Head of State. He stated their support for the decisions of OAU in this matter, and underlined that the draft resolution in no way interfered with or replaced or duplicated the work of that regional organ. He appealed to the Sudan to comply urgently with the decisions of OAU in this regard. He expressed his hope that the subject they were dealing with would help them deepen international cooperation in combating terrorism and that by adopting the draft resolution, the Security Council would be providing clear guidance in this field.¹³

The representative of China stated that they had always strongly opposed and condemned acts of terrorism in all forms, for they not only endangered innocent lives and social stability but also posed a threat to international security, and that China was deeply shocked by the terrorist assassination attempt on the President of Egypt. He noted that other countries in the region and OAU had made numerous efforts to learn the truth, apprehend suspects and resolve disputes arising from this matter, and the Sudan had also openly condemned terrorism and had expressed its readiness to cooperate with OAU and the other countries concerned. He expressed their appreciation and support for those efforts and noted that the main purpose of the draft resolution was to demonstrate the Council's support for and cooperation with OAU in this regard. The Council needed to observe the purposes and principles of the Charter, act strictly according to the norms of international law, and make its own judgment in a fair and objective manner by respecting the facts and giving due importance to the evidence. The Council needed to be careful, serious and prudent when taking any action. Therefore, they had reservations about that part of operative paragraph 4 (b) that called upon the Sudan to desist from engaging in activities of assisting, supporting and facilitating terrorist activities. The Council needed to listen fully to the views of the parties concerned and of OAU and allow them to play their respective roles to the fullest possible extent. Having clarified the position of China, he stated that his delegation would vote in favour of the draft resolution.¹⁴

The representative of Guinea-Bissau reaffirmed its firm position and determination in the fight against all acts of terrorism in all forms, which endangered or ended innocent lives and adversely affected international relations, to the detriment of the peace and security of States. His delegation believed that the international community had to further strengthen cooperation at all levels and reaffirm its determination to combat this scourge by adopting practical, effective measures to spare their societies from these odious acts. He reaffirmed their commitment to the Declaration on Measures to Eliminate International Terrorism, adopted by the General Assembly in 1994 and their respect for article III of the Charter of OAU, which unreservedly condemned political assassination. His delegation reiterated its vigorous condemnation of and its indignation at the terrorist assassination attempt against the President of Egypt. He stated that the seriousness of the matter called for it to be given the appropriate attention by the international community, and accordingly operative paragraph 7 of the draft resolution before them asked for close cooperation between the Council and OAU and the authorities of the Sudan in the search for a comprehensive solution to the crisis.¹⁵

Several other speakers spoke, stating their support for the resolution, condemning international terrorism in all its forms and the attack on the President of Egypt in particular, noting the threat to international peace and security and the responsibility of the Council to bring the three suspects to justice, noting that the resolution endorsed and complemented the actions taken by OAU and strengthened the authority of that organization.¹⁶

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1044 (1996), which reads:

The Security Council,

Deeply disturbed by the worldwide persistence of acts of international terrorism in all its forms which endanger or take innocent lives, have a deleterious effect on international relations and jeopardize the security of States,

Recalling the statement made by the President of the Security Council on 31 January 1996 when the Council met at the level of heads of State and Government, in which the members of the Council expressed their deep concern over acts of

¹³ Ibid., p. 11.

¹⁴ Ibid., pp. 11-12.

¹⁵ Ibid., pp. 12-13.

¹⁶ Ibid., pp. 8-9 (Republic of Korea); pp. 9-10 (Germany); p. 12 (Poland); pp. 14-15 (Italy); p. 15 (France); and pp. 17-18 (United Kingdom).

international terrorism and emphasized the need for the international community to deal effectively with all such acts,

Recalling also the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, opened for signature at New York on 14 December 1973,

Stressing the imperative need to strengthen international cooperation between States in order to make and adopt practical and effective measures to prevent, combat and eliminate all forms of terrorism that affect the international community as a whole,

Convinced that the suppression of acts of international terrorism, including those in which States are involved, is an essential element for the maintenance of international peace and security,

Gravely alarmed at the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt, in Addis Ababa on 26 June 1995, and convinced that those responsible for that act must be brought to justice,

Noting that the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity, at its third extraordinary session on 11 September 1995, considered that attack as aimed, not only at the President of the Arab Republic of Egypt, and not only at the sovereignty, integrity and stability of Ethiopia, but also at Africa as a whole,

Taking note of the statements of the Central Organ of the Mechanism of 11 September and 19 December 1995, and supporting the implementation of the requests contained therein,

Regretting the fact that the Government of the Sudan has not yet complied with the requests of the Central Organ of the Mechanism set out in those statements,

Taking note of the letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council,

Taking note also of the letters from the Permanent Representative of the Sudan to the United Nations dated 11 January and 12 January 1996 addressed to the President of the Security Council,

1. *Condemns* the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa on 26 June 1995;

2. *Strongly deplores* the flagrant violation of the sovereignty and integrity of Ethiopia and the attempt to disturb the peace and security of Ethiopia and the region as a whole;

3. *Commends* the efforts of the Government of Ethiopia to resolve this issue through bilateral and regional arrangements;

4. *Calls upon* the Government of the Sudan to comply without further delay with the requests of the Organization of African Unity:

(a) To take immediate action to extradite to Ethiopia for prosecution the three suspects sheltering in the Sudan and wanted in connection with the assassination attempt on the basis of the 1964 Extradition Treaty between Ethiopia and the Sudan;

(b) To desist from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuary to terrorist elements, and to act in its relations with its neighbours and with others in full conformity with the Charter of the United Nations and with the charter of the Organization of African Unity;

5. *Urges* the international community to encourage the Government of the Sudan to respond fully and effectively to the requests of the Organization of African Unity;

6. *Welcomes* the efforts of the Secretary-General of the Organization of African Unity aimed at the implementation of the relevant provisions of the statements of 11 September and 19 December 1995 of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity, and supports that organization in its continued efforts to implement its decisions;

7. *Requests* the Secretary-General, in consultation with the Organization of African Unity, to seek the cooperation of the Government of the Sudan in the implementation of the present resolution and to report to the Council within sixty days;

8. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United States emphasized with reference to the terrorist attack on President Mubarak of Egypt that terrorism, much of it externally sponsored, was a recurring fact of life, not just for the people of Ethiopia and Egypt, but also in places stretching from Eritrea to Israel to Pakistan and Sri Lanka. However, with the growth of worldwide information links in the government and financial sectors, the web of money, weapons and communications that sustained terrorists was ever more transparent. With the stronger international consensus against dealing with terrorists and the States that support them, the number of places where terrorists could find refuge was ever smaller. She maintained that the United States had found that the evidence gathered by Ethiopia on the perpetrators of this crime to be compelling and convincing. The Government of the Sudan had to bear responsibility for the acts it had allowed its guests to perform, and also had the responsibility to extradite those guests to face justice. She maintained that contrary to what the Government of the Sudan had been claiming, this resolution was "not the product of a conspiracy" but had stemmed from their failure to observe the most basic norms of international relations, and the unanimous vote that had adopted it was a measure not only the balanced

approach of those non-aligned members who drafted it, but also of the international isolation in which the Government of the Sudan had chosen to live. She maintained that the United States shared with the Government of the Sudan the wish for good relations between their two countries, but positive bilateral relations were built upon concrete action, not declarations. She noted that the demands in the resolution were simple and straightforward: the Government of the Sudan had to extradite immediately the terrorists it was sheltering, and stop its assistance and support for terrorism. The United States supported the resolution because, like the OAU decision on which it was based, its requirements were logical and justified. She expressed her belief that it was within the power of the Government of the Sudan to comply immediately and fully with these requirements and her hope that the Secretary-General would be able to report within 60 days that the Sudan had extradited the suspects.¹⁷

The representative of Egypt stated that the unanimous adoption by the Security Council of resolution 1044 (1996) had to send a clear, unambiguous message to the Government of the Sudan: that the international community, as represented by the Council, was resolute in its support for the implementation of all the decisions of the OAU Mechanism for Conflict Prevention, Management and Resolution. The resolution of the Council had condemned the assassination attempt as a flagrant violation of the sovereignty and integrity of Ethiopia and as an attempt to disturb the peace and security of the region as a whole. The resolution had thus reaffirmed the statement of OAU that there was a conspiracy, whose consequences extended beyond Ethiopia, the State on whose territory the attempt had taken place, and also beyond Egypt, because the attempt was against the whole of Africa. Therefore, it was clear that the Council was dealing with a dispute that concerned the peace and security of the whole of Africa. After the efforts made on the bilateral level failed, Ethiopia resorted to the OAU Mechanism for Conflict Prevention, Management and Resolution, twice, and OAU did not confine itself to the adoption of clear statements but also sent a mission to the Sudan to urge it to cooperate in the full implementation of the resolution. He noted that when Ethiopia resorted to the Security Council it had done so using its rights under the Charter of the United Nations, particularly Article 35. In addition Article 54 made it clear that the Security

Council should be kept fully informed of activities undertaken by regional organizations for the maintenance of international peace and security. He maintained that the fact that the Council had considered the matter could well spare the international community a real crisis, which could threaten regional security and stability and jeopardize international peace and security. He expressed their sincere hope that the Government of the Sudan would take the Council's resolution and the decision of OAU with all necessary seriousness and comply without delay or equivocation, given that, under the Charter, all the Council's resolutions were binding on all States.¹⁸

The representative of the Russian Federation stated that they strongly rejected the evil that was international terrorism, in all its forms and manifestations, and firmly condemned the attempt to assassinate the President of Egypt. In the struggle against this threat to international peace and security, the Russian Federation stood ready to work constructively alongside all States and international and regional organizations to solve the global problem of establishing the necessary conditions for eradicating terrorism worldwide. He maintained that the greatest possible involvement by the regional machinery, the Organization of African Unity, was the best way to go, though he welcomed constructive cooperation between the United Nations and regional organizations, and also the involvement of the Security Council, where necessary, to support those organizations. However, he expressed his belief that there was no justification for the Council's taking their place in this issue. He stated that the Russia Federation was gratified that the sponsors had taken a number of his delegation's amendments, which were made in that spirit, into account and that the resolution would receive an appropriate response, first and foremost in Khartoum, and would give the Sudan an additional incentive to step up its efforts to uncover the three suspects. He also noted with satisfaction the explanations by the authors of the resolution that it was not aimed at isolating the Sudan internationally or at adopting measures against it, and that the appeal to the international community to encourage the Government of the Sudan to respond fully and effectively to OAU requests assumed, first and foremost, that bilateral diplomatic channels would be

¹⁷ Ibid., pp. 13-14.

¹⁸ Ibid., pp. 15-17.

used to promote a solution, which in their view was the method most likely to succeed.¹⁹

**Decision of 26 April 1996 (3660th meeting):
resolution 1054 (1996)**

On 11 March 1996, pursuant to Security Council resolution 1044 (1996), the Secretary-General submitted to the Council a report on the implementation of resolution 1044 (1996).²⁰ In his report, the Secretary-General observed that in regard to the three suspects, the Government of the Sudan had not yet complied with the demands of the Council. After extensive investigations as well as on the basis of information gathered from interviews with three of the criminals involved in the assassination attempt, the Government of Ethiopia had reached the conclusion that the Sudan was sheltering the suspects. For its part, the Government of the Sudan maintained that the Government of Ethiopia had not provided it with adequate information on which to base its search for the suspects. Furthermore, even this sketchy information was received from Ethiopia after a lapse of 32 days. The Sudanese authorities had assured his Special Envoy that they were continuing with their efforts to look for the suspects. The Secretary-General observed that similar differences prevailed with regard to the second demand of the Security Council contained in paragraph 4 (*b*) of resolution 1044 (1996). All the neighbouring countries visited by his Special Envoy, Egypt, Eritrea, Ethiopia and Uganda, were unanimous in their conviction that the Sudan was actively engaged in supporting terrorist elements who operated from Sudanese territory, carrying out destabilizing activities in their countries. They had affirmed that they had conclusive evidence of the Sudan's involvement in such terrorist activities but were not willing to reveal it for reasons of security and confidentiality. They also affirmed that the Sudan was running camps for training terrorists. The Government of Tunisia had told his Special Envoy that the Sudan, until about two years ago, was actively supporting some Tunisian dissidents, furnishing them with sabotage equipment and even, in some cases, giving them Sudanese passports. The position of the Sudan on paragraph 4 (*b*) was that it was

the Sudan who was the victim of destabilizing activities encouraged and supported by its neighbours. The Sudanese interlocutors had stated that heavy equipment, including tanks and anti-aircraft guns, had been observed in the South, and which, according to them, could only have come from Uganda. They also had referred to the activities of the Sudanese rebels who were alleged to be operating from Eritrean territory with the active and public support of the Government of Eritrea. The Sudanese authorities had complained about attacks launched by Ethiopian forces on its border and had maintained that it was Egypt that had illegally occupied Sudanese territory in Halaib. He stated, that in view of the situation, it was obvious that the Sudan had not yet complied with the demand of the Security Council to extradite the three suspects to Ethiopia and that all the neighbours of the Sudan, visited by his Special Envoy, had accused the Sudan of supporting terrorist activities within their territories.

At its 3660th meeting, held on 26 April 1996 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Chile), with the consent of the Security Council, invited the representatives of Ethiopia, the Sudan and Uganda, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by Botswana, Chile, Egypt, Guinea-Bissau, and Honduras²¹ and also to a technical correction in the English text of the draft resolution.

At the same meeting, the President also drew the attention of the Council to the following documents: letters dated 14 and 15 March 1996, respectively, from the representative of the Sudan addressed to the Secretary-General,²² transmitting a report on actions taken by the Sudanese authorities in response to Security Council resolution 1044 (1996) as well as the resolutions of OAU, and a comment by the Sudan on the Secretary-General's report dated 11 March 1996; a letter dated 28 March from the representative of the Sudan addressed to the President of the Security Council;²³ a letter dated 4 April 1996 from the representative of the

¹⁹ *Ibid.*, p. 17.

²⁰ S/1996/179.

²¹ S/1996/293.

²² S/1996/197 and S/1996/201.

²³ Letter reporting that the President of the Sudan intended to address the meeting of Heads of State and Government of the members of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, scheduled to be convened at Addis Ababa on 15 and 16 April 1996 (S/1996/226).

Sudan addressed to the President of the Security Council,²⁴ transmitting a statement concerning the decision of Ethiopia to hold secret trials for the three Egyptians and some Ethiopians suspected of involvement in the assassination attempt against the Egyptian President and also asking the international community to urge Ethiopia to hold the trials in public; a letter from the representative of the Sudan dated 8 April 1996 addressed to the President of the Security Council,²⁵ conveying the protest of the Government of the Sudan regarding the flagrant and massive attacks by Ethiopian forces against the territories of the Sudan; a letter from the representative of the Sudan dated 22 April 1996 addressed to the President of the Security Council;²⁶ and a letter dated 11 April 1996 from the representative of the Sudan addressed to the Secretary-General.²⁷

The President further drew the attention of the Council to a letter dated 8 April 1996 from the representative of Ethiopia addressed to the President of the Security Council;²⁸ a letter dated 11 April 1996 from the representative of Ethiopia addressed to the President of the Security Council,²⁹ transmitting a copy of a note from the Ministry of Foreign Affairs of Ethiopia to the Ministry of Foreign Affairs of the Sudan in response to the accusations by the Government of the Sudan that Ethiopian armed forces had launched attacks on Sudanese territories; a letter dated 15 April 1996 from the representative of Uganda addressed to the President of the Security Council;³⁰ and a letter dated 12 April 1996 from the representative of the Central African Republic addressed to the President of the Security Council,³¹ transmitting the text of a communiqué informing the Council that they were holding in Bangui the tripartite Chad-Sudan-Central African Republic summit and issuing an appeal that preference be given to the search for a peaceful solution precluding punitive measures against the Sudan, which might considerably compromise the initiatives that were being undertaken.

The representative of the Sudan stated that when Security Council resolution 1044 (1996) was adopted, the pretexts used by the Council were the claims that the Sudan had not complied with the requests of the OAU statements. Regardless of the validity of these claims, the objective of the resolution was to reaffirm the strong will of the international community to combat terrorism, to pursue terrorists and to support the efforts of OAU. He noted that the provisions of Chapter VIII of the Charter established the legal framework for cooperation between the United Nations and regional organizations, including OAU. Yet the States parties to the current dispute had resorted directly to the United Nations in order for it to adopt measures to condemn and punish the Sudan. The OAU Mechanism should have been given the opportunity it needed to prove its ability in this regard. He stated that despite the fact that the report of the Secretary-General expressed his intention to remain in close contact with all parties concerned and with the Secretary-General of OAU with regard to all aspects of the resolution, the Security Council was again meeting in order to adopt coercive measures against the Sudan. He asked about the value of resolution 1044 (1996), which was aimed primarily at giving OAU the opportunity it needed to do its work, and whether the conflict-settlement Mechanism had reached a dead end, therefore making it incumbent upon the Council to discharge its responsibility under the Charter. Referring to the draft resolution he noted that the draft resolution fell within the framework of the measures provided for in Chapter VII of the Charter. He recalled that resolution 1044 (1996) had contained no condemnation of the Sudan, and had only called on the Sudan to comply with the resolutions of OAU, under Chapter VI of the Charter. Furthermore, the Security Council resolution had not taken the form of a warning to be followed by sanctions because that was not the main objective of its adoption, especially considering that the Security Council had not

²⁴ S/1996/246.

²⁵ S/1996/255.

²⁶ Letter drawing the Council's attention to the report published by the Arabic newspaper *Al-Hayat* containing an interview from Konar, Afghanistan, with Mustafa Hamza, one of the three suspects the Council asked the Sudan to extradite to Ethiopia and calling on them to establish a fact-finding commission to investigate the new information (S/1996/311).

²⁷ Letter transmitting a peace agreement signed at Khartoum on Wednesday, 10 April 1996, between the

Government of the Sudan and the two rebel factions (S/1996/271).

²⁸ Letter transmitting the text of a press release issued by Ethiopia concerning the implementation of Security Council resolution 1044 (1996) (S/1996/254).

²⁹ S/1996/264.

³⁰ Letter transmitting a statement by the Government of Uganda on the report of the Secretary-General pursuant to Security Council resolution 1044 (1996) (S/1996/288).

³¹ S/1996/294.

considered the substance of the dispute and considered what OAU had done to be sufficient in that regard.

He further noted that the Secretary-General's claim that the Sudan had not complied with paragraph 4 of resolution 1044 (1996) was amazing. Paragraph 4 (a) of that resolution called upon the Sudan to comply with the requests of OAU by immediately extraditing to Ethiopia the three suspects. However the Council had ignored the text of the OAU Mechanism of 12 December 1995, in which it called on all the parties to the dispute to cooperate and to provide all the necessary data and information that could help the Government of the Sudan to search for and locate the suspects and extradite them to the Ethiopian authorities. In fact, as to the extradition of the suspects, the Government had declared its full readiness to apprehend them once it knew their location and subsequently to extradite them, and had informed the Special Envoy of all the steps it had taken in this regard,³² and had also called upon Egypt and Ethiopia to cooperate and exchange information in order to clarify the situation with regard to the suspects. He asked whether it was fair to describe these efforts as constituting non-compliance with resolution 1044 (1996). He emphasized that the move by some States to persuade the Council to adopt a resolution imposing sanctions against the Sudan under Chapter VII of the Charter, under the pretext that it had not responded to the demands of paragraph 4 (a) of resolution 1044 (1996), would lead to a dead end. He stated that it was regrettable that the principles and objectives under which the United Nations Charter gave the Security Council the primary responsibility for the maintenance of international peace and security, were being exploited as a pretext for punishing States and peoples that were not well liked by some members of the Council. He maintained that the draft resolution completely ignored the positive developments that had taken place in the Sudan during the last three months, vis-à-vis the first free presidential and parliamentary elections in the history of the Sudan. He stated that the adoption by the Council of any measures against the Sudan under Chapter VII of the Charter would be an obstacle to its achievements. The imposition of any measures against the Sudan would have a far-reaching effect on the stability of the country and on the unity of its territory, and therefore would have a grave effect on the stability of the region as a whole. In conclusion he maintained that the Council's return to adopt a

³² S/1996/197.

resolution to impose sanctions against the Sudan despite all the facts raised a number of questions as to the priority in the work of the Council, in accordance with the principles of the Charter of the United Nations. He emphasized that the Sudan remained committed to the implementation of all resolutions adopted by all international organizations, including those of the Organization of African Unity and those of the Council, however contrary they might be to the spirit of justice and equality.³³

The representative of Uganda stated that since the matter before the Council dealt, to a large extent, with the dangerous policy of the Government of the Sudan's support for terrorism in the subregion, he would inform the Council of the persistent and determined efforts by the Sudanese regime to destabilize Uganda. He stated that in spite of their efforts to maintain a policy of good neighbourliness, the Sudanese regime had continued its activities of assisting, supporting, facilitating and even giving shelter and sanctuary to two rebel movements based on its soil, whose sole purpose was to wreak havoc on civilians in Uganda. Both rebel movements were based well inside the territory of the Sudan, from where they made incursions into Uganda. He maintained that while their people and security forces were playing their appropriate roles in defending the country against foreign aggression, they also needed the support of the international community, and the Security Council in particular. He underlined that Uganda condemned in the strongest possible terms the unprovoked acts of aggression visited upon it in April by the Government of the Sudan, and he called upon the Security Council and the international community at large to do the same and to take the strongest possible measures to halt them completely. It was the duty of the Council to live up to its responsibilities with regard to maintaining international peace and security by sending a clear and strong signal to the regime in Khartoum that terrorism and aggression would not be rewarded in today's world. He stated that they had looked at the draft resolution and he expressed their disappointment that it did not send the strong signal that Uganda had hoped for. Therefore, he reiterated the need for the Security Council to take any measures necessary, including an arms embargo against the Sudan, to ensure that it desisted from

³³ S/PV.3660, pp. 2-10.

engaging in activities that were not just destabilizing Uganda but plunging the entire subregion into chaos.³⁴

The representative of the Russian Federation stated that it confirmed with the utmost clarity its strong, unwavering rejection of the evil of international terrorism in all its manifestations and that his country was ready at a solid and practical level, to cooperate constructively, with all international and regional organizations and States. They strongly condemned the attempted assassination of the President of Egypt, and urged that an objective investigation of this crime, to establish the facts, be carried out fully and be completed, and that those involved be brought to justice. He stated that this position underlay their approach in seeking an effective and fair way for the Security Council to take action, including taking account of the regional context. The task could be successfully carried out only through close cooperation between all interested parties, including OAU and other regional mechanisms and also on a bilateral level. He maintained that it was that approach that provided a real chance of finding the suspects and of unravelling this web of confusion with regard to the Sudan and of strengthening stability in this region of Africa. However, he noted that as events of the last few months had shown, their views were not taken duly into consideration. He stated that one could not avoid feeling that the draft resolution was used not so much to speed up the search for the suspects as to isolate the Sudan internationally. And it was a pity that such an important organization such as OAU, with such authority, was not able to counter that trend, basically just distancing itself from implementing its own decisions on the matter. He maintained that really convincing evidence about the involvement of Khartoum in the assassination attempt and the whereabouts of the suspects had not been given to the Security Council or to the Secretary-General. The co-sponsors of the draft resolution were forced to acknowledge that when they indicated that the Secretary-General of the United Nations needed to be asked to establish the facts. The situation had become even more complicated in view of recent reports that the suspects, or at least one of them, were not in the Sudan. Of course, the information needed to be checked very thoroughly. However, he stated that the draft resolution, with all of the proper and correct provisions it contained, in other parts basically disregarded the points which he had just underlined. Moreover, the draft had created an

extremely serious problem which was totally unrelated to the situation in the Sudan, but referred to the overall approach to the use of an instrument such as international sanctions. He stated that the members of the Council and the United Nations had on several occasions come to realize that the arbitrary application of sanctions was essentially flawed when there were no clearly formulated criteria and conditions governing their imposition and their lifting. This problem was specifically being considered in the General Assembly Working Group on the Supplement to the Agenda for Peace, where the problem was being given special attention. He stated that apart from the understandable demand for the extradition of the three suspects, abstract demands were being made of Khartoum along the lines of living in friendly relations with its neighbours and complying with the Charter of the United Nations and with the Charter of OAU. He expressed his belief that objective criteria for checking the implementation of such vague demands simply did not exist. That meant that, if desired, the Sudan could be kept under sanctions indefinitely. Then they would have a repetition of what they were already seeing in other situations, namely, the introduction of economic sanctions with no time frame, the suffering of broad sectors of the population, an unavoidable humanitarian crisis, and the search for ways of dealing with that crisis, including, probably, the adoption of a resolution along the lines of resolution 986 (1995), and then it would go on and on in that already rather well-known vicious circle. He stated that the fact that it was known in advance that this kind of demand could not be met, along with the logic contained in operative paragraph 8 of the draft resolution, predetermined in a way the inevitability of a further escalation of sanctions against the Sudan, and this could lead the Security Council in the very near future into a stalemate, with no simple way out. He underlined that they were in favour of involving the Security Council in a real struggle against international terrorism, but they were against attempts to make use of this in order to punish certain regimes or in order to attain other political goals of one or more Member States. Such an approach was unacceptable, for it was not only destructive for the people of the Sudan and the countries in the region, but it also created a very dangerous precedent which could do real damage to the authority of the Security Council and could create the impression that the Council was not able to draw conclusions from

³⁴ Ibid., pp. 12-14.

the lessons of very recent history. Accordingly, he informed the Council that the Russian delegation could not support the draft resolution. They had found it possible not to prevent its adoption simply because implementation of the measures contained therein relating to diplomatic pressure on the Sudan would depend on the Members of the United Nations themselves and he trusted that what they had said had been heard and understood in all of its details, including what they had said about future consideration of this matter in the Security Council in two months' time.³⁵

The representative of Indonesia reiterated their steadfast position against international terrorism and all acts of violence, and unequivocally condemned the assassination attempt. He stated that while they were aware of the fact that the Sudan had indeed already taken some steps and was still continuing its efforts to fulfil its obligations under Security Council resolution 1044 (1996), it had not yet fully fulfilled all its obligations with regard to the efforts undertaken by OAU. However the fact that the Sudan had extended invitations to the Secretary-General of OAU to visit Khartoum and had requested assistance from INTERPOL in looking for the suspects, reflected the positive attitude of the Government in the Sudan. He expressed his belief that in order to ensure compliance with the Council's demands, it would have been more appropriate to deal with the situation in a gradual manner, by way of a presidential statement, which was their preference, rather than a draft resolution containing elements of sanctions. He also expressed belief that close cooperation between the United Nations, OAU, Ethiopia and the Sudan was of the utmost importance if the matter was to be resolved in a peaceful manner. In this respect, it was his delegation's fervent hope that the efforts of OAU, as the regional organization directly concerned, would make substantial contributions towards the resolution of the issues. It would also be appropriate for the Council to consider the letter of the Sudan pertaining to this matter.³⁶ If, after all avenues had been explored and all efforts exhausted, the Council ultimately assessed that the Government of the Sudan had still not fully complied with its requests, only then should the Security Council consider adopting further measures to ensure implementation of resolution 1044 (1996). While his delegation considered the draft resolution as supporting the thrust and objectives of the statements

adopted by the OAU Mechanism for Conflict, Prevention, Management and Resolution, he expressed concern that the text contained measures which constituted sanctions. He maintained that the imposition of sanctions as a means to bring pressure on some Governments was a matter of the utmost seriousness. The imposition of sanctions needed to be considered only after all means for the pacific settlement of disputes under Chapter VI of the Charter had been exhausted and thorough consideration had been undertaken of the long-term and short-term effects of such sanctions. Sanctions were not meant to be punitive, but it was widely acknowledged that, irrespective of their objectives, they did affect the innocent population, and the adverse humanitarian impact therefore deserved their serious consideration and had to be given primary attention. In conclusion, he expressed his delegation's understanding of some paragraphs contained in the draft resolution: with regard to operative paragraph 1 (*a*), his delegation was of the view that the matter of extradition was a legal one and only involved two States. In this case the Sudan could extradite to Ethiopia only those suspects who were in its territory. With regard to operative paragraph 8 it did not prejudge whether further measures would be taken by the Council. The adoption of further measures by the Council would be determined only by its assessment of the situation and of the conditions prevailing after the 60-day re-examination period had elapsed. He stated that under those conditions, and in the light of those observations, his delegation would vote in favour of the draft resolution.³⁷

The representative of Botswana appealed to the Sudan and its neighbours to respect each other's territorial integrity. He stated that his delegation voted in favour of resolution 1044 (1996) because of its firm aversion to terrorism, which was the scourge of world society today, and it was incumbent upon all States, including the Sudan, to get rid of that scourge. The draft resolution sent the right message about commitment of the international community to effectively combat terrorism and it was therefore Botswana's ardent hope that the Government of the Sudan would also cooperate in this endeavour and take concrete steps to ensure compliance with the demands of the international community.³⁸

³⁵ *Ibid.*, pp. 14-15.

³⁶ S/1996/311.

³⁷ *Ibid.*, pp. 16-17.

³⁸ *Ibid.*, p. 17.

The representative of Germany stated that the draft resolution clearly reminded all States Members of the United Nations of their obligation in fighting terrorism and that Germany could accept the draft resolution. He maintained that the purpose of sanctions should not be punishment but that they should serve to achieve the implementation of measures decided upon by the Council, and should only be used if the issue was so serious that coercive measures were required. That condition was being met here, where the purpose was to put those suspected of an attempt on the life of the President of Egypt on trial. At the same time, he appreciated the efforts to target the sanctions in such a way that they did not affect the population as such but were limited to those who were in a position to take the required measures, since nobody wanted to see harm being inflicted on the Sudanese civilian population. He stated that what the draft resolution intended to do was to ensure compliance by the Government of the Sudan with Security Council resolution 1044 (1996). The Sudan had to do all it could to ensure that the three suspects who were sheltering or had taken shelter in the Sudan could be prosecuted in Ethiopia. The Sudan could not free itself from its obligations by allowing the suspects to leave for other countries, and the Sudan, like other countries, also bore responsibility for persons outside its borders whom it supported in one way or another. He appealed to the Government of the Sudan to use the 60-day period to take the necessary steps not only to avoid even farther-reaching measures, but to allow for an early lifting of the measures the Security Council was imposing.³⁹

The representative of China stated that the Chinese Government vigorously opposed and strongly condemned all forms of terrorism, particularly the attack on the President of Egypt. He held that terrorist activities not only wrought havoc on life, property and social stability, but also threatened international peace and security. Second, he stated their view that this act of terrorism, like any other international question, needed to be addressed by the Council in accordance with the purposes and principles of the United Nations Charter. It was necessary to act based on facts, making sure that they stood on legal ground, paid attention to evidence and dealt with this question in a fair, objective and serious manner. Thirdly, in principle, they were against frequent recourse to sanctions under Chapter VII of the Charter. No matter how complex the question might be

³⁹ Ibid., p. 19.

and how difficult it was to resolve it, they should always insist on a peaceful solution through dialogue, consultation and mediation. Facts had shown that sanctions were often in the way of a settlement and worse still they might even exacerbate tension, bring suffering to the countries and peoples of the region and have serious adverse effects not only on the target country, but also on the neighbouring countries. He maintained that although the draft resolution talked about diplomatic sanctions only, diplomatic sanctions were still a form of sanctions, and by invoking Chapter VII of the Charter, the draft resolution also made reference to further measures to be taken by the Council, thus paving the way for possibly strengthening of the sanctions. They were of the opinion that imposing sanctions on the Sudan before incontrovertible evidence was in hand would set a bad precedent for the future work of the Council. Their position had been made clear by their delegation when the Council adopted resolution 1044 (1996). He also reaffirmed once again their reservations on the part of the draft resolution that called on the Sudan, in accordance with resolution 1044 (1996), to refrain from engaging in activities of assisting, supporting and facilitating terrorist activities. Accordingly, they would abstain in the voting on the draft resolution. He stated that ever since the failed assassination attempt, the United Nations, OAU and others had made tireless efforts in trying to resolve this question as early as possible. Egypt, Ethiopia and others had also done a great deal of painstaking investigative work in seeking to establish facts and track down the suspects. The Government of the Sudan had also publicly condemned terrorism and clearly stated its willingness to continue cooperation, with OAU and other States, in order to have the problem properly resolved. It had also held consultations with those countries for that purpose. He stated China's appreciation and support for all those efforts and he hoped that the parties concerned would, through dialogue and consultation, and taking full advantage of the role of OAU, continue their efforts in that regard.⁴⁰

Several other speakers spoke, stating their support for the resolution and calling on the Sudan to comply with the resolutions of the Council and OAU. Some speakers condemned all acts of terrorism and the attempted assassination of President Mubarak and noted that the sanctions imposed by the resolution did not seem to have economic implications that could adversely affect

⁴⁰ Ibid., pp. 19-20.

the civilian population of the Sudan. Some speakers also stated that operative paragraph 8 demonstrated the Council's determination to consider further measures, in the event that the Council's demands specified in operative paragraph 1 were not complied with within the 60-day period.⁴¹

At the same meeting, the draft resolution was put to the vote and adopted by 13 votes to none, with 2 abstentions (China, Russian Federation), as resolution 1054 (1996),⁴² which reads:

The Security Council,

Reaffirming its resolution 1044 (1996) of 31 January 1996,

Taking note of the report of the Secretary-General of 11 March 1996, submitted pursuant to paragraph 7 of resolution 1044 (1996), and the conclusions contained therein,

Gravely alarmed at the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt, in Addis Ababa on 26 June 1995, and convinced that those responsible for that act must be brought to justice,

Noting that in its statements of 11 September and 19 December 1995 the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity considered the attempt on the life of President Mubarak as aimed, not only at the President of the Arab Republic of Egypt, and not only at the sovereignty, integrity and stability of Ethiopia, but also at Africa as a whole,

Regretting the fact that the Government of the Sudan has not yet complied with the requests of the Central Organ of the Mechanism set out in those statements,

Noting the continued effort of the Secretary-General of the Organization of African Unity to ensure the Sudan's compliance with the requests of the Central Organ of the Mechanism,

Taking note with regret that the Government of the Sudan has not responded adequately to the efforts of the Organization of African Unity,

Deeply alarmed that the Government of the Sudan has failed to comply with the requests set out in paragraph 4 of resolution 1044 (1996),

Reaffirming that the suppression of acts of international terrorism, including those in which States are involved, is essential for the maintenance of international peace and security,

Determining that the non-compliance by the Government of the Sudan with the requests set out in paragraph 4 of resolution 1044 (1996) constitutes a threat to international peace and security,

Determined to eliminate international terrorism and to ensure effective implementation of resolution 1044 (1996), and to that end acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that the Government of the Sudan comply without further delay with the requests set out in paragraph 4 of resolution 1044 (1996) by:

(a) Taking immediate action to ensure the extradition to Ethiopia for prosecution of the three suspects sheltered in the Sudan and wanted in connection with the assassination attempt of 26 June 1995 on the life of the President of the Arab Republic of Egypt in Addis Ababa;

(b) Desisting from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuary to terrorist elements, and by henceforth acting in its relations with its neighbours and with others in full conformity with the Charter of the United Nations and with the charter of the Organization of African Unity;

2. *Decides* that the provisions set out in paragraph 3 below shall come into force at 00.01 Eastern Standard Time on 10 May 1996, and shall remain in force until the Security Council determines that the Government of the Sudan has complied with paragraph 1 above;

3. *Decides* that all States shall:

(a) Significantly reduce the number and the level of the staff at Sudanese diplomatic missions and consular posts and restrict or control the movement within their territory of all such staff who remain;

(b) Take steps to restrict the entry into or transit through their territory of members of the Government of the Sudan, officials of that Government and members of the Sudanese armed forces;

4. *Calls upon* all international and regional organizations not to convene any conference in the Sudan;

5. *Calls upon* all States, including States not members of the United Nations and the specialized agencies, to act strictly in conformity with the present resolution, notwithstanding the existence of any rights granted or obligations conferred or imposed by any international agreement or of any contract entered into or any license or permit granted prior to the entry into force of the provisions set out in paragraph 3 above;

6. *Requests* States to report to the Secretary-General of the United Nations within sixty days from the adoption of the present resolution on the steps they have taken to give effect to the provisions set out in paragraph 3 above;

7. *Requests* the Secretary-General to submit to the Council within sixty days of the date specified in paragraph 2

(Poland).

⁴² For the vote, see S/PV.3660, p. 20.

⁴¹ Ibid., pp. 17-18 (Guinea-Bissau); p. 18 (Republic of Korea); after the vote: p. 22 (Honduras); and p. 24

above an initial report on the implementation of the present resolution;

8. *Decides* to re-examine the matter sixty days after the date specified in paragraph 2 above and to consider, on the basis of the facts established by the Secretary-General, whether the Sudan has complied with the demands in paragraph 1 above and, if not, whether to adopt further measures to ensure its compliance;

9. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of France stated that they supported efforts to combat international terrorism and, in particular, to shed light on the attempted assassination of President Mubarak. He stated that the resolution was aimed mainly at requiring the Sudan to fulfil its obligations under resolution 1044 (1996) and in particular to work to extradite to Ethiopia the individuals suspected of having participated in the attack and who were within its territory. The text of the resolution needed to be understood in the light of available information that led the Council members to suppose that the three suspects were in the Sudan. To comply with the resolution, the Sudan was required to work towards the extradition of those individuals if they were indeed within its territory. To ask more of it would not be in accordance with international law on extradition, nor was the resolution intended to do so. The Council could not hold the Sudan responsible for what it was not. He maintained that the Council had chosen not to impose on the Sudan sanctions that would have a noticeable economic impact on the population, which was among the most destitute in Africa. He noted that the Council would have to consider on the basis of facts established by the Secretary-General whether the Sudan had met the demands made of it, and if it had not, whether it needed to envisage the adoption of further measures. In this way, the Security Council's ability to judge the situation was retained.⁴³

The representative of the United States stated that his Government supported the resolution with reservations, because they did not believe that the sanctions outlined in the resolution were sufficient to convince the Government of the Sudan to cease its sponsorship of international terrorism and "return to the fold of responsible, law-abiding nations." He stated that while his Government welcomed the Council's concern to combat terrorism, failing to impose more meaningful sanctions against the Sudan risked further insecurity and instability for the people of eastern Africa, the Middle

East and the Sudan itself. Resolution 1044 (1996) had required two simple steps from the Sudan, the surrender of the three remaining suspects and the cessation of its support for terrorism, and the Sudan had refused to comply with either. Instead, Khartoum had focused its efforts on a public-relations campaign and on smuggling the three suspects out of the Sudan. He maintained that as shocking as the complicity of the Sudan in the attack on the President was, it was only part of a broader pattern of Sudanese support for terrorism. He informed the Council that the efforts of the Sudan to export terrorism had even reached the United Nations. Two employees of the Sudanese Mission to the United Nations were active accomplices in the plot to assassinate the President of Egypt and to blow up the United Nations Secretariat in New York. They had provided information on the President's itinerary and offered to provide identification cards and parking passes so that terrorists could plant a bomb in the United Nations building. He continued that the Sudan regularly abused the prerogatives of sovereign States by giving out Sudanese passports, both diplomatic and regular, to help non-Sudanese terrorists travel freely, as documented in cases involving Ethiopia, Egypt and Tunisia. It used Sudan Airways to transport terrorists and their weapons, made financial resources and safe refuges available, and it provided the weapons terrorists used, as in the attempt in Addis Ababa. He stated that his delegation's objective was to bring about an end to the Sudan's support of terrorist groups. To do that they needed to turn their words into actions, and the resolution was another step towards that. On the positive side, the Council had determined that the Sudan's actions in supporting the attack on President Mubarak, and fostering terrorism internationally were indeed a threat to international peace and security, and the Council was telling the Sudan that they would not be content with mere words. He maintained that the Sudan should not take comfort in the fact that the measures of the resolution were not as strong as they might be, because the Council had promised that if they failed to meet the requirements in the next 60 days, the Council would seek more meaningful sanctions.⁴⁴

The representative of Egypt stated that the Council had adopted resolution 1044 (1996) to send a clear, unambiguous message to the Government of the Sudan that the international community, as represented by the Council, was taking a firm stand against international

⁴³ *Ibid.*, p. 20.

⁴⁴ *Ibid.*, pp. 20-22.

terrorism, and to deter those contemplating supporting terrorism, including countries. He noted that OAU had considered the assassination attempt against President Mubarak of Egypt to be an attack on the whole of Africa, threatening regional stability and international peace and security. He recalled the Secretary-General's report had drawn two firm conclusions: first, that the Sudan had not yet complied with the demands of the Security Council to extradite the three suspects to Ethiopia; and second that all the neighbouring countries of the Sudan visited by the Secretary-General's Special Envoy accused it in one way or another of supporting terrorist activities within their territories. He further maintained that although the Government of the Sudan had hinted that it was about to change its policies vis-à-vis the support of international acts and activities that targeted the security and stability of neighbouring countries, his delegation did not see that the words of the Sudan matched their deeds. By adopting resolution 1054 (1996), under Chapter VII of the Charter, the Council had reaffirmed that the dangers of international terrorism represented a grave threat to international peace and security and that concerted efforts by countries to eliminate that threat and deter those whose assisted in its perpetration were a basic requirement for the maintenance of international peace and security in the world. He underlined however, that Egypt categorically rejected the inclusion of any measure that would harm the Sudanese people or any measure that would negatively affect the unity, independence, and territorial integrity of the Sudan; a position which the members of the Council had supported. He stated that the measures imposed by the adopted resolution were restricted to diplomatic action in order to send to the Sudan a clear warning of the consequences of continuing its present policies. The Council was determined, in accordance with the resolution, to ensure the implementation of resolution 1044 (1996), and would look at the matter again in 60 days to decide whether the Sudan had complied with the resolution, and whether other measures could be adopted in order to guarantee compliance.⁴⁵

The representative of the United Kingdom stated that it was because the Sudan had not complied with the demands in resolution 1044 (1996) that the Council had to take further action and it had nothing to do with the orientation of the current Government in the Sudan. He expressed his delegation's full support for the resolution

⁴⁵ Ibid., pp. 22-24.

and their hope that it would contribute to an early change of heart in Khartoum. He noted that one of the principal demands of the resolution was the requirement for the Sudan to ensure that the three suspects were extradited, and the United Kingdom was convinced that the Sudan knew where they were. If they were still in the Sudan, the Government had to extradite them under the terms of the Bilateral Extradition Treaty. If the Sudan had helped at least one of the three leave the country, the resolution clearly required that the Government of the Sudan take immediate action, including, for example, by providing the necessary evidence, to bring about extradition to Ethiopia, and the United Kingdom would not be satisfied until the Sudan had secured that objective and had also ceased its support for international terrorism. The last paragraph of the resolution was a clear message that the Council would remain engaged in this matter.⁴⁶

The representative of Chile stated that they condemned and repudiated terrorism and rejected the attempted assassination of the President of Egypt. He stated that Chile had listened carefully to the African members of the Security Council to find guidance with respect to the path it should follow and had given special consideration to the option of regional action, the views of the countries of the region and that of OAU. Chile had been guided by the need to follow a procedure and a treatment of the question that would be fair and transparent and in which the Security Council would have all available background information and evidence. He noted that the Sudan and all Governments who wished to express their views had been offered full cooperation and the possibility of holding an open debate, which had not been requested. The draft had given rise to considerable discussion on the measures to be adopted and he noted that Chile had doubts as to the effectiveness of sanctions. Economic sanctions disproportionately affected the innocent and the weak rather than the leaders responsible. He maintained that in this case, they were using diplomatic sanctions, which while exerting a considerable degree of pressure, could not be equated with economic sanctions. He stated that the Council would continue to follow developments related to the implementation of the resolution and he

⁴⁶ Ibid., p. 24.

appealed to the Sudan to do everything in its power to comply with it.⁴⁷

Decision of 16 August 1996 (3690th meeting): resolution 1070 (1996)

On 10 July 1996, pursuant to Security Council resolution 1054 (1996), the Secretary-General submitted to the Council a report on steps taken to give effect to the provisions set out in paragraph 3 of resolution 1054 (1996).⁴⁸ In his report, the Secretary-General observed that while the Security Council had determined that the three suspects involved were sheltered in the Sudan and had called on the Government of the Sudan to ensure their extradition, the Government of the Sudan claimed that its investigations had produced no trace of their presence in the Sudan and that the identity of the third suspect was unknown. In addition, the Security Council had demanded that the Government of the Sudan desist from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuary to terrorist elements, while the Government of the Sudan had asserted that it condemned terrorism and did not condone terrorist activities.

At its 3690th meeting, held on 16 August 1996 in accordance with the understanding reached in its prior consultations, the Council included the above report in its agenda as well as the report of the Secretary-General of 11 March 1996, submitted pursuant to Security Council resolution 1044 (1996).⁴⁹ Following the adoption of the agenda, the President (Germany), with the consent of the Council, invited the representative of the Sudan, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁵⁰

At the same meeting, the President further drew the attention of the Council to letters dated 31 May and 24 June 1996, respectively, from the representative of the Sudan addressed to the President of the Security Council,⁵¹ transmitting a report on the measures taken by the Sudan pursuant to Security Council resolution 1054 (1996), including the departure from the Sudan of Osama bin Laden, and reiterating their condemnation of

terrorism; a letter dated 2 July 1996 from the representative of the Sudan addressed to the President of the Security Council,⁵² informing the Council of reports of the presence of Mustafa Hamza in Afghanistan, including a statement by the Government of Afghanistan, and of the meetings of the Presidents of the Sudan and Egypt; and a letter dated 10 July 1996 from the representative of Ethiopia addressed to the President of the Security Council,⁵³ transmitting a statement of the views of the Government of Ethiopia entitled "The Sudanese authorities continue to defy the Security Council and to hoodwink the international community".

The representative of the Sudan stated that the Sudan's firm condemnation of terrorism and the tragic terrorist attempt on the life of the Egyptian President as expressed in all international forums stemmed from its firm principle of refraining from violence and following a path of peace and security. He reiterated that the Sudan had not, and would not allow its territory to be used for any act of terror or to be used as a shelter for terrorists or by those who had eluded justice. The Sudan had expressed its full readiness to cooperate with all parties to bring the suspects to justice and taken tangible steps in that respect. However, to request the Sudan to extradite suspects it did not have was like asking it to square the circle, and was unjustified, unless the objective was to find an excuse to impose unjust sanctions. He noted that resolutions 1044 (1996) and 1054 (1996) had referred to three suspects. However, the only information available to the Sudan was a first name, that he was an Egyptian national, his age, and that he was married and lived in the Amarat quarter of Khartoum. Moreover, there was no photograph. They could find no trace of such a person and had concluded that he did not exist. Nonetheless, the Sudan was committed to turning over all available information stemming from the ongoing investigations. He stated that the rationale for holding the Sudan responsible for the presence of those people on its territory during a certain time period could also be used to make each State which they had passed through or resided in responsible. In that sense, Ethiopia, where the crime took place and where the suspects had remained for a considerable period of time, entering and leaving over a

⁴⁷ Ibid., p. 25.

⁴⁸ S/1996/541 and Add.1, 2 and 3.

⁴⁹ S/1996/179.

⁵⁰ S/1996/664.

⁵¹ S/1996/464 and S/1996/513.

⁵² S/1996/513.

⁵³ S/1996/538.

two-year period, could be considered directly responsible. It was unacceptable to fail to provide adequate information that would help the Sudan find the suspects, nor was it acceptable to use the pretext of protecting classified and delicate sources, because those sources were usually made available precisely at the critical moment when they were needed, and not afterwards. He asked why the suspects were being tried in secret and no one, including the ambassadors of the permanent members of the Council, was allowed to meet them.

With reference to the Security Council resolutions calling on the Sudan to desist from supporting terrorism and terrorists and from providing them with shelter, he noted that the Government of the Sudan had seriously sought to enter into contacts with the countries that had levelled those accusations. He further noted that the first reaction by the Government of the Sudan following the attempt on the life of the President of Egypt was to reintroduce the visa system. Pursuant to resolution 1044 and 1054 (1996) they had requested all foreigners to leave the country, though he clarified that the Sudan had not received accusations from any State against any of those expelled from the Sudan and none of those expelled was anyone who needed to be brought to justice in any country. They were expelled because the Sudan wished to be outside the circle of suspicion and to comply with the Security Council resolutions. He reiterated that the steps that had been taken by the Sudan were genuine measures that had yielded tangible and well-known results. Noting that the Security Council had called upon the Sudan to improve its relations with its neighbours, he noted that the Sudan had 10 neighbour States and had extremely good, friendly relations with 6 of them, to which they were committed through various agreements and joint ministerial committees that met regularly. He stated that the relations between the Sudan and Ethiopia had been very good, until the attempt on the life of the President of Egypt caused a misunderstanding between them. The Sudan had been eager to continue its contacts with Ethiopia to try to settle the problem and move forward. Their second neighbour was Uganda, with regard to which they inevitably harboured some resentment since it was well known that Uganda had supported the insurgency movement in southern Sudan. Eritrea, he said was a "poison dagger", which posed dangers that threatened to spread throughout the Horn of Africa. He noted that the

President of Eritrea had declared in public that it would provide armed assistance to any opposition groups aiming to topple the legitimate Government of the Sudan. In addition, there had been intrusions into Sudanese territory and the laying of mines inside residential areas. Nevertheless, he underlined that the Sudan had not initiated hostilities against Eritrea and stood ready to eliminate the tension between the two countries if Eritrea showed its good intentions towards the Sudan. Regarding Egypt, he noted that major efforts had been made between the officials of their two countries, which had been crowned with success at the summit meeting between their Presidents in Cairo. In conclusion he stated that these were the efforts that the Sudan had made to comply with the Security Council resolutions.⁵⁴

Speaking before the vote, the representative of the United Kingdom stated that despite everything that had just been said by the representative of the Sudan, his delegation was unfortunately not persuaded that the Sudan had yet complied with the Council's demands in resolutions 1044 (1996) and 1054 (1996). That was why the Council had to take further action, it had nothing to do with the orientation of the current Government in the Sudan. Therefore, they welcomed the initiative of Egypt in bringing forward the draft resolution on which they were about to vote. The solution to the problem was simple: the Government of the Sudan had to recognize international concern about its behaviour and comply with the demands of the Security Council and OAU. He noted that one of the principal demands of the resolution was the requirement for the Sudan to ensure that the three suspects were extradited, and his delegation was convinced that the Sudan knew where they were. If they were still in the Sudan, the Government had to extradite them under the terms of the Bilateral Extradition Treaty. If the Sudan had helped at least one of the three leave the country, the resolution clearly required that the Government of the Sudan take immediate action, including, for example, by providing the necessary evidence, to bring about extradition to Ethiopia, and they would not be satisfied until the Sudan had secured that objective and had also ceased its support for international terrorism. He noted the moves the Sudan had made to distance itself from some of the terrorist groups it had supported and the claims made that it had demonstrated its readiness to cooperate with all parties concerned in seeking and apprehending suspects, but it

⁵⁴ S/PV.3690, pp. 2-8.

still needed to do more to comply with the demands of the resolution. The draft resolution showed that the Council would remain engaged in this matter, and that it would not hesitate to implement air sanctions after a period of 90 days if Sudanese compliance were not forthcoming. Finally, he urged those States that had not yet reported to the Secretary-General on the steps they had taken to implement resolution 1054 (1996) to do so, noting that rigorous enforcement of sanctions was an important factor in ensuring the compliance of the Sudan.⁵⁵

The representative of the Russian Federation stated that they had always taken the position of resolutely resisting international terrorism in all its manifestations, including the attempted assassination of the President of Egypt, and had cooperated with various States in a concrete and constructive manner, including contributing in preparing the anti-terrorist decisions of the Group of Eight. He stated that an objective investigation of the assassination attempt could be accomplished only through constructive cooperation between all interested parties, including within OAU and other regional mechanisms, as well as at the bilateral level, with the involvement of competent international agencies. He noted that they were familiar with the pertinent proposal at Interpol, which unfortunately had been left floating in the air. Important information might come to light also during the in camera trial going on in Addis Ababa, and he repeated their request for members of the Security Council to be informed about that trial. He stated that his country could not fail to be concerned by the fact that when resolutions 1044 (1996) and 1054 (1996) were adopted, the prevailing approach in the Council was aimed not so much at investigating those suspected of perpetrating a terrorist act as at isolating the Sudan. In order to satisfy short-term interests, the voices were ignored of those who strongly objected to the unsound practice of imposing sanctions on the basis of vague, and therefore hard-to-meet demands, without clearly formulated criteria and conditions for their imposition and lifting. Unfortunately, a repetition of that approach could be seen in the draft resolution. The draft resolution predetermined the inevitability of an air embargo, without an attempt being made to assess the negative humanitarian consequences of this measure for the population of the Sudan, despite the fact that his delegation had suggested that such a prior evaluation be

⁵⁵ Ibid., p. 9.

conducted. Moreover, operative paragraph 3 of the draft resolution would impose sanctions not only on Sudan Airways but on all other Sudanese airlines, which had never been accused of anything. He maintained that the question was how the Sudan should comply with the provisions of the resolution when they went beyond the limits of the Sudan's national jurisdiction and real capacity. The rash use of the sanctions instrument was not only destructive for the people of the Sudan and the countries of the region, but created a precedent which could do real damage to the authority of the Council by giving the impression that the Council was not able to draw conclusions from past lessons. In that light, his delegation could not support the draft resolution.⁵⁶

The representative of Indonesia stated that they were deeply concerned by the attempt against the President of Egypt and had always held a position against international terrorism, and reiterated that the Sudan bore the ultimate responsibility for fully complying with the provisions of Council resolutions 1044 (1996) and 1054 (1996). However, he expressed his belief that a gradual approach to dealing with the matter would have been preferable, particularly in the light of the efforts made by the Sudan. Given the insufficient information available at this juncture, he expressed his belief that it would be more constructive for the Council to further encourage the Sudan to undertake efforts to provide information on the suspects, including their whereabouts, by allowing more time and avoiding overly harsh measures that in the end might prove to be counterproductive in their attempt to ensure the cooperation of the Sudan with the international community. Therefore, he expressed his delegation's reservations regarding the imposition of wide-ranging sanctions against Sudan Airways, as reflected in operative paragraph 3 of the draft resolution. He also expressed their concern about the impact of the sanctions on the Sudan, noting that sanctions were not meant to be punitive and the adverse humanitarian impact, in particular in the case of the Sudan, could not be so quickly dismissed. He stated that while it was imperative to address not only the concerns of the issue at hand, but also to maintain strict adherence to the basic principle of non-punitive sanctions. For it would be a meaningless exercise if resolutions were adopted which were not implementable, as that would only affect the credibility of the Council. In the light of those

⁵⁶ Ibid., pp. 10-11.

observations, he stated that he would vote in favour of the draft resolution.⁵⁷

The representative of China stated that their delegation had reaffirmed on many occasions that it had consistently and resolutely been opposed to any form of terrorist activities, and that the attempt on the life of the President of Egypt constituted a serious incident. He maintained that all sides concerned needed to join in a common effort to apprehend the suspects for prosecution. Ever since the Council adopted resolution 1054 (1996), all sides concerned had made considerable efforts to implement its relevant provisions. In his report, the Secretary-General also pointed out that as a party directly concerned, the Sudan had on many occasions indicated in specific terms its opposition to terrorism and had taken some practical actions. He stated that in China's view, the Council needed to continue to encourage all sides to make greater efforts in order to settle the question as soon as possible. He maintained that China's position of principle on sanctions was a consistent one: they did not consider sanctions a panacea because sanctions, or the tightening of sanctions, could not solve a problem, but might aggravate it. Restrictions on Sudan Airways constituted an escalation in the sanctions regime on the Sudan. He maintained that although the draft resolution did not determine the date of entry into force of its provisions, it represented a clear decision on imposing such sanctions. This question concerning the Sudan was already quite complicated and he expressed their concern that tightening sanctions against the Sudan might further compound the problem. He noted that the Chinese delegation proposed some amendments to the draft resolution during consultations but that those reasonable suggestions had not found acceptance. Therefore, they would abstain in the vote on the draft resolution.⁵⁸

Several other speakers spoke, condemning international terrorism and the assassination attempt on the President of Egypt as a threat to international peace and security, stating that the Sudan had not fully complied with resolution 1044 (1996) and calling on them to do so, and noting that the draft resolution

specified possible measures to be taken if the Sudan failed to comply after 90 days.⁵⁹

At the same meeting the draft resolution was put to the vote and adopted by 13 votes to none, with 2 abstentions (China, Russian Federation), as resolution 1070 (1996),⁶⁰ which reads:

The Security Council,

Recalling its resolutions 1044 (1996) of 31 January 1996 and 1054 (1996) of 26 April 1996,

Having considered the report of the Secretary-General of 10 July 1996,

Taking note of the letters dated 31 May, 24 June and 2 July 1996 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council,

Taking note also of the letter dated 10 July 1996 from the Permanent Representative of the Federal Democratic Republic of Ethiopia to the United Nations addressed to the President of the Security Council,

Gravely alarmed at the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt, in Addis Ababa on 26 June 1995, and convinced that those responsible for that act must be brought to justice,

Noting that in its statements of 11 September and 19 December 1995 the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity considered the attempt on the life of President Mubarak as aimed, not only at the President of the Arab Republic of Egypt, and not only at the sovereignty, integrity and stability of Ethiopia, but also at Africa as a whole,

Regretting the fact that the Government of the Sudan has not yet complied with the requests of the Central Organ of the Mechanism set out in those statements,

Noting the continued efforts of the Organization of African Unity to ensure the Sudan's compliance with the requests of the Central Organ of the Mechanism, and regretting that the Government of the Sudan has not responded adequately to the efforts of the Organization of African Unity,

Deeply alarmed that the Government of the Sudan has failed to comply with the requests set out in paragraph 4 of resolution 1044 (1996) as reaffirmed in paragraph 1 of resolution 1054 (1996),

⁵⁷ Ibid., pp. 11-12.

⁵⁸ Ibid., pp. 12-13.

⁵⁹ Ibid., p. 12 (Republic of Korea); p. 13 (Italy); p. 13 (Botswana); and pp. 13-14 (Guinea-Bissau). After the

vote, p. 16 (Poland); p. 16 (Chile); pp. 16-17 (Germany); and pp. 15-16 (France).

⁶⁰ For the vote, see S/PV.3690, p. 14.

Reaffirming that the suppression of acts of international terrorism, including those in which States are involved, is essential for the maintenance of international peace and security,

Determining that the non-compliance by the Government of the Sudan with the requests set out in paragraph 4 of resolution 1044 (1996) as reaffirmed in paragraph 1 of resolution 1054 (1996) constitutes a threat to international peace and security,

Determined to eliminate international terrorism and to ensure the effective implementation of resolutions 1044 (1996) and 1054 (1996), and to that end acting under Chapter VII of the Charter of the United Nations,

1. *Demands once again* that the Government of the Sudan comply fully and without further delay with the requests set out in paragraph 4 of resolution 1044 (1996) as reaffirmed in paragraph 1 of resolution 1054 (1996);

2. *Notes* the steps taken by some Member States to give effect to the provisions set out in paragraph 3 of resolution 1054 (1996), and requests those States that have not yet done so to report to the Secretary-General as soon as possible on the steps they have taken to that end;

3. *Decides* that all States shall deny aircraft permission to take off from, land in, or overfly their territories if the aircraft is registered in the Sudan, or owned, leased or operated by or on behalf of Sudan Airways or by any undertaking, wherever located or organized, which is substantially owned or controlled by Sudan Airways, or owned, leased or operated by the Government or public authorities of the Sudan, or by an undertaking, wherever located or organized, which is substantially owned or controlled by the Government or public authorities of the Sudan;

4. *Also decides* that it shall determine, ninety days after the date of adoption of the present resolution, the date of entry into force of the provisions set out in paragraph 3 above and all aspects of the modalities of its implementation, unless it decides before then, on the basis of a report submitted by the Secretary-General, on the compliance of the Sudan with the demand in paragraph 1 above;

5. *Requests* the Secretary-General to submit, by 15 November 1996, a report on the compliance of the Sudan with the provisions of paragraph 1 above;

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

The representative of Egypt stated that since the adoption of resolution 1054 (1996) in April, and despite the fact that it imposed limited diplomatic measures to compel the Sudan to comply with the demands of the international community, the Sudan had persisted in its attempts to avoid complying with the Security Council's requests. He informed the Council that at the time of the meeting of the Presidents of Egypt and the Sudan at the Arab summit, Egypt had thought that the Sudan had the political will expected of it by the international

community and had accepted the request of the Sudan to open a channel of communication between the countries' security authorities. Unfortunately they had later realized that the Sudan's aim was not to enter into a dialogue, but rather to try to take advantage of Egypt's assent to starting that dialogue to give the false impression to the international community that the Sudan was doing

what was expected of it. He stated that resolution 1070 (1996) was a “mere wake-up call” addressed to the Sudan, which said that it must cooperate with the Council and with the concerned countries in order to comply with the requests of the Council. He reiterated that Egypt found it unacceptable to be behind anything that affected the interests of the Sudanese people, added to their economic suffering in their daily life or harmed the Sudan’s territorial integrity. He called on the Sudan to

take advantage of the grace period given it by the Council until the middle of November 1996, to translate “sweet talk into proper action”. He expressed his hope that the coming period would witness positive developments, in terms of the extradition of the suspects, the provision of any information the Sudan had about them and the severance of all ties with terrorist organizations so that the interests of the people of the Sudan would not suffer.⁶¹

10. The situation in the Great Lakes region

Initial proceedings

Decision of 1 November 1996 (3708th meeting): statement by the President

By letters dated 14 October and 24 October 1996, respectively, addressed to the President of the Security Council,¹ the Secretary-General informed the Council of the outbreak of hostilities and worsening situation in eastern Zaire. In South Kivu, hostilities had broken out in the region of the Banyamulenge, who spoke the language of Rwanda and included both Hutus and Tutsis, though the majority were Tutsis. They were already settled in this area when Zaire became independent in 1960. In 1972, like all persons living within Zaire’s borders, they were granted Zairian nationality. However, a nationality law of 1981 subsequently withdrew this status from them but the law had not been enforced until the early months of 1996. Pressure on the Banyamulenge to leave Zaire and move to Rwanda had resulted in escalating hostilities between the Zairian armed forces and Tutsi groups, attacks on refugee camps and escalating tensions between Rwanda and Zaire, including cross-border exchanges of heavy weapons fire and mutual accusations between the two Governments. The result was that the humanitarian situation had further worsened. An estimated 300,000 people were on the move in the Uvira and Bukavu regions of Zaire, bordering Rwanda and Burundi, in the face of intensified fighting. Those on the move included the 220,000 refugees — 143,000 from Burundi and 75,000 from Rwanda — who had fled camps over the weekend of 19-20 October 1996. He had come to the conclusion that the deteriorating situation required him to offer his good offices to assist the Government of

Zaire in addressing the political and security aspects of the problems in the eastern part of the country because of the threat they presented to peace and the security in the region and also because it could have a negative impact on the efforts already launched by the United Nations, at that Government’s request, to provide assistance to the elections planned for 1997. He stated that once again the failure to address the root causes of the conflicts in the region of the Great Lakes, in political and economic as well as security terms, had unleashed a spiral of violence and human suffering that might spin out of control unless urgent measures were taken immediately to contain the situation.

At its 3708th meeting, held on 1 November 1996 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the letters from the Secretary-General and the item entitled “The situation in the Great Lakes region”. The President (Indonesia) then invited the representative of Zaire at his request, to participate in the discussion without the right to vote.

At the same meeting the President called the attention of the members of the Council to a letter dated 23 October 1996 from the representative of Rwanda addressed to the President of the Security Council, transmitting a short synopsis of the historical background of the Banyamulenge people in Zaire and the current events which had led to the crisis in eastern Zaire,² and a letter dated 25 October 1996 from the representative of Ireland addressed to the president of the Security Council, transmitting a declaration which was issued by the European Union on the situation in

⁶¹ Ibid., pp. 14-15.

¹ S/1996/875 and S/1996/878, respectively.

² S/1996/869.

South Kivu.³ The President also called attention to his letter dated 25 October 1996 addressed to the Secretary-General,⁴ informing him that the situation in Zaire had been brought to the attention of the Security Council and that they supported the sending of a good offices mission to Zaire.

At the same meeting, the President made the following statement on behalf of the Council:⁵

The Security Council is gravely concerned at the deteriorating situation in the Great Lakes region, in particular eastern Zaire, and at the effect of the continued fighting on the inhabitants of the region, and it condemns all acts of violence. It underlines the urgent need for a comprehensive and coordinated response by the international community to prevent any further escalation of the crisis there.

The Council calls for an immediate ceasefire and a complete cessation of all fighting in the region. The Council calls upon all States to respect the sovereignty and territorial integrity of neighbouring States in accordance with their obligations under the Charter of the United Nations. In this connection, it urges all parties to refrain from the use of force as well as cross-border incursions and to engage in a process of negotiation.

The Council, in the light of the letters from the Secretary-General to the President of the Council and the information received from the United Nations High Commissioner for Refugees and the Assistant Secretary-General for Human Rights regarding the situation in eastern Zaire, is particularly concerned at the humanitarian situation and the resulting large-scale movements of refugees and displaced persons. It fully supports the efforts of the High Commissioner and humanitarian agencies to alleviate the suffering. It calls upon all parties in the region to allow humanitarian agencies and non-governmental organizations to deliver humanitarian assistance to those in need and to ensure the safety of all refugees as well as the security and freedom of movement of all international humanitarian personnel. It underlines the urgent need for the orderly voluntary repatriation and resettlement of refugees and the return of displaced persons, which are crucial elements for the stability of the region.

The Council agrees with the Secretary-General that the situation in eastern Zaire constitutes a serious threat to the stability of the Great Lakes region. It is convinced that the complex problems at issue can only be resolved through early and substantive dialogue. The Council urges the Governments of the region to pursue such a dialogue without further delay in order to defuse the tension. The Council calls upon all States in the region to create the conditions necessary for the speedy and peaceful resolution of the conflict and to desist from any acts that may further exacerbate the situation. In this context, the Council welcomes all regional efforts aimed at defusing tension in the

region, in particular the announcement of the meeting of regional leaders scheduled for 5 November 1996 in Nairobi.

The Council fully supports the initiative of the Secretary-General to dispatch to the Great Lakes region a Special Envoy to consult with all concerned in order to establish the facts relating to the present conflict, to develop as a matter of urgency a plan to defuse tension and establish a ceasefire, to promote a process of negotiation, and to submit advice on the mandate to be given to a United Nations political presence which, in consultation with the Governments and parties concerned, will be established in the Great Lakes region. The Council also considers that the Special Envoy should be provided with adequate staff and logistic resources in order to carry out his mission. The Council also expressed the hope that the mediation efforts of the Organization of African Unity and the European Union will complement those of the Special Envoy of the Secretary-General. The Council calls upon all Governments and parties concerned to cooperate fully with the mission of the Special Envoy and to contribute to the search for a comprehensive solution to the problems facing the people of the Great Lakes region. Given the urgency of the situation, the Council expressed the hope that the Special Envoy will travel as soon as possible to the region and provide early information on the situation there.

The Council reiterates that the present situation in eastern Zaire underlines the need to organize a conference for peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity. To this end, it calls upon the Secretary-General to ask his Special Envoy to promote the convening and to encourage the adequate preparation of such a conference on an urgent basis.

The Council will remain seized of the matter.

**Decision of 9 November 1996 (3710th meeting):
resolution 1078 (1996)**

By a letter dated 7 November 1996 addressed to the President of the Security Council,⁶ the Secretary-General informed the Council of the continuing dramatic deterioration of the situation in eastern Zaire. More than 1.2 million Burundian and Rwandan refugees and tens of thousands of Zairians had been displaced by the fighting and the international community now faced a situation in which a million or more people were scattered in eastern Zaire beyond the reach of humanitarian agencies. The events of recent weeks had also proved that peace and security would not be restored in the Great Lakes region unless the refugee problems created by the internal conflicts in Burundi and Rwanda were resolved. Therefore, the immediate requirement was to stabilize the situation and to create

³ S/1996/886.

⁴ S/1996/876.

⁵ S/PRST/1996/44.

⁶ S/1996/916.

secure conditions for the delivery of humanitarian assistance to the refugees and displaced persons. However, the international community's response to this humanitarian crisis must also mark the beginning of a programme of repatriation. He maintained that it was clear that in the prevailing conditions in eastern Zaire, those objectives could not be achieved without the deployment of an international military force whose mandate would be to ensure the minimum security necessary to permit stabilization of the situation and enable civilian agencies to bring relief to the refugees and start preparing for their repatriation. He gave several options for the deployment of such a force and recommended that a group of Member States with the necessary capacity establish a multinational force in consultation with the Secretary-General of the OAU and the regional States concerned.

At its 3710th meeting, held on 9 November 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letter from the Secretary-General in its agenda. At the same meeting, the President, with the consent of the Council, invited the representatives of Burundi, Rwanda and Zaire, at their request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁷ The President further drew the attention of the Council to a letter dated 23 October 1996 from the representative of Rwanda addressed to the President of the Security Council⁸ and to a letter dated 31 October 1996 from the representative of Zaire addressed to the President of the Security Council⁹, transmitting a note giving a chronological account of the aggression against the eastern part of Zaire and the historical background to the situation, including an explanation of why the "Banyamulenge" were not Zairian citizens, and stating that the weight of the United Nations was being put behind "historical errors" thus misleading the international community and exacerbating the conflict between the indigenous population and the immigrants.

The President further drew the attention of the Council to a letter dated 4 November 1996 from the representative of Uganda addressed to the President of the Security Council,¹⁰ transmitting a statement denying allegations that Uganda was involved in the fighting in Zaire; a letter dated 4 November 1996 from the representative of Italy addressed to the Secretary-General,¹¹ transmitting a press statement issued by Italy concerning the situation in eastern Zaire; and a letter dated 6 November 1996 from the representative of Kenya addressed to the Secretary-General,¹² transmitting the text of the communiqué of the Regional Summit on the Crisis in Eastern Zaire.

The attention of the Council was also drawn to the following documents: a letter dated 8 November 1996 from the representative of the Congo addressed to the Secretary-General,¹³ transmitting a statement on the situation in eastern Zaire made by the President of the Republic of the Congo, President of the Economic Community of Central African States and Chairman of the United Nations Standing Advisory Committee on Security Questions in Central Africa, appealing to the parties to the conflict to bring the hostilities to an end; a letter dated 8 November 1996 from the representative of Rwanda addressed to the President of the Security Council,¹⁴ informing the Council of their public appeal for all Rwandan refugees to return home; and a letter dated 8 November 1996 from the representative of Zaire addressed to the President of the Security Council,¹⁵ agreeing to the deployment of a multinational force pursuant to Chapter VII of the Charter, giving the conditions for deployment and calling on the United Nations to order Rwanda and Burundi to withdraw their troops from occupied Zairian territory, in accordance with the relevant provisions of the Charter of the United Nations and the Charter of the Organization of African Unity, and to strongly condemn the murderers of soldiers from the Zairian security contingent in the camps under United Nations mandate and the massacre of innocent civilians.

⁷ S/1996/921.

⁸ S/1996/869.

⁹ S/1996/895 and Corr.1.

¹⁰ S/1996/904.

¹¹ S/1996/905.

¹² S/1996/914.

¹³ S/1996/918.

¹⁴ S/1996/919.

¹⁵ S/1996/920.

At the same meeting, the draft resolution was put to the vote, and adopted unanimously as resolution 1078 (1996), which reads:

The Security Council,

Gravely concerned at the deteriorating situation in the Great Lakes region, in particular eastern Zaire, and at the effect of the continued fighting on the inhabitants of the region,

Recalling the statement by the President of the Security Council on the situation in the Great Lakes region of 1 November 1996 and the letters dated 14 and 24 October 1996 from the Secretary-General to the President of the Council,

Particularly concerned at the humanitarian situation and the large-scale movements of refugees and internally displaced persons,

Deeply concerned at the obstacles to the efforts of all international humanitarian agencies to provide relief and assistance to those in need,

Stressing the need to address, as a matter of urgency, the humanitarian situation, and in this context underlining the necessity to adopt, in consultation with the States concerned, measures necessary to enable the return to the region of humanitarian agencies and to secure the prompt and safe delivery of humanitarian assistance to those in need,

Having considered the letter dated 7 November 1996 from the Secretary-General to the President of the Security Council,

Welcoming the regional efforts which are aimed at reducing tension in the region, in particular the contribution made by the regional leaders at their summit meeting in Nairobi on 5 November 1996,

Taking note of the letter dated 6 November 1996 from the Permanent Representative of Kenya to the United Nations addressed to the Secretary-General, which contains the communiqué of the Nairobi regional summit on the crisis in eastern Zaire,

Taking note also of the request addressed to the Council by the regional leaders at their meeting in Nairobi on 5 November 1996 to take urgent measures to ensure the establishment of safe corridors and temporary sanctuaries by deploying a neutral force,

Noting that the regional leaders called for an intensification of efforts towards the voluntary repatriation of refugees to Rwanda,

Expressing its intention to respond positively on an urgent basis to those requests,

Bearing in mind the reaffirmation by the Nairobi regional summit of its commitment to the territorial integrity of Zaire, and stressing the need for all States to respect the sovereignty and territorial integrity of the States in the region in accordance with their obligations under the Charter of the United Nations,

Underlining the urgent need for the orderly and voluntary repatriation and resettlement of refugees and the return of internally displaced persons, which are crucial elements for the stability of the region,

Reiterating its support for the Special Envoy of the Secretary-General, and underlining the need for all Governments in the region and parties concerned to cooperate fully with the mission of the Special Envoy,

Welcoming the efforts of the mediators and representatives of the Organization of African Unity, the European Union and the States concerned, and encouraging them to coordinate closely their efforts with those of the Special Envoy,

Underlining the urgent need for an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity to address the problems of the region in a comprehensive way,

Taking note of the letter dated 8 November 1996 from the Chargé d'affaires of the Permanent Mission of Zaire to the United Nations addressed to the President of the Security Council,

Determining that the magnitude of the present humanitarian crisis in eastern Zaire constitutes a threat to peace and security in the region,

A

1. *Condemns* all acts of violence, and calls for an immediate ceasefire and a complete cessation of all hostilities in the region;

2. *Calls upon* all States in the region to create the conditions necessary for the speedy and peaceful resolution of the crisis and to desist from any act that may further exacerbate the situation, and urges all parties to engage in a process of political dialogue and negotiation without delay;

3. *Reaffirms its commitment* to the establishment of conditions conducive to the voluntary repatriation of refugees to their country of origin as a crucial element for the stability of the region;

4. *Calls upon* all States to respect the sovereignty and territorial integrity of the States in the region in accordance with their obligations under the Charter of the United Nations;

5. *Calls upon* all those concerned in the region to create favourable and safe conditions to facilitate the delivery of international humanitarian assistance to those in need and to ensure the safety of all refugees as well as the security and freedom of movement of all international humanitarian personnel;

B

6. *Welcomes* the letter dated 7 November 1996 from the Secretary-General, including in particular his proposal that a multinational force be set up for humanitarian purposes in eastern Zaire;

7. *Strongly urges* Member States, on an urgent and temporary basis and in cooperation with the Secretary-General and the Organization of African Unity, to prepare the necessary arrangements, in consultation with the States concerned, to allow the immediate return of humanitarian organizations and the safe delivery of humanitarian aid to displaced persons, refugees and civilians at risk in eastern Zaire, and to help to create the necessary conditions for the voluntary, orderly and secure repatriation of refugees;

8. *Requests* the Member States concerned to report on those arrangements as soon as possible to the Council, through the Secretary-General, to enable the Council to authorize the deployment of the multinational force referred to in paragraph 6 above upon receipt of the report, which, inter alia, will reflect the results of the consultations with the States concerned in the region and bear in mind the need to ensure the security and freedom of movement of the personnel of the multinational force;

9. *Decides* that the cost of implementing such an operation will be borne by the participating Member States and by other voluntary contributions, and encourages all Member States to contribute to the operation in any way possible;

C

10. *Requests* the Secretary-General, in consultation with his Special Envoy and the coordinator of humanitarian affairs, the United Nations High Commissioner for Refugees, the Organization of African Unity, the Special Envoy of the European Union and the States concerned:

(a) To draw up a concept of operations and framework for a humanitarian task force, with military assistance if necessary, drawing initially on immediately available contributions from Member States, with the objectives of:

- Delivering short-term humanitarian assistance and shelter to refugees and displaced persons in eastern Zaire;
- Assisting the United Nations High Commissioner for Refugees with the protection and voluntary repatriation of refugees and displaced persons;
- Establishing humanitarian corridors for the delivery of humanitarian assistance and to assist the voluntary repatriation of refugees after carefully ascertaining their effective will to repatriate;

(b) To seek the cooperation of the Government of Rwanda in, and to ensure international support for, further measures, including the deployment of additional international monitors, as appropriate, to build confidence and ensure a safe return of refugees;

(c) To report to the Council with recommendations no later than 20 November 1996;

¹⁶ S/1996/941.

11. *Calls upon* the Organization of African Unity, the States of the region and other international organizations to examine ways in which to contribute to and to complement efforts undertaken by the United Nations to defuse tension in the region, in particular in eastern Zaire;

12. *Expresses its readiness* to examine without delay the recommendations that the Secretary-General might submit in this regard;

D

13. *Invites* the Secretary-General, on an urgent basis and in close consultation with the Secretary-General of the Organization of African Unity, and with the States concerned, and in the light of the recommendations of his Special Envoy, to determine the modalities for convening an international conference for peace, security and development in the Great Lakes region and to make all necessary arrangements to convene such a conference;

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

Decision of 15 November 1996 (3713th meeting): resolution 1080 (1996)

By a letter dated 14 November 1996 addressed to the President of the Security Council,¹⁶ the Secretary-General transmitted a letter from the representative of Canada stating his Government's intention to take the lead in organizing and commanding a temporary multinational operation consistent with the objectives outlined in resolution 1078; envisaging a resolution under Chapter VII of the Charter providing for a mandate to act; and encouraging the Council to authorize a follow-on operation on the basis of the recommendations of the Secretary-General to succeed the temporary multinational force.

At its 3713th meeting, held on 15 November 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President, with the consent of the Council, invited the representatives of Argentina, Austria, Belgium, Burundi, Cameroon, Canada, the Congo, Denmark, Finland, Gabon, Ireland, Israel, Luxembourg, Mali, the Netherlands, Norway, Portugal, Rwanda, Spain, Sweden and Zaire, at their own request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of the Council to a draft resolution submitted by Argentina, Belgium, Botswana, Canada, Chile,

Denmark, Egypt, France, Gabon, Germany, Guinea-Bissau, Honduras, Indonesia, Ireland, Italy, Mali, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Spain, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zaire, and co-sponsored by Austria, Brazil, Cameroon, the Congo, Finland, Israel, Luxembourg and Sweden.¹⁷

At the same meeting the President also drew the attention of the Council to a letter dated 11 November 1996 from the Organization of African Unity (OAU) addressed to the Secretary-General, transmitting the text of the communiqué of the Fourth Extraordinary Session of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution;¹⁸ a letter dated 15 November 1996 from the representative of Zaire addressed to the President of the Security Council, transmitting the text of the position of the Government of Zaire, on the deployment of an international force in Eastern Zaire;¹⁹ and to a letter dated 15 November 1996 from the representative of Eritrea addressed to the President of the Security Council, transmitting a press statement concerning the situation in eastern Zaire.²⁰

At the same meeting the President also drew the attention of the Council to a letter dated 15 November 1996 from the representative of Rwanda addressed to the President of the Security Council, informing the Council that thousands of Rwandan refugees were returning to Rwanda.²¹

At the same meeting the representative of Zaire expressed his sincere thanks to the Secretary-General of the United Nations for his initiative in submitting the matter of the prevailing situation in eastern Zaire to the Security Council. He stated that his country was the victim of obvious aggression and that the key to the situation was the "problem of refugees, be they from Rwanda or Burundi". He called on the international community to intervene and exert pressure, particularly on Kigali. He expressed his belief that once the refugee problem had been solved calm would return to the region. He suggested that the cause of the refugee problem was the Government of Rwanda forcing a portion of its population out of the country after the 1994 tragedy. He recalled that Zaire was the sole country

to agree to the Secretary-General's proposal to convene a regional conference in the region while Rwanda had rejected that initiative, called for the departure of the United Nations Assistance Mission for Rwanda, reduced the number of United Nations staff to a level at which they could not work effectively and minimized the number of non-governmental organizations that were permitted to work there. He reminded the Council that Zaire had made a proposal to the Security Council for its help in separating armed elements from civilian refugees which was turned down due to the cost. He wondered how much the current operation would cost and suggested that it was the reluctance of the Council to act then that had brought them to the situation in which they found themselves. He recalled the efforts of Zaire in combating Iraqi aggression against Kuwait in 1990 and questioned the "timidity with which the Security Council is dealing with the aggression" against Zaire. Finally, he expressed his gratitude for the draft resolution that would enable the deployment of the multinational force to eastern Zaire and allow for the possibility of an extended mandate for the force under United Nations auspices.²²

The representative from Rwanda stated that his Government had been registering a hundred refugees per minute crossing the border from Zaire. He expected that the bulk of Rwandan refugees would have returned to the country by the following week and that he believed conditions were in place for the orderly return of many more. He maintained that local and Government machinery had been mobilized throughout the country to prepare the welcome centres for the refugees. He stated further that in the light of these developments it was the view of the Government of Rwanda that the proposed multinational force was no longer relevant, at least as far as rescuing the Rwandan refugees in eastern Zaire and that the multinational force needed to be smaller, the location of its troops reconsidered and a new, three-month mandate, to disarm the former Rwandan Government soldiers and militia, sought. He also expressed his view that the international community should help by making adequate resources available to facilitate the rehabilitation and integration of the returning refugees. He urged the Council not to hurry into the adoption of a resolution before they had the full facts about the changing circumstances on the

¹⁷ S/1996/943.

¹⁸ S/1996/922.

¹⁹ S/1996/942.

²⁰ S/1996/944.

²¹ S/1996/945.

²² S/PV.3713 and Corr.1, p. 4-5.

ground. He also denied the allegations put forward by the delegation of Zaire. He called attention to a document,²³ which gave the historical background to the situation, and suggested that the root cause of the crisis in Zaire was its “denationalization” of its own citizens.²⁴

The representative of Burundi stated that while the principal cause of the current situation was the large number of refugees who fled after the Rwandan genocide, the greatest blame had to be borne by the former Rwandan Army and its militias. He stated that Burundi, Rwanda and Zaire, being aware of the risk inherent in the presence of large numbers of refugees along their shared borders and backed by UNHCR, had continually requested the assistance of the international community for a triple operation: the repatriation of the refugees to their countries; the disarmament of some 40,000 runaway Rwandan soldiers and militia; and encampment in an area far from the frontiers for refugees who opted to remain abroad. He maintained that it was the failure of the Security Council to neutralize the former Rwandan troops that had led to the present disaster and that the primary purpose of the multinational force should be to disarm these troops and quarter them in areas remote from the countries’ borders. He proposed an international conference on finding ways to bring about a return of refugees to their respective homelands that would be entrusted to the United Nations and OAU in close cooperation with the rest of the international community. He also stated that the four-month-old total economic blockade of Burundi, continued despite the fact that the new regime had abided by all the conditions imposed for two months, contravened the norms of international law and the charters of both the United Nations and OAU. He maintained that the embargo made it extremely difficult to deal with the Burundian refugees returning from Zaire and wondered how long the embargo would be maintained. He concluded by warning that failing to disarm the Rwandan soldiers could mean repetition of the error committed in 1994 when the United Nations Assistance Mission for Rwanda (UNAMIR) stood by passively and then fled at the height of the genocide.²⁵

The representative of Canada recalled that the Council in resolution 1078 (1996) had stated that while the countries of the region had a responsibility to create the conditions necessary for the resolution of the crisis,

the international community also needed to act. Therefore, Canada had decided to take a substantial role in mounting a multinational humanitarian intervention force to make possible the safe delivery of humanitarian aid and to facilitate the voluntary repatriation of refugees. He informed the Council that over 20 countries had committed over 10,000 troops, with the main body from Canada, France, the United Kingdom and the United States, and that they had firm offers from many other countries and regions. While efforts to find donors to contribute to the United Nations trust fund to support the participation of African countries were progressing, more help was urgently required. He noted that African participation in the multinational force was of vital importance to its legitimacy and expressed his gratitude for the firm offers of battalions from Ethiopia, Malawi and Senegal, and welcomed the vital involvement of regional leaders and the OAU. He urged as many countries as possible to assist African countries to bear the costs of participation and to provide strategic transport and medical support. He stated that the force, as noted in paragraph 3 of the draft resolution, would facilitate the immediate return of humanitarian organizations, the effective delivery of humanitarian aid by civilian relief organizations for displaced persons, refugees and civilians at risk and the voluntary, orderly repatriation of refugees by UNHCR. Therefore, Canada did not envisage disarmament or interposition as elements of the force’s mandate. The force would be deployed for four months alongside a civil component which included direct United Nations involvement. He stated that the transition from the force to a longer-term United Nations operation that would focus primarily on civilian peacekeeping, political reconciliation and reinforcement of the institutions of civil society needed to be carefully thought out. He concluded by urging the Security Council to authorize the operation without delay.²⁶

Speaking before the vote, the representative of France stated that his delegation would vote in favour of the draft resolution, but emphasized that the force had a strictly humanitarian mandate. He underlined the importance of convening of an international conference and noted that the proposal had been formally endorsed by the Organization of African Unity. He praised Canada for agreeing to lead the force and stated that the force

²³ S/1996/869.

²⁴ S/PV.3713 and Corr.1, p. 5-6.

²⁵ *Ibid.*, p. 6-8.

²⁶ *Ibid.*, pp. 8-10.

should be followed by a United Nations operation to continue its work.²⁷

The representative of the United Kingdom, while maintaining his support for the resolution, emphasized the need for a properly balanced force, of a size adequate to the task and with a clear and achievable mandate. Due to the temporary nature of the operation, he stressed the importance of the United Nations immediately beginning preparations on the follow-on operation. He cautioned that the mission must not freeze the present situation as it would result in the re-establishment of camps in which armed elements would be allowed to operate. He hoped that African States would play an important role in the multinational force and the follow up and stressed the importance of them participating actively in the planning of both. He encouraged States that were not providing troops to contribute to the voluntary trust fund.²⁸

The representative of China expressed his concern over the renewed fighting and the displacement of refugees. He stated that the international community, including the Security Council, was duty-bound under Article 24 to settle the present crisis in the Great Lakes Region. Therefore, the Chinese delegation would support the resolution. Believing that the international military intervention in eastern Zaire involved many complicated and sensitive questions, he underlined the following principles to be observed in carrying out such an intervention: first, the sovereignty and territorial integrity of the countries concerned, particularly Zaire, had to be respected and there could be no interference in the internal affairs of these countries. Second, before initiating the action, there needed to be full consultations with the States concerned and their consent obtained. Third, the action needed to be strictly confined to humanitarian purposes. Fourth, since the Security Council had authorized the intervention, its political guidance had to be accepted. Fifth, there needed to be a clear time-frame and terms of reference. He also expressed his reservations about invoking Chapter VII of the Charter since the action mandated by the draft resolution was strictly confined to humanitarian purposes.²⁹

The representative of the Russian Federation expressed his deep concern with the humanitarian tragedy unfolding in eastern Zaire and which threatened

to grow into a regional military conflict. He called upon all of the belligerent parties to cease hostilities immediately, enter into political dialogue and refrain from any actions that could exacerbate the crisis. He hoped that the multinational force would act impartially and in cooperation with the Secretary-General, the United Nations Coordinator for humanitarian assistance and the relevant humanitarian organizations and that it would regularly inform the Security Council of the course of the operation. He underlined the significance of the draft resolution's emphasis of the need for an international conference under the auspices of the United Nations and OAU to ensure a comprehensive political solution to the problems of the region. Finally, he stated that the delegation of the Russian Federation would support the draft resolution on the basis of the understanding that the Security Council would authorize the establishment of a follow-on operation as stated in paragraph 12 of the draft resolution.³⁰

The representative of the United States noted that the complexities of the situation in eastern Zaire, with multiple armed groups and a fragile political environment, required prudent preparation and expressed their strong support for the initiative of the Government of Canada to lead a multinational force. She welcomed the offers of nations around the world to participate in the multinational force that the Security Council would be authorizing with the draft resolution. She stated that the long-term solution to the problem was the voluntary repatriation of the refugees and that the Government of Rwanda had taken credible steps in this regard. The United States was working closely with other Governments, the United Nations agencies and the humanitarian community to determine the precise humanitarian requirements and how it might most usefully participate in these efforts and facilitate the orderly and successful repatriation of the refugees. She praised the efforts of the Secretary-General's Special Envoy, OAU, regional leaders, the European Union and other mediators to resolve the underlying problems. She urged all the parties in the region to cease hostilities directed at one another, cooperate with the mediation efforts, permit the flow of humanitarian assistance, support the secure repatriation of refugees and cooperate with the International Criminal Tribunal for Rwanda,

²⁷ Ibid., pp. 10-11.

²⁸ Ibid., pp. 11-12.

²⁹ Ibid., pp. 12-13.

³⁰ Ibid., p. 24.

which was authorized to deal with those persons responsible for the 1994 genocide.³¹

Several other speakers also expressed their support for the resolution. While some emphasized the importance of the humanitarian mission and others the need for the voluntary repatriation of refugees, everyone recognized that both were critical aspects of the mission. Several members underlined the importance of participation by OAU and the African nations and the need for countries to donate to the trust fund to support that participation. A number of countries expressed their gratitude to Canada for leading the multinational force. The importance of the regional conference, of the follow-on United Nations mission and of the voluntary nature of repatriation of refugees was also stressed.³²

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1080 (1996), which reads:

The Security Council,

Reaffirming its resolution 1078 (1996) of 9 November 1996,

Gravely concerned at the continuing deteriorating situation in the Great Lakes region, in particular eastern Zaire,

Taking note of the communiqué issued at the fourth extraordinary session of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity, held at the ministerial level in Addis Ababa on 11 November 1996, as well as a communication dated 13 November 1996 from the Permanent Observer Mission of the Organization of African Unity to the United Nations,

Stressing the need for all States to respect the sovereignty and territorial integrity of the States in the region in accordance with their obligations under the Charter of the United Nations,

Underlining the obligation of all concerned strictly to respect the relevant provisions of international humanitarian law,

Having considered the letter dated 14 November 1996 from the Secretary-General to the President of the Security Council,

Reiterating its support for the Special Envoy of the Secretary-General, and underlining the need for all Governments in the region and parties concerned to cooperate fully with the mission of the Special Envoy,

Welcoming the efforts of the mediators and representatives of the Organization of African Unity, the European Union and the

States concerned, and encouraging them to coordinate closely their efforts with those of the Special Envoy,

Recognizing that the current situation in eastern Zaire demands an urgent response by the international community,

Reiterating the urgent need for an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity to address the problems of the region in a comprehensive way,

Determining that the present situation in eastern Zaire constitutes a threat to international peace and security in the region,

Bearing in mind the humanitarian purposes of the multinational force as specified below,

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

1. *Reiterates its condemnation* of all acts of violence and its call for an immediate ceasefire and a complete cessation of all hostilities in the region;

2. *Welcomes* the letter from the Secretary-General dated 14 November 1996;

3. *Welcomes* the offers made by Member States, in consultation with the States concerned in the region, concerning the establishment for humanitarian purposes of a temporary multinational force to facilitate the immediate return of humanitarian organizations and the effective delivery by civilian relief organizations of humanitarian aid to alleviate the immediate suffering of displaced persons, refugees and civilians at risk in eastern Zaire, and to facilitate the voluntary, orderly repatriation of refugees by the United Nations High Commissioner for Refugees as well as the voluntary return of displaced persons, and invites other interested States to offer to participate in these efforts;

4. *Welcomes also* the offer by a Member State to take the lead in organizing and commanding this temporary multinational force;

5. *Authorizes* the Member States cooperating with the Secretary-General to conduct the operation referred to in paragraph 3 above to achieve, by using all necessary means, the humanitarian objectives set out therein;

6. *Calls upon* all concerned in the region to cooperate fully with the multinational force and humanitarian agencies and to ensure the security and freedom of movement of their personnel;

7. *Calls upon* the Member States participating in the multinational force to cooperate with the Secretary-General and

³¹ Ibid., p. 24-25.

³² Ibid., p. 15 (Germany); p. 16 (Egypt); pp. 17-20 (Guinea-Bissau); p. 20 (Poland); pp. 20-21 (Honduras);

pp. 21-22 (Italy); pp. 22-23 (Chile); and pp. 25-26 (Indonesia).

to coordinate closely with the United Nations coordinator of humanitarian assistance for eastern Zaire and the relevant humanitarian relief operations;

8. *Decides* that the operation shall terminate on 31 March 1997, unless the Council, on the basis of a report of the Secretary-General, determines that the objectives of the operation were fulfilled earlier;

9. *Decides* that the cost of implementing this temporary operation will be borne by the participating Member States and by other voluntary contributions, and welcomes the establishment by the Secretary-General of a voluntary trust fund with the purpose of supporting African participation in the multinational force;

10. *Encourages* Member States to contribute urgently to this fund or otherwise to give support to enable African States to participate in this force, and requests the Secretary-General to report within twenty-one days of the adoption of the present resolution to enable the Council to consider the adequacy of these arrangements;

11. *Requests* the Member States participating in the multinational force to provide periodic reports at least twice monthly to the Council, through the Secretary-General, the first such report to be made no later than twenty-one days after the adoption of the present resolution;

12. *Expresses its intention* to authorize the establishment of a follow-on operation which would succeed the multinational force, and requests the Secretary-General to submit for its consideration a report, no later than 1 January 1997, containing his recommendations regarding the possible concept, mandate, structure, size and duration of such an operation, as well as its estimated costs;

13. *Requests* the Secretary-General to initiate detailed planning and to determine the willingness of Member States to contribute troops for the anticipated follow-on operation;

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

**Decision of 7 February 1997 (3738th meeting):
statement by the President**

At the 3738th meeting of the Security Council, held on 7 February 1997 in accordance with the understanding reached in its prior consultations, the President (Kenya), with the consent of the Council, invited the representative of Zaire, at his request, to participate in the discussion without the right to vote.

At the same meeting the President called the attention of the Council to letters dated 6 January and 1 February, respectively, from the representative of

Zaire addressed to the President of the Security Council,³³ transmitting the position of the Government of Zaire on the non-implementation of Security Council resolution 1080 (1996), informing the Security Council of armed aggression against Zaire by Burundi, Rwanda and Uganda, and requesting the Council to recognize and condemn it and adopt such measures as are required to put a stop to it. The President also drew the attention of the Council to a letter dated 29 January 1999 from the representative of Kenya addressed to the President of the Security Council,³⁴ transmitting the text of the communiqué issued at the end of the meeting of Cameroon, the Congo, Kenya, South Africa, the United Republic of Tanzania and Zimbabwe on the current situation in the Great Lakes region, and to letters dated 30 January and 4 February 1997, respectively, addressed to the President of the Security Council from the representatives of Uganda and Rwanda,³⁵ denying the allegations of aggressions by Zaire.

At the same meeting, the President made the following statement on behalf of the Council:³⁶

The Security Council expresses its grave concern at the deteriorating situation in the Great Lakes region, in particular in eastern Zaire, and at its humanitarian consequences on the refugees and inhabitants of the region. It calls for an end to the hostilities and the, withdrawal of all external forces, including mercenaries.

The Council also expresses its deep concern over the humanitarian crisis in the region and urges all parties to allow humanitarian agencies and organizations access to deliver humanitarian assistance to those in need. It also demands that the parties ensure the safety of all refugees and displaced persons as well as the security and freedom of movement of all United Nations and humanitarian personnel. It underlines the obligation of all concerned to respect the relevant provisions of international humanitarian law.

The Council reaffirms its commitment to the sovereignty and territorial integrity of Zaire and other States in the Great Lakes region, and to the principle of the inviolability of borders. In this connection, the Council calls upon all the States in the region to refrain, in accordance with their obligations under the Charter of the United Nations and the Charter of the Organization of African Unity, from any act, including cross-border incursions, which would threaten the sovereignty and territorial integrity of any State and exacerbate the situation in the region, including endangering the refugees and displaced persons. It also calls upon those States to create the conditions necessary for the speedy and peaceful resolution of the crisis.

³³ S/1997/13 and S/1997/98.

³⁴ S/1997/94.

³⁵ S/1997/97 (Uganda) and S/1997/109 (Rwanda).

³⁶ S/PRST/1997/5.

The Council expresses its full support for the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region, Mr. Mohammed Sahnoun, in the fulfilment of his mandate as set out in the letter from the Secretary-General to the President of the Security Council dated 22 January 1997. It urges all parties in the region to cooperate fully with the mission of the Special Representative in the search for a peaceful settlement of the crisis and calls upon Member States to provide the Special Representative with all necessary support, including logistical support. It also encourages other facilitators and representatives of the regional organizations, including the European Union, and the States concerned to coordinate closely their efforts with those of the Special Representative.

The Council reaffirms the importance of holding an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity.

The Council welcomes all efforts, including those of the organizations and States of the region, aimed at resolving the crisis and, in particular, the initiative of President Daniel arap Moi of Kenya, and other heads of States and encourages them to continue their efforts.

The Council will remain seized of the matter.

**Decision of 18 February 1997 (3741st meeting):
resolution 1097 (1997)**

By a letter dated 18 February 1997 addressed to the President of the Security Council,³⁷ the Secretary-General informed the Council of the mission of the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region, who was at that time in Kinshasa working on a five-point peace plan which was based on the statement by the President of the Security Council of 7 February 1997,³⁸ and which he hoped would be accepted by all parties. The Secretary-General stated that it would greatly assist the Special Representative's efforts if consideration were to be given by the Security Council, on an urgent basis, to an appropriate acknowledgement and support of his initiative. He also informed the Council of other initiatives to restore peace in eastern Zaire and that the Foreign Ministers of Cameroon, the Congo, Kenya, South Africa, the United Republic of Tanzania and Zimbabwe and the Secretary-General of OAU were in Kinshasa.

At its 3741st meeting, held on 18 February 1997 in accordance with the understanding reached in prior

consultations, the Security Council included the item in its agenda. Following the adoption of the agenda, the President invited the representative of Zaire, at his request, to participate in the discussion without the right to vote.

At the same meeting the President also drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³⁹

The President further drew the attention of the Council to a letter dated 16 February 1997 from the representative of Zaire addressed to the President of the Security Council,⁴⁰ transmitting the text of a communiqué from the Government of Zaire which requested the Security Council to meet urgently in order to consider Zaire's complaint against Uganda and Rwanda, issue a strong condemnation of that aggression, order the withdrawal of foreign troops and establish monitoring mechanisms for that purpose, take measures to put an end to the extermination of Hutu refugees and remove all the Rwandan refugees in Zairian territory.

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1097 (1997), which reads:

The Security Council,

Gravely concerned at the deteriorating situation in the Great Lakes region, in particular eastern Zaire, and expressing serious concern over the safety of refugees and displaced persons whose lives are in danger,

Welcoming the letter dated 18 February 1997 from the Secretary-General to the President of the Security Council regarding progress in the efforts to resolve the crisis in the Great Lakes region,

Reaffirming the Statement by the President of the Security Council of 7 February 1997,

Reaffirming also the obligation to respect national sovereignty and territorial integrity of the States of the Great Lakes region and the need for the States of the region to refrain from any interference in each other's internal affairs,

Underlining the obligation of all concerned to respect strictly the relevant provisions of international humanitarian law,

Reiterating its support for the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region in the fulfilment of his mandate, and underlining the need for all Governments in the region and the

³⁷ S/1997/136.

³⁸ S/PRST/1997/5.

³⁹ S/1997/137.

⁴⁰ S/1997/138.

parties concerned to cooperate fully with the mission of the Special Representative,

1. *Endorses* the following five-point peace plan for eastern Zaire, as set out in the letter from the Secretary-General of 18 February 1997:

- (a) Immediate cessation of hostilities;
- (b) Withdrawal of all external forces, including mercenaries;
- (c) Reaffirmation of respect for the national sovereignty and the territorial integrity of Zaire and other States of the Great Lakes region;
- (d) Protection and security for all refugees and displaced persons and facilitation of access to humanitarian assistance;
- (e) Rapid and peaceful settlement of the crisis through dialogue, the electoral process and the convening of an international conference on peace, security and development in the Great Lakes region;

2. *Calls upon* all Governments and parties concerned to cooperate with the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region to achieve lasting peace in the region;

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

**Decision of 7 March 1997 (3748th meeting):
statement by the President**

At the 3748th meeting of the Security Council, held on 7 March 1997 in accordance with the understanding reached in prior consultations, the President (Poland), with the consent of the Council, invited the representative of Zaire, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 5 March 1997 from the Secretary-General addressed to the President of the Security Council, transmitting a copy of a statement by Zaire formally declaring its acceptance of the United Nations peace plan set out in resolution 1097 (1997).⁴¹

At the same meeting, the President made the following statement on behalf of the Council:⁴²

The Security Council expresses its grave concern at the deteriorating situation in the Great Lakes region, in particular in eastern Zaire. It underlines the urgent need for a comprehensive and coordinated response by the international community in support of the efforts of the joint United Nations/Organization of

African Unity Special Representative for the Great Lakes region to prevent any further escalation of the crisis there.

The Council reiterates, in that respect, its full support for the five-point peace plan for eastern Zaire contained in its resolution 1097 (1997) of 18 February 1997 and welcomes the endorsement of that plan by the Organization of African Unity at its sixty-fifth ordinary session of the Council of Ministers held in Tripoli from 24 to 28 February 1997.

The Council welcomes the declaration of the Government of Zaire of 5 March 1997 regarding its acceptance of the United Nations peace plan endorsed by the Security Council in its resolution 1097 (1997).

The Council calls upon the Alliance of Democratic Forces for the Liberation of Congo/Zaire to declare publicly its acceptance of resolution 1097 (1997) in all its provisions, in particular an immediate cessation of hostilities, and calls upon all parties to implement the provisions of the resolution without delay.

The Council is concerned about the effect that the continued fighting is having on the refugees and inhabitants of the region and calls upon all parties to allow access by the United Nations High Commissioner for Refugees and humanitarian agencies to refugees and displaced persons and to guarantee the safety of refugees and displaced persons as well as United Nations and other humanitarian aid workers. It also takes note with concern of allegations of violations of international humanitarian law in the conflict zone and welcomes the sending of a United Nations fact-finding mission to the area.

The Council reiterates its full support for the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region and urges all Governments in the region and all the parties concerned to cooperate with him fully. It also urges the parties to the conflict to begin a dialogue, under his auspices, in order to achieve a lasting political settlement.

The Council welcomes all efforts, including those of the organizations and States of the region, aimed at resolving the crisis, inter alia, the initiative of President Daniel arap Moi of Kenya to convene another regional meeting in Nairobi on 19 March 1997 and the initiative of the Organization of African Unity to organize a summit of the members of the Central Organ of its Mechanism for Conflict Prevention, Management and Resolution on the Great Lakes region in Lomé before the end of March 11 1997. The Council encourages other facilitators and representatives of the regional organizations, including the European Union, and the States concerned to coordinate closely their efforts with those of the Special Representative.

The Council reaffirms the importance of holding an international conference on peace, security and development in

⁴¹ S/1997/197.

⁴² S/PRST/1997/11.

the Great Lakes region under the auspices of the United Nations and the Organization of African Unity.

The Council expresses its gratitude to the Secretary-General for keeping it informed of developments in the Great Lakes region and requests him to continue to do so on a regular basis.

The Council will remain actively seized of the matter.

**Decision of 4 April 1997 (3762nd meeting):
statement by the President**

At the 3762nd meeting of the Security Council, held on 4 April 1997 in accordance with the understanding reached in its prior consultations, the President (Portugal) drew the attention of the Council to a letter from the representative of Togo addressed to the Secretary-General, transmitting the text of the statement adopted at the conclusion of the first special session of the Conference of Heads of State and Government of the Central Organ of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution, which was devoted to the situation in eastern Zaire.⁴³

**Decision of 24 April 1997 (3771st meeting):
statement by the President**

At the 3771st meeting of the Security Council, held on 24 April 1997 in accordance with the understanding reached in its prior consultations, the President (Portugal) made the following statement on behalf of the Council:⁴⁵

The Security Council is increasingly alarmed at the deterioration of the situation in Zaire and at the humanitarian consequences on the refugees, displaced persons and other affected civilian inhabitants. It expresses its deep concern at the lack of progress in efforts to bring about a peaceful and negotiated settlement of the conflict in Zaire.

The Council once again underlines the obligation of all concerned to respect the relevant rules of international law, including those of international humanitarian law.

The Council is dismayed by the continued lack of access being afforded by the Alliance of Democratic Forces for the Liberation of Congo/Zaire to United Nations and other humanitarian relief agencies and by the recent acts of violence which have hampered the delivery of humanitarian assistance. It reiterates the statement by its President of 4 April 1997 and, in

At the same meeting, the President made the following statement on behalf of the Council:⁴⁴

The Security Council reiterates its deep concern about the alarming situation of refugees and displaced persons in eastern Zaire.

The Council underlines the obligation of all concerned to respect the relevant provisions of international humanitarian law.

The Council, while noting that some cooperation has recently been extended to humanitarian relief agencies by the Alliance of Democratic Forces for the Liberation of Congo/Zaire, strongly urges the parties, and in particular the Alliance of Democratic Forces, to ensure unrestricted and safe access by United Nations agencies and other humanitarian organizations to guarantee the provision of humanitarian assistance to, and the safety of, all refugees, displaced persons and other affected civilian inhabitants.

The Council also urges the Alliance of Democratic Forces for the Liberation of Congo/Zaire to cooperate fully with the United Nations in the implementation of the repatriation plan for eastern Zaire of the Office of the United Nations High Commissioner for Refugees. In this context, it calls on the Government of Rwanda to facilitate the implementation of this plan.

The Security Council will remain actively seized of the matter.

particular, calls in the strongest terms upon the Alliance of Democratic Forces to ensure unrestricted and safe access by all humanitarian relief agencies so as to allow the immediate provision of humanitarian aid to those affected and to guarantee the safety of humanitarian relief workers, refugees, displaced persons and other affected civilian inhabitants in the areas which the Alliance of Democratic Forces controls.

The Council also expresses its concern at the obstruction of the repatriation plan for eastern Zaire of the Office of the United Nations High Commissioner for Refugees. It calls upon the Alliance of Democratic Forces for the Liberation of Congo/Zaire and the Government of Rwanda to cooperate fully and without delay with the Office of the High Commissioner to enable the early implementation of the plan.

The Council is particularly alarmed by reports of massacres and other serious violations of human rights in eastern Zaire. In this context, it calls upon the Alliance of Democratic Forces for the Liberation of Congo/Zaire and others concerned in the region to cooperate fully with the recently established United Nations investigative mission by ensuring unimpeded access to all areas and sites under investigation, as well as the security of the members of the mission.

The Council reiterates its full support for the United Nations five-point peace plan, endorsed by its

⁴³ S/1997/269.

⁴⁴ S/PRST/1997/19.

⁴⁵ S/PRST/1997/22.

resolution 1097 (1997) of 18 February 1997. It calls for an immediate cessation of hostilities and calls upon the Government of Zaire and the Alliance of Democratic Forces for the Liberation of Congo/Zaire to engage seriously and fully in the search for a speedy political solution to the problems in Zaire, including transitional arrangements leading to the holding of democratic and free elections with the participation of all parties. In this context, it calls upon the President of Zaire and the leader of the Alliance of Democratic Forces to meet as soon as possible.

The Council warmly commends the efforts of the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region. It calls upon all States, in particular those in the region, to support these efforts and to refrain from any action that would further exacerbate the situation in Zaire.

The Council reaffirms once again the importance of holding an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African unity.

The Council expresses its gratitude to the Secretary-General for keeping it informed of developments in the Great Lakes region and requests him to continue to do so on a regular basis.

The Council will remain seized of the matter.

of the United Nations High Commissioner for Refugees, including the use of both airports in Kisangani. It also notes his commitment to be flexible regarding the duration of the repatriation operation, which should move ahead as quickly as possible. It expresses concern at reports of obstruction of humanitarian assistance efforts but notes that humanitarian access has improved recently. It calls upon the Alliance of Democratic Forces to abide by these commitments and to enable the repatriation plan of the Office of the High Commissioner to be implemented without conditions or delay.

The Council also expresses its deep concern regarding the continuing reports of massacres, other atrocities and violations

Decision of 30 April 1997 (3773rd meeting): statement by the President

At the 3773rd meeting of the Security Council, held on 30 April 1997 in accordance with the understanding reached in its prior consultations, the President (Portugal) made the following statement on behalf of the Council:⁴⁶

The Security Council reaffirms the statement by its President of 24 April 1997 and welcomes the recent agreement by the President of Zaire and the leader of the Alliance of Democratic Forces for the Liberation of Congo/Zaire on a time and venue for a meeting to discuss a peaceful and negotiated settlement of the conflict in Zaire. It reiterates its full support for the United Nations five-point peace plan, endorsed by its resolution 1097 (1997) of 18 February 1997, calls for an immediate cessation of hostilities, and especially calls for both parties to reach a rapid agreement on peaceful transitional arrangements leading to the holding of democratic and free elections with the participation of all parties.

The Council notes the commitment by the leader of the Alliance of Democratic Forces for the Liberation of Congo/Zaire to allow United Nations and other humanitarian agencies access to refugees in eastern Zaire in order to provide humanitarian assistance and to implement the repatriation plan of the Office

of international humanitarian law in eastern Zaire. In this context, it reiterates its call upon the Alliance of Democratic Forces for the Liberation of Congo/Zaire and others concerned in the region to cooperate fully with the recently established United Nations investigative mission by ensuring unimpeded access to all areas and sites under investigation, as well as the security of the members of the mission. It attaches great importance to the commitment of the leader of the Alliance of Democratic Forces to take appropriate action against members of the Alliance who violate the rules of international humanitarian law concerning the treatment of refugees and civilians.

The Council will remain seized of the matter.

11. Items relating to the Democratic Republic of the Congo

A. The situation concerning the Democratic Republic of the Congo

Initial proceedings

Decision of 29 May 1997 (3784th meeting): statement by the President

By a letter dated 18 February 1997 addressed to the President of the Security Council,¹ the Secretary-General, referring to the mission of the joint United Nations/Organization of African Unity Special

⁴⁶ S/PRST/1997/24.

¹ S/1997/136.

Representative for the Great Lakes region, sought the support of the Council for a five-point peace plan as his initiative to restore peace in eastern Zaire. The five-point peace plan, based on the presidential statement of 7 February 1997,² called for the immediate cessation of hostilities; withdrawal of all external forces; respect for the national sovereignty and the territorial integrity of Zaire and other States of the Great Lakes region; protection and security for all refugees and displaced persons; and rapid and peaceful settlement of the crisis through dialogue, the electoral process and the convening of an international conference on peace, security and development. In his letter the Secretary-General stated that the consideration by the Security Council, on an urgent basis, of an appropriate acknowledgement and expression of support for his initiative would greatly assist the efforts of the joint United Nations/Organization of African Unity Special Representative.

By a letter dated 2 June 1997 addressed to the Secretary-General,³ the representative of the Netherlands transmitted the statement on the transfer of power in the Democratic Republic of the Congo issued on 22 May 1997 by the Presidency of the European Union.

By a letter dated 12 June 1997 addressed to the Secretary-General,⁴ the representative of the Republic of the Congo transmitted a statement by the Government of the Republic of the Congo following the political changes that had taken place in the Democratic Republic of the Congo (formerly Zaire).

At its 3784th meeting, held on 29 May 1997 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda without objection the item entitled "The situation concerning the Democratic Republic of the Congo".

At the same meeting, the President (Republic of Korea) made the following statement on behalf of the Council:⁵

The Security Council expresses its support for the people of the Democratic Republic of the Congo as they begin a new period in their history. The Council respects the legitimate national aspirations of the people of the Democratic Republic of the Congo to achieve peace, national reconciliation and progress

in the political, economic and social fields to the benefit of all, and opposes any interference in its internal affairs.

The Council recalls its resolution 1097 (1997) of 18 February 1997, in which it endorsed the United Nations five-point peace plan.

The Council welcomes the end of the fighting and expresses its satisfaction that stability has begun to return to the country.

The Council reaffirms the national sovereignty and the territorial integrity of the Democratic Republic of the Congo and calls for the withdrawal of all external forces, including mercenaries.

The Council, in accordance with the United Nations five-point peace plan, calls for the rapid and peaceful settlement of the crisis through dialogue and the convening of an international conference on peace, security and development in the Great Lakes region. The Council also reaffirms the statement by its President of 30 April 1997 calling for rapid agreement on peaceful transitional arrangements leading to the holding of democratic and free elections with the participation of all parties.

The Council believes that the convening of an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity is essential for promoting regional peace and stability.

The Council, in accordance with the United Nations five-point peace plan, calls for protection and security for all refugees and displaced persons and facilitation of access to humanitarian assistance. It reiterates its call for full respect for the rights of refugees and displaced persons, and for access and safety for humanitarian relief workers. It also reiterates in the strongest terms its call for complete cooperation with the United Nations mission investigating reports of massacres, other atrocities and violations of international humanitarian law in the country, including to provide it full and immediate access and ensuring its security. It is particularly concerned by reports that refugees in the east of the country are being systematically killed. It calls for an immediate end to the violence against refugees in the country.

The Council expresses its deep appreciation to the Secretaries-General of the United Nations and the Organization of African Unity and their Special Representative, to the Government of South Africa, and to all those inside and outside the region for their efforts to facilitate a peaceful solution to the crisis in the Democratic Republic of the Congo.

² S/PRST/1997/5.

³ S/1997/422.

⁴ S/1997/442.

⁵ S/PRST/1997/31.

B. 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

Letter dated 25 June 1998 from the Permanent Representative of Rwanda to the United Nations addressed to the Secretary-General

Decision of 13 July 1998 (3903rd meeting): statement by the President

By a letter dated 29 June 1998 addressed to the President of the Security Council, the Secretary-General transmitted the report of his Investigative Team in the Democratic Republic of the Congo.⁶ He had established the Team in July 1997 to help break a deadlock between the Government of the Democratic Republic of the Congo and the Joint Investigative Mission mandated by the Commission on Human Rights to investigate allegations of massacres and other violations of human rights which arose from the situation that had prevailed in what was then eastern Zaire since September 1996. The Government had objected to the participation in the Mission of the Special Rapporteur on the situation of human rights in Zaire and to the period covered by its mandate. They urged that the mandate be extended back to 1 March 1993, in order to include: the ethnic violence between self-styled “indigenous Zairians” against Zairians of both Hutu and Tutsi origin, as well as subsequent developments including the influx of Hutu refugees from Rwanda in 1994 following the genocide there; the insecurity generated in both Zaire and Rwanda by armed members of the ex-Forces armées rwandaises and Interahamwe militia who maintained strict control over the refugees and launched raids into Rwanda; and the increasing violence to which Zairian Tutsis were subjected until the October 1996 uprising. In response, the Secretary-General had extended the period under investigation back to 1 March 1993 and appointed Chief Justice Atsu-Koffi Amega (Togo) as leader of his Investigative Team, with a mandate to investigate

serious violations of human rights and international humanitarian law alleged to have been committed in the Democratic Republic of the Congo up to 31 December 1997. The Secretary-General noted that the events described in the report of the Team had not occurred in a vacuum. The background to those events was the 1994 genocide in Rwanda, which led directly to the violence of the 1994-1996 period in eastern Zaire, which had been publicly denounced by the Rwandan Government as a resumption in a neighbouring country of the 1994 genocidal practices. That same violence resulted in the creation, in September 1996, of the Alliance of Democratic Forces for the Liberation of the Congo, and its successful military campaign against the regime of President Mobutu Sese Seko, which ended in Kinshasa on 17 May 1997. While it was a source of regret that the Team was not allowed to carry out its mission fully and without hindrance, they were able to reach a number of conclusions that were supported by strong evidence. The report found that all parties to the violence during the period under consideration had committed serious violations of human rights or international humanitarian law. It also found that the killings and the denial of humanitarian assistance to Rwandan Hutu refugees by the Alliance of Democratic Forces for the Liberation of the Congo (AFDL) and its allies, including elements of the Rwandan Patriotic Army, constituted crimes against humanity. The members of the Team also believed that some of the killings may have constituted genocide and called for further investigation of those crimes and of their motivation. The Secretary-General underlined that as the members of the Council read the report they would encounter one of the root causes of the recent conflicts in the Great Lakes region of Africa: a vicious cycle of violations of human rights and revenge, fuelled by impunity. That cycle had to be brought to an end if lasting peace and stability were to be restored to the region. He maintained that the international community, and especially donor countries, had a prominent role to play in all of this. He stated that in considering the attached report the Council would no doubt wish to respond to it in a way that reflected their responsibility for the maintenance of international peace and security and at the same time gave full weight to consolidating the fragile stability in the region. Violations of human rights on such a scale as to constitute crimes against humanity had to be regarded as posing a threat to

⁶ S/1998/581.

international peace and security. At the same time, full weight needed to be given to the importance of consolidating the fragile stability in the region, which plainly required a great deal of international assistance. It would, in his view, be a serious mistake if the international community were to turn its back on the countries concerned. What was needed was a consistent policy of critical engagement.

By a letter dated 25 June 1998 addressed to the Secretary-General,⁷ the representative of the Democratic Republic of the Congo stated with regard to the report of the Investigative Team that the Democratic Republic of the Congo was being charged by certain sectors of international public opinion, which alleged that units of the Alliance of Democratic Forces for the Liberation of the Congo had carried out massacres of Rwandan Hutu refugees. The frequent allusions to atrocities falsely attributed to AFDL had led the United Nations High Commissioner for Human Rights to request the Special Rapporteur for the former Zaire, appointed on 9 March 1994 by the Commission on Human Rights, to make another visit to the Democratic Republic of the Congo, who had prepared a very controversial report, which reflected a large degree of partiality. Particularly, he had deliberately and completely failed to mention that the main factors which led to the tragedy that occurred in the eastern part of the Democratic Republic of the Congo were criminal acts committed by the former regimes in the Great Lakes region. From the outset and in keeping with the spirit of Security Council resolution 1161 (1998) of 9 April 1998, the Government of the Democratic Republic of the Congo had requested that the United Nations investigation should include the period prior to the war of liberation because it was a period characterized by numerous violations of human rights committed by the former Forces armées zaïroises, the former Rwandan Army and the Interahamwe militias. Despite the differences between the parties, a compromise was struck, and after discussions, the Preparatory Commission and the Congolese Government on 4 June 1997 signed a protocol of agreement concerning the conduct of the investigation of the alleged massacres and other violations of human rights. However, notwithstanding the signing of the protocol of agreement, the investigative mission had continually distinguished itself by violating the agreed provisions. He noted that the Government of the Democratic

Republic of the Congo had protested against: the failure of the mission to respect the agreed space and time period of the investigation; interference in the internal political affairs of the Congo; failure to respect the cultural values of the region being investigated; and a deliberate attempt to instigate incidents inimical to the Government of the Democratic Republic of the Congo.

He further stated that the report was a dangerous document that, contrary to the ideals of international peace and security propagated by the United Nations, exacerbated the ethnic hatred between Hutus and Tutsis by oversimplifying the complex problems which plagued the Great Lakes region. It was also politically motivated, its object being to camouflage the responsibilities of the Powers implicated in the genocide in Rwanda, specifically France in Operation Turquoise; and to upset the political stability of the Great Lakes region. Moreover, the rumours collected after several investigations were based on samplings too small to be statistically viable, with the result that the document was not based on concrete facts. As a result, he stated that the Government simply rejected the conclusions of the report as being a collection of unfounded allegations.

By a letter dated 25 June 1998 addressed to the Secretary-General,⁸ the representative of Rwanda stated that the report was incomplete and thus inconclusive, as the Team had admitted throughout the text; that the text was emotive; and significantly biased and bent on non-substantive issues of the terms of reference or mandate. Publication of such a report did not serve the human rights cause, and would compromise the possibility of getting to the truth as to what happened. He stated that it was also regrettable that there had been intensive and selective sensitization and lobbying of some Member States about the report before its publication. This was highly inappropriate, as any action that sought to influence Member States contradicted the Charter requirement of the neutrality of the Secretariat, and was a total breach of confidentiality. He maintained that the Government of Rwanda categorically denied and resented the insinuation in the report that Rwandan Government soldiers had committed any human rights violations against a section of its own people or anyone else, in the then Zaire. He maintained that the record of the Government of Rwanda was clear. The Rwandan refugees in the then Zaire had been held hostage by the ex-Forces armées rwandaises, Interahamwe militia and

⁷ S/1998/582.

⁸ S/1998/583.

the Forces armées zaïroises, a fact of which the United Nations was well aware. He underlined that it had been the duty of the Government of Rwanda to rescue its people, and that this had been successfully done.

At its 3903rd meeting, held on 13 July 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the above-mentioned letters in its agenda. Following the adoption of the agenda, the President (Russian Federation), with the consent of the Council, invited the representatives of the Democratic Republic of the Congo and Rwanda, at their request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁹

The Security Council condemns the massacres, other atrocities and violations of international humanitarian law committed in Zaire/Democratic Republic of the Congo, and especially its eastern provinces, including crimes against humanity and those other violations described in the report of the Secretary-General's Investigative Team. It notes the responses to the report provided by the Governments of the Democratic Republic of the Congo and Rwanda. It recognizes the work of the Investigative Team in documenting some of these violations, in spite of the fact that the Team was not allowed to carry out its mission fully and without hindrance.

The Council reaffirms its commitment to the unity, sovereignty and territorial integrity of the States of the Great Lakes region.

The Council recognizes the necessity to investigate further the massacres, other atrocities and violations of international humanitarian law and to prosecute those responsible. It deplores the delay in the administration of justice. The Council calls upon the Governments of the Democratic Republic of the Congo and Rwanda to investigate without delay, in their respective countries, the allegations contained in the report of the Investigative Team and to bring to justice any persons found to have been involved in these or other massacres, atrocities and violations of international humanitarian law. The Council takes note of the stated willingness of the Government of the Democratic Republic of the Congo to try any of its nationals who are guilty of or were implicated in the alleged massacres. Such action is of great importance in helping to bring an end to impunity and to foster lasting peace and stability in the region. It urges Member States to cooperate with the Governments of the Democratic Republic of the Congo and Rwanda in the investigation and prosecution of these persons.

The Council encourages the Governments of the Democratic Republic of the Congo and Rwanda to seek international assistance, such as technical assistance, as needed,

⁹ S/PRST/1998/20.

in this process. It also invites the Governments concerned to consider the inclusion of international observers, as appropriate. It requests the Governments concerned to provide an initial progress report to the Secretary-General by 15 October 1998 on the steps being taken to investigate and prosecute those responsible.

The Council expresses its readiness to consider, as necessary in the light of actions by the Governments of the Democratic Republic of the Congo and Rwanda, additional steps to ensure that the perpetrators of the massacres, other atrocities and violations of international humanitarian law are brought to justice.

The Council urges Member States, relevant United Nations bodies and agencies and other international agencies to provide the necessary technical and other assistance, as requested, to the Governments of the Democratic Republic of the Congo and Rwanda in the development of independent and impartial judicial systems.

The Council expresses support for United Nations and other international activities to reduce ethnic tensions and promote national reconciliation in the region, and encourages the Governments concerned to continue to cooperate in these activities to bring about a real improvement in the situation.

The Council attaches great importance to the role of the Organization of African Unity and welcomes its decision to establish the International Panel of Eminent Personalities to Investigate the Genocide in Rwanda and the Surrounding Events. It appeals to Member States to contribute to the special trust fund established to support the work of the Panel.

The Council will remain actively seized of the matter.

C. The situation concerning the Democratic Republic of the Congo (continued)

Decision of 31 August 1998 (3922nd meeting): statement by the President

At the 3922nd meeting of the Security Council, held on 31 August 1998 in accordance with the understanding reached in its prior consultations, the President (Slovenia), with the consent of the Council, invited the representative of the Democratic Republic of Congo, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:¹⁰

¹⁰ S/PRST/1998/26.

The Security Council expresses its deep concern about the current conflict in the Democratic Republic of the Congo, which poses a serious threat to regional peace and security. The Council expresses alarm at the plight of the civilian population throughout the country.

The Council reaffirms the obligation to respect the territorial integrity and national sovereignty of the Democratic Republic of the Congo and other States in the region and the need for all States to refrain from any interference in each other's internal affairs. In this context, the Council calls for a peaceful solution to the conflict in the Democratic Republic of the Congo, including an immediate ceasefire, the withdrawal of all foreign forces, and the initiation of a peaceful process of political dialogue with a view to national reconciliation. The Council expresses support for all the regional diplomatic initiatives aimed at a peaceful settlement of the conflict. The problems of the Democratic Republic of the Congo must be solved on the basis of a process of all-inclusive national reconciliation which fully respects the equality and harmony of all ethnic groups and which leads to the holding of democratic, free and fair elections as soon as possible.

The Council urges all parties to respect and protect human rights and respect humanitarian law, in particular the Geneva Conventions of 1949 and the Additional Protocols thereto, of 1977, as applicable to them. It condemns reported summary executions, torture, harassment and detention of civilians based on their ethnic origin, the recruitment and use of child soldiers, the killing or wounding of combatants who have laid down their weapons, hate propaganda, sexual violence and other abuses by any side. In particular, the Council calls for the protection of the civilian population. It recalls the unacceptability of the destruction or rendering useless of objects indispensable to the survival of the civilian population, and in particular of using cuts in the electricity and water supply as a weapon against the population. The Council reaffirms that all persons who commit or order the commission of grave breaches of the above-mentioned instruments are individually responsible in respect of such breaches.

The Council calls for safe and unhindered access for humanitarian agencies to all those in need in the Democratic Republic of the Congo. It calls for unrestricted access by the International Committee of the Red Cross to all detainees in the Democratic Republic of the Congo. It urges all parties to guarantee the safety and security of United Nations and humanitarian personnel.

The Council encourages the Secretary-General to continue to consult, as a matter of urgency, with regional leaders in coordination with the Secretary-General of the Organization of African Unity about ways to bring about a peaceful and durable solution to the conflict, and to keep it informed about developments and his own efforts. It reaffirms the importance of holding an international conference on peace, security and

development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity.

The Council will follow the situation in the Democratic Republic of the Congo closely. It will remain actively seized of the matter.

Decision of 11 December 1998 (3953rd meeting): statement by the President

At the 3953rd meeting of the Security Council, held on 11 December 1998 in accordance with the understanding reached in its prior consultations, the President (Bahrain), made the following statement on behalf of the Council:¹¹

The Security Council recalls the statement by its President of 31 August 1998 on the situation in the Democratic Republic of the Congo. It remains deeply concerned about the continuing conflict in the Democratic Republic of the Congo, which threatens peace, security and stability in the region, and about its grave humanitarian consequences.

The Council reaffirms the obligation to respect the territorial integrity, political independence and national sovereignty of the Democratic Republic of the Congo and other States in the region, including the obligation to refrain 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. It also reaffirms the need for all States to refrain from any interference in each other's internal affairs, in accordance with the Charter of the United Nations.

The Council, in this context, calls for a peaceful solution to the conflict in the Democratic Republic of the Congo, including an immediate ceasefire, the orderly withdrawal of all foreign forces, arrangements for security along the international borders of the Democratic Republic of the Congo, the re-establishment of the authority of the Government of the Democratic Republic of the Congo over the whole territory of the country, and the initiation of an all-inclusive national reconciliation process in the Democratic Republic of the Congo which fully respects the equality and rights of all, irrespective of ethnic origin, and of a political process which leads to the early holding of democratic, free and fair elections.

The Council expresses its support for the regional mediation process begun by the Organization of African Unity and the Southern African Development Community, and currently led by the President of Zambia, takes note of the steps, including the establishment of the ad hoc liaison committee, that have been taken towards a peaceful settlement of the conflict and encourages the President of Zambia to continue his efforts.

The Council welcomes in particular the initiative taken by the Secretary-General at the Twentieth Conference of Heads of

¹¹ S/PRST/1998/36.

State of Africa and France, held in Paris from 26 to 28 November 1998, to bring about an end to the conflict and reach an immediate, unconditional ceasefire. The Council welcomes the public commitments made in Paris in this regard by the President of the Democratic Republic of the Congo, the Presidents of Uganda and Rwanda and the Presidents and heads of delegation of Namibia, Zimbabwe, Angola and Chad. It strongly urges them to give effect to these commitments. To that end, the Council calls upon all the parties concerned to participate at the highest level possible in the upcoming summit to be held in Lusaka on 14 and 15 December 1998, and urges them to work in a constructive and flexible spirit with a view to the signing of a ceasefire agreement as a matter of urgency. The Council also encourages participants at the meeting of the central organ of the Organization of African Unity, to be held in Ouagadougou on 17 and 18 December 1998, to use that opportunity to take urgent steps towards a peaceful settlement of the conflict.

The Council is prepared to consider, in the light of efforts towards peaceful resolution of the conflict, the active involvement of the United Nations, in coordination with the Organization of African Unity, including through concrete, sustainable and effective measures, to assist in the implementation of an effective ceasefire agreement and in an agreed process for a political settlement of the conflict.

The Council condemns any violations of human rights and humanitarian law, including acts of and incitement to ethnic hatred and violence by all parties. It urges all parties to respect and protect human rights and respect humanitarian law, in particular the Geneva Conventions of 1949 and the Additional Protocols thereto, of 1977, as applicable to them, and the Convention on the Prevention and Punishment of the Crime of Genocide of 1948.

The Council notes with particular concern that the worsening of tensions is resulting in a deterioration of the food situation for the civilian population and an increase in the flow of refugees and displaced persons. In this context, the Council reiterates its call for safe and unhindered access for humanitarian agencies to all those in need in the Democratic Republic of the Congo and once again urges all parties to guarantee the safety and security of United Nations and humanitarian personnel.

The Council also reaffirms the importance of holding, at the appropriate time, an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity.

The Council strongly encourages the Secretary-General to continue to work actively with the Secretary-General of the Organization of African Unity and with all the parties concerned to help to find a peaceful and lasting solution to the conflict. It requests him to keep it informed about efforts to achieve a peaceful solution and to make recommendations on a possible role of the United Nations to this end.

The Council will remain actively seized of the matter.

Deliberations of 19 March 1999 (3987th meeting)

By a letter dated 4 March 1999 addressed to the President of the Security Council,¹² the representative of the Democratic Republic of the Congo requested an open debate, at the Council's earliest convenience, on the question "Peaceful settlement of the conflict in the Democratic Republic of Congo".

At its 3987th meeting, held on 19 March 1999 in accordance with the understanding reached in its prior consultations on the letter dated 4 March 1999 from the representative of the Democratic Republic of the Congo, the Security Council included the letter in its agenda.¹³ At the same meeting the President (China), with the consent of the Council, invited the representatives of Burkina Faso, Burundi, the Democratic Republic of the Congo, Egypt, Germany, Japan, Kenya, the Libyan Arab Jamahiriya, Rwanda, South Africa, the Sudan, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe, at their request, to participate in the discussion without the right to vote.

The Minister for Human Rights of the Democratic Republic of the Congo stated that Article 52 of the Charter encouraged the Security Council to encourage the development of peaceful settlement of local disputes through regional agreements. They were grateful for the Council's efforts to ensure the proper implementation of that provision, in particular in two statements it made on the situation in the Democratic Republic of the Congo. He further stated that the Council should not lose sight of the fact that the last paragraph of the same article allowed the Council simultaneously to apply the provisions of Articles 34 and 35 of the Charter. It was for that reason that he had initiated the process that led to this debate, with the goal of drawing the Council's attention to the danger posed by the continuation of the conflict under way in the Democratic Republic of the Congo. He stated that he wished to impress on the Council the difficulties that had meant that, despite all the concessions made by his Government, the negotiating process had not yet led to the signing of a ceasefire. The efforts deployed by certain countries that were Members of their Organization, at both the regional and international levels, to find a peaceful settlement would have already succeeded had all the

¹² S/1999/278.

¹³ S/PV.3987, p. 2.

parties involved acted in good faith. He stated that “the stubbornness and intransigence of Rwanda and their determination to remain on Congolese territory have been the sole obstacles to a peaceful solution”. Although negotiations were continuing at the regional level in the Organization of African Unity, the effective involvement of the international community would in no way thwart those regional efforts. Therefore the Democratic Republic of the Congo was appealing to the international community to become more involved. He expressed his belief that resolving the current crisis required the convening of a regional conference of the countries of the Great Lakes region. He noted that President Laurent Kabila, upon his accession to power, had focused on stabilizing the Great Lakes region and had organized a regional conference on peace and development in the subregion in close cooperation with the United Nations Development Programme. Unfortunately, in the case of Uganda and of its ally, Rwanda, just a few years after the coups d’état carried out by the current authorities of those countries, no effort had been made to reach out to the exiled opponents to integrate them into the structures of their respective societies. The war in the eastern Congo had resulted in horrible consequences for the populations, and he referred the Security Council to the “White paper on massive violations of human rights and of the basic rules of international humanitarian law by the aggressor countries (Uganda, Rwanda, and Burundi) in the eastern part of the Democratic Republic of the Congo”.¹⁴ Considering the ongoing “horrors” being committed by the regular armed forces of neighbouring countries, he believed that a strong condemnation of those violations of the basic principles of the Charters of the OAU and the United Nations would prevent the negotiations from being bogged down and further atrocities from being committed on the ground. He stated that paragraph 2 of Article 24 of the United Nations Charter called on the Council to act in accordance with the purposes and principles of the United Nations in such circumstances, which was why his Government wanted the Security Council to become more involved in the search for a peaceful solution to the current conflict. The Democratic Republic of the Congo agreed to sign a ceasefire agreement, followed by the deployment along the border of a buffer force, with a precise timetable for the withdrawal of aggressor troops. The force would be given the task of monitoring and securing the borders

¹⁴ S/1999/205.

shared by the Democratic Republic of the Congo and Burundi, Rwanda and Uganda. The Government was also determined to re-establish a state of law and fundamental freedoms and had formalized the opening of the political landscape by promulgating a law liberalizing the activities of political parties and had proposed a convention that would include all groups in the country including the rebels. He stated that he was convinced that the Democratic Republic of the Congo would succeed in restoring peace and domestic harmony but that the international community had the duty and the obligation to help Burundi, Rwanda and Uganda resolve their internal problems, which were the source of the regional destabilization. In view of the Council’s powers in the area of international security, the least his Government expected from this meeting was for the Council to recognize that the Democratic Republic of the Congo was a victim of armed aggression, as defined in resolution 3314 (XXIX) adopted by the General Assembly with a view to defining aggression. Second, he expected the Council to condemn that aggression. Third, he sought full respect by the aggressors for international humanitarian law. Fourth, he expected the Council to make use of the provisions of Articles 39 to 42 of the Charter of the United Nations to facilitate the withdrawal of the troops of aggression from their territory. Fifth, he sought the deployment of an interposing force along common borders by the Security Council, since the pretext used by the aggressors to justify their aggression was insecurity along borders. Finally, he called for the convening of an international conference on the restoration of lasting peace in the Great Lakes region.¹⁵

The representative of Canada expressed hope that the debate could serve to define a solution to the conflict and reaffirmed that a military solution could not resolve a dispute that was essentially political and that only negotiations could lead to a lasting solution. He stated that like the OAU and the Security Council, Canada attached the highest importance to respect for the sovereignty and territorial integrity of States, whether those of the Democratic Republic of Congo or those of its neighbours. Canada supported without reservation the efforts of regional leaders to achieve a negotiated solution and invited the Southern African Development Community to continue their tireless efforts. He stated that it was an essential condition for the restoration of peace and security that all forces participate in a

¹⁵ S/PV.3987, pp. 2-5.

ceasefire while respecting the sovereignty and territorial integrity of the Democratic Republic of the Congo, accompanied by a timetable for the withdrawal of all foreign forces involved in the conflict and monitoring arrangements in accordance with the Lusaka agreement. Canada was prepared to examine the active involvement of the United Nations in coordination with OAU in the implementation of a ceasefire agreement and an agreed process for a political settlement and would support adoption by the Security Council of concrete and effective measures to that end. He expressed Canada's support for an international conference on peace, stability and socio-economic development in the Great Lakes region of Africa, under the auspices of the United Nations and OAU and their belief that not only the countries of the region but Africa's civil society as a whole needed to participate in such a conference.¹⁶

The representative of Argentina stated that in their view the conflict was legally complex, neither exclusively internal nor international and was politically sensitive because it involved major countries of the subregion and had the potential to spread. He stated their support for the regional efforts under way and the Lusaka process, but underlined that this did not exclude the Security Council from playing a role by providing concrete support to the regional initiative. While negotiations in such conflicts were essentially political, this did not exclude the implementation of the principles and norms of international law. He expressed Argentina's belief that the following legal principles were essential: first, there was an obligation to peacefully resolve the dispute and mechanisms for inclusive dialogue, without prejudging the legal status of the actors, should be sought. Second, the use of force did not bring territorial rights or legitimize changes in established borders: the immutability of colonial borders was a principle of general international law. He also reiterated the principle of non-interference in the domestic affairs of other States, which was incompatible with presence of foreign forces. Within that legal context, he reiterated that the serious violations of human rights and international humanitarian law that had taken place and continued in the Democratic Republic of the Congo were also the essence of the problem and deserved to be condemned, and he urged that they be duly investigated and punished. Finally, he expressed his belief that convening an international conference on the Great Lakes region, could, under the

proper circumstances and at the appropriate time, provide an appropriate forum to analyse all those aspects of the regional situation in a comprehensive manner.¹⁷

The representative of Namibia stated that the invasion of the Democratic Republic of the Congo by Uganda and Rwanda had "plunged that country into a devastating war" — whose premises were against the purposes and objectives enshrined in the Charter of OAU. He noted that in 1964 OAU had accepted the boundaries inherited from colonial states and informed the Council that the Inter-State Defence and Security Committee meeting of SADC in 1995 had decided to take collective action in the event of attempts to change the legitimate Governments of Member States by military means. Therefore, SADC had a stated obligation to ensure that the legitimate Government of a fellow member would not be removed by invasion. Namibia adhered to that principle and believed in the non-violability of the territorial integrity and sovereignty of States. Namibia's adherence to these principles had compelled them, along with Angola and Zimbabwe, to intervene in the Democratic Republic of the Congo at the expressed invitation of President Kabila and his legitimate Government. The sole purpose of their requested intervention was to prevent the collapse of the State machinery and the violation of the sovereignty and territorial integrity of a fellow SADC member State. He informed the Council that the SADC Summit held on 13 and 14 September 1998, had reaffirmed its call for an immediate cessation of hostilities and commended the Governments of Angola, Namibia and Zimbabwe for providing troops in a timely manner to help the Democratic Republic of the Congo defeat the illegal attempt by rebels and their allies to capture the capital city and other strategic areas. He called on all States Members of the United Nations to subscribe to the principles enshrined in the Charter by respecting the sovereignty and territorial integrity of the Democratic Republic of the Congo. While the security concerns of any State were legitimate, he stated that they should refrain from defining their security needs beyond their own borders without working within the framework of the United Nations and of OAU. He underlined that the unprovoked invasion of the Democratic Republic of the Congo constituted an act of interference in the internal affairs of the country. He emphasized that OAU and SADC were continuing to

¹⁶ Ibid., pp. 5-7.

¹⁷ Ibid., pp. 8-9.

make efforts to bring an end to the conflict. On January 18 1999, Namibia had hosted a summit of countries involved in the fighting at the request of Uganda, where the respective leaders resolved that a ceasefire agreement should be signed without delay. However, attacks continued on government and allied forces. Therefore, in their view, the time had come for the Council to become involved, in accordance with its Charter obligation to maintain international peace and security.¹⁸

The representative of Brazil noted that the Security Council, on 31 August 1998, had reaffirmed the obligation to respect the territorial integrity and national sovereignty of the Democratic Republic of the Congo and called for a ceasefire, the withdrawal of foreign forces and the initiation of political dialogue.¹⁹ While upholding the principle of non-interference, he recognized the right of a state threatened by foreign invasion to call for external assistance and the need to differentiate between those foreign forces within the Democratic Republic of the Congo that were invited and those whose presence reflected different motivations. He also noted that resolution 1197 (1998) stressed the responsibility of regional organizations. The Organization of African Unity and the Southern African Development Community had played a leading role in the attempts to solve the impasse in the Democratic Republic of the Congo. There was, however, a need for increased political will on the part of many players.²⁰

The representative of France noted that the principle of non-interference in the domestic affairs of states, as set out in the Charter of the United Nations, had not been respected in the situation in the Democratic Republic of the Congo. He stated that France deplored those violations and called for their immediate cessation. He stated that concluding a ceasefire was a matter of priority and he noted that the Council had declared itself ready to contemplate the active involvement of the United Nations,²¹ in coordination with OAU. This would require considerable effort on the part of the Organization and he hoped that the United Nations would fully play its part. A settlement would also require the implementation of an authentic process of national reconciliation, and he noted positively the President of the Democratic Republic of the Congo's recent proposal to organize a national debate. Finally, a

settlement would require the negotiation of the necessary arrangements to guarantee the security, stability and future developments of the region, including respect for the territorial integrity and national sovereignty of all states, and, in that context, the orderly withdrawal of forces. It would also require arrangements for security along the borders; respect for human rights and humanitarian law; tackling the question of refugees; and the re-establishment of the authority of the Government of the Democratic Republic of the Congo over the whole territory of the country. He stated that the United Nations should provide the necessary assistance to the countries of the region so that those objectives could be attained. In that regard, he recalled the usefulness, at the appropriate time, of the convening of an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and OAU.²²

The representative from the United States stated that the ongoing conflict in the Democratic Republic of the Congo represented one of the gravest threats to peace, stability and development in sub-Saharan Africa in decades and had led to a deepening humanitarian crisis. He informed the Council that the United States had just concluded a ministerial meeting with representatives of over 40 African countries where participants had agreed on a partnership agenda, a blueprint for the future of United States/African relations and the future of the continent. However, the goals discussed and the substantial process that had been made could be jeopardized by the growing conflict. The United States approach to the conflict was guided by the preservation of the territorial integrity and national sovereignty of the Democratic Republic of the Congo, the belief that no military solution was possible, and the belief that the human and humanitarian rights of all people must be respected. He expressed his support for the regional mediation efforts under way, particularly those led by SADC, known as the Lusaka process, as well as for the work being done by OAU and the United Nations. He condemned the reported violations of human rights and expressed deep concern about the danger of renewed genocide in the region and urged all parties to respect international human rights and humanitarian law. He also noted that his Government was particularly troubled by the ethnicization of the

¹⁸ *Ibid.*, pp. 9-11.

¹⁹ S/PRST/1998/26.

²⁰ S/PV.3987, pp. 11-12.

²¹ S/PRST/1998/36.

²² S/PV.3987, pp. 12-13.

conflict. They were in addition concerned by the apparent willingness of some regional States to collaborate militarily with ex-Forces armées rwandaises and Interahamwe, known *genocidaires*. They were also concerned by any development that encouraged insurgent movements, including UNITA, to threaten and destabilize neighbouring States from Congolese soil. He noted that any agreement reached by the Government of the Democratic Republic of the Congo, the rebels and external State actors would be unsustainable if an effective means to contain those groups was not found. He stated that United Nations investigative reports had pointed towards atrocities and violations of international humanitarian law in the Congo since 1996 and that the Government and other parties had failed to cooperate with United Nations efforts to investigate those abuses. In that regard, he welcomed the recent invitation by the Government of the Democratic Republic of the Congo to the United Nations human rights investigator. He called on members of the international community to redouble their efforts to limit arms flows to the region of conflict, called for safe and unhindered access for humanitarian agencies to all those in need and for all parties to guarantee the safety and security of United Nations and humanitarian personnel. He then reiterated the United States position: they would consider supporting a peacekeeping operation in the Democratic Republic of the Congo if there were a comprehensive agreement among the belligerents to end the conflict and to observe a ceasefire. He stated that any monitoring force should be limited in size and that its mandate should be to observe and monitor, not to enforce the peace or to maintain the security of the Congo's borders.²³

The representative of the Russian Federation stated that they shared the serious concerns expressed at the ongoing conflict in the Democratic Republic of the Congo which represented a serious threat to regional peace and security. Russia had constantly advocated achieving a peaceful political settlement of the crisis while preserving the sovereignty and territorial integrity of the Democratic Republic of the Congo and had consistently supported the efforts of OAU, SADC and regional leaders. He emphasized the need for all States to abide by the principles of non-intervention in the internal affairs of other countries and the non-use of force, in accordance with the Charter and the aims of the United Nations. The basis for

regulating the protracted conflict should be the approach suggested by the countries of the subregion based on a ceasefire agreement, the withdrawal of foreign troops from the territory and guarantees of peace and security along its borders with contiguous States. A key provision should be ensuring the territorial integrity of the Democratic Republic of the Congo. It was quite obvious that lasting peace and security in the Democratic Republic of the Congo could not be achieved unless the Congolese themselves organized a nationwide dialogue with the participation of all segments of Congolese society. The Russian delegation actively supported the policy of strengthening the coordination of the activities of the United Nations, OAU and SADC in order to reach a political settlement of the conflict in the Democratic Republic of the Congo. He expressed his belief that the initiative of the Secretary-General to send a special envoy to the region was a timely one. He stated that the possibility of the future deployment of a United Nations peacekeeping operation in the Democratic Republic of the Congo as well as the desirability and modalities of such an operation could be determined only after a stable ceasefire had been achieved. The Security Council's decision on that matter needed to be preceded by a very careful and thorough analysis of the situation both in the country and in the region. Finally, he stated their support for an international conference on peace and security in the Great Lakes region.²⁴

The representative of the United Kingdom stated that the tribulations in Africa must be successfully addressed by the United Nations system as a whole, or that system would show itself incapable of meeting the increasing demands put on it. He informed the Council that the United Kingdom was prepared to make a special effort to establish how non-Africans could best help Africans and specifically OAU end the conflict. He informed the Council that the British Minister of State had gone to the region as a Special Envoy to explore what scope there was for ending the war. The Special Envoy had found common ground among the parties among the parties on what needed to be done to stop the fighting but he had also found a "startling lack of political will and creative thinking among the parties to get the building-blocks of a settlement into place". This was not for a want of external pressure or help. The Southern African Development Community and the Organization of African Unity had given the task of

²³ Ibid., pp. 13-14.

²⁴ Ibid., p. 21.

mediation, three Presidents and fifteen conferences had been held. The Special Envoy had judged that the key leaders involved could stop the war if they really wanted to. The representative of the United Kingdom maintained that the responsibility of the United Nations and other international actors was to make them want to. He noted that it was encouraging that there was such a clear consensus among representatives who had spoken on the steps which needed to be taken: a ceasefire agreement, the withdrawal of foreign troops and coherent international involvement to motivate, monitor and sustain those processes. As part of that process, the Security Council had already indicated its readiness to consider how it could assist in the implementation of a ceasefire and settlement. The United Kingdom, with several partners, had already done work on possibilities for a peacekeeping presence. The fourth and fifth steps were a framework for tackling the wider problems in the Great Lakes region and, finally, the economic angle and the need to plan for an economic development conference for the Great Lakes.²⁵

Speaking on behalf of the African States, the representative of Burkina Faso stated that the conflict in the Democratic Republic of the Congo — because of its polymorphic nature, the overt and covert involvement of the countries of the region and its stakes for the belligerents — entailed serious dangers whose ramifications could harm the entire African edifice. Since it was an inextricable situation, it was easy to understand why neither the OAU meetings nor the efforts of the countries of the subregion had led to a conclusive settlement. At the African level, OAU had taken praiseworthy steps. In particular the most recent summit meeting of the Central Organ of its Mechanism for Conflict Prevention, Management and Resolution, held on 17 December 1998, reaffirmed the guiding principles, contained in the OAU Charter, which alone could guarantee a lasting settlement of the Congolese crisis. Another fact of paramount importance was that the African heads of State reaffirmed their support for the Government of the Democratic Republic of the Congo as the sole legitimate authority, representative of the entire Congolese people. However, the OAU took into consideration another requirement of its charter: that all African disputes must be settled by peaceful

means. He therefore appealed to the wisdom, patriotism and political will of all the actors to silence the weapons and to promote the establishment of real national accord. It was also increasingly becoming a question of an interposition force — a peacekeeping force — and an international conference on the Great Lakes. From that standpoint, it should be noted that there was no antagonism between the United Nations and OAU on the Congolese question. The Organization of African Unity had shown expertise in the area of conflict settlement. The only obstacle thwarting its efforts was the critical lack of logistical means and he expected that the United Nations and the international community would help reinforce those capacities.²⁶

The representative of Germany, speaking on behalf of the European Union and associated countries,²⁷ reiterated its support for the territorial integrity and national sovereignty of the Democratic Republic of the Congo and the need for all States to refrain from any interference in each other's internal affairs in accordance with the Charter of the United Nations. The European Union reiterated that the current conflict could be solved only through a negotiated settlement between all the parties concerned with a view to an urgent political solution to the conflict. He also reiterated their support for an international conference on peace, security and development and the regional peace initiatives undertaken by, among others, SADC and OAU. He welcomed more active involvement by the United Nations and the OAU to coordinate the various peace efforts. He informed the Council that the European Union was supporting regional peace efforts, through the assistance of the European Union Special Envoy for the Great Lakes region. It reiterated that it might find it increasingly difficult to continue its present level of budgetary assistance to countries involved in this conflict should they persist with the military option. He welcomed the statement of the President of the Security Council of 11 December 1998,²⁸ which expressed the preparedness of the Council to consider, in the light of efforts to achieve peaceful resolution of the conflict, the active involvement of the United Nations to assist in the implementation of a ceasefire and political settlement of the conflict.²⁹

²⁵ Ibid., pp. 22-23.

²⁶ Ibid., p. 25.

²⁷ Ibid., p. 25 (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia

and Cyprus).

²⁸ S/PRST/1998/36.

²⁹ S/PV.3987, pp. 25-27.

Several other speakers also emphasized the need for a peaceful solution and immediate ceasefire, the importance of respecting the sovereignty and territorial integrity of all states involved, praised the work of regional organizations, particularly SADC and OAU, reiterated the need for an international conference on peace and security and supported the idea of appropriate action by the Security Council after a ceasefire had been obtained.³⁰

At the same meeting the President, with the concurrence of the members of the Council, suspended the meeting.

When the Council resumed its 3987th meeting on 19 March, 1999, the Council invited Jamaica, at their request, to participate in the discussion without the right to vote.³¹

The representative of the Sudan noted that Chapter I of the Charter of the United Nations stated that the most important purpose of the United Nations was to maintain international peace and security and to that end it should take effective collective measures for the prevention and elimination of threats to the peace and for the suppression of acts of aggression or other breaches of the peace. Citing those principles, he recalled the steps taken by the Democratic Republic of the Congo when it provided timely notice regarding the aggression of a neighbouring State. The Democratic Republic of the Congo had requested the Council to meet its obligation to maintain international peace and security by condemning that aggression, demanding that the forces of aggression withdraw and asking the forces of aggression to respect the sovereignty of their country. However, the Council had remained idle and all the Government's requests had remained "dead letters". He noted that he regarded the position of the Council regarding this dispute as another testimony to the policy of "double standards" that had come to characterize the work of the Council. Sometimes the Council deplored and condemned and even considered the application of the provisions of Chapter VII, while on other occasions, in response to similar cases, "it completely closed its eyes". He stated that he expected the Security Council to fulfil its obligations and responsibilities in order to maintain peace and security by putting an end to the aggression and ensuring the withdrawal of forces that

had violated the territorial integrity and national sovereignty of the Democratic Republic of the Congo. The Government of the Democratic Republic of the Congo had made enormous efforts to restore peace and security in the Great Lakes region, and those efforts deserved to be commended. Therefore, he called on the Security Council to make a sincere effort to reach a peaceful resolution of the conflict that would ensure stability and restore the sovereignty of the country. He stated that the delegation of the Sudan supported all regional initiatives aimed at achieving a peaceful resolution of the conflict, including those of SADC.³²

The representative of Japan stated his deep concern about the situation and the urgent need for humanitarian assistance in the Democratic Republic of the Congo. He maintained that the conflict had to be resolved through dialogue and negotiation and appreciated the efforts of neighbouring countries, including Zambia, SADC and OAU. He called on all parties to further intensify efforts to bring this conflict to a peaceful resolution. He noted that the international community had to also focus on ensuring that post-conflict rehabilitation was successful in the context of both the reconstruction of the economy and reconciliation between peoples. Finally, he pointed out the fact that the parties involved in African disputes, which did not have the ability to produce weapons, nevertheless possessed vast quantities of them. As a country that prohibited the export of any weapons, Japan requested all States to ask themselves whether their own actions might not be leading to the intensification of conflicts in Africa.³³

The representative of Rwanda expressed his belief that the regional negotiation process was well under way and that the Council needed to support it as it had in the past in its resolutions and presidential statements. His view was that the Council should reaffirm its support for the regional processes, especially the Lusaka process, in which the OAU and the United Nations continued to play a major role. On all the issues dealt with by the Lusaka process, palpable progress had been made. The factor that caused insecurity to Rwanda was the presence in the Democratic Republic of the Congo of large numbers of armed elements of Rwandan nationality, including former Government forces and militia who were responsible for the genocide of 1994.

³⁰ Ibid., pp. 7-8 (Gambia); pp. 14-15 (Gabon); pp. 15-16 (Slovenia); pp. 17-18 (the Netherlands); pp. 18-19 (Bahrain); pp. 19-20 (Malaysia); and p. 23 (China).

³¹ S/PV.3987 (Resumption 1), p. 2.

³² Ibid., pp. 2-3.

³³ Ibid., pp. 3-4.

Another disturbing factor was the attempt by the Government to disown nationals who happened to have Rwandan culture. He stated that a comprehensive resolution of the crisis in Democratic Republic of Congo should be reached: first, through a resolution of the crisis of governance and leadership in the Democratic Republic of the Congo; second, through the neutralization, dismantling and containment of the non-State armies operating on the Democratic Republic of the Congo territory; and third, through the condemnation and isolation of all those who embraced the ideology and acts of genocide in the region. He reiterated his respect for the territorial integrity and sovereignty of all countries, as enshrined in the Charters of the United Nations and the OAU and called on the Democratic Republic of the Congo to use its sovereign rights and “put its act together” in order to dismantle the dozen non-State armies which were being used in aggression against the territorial integrity of its neighbours. Finally, he reaffirmed Rwanda’s respect for human rights and humanitarian law and their resolve to join others in a coalition against the recurrence of genocide and terrorism in the Great Lakes region and elsewhere.³⁴

The representative from Zambia stated that his country was honoured to be requested to spearhead a mediation effort in pursuit of the mandate by regional leaders. He felt that this was an indication of Africa’s strong belief that only a negotiated settlement could guarantee lasting peace. He thanked OAU and the United Nations for their contributions in the overall search for a peaceful solution. The mediation effort had revealed that the matter was as delicate as it was complex. Therefore there was a need to proceed with caution and patience to ensure that the solution enjoyed the support of all the parties concerned. The mediation effort was also expensive in time and energy and resources. Therefore he called for assistance from the international community to enrich the regional efforts. He recalled that the Security Council, by its statement of 11 December 1998,³⁵ had stated that it was prepared to consider the active involvement of the United Nations in assisting a political settlement. The fact that the Council was involved was as it should be, since under the Charter the Council had the primary responsibility for the maintenance of international peace and security, which were currently being threatened by the conflict in

the Democratic Republic of the Congo. For now it was essential that, given the limitations of the regional efforts, the Council should be able to augment those efforts in a tangible way. In that regard, he urged the Council at the appropriate time to put in place the machinery needed for policing the ceasefire once it had been realized.³⁶

The representative of Egypt stated that they had done their utmost to promote a ceasefire and had participated in peace initiatives at the regional and other levels within the context of OAU and the Central Organ of its Mechanism for Conflict Prevention, Management and Resolution. Egypt was also very interested in a pan-African summit meeting aimed at strengthening security in the Great Lakes region under the auspices of the United Nations and OAU. On the role of the Council he noted with concern “the emergence of a trend in the Security Council not to take steps to halt crises in Africa”. He also noted that it was sometimes decided that the Council did not need to play its part when regional efforts were under way to defuse a crisis. However, regional efforts should merely complement the role of the Council, which was to maintain international peace and security. He maintained that the role of the Council must not be reduced to one of simply endorsing resolutions adopted by regional bodies. He stated that the steps taken by the Council in the increasingly complex conflicts in Africa had proved to be inadequate and that the Council needed to look at each crisis individually and seek to resolve Africa’s problems overall.³⁷

The representative of Uganda maintained their commitment to the peaceful and negotiated resolution of the conflict. He noted the efforts of Uganda as one of the leaders behind most of the initiatives to find a diplomatic solution to the problems, including initiating the meeting in Victoria Falls on 7 and 8 August 1998 and the Windhoek summit of January 1999. He stated that the crisis within the Democratic Republic of the Congo had two dimensions: an internal dimension and an external or regional dimension. The regional dimension had begun with the war that took place in Rwanda resulting in the 1994 genocide. He stated that the Government of the former Zaire had helped the *génocidaires*, who had fled Rwanda after 1994, to reorganize and gave them territorial support to

³⁴ Ibid., pp. 4-6.

³⁵ S/PRST/1998/36.

³⁶ S/PV.3987 (Resumption 1), pp. 6-7.

³⁷ Ibid., pp. 8-9.

recapture power in Rwanda. The Government of the former Zaire had also forged an alliance with the National Islamic Front regime in the Sudan, not only to aid and abet the crime of genocide in Rwanda, but also specifically to destabilize Uganda so that it would not be in a position to support Rwanda. Attacks were then launched from what was then Zairian territory and at the same time the reorganization and rearming of the génocidaires had reached an advanced stage. The Government of Uganda decided to act in self-defence by first recapturing the territory those criminals had captured and following them into Zairian territory, an act of self-defence which “had regional and international understanding and support”. This resulted in the fall of President Mobutu Sese Seko of Zaire and the rise to power of President Kabila. President Kabila, pleading incapacity to handle the situation, invited Uganda to deploy its forces inside the Democratic Republic of the Congo to flush out the Allied Democratic Forces, a rebel group that had been infiltrated into Zaire by the Sudan, and a protocol was signed between the two Governments on 24 April 1998. In the meantime, because of the internal political contradictions, rebellion broke out in August 1998 and the Democratic Republic of the Congo looked for military assistance which was given by Zimbabwe, Angola and Namibia, who decided on a unilateral military intervention rather than waiting for a regional, concerted approach. The intervention was made on the pretext that the Democratic Republic of the Congo had been invaded by Uganda and Rwanda. At that time Uganda had only two battalions in the country. While they were primarily concerned about the activities of the Ugandan rebel groups in the Democratic Republic of the Congo, the intervention by Zimbabwe, Angola, Namibia and later on, Chad and the Sudan, introduced a new dimension to the conflict. To counter the perceived threat of the increased destabilization of Uganda, especially by the Sudan, using Congolese territory as they had done previously, Uganda had deployed additional forces. He stated that thus Uganda and Rwanda had acted in self-defence. He informed the Council that a lot of progress had already been registered. For example, it had already been agreed by all parties that there should be a ceasefire, whose principles had already been adopted at the regional level in draft form. The following positions to enhance the signing of a ceasefire agreement had also been agreed to: a cessation of hostilities; addressing of the security

concerns of the neighbouring countries and the Democratic Republic of Congo; the need for rebel involvement in the peace process and deployment of a neutral international peacekeeping force as an interposition force in the Democratic Republic of the Congo and the need for the United Nations to manage that process; a withdrawal of all foreign forces in accordance with a timetable worked out by the United Nations and OAU and under the supervision of the neutral interposition force; and convening of a national conference involving all Congolese political stakeholders as soon as possible with the assistance of OAU, to determine the political future of the Democratic Republic of the Congo. On the issue of genocide, he called upon the Council and the international community as a whole to stand firm against the perpetuation of the culture of impunity in the region, measures to that effect had to include the discouragement of safe havens for génocidaires. Those who had committed crimes against humanity had to face justice. In conclusion, he asked the Security Council, the United Nations and the international community to give unqualified support to the region’s diplomatic efforts to resolve the crisis.³⁸

The representative of Zimbabwe stated that Uganda and Rwanda had decided to invade the Democratic Republic of the Congo, purportedly in search of security, however they really wanted “to tear away the eastern parts of the Democratic Republic of the Congo and to create a State to be called ‘Ruwendzori’”. He alleged that they had been appointing officials and creating borders in blatant violation of the territorial integrity and national sovereignty of the Democratic Republic of the Congo, as well as smuggling commodities out of the Congo. Territorial integrity was enshrined in the Charter of the United Nations as an inviolable principle and the Charter of the Organization of African Unity also embodied that principle as well as the sanctity of colonial boundaries. Uganda and Rwanda, members of both the United Nations and OAU, had decided to violate international law, and it was therefore the “bounden duty” of the United Nations to condemn this wayward behaviour. His country, together with Angola, Namibia and Chad, had responded to a distress call by the legitimate Government of the Democratic Republic of the Congo and were now assisting that country to uphold its territorial integrity and national sovereignty. The intervention of the allied

³⁸ Ibid., pp. 10-12.

forces of SADC was upheld by the inherent right to individual or collective self-defence, in accordance with Article 51 of the Charter of the United Nations. He maintained that the Allied forces in the Democratic Republic of the Congo had no ulterior motive and were ready to pull out as soon as there was a ceasefire, that the invading States had withdrawn and that a United Nations peacekeeping force had been placed along the common borders of the country and the invading States. He called for an international conference on peace, security and stability in the Great Lakes region to be convened at the appropriate time and under the auspices of the United Nations and OAU.³⁹

The representative of Burundi called for an immediate cessation of armed hostilities and for the opening of dialogue between the parties directly or indirectly concerned, and for the initiation throughout the region of a genuine culture of peace that would restore the universal values of human rights. He called the attention of the Council to the reports of the United Nations International Commission of Inquiry on the movements of arms and of armed groups or genocidal militias in the Great Lakes region,⁴⁰ which deserved the close attention of the Security Council so that peace and security could be restored in that part of the world. He reaffirmed their support for regional initiatives, including the OAU, and called on the United Nations to take additional and complementary steps, especially in material and organizational terms.⁴¹

Several other speakers also deplored the humanitarian consequences of the war; praised the efforts of regional leaders, SADC and OAU in attempting to mediate the conflict; noted the importance of achieving a peaceful solution, condemning human rights violations; reiterated the need to respect the territorial integrity and sovereignty of all States; and maintained the need for a peace conference. Several speakers called for a peacekeeping force or appropriate international monitoring mechanism to be established under the auspices of the United Nations, the United Nations and the Organization of African Unity, or as an African force with material support from the United Nations.⁴²

The representative of the Democratic Republic of the Congo in his second intervention reiterated that his country had been a victim of aggression that constituted a breach of the peace and a serious threat to international security since August 1998. It had therefore been their duty to call on the Security Council. He maintained that the aggression pre-dated the intervention of the allied forces, implemented at the formal request of a legitimate Government in the context of the legitimate right to self-defence recognized in the Charters of the United Nations and the Organization of African Unity. He called upon the Security Council to act appropriately under the provisions of Articles 39 and 42 of the Charter to take the steps necessary to re-establish the territorial integrity of the Democratic Republic of the Congo and security in the region.⁴³

**Decision of 9 April 1999 (3993rd meeting):
resolution 1234 (1999)**

At the 3993rd meeting of the Security Council, held on 9 April 1999 in accordance with the understanding reached in its prior consultations, the President (France), with the consent of the Council, invited the representative of the Democratic Republic of the Congo, at his request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁴

At the same meeting the President drew the attention of the Council to a letter dated 7 April 1999 from Kenya, transmitting the text of a joint statement by the Democratic Republic of the Congo and Kenya.⁴⁵

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1234 (1999), which reads:

The Security Council,

Recalling the statements by its President of 31 August and of 11 December 1998,

Expressing its concern at the further deterioration of the situation in the Democratic Republic of the Congo and the continuation of hostilities,

Republic of Tanzania); and p. 21 (Jamaica).

⁴³ Ibid., p. 22.

⁴⁴ S/1999/400.

⁴⁵ S/1999/396.

³⁹ Ibid., pp. 16-18.

⁴⁰ S/1998/777 and S/1998/1096.

⁴¹ S/PV.3987 (Resumption 1), pp. 19-20.

⁴² Ibid., pp. 12-14 (Libyan Arab Jamahiriya); pp. 14-15 (Kenya); pp. 15-16 (South Africa); pp. 18-19 (United

Expressing its firm commitment to preserving the national sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all other States in the region,

Recalling that the Assembly of Heads of State and Government of the Organization of African Unity, during its first ordinary session held in Cairo from 17 to 21 July 1964, adopted in its resolution AHG 16(1) the principle of the inviolability of national frontiers of African States, as stated in paragraph 2 of the communiqué issued on 17 August 1998 by the Central Organ of its Mechanism for Conflict Prevention, Management and Resolution,

Concerned at reports of measures taken by forces opposing the Government in the eastern part of the Democratic Republic of the Congo in violation of the national sovereignty and territorial integrity of the country,

Expressing its concern at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo, including acts of and incitement to ethnic hatred and violence by all parties to the conflict,

Deeply concerned at the illicit flow of arms and military materiel in the Great Lakes region,

Recalling the inherent right of individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations,

Welcoming the appointment by the Secretary-General of his Special Envoy for the peace process in the Democratic Republic of the Congo,

Stressing that the present conflict in the Democratic Republic of the Congo constitutes a threat to peace, security and stability in the region,

1. *Reaffirms* the obligation of all States to respect the territorial integrity, political independence and national sovereignty of the Democratic Republic of the Congo and other States in the region, including the obligation to refrain 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, and further reaffirms the need for all States to refrain from any interference in each other's internal affairs, in accordance with the Charter of the United Nations;

2. *Deplores* the continuing fighting and the presence of forces of foreign States in the Democratic Republic of the Congo in a manner inconsistent with the principles of the Charter, and calls upon those States to bring to an end the presence of those uninvited forces and to take immediate steps to that end;

3. *Demands* an immediate halt to the hostilities;

4. *Calls for* the immediate signing of a ceasefire agreement allowing the orderly withdrawal of all foreign forces, the re-establishment of the authority of the Government of the Democratic Republic of the Congo throughout its territory, and

the disarmament of non-governmental armed groups in the Democratic Republic of the Congo, and stresses, in the context of a lasting peaceful settlement, the need for the engagement of all Congolese in an all-inclusive process of political dialogue with a view to achieving national reconciliation and to the holding on an early date of democratic, free and fair elections, and for the provision of arrangements for security along the relevant international borders of the Democratic Republic of the Congo;

5. *Welcomes* the intention of the Government of the Democratic Republic of the Congo to hold an all-inclusive national debate as a precursor to elections, and encourages further progress in this respect;

6. *Calls upon* all parties to the conflict in the Democratic Republic of the Congo to protect human rights and to respect international humanitarian law, in particular, as applicable to them, the Geneva Conventions of 1949 and the Additional Protocols thereto, of 1977, and the Convention on the Prevention and Punishment of the Crime of Genocide of 1948;

7. *Condemns* all massacres carried out on the territory of the Democratic Republic of the Congo, and calls for an international investigation into all such events, including those in the province of South Kivu and other atrocities as referred to in the report submitted by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo in accordance with Commission on Human Rights resolution 1998/61 of 21 April 1988, with a view to bringing to justice those responsible;

8. *Condemns* the continuing activity of, and support to, all armed groups, including the ex-Rwandese Armed Forces, Interahamwe, and others in the Democratic Republic of the Congo;

9. *Calls for* safe and unhindered access for humanitarian assistance to those in need in the Democratic Republic of the Congo, and urges all parties to the conflict to guarantee the safety and security of United Nations and humanitarian personnel;

10. *Welcomes* the commitment by the parties to the conflict in the Democratic Republic of the Congo to stop fighting in order to allow an immunization campaign, and urges all parties to the conflict to take concrete action in order to provide greater protection to children exposed to armed conflict in the Democratic Republic of the Congo;

11. *Expresses its support* for the regional mediation process by the Organization of African Unity and the Southern African Development Community to find a peaceful settlement to the conflict in the Democratic Republic of the Congo, and calls upon the international community to continue to support those efforts;

12. *Urges* all parties to the conflict to continue to work constructively through the regional mediation process towards the signing of a ceasefire agreement and settlement of the conflict in the Democratic Republic of the Congo, and calls upon all States in the region to create the conditions necessary for the speedy and

peaceful resolution of the crisis and to desist from any act that may further exacerbate the situation;

13. *Expresses its support* for the Special Envoy of the Secretary-General for the peace process in the Democratic Republic of the Congo, calls upon all parties to the conflict to cooperate fully with him in his mission in support of regional mediation efforts and national reconciliation, as set out in his mandate, and urges Member States and organizations to respond readily to requests from the Special Envoy for assistance;

14. *Reaffirms* the importance of holding, at the appropriate time, an international conference on peace, security and stability in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity, with the participation of all the Governments of the region and all others concerned;

15. *Reaffirms* its readiness to consider the active involvement of the United Nations, in coordination with the Organization of African Unity, including through concrete sustainable and effective measures, to assist in the implementation of an effective ceasefire agreement and in an agreed process for a political settlement of the conflict;

16. *Requests* the Secretary-General of the United Nations to work closely with the Secretary-General of the Organization of African Unity in promoting a peaceful resolution of the conflict, to make recommendations on the possible role of the United Nations to this end, and to keep the Council informed of developments;

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

**Decision of 24 June 1999 (4015th meeting):
statement by the President**

At the 4015th meeting of the Security Council, held on 24 June 1999 in accordance with the understanding reached in its prior consultations, the President (Gambia) drew the attention of the Council to the following documents: letters dated 21 May, 2 June and 4 June 1999, respectively, from the representative of Uganda addressed to the President of the Security Council,⁴⁶ from Uganda, transmitting, respectively, a peace agreement on the Democratic Republic of the Congo; a joint communiqué issued by Uganda and the Democratic Republic of the Congo; and a joint communiqué issued by Uganda after the conclusion of a mini-summit in Dar-es-Salaam. The President also drew the attention of the Council to a letter dated 9 June 1999 from the Permanent Representative of Germany addressed to the Secretary-General.⁴⁷

At the same meeting, the President made the following statement on behalf of the Council:⁴⁸

The Security Council recalls the statements by its President of 31 August and 11 December 1998. It reaffirms its resolution 1234 (1999) of 9 April 1999 on the situation in the Democratic Republic of the Congo and calls upon all parties to comply with this resolution. It expresses its continued concern at the continuing conflict in the Democratic Republic of the Congo.

The Council reaffirms its commitment to preserving the national unity, sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all other States in the region. It further reaffirms its support for the regional mediation process facilitated by the President of the Republic of Zambia on behalf of the Southern African Development Community in cooperation with the Organization of African Unity and with support from the United Nations to find a peaceful settlement to the conflict in the Democratic Republic of the Congo.

The Council takes note of the constructive efforts being made to promote a peaceful settlement of the conflict in the context of the above-mentioned regional mediation process, including the meeting and the agreement signed at Sirte, Libyan Arab Jamahiriya, on 18 April 1999. It calls upon all parties to demonstrate commitment to the peace process and to participate with a constructive and flexible spirit in the forthcoming summit in Lusaka scheduled for 26 June 1999. In this context, the Council calls upon the parties immediately to sign a ceasefire agreement which includes the appropriate modalities and mechanisms for its implementation.

The Council reaffirms its readiness to consider the active involvement of the United Nations, in coordination with the Organization of African Unity, including through concrete sustainable and effective measures, to assist in the implementation of an effective ceasefire agreement and in an agreed process for political settlement of the conflict.

The Council emphasizes the need for a peaceful settlement of the conflict in the Democratic Republic of the Congo in order to permit the economic reconstruction of the country, so as to enhance development and foster national reconciliation.

The Council stresses the need for a continuing process of genuine national reconciliation and democratization in all States of the Great Lakes region. It reaffirms the importance of holding, at the appropriate time, an international conference on peace, security and stability in the Great Lakes region and as in previous years and encourages the international community to help to facilitate such a conference.

The Council expresses its appreciation and full support for the continuing efforts of the Secretary-General and his Special Envoy for the peace process in the Democratic Republic of the Congo.

⁴⁶ S/1999/623, S/1999/635 and S/1999/654, respectively.

⁴⁷ Letter transmitting a statement on the Democratic Republic of the Congo by the Presidency of the

European Union (S/1999/683).
⁴⁸ S/PRST/1999/17.

The Council will remain actively seized of the matter.

Decision of 6 August 1999 (4032nd meeting): resolution 1258 (1999)

At its 4032nd meeting, held on 6 August 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General dated 15 July 1999 on the United Nations preliminary deployment in the Democratic Republic of the Congo in its agenda.⁴⁹ Following the adoption of the agenda, the President (Namibia), with the consent of the Council, invited the representative of the Democratic Republic of the Congo, at his request, to participate in the discussion without the right to vote.

In his report, the Secretary-General reported on the implications for the United Nations of the signing of the Lusaka Agreement on 10 July 1999 and made recommendations concerning preliminary actions that the United Nations could take. The Lusaka agreement contained proposals for an “appropriate force” to be constituted, facilitated and deployed by the United Nations in collaboration with OAU. The Secretary-General observed that the conflict in the Democratic Republic of the Congo had inflicted terrible suffering and the war’s effects had spread beyond the subregion to afflict the continent of Africa as a whole. The international community and the United Nations needed to therefore do everything in their power to assist the Government of the Democratic Republic of the Congo, parties and people, as well as the other Governments involved, in achieving a peaceful solution. He stated that for any United Nations peacekeeping force to be effective it would have to be large and expensive, require the deployment of thousands of international troops and civilian personnel and face tremendous risks and obstacles. In the light of those difficulties, he strongly recommended that the Security Council immediately authorize the deployment of up to 90 United Nations military personnel, together with the necessary staff, to the subregion. They would serve mainly as liaison officers to the national capitals and rear military headquarters of the main belligerents. As a second stage, on the basis of the report of the technical survey team and liaison group, he would recommend a further deployment of up to 500 military observers within the Democratic Republic of the Congo and other

States as required. He informed the Council that he had decided to appoint a Special Representative to lead the observer mission, which would be called the United Nations Observer Mission in the Democratic Republic of the Congo (MONUC). He had also ordered the dispatch of a small advance team to the region “to clarify the role to be played by the United Nations”. He noted that the problem of armed groups was at the core of the conflict and its resolution was crucial to a lasting peace. Since a military solution appeared impossible he would revert to the Security Council with detailed proposals for the deployment of a peacekeeping mission and a programme for disarmament, demobilization and reintegration. He also noted that it was essential for the Congolese parties to proceed with their national debate in order to work towards national reconciliation. When this happened, the international community could then be in a position to convene an international conference on the Great Lakes region in order to secure the commitment of donors to recovery of the region as a whole.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council’s prior consultations.⁵⁰

At the same meeting the President drew the attention of the Council to a letter dated 23 July 1999 from the representative of Zambia addressed to the President of the Security Council, transmitting the text of the Ceasefire Agreement.⁵¹

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1258 (1999), which reads:

The Security Council,

Reaffirming its resolution 1234 (1999) of 9 April 1999, and recalling the statements by its President of 31 August 1998, 11 December 1998, and 24 June 1999,

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

Reaffirming the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all States in the region,

Determined to resolve with all parties concerned the grave humanitarian situation in the Democratic Republic of the Congo

⁴⁹ S/1999/790.

⁵⁰ S/1999/852.

⁵¹ S/1999/815.

in particular, and in the region as a whole, and to provide for the safe and free return of all refugees and displaced persons to their homes,

Recognizing that the current situation in the Democratic Republic of the Congo demands an urgent response by the parties to the conflict with support from the international community,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Welcoming the report of the Secretary-General of 15 July 1999 on the United Nations preliminary deployment in the Democratic Republic of the Congo,

1. *Welcomes* the signing of the Ceasefire Agreement on the conflict in the Democratic Republic of the Congo by the States concerned, in Lusaka on 10 July 1999, which represents a viable basis for a resolution of the conflict in the Democratic Republic of the Congo;

2. *Also welcomes* the signing of the Ceasefire Agreement on 1 August 1999 by the Movement for the Liberation of the Congo, expresses deep concern that the Congolese Rally for Democracy has not signed the Agreement, and calls upon the latter to sign the Agreement without delay in order to bring about national reconciliation and lasting peace in the Democratic Republic of the Congo;

3. *Commends* the Organization of African Unity and the Southern African Development Community for their efforts to find a peaceful settlement of the conflict in the Democratic Republic of the Congo, and commends in particular the President of the Republic of Zambia, and also the Secretary-General, the Special Envoy of the Secretary-General for the peace process in the Democratic Republic of the Congo, the Representative of the Secretary-General to the Great Lakes Region and all those who contributed to the peace process;

4. *Calls upon* all parties to the conflict, in particular the rebel movements, to cease hostilities, to implement fully and without delay the provisions of the Ceasefire Agreement, to cooperate fully with the Organization of African Unity and the United Nations in the implementation of the Agreement and to desist from any act that may further exacerbate the situation;

5. *Stresses* the need for a continuing process of genuine national reconciliation, and encourages all Congolese to participate in the national debate to be organized in accordance with the provisions of the Ceasefire Agreement;

6. *Stresses also* the need to create an environment conducive to the return in safety and dignity of all refugees and displaced persons;

7. *Notes with satisfaction* the prompt establishment of the Political Committee and the Joint Military Commission by the States signatories to the Ceasefire Agreement as part of their collective effort to implement the Agreement;

8. *Authorizes* the deployment of up to ninety United Nations military liaison personnel, together with the necessary civilian, political, humanitarian and administrative staff, to the capitals of the States signatories to the Ceasefire Agreement and the provisional headquarters of the Joint Military Commission, and, as security conditions permit, to the rear military headquarters of the main belligerents in the Democratic Republic of the Congo and, as appropriate, to other areas the Secretary-General may deem necessary, for a period of three months, with the following mandate:

- To establish contacts and maintain liaison with the Joint Military Commission and all parties to the Agreement;
- To assist the Joint Military Commission and the parties in developing modalities for the implementation of the Agreement;
- To provide technical assistance, as requested, to the Joint Military Commission;
- To provide information to the Secretary-General regarding the situation on the ground, and to assist in refining a concept of operations for a possible further role of the United Nations in the implementation of the Agreement once it is signed by all parties;
- To secure from the parties guarantees of cooperation and assurances of security for the possible deployment in-country of military observers;

9. *Welcomes* the intention of the Secretary-General to appoint a Special Representative to serve as the head of the United Nations presence in the subregion relating to the peace process in the Democratic Republic of the Congo and to provide assistance in the implementation of the Ceasefire Agreement, and invites him to do so as soon as possible;

10. *Calls upon* all States and parties concerned to ensure the freedom of movement, security and safety of United Nations personnel in their territory;

11. *Calls for* safe and unhindered access for humanitarian assistance to those in need in the Democratic Republic of the Congo, and urges all parties to the conflict to guarantee the safety and security of all humanitarian personnel and to respect strictly the relevant provisions of international humanitarian law;

12. *Requests* the Secretary-General to keep it regularly informed of developments in the Democratic Republic of the Congo and to report at the appropriate time on the future presence of the United Nations in the Democratic Republic of the Congo in support of the peace process;

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

**Decision of 5 November 1999 (4060th meeting):
resolution 1273 (1999)**

At its 4060th meeting, held on 5 November 1999 in accordance with the understanding reached in its prior

consultations, the Security Council included the second report of the Secretary-General dated 1 November 1999 on the United Nations preliminary deployment in the Democratic Republic of the Congo in its agenda.⁵² Following the adoption of the agenda, the President (Slovenia), with the consent of the Council, invited the representative of the Democratic Republic of the Congo, at his request, to participate in the discussion without the right to vote.

In his report, submitted pursuant to paragraph 12 of resolution 1258 asking the Secretary-General to keep the Council regularly informed of developments, the Secretary-General observed that despite the enormous obstacles facing a United Nations operation in the Democratic Republic of Congo, the United Nations had to continue to support the peace process to the full extent of its capacities. He therefore recommended the extension of the mandate of the United Nations personnel currently in the Democratic Republic of the Congo until 15 January 2000. Subject to further progress in the peace process, he envisaged reverting to the Council with a further report containing recommendations and a proposed mandate and concept of operations for the deployment of United Nations peacekeeping troops, accompanied by military observers. In the meantime he would keep the Council informed of all developments and he urgently called on all parties to cooperate fully with the United Nations mission. He noted that the Joint Military Commission, established pursuant to the Lusaka Ceasefire Agreement, had a central role to play in the peace process and needed support to function effectively. While the deployment of four military liaison officers to Lusaka was a first step, he proposed that the United Nations provide the Joint Military Commission with the necessary logistical and other operational support and invited donors to redeem their pledges as rapidly as possible. He noted that he looked forward to continued close cooperation with OAU and intended to follow up the dispatch of two military liaison officers to OAU, including the permanent deployment of United Nations military personnel at OAU headquarters.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁵³

Also at the same meeting the President drew the attention of the Council to a letter dated 18 October 1999 from the representative of Finland addressed to the President of the Security Council,⁵⁴ transmitting a statement on the Democratic Republic of the Congo on behalf of the European Union.

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1273 (1999), which reads:

The Security Council,

Recalling its resolutions 1234 (1999) of 9 April 1999 and 1258 (1999) of 6 August 1999 and the statements by its President of 31 August 1998, 11 December 1998 and 24 June 1999,

Reaffirming the sovereignty, territorial integrity, and political independence of the Democratic Republic of the Congo and all States in the region,

Reaffirming also that the Ceasefire Agreement signed at Lusaka on 10 July 1999 represents a viable basis for a resolution of the conflict in the Democratic Republic of the Congo,

Welcoming the report of the Secretary-General of 1 November 1999,

Noting with satisfaction the deployment of United Nations military liaison personnel to the capitals of the States signatories to the Ceasefire Agreement and to the Joint Military Commission established by them, and underlining the importance of their full deployment as provided for in its resolution 1258 (1999),

Noting that the Joint Military Commission and the Political Committee have held meetings as mandated under the Ceasefire Agreement,

Urging all parties to the Ceasefire Agreement to cooperate fully with the technical assessment team dispatched to the Democratic Republic of the Congo by the Secretary-General as indicated in his report of 15 July 1999, in order to allow it to assess conditions and to prepare for subsequent United Nations deployments in the country,

1. *Decides* to extend the mandate of the United Nations military liaison personnel deployed under paragraph 8 of resolution 1258 (1999) until 15 January 2000;

2. *Requests* the Secretary-General to continue to report to it regularly on developments in the Democratic Republic of the Congo, including on the future presence of the United Nations in the country in support of the peace process;

3. *Calls upon* all parties to the Ceasefire Agreement signed at Lusaka to continue to abide by its provisions;

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

⁵² S/1999/1116 and Corr.1.

⁵³ S/1999/852.

⁵⁴ S/1999/1076.

Decision of 30 November 1999 (4076th meeting): resolution 1279 (1999)

At the 4076th meeting of the Security Council, held on 30 November 1999 in accordance with the understanding reached in its prior consultations, the President (Slovenia), with the consent of the Council, invited the representative of the Democratic Republic of the Congo, at his request, to participate in the discussion without the right to vote.

At the same meeting the President again drew the attention of the Council to the second report of the Secretary-General on the United Nations Preliminary Deployment in the Democratic Republic of the Congo.⁵⁵ The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations,⁵⁶ which was then put to the vote and adopted unanimously as resolution 1279 (1999), which reads:

The Security Council,

Recalling its resolutions 1234 (1999) of 9 April 1999, 1258 (1999) of 6 August 1999 and 1273 (1999) of 5 November 1999 and the statements by its President of 31 August 1998, 11 December 1998 and 24 June 1999,

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

Reaffirming the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all States in the region,

Reaffirming also that the Ceasefire Agreement signed at Lusaka on 10 July 1999 represents the most viable basis for a resolution of the conflict in the Democratic Republic of the Congo, and noting the role it requests the United Nations to play in the implementation of the ceasefire,

Expressing its concern at the alleged violations of the Ceasefire Agreement, and urging all parties to refrain from any declarations or action that could jeopardize the peace process,

Stressing the responsibilities of the signatories for the implementation of the Ceasefire Agreement, and calling upon them to permit and facilitate the full deployment of United Nations military liaison officers and other personnel necessary for the fulfilment of their mandate throughout the territory of the Democratic Republic of the Congo,

Welcoming the pledges of support made to the Joint Military Commission by States and organizations, and calling

upon others to contribute, together with the signatories to the Ceasefire Agreement, to the funding of the body,

Noting with concern the humanitarian situation in the Democratic Republic of the Congo, and calling upon all Member States to contribute to current and future consolidated humanitarian appeals,

Expressing its concern at the severe consequences of the conflict for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo,

Expressing its concern also at the adverse impact of the conflict on the human rights situation in the Democratic Republic of the Congo, particularly in the eastern parts of the country, and the continuing violations of human rights and international humanitarian law committed throughout the territory of the Democratic Republic of the Congo,

Having considered the recommendations of the Secretary-General contained in his report of 1 November 1999,

Reiterating the importance of the successful completion of the mission of the technical assessment team dispatched to the Democratic Republic of the Congo to assess conditions and to prepare for possible subsequent United Nations deployment in the country as well as to obtain firm guarantees from the parties to the conflict over the safety, security and freedom of movement of United Nations and associated personnel,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Underlining the importance of the full deployment of the United Nations military liaison personnel as provided for by resolution 1258 (1999),

1. *Calls upon* all parties to the conflict to cease hostilities, to implement fully the provisions of the Ceasefire Agreement signed at Lusaka, and to use the Joint Military Commission to resolve disputes over military issues;

2. *Stresses* the need for a continuing process of genuine national reconciliation, encourages all Congolese to participate in the national dialogue to be organized in coordination with the Organization of African Unity, and calls upon all Congolese parties and the Organization of African Unity to finalize agreement on the facilitator for the national dialogue;

3. *Welcomes* the appointment by the Secretary-General of his Special Representative for the Democratic Republic of the Congo to serve as the head of the United Nations presence in the subregion relating to the peace process in the Democratic Republic of the Congo and to provide assistance in the implementation of the Ceasefire Agreement;

4. *Decides* that the personnel authorized under its resolutions 1258 (1999) and 1273 (1999), including a multidisciplinary staff of personnel in the fields of human rights,

⁵⁵ S/1999/1116 and Corr.1; see also 4060th meeting.

⁵⁶ S/1999/1207.

humanitarian affairs, public information, medical support, child protection, political affairs and administrative support, which will assist the Special Representative, shall constitute the United Nations Organization Mission in the Democratic Republic of the Congo until 1 March 2000;

5. *Decides also* that the Mission, led by the Special Representative of the Secretary-General, consistent with resolutions 1258 (1999) and 1273 (1999), shall carry out the following ongoing tasks:

(a) Establish contacts with the signatories to the Ceasefire Agreement at their headquarters levels, as well as in the capitals of the States signatories;

(b) Liaise with the Joint Military Commission and provide technical assistance in the implementation of its functions under the Ceasefire Agreement, including in the investigation of ceasefire violations;

(c) Provide information on security conditions in all areas of its operation, with emphasis on local conditions affecting future decisions on the introduction of United Nations personnel;

(d) Plan for the observation of the ceasefire and disengagement of forces;

(e) Maintain liaison with all parties to the Ceasefire Agreement to facilitate the delivery of humanitarian assistance to displaced persons, refugees, children, and other affected persons, and assist in the protection of human rights, including the rights of children;

6. *Underlines* the fact that the phased deployment of United Nations military observers with the necessary support and protection elements in the Democratic Republic of the Congo will be subject to its further decision, and expresses its intention to take such a decision promptly on the basis of further recommendations of the Secretary-General, taking into account the findings of the technical assessment team;

7. *Requests* the Secretary-General to accelerate the development of a concept of operations based on assessed conditions of security, access and freedom of movement and cooperation on the part of the signatories to the Ceasefire Agreement;

8. *Also requests* the Secretary-General to keep it regularly informed and to report to it as soon as possible on the situation in the Democratic Republic of the Congo and submit his recommendations on further deployment of United Nations personnel in the country and on their protection;

9. *Requests* the Secretary-General, with immediate effect, to take the administrative steps necessary for the equipping of up to 500 United Nations military observers with a view to facilitating future rapid United Nations deployments as authorized by the Council;

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

Deliberations of 16 December 1999 (4083rd meeting)

At the 4083rd meeting of the Security Council, held on 16 December 1999 in accordance with the understanding reached in its prior consultations, the President (United Kingdom), with the consent of the Council, invited the Under-Secretary-General for Peacekeeping Operations to give a briefing on the situation concerning the Democratic Republic of the Congo, under rule 39 of Council's provisional rules of procedure.

At the same meeting the Under-Secretary-General for Peacekeeping Operations informed the Council that the military and security situation in the Democratic Republic of the Congo had seriously deteriorated. As far as the deployment of United Nations personnel was concerned, the new Special Representative of the Secretary-General for the Democratic Republic of the Congo had arrived in Kinshasa to assume his functions. In addition, MONUC had deployed 62 of the 90 military liaison officers authorized under Security Council resolution 1258 (1999), of 6 August 1999. However, until MONUC was guaranteed the full security and freedom of movement it needed by both sides, it would not be able to complete its technical survey of the country or to station military liaison officers at the rear military headquarters of the parties, as stipulated by the Council. He stated that until they had the needed information from the survey and the relevant military headquarters they would not be able to submit a detailed and comprehensive concept of operations to the Council, as called for in resolution 1279 (1999). He stated that he intended to submit a further report on the situation in mid-January, which he anticipated would contain options and recommendations.⁵⁷

The representative of the United States noted that, while the Lusaka Agreement was an excellent document that was done by the parties themselves, it was being widely disregarded and violated. He welcomed the nomination of Sir Ketumile Masire, former President of the Republic of Botswana, to assume the role of neutral facilitator for the inter-Congolese political negotiations. He noted that the United States would have found it difficult to move forward in support of peacekeeping absent a facilitator to work on the critical political

⁵⁷ S/PV.4083, pp. 2-4.

component. He underlined that the Joint Military Commission, OAU, the United Nations and MONUC needed to work more closely together. The United States really needed to know the composition and structure of the peacekeeping force and believed that it was imperative that there be a more intense planning effort involving the Department of Peacekeeping Operations, the nations on the Security Council and other potential major troop and money contributors. The relationship between OAU, SADC and the United Nations, the command and control situation on the ground, the mandate, the size, the costs and the backup all needed to be known, and the United States would not vote for a resolution until they knew what they were voting for.⁵⁸

The representative of the Netherlands reminded the Council that from the first day they had discussed the Lusaka Agreement they had already been put under pressure to dispatch peacekeepers right away despite the fact that none of the rebels had yet been prepared to sign. If the Lusaka Agreement was a “litmus test”, it was, first of all, one for the people who signed it, and if the parties themselves did not fulfil their engagements, there was nothing the Council could do. Noting the “emergence of the myth that it was the dilly-dallying of the Security Council that killed the Lusaka Agreement” he asked whether anyone believed that the Agreement was being observed by all parties for the first three months and had only began to unravel due to the Council’s inaction. He maintained that the commitment of the Netherlands to Africa could not be called into question and there had been no slackening in its commitment to African projects that were of special concern to the Security Council.⁵⁹

The representative of the Gambia stated that they were eagerly awaiting the report of the technical survey team and the report of the Secretary-General on the deployment to the Democratic Republic of the Congo and were gratified to note that the Joint Military Commission and the Political Committee established by the parties to the Agreement were up and running. He thanked the United States for their generous contribution to the Commission and encouraged others that could do so to help. He hoped the Security Council would act expeditiously with a view to deploying a fully

fledged peacekeeping mission to the Democratic Republic of the Congo when the time was ripe.⁶⁰

The representative from Canada noted continuing concern with the major ceasefire violations by all sides in the Democratic Republic of the Congo. Such violations suggested that the security conditions required for the deployment of United Nations military observers did not yet exist. He requested the Secretariat’s views on how, short of deploying additional personnel to the Democratic Republic of the Congo, the United Nations could further assist in the implementation of the Lusaka Agreement in the face of continuing fighting. He welcomed the nomination of former President Masire of Botswana as facilitator for the inter-Congolese dialogue and urged all parties to commit themselves to the dialogue so that the process of reconciliation could begin in earnest.⁶¹

The representative of France stated that the situation was catastrophic and that a real, concrete effort was needed from the Council. He suggested that the Council ask itself what it could do immediately in order to try to deal with the immediate dangers in the region, which were leading to losses of human life. He suggested that they urge the Secretariat to continue its efforts to produce a concept of operations. He welcomed the nomination of former President Masire of Botswana as facilitator and the arrival of the Special Representative of the Secretary-General. He asked the Under-Secretary-General whether it wasn’t already possible for MONUC to provide some military assistance to the Joint Military Commission by providing it with staff officers to help the Commission do its work. He also wondered whether the Commission might not be able to provide reports to the Security Council on actions they were taking. This would respond to the wishes expressed for greater coordination between the regional organizations, specifically the Organization of African Unity, and the United Nations.⁶²

The representative from China stated that the peace process remained bogged down in difficulties and that the United Nations and the Security Council had been quite slow in responding to the situation. While welcoming the news of the nomination of former President Masire of Botswana as facilitator and stating

⁵⁸ Ibid., pp. 4-5.

⁵⁹ Ibid., pp. 5-7.

⁶⁰ Ibid., pp. 7-8.

⁶¹ Ibid., p. 10.

⁶² Ibid., pp. 10-12.

his support for the holding of national political dialogues between the parties in the Democratic Republic of the Congo, he emphasized that it was an immediate priority of the Council and the United Nations to send in military observers and peacekeeping troops as soon as possible, because there could be effective monitoring and maintenance of the ceasefire only when such a force was deployed. He expressed his agreement with the view that had been expressed earlier that the Council's ability to push through a settlement of the conflict in the Democratic Republic of the Congo with concrete actions would be the "litmus test" of the importance the Council attached to African conflicts. In that connection, while he looked forward to the implementation of resolution 1279 (1999) and welcomed the Secretariat's preparations for that purpose, he also expected that Council members would be unanimous on taking concrete actions as soon as possible for the deployment of military observers in the Democratic Republic of the Congo.⁶³

The representative of Namibia, while welcoming the appointment of former President Masire of Botswana as mediator for the national dialogue, stated that his delegation had noted that media reports had indicated that investors from several countries were doing business with the rebel movement, especially in the eastern part of the Democratic Republic of the Congo and that those actions clearly violated the territorial integrity of the country. He maintained that nobody was saying that the situation was easy but time was of the essence and the Council should assume its responsibilities in the Democratic Republic of the Congo. He called on all parties to carry out their commitment to the Lusaka Ceasefire Agreement and reiterated Namibia's commitment to full implementation. However, he maintained that while Namibia would maintain its position passively they would not offer themselves as "helpless targets when fired at by the rebels and those who support them". While welcoming the deployment of regional joint military commissions inside the Democratic Republic of the Congo and OAU observers, he expressed his hope that the Security Council would soon take a decision to authorize the deployment of military observers. He underlined the need for a rapid deployment, given the provisions of resolution 1279 and stated that "if we wait for perfection in the Democratic

Republic of the Congo, we will lose everything that has been achieved in the Lusaka peace process".⁶⁴

The representative of Brazil asked how they could reconcile two contradictory positions, both of which were right. His colleagues, especially his African colleagues, had presented very clearly the need for the Security Council to act "very, very swiftly" and the representative of France had drawn their attention to the need for a concept of operations to be developed in a very precise and clear-cut way. All these were positive elements that they certainly needed to take into account in seeking a solution of the problem. He stated that the strength of peacekeeping operations would have to be "robust", and expressed his belief that if they analysed all the consequences of that adjective and added "sent urgently", they could begin to solve the problem.⁶⁵

The representative of the United Kingdom stated that they were coming to a critical moment: there was a peace agreement but the situation was deteriorating and not all parties were complying with their commitments. He suggested that the Council focus on six areas in particular. First, they needed to insist that all parties return to their Lusaka obligations and emphasize that there was no alternative to the negotiated peace. Second, they needed to do all they could to support the Lusaka framework. Third, they should support the deployment of an effective United Nations force to help implement the Lusaka Agreement. A peacekeeping force had to be capable of monitoring the ceasefire, verifying the withdrawal of foreign forces and investigating reports of military activities by other armed groups. However, the countries in the region had to bear the principal responsibility for their own future. Fourth, they needed a plan for the successful disarmament, demobilization and reintegration of the armed militia groups. He urged all parties to work through the Joint Military Commission, in close collaboration with OAU and the United Nations to continue to draw up a credible plan that would attract the levels of international support that were needed to make implementation of a disarmament, demobilization and reintegration process possible. Fifth, they had to address profiteering from and exploitation of the vast resources of the Democratic Republic of the Congo which were being used by all sides to sustain the war. Sixth, they should sustain their support for an international conference on the Great Lakes to address

⁶³ Ibid., p. 13.

⁶⁴ Ibid., pp. 13-15.

⁶⁵ Ibid., pp. 15-16.

the region's underlying problems, to take place when the parties had implemented the main elements of Lusaka. He welcomed the nomination of former President Masire. He expressed his hope that the Political Committee established by the Lusaka Agreement would convene at an early date to discuss implementation.⁶⁶

The representative for Gabon welcomed the nomination of former President Masire of Botswana as the facilitator and the progress made in the activities of the Joint Military Commission, given the resources available to it. He expressed his belief that the Council "should focus its will to settle the conflict rather than on the difficulties" and that it would not be realistic to want to obtain absolute security guarantees. Africa expected real, immediate action and had already waited too long since the signing of the Agreement. The Security Council had to shoulder its responsibilities and also continue to exert pressure on the parties to ensure that they complied with their commitments under the Lusaka Agreement.⁶⁷

The representative of the Russian Federation stated his agreement with what had been said both by those who spoke about the need to take urgent decisions and those who saw the need to establish the necessary conditions. He stated his deep concern that the technical survey team, through no fault of its own, had not been able to complete its work on time, but trusted that when the relevant information was available the Security Council would take the appropriate decision on the deployment of up to 500 United Nations military observers pursuant to resolution 1279 (1999). He expressed his belief that there were two decisive factors: the willingness of the parties to the conflict to comply in good faith with their commitments and their cooperation with the United Nations, primarily in respect to practical matter relating to the technical survey team. He thanked those who had drawn attention to the particular importance of the swift organization of a national dialogue in the Democratic Republic of the Congo, as provided for in the Lusaka Agreement. In conclusion, he reiterated the Russian Federation's support for holding, under the auspices of the United Nations and OAU, an international conference on peace and security in the Great Lakes region, which would need to have a very strong political component, which

would make it possible to consider the key issues of the strengthening of peace and security in the region as a whole.⁶⁸

Several other speakers stated the need for the deployment of a peacekeeping mission with all due speed following the assessment of the technical survey team and the establishment of sufficient security; emphasized the need for greater cooperation between OAU, the United Nations and SADC; welcomed the nomination of former President Masire of Botswana as mediator and Mr. Kamel Morjane as the Secretary-General's special representative; expressed concern over violations of the ceasefire; and called on all parties to comply with the provisions of the Lusaka Agreement. Some delegations questioned the delay in the peace process and why the United Nations was so reluctant to engage in the intervention necessary to replace the "current precarious" peace with a solid lasting one.⁶⁹

At the same meeting the President gave the floor to those members who wanted to make a second intervention.

The representative of the United States noted the emerging consensus on most aspects of the problem. Regarding deployment of a peacekeeping force, he stated that the question was not "whether, but when and how". He stated their desire to vote for the resolution once they knew the mandate, the size and the costs. He expressed his hope that as a result of the meeting they would be able to accelerate, intensify and clarify what it was that they would be asked to approve, which required a lot of staff work internally that the United States was prepared to do.⁷⁰

The representative of the Netherlands expressed his agreement with the representative of the United States. He also wondered whether it might be conceivable to ask the Joint Military Commission to "step up the frequency of its meetings a little".⁷¹

The representative of France expressed his agreement with the representative of the United States. He also noted the great desire of the Council to move ahead swiftly and the strong backing for an international conference on peace and security in the Great Lakes region under the auspices of the United Nations and

⁶⁶ Ibid., pp. 16-17.

⁶⁷ Ibid., pp. 17-18.

⁶⁸ Ibid., pp. 19-20.

⁶⁹ Ibid., pp. 9-10 (Malaysia); pp. 8-9 (Argentina); pp. 18-19

(Slovenia); and pp. 12-13 (Bahrain).

⁷⁰ Ibid., p. 20.

⁷¹ Ibid., p. 20.

OAU. He asked the representative of the Secretariat to invite the next President of the Council to call for consideration of the subject of an international conference. He expressed his belief that the issue of Africa must be considered by the Council on a permanent basis.⁷²

The President, drawing some informal conclusions from the debate, reiterated that the Democratic Republic of the Congo was the major challenge facing Africa. The Lusaka Agreement was predicated on international support and there was thus a need for the United Nations to help implement that agreement through a further deployment. He underlined the point made that the parties needed to show their determination to meet their commitments before it would be right or sensible for the United Nations to deploy more widely. All those with responsibilities under the Lusaka Agreement needed to take them up urgently and the Security Council would act as rapidly and effectively as it could. The Council would return to this subject soon, analysing and acting on the import of this debate.⁷³

12. The situation in the Central African Republic

Initial proceedings

Decision of 6 August 1997 (3808th meeting): resolution 1125 (1997)

By identical letters dated 18 July 1997 addressed to the Secretary-General and to the President of the Security Council,¹ the President of the Central African Republic informed the Council of a grave crisis, in a context of regional instability, which stemmed from the army rebellions which broke out in 1996 and had left a large supply of weapons in the hands of the ex-rebels and militias. He requested the Security Council to authorize the States of the Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB), which had been set up at his request to help restore peace and security, to carry out the necessary operations, neutrally and impartially, to attain the objectives defined by the mandate of MISAB and to authorize, under Chapter VII of the Charter of the United Nations, those States and the States supporting them to ensure the security and freedom of movement of Inter-African Mission personnel. He also transmitted the mandate of the inter-African force to monitor the

implementation of the Bangui Agreements and the text of the agreement on the status of this force.

At its 3808th meeting, held on 6 August 1997 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda without objection the letters and the item entitled "The situation in the Central African Republic".

At the same meeting, the President (United Kingdom), with the consent of the Council, invited the representative of the Central African Republic, at his request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a letter dated 7 July 1997 from Gabon,² writing as a mediator representing the Heads of State designated by the Ouagadougou Summit of December 1996, informing the Council of the formation of MISAB by Burkina Faso, Chad, Gabon and Mali for the purpose of helping to restore peace and security by monitoring the implementation of the

⁷² Ibid., pp. 20-21.

⁷³ Ibid., pp. 23-24.

¹ S/1997/561.

² S/1997/543.

Bangui agreement and conducting operations to disarm the ex-rebels and militia. He asked the Security Council to approve the mandate of MISAB and authorize the intervention under Chapter VII of the Charter of the United Nations, as a legal framework for their intervention, in view of the continuing tension and the threat that prolongation of the crisis was likely to constitute for the maintenance of international peace and security.

At the same meeting the President also drew the attention of the Council to a draft resolution submitted by the Central African Republic, Egypt, Guinea-Bissau and Kenya.³

Speaking before the vote, the representative of Kenya stated that the Central African Republic had been in a situation of armed conflict since the beginning of 1996, which had affected every aspect of civil life and could destabilize the region, and that this situation posed a threat to international peace and security and required the urgent attention of the Security Council. The threat to regional stability had attracted the attention of the Ouagadougou Summit at which the Central African Republic had requested international intervention, and a regional initiative with the participation of Burkina Faso, Chad, Gabon, Mali, Senegal and Togo had been initiated and was already in the country. He stated that the present draft resolution would give the approval of the Council to this regional initiative in the capacity of its responsibility to maintain international peace and security and underlined that the Council had a responsibility to support regional initiatives. He maintained that the parties in the conflict of the Central African Republic had shown a willingness to settle the dispute through peaceful means by signing the Bangui Agreements. The Inter-African Mission was doing a good job trying to observe the implementation of these commitments, which all parties had freely entered into, and it was for that reason that he supported the present draft resolution. He noted the significant contribution that African countries and France were making in resolving the crisis and he appealed to the international community to continue to support the initiative.⁴

The representative of Egypt stated that the military mutiny and the ensuing events had had serious economic and social consequences. He noted that the establishment of an International Monitoring

Commission had had a tangible positive effect on the political situation and a dialogue between the two parties to the conflict had begun. He expressed his satisfaction that this effort had been further concretized in MISAB and that it had achieved tangible success in the discharge of its mandate, and expressed his appreciation for the role of Gabon and France. He stated that the regional intervention had proved once again that Africa did not lack the machinery necessary to contain the crises which took place in its states and constituted a successful example of preventative action that deserved all international support and encouragement. It was in this regard that they had not hesitated to sponsor and support the draft resolution. He maintained that an appropriate measure of economic and human development was the sole guarantee for the non-repetition of the crisis in Central Africa and expressed his support for the role played by the United Nations Development Programme (UNDP). He hoped that the Bretton Woods institutions, in cooperation with UNDP, would prepare a comprehensive plan for economic reform that would enable the Central African Republic to initiate genuine development for its people.⁵

The representative of Costa Rica stated that he had recently witnessed what he believed to be a new and important doctrinal approach on the part of the Council with respect to the concept of threats to international peace and security and peacekeeping. He highlighted the case of the multinational force for Albania that was authorized by the Council in March outside of the traditional framework of United Nations operations but in conformity with the principles and objectives of the Charter. The draft resolution was part of the new approach: in the past the Council might have interpreted the situation in the Central African Republic as an internal one and not been seized of it. He maintained that the Central African Republic was an example of an internal problem with international implications and an example of the resolve of African countries to collectively tackle and resolve their own issues. He noted that international intervention would not amount to much unless it was accompanied by actions to promote economic progress, justice, equality, the rule of law and human rights. In conclusion, he expressed strong support for the adoption of the draft resolution and expressed his trust that the approval of MISAB would be developed in keeping with the relevant

³ S/1997/613.

⁴ S/PV.3808, pp. 2-3.

⁵ *Ibid.*, p. 5.

international principles and with respect to the observance of human rights.⁶

The representative of France stated their support for the draft resolution and the efforts of several African countries to help the Central African Republic peacefully resolve a crisis situation. Noting that France supported politically and in material terms the regional endeavours in general including the one conducted by the member countries of MISAB, he stated that they also encouraged, in strict conformity with the Charter, any initiative that aimed at affirming the important role of the Security Council, especially under Chapter VII, which was why they had supported from the outset the actions of the Central African Republic and Gabon in seeking Council authorization for MISAB. He expressed his belief that this initiative was in keeping with a constructive evolution of the United Nations as reflected in three principles: scrupulous respect for the Charter, the affirmation of the role of the Security Council and support for the Council's backing of regional efforts.⁷

The representative of the United States, noting that MISAB was an important precedent and a test-case for African peacekeeping efforts, stated that he was pleased to support the draft resolution and expressed his support to the participants in the force. He expressed his concern at the continued instability in the region and the fact that not all elements had renounced violence or turned in their weapons. Taking special note of the financial and other contributions of France, Kenya and other donors which had made the Inter-African Mission possible and the resolution's statement that support for the force would continue to be born on a voluntary basis, he expressed their understanding that the Mission would not become a United Nations-assessed operation. He welcomed the provision that called for reporting every two weeks from the Inter-African Mission on the situation in the Central African Republic and expressed his belief that the Secretary-General needed to take steps to increase the knowledge of the United Nations regarding developments in the Central African Republic.⁸

The representative of the United Kingdom, noting the threat that instability might spread throughout the region, welcomed the contribution of countries that had

provided troops to MISAB and applauded the role of regional leaders in the current mediation efforts. He stated that the support of UNDP for the wider peacebuilding process was an important factor in their success. He noted that the initiatives taken on the Central African Republic clearly demonstrated the importance and effectiveness of African leadership in dealing with conflict and instability in the region, and he reaffirmed his delegation's support for such initiatives. He noted the success of the efforts of MISAB in reducing the number of arms and heavy weaponry in the Central African Republic but remained concerned at the large amount of weapons still in circulation. In that regard, he believed that it was essential that the scope of the Inter-African Mission's operation was clearly defined. He expressed his gratitude for the information received on the activities of MISAB to date and on its objectives since it was essential for the Security Council to have a clear sense of the tasks of MISAB so that it could effectively monitor their implementation. He therefore looked forward to receiving further reports, as provided for in the draft resolution, on the progress of MISAB and the longer-term prospects for the political process in the country.⁹

Several other speakers spoke, noting that the situation in the Central African Republic threatened international peace and security; stating their support for authorizing MISAB under Chapter VII of the Charter; underlining the importance of the United Nations supporting regional initiatives; and commending the Governments involved and France for their efforts and support.¹⁰

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1125 (1997), which reads:

The Security Council,

Concerned by the grave crisis facing the Central African Republic,

Taking note with appreciation of the signing of the Bangui Agreements of January 1997 and the creation of the Inter-African Mission to Monitor the Implementation of the Bangui Agreements,

⁶ Ibid., pp. 5-6.

⁷ Ibid., pp. 6-7.

⁸ Ibid., pp. 8-9.

⁹ Ibid., p. 9.

¹⁰ Ibid., pp. 3-4 (Guinea-Bissau); p. 4 (Japan); pp. 4-5 (Republic of Korea); p. 7 (Chile); pp. 7-8 (Poland); and p. 8 (Portugal).

Concerned by the fact that, in the Central African Republic, former mutineers, members of militias and other persons continue to bear arms in contravention of the Bangui Agreements,

Taking note of the letter dated 4 July 1997 from the President of the Central African Republic to the Secretary-General,

Taking note also of the letter dated 7 July 1997 to the Secretary-General from the President of Gabon, on behalf of the members of the International Committee for the follow-up of the Bangui Agreements,

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

1. *Welcomes* the efforts of the Member States that participate in the Inter-African Mission to Monitor the Implementation of the Bangui Agreements and of those Member States that support them;

2. *Approves* the continued conduct by Member States participating in the Inter-African Mission of the operation in a neutral and impartial way to achieve its objective to facilitate the return to peace and security by monitoring the implementation of the Bangui Agreements in the Central African Republic as stipulated in the mandate of the Inter-African Mission including through the supervision of the surrendering of arms of former mutineers, militias and all other persons unlawfully bearing arms;

3. *Acting* under Chapter VII of the Charter of the United Nations, authorizes the Member States participating in the Inter-African Mission and those States providing logistical support to ensure the security and freedom of movement of their personnel;

4. *Decides* that the authorization referred to in paragraph 3 above shall be limited to an initial period of three months from the adoption of the present resolution, at which time the Council will assess the situation on the basis of the reports referred to in paragraph 6 below;

5. *Stresses* that the expenses and logistical support for the force will be borne on a voluntary basis in accordance with article 11 of the mandate of the Inter-African Mission;

6. *Requests* the Member States participating in the Inter-African Mission to provide periodic reports at least every two weeks through the Secretary-General, the first report to be made within fourteen days after the adoption of the present resolution;

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

**Decision of 6 November 1997 (3829th meeting):
resolution 1136 (1997)**

By letters dated 27 October 1997 and 4 November 1997, respectively, addressed to the President of the Security Council,¹¹ the Presidents of Gabon and the Central African Republic requested, on behalf of all the heads of States with contingents in MISAB, the extension of the mandate of the Inter-African Mission for three months as from 6 November 1997.

At the 3829th meeting of the Security Council, held on 6 November 1997 in accordance with the understanding reached in its prior consultations, the President (China), with the consent of the Council, invited the representative of the Central African Republic, at his request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹²

At the same meeting the President also drew the attention of the Council to a letter from the Secretary-General transmitting the sixth and final periodic report of MISAB.¹³ The report detailed the progress made in implementing the Bangui Agreements, including disarmament, restoration of security and national reconciliation. It stated that although undeniable progress had been made in implementing the Bangui Agreements, there was a long way to go in carrying out all the main provisions and, therefore, a need to renew the mandate of MISAB. However, owing to the insufficiency of the African countries' own resources, logistical support from the international community was still needed.

The representative of the Central African Republic expressed his gratitude to the Council for considering the draft resolution and pledged his Government's full cooperation with the Council, the Secretary-General and MISAB to strengthen and promote the cause of peace and democracy, and to create the necessary conditions for a better life for the people of his country.

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1136 (1997), which reads:

The Security Council,

Reaffirming its resolution 1125 (1997) of 6 August 1997,

¹¹ S/1997/821 and S/1997/840.

¹² S/1997/849.

¹³ S/1997/828.

Taking note of the sixth report to the Council by the International Committee for the follow-up of the Bangui Agreements,

Taking note also of the letter dated 17 October 1997 from the President of the Central African Republic to the Secretary-General,

Taking note further of the letter dated 23 October 1997 to the President of the Security Council from the President of Gabon, on behalf of the members of the International Committee for the follow-up of the Bangui Agreements,

Expressing appreciation for the neutral and impartial way in which the Inter-African Mission to Monitor the Implementation of the Bangui Agreements has carried out its mandate, in close cooperation with the Central African authorities, and noting with satisfaction that the Inter-African Mission has contributed to stabilizing the situation in the Central African Republic, in particular through the supervision of the surrendering of arms,

Noting that the States participating in the Inter-African Mission and the Central African Republic have decided to extend the mandate of the Mission to enable it to complete its mission,

Stressing the importance of regional stability and, in this context, supporting the efforts made by the Member States participating in the International Mediation Committee established by the Nineteenth Conference of Heads of State, Government and Delegation of France and Africa, and by the members of the International Committee for the follow-up of the Bangui Agreements,

Stressing also the need for all signatories of the Bangui Agreements to continue to cooperate fully in respecting and implementing the Agreements,

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

1. *Welcomes* the efforts made by the Member States which participate in the Inter-African Mission to Monitor the Implementation of the Bangui Agreements and of those Member States which provide support to them, and their readiness to maintain these efforts;

2. *Welcomes also* the support provided by the United Nations Development Programme to the International Committee for the follow-up of the Bangui Agreements, and encourages the United Nations Development Programme to continue its support;

3. *Approves* the continued conduct by Member States participating in the Inter-African Mission of the operation in a neutral and impartial way to achieve its objective as set out in paragraph 2 of resolution 1125 (1997);

4. *Acting* under Chapter VII of the Charter of the United Nations, authorizes the Member States participating in the Inter-African Mission and those States providing logistical

support to ensure the security and freedom of movement of their personnel;

5. *Decides* that the authorization referred to in paragraph 4 above shall be limited to a period of three months from the adoption of the present resolution;

6. *Recalls* that the expenses and logistical support for the Inter-African Mission will be borne on a voluntary basis in accordance with article 11 of the mandate of the Inter-African Mission, requests the Secretary-General, to take the necessary steps to establish a trust fund for the Central African Republic which would assist in supporting the troops of States participating in the Inter-African Mission and in providing logistical support to them, and encourages Member States to contribute to the trust fund;

7. *Requests* the Member States participating in the Inter-African Mission to provide periodic reports to the Council at least every month, through the Secretary-General, the next report to be made within one month from the adoption of the present resolution;

8. *Requests* the Secretary-General to provide, before the end of the three-month period referred to in paragraph 5 above, a report on the implementation of the present resolution, including recommendations on further international support for the Central African Republic;

9. *Urges* all States, international organizations and financial institutions to assist in post-conflict development in the Central African Republic;

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

Decision of 5 February 1998 (3853rd meeting): resolution 1152 (1998)

At its 3853rd meeting, held on 5 February 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 23 January 1998 pursuant to resolution 1136 (1997) concerning the situation in the Central African Republic.¹⁴

In his report, the Secretary-General observed that since the signing of the Bangui Agreements peace and security had been gradually restored to Bangui, with due credit to both the Central African Republic and the mediating role by African countries and MISAB, with the logistical and other support of France and UNDP. However, for lasting peace and stability, it was essential that the outstanding provisions of the Bangui Agreements be implemented. In light of the withdrawal of France in April 1998 and the lack of capacity of

¹⁴ S/1998/61.

MISAB to function without them, the President of the Central African Republic, the International Monitoring Committee and the States of the region had stated their belief that a credible peacekeeping force was essential for the maintenance of international peace and security. The Secretary-General thus recommended that the Council express its readiness to establish a United Nations peacekeeping operation on the basis of a more detailed concept of operations that he would submit in the light of the progress made by the Central African Republic in fulfilling their commitments. The structure and military role of the mission would be similar to that of MISAB and it would seek to maintain security, create an environment conducive to the holding of free and fair legislative elections and assist in building the capacity of the Central African police and gendarmerie. The mission would be of limited duration and would cooperate with other international partners in support of a lasting peace. He envisaged the appointment of a Special Representative to head the mission and the United Nations Resident Coordinator/United Nations Development Programme Resident Representative would serve as director of the office of his Special Representative.

At the same meeting the President (Gabon) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁵

At the same meeting the President also drew the attention of the Council to the following documents: a letter dated 30 January 1998 from the Secretary-General addressed to the President of the Security Council, transmitting the third periodic report of MISAB pursuant to Security Council resolution 1136 (1997);¹⁶ a letter dated 28 January 1998 from the representative of the Central African Republic addressed to the President of the Security Council,¹⁷ stating their full agreement with the Secretary-General's plans for a peacekeeping operation to replace MISAB and asking for a five-week extension of Inter-African Mission's mandate to facilitate the transition; and a letter dated 4 February 1998, addressed to the President of the Security Council, from the President of Gabon in his capacity as Chairman of the International Mediation Committee on the Central African crisis and on behalf of the countries participating in MISAB requesting the Council to

extend the mandate of MISAB until 16 March 1998 and stating that a United Nations peacekeeping operation might be necessary to prevent the situation from becoming precarious again.¹⁸

The representative of France stated that MISAB had been a remarkable example of preventative diplomacy, which was the very objective of much United Nations effort to prevent conflict and the deterioration of situations that threatened regional or international security and stability. Nonetheless, the situation in the Central African Republic remained precarious and still threatened security and stability in the region and it was necessary to prepare for the legislative elections, to restructure the security forces and to implement vigorous measures in the economic and social spheres in support of national reconciliation. He stated that his Government supported the recommendations of the Secretary-General to establish a peacekeeping operation and the draft resolution would allow the Secretariat to prepare operational proposals on which the Security Council would decide. He expressed his belief that the Council's decision would be unanimous.¹⁹

The representative of the United Kingdom commended the work of the President of Gabon, MISAB, France and those countries which had committed troops for their work in maintaining peace in the Central African Republic. He stated his Government's support for the idea of a deployment of a United Nations operation, conditional on the Central African Republic addressing the need for fundamental adjustments in its social, economic, financial and security policies, and welcomed the idea of a United Nations political office to monitor their progress in the implementation of those reforms.²⁰

The representative of the Russian Federation stated his support for the draft resolution extending the authorization for MISAB, noting that international assistance in support of the Bangui Agreements was of great significance for the stabilization of the situation. He stated that in principle, he took a positive view of the establishment in the Central African Republic of a United Nations peacekeeping operation that was limited in time and resources, and that his delegation was prepared to take a further, more specific, decision

¹⁵ S/1998/102.

¹⁶ S/1998/86.

¹⁷ S/1998/88.

¹⁸ S/1998/97.

¹⁹ S/PV.3853, pp. 2-3.

²⁰ *Ibid.*, pp. 8-9.

following an additional report from the Secretary-General.²¹

The representative of the United States, noting that through MISAB the international community had re-established security in Bangui and created the conditions necessary for the implementation of the Bangui Agreements, stated that his Government fully supported an initial extension of the Chapter VII authorization of MISAB until 16 March 1998 and would vote for the draft resolution. He informed the Council that they would be prepared to take a decision on a possible United Nations peacekeeping operation in the Central African Republic by 16 March and would consider whether the process of institutional, political, military and economic reforms in the Central African Republic could be assisted by the security umbrella that a peacekeeping operation could provide. While his delegation would study the Secretary-General's recommendations regarding the size, the mandate, the cost and the exit strategy of the proposed peacekeeping operation, they would give equal consideration to the commitment of the parties in the Central African Republic to the implementation of the Bangui Agreements noting that the international community could assist, but not replace, the efforts of the Government to achieve long-term stability. Noting that to be effective, a peacekeeping operation had to be linked to the implementation of fundamental political, economic, and security reforms, he urged the Government to undertake those reforms without delay. He stated his support for sending a special representative and expressed his belief that the prompt appointment of a special representative could help the Central African Republic, United Nations agencies and the international community develop a coordinated transition programme that could resolve the crisis and build a more permanent peace.²²

Several others speakers spoke praising the work of MISAB and the International Monitoring Committee, commending the participant countries and France for their efforts, encouraging all parties to cooperate to work towards a peaceful resolution, underlining the importance of political and economic reform by the government of the Central African Republic and stating their support for the extension of the mandate of MISAB

until it could be replaced by a peacekeeping force, based on the subsequent report of the Secretary-General.²³

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1152 (1998), which reads:

The Security Council,

Reaffirming its resolutions 1125 (1997) of 6 August 1997 and 1136 (1997) of 6 November 1997,

Taking note of the third report to the Security Council by the International Committee for the follow-up of the Bangui Agreements,

Taking note also of the letter dated 28 January 1998 from the President of the Central African Republic to the President of the Security Council and the letter dated 4 February 1998 from the President of Gabon, on behalf of the members of the International Committee for the follow-up of the Bangui Agreements, to the President of the Security Council,

Having considered the report of the Secretary-General of 23 January 1998, submitted to the Council in accordance with resolution 1136 (1997),

Expressing its appreciation for the neutral and impartial way in which the Inter-African Mission to Monitor the Implementation of the Bangui Agreements has carried out its mandate, in close cooperation with the Central African authorities, and noting with satisfaction that the Inter-African Mission has contributed to stabilizing the situation in the Central African Republic, in particular through the supervision of the surrendering of arms,

Noting that the States participating in the Inter-African Mission and the Central African Republic have decided to extend its mandate in order for it to complete its mission with the prospect of the United Nations establishing a peacekeeping operation,

Stressing the importance of regional stability, and in this context fully supporting the efforts made by the Member States participating in the International Mediation Committee established by the Nineteenth Summit of the Heads of State, Government and Delegation of France and Africa, held at Ouagadougou from 4 to 6 December 1996, and by the members of the International Committee for the follow-up of the Bangui Agreements,

Stressing also the need for all signatories of the Bangui Agreements to continue to cooperate fully in respecting and implementing the Agreements in order to help to foster the conditions for long-term stability in the Central African Republic,

²¹ *Ibid.*, p. 9.

²² *Ibid.*, p. 10.

²³ *Ibid.*, p. 3 (China); p. 4 (Japan); pp. 4-5 (Brazil); p. 5

(Bahrain); pp. 5-6 (Kenya); p. 6 (Portugal); p.8

(Slovenia); pp. 6-7 (Gambia); pp. 7-8 (Sweden); p. 8

(Slovenia); and pp. 9-10 (Costa Rica).

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

1. *Welcomes* the efforts made by the Member States participating in the Inter-African Mission to Monitor the Implementation of the Bangui Agreements and by those States providing support to them, and their readiness to maintain these efforts;

2. *Welcomes also* the support provided by the United Nations Development Programme to the International Committee for the follow-up of the Bangui Agreements, and encourages the United Nations Development Programme to continue this support;

3. *Calls upon* the parties in the Central African Republic to complete the implementation without delay of the provisions of the Bangui Agreements, and also calls for the fulfilment of the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General;

4. *Approves* the continued conduct by Member States participating in the Inter-African Mission of the operation in a neutral and impartial way to achieve its objective as set out in paragraph 2 of resolution 1125 (1997);

5. *Acting* under Chapter VII of the Charter of the United Nations, authorizes the Member States participating in the Inter-African Mission and those States providing logistical support to ensure security and freedom of movement of their personnel;

6. *Decides* that the authorization referred to in paragraph 5 above will be initially extended until 16 March 1998;

7. *Recalls* that the expenses and logistical support for the Inter-African Mission will be borne on a voluntary basis in accordance with article 11 of the mandate of the Mission, and encourages Member States to contribute to the Trust Fund for the Central African Republic;

8. *Welcomes* the intention of the Secretary-General, as expressed in his report of 23 January 1998, to appoint a Special Representative to the Central African Republic, and expresses its belief that the prompt appointment of such a representative could assist the parties in the implementation of the Bangui Agreements and provide support to other activities of the United Nations in the country;

9. *Reiterates its call* to all States, international organizations and financial institutions to assist in post-conflict development in the Central African Republic;

10. *Requests* the Member States participating in the Inter-African Mission to provide a report to the Security Council through the Secretary-General before the end of the period referred to in paragraph 6 above;

11. *Requests* the Secretary-General to submit a report for its consideration, no later than 23 February 1998, on the situation in the Central African Republic, with recommendations regarding the establishment of a United Nations peacekeeping operation, including the structure, specific goals and financial implications of such an operation, and with information on the implementation of the Bangui Agreements and on the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General;

12. *Expresses its intention* to take a decision by 16 March 1998 on the establishment of a United Nations peacekeeping operation in the Central African Republic on the basis of the report referred to in paragraph 11 above;

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

**Decision of 16 March 1998 (3860th meeting):
resolution 1155 (1998)**

At its 3860th meeting, held on 16 March 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General of 23 February 1998 pursuant to resolution 1152 (1998) in its agenda.²⁴ Following the adoption of the agenda, the President (Gambia), with the consent of the Council, invited the representative of the Central African Republic, at his request, to participate in the discussion without the right to vote.

In his report the Secretary-General observed that significant progress had been made in implementing the Bangui Agreements and in initiating essential political and economic reforms in the Central African Republic. While most of the credit was due to the Central African Republic itself, progress could not have been achieved without the efforts of regional leaders and MISAB. The situation remained fragile and in order to consolidate this progress, substantial economic and social reforms, substantial assistance for legislative elections, and steps to reform and train the national army, police and gendarmerie were necessary. Since MISAB would not be able to continue its presence in Bangui without external financial and logistical support, a credible successor force was necessary to prevent the possibility of the situation rapidly deteriorating with serious implications for the humanitarian situation and peace and security in the region. Therefore, he maintained that the establishment of a United Nations peacekeeping operation to take over from MISAB was the only viable option. He recommended that the Security Council

²⁴ S/1998/148 and Add.10.

carefully consider the facts in his report to consider the establishment of such an operation. The mission would have to rely heavily on the readiness of all interested countries to remain closely involved in the peace process and to assist in every possible way and he informed the Council that France had agreed to provide logistical and medical support and assist in the evacuation of United Nations personnel in case of emergency. He recommended that the duration of mission be limited to 90 days after the announcement of legislative election results and that the initial mandate be for three months, in order to allow for review of the implementation of the commitments made by the Government of the Central African Republic. He also recommended that the Council approve the special arrangements to allow a smooth transition towards the new operation and authorize the continued conduct of MISAB until 15 April 1998 and stressed the continuing importance of MISAB troop contributors for the success of the United Nations efforts. He informed the Council that he intended to appoint a Special Representative to the Central African Republic, who would assist the parties in the implementation of the Bangui Agreements.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.²⁵

At the same meeting, the President also drew the attention of the Council to the following documents: a letter dated 11 March 1998 from the representative of the Central African Republic addressed to the President of the Security Council,²⁶ informing the Council of the International Mediation Committee's extension of the Inter-African Mission's mandate and requesting the Council to extend their mandate also; and stating his support for a United Nations peacekeeping mission; a letter dated 11 March 1998 from the Secretary-General addressed to the President of the Security Council, transmitting a letter from the International Monitoring Committee established pursuant to the mandate of MISAB,²⁷ transmitting the report of the Member States pursuant to resolution 1152 (1998); and a letter dated 13 March 1998 from the representative of Gabon addressed to the President of the Security Council, informing the Council of the signing of the National Reconciliation Pact.²⁸

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1155 (1998), which reads:

The Security Council,

Reaffirming its resolutions 1125 (1997) of 6 August 1997, 1136 (1997) of 6 November 1997 and 1152 (1998) of 5 February 1998,

Taking note of the report of 10 March 1998 of the International Committee for the follow-up of the Bangui Agreements, submitted to the Security Council pursuant to resolution 1152 (1998),

Taking note also of the letter dated 11 March 1998 from the President of the Central African Republic to the President of the Security Council and of the letter dated 13 March 1998 from the President of Gabon, on behalf of the members of the International Committee for the follow-up of the Bangui Agreements, to the President of the Security Council,

Having considered the report of the Secretary-General of 23 February 1998, submitted to the Council in accordance with resolution 1152 (1998),

Expressing its appreciation for the neutral and impartial way in which the Inter-African Mission to Monitor the Implementation of the Bangui Agreements has carried out its mandate, in close cooperation with the Central African authorities, and noting with satisfaction that the Inter-African Mission has contributed significantly to stabilizing the situation in the Central African Republic, in particular through the supervision of the surrendering of arms,

Noting that the States participating in the Inter-African Mission and the Central African Republic have decided to extend the mandate of the Mission until 15 April 1998 in order to ensure a smooth transition to the prospective deployment of a United Nations peacekeeping operation,

Stressing the importance of regional stability, and in this context fully supporting the efforts of the International Mediation Committee established by the Nineteenth Summit of the Heads of State, Government and Delegation of France and Africa and by the members of the International Committee for the follow-up of the Bangui Agreements,

Stressing also the need for all signatories to the Bangui Agreements to continue to cooperate fully in respecting and implementing the Agreements,

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

1. *Welcomes* the efforts made by the Member States participating in the Inter-African Mission to Monitor the Implementation of the Bangui Agreements and by those States

²⁵ S/1998/231.

²⁶ S/1998/219.

²⁷ S/1998/221.

²⁸ S/1998/233.

providing support to them, and their readiness to maintain these efforts;

2. *Urges* the Government of the Central African Republic to continue to fulfil the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General, and calls upon the parties in the Central African Republic to complete the implementation of the provisions of the Bangui Agreements and to implement the conclusions of the National Reconciliation Conference;

3. *Approves* the continued conduct by Member States participating in the Inter-African Mission of the operation in a neutral and impartial way to achieve its objective as set out in paragraph 2 of resolution 1125 (1997);

4. *Acting* under Chapter VII of the Charter of the United Nations, authorizes the Member States participating in the Inter-African Mission and those States providing logistical support to ensure security and freedom of movement of their personnel;

5. *Decides* that the authorization referred to in paragraph 4 above shall be extended until 27 March 1998;

6. *Recalls* that the expenses and logistical support for the Inter-African Mission will be borne on a voluntary basis in accordance with article 11 of the mandate of the Mission, and encourages Member States to contribute to the Trust Fund for the Central African Republic;

7. *Affirms* that it will take a decision by 27 March 1998 on the establishment of a United Nations peacekeeping operation in the Central African Republic on the basis of the report of the Secretary-General of 23 February 1998;

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

**Decision of 27 March 1998 (3867th meeting):
resolution 1159 (1998)**

At its 3867th meeting, held on 27 March 1998 in accordance with the understanding reached in its prior consultations, the Security Council again included the report of the Secretary-General dated 23 February 1998 in its agenda.²⁹ Following the adoption of the agenda, the President (Gambia), with the consent of the Council, invited the representatives of the Central African Republic and the Sudan, at their request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³⁰

The representative of the Central African Republic expressed his gratitude to the international community, the Secretary-General, France and the Security Council for their continued support and reiterated his Government's determination to cooperate fully with the United Nations Mission in the Central African Republic (MINURCA) in every way possible and to fulfil all of its commitments and obligations. It was fully determined that peace, once established, would be monitored and the process of free and fair elections safeguarded.³¹

The representative of the United Kingdom, speaking on behalf of the European Union and associated and aligned countries,³² stated that they welcomed the significant steps made towards stabilization in the Central African Republic, including the Bangui Agreements, and the vital contribution of MISAB, regional leaders and France. He noted the President of the Central African Republic's efforts to further reform the social, economic, electoral and security spheres and to continue the process leading to the holding of free and fair elections. The European Union warmly welcomed the establishment of MINURCA and the appointment of a Special Representative to support the coordination and cooperation roles assigned to him, including the responsibility for encouraging assistance from the international community to the Central African Republic. He stated that the European Union would continue to provide development assistance, especially under the European Development Fund, which would include substantial support for the rehabilitation of the transport and health sectors. He expressed his belief that the United Nations, through MINURCA and the Special Representative, could make a significant contribution to building a lasting peace, democracy and development in the Central African Republic.³³

The representative of the Sudan informed the Council that his Government had had the honour of participating in the signing of the historic reconciliation pact in the Central African Republic. He expressed his

²⁹ S/1998/148 and Add.1; see also 3860th meeting.

³⁰ S/1998/268.

³¹ S/PV.3867, p. 2.

³² *Ibid.*, p. 2 (Bulgaria, Czech Republic, Estonia, Hungary,

Latvia, Lithuania, Poland, Romania and Slovakia, and Cyprus and Norway).

³³ *Ibid.*, p. 3.

admiration for the work of the President of Gabon, the Mediation Committee and MISAB. He stated that his Government supported the draft resolution and he reiterated the importance of regional cooperation and integration. He also underlined the importance of those provisions of the draft resolution with regard to the importance of the international community helping the Central African Republic proceed towards the economic development to which it aspired.³⁴

The representative of Kenya noted that many of the goals set by the International Mediation Committee, the International Monitoring Committee and MISAB had been accomplished, which was spelled out in the third periodic report.³⁵ However, the situation remained fragile and MINURCA would provide the needed assurance to the people of the Central African Republic that the international community would support those gains. He noted that the appointment of a Special Representative would boost confidence in the process of national reconciliation and help in the coordination of the United Nations post-conflict peacebuilding effort. He underlined that it was noteworthy that the draft resolution clearly recognized that, for long-term peace and stability in the Central African Republic, a sustained commitment by the international community in support of economic, social and institutional development was indispensable. In that regard, he welcomed the progress in discussions with international financial institutions and called on everyone to contribute to the Trust Fund established by the Secretary-General. However, he noted that a new dependency on United Nations peacekeeping to hold countries together was not one they would “want to see nourished” and stated that he believed that the limited period recommended by the Secretary-General for the mandate of MINURCA would be enough time to lay a solid foundation for the Central African Republic’s renaissance. In conclusion, he stated that he would vote in favour of the draft resolution.³⁶

The representative of France, noting that while MISAB had done “tremendous work” in restoring calm in Bangui, disarming groups and implementing the Bangui Agreement, the situation was not yet irreversible. That was why the intervention of the United Nations was necessary and MINURCA was an appropriate response. The mandate of MINURCA went beyond the capabilities of MISAB and involved

continuing to monitor and promote the implementation of reforms and commitments made by the Central African authorities. Achievement of these objectives justified recourse to the competence and authority of a United Nations operation headed by a Special Representative of the Secretary-General. He noted that the initial mandate of three months could be extended if the efforts made by the United Nations were met by the efforts of the Central African authorities to fully implement the necessary actions and reforms. He noted that the six countries who participated in MISAB would keep their contingents in MINURCA and would be joined by two other African States, Côte d’Ivoire and Ghana. He stated that this demonstrated that there was no need to distinguish between the necessary strengthening of African peacekeeping capacity and the role of the United Nations since they complemented and reinforced each other. In that spirit his Government would continue to provide logistical and medical support to MINURCA. He underlined that MINURCA was a good example of preventative diplomacy and after MISAB had done their job, it would come to offer the Central African Republic and the subregion the opportunity to make solid and lasting their refound peace and security.³⁷

The representative of Brazil commended the valuable work performed by MISAB, the President of Gabon and the International Mediation Committee in the Central African Republic. He maintained that MINURCA would help keep the situation from deteriorating in the lead up to the legislative elections. He stated that the draft before them represented a satisfactory outcome and that MINURCA would operate under the explicit consent of the parties, which placed it in the corresponding legal framework under the Charter. Noting that operative paragraph 13 of the draft resolution affirmed that “MINURCA may be required to take action to ensure security and freedom of movement of its personnel in the discharge of its mandate”, it was their understanding that this rule should apply generally to peacekeeping operations under Chapter VI. He urged the President and the parties involved to make the best of the opportunity to ensure lasting peace in the Central African Republic and contribute to greater harmony in the entire region.³⁸

³⁴ *Ibid.*, p. 4.

³⁵ S/1998/86.

³⁶ S/PV.3867, pp. 4-5.

³⁷ *Ibid.*, pp. 5-7.

³⁸ S/PV.3867, pp. 7-8.

The representative of Japan expressed sincere appreciation to all those involved in efforts to maintain stability in the Central African Republic. Although significant progress had been achieved, several tasks, including the holding of elections, remained. Therefore, his Government would vote in favour of the draft resolution. He informed the Council that his Government had been engaged in the effort to devise a comprehensive and effective strategy for the prevention and early resolution of conflicts, with a particular focus on Africa. They had hosted the Tokyo International Conference on Preventative Strategy, where representatives from more than 20 countries and organizations met and discussed the subject in depth. Main elements of the strategy included an enhanced early warning capability for the United Nations, and greater coordination and cooperation between the United Nations and regional organizations such as the Organization of African Unity. In conclusion, he reiterated that MINURCA could not be viewed as a panacea for the problems confronting the Central African Republic. Its mission was simply to support the efforts of the Government to overcome its problems and it was the responsibility of the Central African Republic itself to rebuild the country and strive to achieve prosperity. He also stated that his Government would continue to assist the Central African Republic in its efforts to maintain stability and to enhance the well-being of its people.³⁹

The representative of China praised the work of MISAB, which had shown that through efforts by African countries themselves, with the full and timely support by the Security Council, the stability and development of countries involved could be gradually secured. He maintained that his Government had always supported the view that the Council should respect the reasonable demands of the African countries and render the necessary support. China supported the draft resolution and the establishment of MINURCA, and he expressed his belief that it would follow the good practices of MISAB, and fully respect the Government of the Central African Republic, respond to the specific situation in the country, continue to promote communications and dialogue among all sides and accomplish the tasks set forth in the draft resolution. He expressed his hope that the draft resolution would actively promote national reconciliation and economic

reconstruction and help the country to move gradually towards peace, stability, development and prosperity.⁴⁰

The representative of the Russian Federation stated that his Government was pleased that progress had been achieved in normalizing the situation in the Central African Republic and that this was due to the vigorous work of the International Monitoring Committee and MISAB. However, international assistance was necessary for the consolidation of the process of national reconciliation and to maintain a secure environment conducive to the holding of free and fair elections. The effectiveness of the international community's assistance depended on the readiness of the Government and all parties in the Central African Republic to demonstrate further political will by strictly implementing the Bangui Agreements and complying with the National Reconciliation Pact. He maintained that the initial mandate for MINURCA, as defined in the present draft resolution, as well as the strength of its military component, was optimal. He noted that the question of the future role of the United Nations in fostering national reconciliation and in preparations for elections could be decided later in the light of developments and on the basis of the recommendations in the subsequent report of the Secretary-General.⁴¹

The representative of the United States of America stated that they were pleased to support a limited but essential peacekeeping mission for the Central African Republic. He stated that the Council's actions would help consolidate the work of the multinational force, which he commended for restoring order to Bangui and initiating an efficient disarmament programme. He stated that the role of the mission was to provide security long enough for the Government of the Central African Republic to undertake the reforms it had promised and provide its own security. He noted that in Council discussions, everyone had agreed that the United Nations would not assume responsibility for security in the Central African Republic indefinitely and that the Government must use the opportunity provided wisely and well. Noting that they had seen more progress by the Government of the Central African Republic in the last several weeks, "as the threat of the Inter-African Mission's departure loomed", than in the previous year, he maintained that progress towards reform had to continue. He stated his strong support for the initiatives

³⁹ Ibid., p. 10.

⁴⁰ Ibid., pp. 10-11.

⁴¹ Ibid., p. 12.

of the Bretton Woods institutions to assist the Central African Republic's progress towards financial security, and stated that they would review the reports of those institutions as a measure of the Government's dedication to serious economic reform. He welcomed the three-month initial mandate for the mission, which would allow the Council to review progress made and adjust the mandate of the mission as necessary. He also noted that if the Government of the Central African Republic did not make concrete progress towards the necessary economic, political and security reforms, they would find it difficult to renew this mission for another period. Noting that the role of the Special Representative of the Secretary-General was critical for the transitional period, he stated that they were looking forward to the prompt appointment of a strong representative. The Special Representative would be in charge both of the mission and of overseeing all United Nations activities in the Central African Republic and the coordination of United Nations assistance programs with other international efforts, including those of the Bretton Woods institutions and other donors, which was essential for the ultimate success of that assistance. He stated that elections were another important part of the Central African Republic's democratic reform process and he hoped that election experts, from agencies such as the United Nations Development Programme or international non-governmental organizations experienced in election planning, would provide assistance to the Central African Republic. He welcomed the participation of the Special Representative of the Secretary-General in coordinating potential international assistance for the elections but did not think that election assistance was best placed under the military command of the peacekeeping operation; such assistance instead should form a separate building block of the broad programme of assistance that the Secretary-General would coordinate with support from other organizations. He also supported the formation of a "Friends of the Central African Republic" group to help coordinate international economic assistance for the country and to advise the nation as well. In conclusion, he emphasized the support of the United States for what they saw as a regional initiative to help a neighbour, and hoped that the mission would reinforce the Central African Republic's own efforts to enable the re-establishment of a stable and secure Government.⁴²

⁴² Ibid., pp. 12-13.

⁴³ Ibid., pp. 6-7 (Costa Rica); pp. 8-9 (Portugal); pp. 9-10

Several other speakers spoke, stating their support for the establishment of MINURCA and for the draft resolution, praising the work of MISAB, regional leaders and the International Monitoring and Mediation Committee, emphasizing the importance of the appointment of a Special Representative and noting the need for international support for economic and political reforms.⁴³

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1159 (1998), which reads:

The Security Council,

Reaffirming its resolutions 1125 (1997) of 6 August 1997, 1136 (1997) of 6 November 1997, 1152 (1998) of 5 February 1998 and 1155 (1998) of 16 March 1998,

Recalling the report of 10 March 1998 of the International Committee for the follow-up of the Bangui Agreements, submitted to the Security Council pursuant to resolution 1152 (1998),

Recalling also the letter dated 11 March 1998 from the President of the Central African Republic to the President of the Security Council and the letter dated 13 March 1998 from the President of Gabon, on behalf of the members of the International Committee for the follow-up of the Bangui Agreements, to the President of the Security Council,

Having further considered the report of the Secretary-General of 23 February 1998, submitted to the Council in accordance with resolution 1152 (1998),

Reiterating its appreciation for the neutral and impartial way in which the Inter-African Mission to Monitor the Implementation of the Bangui Agreements has carried out its mandate, in close cooperation with the Central African authorities, and noting with satisfaction that the Inter-African Mission has contributed significantly to stabilizing the situation in the Central African Republic, in particular through the supervision of the surrendering of arms,

Recognizing that the States participating in the Inter-African Mission and the Central African Republic extended the mandate of the Mission until 15 April 1998 in order to ensure a smooth transition to the deployment of a United Nations peacekeeping operation,

Stressing the importance of regional stability and the need to consolidate the progress achieved by the Inter-African Mission, and in particular to assist the people of the Central African Republic to consolidate the process of national reconciliation and help to sustain a secure and stable environment conducive to the holding of free and fair elections,

(Sweden); p. 11 (Bahrain); and pp. 11-12 (Slovenia).

Stressing also the need for all signatories to the Bangui Agreements to continue to implement the Agreements and for the authorities of the Central African Republic to take concrete steps to implement political, economic, social and security reforms as referred to in the report of the Secretary-General of 23 February 1998, including the establishment of an electoral code and preparations for legislative elections scheduled for August/September 1998,

Recognizing the link between peace and development and that a sustained commitment by the international community to assist and support the economic, social and institutional development of the Central African Republic is indispensable for long-term peace and stability in the country, and in that regard welcoming the cooperation between the Government of the Central African Republic and the international financial institutions in developing an economic reform programme,

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

A

1. *Welcomes* the progress made by the Central African authorities and parties towards the achievement of national reconciliation and sustainable stability in the Central African Republic;

2. *Urges* the Government of the Central African Republic to continue to fulfil the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General, and calls upon the parties in the Central African Republic to complete the implementation of the provisions of the Bangui Agreements and to implement the National Reconciliation Pact;

3. *Reiterates its call* to all States, international organizations and financial institutions to assist in post-conflict development in the Central African Republic;

B

4. *Welcomes* the efforts made by the Member States participating in the Inter-African Mission to Monitor the Implementation of the Bangui Agreements and by those States providing support to them, and their readiness to maintain these efforts;

5. *Approves* the continued conduct by the Member States participating in the Inter-African Mission of the operation in a neutral and impartial way to achieve its objective as set out in paragraph 2 of resolution 1125 (1997);

6. *Acting* under Chapter VII of the Charter of the United Nations, authorizes the Member States participating in the Inter-African Mission and those States providing logistical support to ensure security and freedom of movement of their personnel;

7. *Decides* that the authorization referred to in paragraph 6 above will end on 15 April 1998;

8. *Recalls* that the expenses and logistical support for the Inter-African Mission will be borne on a voluntary basis in accordance with article 11 of the mandate of the Mission, and encourages Member States to contribute to the Trust Fund for the Central African Republic;

C

9. *Decides* to establish the United Nations Mission in the Central African Republic with effect from 15 April 1998, and decides also that the military component of the Mission shall not exceed 1,350 personnel;

10. *Decides* that, taking into account the recommendations of the Secretary-General in his report of 23 February 1998, the Mission shall have the following initial mandate:

(a) To assist in maintaining and enhancing security and stability, including freedom of movement, in Bangui and the immediate vicinity of the city;

(b) To assist the national security forces in maintaining law and order and in protecting key installations in Bangui;

(c) To supervise, control storage and monitor the final disposition of all weapons retrieved in the course of the disarmament exercise;

(d) To ensure security and freedom of movement of United Nations personnel and the safety and security of United Nations property;

(e) To assist in coordination with other international efforts in a short-term police trainers program and in other capacity-building efforts of the national police, and to provide advice on the restructuring of the national police and special police forces;

(f) To provide advice and technical support to the national electoral bodies regarding the electoral code and plans for the conduct of the legislative elections scheduled for August/September 1998;

11. *Authorizes* the Secretary-General to take the measures necessary to ensure that the United Nations Mission is fully deployed by 15 April 1998 in order to carry out its mandate, and to secure a smooth transition between the Inter-African Mission and the United Nations Mission;

12. *Decides* that the United Nations Mission is established for an initial period of three months until 15 July 1998, and expresses its intention to decide on the extension of the Mission on the basis of the report to be submitted by the Secretary-General pursuant to paragraph 15 below;

13. *Affirms* that the Mission may be required to take action to ensure the security and freedom of movement of its personnel in the discharge of its mandate;

14. *Welcomes* the appointment by the Secretary-General, within the Mission, of his Special Representative in the Central African Republic;

(a) To assist in the promotion of the reforms necessary to achieve national reconciliation, security and stability in the country;

(b) To head the Mission;

(c) To have overall authority over all United Nations activities in the Central African Republic, in support of the mandate of the Mission;

(d) To provide good offices and mediation between the Government and political parties;

(e) To provide advice and facilitate technical assistance in the areas of good governance and the rule of law;

(f) To cooperate with other international partners, including international financial institutions, with the objective of supporting activities aimed at establishing the foundations for lasting peace, national reconstruction and development;

(g) To encourage the United Nations agencies and programmes to provide assistance to the Central African Republic, in particular in the areas referred to in the report of the Secretary-General;

15. *Requests* the Secretary-General to keep the Security Council regularly informed and to submit a report to the Council by 20 June 1998 on the implementation of the mandate of the Mission, on developments in the Central African Republic, on progress towards the implementation of the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General and on the implementation of the Bangui Agreements and the National Reconciliation Pact, including on commitments related to ensuring the economic recovery of the country;

16. *Also requests* the Secretary-General to provide information in his report referred to in paragraph 15 above on the progress by the Government of the Central African Republic to adopt an electoral code, set a date for the legislative elections, and develop specific plans for the conduct of the legislative elections, and to make recommendations on the future role of the United Nations in the legislative elections process;

17. *Urges* Member States to respond positively to the request made to them by the Secretary-General to contribute personnel, equipment and other resources to the Mission in order to facilitate its early deployment;

18. *Approves* the intention of the Secretary-General to establish a trust fund to enable Member States to make voluntary contributions to support the activities of the Mission and to assist in the financing of the Mission, and urges Member States to contribute to it;

19. *Requests* the Government of the Central African Republic to conclude a status-of-forces agreement with the Secretary-General before 25 April 1998, and recalls that pending

the conclusion of such an agreement, the model status-of-forces agreement dated 9 October 1990 should apply provisionally;

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

Speaking after the vote, the representative of Gabon commended the efforts of the Secretary-General, MISAB, France and the International Mediation Committee in diminishing the turmoil in the Central African Republic. He stated his Government's full support for the objectives assigned to MINURCA to strengthen the national reconciliation process, strictly within the framework of the Bangui Agreements, and to establish the conditions necessary for the future legislative elections in a climate of transparency and with the close cooperation of MINURCA with regional initiatives, notably those of the International Mediation Committee, the International Follow-up Committee and OAU.⁴⁴

The representative of the Gambia stated that while MISAB had done a lot to improve the security situation in the Central African Republic, it remained precarious. He noted that the key provisions of the resolution, establishing a peacekeeping force, calling on States to contribute to the trust fund and for international organizations to assist in post-conflict development in the Central African Republic, requesting Member States to contribute resources to MINURCA and having the Secretary-General report on the progress made by the Central African Republic in developing plans for legislative elections, were steps in the right direction and they, therefore, had supported the resolution.⁴⁵

**Decision of 14 July 1998 (3905th meeting):
resolution 1182 (1998)**

At the 3905th meeting of the Security Council, held on 14 July 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General dated 19 June 1998, submitted pursuant to resolution 1159 (1998), in its agenda.⁴⁶ Following the adoption of the agenda, the President (Russian Federation), with the consent of the Council, invited the representative of the Central African Republic, at his request, to participate in the discussion without the right to vote.

⁴⁴ S/PV.3867, pp. 13-14.

⁴⁵ *Ibid.*, p. 14.

⁴⁶ S/1998/540.

In his report, the Secretary-General observed that following the transfer of authority from MISAB to MINURCA on 15 April 1998, MINURCA had succeeded in maintaining security and stability in Bangui, and his Special Representative had been actively promoting the reforms necessary to achieve lasting national reconciliation, peace and development. All Central African parties and countries of the region had welcomed the deployment of MINURCA, and it was widely acknowledged that its establishment had contributed to maintaining international peace and security in the region. Some progress had been made in implementing the major reforms outlined in his previous report.⁴⁷ However, urgent action was still needed in the following priority areas: the restructuring of the defence and security forces; in the organization of free and fair legislative elections; and in economic and social recovery. He called upon traditional donors, Member States and regional organizations to provide the required assistance. Only when the minimum requirements, including an agreement with the Bretton Woods institutions and a detailed operational plan for the elections, were met would he be able to formulate recommendations on a future role of the United Nations in the legislative elections process. In the light of the current situation, he recommended that the Security Council extended the mandate of MINURCA until 15 September 1998 and noted that if the necessary electoral preparations were complete he would be prepared to submit detailed recommendations on possible United Nations involvement before the expiry of the mandate.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁸ The draft resolution was then put to the vote and adopted unanimously as resolution 1182 (1998), which reads:

The Security Council,

Reaffirming its resolutions 1125 (1997) of 6 August 1997, 1136 (1997) of 6 November 1997, 1152 (1998) of 5 February 1998, 1155 (1998) of 16 March 1998 and 1159 (1998) of 27 March 1998,

Welcoming the report of the Secretary-General of 19 June 1998, and noting the recommendations contained therein,

Noting with satisfaction the rapid and effective deployment of the United Nations Mission in the Central African Republic,

Stressing the importance of regional stability and the need to consolidate the progress achieved so far and, in particular, to

assist the people of the Central African Republic to consolidate the process of national reconciliation and to help to sustain a secure and stable environment conducive to the holding of free and fair elections,

Welcoming the inauguration of the Electoral Commission with a neutral and independent Chairman, and stressing the need for all signatories to the Bangui Agreements to cooperate to ensure the effective functioning of the Commission,

Reiterating the need for the authorities of the Central African Republic to continue to take concrete steps to implement political, economic, social and security reforms as referred to in the report of the Secretary-General of 23 February 1998 and to fulfil the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General, including continued cooperation with the international financial institutions,

1. *Decides* to extend the mandate of the United Nations Mission in the Central African Republic until 25 October 1998;

2. *Calls upon* the Government of the Central African Republic to adopt, as soon as possible, a plan for the effective restructuring of the armed forces of the Central African Republic based on the proposals submitted by the Commission on the Restructuring of the Defence and Security Forces;

3. *Urges* the international community to lend its support to the restructuring of the security forces of the Central African Republic, including the gendarmerie, through bilateral and multilateral assistance programmes, and recognizes the role of the Mission of providing advice and technical assistance for the initial steps in restructuring those security forces and, in this connection, coordinating and channeling international support to this end;

4. *Recognizes* that the Mission, in implementing its mandate, may conduct reconnaissance missions of limited duration outside Bangui, and other tasks involving the security of United Nations personnel in accordance with paragraph 10 of resolution 1159 (1998);

5. *Calls upon* the authorities of the Central African Republic to adopt rapidly an operational plan for the organization of the legislative elections and so enable the United Nations and international organizations to make arrangements for the provision of the necessary assistance;

6. *Encourages* the Mission to continue to consult with the United Nations Development Programme regarding the provision of advice and technical assistance to all relevant electoral bodies, and urges the Secretary-General to provide, as soon as possible, recommendations for United Nations assistance for the legislative election process;

⁴⁷ S/1998/148 and Add.1.

⁴⁸ S/1998/637.

7. *Urges* Member States to provide the required technical, financial and logistical assistance for the organization of free and fair elections;

8. *Also urges* Member States to support the efforts of the authorities of the Central African Republic in the economic and social development of the country, and, in particular, encourages international financial institutions to cooperate with the Central African Republic in this regard;

9. *Requests* the Secretary-General to submit a report to the Security Council by 25 September 1998 on the implementation of the mandate of the Mission, on developments in the Central African Republic, on progress towards the implementation of the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General and on the implementation of the Bangui Agreements and the National Reconciliation Pact, including on commitments related to ensuring the economic recovery of the country;

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

Speaking after the vote, the representative of the Central African Republic noted that the deployment of MINURCA, which had made a great difference in the preservation of peace and security in the Central African Republic, was a record for any United Nations peace operation and thanked the Secretary-General for his efforts. He stated that the enlargement of the mandate of the Mission to cover the whole country would enable the beneficial effect of its presence to be felt countrywide and therefore further accelerate the restoration of national peace, security and development. He informed the Council that his Government had exerted itself to ensure the fulfilment of their commitment to a transparent and accountable system of governance and taken steps to improve the performance of the various ministries, particularly those concerned with responsibility for finance and economic development. He hoped that the Bretton Woods institutions would encourage those efforts. He stated that his Government was determined to cooperate fully with the independent and mixed Electoral Commission and with MINURCA and that the Council's action concerned not only the Central African Republic but also the entire subregion of Central Africa, which required a period of stability and peace so that it could fully contribute to the development of the continent.⁴⁹

**Decision of 15 October 1998 (3935th meeting):
resolution 1201 (1998)**

At its 3935th meeting, held on 15 October 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the second report of the Secretary-General on MINURCA dated 21 August 1998, submitted pursuant to resolution 1182 (1998).⁵⁰ Following the adoption of the agenda, the President (United Kingdom), with the consent of the Council, invited the representative of the Central African Republic, at his request, to participate in the discussion without the right to vote.

In his report, the Secretary-General observed that substantial progress had been made by the Central African authorities in the preparations for the 1998 legislative elections. However, the operational activities of the Commission were well behind schedule and they had announced that the elections would be delayed. They would set a new date after the completion of certain key preparatory steps and once the role it expected the United Nations to play in the electoral process had been determined. He noted that any proposed United Nations assistance could only be complementary to the Commission's work and so it was essential that the Electoral Commission take the necessary steps for the timely delivery of electoral material to end its timely retrieval from all polling stations. He also stressed that the Central African authorities would be responsible for the maintenance of law and order throughout the country during the election process. With respect to the proposed international electoral observation, he informed the Council that the monitoring of the electoral process in Bangui and at the six selected sites would encompass at least 25 per cent of all polling stations which would enable his Special Representative to issue an overall assessment of the results. Despite the recent conclusion of an agreement with the Bretton Woods institutions, the situation remained fragile and successful elections were necessary to help further the peace process. Therefore, he recommended that the Security Council approve the proposals for United Nations assistance in the electoral process, including the redeployment of MINURCA troops to the provinces.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in

⁴⁹ S/PV.3905, p. 3.

⁵⁰ S/1998/783 and Add.1.

the course of the Council's prior consultations.⁵¹ The draft resolution was then put to the vote and adopted unanimously as resolution 1201 (1998), which reads:

The Security Council,

Reaffirming its resolutions 1125 (1997) of 6 August 1997, 1136 (1997) of 6 November 1997, 1152 (1998) of 5 February 1998, 1155 (1998) of 16 March 1998, 1159 (1998) of 27 March 1998 and 1182 (1998) of 14 July 1998,

Welcoming the report of the Secretary-General of 21 August 1998 and noting the recommendations contained therein,

Stressing that the complete implementation of the Bangui Agreements and of the National Reconciliation Pact is essential to peace and national reconciliation in the Central African Republic, and recognizing the significant progress made by the Government of the Central African Republic in implementing the Bangui Agreements and initiating major political and economic reforms,

Recalling the importance of regional stability and the need to consolidate the progress achieved so far and, in particular, to assist the people of the Central African Republic to consolidate the process of national reconciliation and to help to sustain a secure and stable environment conducive to the holding of free and fair elections,

Emphasizing that the authorities of the Central African Republic and the mixed and independent Electoral Commission are responsible for the organization and conduct of the legislative elections,

Noting with satisfaction the adoption of an operational plan for the organization of the legislative elections by the Central African Republic and the mixed and independent Electoral Commission, and welcoming donor pledges made in support of the electoral process,

Recognizing the importance of the support already given by the United Nations Development Programme and the United Nations Mission in the Central African Republic to the mixed and independent Electoral Commission in the preparations for the elections,

1. *Welcomes* the announcement by the authorities of the Central African Republic and the mixed and independent Electoral Commission to hold legislative elections on 22 November and 13 December 1998;

2. *Decides* that the mandate of the United Nations Mission in the Central African Republic shall include support for the conduct of legislative elections as described in section III of the report of the Secretary-General of 21 August 1998 and, in particular:

(a) The transport of electoral materials and equipment to selected sites and to the sous-préfectures, as well as the

transport of United Nations electoral observers to and from electoral sites;

(b) The conduct of a limited but reliable international observation of the first and second rounds of the legislative elections;

(c) Ensuring the security of electoral materials and equipment during their transport to and at the selected sites, as well as the security of the international electoral observers;

3. *Approves* the recommendation contained in paragraph 25 of the report of the Secretary-General regarding the provision of security during the legislative election process, taking into account the need to ensure the stability and security of Bangui and in accordance with the cost estimate associated with this recommendation contained in the addendum to that report;

4. *Welcomes* the establishment of a joint committee of the Government of the Central African Republic and the Mission to address the restructuring of the Central African Armed Forces, and reiterates its call upon the Government of the Central African Republic to adopt as soon as possible a plan for the effective restructuring of the Armed Forces;

5. *Welcomes* the deployment of up to 150 troops of the Central African Armed Forces to the selected sites, operating under United Nations rules of engagement applicable to the Mission;

6. *Calls upon* the Central African authorities to provide the necessary assistance, including the security arrangements, that will enable the Central African Republic and the mixed and independent Electoral Commission to prepare adequately and freely for the legislative elections;

7. *Urges* all parties in the Central African Republic to assume fully their responsibilities in the legislative elections and to participate in them in a manner that will strengthen the democratic process and contribute to national reconciliation;

8. *Urges* Member States to provide the required technical, financial and logistical assistance for the organization of free and fair legislative elections;

9. *Decides* to extend the mandate of the Mission until 28 February 1999;

10. *Requests* the Secretary-General to keep the Security Council regularly informed and to submit by 20 December 1998 the report called for in resolution 1182 (1998) on the implementation of the mandate of the Mission, on developments in the Central African Republic, on progress towards the implementation of the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General and on the implementation of the Bangui Agreements and the National Reconciliation Pact, including on commitments related to ensuring the economic recovery of the country and the restructuring of the security forces;

⁵¹ S/1998/948.

11. *Expresses its intention* to terminate the Mission no later than 28 February 1999, with its drawdown beginning no later than 15 January 1999, and requests the Secretary-General to make recommendations on this basis in his report referred to in paragraph 10 above;

12. *Expresses its appreciation* to the Secretary-General, his Special Representative and the personnel of the Mission for their efforts to promote peace and national reconciliation in the Central African Republic;

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

Decision of 18 February 1999 (3979th meeting): statement by the President

By a letter dated 9 February 1999 addressed to the President of the Security Council,⁵² the President of the Central African Republic, noting that the implementation of the remainder of the Bangui Agreements had to be accompanied by a formal return to constitutional legality, transmitted documents noting the normal functioning of the three levels of government and providing details of the establishment of the Provisional Bureau and the progress of structural adjustment and other reforms.

At the 3979th meeting of the Security Council, held on 18 February 1999 in accordance with the understanding reached in its prior consultations, the President (Canada), with the consent of the Council, invited the representative of the Central African Republic, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁵³

The Security Council, noting the letter dated 9 February 1999 from the President of the Central African Republic to the President of the Council, notes with satisfaction the commitment expressed by the President of the Central African Republic to maintain peace in the Central African Republic through dialogue and consultation. In this context, it strongly reaffirms that the complete implementation of the Bangui Agreements and of the National Reconciliation Pact is essential to peace and national reconciliation in the Central African Republic.

The Council calls upon the Government of the Central African Republic to continue to take concrete steps to implement political, economic, social and security reforms as referred to in the report of the Secretary-General of 23 February 1998 and to fulfil the commitments expressed in the letters dated 8 January 1998 and 23 January 1999 from the President of the Central African Republic to the Secretary-General. It recalls that the

success, the future mandate and the ongoing presence of the United Nations Mission in the Central African Republic are closely linked to the fulfilment of these commitments, in particular the immediate resumption of a constructive political dialogue.

The Council expresses its concern about the consequences that the current political tensions have for the stability and the functioning of the institutions of the Central African Republic. It reaffirms that the Government, the political leaders and the people of the Central African Republic bear the primary responsibility for national reconciliation, the maintenance of a stable and secure environment and the reconstruction of their country. It emphasizes the importance of continuing efforts in the Central African Republic to settle outstanding contentious issues peacefully and democratically in accordance with the Bangui Agreements. It stresses the need for both the “*mouvance présidentielle*” and the opposition parties to cooperate closely and work actively with the aim of achieving the political consensus indispensable to stability in the Central African Republic.

The Council considers that a smooth preparation of free and fair presidential elections, for which proper steps should be taken as soon as possible, requires a certain level of political consensus and the opening of a genuine dialogue between all the constituent parties of the National Assembly. It also considers that consensual preparation for the presidential elections can only reinforce the legitimacy of the next President of the Republic and also secure a sustainable civil peace. It fully supports the Special Representative of the Secretary-General in his call to the Central African political leaders and authorities to resolve the political impasse so the country can move forward, and welcomes the current efforts undertaken to this end.

The Council will remain seized of the matter.

Decision of 26 February 1999 (3984th meeting): resolution 1230 (1999)

At its 3984th meeting held on 26 February 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the third and fourth reports of the Secretary-General dated 18 December 1998 and 29 January 1999, respectively, submitted pursuant to resolution 1201 (1998), in its agenda.⁵⁴ Following the adoption of the agenda, the President (Canada), with the consent of the Council, invited the representatives of the Central African Republic, Côte d’Ivoire, Egypt, Japan, Kenya, Senegal and Togo, at their request, to participate in the discussion without the right to vote.

In the third report, the Secretary-General observed that the establishment of MINURCA had been crucial

⁵² S/1999/132.

⁵³ S/PRST/1999/7.

⁵⁴ S/1998/1203 and Add.1 and S/1999/98.

for stability and allowed the successful holding of legislative elections under effective international monitoring. However, the results of the elections suggested that strong divisions continued to exist in the country along ethnic and regional lines and the post-electoral period might require close monitoring. In addition, there had been a broad-based appeal to the international community to maintain its assistance to the country during the period leading to the presidential elections. Considering the fundamental issues of reforms, elections and security, he stated that there was still a need for the presence of a credible neutral military force. Therefore, he asked the Security Council to consider extending the mandate of MINURCA with the existing structure and overall strength but with the following changes to its mandate: MINURCA would closely monitor the developments in the National Assembly, provide advice and limited training for the restructuring of the security forces and offer technical assistance and observation for the presidential elections; the Mission would be terminated no later than 60 days after the announcement of the results of the Presidential election. He also intended to discuss the possibility of a progressive reduction of the MINURCA military component, commensurate with the advances in the training and restructuring of the armed forces.

In his fourth report, the Secretary-General provided additional clarifications and commitments from the Government of the Central African Republic in the light of recent developments as provided by his Personal Envoy. He maintained that MINURCA had been a source of much-needed stability in the subregion as a whole and that the withdrawal of MINURCA would seriously jeopardize the progress made so far. He therefore confirmed his recommendations that its military component be retained at its current strength and that it remain to assist the Government in preparing for the Presidential elections. He recommended that in order to facilitate a continuing close review of the situation, the Council might wish to decide on an initial extension of the mandate for a period of six months, until 31 August 1999, subject to a further determination by the Council after three months that the Government had made acceptable progress in carrying out the reforms outlined in the letter dated 23 January 1999

from the President of the Central African Republic addressed to the Secretary-General.⁵⁵

At the same meeting the President drew the attention of the Council to a draft resolution submitted by Canada, Côte d'Ivoire, Egypt, France, Gabon, Japan, Kenya, Senegal, Togo and the United States.⁵⁶

At the same meeting the President also drew attention of the Council to letters dated 22 December 1998 and 4 February 1999, respectively, from the Secretary-General addressed to the President of the Security Council,⁵⁷ transmitting a letter from the President of the Central African Republic informing the Council of the progress of reforms and requesting the extension of the mandate of MINURCA until the Presidential elections, and to a letter from the President of the World Bank addressed to the President of the Security Council informing the Council of the progress in agreements between the Bretton Woods institutions and the Central African Republic and expressing his belief that the withdrawal of MINURCA as currently scheduled would adversely effect the prospects for continued security and economic improvement. The President further drew the attention of the Council to letters dated 9 February 1999 and 24 February 1999 from the representative of the Central African Republic addressed to the President of the Security Council, transmitting,⁵⁸ respectively, a letter from the President of the Central African Republic informing the Council of ongoing political reforms and a press communiqué by the Mouvement de libération du peuple centrafricaine, National Political Council, of the Central African Republic requesting the Security Council to extend the mandate of MINURCA until the Presidential elections.

Speaking before the vote, the representative of France stated that MINURCA and the Central African Republic had made important progress. The successful holding of legislative elections was an important stage in the reestablishment of national institutions. The formation of the first restructured unit of the armed forces and the continuation of the United Nations Development Programme-supported demobilization programme were also encouraging signs of the will of the authorities to restructure their military forces. However, he maintained that it would be a grave mistake to believe that the simple presence of MINURCA would make it possible to resolve all the problems that the

⁵⁵ S/1999/98, annex.

⁵⁶ S/1999/122.

⁵⁷ S/1999/116 and S/1999/121.

⁵⁸ S/1999/132 and S/1999/200.

country had to deal with. This was both because the mandate of MINURCA was time-limited and because the responsibility for national reconciliation devolved on the Central Africans themselves. He expressed his belief that the achievement of the commitments made by the President of the Central African Republic was essential. Since the mandate for the continued presence of MINURCA was linked to implementation of those commitments, the observable progress in their implementation would be reviewed every 45 days, as set forth in the draft resolution. He expressed his belief that the adoption of this resolution and the extension of the mandate of MINURCA would provide an outstanding opportunity for the authorities and political parties to make progress in their dialogue and in national reconciliation.⁵⁹

The representative of Gambia noted that all of the parties involved, as well as the World Bank, had supported the retention of MINURCA and stated that the progress made so far would not have been possible without it. Considering the fact that the overall situation was still volatile and was exacerbated by the conflict in the neighbouring Democratic Republic of the Congo, his Government was of the strong view that it would be premature to wind up the mandate of MINURCA and agreed with the recommendations of the Secretary-General to extend the mandate until 15 November 1999.⁶⁰

The representative of the Netherlands stated that he would vote in favour of the draft resolution both to express his firm support for the positive contribution of MINURCA to the political process in the Central African Republic and to welcome the fact that the draft resolution integrated in a comprehensive way essential aspects of peacebuilding and reconstruction. In this approach it was essential for the Government of the Central African Republic to continue to work closely with the Economic and Social Council, UNDP and the Bretton Woods institutions. He stated his expectation that important lessons could be learned and applied elsewhere from the implementation of this comprehensive approach in the Central African Republic and that his Government was looking forward to the progress reports of the Secretary-General.⁶¹

The representative of China noted that despite the conflict breaking out in many areas of Africa, the

Central African Republic had maintained relative stability and had smoothly carried out legislative elections. That had been the result of the effort and cooperation of the Government and people of the Central African Republic and MINURCA. He maintained that the Bangui Agreements and the National Reconciliation Pact were the bases for bringing about peace and stability in the Central African Republic, stated his full support for the reforms in the political, economic, social and security areas and urged the international community to provide the necessary assistance. However, he also expressed his belief that such reforms, especially the restructuring of the armed forces, were the internal affairs of a country, and the Security Council should not intervene too much. He hoped that, in future consultations, the Special Representative of the Secretary-General would fully seek and respect the views of the host Government. In conclusion he emphasized the importance of operative paragraph 16 of the draft resolution and again appealed to the international community to help bring about sustainable economic and social development so as to achieve genuine and lasting peace and stability.⁶²

The representative of the United States stated that they would vote to extend the mandate of MINURCA despite their deep misgivings concerning the pace of reform and the need for Government-coordinated programmes to improve the political, economic and military situation in the Central African Republic and its abilities to meet its commitments under this resolution. However, he stated that they were aware of the need not to abandon African peacekeeping at this time of increased conflict on the continent and to strengthen democracy in the Central African Republic, so he had agreed to one further extension of the mandate of MINURCA until 15 November 1999. He stated that they had two main concerns in agreeing to this extension. The first was that the Government of the Central African Republic needed to “energetically avail itself of this renewed opportunity to institute the kind of reforms that engender long-term stability”. The second was that since the draft resolution clearly stated that MINURCA would end on 15 November the Security Council and the Secretariat had to begin work immediately to ensure a smooth transition from peacekeeping to non-assessed peacebuilding and could not delay in beginning to formulate a mechanism to ensure that economic

⁵⁹ S/PV.3984, pp. 2-3.

⁶⁰ *Ibid.*, p. 3.

⁶¹ *Ibid.*, p. 4.

⁶² *Ibid.*, p. 4.

restructuring, good-governance reforms, demobilization and military restructuring continued after the peacekeeping forces departed.⁶³

The representative of Canada stated that MINURCA had successfully provided vital assistance in ensuring the security necessary to allow peace to take root firmly in the Central African Republic and played a crucial role in the legislative elections. However, many of the economic and political problems were unresolved and the vital step of the presidential elections remained. The view of his Government was that MINURCA would likely remain necessary until those elections and they anticipated remaining in MINURCA until its core objectives were realized. He underlined that the primary responsibility for the maintenance of peace, economic recovery and the conduct of free and fair elections remained with the Government, leaders and people of the Central African Republic and he expected the President to honour his commitment and comply with the Bangui Agreements and the National Reconciliation Pact. He concluded by expressing his belief that MINURCA was a tangible demonstration of the commitment of the United Nations and the international community to peace and security in Africa, and that Canada as a member of the Friends of the Central African Republic as well as a troop contributor to MINURCA was proud to be a part of the effort.⁶⁴

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1230 (1999), which reads:

The Security Council,

Reaffirming its resolutions 1125 (1997) of 6 August 1997, 1136 (1997) of 6 November 1997, 1152 (1998) of 5 February 1998, 1155 (1998) of 16 March 1998, 1159 (1998) of 27 March 1998, 1182 (1998) of 14 July 1998 and 1201 (1998) of 15 October 1998,

Welcoming the holding of free and fair legislative elections on 22 November and 13 December 1998,

Welcoming also the report of the Secretary-General of 18 December 1998 and the addendum thereto, of 14 January 1999, and the report of the Secretary-General of 29 January 1999, and taking note of the recommendations contained therein,

Taking note of the request of 8 December 1998 from the President of the Central African Republic to the Secretary-General, and the letter dated 23 January 1999 from the President of the Central African Republic to the Secretary-General,

Reiterating the importance of the work done by the joint committee of the Government of the Central African Republic and the United Nations Mission in the Central African Republic to address the restructuring of the Central African Armed Forces, and stressing the necessity quickly to adopt the draft law and decrees on national defence and the structure of the defence forces,

Reaffirming the link between socio-economic progress and the consolidation of peace in the Central African Republic, and in that context taking note of the letter dated 23 December 1998 from the President of the World Bank to the Secretary-General,

Recalling the importance of regional stability and the need to consolidate the progress achieved so far, and in particular to assist the people of the Central African Republic to consolidate the process of national reconciliation taking into account the need to maintain a secure and stable environment conducive to economic recovery and to the holding of free and fair presidential elections,

Stressing the importance of cooperation and understanding by the Government of the Central African Republic, the newly elected legislators and the political groupings, so as to ensure the effective functioning of the National Assembly,

Emphasizing the need for the Government of the Central African Republic to set the presidential election dates as soon as possible, in accordance with article 23 of the Constitution of the Central African Republic,

1. *Decides* to extend the mandate of the United Nations Mission in the Central African Republic until 15 November 1999;

2. *Expresses its intention* to commence the reduction of Mission personnel fifteen days after the conclusion of the presidential elections in the Central African Republic, with a view to full termination of the Mission no later than 15 November 1999;

3. *Decides* to review every forty-five days, on the basis of reports of the Secretary-General, the mandate of the Mission in the light of the progress achieved towards implementation of the commitments made by the President of the Central African Republic to the Secretary-General in his letter dated 23 January 1999;

4. *Welcomes* the intention of the Secretary-General to discuss with the President of the Central African Republic plans for a possible progressive reduction of the military component of the Mission in anticipation of the 15 November 1999 termination date of the Mission, commensurate with the advances in the restructuring of the Central African Armed Forces and taking into account the need to ensure the stability and security of Bangui;

5. *Urges* the international community to lend its support to the restructuring of the security forces of the Central African Republic, including the gendarmerie, through bilateral and multilateral assistance programmes, and reaffirms the role of

⁶³ Ibid., pp. 4-5.

⁶⁴ Ibid., pp. 5-6.

the Mission in providing advice in the restructuring of the security forces and, in this connection, in coordinating and channelling international support to this end;

6. *Strongly reaffirms* that the complete implementation of the Bangui Agreements and of the National Reconciliation Pact is essential to peace and national reconciliation in the Central African Republic, and urges the Government of the Central African Republic to continue to take concrete steps to implement political, economic, social and security reforms as referred to in the report of the Secretary-General of 23 February 1998 and to fulfil the commitments expressed in the letter dated 8 January 1998 from the President of the Central African Republic to the Secretary-General and in the letter dated 23 January 1999 from the President of the Central African Republic to the Secretary-General;

7. *Calls upon* all parties in the Central African Republic, with the assistance of the Special Representative of the Secretary-General, to take the necessary measures to resolve the current political impasse, with a view to enhancing the national reconciliation process;

8. *Calls upon* the Government of the Central African Republic to establish the new electoral commission as soon as possible in order to organize the presidential elections, and to establish and adhere to a timetable for the holding of those elections;

9. *Authorizes* the Mission to play a supportive role in the conduct of the presidential elections, in conformity with the tasks previously performed during the legislative elections of 22 November and 13 December 1998, recognizing the major responsibility that the United Nations Development Programme will have in the coordination of electoral assistance;

10. *Also authorizes* the Mission to supervise the destruction of confiscated weapons and ammunition under its control, as recommended in paragraph 29 of the report of the Secretary-General of 18 December 1998;

11. *Encourages* an increased role for an increased number of troops of the Central African Armed Forces to support the presidential elections process, to include the deployment of troops of the Central African Armed Forces to electoral sites to assist Mission personnel in the provision of security and logistical support, and notes in this exceptional case that those troops of the Central African Armed Forces assisting the Mission in this context would operate during that time under United Nations rules of engagement;

12. *Welcomes* the commitments made by the President of the Central African Republic in his letter to the Secretary-General dated 23 January 1999, and urges the Government of the Central African Republic to fulfil these commitments, in particular:

(a) To expedite the legislative process regarding national defence and the structure of defence forces with a view to adopting draft laws and decrees as prepared by the joint

committee of the Government of the Central African Republic and the Mission, by 15 April 1999;

(b) To take steps to limit the mission of the Special Force for the Defence of the Republican Institutions to the protection of the republican institutions and of high-level authorities, excluding all police and maintenance of law and order tasks;

(c) To continue to implement with the support of the Mission the demobilization and reintegration programme funded by the United Nations Development Programme;

(d) To establish no later than 1 April 1999 an implementation programme in accordance with the timetable established by the joint committee of the Government of the Central African Republic and the Mission which should specify the key elements of the restructuring programme of the Central African Armed Forces to be implemented, among them the need to create well-balanced geographical and multi-ethnic recruitment, the improvement of working conditions, including the payment of salary and salary arrears, the provision of adequate infrastructure, equipment and support materials, and the redeployment of some of the restructured units outside Bangui;

13. *Urges* the Government of the Central African Republic to meet the requirements of the financial consolidation and economic reform programmes agreed upon with the international financial institutions;

14. *Requests* the Government of the Central African Republic to refrain from any involvement in external conflicts, in conformity with the commitment expressed in the letter dated 23 January 1999 from the President of the Central African Republic to the Secretary-General;

15. *Urges* Member States to support financially and materially the restructuring programme of the Central African Armed Forces so as to facilitate its prompt implementation, and expresses its appreciation to those that have already done so;

16. *Emphasizes* that economic rehabilitation and reconstruction constitute important tasks facing the Government and people of the Central African Republic and that significant international assistance is indispensable for sustainable development in the Central African Republic, stresses the commitment of the international community to a long-term programme of support for the Central African Republic, and further urges the Economic and Social Council, the United Nations Development Programme, the International Monetary Fund, the World Bank and the appropriate regional financial institutions to contribute to the designing of such a programme;

17. *Requests* the Secretary-General to consider, in keeping with the statement by its President of 29 December 1998, what role the United Nations might play in the transition from peacekeeping to post-conflict peacebuilding in the Central African Republic, and further requests him, in consultation with the Government of the Central African Republic, to submit recommendations in this regard, by 31 May 1999 on a possible

United Nations presence in the Central African Republic after the 15 November 1999 termination of the Mission;

18. *Also requests* the Secretary-General to submit by 15 April 1999 and every forty-five days thereafter a report on the implementation of the mandate of the Mission, on developments in the Central African Republic, in particular on the election process, on progress towards the implementation of the commitments expressed in the letters dated 8 January 1998 and 23 January 1999 from the President of the Central African Republic to the Secretary-General and on the implementation of the Bangui Agreements and the National Reconciliation Pact, including on commitments related to ensuring the country's economic recovery, the restructuring of the security forces and the functioning of the Special Force for the Defence of Republican Institutions;

19. *Commends* the efforts of the Special Representative of the Secretary-General and the personnel of the Mission to promote peace and national reconciliation in the Central African Republic;

20. *Recalls* the urgent need for Member States to contribute voluntarily to the trust fund established by the Secretary-General to support the activities of the Mission;

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

Speaking after the vote, the representative of the Central African Republic stated that while in a democracy it was important for the Government and the opposition to work together and to cooperate in furthering the interests of the State, micromanaging the Government and attempting to distribute ministerial and/or parliamentary posts was not helpful. He informed the Council that the Constitutional Court had rendered its decision that those opposition members who had defected to the Government side had every right to do so and that, therefore, the majority of the President's party in government was now official. The Bretton Woods group that had been in his country had concluded its work and had indicated to the Government its agreement to re-establish economic cooperation with his country. He also informed the Council that the first vice-presidency of the National Assembly had been offered to the opposition. In conclusion, he expressed his gratitude to the Council for all the help rendered to them and reiterated their determination to fulfil all their obligations under the Bangui Agreement and those commitments made by the President in his letter to the Council.⁶⁵

⁶⁵ Ibid., p. 6.

⁶⁶ S/1999/1038.

Decision of 22 October 1999 (4056th meeting): resolution 1271 (1999)

At its 4056th meeting, held on 22 October 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the eighth report of the Secretary-General, dated 7 October 1999, on the United Nations Mission in the Central African Republic, submitted pursuant to resolution 1230 (1999).⁶⁶ Following the adoption of the agenda, the President (Russian Federation), with the consent of the Council, invited the representative of the Central African Republic, at his request, to participate in the discussion without the right to vote.

In his report the Secretary-General observed that in spite of high levels of tension during the electoral campaign, high numbers of Central African voters went to the polls in a peaceful and calm manner and demonstrated their desire for peace, stability and development. Credit was also due to the considerable efforts of the international community and the assistance provided by Canada, China, Egypt, France, Gabon, Japan, Nigeria, the United States, the European Union and the United Nations Development Programme. He recommended that the assistance of the international community proceed from the peacekeeping phase to post-conflict peacebuilding. Noting that he was aware of the risks involved in a transition that might not give the Central African Republic enough time to fully prepare itself for the next challenging phase, he recommended that the Security Council authorize a gradual reduction of MINURCA during a three-month transition period ending on 15 February 2000. He trusted that the international community would continue to encourage and support positive developments in the Central African Republic and called upon donors to provide much-needed financial assistance and to support the restructuring of the armed forces as well as the process of economic and social reform and development.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁶⁷

Speaking before the vote, the representative of the United States stated that while the work of MINURCA was essentially complete much work remained to be done by the Government and the people of the Central

⁶⁷ S/1998/1078.

African Republic. He encouraged further military restructuring, demobilization and strict adherence to the International Monetary Fund programme, which included the regular payment of salaries to soldiers and other Government employees. He maintained that the need for a smooth transition to non-assessed post-conflict institution building was paramount and that thus the troops of MINURCA needed to begin withdrawing immediately. Departure could not be delayed until the end of the current extension and the United Nations needed to take steps as soon as possible to formulate a programme for the United Nations and other international donors to support reform after MINURCA departed. It was equally important that the Central African Republic use the next three months to complete the implementation of stabilizing reforms. Noting that his Government had opposed extensions of the mandate of MINURCA in the past, he stated that they were joining the consensus today because they were committed to promoting peace and security throughout Africa as a means for enhancing development and economic growth.⁶⁸

The representative of China observed that since the Council had authorized MINURCA the situation in the Central African Republic had remained peaceful and stable, national reconciliation had achieved positive results and work on various fronts had proceeded in a smooth and orderly manner. He also noted that various destabilizing factors remained and that work on national economic reconstruction and the restructuring of the Central African Armed Forces had yet to begin. He maintained that the continued presence of MINURCA in the Central African Republic for a period of time was highly necessary and they therefore supported the recommendations of the Secretary-General to extend the mission. He expressed his belief that the extension of the Mission and the future establishment of a United Nations office in Bangui would contribute to national reconciliation and economic reconstruction in the Central African Republic.⁶⁹

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1271 (1999), which reads:

The Security Council,

Reaffirming all its relevant resolutions, in particular resolutions 1159 (1998) of 27 March 1998, 1201 (1998) of 15 October 1998 and 1230 (1999) of 26 February 1999,

Noting with satisfaction the successful conclusion of the presidential elections held on 19 September 1999,

Commending the United Nations Mission in the Central African Republic and the Special Representative of the Secretary-General on the support provided to the electoral process,

Affirming the commitment of all States to respect the sovereignty, political independence and territorial integrity of the Central African Republic,

Welcoming the report of the Secretary-General of 7 October 1999, and noting with approval the recommendations contained therein,

Recalling the importance of the process of national reconciliation, and urging all the political forces of the Central African Republic to continue their efforts towards cooperation and understanding,

Emphasizing the necessity of proceeding speedily to the restructuring of the Central African Armed Forces,

Reaffirming the importance of regional stability and of the consolidation of the climate of peace in the Central African Republic, which constitute essential elements for the restoration of peace in the region,

Reaffirming also the link between socio-economic progress and the consolidation of the stability of the Central African Republic,

Recalling the relevant principles set out in the Convention on the Safety of United Nations and Associated Personnel, adopted on 9 December 1994,

Noting the desire expressed by the Government of the Central African Republic for an extension of the presence of the Mission beyond 15 November 1999,

1. *Decides* to extend the mandate of the United Nations Mission in the Central African Republic until 15 February 2000 with a view to ensuring a short and gradual transition from United Nations peacekeeping involvement in the Central African Republic to a post-conflict peace-building presence with the aid of the relevant United Nations agencies and programmes and of the International Monetary Fund and the International Bank for Reconstruction and Development;

2. *Welcomes* the recommendation of the Secretary-General in paragraph 58 of his report of 7 October 1999 that the reduction of the military and civilian strength of the Mission be conducted in three stages;

3. *Calls firmly once again* upon the Government of the Central African Republic to continue to take tangible measures to implement the political, economic, social and security reforms

⁶⁸ S/PV.4056, pp. 2-3.

⁶⁹ *Ibid.*, p. 3

mentioned in the report of the Secretary-General of 23 February 1998 and to honour the commitments set forth, inter alia, in the letter dated 23 January 1999 from the President of the Central African Republic addressed to the Secretary-General, and reaffirms the role of the Special Representative of the Secretary-General for the Central African Republic in assisting the promotion of reforms and national reconciliation;

4. *Strongly encourages* the Government of the Central African Republic to coordinate closely with the Mission in the progressive transfer of the functions of the Mission in the security field to the local security and police forces;

5. *Urges* the Government of the Central African Republic to complete, with the advice and technical support of the Mission, the initial steps of the restructuring programme of the Central African Armed Forces and of the demobilization and reintegration programme of the retired military personnel, appeals to the international community to give its support to those programmes, and welcomes the proposal of the Secretary-General to convene a meeting in New York in the coming months to solicit funds in order to finance those programmes;

6. *Welcomes* the proposal of the Secretary-General to despatch a small multidisciplinary mission to Bangui in order to examine, in accordance with the wishes expressed by the Government of the Central African Republic, the conditions for the maintenance of the United Nations presence beyond 15 February 2000 in accordance with the recommendations made by the Secretary-General and contained in his reports of 28 May 1999 and 7 October 1999, and requests the Secretary-General to inform the Council as soon as possible concerning his detailed proposals in this regard;

7. *Reaffirms* the importance of the role of the Mission in supervising the destruction of confiscated weapons and ammunition under its control;

8. *Requests* the Secretary-General to submit by 15 January 2000 a report on the implementation of the mandate of the Mission and, in particular, on the progressive transfer of the functions of the Mission in the security field to the local security and police forces, on the evolution of the situation in the Central African Republic, on the progress achieved in the implementation of the commitments set forth in the letters dated 8 December 1998 and 23 January 1999 from the President of the Central African Republic addressed to the Secretary-General, and on the implementation of the Bangui Agreements and the National Reconciliation Pact, including the commitments relating to economic recovery, the restructuring of the security

forces and the functioning of the Special Force for the Defence of the Republican Institutions;

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

13. The situation in the Republic of the Congo

Initial proceedings

Decision of 13 August 1997 (3810th meeting): statement by the President

At its 3810th meeting, held on 13 August 1997 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda without objection the item entitled “the situation in the Republic of the Congo”.

Following the adoption of the agenda, the President (United Kingdom), with the consent of the Council, invited the representative of the Republic of the Congo, at his request, to participate in the discussion without the right to vote.

At the same meeting the President made the following statement on behalf of the Council:¹

The Security Council is deeply concerned about the situation in the Republic of the Congo following the outbreak of factional fighting in Brazzaville on 5 June 1997. The Council is particularly concerned at the plight of civilians caught up in the fighting, which has resulted in widespread loss of life, displacement of the population and severe humanitarian conditions in Brazzaville. The Council considers that the situation in the Republic of the Congo is likely to endanger peace, stability and security in the region.

The Council expresses its full support for the efforts of the International Mediation Committee, under the chairmanship of the President of Gabon, and the National Mediation Committee, under the chairmanship of the Mayor of Brazzaville, to persuade the parties involved to reach agreement on a ceasefire and a peaceful settlement of the current crisis. It also affirms its support for the important and constructive role of the joint United Nations/Organization of African Unity special Representative for the Great Lakes region in these negotiations.

The Council expresses its grave concern at the recent recurrence of fighting in Brazzaville, calls upon the two parties to the conflict to halt all acts of violence immediately and underlines the need to respect the ceasefire agreement signed on 14 July 1997. It also calls upon the two parties to resolve the crisis on the basis of the proposals submitted by the President of Gabon

At the same meeting the President made the following statement on behalf of the Council:²

The Security Council is deeply concerned about the grave situation in the Republic of the Congo and calls for an immediate end to all hostilities. It deplores the loss of life and the deteriorating humanitarian situation and calls upon all parties to ensure the safety of the civilian population and the safe and unrestricted delivery of humanitarian assistance.

The Council calls upon all States in the region to support a peaceful resolution of the conflict and to avoid any actions which

currently under discussion in Libreville, including agreement on an interim government of national unity and a timetable for the holding of presidential elections.

The Council recalls the letter dated 20 June 1997 from the Secretary-General to its President drawing attention to the request by the President of Gabon for deployment of an appropriate force to Brazzaville, and the relevant letters to the Secretary-General from the President of the Republic of the Congo and the Secretary-General of the Organization of African The Council endorses three conditions for the establishment of such a force set by the Secretary-General, namely, complete adherence to an agreed and viable ceasefire, agreement to the international control of the Brazzaville airport and a clear commitment to a negotiated settlement covering all political and military aspects of the crisis.

The Council is of the view that, despite some positive political developments, these conditions have not yet been fulfilled and calls upon the parties to them fulfil them without delay. The Council intends to take a decision on this matter once the Secretary-General has submitted a report to it on the question of the fulfilment of these conditions and containing recommendations on further United Nations involvement in the Republic of the Congo.

The Council also calls upon both parties to respect relevant provisions of international humanitarian law and to ensure safe and unimpeded access by international humanitarian organizations to persons in need of assistance as a result of the conflict, and in any other way to facilitate the effective implementation of humanitarian programmes.

The Council will remain seized of the matter.

Decision of 16 October 1997 (3823rd meeting): statement by the President

At the 3823rd meeting of the Security Council, held on 16 October 1997 in accordance with the understanding reached in its prior consultations, the President (Chile), with the consent of the Council, invited the representative of the Republic of the Congo, at his request, to participate in the discussion without the right to vote.

could exacerbate the situation. It condemns all external interference in the Republic of the Congo, including the

¹ S/PRST/1997/43.

² S/PRST/1997/47.

intervention of foreign forces, in violation of the Charter of the United Nations, and calls for the immediate withdrawal of all foreign forces, including mercenaries.

The Council reiterates the importance of a political settlement and national reconciliation and calls upon the parties to cooperate with the International Mediation Committee chaired by the President of Gabon and with the joint United Nations/Organization of African Unity Special Envoy in reaching

rapid agreement on peaceful transitional arrangements leading to the holding of democratic and free and fair elections with the participation of all parties.

The Council remains ready to consider how the United Nations can further contribute to a political settlement, including the possibility of a United Nations presence, on the basis of recommendations to be provided by the Secretary-General as soon as possible.

14. The situation in Africa

Initial proceedings

Decision of 25 September 1997 (3819th meeting): statement by the President

At its 3819th meeting, held on 25 September 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the item entitled "The situation in Africa" in its agenda. Following the adoption of the agenda, and in accordance with the understanding reached in its prior consultations, the Council invited Mr. Robert Mugabe, President of the Republic of Zimbabwe and Chairman of the Organization of African Unity (OAU), and Mr. Salim Ahmed Salim, Secretary-General of that Organization, to take a seat at the Council table.

The President (United States) stated that the Security Council was holding its first ministerial meeting on Africa, an unprecedented event taking place at a time when there was a new partnership in global responsibility, which was shared by all Council members and by the international community as a whole. Her delegation firmly believed that the discussions would spur common efforts to assist African peoples and nations to lay the foundations for a peaceful and prosperous future. She then drew the attention of the members of the Council to a letter dated 22 September 1997 from the representative of Argentina addressed to the President of the Security Council,¹ transmitting a letter of the same date from the Minister for Foreign Affairs, International Trade and Worship of Argentina addressed to the President of the Security Council, supporting the initiative to convene a meeting of Ministers for Foreign Affairs of the members of the Council to promote peace and security in Africa.

Opening the debate, President Mugabe of Zimbabwe thanked the Council for convening a special ministerial-level meeting to launch a new partnership between OAU and the United Nations. Security Council meetings and debates on African issues had been in the past often convened on an ad hoc basis to address crises and armed conflicts afflicting one country after another. The special meeting was, however, different in a unique way because it was being held against the backdrop of an African renaissance that was reshaping not only its societies but also the relations of the continent with the rest of the world. In the area of peace and security, Africa's determination to take greater responsibility to resolve its own crises, including armed conflicts, was being pursued in full cognizance of the relationship between African countries, OAU and the United Nations. He noted, however, that the Council was endowed with the primary responsibility for the maintenance of international peace and security, and thus there could never be an exclusively African agenda for peace; it would be the United Nations agenda, to which the entire international community subscribed and lent support. That was the understanding of OAU of the provisions of Chapter VIII of the Charter on cooperation between the United Nations and regional organizations. The OAU members attached special value to the establishment and maintenance of peace and security, at all levels, for the achievement of sustainable economic growth and development. Conversely, they strongly believed that their aim could not be attained in the conditions of abject poverty prevailing in the region and that a politically stable and prosperous Africa would best contribute to greater global peace and security. He stated that through subregional groupings, such as the Southern African Development Community (SADC)

¹ S/1997/730.

and the Economic Community of West African States (ECOWAS), Africa had activated subregional mechanisms in the search for solutions to subregional crises. The Organization of African Unity too had endeavoured to play its part in such efforts. However, international support for such efforts, including in the area of capacity-building, was needed for those institutions and mechanisms to play their role. He further emphasized that although the majority of African countries had embarked on and were pursuing economic structural adjustment programmes, the need for investment in infrastructure development was critical. The success of those policies would be greatly enhanced by improving support from the international financial institutions and the donor community. He recalled that, since 1990, free and fair elections had been held in over 20 African countries which, however, had not proved to be the panacea that some had hoped for, due in large part to the prevailing economic conditions on the continent. In that context, he stressed that regimes which had assumed power through undemocratic and unconstitutional means could no longer be tolerated. The United Nations and the international community at large must assist African countries to ensure that democracy became an irreversible process. In conclusion, President Mugabe maintained that Africa was not asking for charity but for a new partnership which was mutually beneficial. There was a growing worldwide interest in investing in and trading with African countries, which was welcomed and encouraged. As the frontiers of peace, democracy and stability broadened, a favourable environment for secure and lucrative investments in Africa would also undoubtedly grow.²

The Secretary-General of the United Nations stated that Africa and its relations with the rest of the world were changing. It was therefore timely to examine how the international community could support and assist African countries at that juncture. Noting the new consensus that Africans needed to bear the primary responsibility for the solution of regional problems, he pointed out that it also placed responsibilities on the shoulders of both African Governments and those outside Africa. The Secretary-General noted that Africa was the only region in the world where poverty was expected to increase and that, despite all the advances made, armed conflict and political instability were still preventing some countries from moving forward.

² S/PV.3819, pp. 2-4.

Economic development remained fragile, and in some parts of the continent, vast movements of refugees and displaced persons continued. In addition, nationalism was on the rise, with cleavages between ethnic groups as they battled for economic and political power. Internal conflicts were threatening the cohesion, and even the survival of those countries. The Secretary-General further noted that although African Governments and people shared the primary responsibility to mobilize and maximize their internal resources, external financing, from both public and private sectors, remained essential. The Security Council, the United Nations and the international community, as a whole, needed to therefore respond promptly and effectively to Africa's call. For his part, he would continue to bring to the attention of the Council developments relating to peace and security that required timely action to prevent the escalation of conflicts. The Secretary-General stressed that after the unprecedented humanitarian crises of recent years, preventive diplomacy was no longer an option – it was a vital necessity. He therefore asked the Council to support the efforts of OAU and strengthen its capacity in the field of preventive diplomacy.³

The Secretary-General of the Organization of African Unity stated that peace, security and stability issues, as well as economic development problems, needed to be addressed simultaneously. The conflicts that continued to rage in some parts of the continent had caused irreparable loss, damage and destruction and had created acute humanitarian tragedies, by forcing millions into a life of exile. The international community needed, therefore, to pool its resources and work closely together to address those crises and to promote peace, security, and stability in the region. He pointed out that although Africa, like any other region, had the responsibility to address its own problems, the United Nations could not exonerate itself from its Charter responsibilities towards the continent. With respect to cooperation between the United Nations and OAU, they need to build a new partnership, in accordance with the provisions of Chapter VIII of the Charter and the Agenda for Peace. Such cooperation needed to focus on addressing current outbreaks of violence and conflicts. It needed to also pay more attention to preventive diplomacy, action and deployment, and be reoriented towards building a joint

³ Ibid., pp. 5-6.

capacity for post-conflict reconstruction and peacebuilding.⁴

The representative of China stated that his delegation supported the decision of African countries to choose their own political system, and opposed any external interference in their internal affairs. It also supported their efforts, as well as those of OAU, the League of Arab States and other regional organizations, to resolve conflicts through peaceful means. The international community, including the United Nations, needed to pay more attention to African issues; seriously consider the proposals and demands of African countries; support and coordinate their efforts to safeguard regional peace and security; and fully respect their sovereignty and territorial integrity.⁵

The representative of Costa Rica stated that the Council devoted most of its time to the African issues on its agenda, namely the socio-economic crises which gave rise to armed conflicts. Each one of those issues illustrated to what extent the Council's concepts and working practices had changed, and the interpretation of its powers, obligations and duties under Chapters VI and VII of the Charter.⁶

The representative of Egypt stated that Africa had taken serious steps to address three main issues, namely, the peaceful settlement of regional conflicts and the solution to the refugee problem; economic and social development; and democratization and respect for human rights by African communities. Such developments highlighted the need for enhancing the Organization of African Unity's role and providing it with the necessary political, material and technical support to improve its capabilities to resolve conflicts and problems within an African framework. While acknowledging that Africa needed to assume a greater role in security issues, he noted that the Council had the primary responsibility for the maintenance of international peace and security. What was needed was a partnership that would enhance African capabilities in the field of conflict prevention and peacemaking within the continent. In conclusion, he stated that African States also sought democracy at the international level; hence their collective support of the process of reforming the United Nations and restructuring of the Security Council and of the attainment of a more just

representation of all regions, including Africa, in terms of both the permanent and the non-permanent seats in the Council.⁷

The representative of France stated that the reduction of international development assistance to Africa, at a time when it was engaged in structural adjustment processes, could exacerbate tensions and crises on the continent. African nations had already demonstrated the will to prevent and settle their own conflicts, and regional groups, such as the OAU, continued to play an increasing and positive role in many sensitive situations. Those positive developments needed to be encouraged. The international community needed to not, however, relinquish its responsibilities towards the continent but, on the contrary, had to become involved and intervene in conflict situations, as soon as conditions would allow for an effective presence. For its part, his Government was working tirelessly to help prevent crises, increasingly favouring a multilateral approach to security issues, but without being drawn into internal conflicts or interfering in the internal affairs of its African partners.⁸

The representative of Kenya noted that African issues constituted 65 per cent of the current work of the Security Council. Africa's socio-economic situation, characterized by poverty and underdevelopment, remained precarious, and in fact, it was the only continent unable to feed its rising population without outside support. However, despite those problems, African countries were striving to lay a solid development foundation, and deserved the support of the international community. His delegation reiterated the importance of the United Nations role as the central forum for dialogue and negotiations in matters of international peace and security, as well as economic and social development. It also stressed the importance of the relationship between the United Nations and OAU, and the need to respect the latter's resolutions on African issues.⁹

The representative of the Russian Federation stated that the current debate acknowledged the urgent need for a coordinated strategy to maintain peace and stability on the continent. The Council and the United Nations in general had already gained a wealth of experience in resolving disputes between States.

⁴ Ibid., pp. 7-8.

⁵ Ibid., pp. 9-10.

⁶ Ibid., pp. 10-12.

⁷ Ibid., pp. 12-14.

⁸ Ibid., pp. 14-16.

⁹ Ibid., pp. 19-20.

However, they had not yet reached the required level of response to the newer conflicts which, although mainly internal in character, could jeopardize regional peace and security. The international community needed to collectively reflect on how it could strengthen the role of African regional organizations, primarily OAU, both in peacemaking and preventive diplomacy, and consolidate interaction between that organization and the United Nations. He emphasized, however, that the Charter of the United Nations, Security Council decisions and relevant international bilateral and multilateral agreements needed to remain the legal basis for peacemaking, and that no coercive action needed to be undertaken by regional structures unless authorized by the Council. Affirming his delegation's willingness to contribute to Africa's peacekeeping capability, he stressed, however, that external assistance needed to complement rather than replace the course of action by the African States themselves.¹⁰

The representative of Sweden stated that Africans did not want special treatment, but equal treatment in access to markets, cooperation with investors, exchange of experiences and cultural interaction. She pointed out that an important part of the United Nations' role in Africa was to assist Africans to maintain and restore peace and human security. Greater efforts should, therefore, be directed at preventing armed conflicts and including long-term measures to build an environment conducive to the peaceful settlement of disputes, between and within States. The international community, including the Security Council, had an obvious responsibility in African crises, as it had in other parts of the world. The United Nations needed to study how the instruments at its disposal could be used more effectively to prevent and resolve conflicts, in cooperation with regional organizations. However, in cases of self-defence, only the Security Council could legally authorize the use of force.¹¹

The representative of the United Kingdom pointed out that in Africa, while democracy was spreading, good government was taking strong roots in many countries and the peaceful dismantling of apartheid in South Africa was a great success story, progress in some countries could not hide the real problems which remained. Africa was the only continent where there had been no increase in per capita income over recent

decades. Africa was the continent which had benefited the least from the opening up of the global economy. Some analysts claimed that sub-Saharan Africa would be a net loser under the Uruguay Round of the General Agreement on Tariffs and Trade (GATT). Africa, as the continent with the least economic progress, had also produced the greatest conflicts. Where people were poor and becoming poorer in real terms, tension was bound to thrive. The atrocities that were occurring nightly in Algeria were shocking. The United Kingdom condemned such terrorism and called for improvement in the security of the lives of the ordinary people. He also stressed the need to acknowledge that the International Monetary Fund (IMF) package in Algeria over that decade had had the effect of reducing the standard of living of many of its people. He further emphasized that the war on terrorism needed to be fought on three fronts: better security, political mediation and also economic development. There were three important ways in which the international community could be of help to Africa. First was the eradication of poverty. Africa needed aid. The second way to help was with conflict prevention and peacekeeping. The United Kingdom was pleased by the determination of OAU to tackle Africa's problems in conjunction with the United Nations. The third area in which the international community could help Africa was human rights. The compelling lesson from the recent history of Africa was that honest, open and democratic government was crucial to success. The representative of the United Kingdom noted that although Nigeria and the former Zaire were countries rich in resources their people lived in poverty because of poor government and self-interest on the parts of those who had ruled them. In conclusion, he stated that there were challenges ahead and there were problems for the present, but with a genuine partnership, with the commitment of African Governments and with the international community playing their part, the future could be bright for Africa.¹²

Several other speakers spoke, noting how the debate highlighted the priorities of the international community towards Africa. Speakers stressed that the underlying causes of conflict in Africa needed to be addressed in a comprehensive manner. A number of

¹⁰ Ibid., pp. 25-26.

¹¹ Ibid., p. 26.

¹² Ibid., pp. 27-28.

speakers emphasized the importance of strengthening the role of regional and subregional arrangements.¹³

The President, in her capacity as the representative of the United States, stated that the international community needed to listen carefully to the views of African leaders and citizens regarding their crises and solutions. She requested that the Secretary-General report on how they could better identify sources of conflict and help Africans lay the groundwork for peace and prosperity. She further urged support for the Secretary-General's reform proposals, which provided an important opportunity for the United Nations to use better its resources to address security, humanitarian and development needs in Africa. She stated that the Council's starting point was peace and security, its traditional responsibility, but the Council also needed to take the opportunity to look at the broad picture of its interactions with Africa. She noted that a decade ago, Africa was the scene of multiple conflicts fuelled, in large measure, by cold war rivalries and, in Southern Africa, by the effects of apartheid. She said that the greatest threat to international peace and security in the current times were posed by civil strife caused by ethnic tensions or by straightforward competition for resources and power. These threats were aggravated by lack, in some societies, of strong representative institutions of governance and by poor economic prospects. She stressed that in such an environment, a security strategy needed to include political, economic and humanitarian components. Nevertheless, to implement these components a climate of relative safety needed to be established and maintained. The United Nations was central to meeting those challenges through its peacekeeping operations, good offices missions and emergency relief preparations. She further stated that her Government supported the Organization of African Unity's role in preventing and responding to crisis, and was assisting the latter to build a conflict management centre to enhance its ability to react quickly to emergencies. She congratulated and commended ECOWAS for their peace efforts in Liberia and Sierra Leone and also endorsed strongly the efforts of the United Nations supported by SADC to ensure full implementation of the Lusaka Protocol in Angola. She warned that her delegation would use the powers of the Council to penalize any party that failed to meet its

obligations. She further stated that the United States was also developing working partnerships with Africans and donors to enhance the ability of African nations to respond when peacekeeping was needed. She called special attention to lessons learned during the past in the Great Lakes region and to consider steps for ensuring that refugee camps were not used as safe havens for war criminals or as a base for military operations. She further stated that the United Nations efforts also played a central role in Africa's plans for development. His country was committed to working with Africa and the international community to help develop durable and effective democratic institutions, such as legislative assemblies, judiciaries and an independent press. While welcoming the increasing contributions of Africa to the solutions of global problems that concerned all, such as the proliferation of crime, terrorism, environmental degradation and the spread of infectious disease, she underlined that the greatest divide in the world was not between East and West or North and South, but was between those trapped by the grievances and preconceptions of the past and those who had the vision and courage to shape the future.¹⁴

Resuming her functions as President, she made the following statement on behalf of the Council:¹⁵

The Security Council met on 25 September 1997, at the level of Ministers for Foreign Affairs, to consider the need for a concerted international effort to promote peace and security in Africa.

The Council reaffirms its commitment to Africa in keeping with the purposes and principles of the Charter of the United Nations. The Council also reaffirms the principles of political independence, sovereignty, and territorial integrity of all Member States.

The Council notes that African States have made significant strides towards democratization, economic reform, and respect for and protection of human rights in order to achieve political stability, peace, and sustainable economic and social development.

Despite these positive developments, the Council remains gravely concerned by the number and intensity of armed conflicts on the continent. Such conflicts threaten regional peace, cause massive human dislocation and suffering, perpetuate instability and divert resources from long-term development.

The Council reaffirms the responsibility of all Member States to settle their international disputes by peaceful means and

¹³ *Ibid.*, pp. 7-8 (Chile); pp. 16-18 (Guinea-Bissau); pp. 18-19 (Japan); pp. 21-22 (Poland); pp. 22-23 (Portugal); and pp. 24-25 (Republic of Korea).

¹⁴ *Ibid.*, pp. 28-30.
¹⁵ S/PRST/1997/46.

its own primary responsibility for the maintenance of international peace and security in accordance with the Charter of the United Nations.

The Council welcomes the important contributions of the Organization of African Unity, including through its Mechanism for Conflict Prevention, Management, and Resolution, as well as those of subregional arrangements, in preventing and resolving conflicts in Africa, and looks forward to a stronger partnership between the United Nations and the Organization of African Unity, as well as subregional arrangements, in conformity with Chapter VIII of the Charter of the United Nations. The Council supports enhancement of the capacity of African States to contribute to peacekeeping operations, including in Africa, in accordance with the Charter of the United Nations. The Council highlights the important contribution of the African Nuclear-Weapon-Free Zone Treaty to international peace and security.

The Council fully supports the engagement of the United Nations in Africa through its diplomatic, peacekeeping, humanitarian, economic development and other activities, which are often undertaken in cooperation with regional and subregional organizations. The United Nations makes an important contribution to the efforts of Africa to construct a future of peace, democracy, justice, and prosperity. The Council underlines the importance of the commitment of the United Nations through the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations to assist the efforts of African States to address humanitarian and refugee crises in accordance with international humanitarian law.

The Council considers that the challenges in Africa demand a more comprehensive response. To this end, the Council requests the Secretary-General to submit a report containing concrete recommendations to the Council by February 1998 regarding the sources of conflict in Africa, ways to prevent and address these conflicts, and how to lay the foundation for durable peace and economic growth following their resolution. Because the scope of this report may extend beyond the purview of the Security Council, the Council invites the Secretary-General to submit his report to the General Assembly and other relevant bodies of the United Nations for action as they deem appropriate, in accordance with the Charter.

The Council affirms its intention to review promptly the recommendations of the Secretary-General with a view to taking steps consistent with its responsibilities under the Charter.

**Decision of 28 May 1998 (3886th meeting):
resolution 1170 (1998)**

On 13 April 1998, pursuant to a Security Council presidential statement issued on 25 September 1997,¹⁶ the Secretary-General submitted to the Council a report entitled “The causes of conflict and the promotion of durable peace and sustainable development in Africa”.¹⁷

In his report, the Secretary-General noted that although Africa as a whole had made significant economic and political progress, conflicts continued to threaten many parts of the continent. That situation posed a major challenge to the United Nations which was being increasingly required to respond to intra-State instability and conflict which sought the destruction not just of armies but also of civilians and entire ethnic groups. Preventing such wars was no longer a matter of defending States or protecting allies, but of defending humanity itself.

He recalled that since 1970, more than 30 wars had been fought in Africa, the vast majority of them of intra-State origin. In 1996 alone, fourteen of Africa’s 53 countries had been afflicted by armed conflicts, which accounted for more than half of all war-related deaths worldwide, resulted in over 8 million refugees, returnees and displaced persons, and had seriously undermined the efforts of the region to ensure long-term stability and development.

In terms of responding to conflict situations, the Secretary-General noted that although the United Nations early warning capabilities had been significantly improved, that was of little use without early action. He therefore urged Governments facing situations of potential or actual conflict to consider the appointment of special mediators or commissions to look into the sources of the dispute and recommend practical solutions. As to peacekeeping, the Secretary-General stated that the United Nations had deployed more peacekeeping operations in Africa than in any other region. Stressing the importance of re-examining the Organization’s experience in that field to extract guidance for future operations, the Secretary-General discussed lessons learned; roles for United Nations peacekeeping operations in Africa; support for regional and subregional initiatives; and ensuring a consistent approach. Addressing the issue of humanitarian assistance, the Secretary-General noted that crises, particularly in Africa, had become more complex. He maintained that Governments, international organizations, non-governmental organizations and anti-government forces had an important impact on humanitarian situations. Humanitarian action could also have important political, social, economic and environmental repercussions. Noting the need to maintain the momentum, the Secretary-General called

¹⁶ S/PRST/1997/46.

¹⁷ S/1998/318.

upon the Council to reconvene at the ministerial level on a biennial basis to assess progress in promoting peace and security in Africa. The Council also needed to consider reconvening at summit level within five years, for that purpose. In conclusion, the Secretary-General stated that the report was meant to provide a clear and candid analysis of the sources of conflicts in Africa and the reasons why they persisted. He had recommended realistic and achievable actions and goals, to reduce crises and to promote a strong and durable peace, and had urged Africans and non-Africans alike to summon the political will to rise to that challenge. The time was long past when one could ignore the events on the continent, or what was needed to achieve progress there. The time was also past when the responsibility for producing change could be shifted on to other shoulders; it was a responsibility that must be shared by all. The United Nations, for its part, stood ready to play its role.

At its 3871st meeting, held on 16 April 1998 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda and resumed consideration of the item.

Introducing the report, the Secretary-General stated that he had been guided, above all, by a commitment to honesty and clarity in analysing and addressing the challenges of conflict in Africa. Conflict in Africa, as everywhere else, was caused by human action and could be ended the same way. Colossal human tragedies had taken place in the region over the last decade, which could and needed to have been prevented. At that time, in many parts of the continent, efforts to break up those past patterns were beginning to succeed. In that context, he expressed the hope that his report would add momentum to Africa's renewed quest for peace and prosperity by offering an analysis of conflicts and proposing realistic and achievable recommendations which, over time, could reduce, if not entirely end them. The Secretary-General pointed out that his proposals required, in some cases, new ways of thinking; in others, they required new ways of acting. Whether in peacekeeping, humanitarian assistance or post-conflict peacebuilding, sustainable progress depended on three critical factors: a clear understanding of the challenge; the political will to respond to it; and

the necessary resources to provide an adequate response. The Secretary-General maintained that African countries must demonstrate the political will to rely upon political rather than military responses to their problems; they must also take good governance seriously, ensuring respect for human rights and the rule of law, strengthening democratization and promoting transparency and the capability of public administration. He stated that the report needed to mark a new beginning in the relationship between the United Nations and Africa on all those issues.¹⁸

The President (Japan) stated that the Council had requested the Secretary-General to submit a report on Africa in view of its continuing grave concern over the number and intensity of armed conflicts on the continent.¹⁹ That situation threatened regional peace, caused massive human dislocation and suffering, perpetuated instability and diverted resources away from long-term development. The Secretary-General's recommendations were concrete and comprehensive, and provided ample basis for discussions on how the Council could best contribute to peace, stability and prosperity on the African continent. He reaffirmed the Council's intention to review them promptly and to take the appropriate steps consistent with its responsibilities under the Charter to implement them.²⁰

At its 3875th meeting, held on 24 April 1998 in accordance with the understanding reached in its prior consultations, the Council resumed consideration of the item on its agenda. Following the adoption of the agenda, the Council invited the representatives of Algeria, Argentina, Bangladesh, Belgium, Cameroon, Canada, Colombia, the Comoros, Cuba, Cyprus, the Democratic Republic of the Congo, Djibouti, Egypt, Ethiopia, Germany, Guyana, India, Indonesia, Italy, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Morocco, the Netherlands, Nigeria, Norway, Pakistan, the Philippines, the Republic of Korea, South Africa, Tunisia, Uganda, Ukraine, the United Arab Emirates, the United Republic of Tanzania and Zimbabwe, at their request, to participate in the discussion without the right to vote. It also extended invitations, under rule 39, to Mrs. Sadako Ogata, United Nations High Commissioner for Refugees, to Mrs. Sylvie Junod, Head of the Delegation of the International Committee of the Red Cross to the United

¹⁸ S/PV.3871, pp. 2-4.

¹⁹ S/PRST/1997/46.

²⁰ S/PV.3871, p. 4.

Nations and to Archbishop Jean-Louis Tauran, Secretary for Relations with States of the Holy See.

Opening the debate, the representative of Gabon stated that although armed conflicts were not exclusively an African problem, they warranted urgent preventive measures. That concern had led to the establishment of the OAU Mechanism for Conflict Prevention, Management and Resolution, which was already doing remarkable work and needed to be strengthened and supported. He noted that, whenever possible, African leaders and States had spared no effort to resolve crises before they degenerated into violent armed conflict. However, owing to the diversity of the sources of those disputes, Africa could not bear sole responsibility for their outbreak nor could it resolve them on its own. In that context, he acknowledged the need for cooperation between the Security Council and subregional organizations. He stressed, however, that there could be no delegation of responsibility and that the Council must play a full role in coordinating and reconciling initiatives for the maintenance of international peace and security.²¹

A number of speakers commended the Secretary-General for his comprehensive report on Africa, and supported the recommendations contained therein.²² They echoed the concerns expressed in the statement by the President regarding the consequences of continuing armed conflict on the continent. They stressed that, although African States were responsible for solving their own problems, the Security Council had the primary responsibility, under the Charter, for the maintenance of international peace and security. In addition, recalling the provisions of Chapter VIII of the Charter on regional arrangements, they emphasized the importance of strengthening cooperation between the United Nations, OAU and other regional organizations, to enhance their capacity to prevent and resolve conflicts. Moreover, stressing the close linkage between

peace and security and sustainable economic development, they expressed the hope that the United Nations and other relevant bodies of its system, and international financial institutions, would consider the report and would take appropriate action within their respective areas of competence to implement its recommendations.

Some speakers supported the Secretary-General's proposal that the Council reconvene at ministerial level on a biennial basis, to assess progress made in promoting peace and security in Africa, and that it meet at the summit level within five years, for that purpose.²³

The representative of the Russian Federation acknowledged the need to step up efforts to prevent and settle conflict situations in Africa on the basis of the Charter with regard to the peaceful resolution of disputes. Noting the fundamental role and responsibilities of the Security Council in peacekeeping operations in Africa, he stressed the need to strengthen the Council's capacity to monitor the authorized activities of regional and subregional organizations in that field. He also acknowledged the important role of African States in conflict resolution. Referring to the Secretary-General's recommendations on the traffic of weapons, including the proliferation of small arms, he stated that a clear distinction needed to be made between the legitimate right of countries to ensure their own security and the illegal flow of weapons. He pointed out that the report contained various recommendations which did not lie within the direct competence of the Security Council, particularly in the economic area, and thus required further consideration. The Council and other United Nations bodies to whom the report was also addressed needed to analyse it in order to prepare

²¹ S/PV.3875, pp. 3-4.

²² *Ibid.*, pp. 4-6 (Portugal); pp. 7-8 (Sweden); pp. 15-16 (Gambia); pp. 17-18 (Slovenia); pp. 23-24 (Bahrain); pp. 25-27 (Kenya); (resumption); pp. 3-5 (Mauritania); pp. 14-16 (Germany); pp. 16-20 (Canada); pp. 20-22 (Tunisia); pp. 28-31 (Algeria); pp. 32-33 (Ukraine); pp. 33-35 (Morocco); pp. 35-36 (Norway); pp. 36-38 (Bangladesh); pp. 38-39 (Pakistan); pp. 39-42 (Indonesia); pp. 42-44 (India); pp. 44-45 (United Republic of Tanzania); pp. 45-48 (Libyan Arab Jamahiriya); pp. 48-50 (Colombia); pp. 50-51 (Lebanon); pp. 53-54 (Italy); pp. 56-57 (Philippines);

pp. 57-58 (Cyprus); pp. 60-61 (Netherlands); pp. 63-64 (Belgium); pp. 64-66 (United Arab Emirates); and pp. 67-69 (Cameroon).

²³ *Ibid.*, p. 6 (Portugal); p. 12 (China); p. 23 (Brazil); p. 26 (Egypt); p. 27 (Kenya); and p. 32 (Zimbabwe); and S/PV.3875 (resumption); p. 3 (United States); p. 4 (Mauritania); p. 23 (Republic of Korea); and p. 48 (Libyan Arab Jamahiriya). At the 3931st meeting, held on 24 September 1998 at the ministerial level to discuss "The situation in Africa", the representative of Bahrain also endorsed holding biennial meetings on the item (S/PV.3931: p.14 (Bahrain)).

practical proposals to implement the recommendations.²⁴

The representative of France stated that the report contained a precise and honest analysis of present and past realities in Africa. Although some pessimism persisted, there were also positive and encouraging developments, including the containment of certain crises and the resolution of some conflicts. While success depended on Africans themselves, it did not exempt the United Nations and non-African Member States from supporting their efforts to resolve their own problems. In that context, he stressed the need to strengthen cooperation and coordination with OAU and other regional organizations. Acknowledging the United Nations' positive peacekeeping role in Africa, he remarked that financial constraints needed to not become a decision-making criterion for conflict prevention, and that Member States must provide the necessary financial, material and human resources to enable the Organization to respond to crises. He also stated that it was important to strengthen the capacities of African States to play their part in peacekeeping in the world, especially in Africa. That was the intent of the initiative presented jointly by France, the United Kingdom and the United States which aimed at coordinating international co-operation in that field under the auspices of the United Nations and the Organization of African Unity.²⁵

The representative of China stated that his delegation supported a greater Security Council role in Africa and the timely deployment of peacekeeping operations, in accordance with the Charter and at the request of the African countries concerned. He noted, however, that the Council must respect their views, as well as their sovereignty and territorial integrity, and follow the principle of non-interference in internal affairs. International assistance needed to also be based on actual conditions and truly benefit the African people, without any conditions attached. He acknowledged the important role played by OAU and subregional organizations in both international and regional affairs, as well as their achievements in dealing with African conflicts and "hot spots".²⁶

The representative of the United Kingdom stated that Africa had been the scene of some of the United

Nations' greatest successes, as well as of its many failures. Intervention could sometimes be difficult and dangerous, but it could often be unavoidable if humanitarian catastrophes and the insidious spread of instability were to be prevented. The Security Council could not shun its responsibilities towards Africa; moreover, although regional and subregional organizations had a key role to play, they could not substitute the role of the United Nations. While agreeing with the Secretary-General that sanctions could be effective in encouraging States to bring their behaviour back into line with accepted international norms, he expressed his delegation's support for the Secretary-General's call for Member States to adopt legislation which would make the violation of any Security Council arms embargo a criminal offence.²⁷

The representative of Slovenia regretted that the lack of success in one of the United Nations peacekeeping missions in Africa had had a disproportionately negative effect on the international community's perception of peacekeeping. Thus, in order to ensure the Organization's credibility, the international community must be willing to act to advance peace and security on the continent. His delegation supported the cooperation between the United Nations and OAU and other regional and subregional organizations, in accordance with the framework established by Chapter VIII of the Charter. He noted, however, that some situations required specific measures, including the imposition of sanctions under Chapter VII.²⁸

The representative of Costa Rica stated that the report contained a programme of work for the entire United Nations system, with the Security Council playing a central coordinating role on peace and security issues. He noted, however, that current realities had changed the Council's traditional concepts and practices and the interpretation members placed on its responsibilities, in particular those under Chapters VI and VII of the Charter.²⁹

The representative of Brazil stated that the report contained an objective analysis of the causes of conflict in Africa, as well as recommendations which must be carefully examined not only by the Security Council, but also by the General Assembly, the Economic and Social Council and other relevant bodies of the United Nations

²⁴ S/PV.3875, pp. 6-7.

²⁵ *Ibid.*, pp. 8-11.

²⁶ *Ibid.*, pp. 11-13.

²⁷ *Ibid.*, pp. 13-15.

²⁸ *Ibid.*, pp. 18-19.

²⁹ *Ibid.*, pp. 19-21.

system. In that context, his delegation would be “particularly interested in looking at ways to activate Article 65”, which dealt with the Economic and Social Council assistance to the Security Council. He noted the constructive role of the Organization in bringing peace and relief to many areas of Africa, either through peacekeeping missions or the various programmes directed at improving people’s lives.³⁰

The President, speaking in his capacity as the representative of Japan, commenting on the aspects of the report which fell within the Council’s purview, stated that instability in Africa, resulting largely from intra-State and regional conflicts, could have a direct and serious impact on international peace and security. In addition, the continent’s economic stagnation would have a crippling effect on the world economic system, while its full integration could have a beneficial impact. He commended the report’s comprehensive coverage and clear analysis, and suggested that the Council needed to establish a working group to study the recommendations contained therein, in order to devise a plan of action, which could then be submitted to the Council for its consideration.³¹

The representative of Zimbabwe, speaking on behalf of the Organization of African Unity, urged the international community to buttress the capacity of the organization in the prevention, management and resolution of regional conflicts. In that context, he requested the Secretary-General to send a team of experts to OAU headquarters to speed up the establishment of an early warning system there; provide technical assistance and training of personnel, including a staff exchange programme; institutionalize the exchange and coordination of information between the early warning systems of both organizations; provide logistical support; and mobilize financial support for the OAU Peace Fund. As the world’s poorest region, Africa had been disproportionately afflicted by intra-State conflicts, and therefore deserved special attention, he stated.³²

The representative of the United States pledged his Government’s commitment to an active partnership with

Africa to promote democracy, human rights and to accelerate its integration into the global economy. Africa did not need nor want the world’s sympathy; it needed foreign investment, new trade and commercial links, increased tax revenue and improved infrastructure that came with economic growth, he stated.³³

The representative of Nigeria, speaking on behalf of the Economic Community of West African States, noted that three successive years of improved economic performance, beginning in 1994, gave grounds for cautious optimism. The recent upturn in sub-Saharan Africa was underpinned by a rigorous implementation of economic reform programmes, as well as reductions in socio-economic and political instability. In that context, he stressed the need for further international action to reduce the debt burden of African States and reinforce their gains from economic reforms. He reaffirmed commitment of ECOWAS to the collective security of the entire subregion through the Economic Community of West African States Monitoring Group (ECOMOG), which deserved the support of the international community.³⁴

The representative of South Africa, speaking on behalf of the member States of the Southern African Development Community,³⁵ stated that the United Nations must strengthen its peacekeeping capacity in Africa in a manner that would inspire confidence in the Organization’s role as custodian of international peace and security. The Southern African Development Community shared the Secretary-General’s concern about the proliferation of arms and endorsed his proposals for strengthening international and regional policies against illicit arms trafficking, as well as the need to divert the expenditure of scarce resources from military to development projects. He affirmed Africa’s determination to demonstrate to the world its readiness to tackle its own problems, and stressed the SADC commitment to the eradication of the causes of conflict on the continent to ensure a sustainable development.³⁶

The representative of the United Kingdom, speaking on behalf of the European Union,³⁷ stated that the report encouraged the Union to pursue its efforts in

³⁰ Ibid., pp. 21-23.

³¹ Ibid., pp. 27-30.

³² Ibid., pp. 30-32.

³³ S/PV.3875 (resumption), pp. 2-3.

³⁴ Ibid., pp. 5-7.

³⁵ Angola, Botswana, Democratic Republic of the Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia,

South Africa, Seychelles, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe.

³⁶ Ibid., pp. 7-9.

³⁷ Ibid., pp. 9-11 (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus, Iceland and Liechtenstein also aligned themselves with the statement).

the field of peace-building and conflict prevention, management and resolution, and to enhance African capacities in those areas. Expressing support for the recommendation calling for the strengthening of relations between the United Nations and African regional organizations, he noted that the European Union had already established a consultative mechanism with OAU. It also supported the recommendations on restructuring, international aid, reducing debt burdens and opening international markets, and stood ready to play its part to ensure their effective follow-up.³⁸

The United Nations High Commissioner for Refugees stated that Africa had the largest number of refugees and internally displaced persons, a situation that constituted a grave violation of human rights and posed a threat to the stability, peace and prosperity of entire regions. She drew attention to one of the greatest challenges to her organization's work, namely the presence of "fighters" and "criminals" in refugee camps, and expressed concern that the situation would get worse, if it was not dealt with. She strongly supported the creation of an international mechanism to assist Governments to maintain the civilian character of the camps, and hoped that the Council would follow-up that recommendation and examine the possibility of creating a stand-by international force to support humanitarian operations.³⁹

The representative of the International Committee of the Red Cross (ICRC) reaffirmed the relevance of international humanitarian law and the need to assist victims of conflict. The rich traditions and values of Africa needed to be revived in order to make everyone aware that there were limits to violence. Each State must also incorporate in its national legislation adequate measures dealing with humanitarian law and the prosecution of offenders. She pointed out, however, that nothing could replace the political will necessary to address the root causes of conflicts, and the ensuing tragedies, by all legitimate means available, including force. Humanitarian assistance was not a substitute.⁴⁰

The representative of Canada stated that collaboration in capacity-building must not have the sole objective of equipping Africans to respond to regional crises in order to absolve the international community of that responsibility. A selective allocation of responsibility would undermine the very notion of

collective responsibility and collective action that underpinned the Charter. The credibility of the Security Council, in particular, was linked to its willingness to act decisively and effectively and to make available the necessary resources to counter threats to peace and security. He noted, however, that it was not enough simply to act; Member States must be swift in their response to crises to ensure the effectiveness and credibility of the Organization. The representative further underlined that it was important to be vigilant to avoid the danger of cascading responsibility for peacekeeping from the global level to the regional or even the subregional level. Even by default the responsibility for the maintenance of international peace and security could not be subcontracted. Regional and subregional bodies needed to respond, not to vacuums created as a result of inaction on the part of the Security Council, but to collaborative programmes developed in close consultation with the Council. Such collaboration needed to be based on Articles 53 and 54 of the Charter of the United Nations and ought fully to reflect the Security Council's exclusive mandate for authorizing the use of force.⁴¹

The representative of Egypt stated that the report acknowledged United Nations past errors and failures, and reflected its determination to absorb the lessons of the past. He recalled that, since 1993, Africa had taken positive steps to resolve its disputes. OAU and African leaders had also played an active mediation role in preventing crises. He noted, however, that at a time when the continent was shouldering greater responsibility for the settlement of African questions, there was increasing international reluctance regarding the role of the Security Council in some of those issues. The report dealt with the importance of supporting regional and subregional initiatives as a way to promote collective action to contain crises. At the same time, it had to remain clear that such assistance needed to enable regional arrangements to play a complementary role to the efforts of the United Nations, under Chapter VIII of the Charter, and that it needed to not be used as a pretext for the Council to shirk its primary responsibilities or fail to adopt the appropriate decisions at the appropriate time. He also expressed the support of his delegation for

³⁸ Ibid., pp. 9-11.

³⁹ Ibid., pp. 11-12.

⁴⁰ Ibid., pp. 12-14.

⁴¹ Ibid., pp. 16-20.

the reform and restructuring of the Organization, including the Security Council.⁴²

The representative of Algeria suggested the establishment of an ad hoc working group, in cooperation with OAU, to review the report's recommendations and to follow up on their implementation. The United Nations needed to go beyond making declarations of intent and expressions of solidarity and truly commit itself, side by side with Africa, through a programme of action that fully addressed the continent's concerns and expectations.⁴³

The representative of India stated that the solution to Africa's problems — aid, development, trade and cooperation — did not fall within the Council's mandate. His delegation was therefore pleased that the report was also being submitted to the General Assembly and to other relevant bodies of the United Nations system, including financial institutions.⁴⁴

At its 3886th meeting, held on 28 May 1998 in accordance with the understanding reached in its prior consultations, the Council resumed consideration of the item on its agenda. Following the adoption of the agenda, the President (Kenya) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations.⁴⁵

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1170 (1998), which reads:

The Security Council,

Recalling the statement by its President of 25 September 1997,

Having considered the report of the Secretary-General of 13 April 1998 submitted to the General Assembly and to the Security Council in accordance with the above-mentioned statement,

Fully supporting the engagement of the United Nations in Africa through its diplomatic, peacekeeping, humanitarian, economic development and other activities,

Reaffirming the principles of political independence, sovereignty and territorial integrity of all States,

Reaffirming also the obligation of all Member States to settle their disputes by peaceful means, and stressing its primary responsibility for the maintenance of international peace and security in accordance with the Charter of the United Nations,

Recalling the provisions of Chapter VIII of the Charter on regional arrangements,

Mindful of the Cairo Declaration of 1993, which stipulated that the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity would have as a primary objective the anticipation and prevention of conflicts,

Recognizing that the adoption of the African Nuclear-Weapon-Free Zone Treaty, declaring Africa a nuclear-weapon-free zone, is an important contribution to the promotion of regional peace and security and to global efforts towards nuclear non-proliferation and nuclear disarmament,

Gravely concerned that the continuation of armed conflicts in the continent threatens regional peace, causes massive human displacement, suffering and poverty, perpetuates instability and diverts scarce resources from long-term development,

Recognizing the importance of the commitment of the United Nations through its Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees and other United Nations agencies, and of humanitarian organizations to assist the efforts of African States to address humanitarian and refugee crises in accordance with international law, including international humanitarian law,

Stressing the close linkage between international peace and security and sustainable development,

Noting that African States have made significant strides towards democratization, economic reform, and respect for and protection of human rights, and stressing the importance of promoting political stability, peace and sustainable development,

Stressing the importance of promoting good governance, the rule of law and sustainable development as essential factors in the prevention of conflicts in Africa,

Expressing concern that the use of mercenaries and the presence of armed militias continue to contribute to instability in Africa,

Emphasizing the destabilizing effects of the illicit transfer of arms, especially small arms, and urging Governments concerned to combat the trafficking of such weapons,

1. *Welcomes* the report of the Secretary-General of 13 April 1998 and the comprehensive recommendations contained therein, and commends the Secretary-General for his efforts to address the causes of conflict and the promotion of durable peace and sustainable development in Africa, and for the steps he is taking to reinforce the role of the United Nations system towards these ends;

2. *Stresses* that the challenges in Africa demand a comprehensive response, and in this context expresses the hope that the General Assembly, the Economic and Social Council, other relevant bodies of the United Nations, regional and

⁴² Ibid., pp. 24-26.

⁴³ Ibid., pp. 28-31.

⁴⁴ Ibid., pp. 42-44.

⁴⁵ S/1998/433.

subregional organizations, international financial institutions and other relevant organizations, as well as Member States will consider the report and its recommendations and take action as they deem appropriate within their respective areas of competence;

3. *Notes* the important role of the Secretary-General in coordinating the work of the United Nations agencies concerned in the implementation of the recommendations in his report, and requests the Secretary-General to keep the Council regularly informed of the efforts being undertaken by the agencies and other bodies of the United Nations system in this regard;

4. *Decides* to establish an ad hoc Working Group, comprised of all members of the Council, for a period of six months, to review all recommendations in the report related to the maintenance of international peace and security, in accordance with the Charter of the United Nations, and in that context, to prepare a framework for the implementation of recommendations, as appropriate, and to submit specific proposals for concrete action for consideration by the Council by September 1998;

5. *Expresses its intention* to convene at the ministerial level on a biennial basis, beginning in September 1998 and subsequently as needed in order to assess progress in promoting peace and security in Africa;

6. *Stresses* the importance of appropriate consultations and cooperation between the United Nations and the Organization of African Unity on the follow-up to the report;

7. *Welcomes* the important contributions of the Organization of African Unity to conflict prevention and resolution in Africa, including its Mechanism for Conflict Prevention, Management and Resolution, as well as those of subregional arrangements;

8. *Welcomes also* the efforts made by Member States, regional organizations and the United Nations to enhance the capacity of African States to contribute to peacekeeping operations in accordance with the Charter;

9. *Invites* Member States and regional organizations to provide assistance to the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity to enhance its capacity in the anticipation and prevention of conflicts;

10. *Encourages* the Secretary-General to continue to take concrete actions aimed at enhancing the capacity of the Organization of African Unity to anticipate and prevent conflicts in Africa, on the basis of the United Nations — Organization of African Unity Cooperation Agreement of 15 November 1965;

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

Decision of 16 September 1998 (3927th meeting): resolution 1196 (1998) and statement by the President

At its 3927th meeting, held on 16 September 1998 in accordance with the understanding reached in its prior consultations, the Council resumed consideration of the item on its agenda. Following the adoption of the agenda, the President (Sweden) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations, and to the text of an agreed statement by the President.⁴⁶

The draft resolution was then put to the vote and was adopted unanimously as resolution 1196 (1998), which reads:

The Security Council,

Reaffirming its resolution 1170 (1998) of 28 May 1998,

Recalling the statement made by its President on 25 September 1997 at the meeting of the Security Council at the level of Ministers for Foreign Affairs on the situation in Africa,

Having considered the recommendations contained in the report of the Secretary-General of 13 April 1998 entitled “The causes of conflict and the promotion of durable peace and sustainable development in Africa”, which was submitted to the General Assembly and to the Security Council in accordance with the above-mentioned statement, regarding the importance of strengthening the effectiveness of arms embargoes as a means to diminish the availability of arms with which to pursue armed conflicts,

Stressing the principles of the political independence, sovereignty and territorial integrity of all States,

Mindful of the Cairo Declaration of 1993, which stipulated that the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity would have as a primary objective the anticipation and prevention of conflicts,

Reaffirming the obligations of all Member States to settle their international disputes by peaceful means, and stressing the primary responsibility of the Security Council for the maintenance of international peace and security in accordance with the Charter of the United Nations,

Recognizing that the International Commission of Inquiry established by its resolution 1013 (1995) of 7 September 1995 and reactivated in accordance with its resolution 1161 (1998) of 9 April 1998 is an example of a useful means for strengthening the effectiveness of an arms embargo established by the Council,

1. *Reiterates* the obligation of all Member States to carry out decisions of the Security Council on arms embargoes;

⁴⁶ S/1998/852.

2. *Encourages* each Member State, as appropriate, to consider as a means of implementing the obligations referred to in paragraph 1 above the adoption of legislation or other legal measures making the violation of arms embargoes established by the Council a criminal offence;

3. *Requests* the Security Council committees established by resolutions imposing arms embargoes in Africa to include in their annual reports a substantive section on the implementation of the arms embargoes, on possible violations of the measures reported to the committees and with recommendations as appropriate for strengthening the effectiveness of the arms embargoes;

4. *Encourages* the chairmen of the committees referred to in paragraph 3 above to seek to establish channels of communication with regional and subregional organizations and bodies, including in Africa the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity, the Economic Community of West African States, the United Nations Standing Advisory Committee on Security Questions in Central Africa, the Southern African Development Community and the Intergovernmental Authority on Development, in addition to other sources of information, including Member States, already mentioned in the guidelines of the committees, in order to improve the monitoring of arms embargoes through wider and regular exchange of information with relevant parties in the region concerned;

5. *Reiterates its request* that all States, relevant United Nations bodies and, as appropriate, other organizations and interested parties report information on possible violations of arms embargoes established by the Council to the relevant committees referred to in paragraph 3 above;

6. *Requests* the committees referred to in paragraph 3 above to make relevant information publicly available through appropriate media, including through the improved use of information technology;

7. *Welcomes* the initiative of the chairmen of the committees established pursuant to resolution 864 (1993) of 15 September 1993 and resolution 1132 (1997) of 8 October 1997 concerning the situations in Angola and Sierra Leone, respectively, to visit countries in the region, and invites other committees to consider this approach, where and when appropriate, in order to enhance the full and effective implementation of the measures specified in their respective mandates with a view to urging the parties to comply with relevant Council resolutions;

8. *Expresses its willingness* to consider, whenever it establishes arms embargoes, all appropriate measures to assist their effective implementation, and notes, in this context, that measures such as inquiries into arms-trafficking routes, the follow-up of possible specific violations and the deployment of

border or point-of-entry monitors may be relevant, in consultation with the countries concerned;

9. *Urges* Member States, relevant United Nations bodies and agencies and other international agencies to consider the provision of technical and other assistance, in consultation with the States concerned, to facilitate the implementation of arms embargoes;

10. *Stresses* that arms embargoes established by the Council should have clearly established objectives and provisions for regular review of the measures with a view to lifting them when the objectives are met, in accordance with the terms of the applicable Council resolutions;

11. *Requests* all Security Council committees established pursuant to resolutions imposing arms embargoes to consider, as appropriate, the application of the measures contained in the present resolution;

12. *Decides* to remain seized of the matter.

At the same meeting, the President made the following statement on behalf of the Council:⁴⁷

The Security Council welcomes the report of the Secretary-General of 13 April 1998 entitled "The causes of conflict and the promotion of durable peace and sustainable development in Africa", which was submitted to the General Assembly and the Security Council.

It agrees with the Secretary-General that the credibility of the United Nations in Africa to a great extent depends upon the willingness of the international community to act and to explore new means of advancing the objectives of peace and security in the African continent.

The Council, which has the primary responsibility under the Charter of the United Nations for international peace and security, expresses its commitment to exercising this responsibility in relation to Africa, and affirms that strengthening Africa's capacity to participate in all aspects of peacekeeping operations, including their military, police, humanitarian and other civilian components, is a key priority.

The Council encourages increased bilateral and multilateral cooperation in the field of peacekeeping, especially capacity-building, between Member States, the United Nations and the Organization of African Unity as well as subregional organizations in Africa. It welcomes the efforts already undertaken by the United Nations and Member States to promote greater transparency and coordination in multilateral efforts to enhance Africa's capacity for peacekeeping. In particular, it welcomes efforts to implement the recommendations in the report of the Secretary-General of 1 November 1995 entitled "Improving preparedness for conflict prevention and peacekeeping in Africa" and to follow up the outcome of the meetings organized by the Department of Peacekeeping Operations of the Secretariat in December 1997 and May 1998. It encourages all States and

⁴⁷ S/PRST/1998/28.

organizations concerned to work with African States in particular on the basis of African initiatives and proposals.

The Council encourages contributions, financial and in kind, aimed at enhancing Africa's peacekeeping capacity. In particular, it urges Member States to contribute to the trust funds established by the United Nations and the Organization of African Unity to improve preparedness for conflict prevention and peacekeeping in Africa.

The Council affirms the role of the United Nations in setting general standards for peacekeeping, and urges compliance with existing United Nations guidelines, including through the use of the "Ten Rules: Code of Personal Conduct for Blue Helmets", which were elaborated following a request by the Special Committee on Peacekeeping Operations. It encourages all those involved in enhancing Africa's peacekeeping capacity to ensure that training for and the conduct of peacekeeping give due emphasis to international humanitarian law and human rights, including the rights of the child, as well as to gender issues. It requests all those conducting peacekeeping operations in Africa to pay particular attention to the situation of children in armed conflict, as appropriate, both in mandates for and reports about such operations.

The Council supports the efforts of the United Nations, regional and subregional organizations as well as Member States in the field of training for peacekeeping.

The Council welcomes the readiness of the United Nations to act as a clearing house for information on available training initiatives. It particularly welcomes the intention of the Secretary-General to establish a United Nations database on training. With the aim of strengthening Africa's peacekeeping capacity, the Council requests the Secretary-General to pursue these plans and to include in the database information about African needs in this field, possible regional and extra-regional contributions to assist in achieving this goal, and available expertise on training. It encourages Member States and regional and subregional organizations to contribute information to the database. It encourages the Secretary-General to consider possible further uses and broadening of United Nations databases, for instance in humanitarian crises.

The Council also welcomes the proposal of the Secretary-General to establish an informal working group composed of African and non-African States directly involved or interested in the provision of training assistance.

The Council emphasizes the value of training aimed at improving coordination and cooperation among military, police, humanitarian and other civilian components of peacekeeping operations. It encourages the Secretary-General and Member States to engage international and non-governmental humanitarian organizations, as appropriate, in peacekeeping training activities.

The Council underlines the importance of the availability of appropriately trained personnel and relevant equipment for all components of peacekeeping operations. In this context, it encourages increased participation by Member States, in particular from Africa, in the United Nations standby arrangements. The Council further encourages the use of United Nations Training Assistance Teams as a useful tool in support of national peacekeeping training. It recognizes the value of joint training exercises, as well as the establishment of partnerships between States whose contingents require equipment and States and organizations that are able to assist them. It also encourages the exchange of lessons learned from previous operations.

The Council requests the Secretary-General to study ways to improve the availability of logistics for peacekeeping efforts in Africa.

The Council stresses the need for it to be fully informed of peacekeeping activities carried out or planned by regional or subregional organizations and underlines the fact that the improved flow of information and the holding of regular briefing meetings between members of the Council, African regional and subregional organizations involved in peacekeeping operations and troop contributors and other participating Member States have an important role to play in helping to enhance African peacekeeping capacity. In that context, the Council encourages the Secretary-General to establish appropriate United Nations liaison with regional and subregional organizations and invites those organizations and Member States to provide the Council and the Secretary-General with information on their activities in the field of peacekeeping.

Decision of 18 September 1998 (3928th meeting): resolution 1197 (1998)

At its 3928th meeting, held on 18 September 1998 in accordance with the understanding reached in its prior consultations, the Council resumed consideration of the item on its agenda. Following the adoption of the agenda, the President (Sweden) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of prior consultations.⁴⁸ The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 1197 (1998), which reads:

The Security Council,

Reaffirming its primary responsibility for the maintenance of international peace and security in accordance with the Charter of the United Nations,

Having considered the recommendations contained in the report of the Secretary-General of 13 April 1998 entitled "The causes of conflict and the promotion of durable peace and sustainable development in Africa", which was submitted to the

⁴⁸ S/1998/855.

General Assembly and to the Security Council, regarding the need for the United Nations to provide support for regional and subregional initiatives and the strengthening of coordination between the United Nations and regional and subregional organizations in the area of conflict prevention and the maintenance of peace,

Recalling the provisions of Chapter VIII of the Charter on regional arrangements or agencies, which set out the basic principles governing their activities and establish the legal framework for cooperation with the United Nations, in the area of the maintenance of international peace and security,

Recalling also the agreement of 15 November 1965 on cooperation between the United Nations and the Organization of African Unity as updated and signed on 9 October 1990 by the Secretaries-General of the two organizations,

Recalling further the resolutions of the General Assembly on the enhancement of cooperation between the United Nations and the Organization of African Unity, in particular resolutions 43/12 of 25 October 1988, 43/27 of 18 November 1988, 44/17 of 1 November 1989, 47/148 of 18 December 1992, 48/25 of 29 November 1993, 49/64 of 15 December 1994, and 50/158 of 21 December 1995,

Mindful of the need for continued cooperation between the United Nations and its relevant bodies and specialized agencies on the one hand, and the Organization of African Unity and subregional organizations in Africa on the other,

Welcoming the high-level meeting between the United Nations and regional organizations held in New York on 28 July 1998, and encouraging the holding of such meetings at regular intervals,

Noting that subregional arrangements in Africa, as well as the Organization of African Unity through its Mechanism for Conflict Prevention, Management and Resolution, are developing their capacities in preventive diplomacy, and encouraging African States to make use of these arrangements and mechanisms in the prevention of conflict and maintenance of peace in Africa,

I

1. *Urges* the Secretary-General, through the use of the United Nations Trust Fund for Improving Preparedness for Conflict Prevention and Peacekeeping in Africa, to assist in the establishment within the Organization of African Unity of an early warning system based on the model currently being used by the United Nations, and to assist in strengthening and making operational the conflict management centre of the Organization of African Unity and its situation room;

2. *Encourages* contributions to the Trust Fund and to the Peace Fund of the Organization of African Unity, and also encourages the Secretary-General to develop a strategy for the purpose of enhancing contributions to the Trust Fund;

3. *Requests* the Secretary-General to continue to assist Member States in the further development of commonly accepted peacekeeping doctrine and to share existing peacekeeping

doctrine and concepts of operation with the Organization of African Unity and subregional organizations in Africa;

4. *Invites* the Secretary-General to assist the Organization of African Unity and subregional organizations in Africa to establish logistics assessment teams through the sharing of information on the establishment, composition, methods and functioning of United Nations logistics assessment teams, and also invites the Secretary-General to assist the Organization of African Unity and subregional organizations, as appropriate, to determine the logistical and financial requirements of regional or subregional peacekeeping operations authorized by the Council;

5. *Encourages* the establishment of partnerships between States and regional and subregional organizations involved in peacekeeping operations, in which one or more States or organizations contribute troops and others contribute equipment, encourages the Secretary-General to facilitate efforts to that end, and requests him to consider developing a framework to coordinate such partnerships;

6. *Commends* the various initiatives taken by several States to enhance African preparedness to participate in the military, police, humanitarian and other civilian components of peacekeeping operations, and in this context encourages joint training and simulation exercises and seminars with African peacekeepers;

7. *Welcomes* the proposal by the Economic Community of West African States to establish a Council of Elders within its Mechanism for the Prevention, Management, Resolution of Conflicts, Peacekeeping and Security for the purpose of facilitating mediation efforts, and urges the Secretary-General, in consultation with the Executive Secretary of the Economic Community of West African States, to assist in facilitating its establishment and to help to ensure its effectiveness;

II

8. *Endorses* the establishment of a United Nations Preventive Action Liaison Office in the Organization of African Unity, and urges the Secretary-General to consider ways of making this office more effective and also the possibility of appointing liaison officers to peacekeeping operations of the Organization of African Unity and of subregional organizations in Africa, which are authorized by the Council;

9. *Encourages* the enhancement of consultation and coordination between the United Nations and the Organization of African Unity and between the United Nations and subregional organizations in Africa, both at the field and headquarters level, and recognizes that the nomination of joint special representatives may be useful to further these aims;

10. *Welcomes* the fact that both the United Nations and the Organization of African Unity have agreed to strengthen and broaden their cooperation on measures to prevent and resolve conflicts in Africa, and in this regard invites the Secretary-General:

(a) To adopt measures for an improved flow of information through systematic mechanisms between the United Nations and Organization of African Unity and between the United Nations and subregional organizations in Africa;

(b) To develop, in collaboration with the Organization of African Unity and with subregional organizations in Africa, common indicators for early warning, and share, as appropriate, early warning information both with their field representatives on the ground and with their headquarters;

(c) To arrange, in collaboration with the Organization of African Unity and with subregional organizations in Africa, occasional visits of staff at working level between the United Nations and the Organization of African Unity and between the United Nations and subregional organizations in Africa;

(d) To arrange, in collaboration with the Organization of African Unity and with subregional organizations in Africa, joint expert meetings on certain specific areas of early warning and prevention, including joint reviews of potential and existing conflicts with a view to coordinating initiatives and actions;

11. *Requests* the Secretary-General to implement the present resolution in the course of his ongoing efforts to develop cooperation with the Organization of African Unity and subregional organizations in Africa and, where necessary, drawing on the Trust Fund, and to keep the Council informed periodically, as necessary, on the implementation of the present resolution;

12. *Decides* to remain seized of the matter.

Decision of 24 September 1998 (3931st meeting): statement by the President

At its 3931st meeting, held on 24 September 1998 in accordance with the understanding reached in its prior consultations, the Council resumed consideration of the item on its agenda. Following the adoption of the agenda, the President (Sweden) invited Mr. Blaise Compaoré, President of Burkina Faso and, at that time, Chairman of the Organization of African Unity, as well as Mr. Salim Ahmed Salim, Secretary-General of that Organization, to take a seat at the Council table.

The President stated that the Council having before it the report of the Secretary-General on the causes of conflict and the promotion of peace and sustainable development,⁴⁹ was holding its second ministerial meeting on Africa. She then drew the

attention of the members of the Council to a letter dated 18 September 1998 from the representative of Austria addressed to the President of the Security Council, transmitting a letter of 18 September 1998 from the Vice-Chancellor and Federal Minister for Foreign Affairs of Austria, in his capacity as President of the Council of Ministers of the European Union, addressed to the President of the Security Council, on the item under consideration.⁵⁰ She recalled that the Council had established an ad hoc Working Group on Africa to review all the recommendations in the report related to the maintenance of international peace and security. On the basis of the proposals made by the Working Group, the Council had recently adopted two resolutions and a presidential statement.⁵¹

Opening the debate, the President of Burkina Faso acknowledged the extent and complexity of Africa's security problems. He drew attention to several areas where crises still persisted, as well as new conflicts which called for concerted action by the United Nations and OAU. Acknowledging that economic development was another dimension of peace, he proposed the convening of a summit conference to address economic questions related to development in Africa.⁵²

The Secretary-General expressed satisfaction at the constructive manner in which the Council, through its ad hoc working group, had begun to address the report's recommendations. The Council had also shown its commitment to the report's goals, by setting up working groups and adopting resolutions, and by authorizing new peacekeeping operations. The United Nations was increasingly taking a comprehensive and holistic approach to its peacekeeping and peacebuilding activities, he stated. It was also applying lessons learned, namely, that electoral assistance must be part of democracy building; that securing human rights would ensure political liberty; and that political development must be an integral part of economic development. In addition, the Organization, in partnership with OAU, was actively involved in seeking an end to every crisis in Africa and alleviating the suffering of its civilian population. He stressed, however, that without the determination of the parties concerned, there was little

⁴⁹ S/1998/318.

⁵⁰ S/1998/876.

⁵¹ Resolution 1196 (1998) of 16 September 1998, on strengthening the effectiveness of arms embargoes imposed by the Council; resolution 1997 (1998), of 18 September 1998, on strengthening the coordination

between the United Nations and regional and subregional organizations in the areas of conflict prevention and maintenance of peace; and presidential statement of 16 September 1998 on the strengthening of Africa's peacekeeping capacity (S/PRST/1998/28).
⁵² S/PV.3931, pp. 3-4.

the Organization could do except offer the “band-aid” of humanitarian assistance, often with difficulty and at great risk.⁵³

The Secretary-General of OAU stated that the continent continued to face serious socio-economic problems. On the political front, despite encouraging developments, regional conflicts had caused loss of lives, destruction and human suffering. He noted that although efforts needed to continue to focus on peace, security and stability, they needed to also take into consideration the magnitude of the socio-economic problems, which were at the very core of the issue of peace in Africa.⁵⁴

The Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom affirmed his country’s commitment to the main goals of the report. The United Kingdom would help build prosperity by promoting African trade, reducing its debt, promoting development and encouraging sound economic management. It would make it a priority to build peace and prevent conflict in the continent; support the peacekeeping initiatives of OAU; and fund the process of rebuilding peace where war had destroyed it. It would also exercise responsibility in its own policy on the export of arms. In addition, Britain would support Africa’s democratic process through the funding of voter education and the supply of election monitors, and would support human rights through development aid.⁵⁵

The Secretary of State of the United States stated that conflicts in Africa were taking a tremendous toll — in regional trust eroded, development opportunities lost and, most important, in human lives. African leaders had one choice; they could guide their nations towards a future of cooperation, or they could continue into a past of hatred, violence, instability and isolation. Nobody could make that choice for them. He noted, however, that the international community had a critical role to play. Member States, acting together, could make it harder to solve disputes through violence, or could make it easier for African nations to choose the path of peace. For example, they could curb the transfer of arms to zones of conflict, and support a voluntary moratorium on the sale of arms that could fuel those conflicts.⁵⁶

The representative of China expressed concern at the increasing number of conflicts in Africa, which not only adversely impacted unity, stability, security and development in the region, but also affected world peace. His Government urged the international community to support the efforts of African regional organizations to prevent and resolve conflicts, by providing the necessary material and financial assistance to their security and peacekeeping mechanism, without any political conditions.⁵⁷

The representative of Costa Rica noted that his delegation had actively participated in the work of the ad hoc Working Group on Africa.⁵⁸ Since its establishment, the Group had taken important decisions on such matters as support for regional and subregional initiatives; strengthening cooperation between the United Nations and regional and subregional organizations in the areas of conflict prevention and peacekeeping; enhancement of sanctions regimes imposed by the Council; and availability of peacekeeping resources for Africa.⁵⁹

The representative of France stated that the number of African conflicts had actually risen. While the contagious effect of those crises warranted a greater role by regional organizations, the Council must retain primary responsibility for international peacekeeping and security operations, in Africa and elsewhere. Remarking that peacekeeping could not depend solely on shifting coalitions and optional financing, he maintained that the United Nations had to be given the financial, material and human resources needed for intervention.⁶⁰

The representative of the Russian Federation also expressed concern over the increasing number of conflicts throughout Africa and their destabilizing effect on entire regions. He noted that the Charter encouraged regional organizations to take greater initiative in the field of preventive diplomacy and peaceful settlement of disputes. At the same time, it also stipulated that military operations conducted by regional structures, especially those involving the use of force, needed to be explicitly authorized by the Council.⁶¹

⁵³ Ibid., pp. 4-6.

⁵⁴ Ibid., pp. 6-9.

⁵⁵ Ibid., pp. 9-11.

⁵⁶ Ibid., pp. 11-12.

⁵⁷ Ibid., pp. 16-17.

⁵⁸ Established by resolution 1170 (1998).

⁵⁹ S/PV.3931, pp. 17-19.

⁶⁰ Ibid., pp. 19-21.

⁶¹ Ibid., pp. 30-31.

The President, speaking in her capacity as the representative of Sweden, stated that in defining its responsibility for international peace and security in Africa, the Council needed to look ahead at what it could do differently and better. First and foremost, the Council must be ready to take action, in Africa as elsewhere: from early warning, prevention and political persuasion to peacekeeping and, if necessary, to Chapter VII action, as well as post-conflict and peacebuilding. It must also support African security efforts, without minimizing its own involvement, to ensure regional support for peaceful solutions. In addition, both the Council and the United Nations system had to close the gap between political and humanitarian action. Finally, the Council needed to ensure that the United Nations system as a whole, together with African organizations, gave full priority to conflict prevention.⁶²

Resuming her functions as President, she made the following statement on behalf of the Council:⁶³

The Security Council met on 24 September 1998, at the level of Ministers for Foreign Affairs, in accordance with its resolution 1170 (1998) of 28 May 1998, to assess progress in achieving peace and security in Africa since the last ministerial meeting on 25 September 1997. It recalls the statement by its President of 25 September 1997 and reiterates its appreciation to the Secretary-General for his report of 13 April 1998.

The Council reaffirms its commitment to Africa in the areas of conflict prevention and the maintenance of international peace and security, in accordance with its responsibility under the Charter of the United Nations. It also reaffirms the principles of the political independence, sovereignty and territorial integrity of all States.

The Council underlines the fact that peaceful societies rest upon respect for fundamental human rights and the dignity and worth of the human person. It recognizes the close linkage between the promotion of economic and social development and the prevention of conflict. It stresses that the quest for peace in Africa requires a comprehensive, concerted and determined approach, encompassing the eradication of poverty, the promotion of democracy, sustainable development and respect for human rights, as well as conflict prevention and resolution, including peacekeeping and humanitarian assistance. It underlines the fact that genuine political will is necessary, in Africa and beyond, to achieve durable results towards these ends, and stresses the urgent need for Member States, the United Nations system, including the General Assembly and the Economic and Social Council, the international financial institutions and other relevant organizations to continue to consider appropriate action in response to the comprehensive recommendations set out by the Secretary-General in his report.

⁶² Ibid., pp. 32-33.

The Council recognizes the positive developments in Africa in the past year and welcomes progress achieved by African States in promoting democratization, economic reform, the protection of human rights and sustainable development. It commends efforts by African States and regional and subregional organizations, in particular the Organization of African Unity, to resolve conflicts by peaceful means. It welcomes progress made in Sierra Leone and the Central African Republic, and in the peace process in Burundi. It urges all States and relevant bodies to provide financial and technical support to strengthen African regional and subregional arrangements for conflict prevention, the maintenance of peace and security and dispute settlement. It calls for an enhanced partnership between the United Nations and African regional and subregional organizations in support of these efforts.

The Council expresses its continuing concern over the number and intensity of, and the interrelationship among, conflicts in Africa, and especially at the emergence of new conflicts during the past year. The border conflict between Ethiopia and Eritrea, the resurgence of the conflict in the Democratic Republic of the Congo, the impasse in the peace process in Angola, the continued violence in Sierra Leone, and the complex emergencies in Somalia and the Sudan, among others, cause grave concern. These situations, which in some cases threaten the stability of large parts of the continent, called for concerted action by African States, the international community and the United Nations system to prevent further tragedy.

The Council urgently calls upon African States and all parties concerned to demonstrate the political will to settle their disputes by peaceful rather than military means, in accordance with the Charter of the United Nations, and to respect international humanitarian law and the sovereignty, political independence and territorial integrity of States in the region. It also encourages States in the region to continue to improve the implementation of good governance and undertake the various reforms needed to promote economic growth. It calls upon the international community to assist those efforts initiated by African States and regional and subregional organizations aimed at such goals.

For its part, the Council expresses its renewed commitment to contributing to conflict resolution in Africa. In this context, it recalls its decisions during the past year to authorize two new United Nations peacekeeping operations, in the Central African Republic and Sierra Leone, to assist efforts towards peace and national reconciliation. It also expresses its determination to improve further its ability to prevent conflicts, and to make its responses to conflicts more efficient and effective, and underlines its support for measures taken within the United Nations system to strengthen post-conflict peacebuilding efforts.

The Council, based on the recommendations of its ad hoc Working Group established pursuant to its resolution 1170 (1998), has already begun to take concrete steps as part of a wider,

⁶³ S/PRST/1998/29.

comprehensive response to the recommendations put forward by the Secretary-General. It has taken action to help to strengthen support for regional and subregional initiatives as well as to enhance coordination between the United Nations and regional and subregional organizations in the areas of conflict prevention and the maintenance of peace. It has also taken action in order to strengthen the effectiveness of arms embargoes imposed by the Council and addressed the need to support the strengthening of African peacekeeping capacity.

The Council encourages the ad hoc Working Group to continue its work, in accordance with its mandate, and to elaborate further concrete recommendations to the Council, in particular on the need to stem illicit arms flows to and in Africa and with regard to measures to assist host Governments in Africa in maintaining the security and neutrality of refugee camps and to enhance the ability of the Council to monitor activities authorized by it but carried out by Member States or coalitions of Member States.

The Council, recognizing that the challenge of achieving peace and security in Africa is a continuous process, will continue to assess progress in promoting peace and security in Africa at the level of Ministers for Foreign Affairs, on a biennial basis, in accordance with its resolution 1170 (1998).

Decision of 19 November 1998 (3945th meeting): resolutions 1208 (1998) and 1209 (1998)

At its 3945th meeting, held on 19 November 1998 in accordance with the understanding reached in its prior consultations, the Council resumed consideration of the item on its agenda. After the adoption of the agenda, the President (United States) drew the attention of the members of the Council to the text of two draft resolutions prepared in the course of prior consultations.⁶⁴ He recalled that the Council had already taken action on the first set of proposals submitted by the ad hoc Working Group on Africa. It would now adopt additional concrete measures to implement the recommendations contained in the report of the Secretary-General. The first draft resolution was then put to the vote and adopted unanimously as resolution 1208 (1998), which reads:

The Security Council,

Reaffirming its resolution 1170 (1998) of 28 May 1998,

Reaffirming also the statements by its President of 19 June 1997, 16 September 1998 and 29 September 1998,

Emphasizing that the provision of security to refugees and the maintenance of the civilian and humanitarian character of refugee camps and settlements is an integral part of the national,

regional and international response to refugee situations and can contribute to the maintenance of international peace and security,

Having considered the report of the Secretary-General of 13 April 1998 entitled "The causes of conflict and the promotion of durable peace and sustainable development in Africa", which was submitted to the General Assembly and to the Security Council in accordance with the statement by its President of 25 September 1997,

Taking note of the report of the Secretary-General of 22 September 1998 on protection for humanitarian assistance to refugees and others in conflict situations,

Recognizing the extensive experience of African States in hosting refugees and in dealing with the effects of refugee camps and settlements,

Affirming the civilian and humanitarian character of refugee camps and settlements, and in this regard underlining the unacceptability of using refugees and other persons in refugee camps and settlements to achieve military purposes in the country of asylum or in the country of origin,

Noting the diverse causes of insecurity of refugee camps and settlements in Africa, including the presence of armed or military elements and other persons who do not qualify for international protection afforded refugees or otherwise do not require international protection, differences within the refugee population, conflicts between refugees and the local population, common crime and banditry and the flow of arms,

Recognizing the need to take steps to assist African States to improve the security of refugees and to maintain the civilian and humanitarian character of refugee camps and settlements in accordance with international refugee, human rights and humanitarian law,

Stressing the particular security needs of women, children and the elderly, who are the most vulnerable groups in refugee camps and settlements,

Recalling General Assembly resolutions 52/103 and 52/132 of 12 December 1997 regarding, respectively, the Office of the United Nations High Commissioner for Refugees and human rights and mass exoduses,

1. *Reaffirms* the importance of the principles relating to the status of refugees and the common standards for their treatment contained in the Convention relating to the Status of Refugees of 28 July 1951, as modified by the Protocol of 31 January 1967;

2. *Underlines* the particular relevance of the provisions contained in the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 10 September 1969;

3. *Affirms* the primary responsibility of States hosting refugees to ensure the security and civilian and humanitarian

⁶⁴ S/1998/1090 and S/1998/1091.

character of refugee camps and settlements in accordance with international refugee, human rights and humanitarian law;

4. *Calls upon* African States further to develop institutions and procedures to implement the provisions of international law relating to the status and treatment of refugees and the provisions of the Organization of African Unity Convention, especially those relating to the location of refugees at a reasonable distance from the frontier of their country of origin and the separation of refugees from other persons who do not qualify for international protection afforded refugees or otherwise do not require international protection, and in this regard urges African States to seek international assistance, as appropriate;

5. *Recognizes* the primary responsibility of the Office of the United Nations High Commissioner for Refugees, with the assistance of other relevant international bodies and organizations, to support African States in their actions directed towards the full respect and implementation of the provisions of international law relating to the status and treatment of refugees, and requests the Office of the High Commissioner, as needed, to keep in close touch with the Secretary-General, the Organization of African Unity, subregional organizations and the States concerned in this regard;

6. *Notes* that a range of measures by the international community is needed to share the burden borne by African States hosting refugees and to support their efforts to ensure the security and civilian and humanitarian character of refugee camps and settlements, including in the areas of law enforcement, disarmament of armed elements, curtailment of the flow of arms in refugee camps and settlements, separation of refugees from other persons who do not qualify for international protection afforded refugees or otherwise do not require international protection, and demobilization and reintegration of former combatants;

7. *Notes also* that the range of measures referred to in paragraph 6 above could include training, logistical and technical advice and assistance, financial support, the enhancement of national law enforcement mechanisms, the provision or supervision of security guards and the deployment in accordance with the Charter of the United Nations of international police and military forces;

8. *Requests* the Secretary-General to respond, as appropriate, to requests from African States, the Organization of African Unity and subregional organizations for advice and technical assistance in the implementation of international refugee, human rights and humanitarian law relevant to the present resolution, including through appropriate training programmes and seminars;

9. *Urges* the Office of the High Commissioner, other relevant United Nations bodies and organizations, Member States, the Organization of African Unity and subregional organizations to initiate coordinated programmes to provide advice, training and technical or other assistance, as appropriate, to African States which host refugee populations, with a view to strengthening their capacity to implement the obligations referred

to in paragraph 4 above, and encourages relevant non-governmental organizations to participate in such coordinated programmes when appropriate;

10. *Encourages* the Secretary-General and Member States involved in efforts to enhance Africa's peacekeeping capacity to continue to ensure that training gives due emphasis to international refugee, human rights and humanitarian law and in particular to the security of refugees and the maintenance of the civilian and humanitarian character of refugee camps and settlements;

11. *Expresses its support* for the inclusion in the United Nations stand-by arrangements of military and police units and personnel trained for humanitarian operations, as well as related equipment, which relevant United Nations bodies and organizations could draw on in providing advice, supervision, training and technical or other assistance related to the maintenance of the security and civilian and humanitarian character of refugee camps and settlements, in coordination as appropriate with the African States hosting refugees;

12. *Requests* the Secretary-General to consider the establishment of a new category within the United Nations Trust Fund for Improving Preparedness for Conflict Prevention and Peacekeeping in Africa to support, as needed, and in addition to existing sources of funding, the provision of advice, supervision, training and technical or other assistance related to the maintenance of the security and civilian and humanitarian character of refugee camps and settlements, including those activities referred to in paragraph 11 above, and urges Member States to contribute to the Fund;

13. *Also requests* the Secretary-General to continue his consultations with Member States, regional and subregional organizations and other relevant international bodies and organizations and to keep it informed about developments in Africa related to the security and civilian and humanitarian character of refugee camps and settlements which affect the maintenance of international peace and security in the region, and to recommend concrete measures, such as those mentioned in paragraph 7 above, as needed, in this regard;

14. *Expresses its readiness* to consider the recommendations referred to in paragraph 13 above in accordance with its responsibilities under the Charter;

15. *Requests* all Member States, relevant international bodies and organizations and all regional and subregional organizations to consider, as appropriate, the application of the measures contained in the present resolution to regions other than Africa;

16. *Decides* to remain seized of the matter.

The second draft resolution was also put to the vote and adopted unanimously as resolution 1209 (1998), which reads:

The Security Council,

Reaffirming its resolutions 1170 (1998) of 28 May 1998, 1196 (1998) of 16 September 1998 and 1197 (1998) of 17 September 1998,

Recalling the statements by its President of 25 September 1997, 16 September 1998 and 24 September 1998,

Having considered the recommendations contained in the report of the Secretary-General of 13 April 1998 entitled "The causes of conflict and the promotion of durable peace and sustainable development in Africa" regarding the importance of stemming the illicit arms flows to and in Africa,

Recognizing the close relationship of the problem of illicit arms flows to and in Africa with international peace and security,

Recognizing with concern that commercial and political motives play an unduly important role in the illicit transfer and accumulation of small arms in Africa,

Stressing the close linkage between international peace and security and sustainable development and the need for the international community to respond to the challenge of illicit arms flows to and in Africa in a comprehensive manner, encompassing not only the field of security but that of social and economic development,

Reaffirming the right of African States to procure or produce necessary weapons to meet their legitimate national security and public order needs in accordance with the Charter of the United Nations and other rules and principles of international law,

Welcoming the offer of the Government of Switzerland to host in Geneva, not later than 2001, an international conference on the illicit arms trade in all its aspects,

Welcoming also the negotiation process in Vienna on the elaboration of an international convention against transnational organized crime, including a protocol to combat illicit manufacturing of and trafficking in firearms,

Welcoming further the ongoing work of the Secretary-General on small arms and light weapons pursuant to General Assembly resolutions 50/70 B of 12 December 1995 and 52/38 J of 9 December 1997, including the work of the group of governmental experts nominated by him, and noting the findings pertaining to illicit arms flows to and in Africa in the report on small arms submitted by the Secretary-General on 27 August 1997,

Welcoming the decision of the Secretary-General to coordinate all action on small arms within the United Nations system through the Coordinating Action on Small Arms, for which the Department of Disarmament Affairs of the Secretariat is designated as the focal point,

Commending the national, bilateral and subregional initiatives being taken in Africa in combating illicit arms flows, such as those that have been taken in Mali and Mozambique, by the Economic Community of West African States and the Southern African Development Community,

Welcoming the decision by the Organization of African Unity to prepare a situation report on Africa containing detailed information on the magnitude of the problem of small arms proliferation as well as appropriate policy recommendations,

1. *Expresses* its grave concern at the destabilizing effect of illicit arms flows, in particular of small arms, to and in Africa and at their excessive accumulation and circulation, which threaten national, regional and international security and have serious consequences for development and for the humanitarian situation in the continent;

2. *Encourages* African States to enact legislation on the domestic possession and use of arms, including the establishment of national legal and judicial mechanisms for the effective implementation of such laws, and to implement effective import, export and re-export controls, and encourages the international community, in consultation with African States, to assist in these efforts;

3. *Stresses* the importance of all Member States, in particular States involved in the manufacturing or marketing of weapons, restricting arms transfers which could provoke or prolong armed conflicts or aggravate existing tensions or conflicts in Africa, such as through voluntary moratoria;

4. *Encourages* African States to participate in the United Nations Register of Conventional Arms, encourages also the establishment of appropriate regional or subregional registers of conventional arms on the basis of agreement reached by African States concerned, and encourages Member States to explore other appropriate ways to enhance transparency of arms transfers to and in Africa;

5. *Urges* Member States with relevant expertise to cooperate with African States to strengthen their capacity to combat illicit arms flows, including through the tracking and interdiction of illicit arms transfers;

6. *Welcomes* the declaration of a moratorium adopted by the Heads of State and Government of the Economic Community of West African States, adopted in Abuja on 31 October 1998, and urges other subregional organizations in Africa to consider taking similar measures;

7. *Encourages* African States to examine the efforts undertaken in other regions such as by the Organization of American States and the European Union in preventing and combating illicit arms flows, and to consider adopting similar measures as appropriate;

8. *Welcomes* the intention of the Secretary-General to accord high priority to the United Nations role in promoting better understanding of the direct and indirect consequences of illicit arms flows, and stresses the importance of bringing the negative impact of illicit arms flows to and in Africa to the widest possible public attention;

9. *Encourages* the Secretary-General to explore means of identifying international arms dealers acting in contravention

of national legislation or embargoes established by the United Nations on arms transfers to and in Africa;

10. *Also encourages* the Secretary-General to promote cooperation among Member States, the United Nations, regional and subregional organizations and other relevant organizations to collect, review and share information on combating illicit arms flows, especially regarding small arms, and to make available, as appropriate, information about the nature and general scope of the international illicit arms trade with and in Africa;

11. *Reiterates* the obligation of all Member States to carry out decisions of the Council on arms embargoes, and in this context notes the broader implications of the findings and experience of the International Commission of Inquiry established by its resolution 1013 (1995) of 7 September 1995 and reactivated in accordance with its resolution 1161 (1998) of 9 April 1998, and requests the Secretary-General to consider the possible application of such a measure to other conflict zones in Africa with specific emphasis on the sources of such arms and, if appropriate, make recommendations to the Council;

12. *Encourages* the Secretary-General, in consultation with Member States, to explore means for collecting, sharing and disseminating information, including technical information, on illicit small arms flows and their destabilizing effects, in order to improve the ability of the international community to prevent the exacerbation of armed conflicts and humanitarian crises, as well as means for the rapid exchange of data on possible violations of arms embargoes;

13. *Requests* the Secretary-General to consider practical ways to work with African States in implementing national, regional or subregional programmes for voluntary weapons collection, disposal and destruction, including the possibility of the establishment of a fund to support such programmes;

14. *Recognizes* the important contribution of programmes for voluntary weapons collection, disposal and destruction in specific post-conflict situations in Africa, and expresses its intention to consider including, as appropriate, means to facilitate the successful conduct of such programmes in the mandates of future peacekeeping operations it authorizes in Africa on the basis of recommendations by the Secretary-General;

15. *Calls upon* regional and subregional organizations in Africa to strengthen efforts to establish mechanisms and regional networks among relevant authorities of their Members States for information sharing to combat the illicit circulation of and trafficking in small arms;

16. *Decides* to remain seized of the matter.

Decision of 30 November 1998 (3950th meeting): statement by the President

At its 3950th meeting, held on 30 November 1998 in accordance with the understanding reached in its prior

consultations, the Council resumed consideration of the item on its agenda. Following the adoption of the agenda, the President (United States) made the following statement on behalf of the Council:⁶⁵

The Security Council recalls the report of the Secretary-General of 13 April 1998 entitled 'The causes of conflict and the promotion of durable peace and sustainable development in Africa'. While reaffirming its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, it underlines the increasingly important role of regional arrangements and agencies and of coalitions of Member States in the conduct of activity in this field. The Council reaffirms that all such activity undertaken under regional arrangements or by regional agencies, including enforcement action, shall be carried out in accordance with Articles 52, 53 and 54 of Chapter VIII of the Charter. It also underlines the importance of all such activity being guided by the principles of sovereignty, political independence and territorial integrity of all States, and by the operational principles for United Nations peacekeeping operations set out in the statement by its President of 28 May 1993.

The Council welcomes the views expressed by the Secretary-General in paragraphs 42 to 44 of his report, in particular as they relate to Africa. It recognizes that the authorization by the Council of action by regional or subregional organizations, or by Member States or coalitions of States, can be one type of effective response to conflict situations, and commends Member States and regional and subregional organizations which have undertaken efforts and initiatives towards the maintenance of peace and security. In order to enhance its ability to monitor any activities that it has authorized, the Council expresses its readiness to examine appropriate measures whenever such an authorization is being considered.

In this regard, the Council notes that there is a wide variety of arrangements and relationships which have developed in different instances of cooperation between the United Nations, Member States and regional and subregional organizations in the maintenance of peace and security, and that monitoring requirements will vary and should be tailored according to the specifics of the operations in question, including in relation to ongoing peace efforts. But, in general, operations should have a clear mandate, including a statement of objectives, rules of engagement, a well-developed plan of action, a time-frame for disengagement, and arrangements for regular reporting to the Council. The Council affirms that a high standard of conduct is essential for successful operations, and recalls the role of the United Nations in setting general standards of peacekeeping. The Council stresses that missions and operations must ensure that their personnel respect and observe international law, including humanitarian, human rights and refugee law.

The Council is also of the view that, where necessary or desirable, monitoring of such activities could also be enhanced by

⁶⁵ S/PRST/1998/35.

the inclusion of certain civilian elements, for instance dealing with political and human rights issues, within missions and operations. In this context, the Council also recognizes that the attachment of a United Nations liaison officer or team could improve the flow of information between the Council and those engaged in the conduct of an operation authorized by it but carried out by a coalition of Member States or a regional or subregional organization. It expresses its readiness to consider, in consultation with the Member States and the regional or subregional organization concerned, the deployment of liaison officers to such operations, on the basis of recommendations by the Secretary-General and as proposed in paragraph 8 of its resolution 1197 (1998) of 18 September 1998. In the case of operations conducted by regional or subregional organizations, the Council also expresses its readiness to consider, in consultation with the regional or subregional organization concerned, whether the deployment of liaison officers at the headquarters of the organization would be valuable.

The Council also underlines the fact that the monitoring of such operations could be enhanced by the improved flow and exchange of information, *inter alia*, through regular submission of reports, as in the case of the Inter-African Mission to Monitor the Implementation of the Bangui Agreements in the Central African Republic, and through the holding of regular briefing meetings between its members and regional and subregional organizations and Member States conducting such operations, and troop contributors and other participating Member States.

The Council shares the view of the Secretary-General that one possible means of monitoring activities of forces authorized by it, while also contributing to the broader aspects of a peace process, is through co-deployment of United Nations observers and other personnel together with an operation carried out by a regional or subregional organization or by a coalition of Member States. The Council agrees with the Secretary-General that, while such collaboration is not applicable in all cases, co-deployment can make an important contribution to peacekeeping efforts, as in the cases of Liberia and Sierra Leone where United Nations observer missions have been deployed alongside the Monitoring Group of the Economic Community of West African States.

The Council underlines the importance, whenever the United Nations deploys forces alongside forces of regional or subregional organizations or Member States, of establishing a clear framework for cooperation and coordination between the United Nations and the regional or subregional organizations or coalition of Member States concerned. Such a framework should include specifying objectives, the careful delineation of the respective roles and responsibilities of the United Nations and the regional or subregional organization or coalition concerned and of the areas of interaction of forces, and clear provisions regarding the safety and security of personnel. The Council also stresses the importance of ensuring that United Nations missions

maintain their identity and autonomy with regard to operational command and control and logistics.

The Council urges Member States and regional and subregional organizations to ensure the Council is kept fully informed of their activities for the maintenance of peace and security. The Council undertakes to consult regularly with Member States and regional and subregional organizations involved in such activities to facilitate this.

Deliberation of 21 September 1999 (4047th meeting)

At its 4047th meeting, held on 21 September 1999 in accordance with the understanding reached in its prior consultations, the Council included in its agenda the item "Briefing by His Excellency Mr. Frederic J. T. Chiluba, President of the Republic of Zambia". Following the adoption of the agenda, the President (Netherlands) invited the President of the Republic of Zambia to take a seat at the Council Table.

The President of the Republic of Zambia, commenting on the ceasefire agreement in the Democratic Republic of the Congo, stated that the negotiations, as well as the mechanisms for implementing and monitoring it, had involved numerous consultations, taking into account both the internal conflict and external security concerns. Acknowledging the contributions of all parties involved, including the Democratic Republic of the Congo, the United Nations, OAU, SADC and Congolese rebels, he expressed hope for the successful implementation of the agreement. He commended the United Nations for its participation at all stages of the mediation process and appealed to Council to send peacekeeping forces to the Democratic Republic of the Congo. Its tasks would include the disarmament of Congolese non-statutory forces and relocating foreign militias, tasks that went beyond Chapter VI of the Charter. He expressed the hope that the question of cost would not impede international support for Africa on the issue of the Democratic Republic of the Congo, and that the Council would be quick to act on the issue.⁶⁶

Responding to the briefing, Council members agreed, *inter alia*, that the time had come for the Council to move ahead with the task of forging greater cooperation with Africa; expressed appreciation for the efforts of everyone who had contributed to the ceasefire agreement; and expressed support for the concept of a

⁶⁶ S/PV.4047, pp. 2-5.

peacekeeping mission. Council members also asked a number of questions on the proposed mission and the ceasefire agreement.⁶⁷

Deliberations of 29 and 30 September 1999 (4049th meeting)

On 25 September 1999, the Secretary-General submitted a progress report on the implementation of the recommendations contained in the report on the causes of conflict and the promotion of durable peace and sustainable development in Africa.⁶⁸ In the report, the Secretary-General observed that despite the many problems still facing African nations, there were also places witnessing dramatic changes for the better. Africans were also taking charge of their political fortunes, and through the sustained diplomatic efforts of African countries themselves, important breakthroughs had been made in the search for negotiated solutions in some of the protracted conflicts, such as those in Sierra Leone and the Democratic Republic of the Congo. A beginning had also been made in the strengthening of cooperation between the United Nations and regional organizations for the enhancement of African peacekeeping capacity. He noted the ongoing problem of the lack of resources and stressed that with the political will on the part of both Africa and the international community, peace and development in African could be given a new momentum.

At its 4049th meeting, held on 29 and 30 September 1999 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's report in its agenda. Following the adoption of the agenda, the President (Netherlands) invited the representatives of Algeria, Australia, Belgium, the Comoros, Cuba, the Democratic Republic of the Congo, Djibouti, Egypt, Finland, Ghana, India, Indonesia, Jamaica, Japan, the Libyan Arab Jamahiriya, Malawi, Morocco, Mozambique, Nigeria, Norway, Pakistan, the Philippines, Portugal, the Republic of Korea, Rwanda, Senegal, Slovakia, South Africa, the Sudan, Swaziland, Togo, Uganda, Ukraine, the United Arab Emirates, the United Republic of Tanzania, Uruguay, Yemen and Zambia, at their request, to participate in the discussion without the right to vote. It also extended an invitation, under rule 39, to the

Secretary-General of the Organization of African Unity. The Secretary-General was also present.

The Secretary-General welcomed the fact that Africans were taking charge of their political fortunes and were willing to acknowledge past mistakes. A majority of Africans lived under democratic systems, and OAU had recently agreed to insist on the principle that Governments which came to power through unconstitutional means could no longer expect to be received as equals in an assembly of elected heads of State. However, he noted that progress would remain tenuous until Africa got a handle on its conflicts, including those in Angola, the Sudan and Ethiopia and Eritrea. He also underlined that while each crisis situation in the world was different, for the Council to retain its credibility, the commitment to peacekeeping, humanitarian assistance and other action needed to be applied fairly and consistently, irrespective of region or nation. He also underlined the importance of partnerships with OAU, other regional and subregional organizations, and with civil society groups as well as individuals.⁶⁹

The Secretary-General of OAU stressed the importance of cooperation with the United Nations and noted the significant development in efforts for the peaceful resolution of conflicts in Africa. He underlined the efforts being made by Africans themselves to resolve conflicts in Angola, Burundi, Comoros, the Democratic Republic of the Congo and elsewhere. Finally, he stressed the importance of timely action by the international community and the Security Council to support peace agreements promoted by OAU or by the regional economic communities in cooperation with OAU. Noting the plans to establish an African Union, he reiterated that African countries were not shying away from their responsibilities, but maintained that for the process to remain meaningful, Africa needed the active support of the international community.⁷⁰

During the course of the debate, the speakers touched on, *inter alia*, the importance of an effective partnership between the United Nations, OAU and other regional organizations in Africa, such as ECOWAS; the need to enhance Africa's security by helping it resolve and prevent armed conflicts and grapple with transnational threats, such as HIV/AIDS and terrorism;

⁶⁷ *Ibid.*, p. 5 (Bahrain); pp. 5-6 (Canada); p. 6 (France); pp. 6-7 (United Kingdom); pp. 7-8 (China); p. 8 (Gabon); pp. 8-9 (Argentina); p. 9 (United States); p. 10 (Gambia); p. 10 (Malaysia); pp. 10-11 (Slovenia); p. 11

(Brazil); and pp. 11-12 (Netherlands).

⁶⁸ S/1999/1008.

⁶⁹ S/PV.4049, pp. 2-5.

⁷⁰ *Ibid.*, pp. 5-8.

ways to support African peacekeeping; the need to support democracy and good governance; the interrelationship between peace and development; the challenge of dealing with small arms and enforcing arms embargoes; and the importance of the Security Council responding more rapidly to situations in Africa, including by authorizing peacekeeping missions. Speakers referred to a wide variety of situations in Africa, including those in Angola, the Democratic Republic of the Congo, Ethiopia and Eritrea, Guinea-Bissau, Rwanda and the Sudan,⁷¹ as well as the sanctions on the Libyan Arab Jamahiriya.

**Deliberations of 15 December 1999
(4081st meeting)**

At its 4081st meeting, held on 15 December 1999 in accordance with the understanding reached in the Council's prior consultations, the Council invited the representatives of Algeria, the Bahamas, Bangladesh, Belgium, Burundi, Cameroon, Colombia, the Democratic Republic of the Congo, Egypt, Finland, Germany, Ghana, India, Indonesia, Ireland, Italy, Japan, Kenya, the Libyan Arab Jamahiriya, Mozambique, New Zealand, Nigeria, Norway, Portugal, the Republic of Korea, Rwanda, Sierra Leone, South Africa, Spain, Uganda, Ukraine, the United Republic of Tanzania and Zimbabwe, at their request, to participate in the discussion without the right to vote. The Secretary-General was also present.

At the outset of the meeting, the President (United Kingdom) suggested that the discussion focus on three questions: how coordination could be improved between the Security Council, the Organization of African Unity and the key subregional organizations; how the needs for African peacekeeping could be met more effectively;

and the additional instruments the Council could bring to help solve and prevent conflicts in Africa.⁷²

The Secretary-General noted that there was a need for the Council to show sustained and effective interest in African conflicts or potential conflicts. He emphasized that closer cooperation and coordination with the relevant regional and subregional organizations needed to be established. While African States had risen to the challenge of playing a leading role on that continent, through regional operations, there was a great need for assistance to Africa in strengthening the capacity of its regional and subregional institutions. In that regard, the Council should consider urgently how such regional operations could be more fairly and efficiently financed. While such funding was most often obtained through trust funds, such funds did not

⁷¹ Ibid., pp. 8-12 (Algeria on behalf of the Chairman of OAU); pp. 12-15 (United States); pp. 15-17 (Canada); pp. 17-18 (Argentina); pp. 18-19 (Gabon); pp. 19-20 (Russian Federation); and pp. 20-22 (United Kingdom); S/PV.4049 (Resumption 1), pp. 2-4 (Namibia); pp. 4-7 (Slovenia); pp. 7-8 (Bahrain); pp. 8-10 (Malaysia); pp. 10-11 (Brazil); pp. 11-13 (Gambia); pp. 13-16 (France); pp. 16-18 (China); pp. 18-19 (Netherlands); pp. 19-21 (Ukraine); pp. 21-23 (Yemen); pp. 23-24 (Australia); pp. 24-26 (Malawi); and pp. 26-28 (Norway); S/PV.4049 (Resumption 2), pp. 2-4 (Philippines); pp. 4-5 (Rwanda); pp. 5-8 (United Republic of Tanzania); pp. 8-10 (Togo); pp. 11-13 (India); pp. 13-15 (Slovakia); pp. 15-18 (Sudan); pp. 18-20 (Senegal); pp. 20-22 (Mozambique); pp. 22-23 (Ghana); pp. 23-25 (Libyan Arab Jamahiriya); and

pp. 25-27 (South Africa); S/PV.4049 (Resumption 3 and Corr.1), pp. 2-3 (Finland, on behalf of the European Union and associated and aligned countries: Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus, Malta and Iceland); pp. 3-5 (Jamaica); pp. 5-6 (Egypt); pp. 6-8 (Portugal); pp. 8-10 (Indonesia); pp. 10-12 (Republic of Korea); pp. 12-13 (Belgium); pp. 13-15 (Japan); pp. 15-17 (Democratic Republic of the Congo); pp. 17-19 (Morocco); pp. 19-20 (United Arab Emirates); pp. 20-22 (Comoros); pp. 22-24 (Swaziland); pp. 25-26 (Uruguay); pp. 26-27 (Zambia); pp. 28-29 (Uganda); pp. 29-30 (Pakistan); and pp. 30-33 (Nigeria).

⁷² S/PV.4081, p. 2.

always attract donations on an adequate scale. He also recommended that the Council make greater use of such diplomatic initiatives as contact groups and joint working groups focused on conflict prevention or containment, as well as Council missions with clear goals, such as the recent one to Jakarta and East Timor.⁷³

During the course of the discussion speakers stated, *inter alia*, that regular and more structured consultation and coordination between the Council and OAU and the regional and subregional bodies should be instituted; agreed that the Council needed to meet the

needs of African peacekeeping more quickly and effectively; suggested increased United Nations assistance to building Africa's own peacekeeping capabilities through training, personnel exchange and logistics partnership arrangements; underscored the importance of providing the right resources for specific mandates; stressed the need for more use of preventive measures, Security Council missions and other approaches; cited the need for stricter and more targeted implementation of the Council's other key tool, sanctions and arms embargoes; and called for a greater focus on the problem of HIV/AIDS.⁷⁴

15. The situation between Eritrea and Ethiopia

Initial proceedings

Decision of 26 June 1998 (3895th meeting): resolution 1177 (1998)

At its 3895th meeting, held on 26 June 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda without objection the item entitled "The situation between Eritrea and Ethiopia". Following the adoption of the agenda, the President (Portugal), with the consent of the Council, invited the representatives of Eritrea and Ethiopia, at their request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹ The President also drew the attention of the Council to the

following documents: letters from the representatives of Eritrea and Ethiopia giving their views on the situation;² letters from the representatives of Zimbabwe and Kenya, transmitting resolutions and statements by the Organization of African Unity; a letter dated 9 June 1998 from the representative of the United Kingdom of Great Britain and Northern Ireland,³ transmitting the statement of the European Union on the Ethiopian/Eritrean border dispute; a letter dated 10 June 1998 from the representatives of Rwanda and the United States, transmitting the text of the general implementation plan and recommendations of the Rwandan-United States facilitation team;⁴ and a letter from the representative of Burkina Faso dated 22 June 1998,⁵ transmitting a press release on the mission undertaken by the Organization of African Unity to visit

⁷³ *Ibid.*, pp. 2-3.

⁷⁴ *Ibid.*, pp. 4-5 (United Kingdom); pp. 5-6 (China); pp. 6-7 (United States); pp. 7-9 (Canada); pp. 9-10 (France); pp. 10-11 (Argentina); pp. 11-12 (Netherlands); pp. 12-14 (Malaysia); pp. 14-15 (Bahrain); pp. 15-16 (Gabon); pp. 16-17 (Gambia); pp. 17-18 (Russian Federation); pp. 18-19 (Brazil); pp. 20-21 (Namibia); pp. 21-22 (Slovenia); pp. 22-23 (Algeria); pp. 24-25 (Cameroon); pp. 25-26 (South Africa); pp. 27-28 (Finland, on behalf of the European Union and associated and aligned countries: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; Cyprus and Malta; and Iceland and Liechtenstein); pp. 28-29 (Libyan Arab Jamahiriya); and pp. 29-30 (Republic of Korea); S/PV.4081 (Resumption 1 and Corr.1), pp. 2-3 (Nigeria); pp. 3-4 (Japan); pp. 4-5 (Ukraine); pp. 5-7 (Rwanda); pp. 7-8 (Egypt); pp. 8-10 (Mozambique); pp. 10-11 (Democratic Republic of the Congo); pp. 11-12 (Bangladesh); pp. 12-13 (India); pp. 13-14 (New

Zealand); pp. 14-15 (Bahamas); pp. 15-16 (Kenya); pp. 16-17 (Colombia); pp. 17-18 (Sierra Leone); pp. 18-19 (United Republic of Tanzania); pp. 20-21 (Ghana); pp. 21-22 (Zimbabwe); pp. 22-23 (Burundi); pp. 23-24 (Zambia); pp. 24-25 (Norway); pp. 25-26 (Indonesia); pp. 26-27 (Sweden); p. 27 (Ireland); p. 28 (Belgium); pp. 28-29 (Portugal); pp. 29-30 (Italy); and pp. 30-31 (Spain).

¹ S/1998/572.

² From Eritrea: S/1998/459, S/1998/478, S/1998/482, S/1998/483, S/1998/492, S/1998/499, S/1998/505, S/1998/508, S/1998/536, S/1998/541 and S/1998/556. From Ethiopia: S/1998/467, S/1998/471, S/1998/490, S/1998/493, S/1998/521, S/1998/551, S/1998/552 and S/1998/565.

³ S/1998/495.

⁴ S/1998/496.

⁵ S/1998/555.

Ethiopia and Eritrea to assist in bringing about a peaceful resolution to the conflict.

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1177 (1998), which reads:

The Security Council,

Expressing grave concern at the conflict between Ethiopia and Eritrea, its political, humanitarian and security implications for the region, and its effect on the civilian populations there,

Affirming the commitment of all Member States to the sovereignty and territorial integrity of Ethiopia and Eritrea,

Affirming also the principle of peaceful settlement of disputes, and stressing that the use of armed force is not acceptable as a means of addressing territorial disputes or changing circumstances on the ground,

Noting that the official statements by the Government of Ethiopia and the Government of Eritrea pledging to discontinue the threat of and use of air strikes in the conflict have contributed to the continuation of the efforts to achieve a peaceful resolution of the conflict, reduced the threat to the civilian populations as well as the economic and social infrastructure, and enabled the resumption of normal economic activity, including commercial transportation,

Noting the strong traditional ties between Ethiopia and Eritrea,

Welcoming the official statements by the Government of Ethiopia and the Government of Eritrea that they share the ultimate goal of delimiting and demarcating their common border on the basis of a mutually agreeable and binding arrangement, taking into account the charter of the Organization of African Unity, colonial treaties, and international law applicable to such treaties,

Taking note of the resolution adopted by the Council of Ministers of the Organization of African Unity in a special session on 5 June 1998,

Commending the efforts of the Organization of African Unity and of others, in cooperation with that organization, to achieve a peaceful settlement of the conflict,

1. *Condemns* the use of force, and demands that both parties immediately cease hostilities and refrain from further use of force;

2. *Welcomes* the commitment of the parties to a moratorium on the threat of and use of air strikes;

3. *Urges* the parties to exhaust all means to achieve a peaceful settlement of the dispute;

4. *Expresses its strong support* for the decision of the Assembly of the Heads of State and Government of the Organization of African Unity of 10 June 1998, as well as for the mission and efforts of the Heads of State, and urges the Organization of African Unity to follow up as quickly as possible;

5. *Calls upon* the parties to cooperate fully with the Organization of African Unity;

6. *Also calls upon* the parties to avoid any steps which would aggravate tensions, such as provocative actions or statements, and to take steps to build confidence between them, including by guaranteeing the rights and safety of each other's nationals;

7. *Requests* the Secretary-General to make available his good offices in support of a peaceful resolution of the conflict, and stands ready to consider further recommendations to this end;

8. *Also requests* the Secretary-General to provide technical support to the parties to assist in the eventual delimitation and demarcation of the common border between Ethiopia and Eritrea, and, for this purpose, establishes a trust fund, and urges all Member States to contribute to it;

9. *Decides* to remain seized of the matter.

Decision of 29 January 1999 (3973rd meeting): resolution 1226 (1999)

At the 3973rd meeting of the Security Council, held on 29 January 1999 in accordance with the understanding reached in its prior consultations, the President (Brazil), with the consent of the Council, invited the representative of Ethiopia, at his request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations,⁶ as well as to the following documents: letters dated 12 and 15 January 1999, respectively, from the representative of Eritrea,⁷ concerning Ethiopia's "intentions to wage war"; a letter dated 11 January 1999 from the representative of Eritrea to the Secretary-General,⁸ transmitting a press release concerning deaths of Eritreans in Ethiopian detention camps; letters dated 13 and 25 January 1999, respectively, from the representative of Ethiopia,⁹ transmitting press releases on Eritrea's illegal occupation of Ethiopian territory; and a letter dated 18 January 1999 from the representative of Germany,¹⁰ transmitting the statement

⁶ S/1999/90.

⁷ S/1999/32 and S/1999/43.

⁸ S/1999/34.

⁹ S/1999/36 and S/1999/70.

¹⁰ S/1999/63.

dated 16 January 1999 by the European Union on the conflict between Eritrea and Ethiopia.

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1226 (1999), which reads:

The Security Council,

Reaffirming its resolution 1177 (1998) of 26 June 1998,

Expressing grave concern over the risk of armed conflict between Ethiopia and Eritrea and the escalating arms build-up along the common border between the two countries,

Noting that armed conflict between Ethiopia and Eritrea would have a devastating effect on the peoples of the two countries and the region as a whole,

Recognizing that the rehabilitation and reconstruction efforts of both the Ethiopian and Eritrean Governments during the last eight years have given hope to the rest of the continent, all of which would be put at risk by armed conflict,

Commending the efforts of concerned countries and regional bodies aimed at facilitating a peaceful solution to the border dispute between Ethiopia and Eritrea,

1. *Expresses its strong support* for the mediation efforts of the Organization of African Unity and for the Framework Agreement as approved on 17 December 1998 by the Summit of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity, and affirms that the Framework Agreement provides the best hope for peace between the two parties;

2. *Endorses* the decision by the Secretary-General to send his Special Envoy for Africa to the region in support of the efforts of the Organization of African Unity;

3. *Stresses* that it is of primary importance that the Framework Agreement be accepted, and calls for cooperation with the Organization of African Unity and full implementation of the Framework Agreement without delay;

4. *Welcomes* the acceptance by Ethiopia of the Framework Agreement;

5. *Welcomes* Eritrea's engagement in the process undertaken by the Organization of African Unity, notes the fact that the Organization of African Unity has responded to Eritrea's request for clarifications of the Framework Agreement, and in this regard strongly urges Eritrea to accept the Framework Agreement as the basis for a peaceful resolution of the border dispute between Ethiopia and Eritrea without delay;

6. *Calls upon* both parties to work for a reduction in tensions by adopting policies leading to the restoration of confidence between the Governments and peoples of Ethiopia and

Eritrea, including urgent measures to improve the humanitarian situation and respect for human rights;

7. *Strongly urges* Ethiopia and Eritrea to maintain their commitment to a peaceful resolution of the border dispute, and calls upon them in the strongest terms to exercise maximum restraint and to refrain from taking any military action;

8. *Welcomes* the Secretary-General's continued engagement in support of the peace process undertaken by the Organization of African Unity;

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

Decision of 10 February 1999 (3975th meeting): resolution 1227 (1999)

At the 3975th meeting of the Security Council, held on 10 February 1999 in accordance with the understanding reached in its prior consultations, the President (Canada), with the consent of the Council, invited the representatives of Eritrea and Ethiopia, at their request, to participate in the discussion without the right to vote.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations,¹¹ as well as to the following documents: letters dated 29 January, 5 and 8 February 1999, respectively, from the representative of Eritrea,¹² informing the Council of Ethiopian aggression and requesting the Council to condemn it; letters dated 2, 4, 5 and 9 February 1999 from the representative of Ethiopia,¹³ informing the Council of Eritrean aggression and calling on the international community to pressure them to accept the OAU proposal; and a letter dated 8 February 1999 from the representative of Burkina Faso,¹⁴ transmitting a statement by the Organization of African Unity (OAU) on the dispute between Eritrea and Ethiopia.

At the same meeting the representative of Ethiopia stated that it had been nine months since Eritrea had committed an act of aggression against Ethiopia and occupied Ethiopia's territory by force. Although recognizing its right as a sovereign country to defend itself, he maintained that Ethiopia had chosen instead to seek a diplomatic solution to the crisis. He noted that the Council was aware that Ethiopia had accepted the OAU Framework Agreement, for which the Council, in resolution 1226 (1999) of 29 January 1999, had expressed its full support. He also noted that Eritrea had

¹¹ S/1999/133.

¹² S/1999/97, S/1999/117 and S/1999/128.

¹³ S/1999/104, S/1999/115, S/1999/119 and S/1999/131.

¹⁴ S/1999/126.

not only sabotaged and rejected all peace proposals but had carried out provocative military actions in order to create an atmosphere of general crisis and divert the attention of the international community from the core issue of the withdrawal of Eritrea from Ethiopian territory. He drew the attention of the Council to his letters of 4 and 5 February 1999¹⁵ and informed the Council that considering those Eritrean military actions against Ethiopia, his Government had no choice but to exercise its legitimate right of self-defence, as stipulated in Article 51 of the Charter of the United Nations. He commented on the draft resolution, welcoming the fact that the Council reaffirmed resolution 1226, in which it had strongly urged Eritrea to accept the OAU Framework Agreement and underlined that the Framework Agreement remained a viable and sound solution to the conflict. He, however, expressed his delegation's reservations, "in the strongest possible terms", regarding paragraph 7 of the draft resolution, which called for the cessation of arms sales to both countries. He maintained that Ethiopia was a victim of Eritrean aggression and that placing the aggressor and the victim on the same footing was contrary to elementary principles and the sense of justice. He recalled Ethiopia's treatment by the League of Nations in 1936 when the organization imposed an arms embargo on both Italy and Ethiopia, knowing that Italy was self-sufficient in arms while Ethiopia was not. He maintained that since Ethiopia, which was a landlocked country with no relations with rogue States, had no arms supplies, while Eritrea had a long coastline and relations with States whose "commitment to international law is highly questionable", paragraph 7 was essentially targeted against Ethiopia. He concluded by reiterating readiness of Ethiopia to cooperate with parties working for a peaceful resolution of the dispute, despite being a victim of aggression, while maintaining its resolve to defend its sovereignty.

The representative of Eritrea stated that he appreciated the concern of the Council over the conflict and the dangerous level to which it had been escalated by the Ethiopian Government and welcomed the Council's decision to be actively seized of the matter. He noted that Eritrea had submitted in writing a reaction to resolution 1226 (1999) and informed the Council that Ethiopia had broken the de facto truce and restarted an all-out offensive against Eritrea.¹⁶ He maintained that it

was well known to the Council that Eritrea had consistently called for a renouncement of the threat and use of force, for a firm commitment to a peaceful and legal solution of the conflict and for a binding ceasefire or cessation of hostilities so an atmosphere conducive to the success of the peace process could be created. Such calls were repeated by the international community, including the Council. Despite those calls being rejected by Ethiopia and their threats and preparations for war, Eritrea had continued to engage in good faith with all peace endeavours by concerned parties. He informed the Council that Eritrea had been forced to defend itself from an all-out offensive by Ethiopia, which had been launched pursuant to a standing declaration of Ethiopia's parliament, and not in response to any Eritrean actions. This offensive had escalated the conflict from a containable border skirmish to an all-out war. He maintained that the fact that Ethiopia had initiated the current offensive and violated the United States-brokered moratorium on air attacks had been ascertained by numerous outside observers. He stated that it was "tragic" that the Security Council would not condemn the Ethiopian regime for its irresponsible resort to force to resolve a border conflict. Allowing the Government of Ethiopia to continue to wage war with impunity in violation of the sovereignty of another country would only encourage them to continue, with grave consequences. In conclusion, he reiterated Ethiopia's full responsibility for the escalation and urged the Security Council to act appropriately.¹⁷

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1227 (1999), which reads:

The Security Council,

Reaffirming its resolutions 1177 (1998) of 26 June 1998 and 1226 (1999) of 29 January 1999,

Expressing its grave concern regarding the border conflict between Ethiopia and Eritrea and the resumption of hostilities between the parties,

Recalling the commitment of Ethiopia and Eritrea to a moratorium on the threat of and use of air strikes,

Stressing that the situation between Ethiopia and Eritrea constitutes a threat to peace and security,

1. *Condemns* the recourse to the use of force by Ethiopia and Eritrea;

¹⁵ S/1999/115 and S/1999/119.

¹⁶ S/1999/97.

¹⁷ S/PV.3975, pp. 3-5.

2. *Demands* an immediate halt to the hostilities, in particular the use of air strikes;

3. *Also demands* that Ethiopia and Eritrea resume diplomatic efforts to find a peaceful resolution to the conflict;

4. *Stresses* that the Framework Agreement as approved on 17 December 1998 by the Summit of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity remains a viable and sound basis for a peaceful resolution of the conflict;

5. *Expresses its full support* for the efforts of the Organization of African Unity, the Secretary-General and his Special Envoy for Africa, and concerned Member States to find a peaceful resolution of the present hostilities;

6. *Calls upon* Ethiopia and Eritrea to ensure the safety of the civilian population and respect for human rights and international humanitarian law;

7. *Strongly urges* all States to end immediately all sales of arms and munitions to Ethiopia and Eritrea;

At the same meeting, the President made the following statement on behalf of the Council:¹⁹

The Security Council reaffirms its resolutions 1177 (1998) of 26 June 1998, 1226 (1999) of 29 January 1999 and 1227 (1999) of 10 February 1999, which called upon Ethiopia and Eritrea to refrain from armed conflict and to accept and implement the Framework Agreement as approved on 17 December 1998 by the Summit of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity.

The Council demands an immediate halt to all hostilities and calls upon the parties to refrain from the further use of force.

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

Decision of 27 February 1999 (3985th meeting): statement by the President

At the 3985th meeting of the Security Council, held on 27 February 1999 in accordance with the understanding reached in its prior consultations, the President (Canada), drew the attention of the Council to identical letters dated 27 February 1999 addressed to the Secretary-General and to the President of the Security Council, respectively, from the representative of Eritrea,¹⁸ noting its reservations concerning certain aspects of the OAU Framework and calling on the Council to condemn Ethiopian territorial ambitions and aggression, ensure the implementation of Security Council resolutions and ensure that observers were sent to verify facts on the ground and facilitate demarcation.

The Council welcomes the acceptance by Eritrea, at the level of head of State, of the Framework Agreement and recalls the prior acceptance of the Agreement by Ethiopia. The Framework Agreement remains a viable and sound basis for a peaceful resolution of the conflict.

The Council reaffirms the sovereignty and territorial integrity of Ethiopia and Eritrea.

The Council expresses its willingness to consider all appropriate support to implement a peace agreement between the two parties.

The Council expresses its continuing support for the efforts of the Organization of African Unity, the Secretary-General and his Special Envoy, Mr. Mohammed Sahnoun and concerned Member States to find a peaceful resolution of the border dispute.

The Council remains actively seized of the matter.

16. The situation in Guinea-Bissau

Initial proceedings

Decision of 6 November 1998 (3940th meeting): statement by the President

By a letter dated 3 November 1998 addressed to the President of the Security Council,¹ the representative of Nigeria transmitted the text of the peace agreement signed by the President of Guinea-

Bissau and the head of the self-proclaimed military junta at the end of the twenty-first Summit of the Authority of the Heads of State and Government of the Economic Community of West African States held at Abuja on 31 October and 1 November 1998. The parties to the conflict thereby agreed to reaffirm the ceasefire agreement signed in Praia on 26 August 1998, and

¹⁸ S/1999/215.

¹⁹ S/PRST.1999/9.

¹ S/1998/1028.

agreed to the total withdrawal from Guinea-Bissau of all foreign troops and the deployment of an ECOWAS Military Observer Group (ECOMOG) interposition force that would guarantee security along the Guinea-Bissau/Senegal border and keep the warring parties apart and guarantee free access to humanitarian organizations and agencies. They would immediately put in place a government of national unity, which would include among other things, representatives of the self-proclaimed junta, and general and presidential elections would be held not later than the end of March 1999.

At the 3940th meeting of the Security Council, held on 6 January 1998, in accordance with the understanding reached in its prior consultations, the Council included in its agenda without objection the above letter and the item entitled "The situation in Guinea-Bissau". Following the adoption of the agenda, the President (United States), with the consent of the Council, invited the representative from Guinea-Bissau, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:²

The Security Council welcomes the agreement reached on 1 November 1998, in Abuja, between the Government of Guinea-Bissau and the Self-Proclaimed Military Junta during the Twenty-first Summit of the Authority of the Heads of State and Government of the Economic Community of West African States. In this context, the Council commends the mediation efforts of the Economic Community of West African States and of the Community of Portuguese-speaking Countries, and their respective Chairmen, and recognizes the role of other leaders, in particular the preponderant role of the President of the Gambia, in the negotiations that led to that agreement.

The Council affirms its firm commitment to preserve the unity, sovereignty, constitutional order and territorial integrity of Guinea-Bissau.

The Council considers the agreement to be a positive step towards national reconciliation and lasting peace in Guinea-Bissau. The Council calls upon the Government and the Self-Proclaimed Military Junta to respect fully their obligations under the Abuja Agreement and the Praia Agreement of 26 August 1998. The Council welcomes, in particular, the decision to put in place immediately a government of national unity and to hold general and presidential elections no later than the end of March 1999.

The Council takes note of the agreement regarding the withdrawal from Guinea-Bissau of all foreign troops and of the simultaneous deployment of the interposition force from the Monitoring Group of the Economic Community of West African States, which will take over from the withdrawn forces. The Council calls upon all States to provide voluntarily technical, financial and logistical support to assist the Monitoring Group to carry out its mission.

The Council appeals to States and organizations concerned to provide urgent humanitarian assistance to displaced persons and refugees. It calls upon the Government and the Self-Proclaimed Military Junta to continue to respect relevant provisions of international law, including humanitarian law, and to ensure safe and unimpeded access by international humanitarian organizations to persons in need of assistance as a result of the conflict. In this regard, it welcomes the decision to open the international airport and the seaport at Bissau.

The Council will remain actively seized of the matter.

Decision of 21 December 1998 (3958th meeting): resolution 1216 (1998)

At its 3958th meeting of the Security Council, held on 21 December 1998 in accordance with the understanding reached in its prior consultations, the President, with the consent of the Council, invited the representatives of Guinea-Bissau and Togo, at their request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of the Council members to a draft resolution prepared in the course of the Council's prior consultations.³

The President also drew the attention of the Council to a letter dated 15 December 1998 from the representative of Togo, which transmitted the text of the final communiqué and the additional protocol to the Abuja Accord of 1 November 1998 concerning the formation of the Government of National Unity of the Republic of Guinea-Bissau.⁴

The draft resolution was then put to the vote and adopted unanimously as resolution 1216 (1998), which reads:

The Security Council,

Reaffirming the statements by its President of 6 November and 30 November 1998,

² S/PRST/1998/31.

³ S/1998/1202.

⁴ S/1998/1178.

Gravely concerned by the crisis facing Guinea-Bissau and the serious humanitarian situation affecting the civilian population in Guinea-Bissau,

Expressing its firm commitment to preserve the unity, sovereignty, political independence and territorial integrity of Guinea-Bissau,

1. *Welcomes* the agreements between the Government of Guinea-Bissau and the Self-Proclaimed Military Junta signed in Praia on 26 August 1998, and in Abuja on 1 November 1998 and the additional protocol signed in Lomé on 15 December 1998;

2. *Calls upon* the Government and the Self-Proclaimed Military Junta to implement fully all the provisions of the agreements, including with regard to respect for the ceasefire, the urgent establishment of a government of national unity, the holding of general and presidential elections no later than the end of March 1999, and the immediate opening of the airport and seaport in Bissau and, in cooperation with all concerned, the withdrawal of all foreign troops in Guinea-Bissau and the simultaneous deployment of the interposition force of the Monitoring Group of the Economic Community of West African States;

3. *Commends* the States Members of the Community of Portuguese-Speaking Countries and the Economic Community of West African States on the key role they are playing to restore peace and security throughout Guinea-Bissau, and on their intention to participate with others in the observation of the forthcoming general and presidential elections, and welcomes the role of the Monitoring Group in the implementation of the Abuja Agreement, aimed at guaranteeing security along the Guinea-Bissau/Senegal border, keeping apart the parties in conflict and guaranteeing free access to humanitarian organizations and agencies to reach the affected civilian populations, to be carried out in accordance with, *inter alia*, paragraph 6 below;

4. *Approves* the implementation by the interposition force of the Monitoring Group of its mandate referred to in paragraph 3 above in a neutral and impartial way and in conformity with United Nations peacekeeping standards in order to achieve its objective to facilitate the return to peace and security by monitoring the implementation of the Abuja Agreement;

5. *Calls upon* all concerned, including the Government and the Self-Proclaimed Military Junta, to respect strictly relevant provisions of international law, including humanitarian and human rights law, and to ensure safe and unimpeded access by international humanitarian organizations to persons in need of assistance as a result of the conflict;

6. *Affirms* that the interposition force of the Monitoring Group may be required to take action to ensure the security and freedom of movement of its personnel in the discharge of its mandate;

7. *Requests* the Monitoring Group to provide periodic reports at least every month through the Secretary-General, the first report to be made one month after the deployment of its troops;

8. *Requests* the Secretary-General to make recommendations to the Council on a possible role of the United Nations in the process of peace and reconciliation in Guinea-Bissau, including the early establishment of arrangements for liaison between the United Nations and the Monitoring Group;

9. *Reiterates its appeal* to States and organizations concerned to provide urgent humanitarian assistance to displaced persons and refugees;

10. *Reiterates its call* on States to provide voluntarily financial, technical and logistical support to assist the Monitoring Group to carry out its peacekeeping role in Guinea-Bissau;

11. *Requests* the Secretary-General to take the necessary steps to establish a trust fund for Guinea-Bissau which would assist in supporting the interposition force of the Monitoring Group in providing logistical support to them, and encourages Member States to contribute to the fund;

12. *Also requests* the Secretary-General to keep the Council regularly informed of the situation in Guinea-Bissau and to submit a report to it by 17 March 1999 on the implementation of the Abuja Agreement, including the implementation by the interposition force of its mandate;

13. *Decides* to review the situation, including the implementation of the present resolution, before the end of March 1999, on the basis of the report of the Secretary-General referred to in paragraph 12 above;

14. *Decides* to remain seized of the matter.

**Decision of 6 April 1999 (3991st meeting):
resolution 1233 (1999)**

At its 3991st meeting, held on 6 April 1999 in accordance with the understanding reached in its prior consultation, the Security Council included in its agenda the report of the Secretary-General dated 17 March 1999, submitted pursuant to paragraph 12 of the Security Council resolution 1216 (1998) of 21 December 1998.⁵ Following the adoption of the agenda, the President (France), with the consent of the Council, invited the representatives of Guinea-Bissau and Togo, at their request, to participate in the discussion without the right to vote.

In his report, the Secretary-General observed that the post-conflict situation in Guinea-Bissau remained very fragile, that the economy, basic social services and State institutions all needed to be rebuilt virtually from

⁵ S/1999/294.

scratch and that the people of Guinea-Bissau needed a durable peace to attend to their shattered livelihoods. The Secretary-General strongly hoped that the parties would translate into concrete measures the commitments they had undertaken under the Abuja Agreement. He further observed that the significant actions they had taken, so far, towards the implementation of that Agreement were steps in the right direction and in this regard, he wished to commend the efforts both of the regional leaders and of civil society inside Guinea-Bissau for their unstinting support during the crisis. He wanted to particularly commend the Chairman of ECOWAS for his timely actions and leadership. He said he was heartened by the undertaking made by the President of Guinea-Bissau and the head of the self-proclaimed military junta never to resort to arms again and said that the United Nations stood ready to support their efforts. He was confident that the "Group of Friends of Guinea-Bissau", then established in New York under the Chairmanship of the Gambia, would do the same. He expressed his appreciation to those Member States that made possible the deployment of ECOMOG to Guinea-Bissau, and encouraged other Member States to make timely contributions to the United Nations Trust Fund set up the previous month to support ECOMOG.

At the same meeting, the President drew the attention of the Council to a letter dated 18 February 1999, from the representative of Togo,⁶ transmitting the text of the final communiqué of a meeting held in Lomé on 17 February 1999 in relation to the implementation of the peace process in Guinea-Bissau and the text of the ceasefire agreement signed on 3 February 1999 by the parties to the conflict; and to a letter dated 2 March 1999 from the representative of Germany,⁷ transmitting a statement on Guinea-Bissau by the Presidency of the European Union welcoming the fact that the Government of National Unity had taken office.

At the same meeting the President also drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁸ The draft resolution was then put to the vote and adopted unanimously as resolution 1233 (1999), which reads:

The Security Council,

⁶ S/1999/173.

⁷ S/1999/227.

Reaffirming its resolution 1216 (1998) of 21 December 1998 and the statements by its President of 6 November, 30 November and 29 December 1998,

Gravely concerned at the security and humanitarian situation in Guinea-Bissau,

Expressing its firm commitment to preserving the unity, sovereignty, political independence and territorial integrity of Guinea-Bissau,

Welcoming the report of the Secretary-General of 17 March 1999 and the observations contained therein,

Noting with appreciation the formal undertaking by the President of Guinea-Bissau and the leader of the Self-Proclaimed Military Junta on 17 February 1999 never again to resort to arms,

Welcoming the establishment and swearing-in on 20 February 1999 of the new Government of National Unity in Guinea-Bissau which constitutes a significant step forward in the peace process,

Noting with concern that serious obstacles continue to hamper the effective functioning of the new Government, including, in particular, the failure of civil servants and other professional cadres seeking refuge in other countries to return,

Welcoming the deployment of troops constituting the Interposition Force of the Monitoring Group of the Economic Community of West African States by States in the region to implement their peacekeeping mandate and the withdrawal of all foreign forces from Guinea-Bissau pursuant to the Abuja Agreement of 1 November 1998,

Reiterating the need to conduct general and presidential elections pursuant to the Abuja Agreement and in accordance with national constitutional requirements as soon as possible, and noting the expression by the parties of their firm interest in having elections held as soon as possible,

1. *Reiterates* that the primary responsibility for achieving lasting peace in Guinea-Bissau rests with the parties, and strongly calls upon them to implement fully all the provisions of the Abuja Agreement and subsequent undertakings;

2. *Commends* the parties for the steps taken so far in the implementation of the Abuja Agreement, in particular the establishment of the new Government of National Unity, and strongly urges them to adopt and implement all measures necessary to ensure the smooth functioning of the new Government and all other institutions, including, in particular, confidence-building measures and measures to encourage the early return of refugees and internally displaced persons;

3. *Commends also* the Community of Portuguese-speaking Countries, States members of the Economic Community of West African States and leaders in and outside the region, in particular the President of the Republic of Togo in his capacity as

⁸ S/1999/369.

Chairman of the Economic Community of West African States, for the key role they are playing to bring about national reconciliation and to consolidate peace and security throughout Guinea-Bissau;

4. *Expresses its appreciation* to those States which have already provided assistance for the deployment in Guinea-Bissau of the Monitoring Group of the Economic Community of West African States in Guinea-Bissau;

5. *Reiterates its urgent appeal* to all States and regional organizations to make financial contributions to the Monitoring Group, including through the United Nations trust fund established to support peacekeeping in Guinea-Bissau, to provide technical and logistical support to assist the Monitoring Group to carry out its peacekeeping mandate and to help to facilitate the full implementation of all the provisions of the Abuja Agreement, and to that end invites the Secretary-General to consider convening a meeting in New York with the participation of the Economic Community of West African States in order to assess the needs of the Monitoring Group and to examine ways in which contributions could be mobilized and channelled;

6. *Calls upon* the parties concerned promptly to agree on a date for the holding of elections as soon as possible, which are all-inclusive, free and fair, and invites the United Nations and others to consider, as appropriate, providing any needed electoral assistance;

7. *Supports* the decision of the Secretary-General to establish the post-conflict United Nations Peacebuilding Support Office in Guinea-Bissau under the leadership of a representative of the Secretary-General, which will provide the political framework and leadership for harmonizing and integrating the activities of the United Nations system in Guinea-Bissau during the transitional period leading up to general and presidential elections and will facilitate, in close cooperation with the parties concerned, the Economic Community of West African States, the Monitoring Group, as well as other national and international partners, the implementation of the Abuja Agreement;

8. *Encourages* all agencies, programmes, offices and funds of the United Nations system, including the Bretton Woods institutions, as well as other international partners, to lend their support to the Support Office and to the Representative of the Secretary-General in order to establish, together with the Government of Guinea-Bissau, a comprehensive, concerted and coordinated approach to peacebuilding in Guinea-Bissau;

9. *Reiterates* the need for the simultaneous disarmament and encampment of ex-belligerent troops, welcomes the progress made by the Monitoring Group in that regard, and strongly urges the parties to continue to cooperate through the Special Commission established for that purpose, to conclude expeditiously those tasks and to create conditions for the reunification of the national armed and security forces;

10. *Emphasizes* the need for urgent demining of affected areas to pave the way for the return of refugees and displaced persons and for the resumption of agricultural

activities, encourages the Monitoring Group to continue its demining activities, and calls upon States to provide the necessary assistance for demining;

11. *Calls upon* all concerned to respect strictly the relevant provisions of international law, including international humanitarian law and human rights law, to ensure safe and unimpeded access by humanitarian organizations to those in need and to ensure the protection and freedom of movement of United Nations and international humanitarian personnel;

12. *Reiterates its appeal* to States and organizations concerned to provide urgent humanitarian assistance to internally displaced persons and refugees;

13. *Welcomes* the planned round-table conference of donors on Guinea-Bissau to be held in Geneva on 4 and 5 May 1999, under the sponsorship of the United Nations Development Programme, to mobilize assistance for, inter alia, humanitarian needs, consolidation of peace and the socio-economic rehabilitation of Guinea-Bissau;

14. *Requests* the Secretary-General to keep the Security Council regularly informed and to submit a report to it by 30 June 1999 and every ninety days thereafter on developments in Guinea-Bissau, the activities of the Support Office and the implementation of the Abuja Agreement, including the implementation by the Monitoring Group of its mandate;

15. *Decides* to remain seized of the matter.

Americas

17. Central America: efforts towards peace

Decision of 10 January 1997 (3730th meeting): rejection of a draft resolution

On 17 December 1996, pursuant to the request of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), the Secretary-General submitted to the Security Council a report on "Central America: efforts towards peace" dealing exclusively with the Agreement on the definite ceasefire in Guatemala, which had been signed by the parties on 4 December 1996 in Oslo, Norway.¹ In his report, the Secretary-General observed that this had been the third agreement on the definitive ceasefire signed that year. The Government and URNG wanted to see the military aspects of the peace settlement implemented as soon as possible, which created a need for the United Nations to deploy the new military component of the United Nations Verification Mission in Guatemala (MINUGUA) rapidly. Verification of the definitive ceasefire would also require the deployment of military observers, which would require authorization by the Council. The Secretary-General therefore asked the Council to grant him the contingent authority to attach the military component to MINUGUA. The Secretary-General also informed the Council of the signing of the Agreement on a Firm and Lasting Peace on 29 December 1996,² and requested authorization of the Security Council for the deployment of military observers for a period of three months.

At its 3730th meeting, held on 10 January 1997 in accordance with the understanding reached in its prior consultations, the Security Council resumed consideration of the item entitled "Central America: efforts towards peace". The President (Japan), with the consent of the Council, invited the representatives of Argentina, Canada, Colombia, Guatemala, Mexico, the Netherlands, Norway, Spain and Venezuela, at their request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of the members of the Council to the text of a draft resolution submitted by Argentina, Chile, Colombia, Costa Rica, Mexico, Norway, Portugal, Spain, Sweden, the United Kingdom, the United States and Venezuela.³ He also drew their attention to a letter dated 10 January 1997 from the representative of Guatemala addressed to the President of the Security Council, transmitting a letter of the same date from the Minister for Foreign Affairs of Guatemala.⁴ In the letter, the Minister for Foreign Affairs, referring to the favourable results that were hoped for on the verification mission requested by both the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca for demobilization and disarmament of former guerrilla combatants involved in the Guatemalan armed conflict, stated that it might be useful for the members of the Security Council to know that separate consultations had taken place in both New York and Geneva between high-level delegations of the People's Republic of China and Guatemala. He stated that the Guatemalan delegations had reaffirmed the conviction of their Government that in accordance with the principles contained in the Charter of the United Nations all countries needed to refrain from taking any action that might affect the territorial integrity or political independence of other countries. They had also stated that those principles would guide Guatemala's future actions at the United Nations with regard to initiatives related to Taiwan Province of China.

At the same meeting, the representative of Guatemala stated that, following the signing of the final agreement on 29 December 1996, his country had successfully concluded the peace negotiations which now merely required verification through a peacekeeping force, as requested by the Secretary-General in his reports.⁵ Over the past years, the international community had followed with great interest and had supported the Guatemalan process. It now awaited the Council's decision to send a

¹ S/1996/1045 and Add.1.

² S/1996/1045, Add.2.

³ S/1997/18.

⁴ S/1997/23.

⁵ S/1996/998 and S/1996/1045.

peacekeeping mission to assist in the consolidation of the peace process by verifying implementation of the ceasefire agreement. His delegation remained fully convinced that the majority of Council members would agree to authorize the mission. However, he was also aware of a problem of a bilateral nature which had been raised by one of the permanent members of the Council. In spite of that “unusual situation”, Guatemala had been holding consultations with the delegation of that country to overcome the existing difficulty. In that context, he emphasized his Government’s willingness to contribute to friendly relations among countries and affirmed that it had never been its intention to interfere in the internal affairs of another State. Recognizing the gravity of the situation, in addition to the important bilateral consultations in which there had been constructive exchanges and substantial advances, the Minister for Foreign Affairs of Guatemala had sent a letter to the President of the Security Council explaining the scope of those consultations.⁶ In conclusion, he stressed that the members of the Council “must not allow bilateral issues unrelated to matters under consideration to hinder their decisions”.⁷

During the Council’s deliberations, many speakers welcomed the signing of the final peace agreement between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca; expressed full support for the rapid deployment of a group of United Nations military observers to verify the ceasefire agreement; and urged Council members to adopt the draft resolution.⁸ Some speakers also maintained that this was a case in which the Council was called upon to exercise its primary responsibility for the maintenance of international peace and security.⁹

In a statement before the vote, the representative of the United Kingdom said that his Government welcomed the signing of the final peace agreement between the Government of Guatemala and URNG and supported the Secretary-General’s recommendation for a rapid deployment of United Nations military observers to verify the ceasefire. His delegation would therefore

vote in favour of the draft resolution. He called upon both parties to implement fully their commitments and to cooperate with the United Nations in the verification of the ceasefire and demobilization of combatants.¹⁰

The representative of France praised the efforts of the Secretary-General and noted that his proposal to create an observer mission attached to MINUGUA was “in keeping with the United Nations mission and with the competence of the Security Council and the responsibilities of its members”. The French delegation would therefore vote in favour of the draft resolution.¹¹

The Council then proceeded to vote on the draft resolution. It received 14 votes in favour and 1 against (China), with no abstentions, and was not adopted owing to the negative vote of a permanent member of the Council.¹² Under the draft resolution, the Council would have recalled, *inter alia*, the Framework Agreement of 10 January 1994 and all subsequent agreements in which the parties agreed to request the United Nations to carry out international verification of the peace accords; and, taking note of the reports of the Secretary-General of 26 November and 17 December 1996, would have authorized a three-month attachment to MINUGUA of a group of 155 military observers and requisite medical personnel for the purpose of verifying the agreement on the definitive ceasefire; it would have called upon both parties to implement fully their commitments under the agreements and to cooperate fully with the verification of the ceasefire, separation of forces, disarmament and demobilization of URNG combatants; invited the international community to continue its support for the peace process in Guatemala; and finally, would have requested the Secretary-General to keep the Council fully informed on the implementation of the resolution and to report on the conclusion of the military observer mission.

Following the vote, the representative of the United States stated that it was unfortunate that the Security Council could not reach agreement on authorizing a military observer component to MINUGUA, and regretted that “one member of the

⁶ S/1997/23.

⁷ S/PV.3730, pp. 2-3.

⁸ *Ibid.*, p. 41 (Colombia); pp. 4-5 (Venezuela); pp. 5-6 (Netherlands, on behalf of the European Union and Cyprus, Czech Republic, Hungary, Lithuania, Poland, Romania and Slovakia); pp. 6-7 (Norway); p. 7 (Mexico); p.8 (Spain); p. 9 (Argentina); pp. 9-10 (Canada); before the vote: p. 11 (Portugal); pp. 12-13

(Republic of Korea); p. 13 (Poland); pp. 13-14

(Sweden); p. 14 (Egypt); pp. 14-15 (Kenya); pp. 15-16 (Guinea-Bissau); p. 16 (Chile); and pp. 16-17 (Japan).

⁹ *Ibid.*, p. 7 (Mexico); p. 8 (Spain); p. 13 (Sweden); p. 14 (Egypt); and p. 16 (Chile).

¹⁰ *Ibid.*, p. 10.

¹¹ *Ibid.*, p. 18.

¹² For the vote, see S/PV.3730, p. 17.

Council was not able to give the larger interest of regional peace and security the priority it deserves".¹³

The representative of Costa Rica deeply regretted that one delegation had exercised its right of veto due to "a situation that has nothing whatsoever to do with the peace process in Guatemala". He stated that the ensuing situation was extremely damaging not only to Guatemala or to Central America, but also to the United Nations.¹⁴

The representative of the Russian Federation stated that his delegation regretted that the draft resolution had been put to a vote in such haste, without allowing sufficient time for further consultation.¹⁵

The representative of China stated that his Government had consistently supported the Guatemalan peace process. "Regrettably, however, the Government of Guatemala has, for four consecutive years, unscrupulously supported activities aimed at splitting China at the United Nations, in flagrant violation of the purposes and principles of the Charter of the United Nations". Guatemala had also "infringed upon China's sovereignty and territorial integrity and interfered in its internal affairs". Should that situation be corrected, the Chinese delegation might "reconsider the authorization of the deployment of military observers in Guatemala by the Security Council".¹⁶

Decision of 20 January 1997 (3732nd meeting): resolution 1094 (1997)

By a letter dated 16 January 1997 addressed to the President of the Security Council,¹⁷ the Secretary-General transmitted the text of two agreements pertaining to the Guatemalan peace process.

At its 3732nd meeting, held on 20 January 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the previous report of the Secretary-General dated 17 December 1996 in its agenda. Following the adoption of the agenda, the President (Japan), with the consent of the Council, invited the representative of Guatemala, at

his request, to participate in the discussion without the right to vote.

The President then drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.¹⁸ He further drew their attention to a letter dated 10 January 1997 from the representative of Guatemala addressed to the President of the Security Council,¹⁹ transmitting the text of a letter of the same date from the Minister for Foreign Affairs of Guatemala addressed to the President of the Security Council. The President also drew attention to the letter dated 16 January 1997 from the Secretary-General addressed to the President of the Security Council, transmitting the texts of two agreements pertaining to the Guatemalan peace process.²⁰ He also drew attention to a letter dated 20 January 1997 from the representative of China addressed to the President of the Security Council, transmitting the position paper of the Government of China on the authorization of the deployment of military observers in Guatemala.²¹

Speaking before the vote, the representative of Costa Rica in his capacity as spokesman and Secretary pro tempore of the Central American Presidential Summits stated that Central Americans were grateful to all members of the Council for the decision which would make it possible for a United Nations contingent to verify compliance with the peace agreements in Guatemala and expressed their respect and appreciation to China for its support for the decision.²²

The representative of China stated that when his delegation had voted against the draft resolution on sending military observers to Guatemala on 10 January 1997, they had made it clear that it was not a situation they had wanted to see. He reiterated that China was in favour of the peace process in Guatemala, monitored by and under the auspices of the United Nations. He stated that there had been many rounds of consultations with Guatemala and that the two sides, guided by the purposes and principles of the United Nations Charter and through a forward-looking, pragmatic approach, had

¹³ S/PV.3730, pp. 17-18.

¹⁴ *Ibid.*, pp. 18-19.

¹⁵ *Ibid.*, pp. 19-20.

¹⁶ *Ibid.*, p. 20.

¹⁷ The Agreement on Constitutional Reforms and the Electoral Regime (S/1997/51, annex I), signed in Stockholm on 7 December 1996, and the Agreement on the Basis for the Legal Integration of the Unidad

Revolucionaria Nacional Guatemalteca (*ibid.*, annex II), signed in Madrid on 12 December 1996.

¹⁸ S/1997/49.

¹⁹ S/1997/23, see the 3730th meeting.

²⁰ S/1997/51.

²¹ S/1997/53.

²² S/PV.3732 pp. 2-3.

found a solution acceptable to both sides, thereby removing the obstacles to China's support for the draft resolution.²³

The draft resolution was then put to the vote and adopted unanimously as resolution 1094 (1997), which reads:

The Security Council,

Expressing its full support for the peace process in Guatemala,

Noting the fact that the peace process in Guatemala has been monitored by the United Nations and has been under the auspices of the Organization since 1994,

Noting the letter dated 20 January 1997 from the Permanent Representative of the People's Republic of China to the United Nations addressed to the President of the Security Council,

Recalling the Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca of 10 January 1994 and all subsequent agreements, in which the parties agreed to request the United Nations to carry out international verification of the peace accords,

Acknowledging the efforts of the Secretary-General, the Group of Friends of the Guatemala peace process, the international community, the United Nations system and other international agencies in support of the peace process,

Taking note of the report of the Secretary-General of 26 November 1996 on the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala which states that verification measures related to the agreement on the definitive ceasefire signed at Oslo on 4 December 1996²⁴ would involve, inter alia, the deployment of United Nations military personnel,

Taking note also of the report of the Secretary-General of 17 December 1996 outlining the measures necessary for the verification of the agreement on the definitive ceasefire and the addenda to that report of 23 and 30 December 1996, and noting that the ceasefire will enter into force on the date the United Nations mechanism is in place with full operational capacity,

Welcoming the agreements between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca which were signed at Guatemala City on 29 December 1996²⁵ and which, with the overall package of peace accords signed in Madrid, Mexico City, Oslo and Stockholm, put a definitive end to the Guatemalan internal

conflict and will foster national reconciliation and economic development,

1. *Decides*, in accordance with the recommendations contained in the report of the Secretary-General of 17 December 1996, to authorize for a three-month period the attachment to the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala of a group of 155 military observers and requisite medical personnel for the purposes of verification of the agreement on the definitive cease fire and requests the Secretary-General to notify the Council no later than two weeks before the operation is to begin;

2. *Calls upon* both parties to implement fully their commitments under the agreements signed in Guatemala and to cooperate fully with the verification of the ceasefire, separation of forces, disarmament and demobilization of the combatants of the Unidad Revolucionaria Nacional Guatemalteca, as well as the commitments under the other agreements in the overall package of peace accords;

3. *Invites* the international community to continue its support for the peace process in Guatemala and, in particular, for the implementation of the agreements referred to in paragraph 2 above;

4. *Requests* the Secretary-General to keep the Council fully informed on the implementation of the present resolution and to report on the conclusion of the military observer mission.

Addressing the Council after the vote, the Secretary-General expressed satisfaction that the obstacles to the deployment of United Nations military observers to Guatemala had been overcome. Paying tribute to the constructive approach demonstrated by the Member States directly involved and the efforts of the Group of Friends of the Guatemalan Peace process,²⁴ he noted that the adoption of the resolution would allow for the effective verification of one of the most crucial elements of Guatemala's transition to peace and reconciliation. The Secretary-General recalled that the United Nations had been involved in the Guatemalan process since 1990, when it had been invited to provide an observer to the peace talks. Since 1994, the Organization had played a particularly active role, both through moderation of the peace negotiations and in the deployment of MINUGUA. The signing of the final peace agreement opened a new chapter in the responsibilities of the United Nations.²⁵ The Secretary-General concluded by acknowledging the support of the Security Council and Member States at large for what it

²³ Ibid., p. 3.

²⁴ Columbia, Mexico, Norway, Spain, the United States and Venezuela.

²⁵ The Agreement on a Firm and Lasting Peace (S/1996/1045/Add.2).

would hopefully “become recognized as one of the Organization’s success stories”.²⁶

**Decision of 5 March 1997 (3744th meeting):
statement by the President**

By a letter dated 5 February 1997 addressed to the President of the Security Council,²⁷ the Secretary-General transmitted to the Council the last two agreements pertaining to the Guatemalan peace process.

On 13 February 1997, pursuant to paragraph 1 of resolution 1094 (1997) of 20 January 1997, the Secretary-General submitted to the Security Council his report on the implementation of that resolution.²⁸ He informed the Council that the group of military observers attached to MINUGUA would begin operations on 3 March 1997, by which date the United Nations verification mechanism would be fully operational.

At its 3744th meeting, held on 5 March 1997, in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Poland) invited the representative of Guatemala, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:²⁹

The Security Council recalls its resolution 1094 (1997) of 20 January 1997 and takes note of the report of the Secretary-General on the implementation of that resolution.

The Council welcomes the deployment on 3 March 1997 of the group of United Nations military observers attached to the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala for the purposes of verification of the agreement on the definitive ceasefire between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca signed at Oslo on 4 December 1996.

The Council recalls its constant support for the peace process in Central America, which it has expressed since the adoption of its resolution 530 (19133) of 19 May 1983. It reaffirms its full support for the peace process in Guatemala.

The Council reiterates its call in resolution 1094 (1997) that both parties implement fully their commitments under the agreements signed in Guatemala City on 29 December 1996 and cooperate fully with the verification of the ceasefire, separation of forces, disarmament and demobilization of the combatants of the Unidad Revolucionaria Nacional Guatemalteca, as well as the commitments under the other agreements in the overall package of peace accords.

The Council will remain actively seized of the matter.

**Decision of 22 May 1997 (3780th meeting):
statement by the President**

At its 3780th meeting, held on 22 May 1997, in accordance with the understanding reached in its prior

²⁶ S/PV.3732, pp. 3-4.

²⁷ The Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements (S/1997/114, annex I) and the Agreement on a Firm and Lasting Peace (Ibid., annex II), signed by the Peace Commission of the Government of Guatemala and the

General Command of the Unidad Revolucionaria Nacional Guatemalteca, under the auspices of the United Nations, at Guatemala City on 29 December 1996.

²⁸ S/1997/123.

²⁹ S/PRST/1997/9.

consultations, the Council resumed consideration of the item entitled "Central America: efforts towards peace". Following the adoption of the agenda, the President (Republic of Korea) invited the representative of Guatemala, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:³⁰

The Security Council welcomes the successful conclusion of the military observer mission attached to the United Nations Verification Mission in Guatemala, in accordance with resolution 1094 (1997) of 20 January 1997, to verify the agreement on the definitive ceasefire between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca signed at Oslo on 4 December 1996. The Council commends the Secretary-General, his Special Representative, the Chief Military Observer and other dedicated personnel of the United Nations who have contributed to this undertaking. The Council further welcomes the full compliance of the Government of Guatemala and the Unidad

Revolucionaria Nacional Guatemalteca with the terms of the definitive ceasefire.

The Council commends both parties for the progress made in the implementation of the peace accords to date, in particular for the establishment of the Follow-up Commission, which will oversee the implementation of the agreements, and for steps taken towards the establishment of the Historical Clarification Commission. The Council reiterates its call for both parties to continue to implement fully their commitments under the agreements signed in Guatemala City on 29 December 1996 as well as the commitments under the other agreements in the overall package of peace accords signed in Madrid, Mexico City, Oslo and Stockholm.

The Council reaffirms its full support for the peace process in Guatemala. The Council expresses its confidence that the Special Representative of the Secretary-General, the Mission, and the international community will continue their support for the peace process in Guatemala and, in particular, for the implementation of the peace accords.

³⁰ S/PRST/1997/28.

18. The question concerning Haiti

Decision of 29 February 1996 (3638th meeting): resolution 1048 (1996)

On 14 February 1996, pursuant to a request made by the Security Council at its 3594th meeting on 16 November 1995,¹ the Secretary-General submitted to the Council a report on the United Nations Mission in Haiti (UNMIH),² covering significant developments in the country and providing an assessment of United Nations achievements there. The report also contained his recommendations on the future role of the Organization in Haiti, taking into account a letter dated 9 February 1996 from the newly elected President of Haiti,³ requesting a further extension of the mandate of UNMIH. In his report, the Secretary-General stated that although there was no indication of an organized threat to the Government of Haiti, there was some concern that growing popular discontent could be used by “disgruntled groups” to foment trouble, especially after the departure of UNMIH. Under those circumstances, he believed that the Mission should not cease its activities abruptly, but should continue to assist the Government for a few more months, while its assets were gradually withdrawn. He therefore recommended that the Council should give a positive response to the request of the President of Haiti and extend the mandate of UNMIH for a further period of six months. He further recommended that in the light of the gradual transfer of some of the Mission’s earlier functions to the Haitian authorities its strength be substantially reduced.

At its 3638th meeting, held on 29 February 1996 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Argentina, Bangladesh, Canada, Haiti and Venezuela, at their request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the members of the Council to the text of a draft resolution submitted by Argentina, Canada, Chile, France, Honduras, the United States and Venezuela.⁴ She also drew their attention to a letter dated 13 February 1996 from the Secretary-General addressed to the President of the Security Council,⁵

transmitting a letter dated 9 February 1996 from the President of Haiti, addressed to the Secretary-General, requesting a further extension of the mandate of UNMIH.

Opening the debate, the representative of Haiti thanked the Council for considering the request of his Government, thereby helping the country to consolidate its economic and social progress, and supporting the new Haitian National Police, as it gained the experience it lacked and as it continued to acquire the equipment it still needed. Politically speaking, he said, there was cause for optimism; elections had been held and, for the first time in Haiti’s history, a democratically elected President had transferred power to another. Moreover, thanks to the assistance of UNMIH, the role of public security forces had been strengthened, security had improved and the population was more confident. The situation, however, remained precarious and there were serious risks of disturbances. In that context, he believed that the forthcoming departure of the Mission would leave a considerable void, which the inexperienced and under-equipped Haitian National Police would be unable to fill. His delegation therefore hoped that the Council would heed the request made by his Government and that it would authorize the extension of UNMIH.⁶

During the deliberations, a number of speakers welcomed the first democratic presidential election in Haiti and the peaceful transfer of power. They emphasized, however, that despite significant progress since the return of a constitutional Government, challenges still persisted and the security situation remained fragile. For that reason, they supported the extension of UNMIH to assist the Government of Haiti to fulfil its responsibilities, and to contribute to the training of the new national police force. Some speakers also pointed out that the Government and the people of Haiti bore the ultimate responsibility for national reconciliation, economic reconstruction and the

¹ S/PRST/1995/55.

² S/1996/112.

³ S/1996/99.

⁴ S/1996/136.

⁵ S/1996/99.

⁶ S/PV.3638, pp. 2-4.

maintenance of a secure and stable environment in their country.⁷

The representative of the Russian Federation stated that the Haitian problem was unique, because in essence the situation there did not threaten regional peace and security. Nevertheless, taking into account the exceptional circumstances, the Council had agreed to establish a United Nations peacekeeping operation in Haiti. He further stated that although his Government acknowledged the importance of supporting the Haitian National Police, it also had reservations about the continuing presence in Haiti of a large United Nations military contingent. This should be the last extension of UNMIH, he said.⁸

The representative of China stated that, despite significant progress in the Haitian peace process, some issues still needed to be addressed, in particular the economic recovery and reconstruction of the country, as well as the question of security. At the same time, considering precedents in view of the Organization's other United Nations peacekeeping operations and the current serious financial situation, his delegation believed that UNMIH should be withdrawn as scheduled. However, considering the recommendations of the Secretary-General, the request of the Government of Haiti and the attitude of the Latin American and non-aligned countries on the question of UNMIH, his delegation exercised maximum flexibility during the consultations of the Council and had done its best to find a compromise proposal. In view of the fact that the draft resolution before the Council had basically incorporated the amendments by his delegation, they would vote in favour of the draft resolution.⁹

The draft resolution was then put to the vote and adopted unanimously as resolution 1048 (1996), which reads:

The Security Council,

Recalling the provisions of its resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993, 875 (1993) of 16 October 1993, 905 (1994) of 23 March 1994, 917 (1994) of 6 May 1994, 933 (1994) of 30 June 1994, 940 (1994) of 31 July 1994, 944 (1994) of 29 September

1994, 948 (1994) of 15 October 1994, 975 (1995) of 30 January 1995 and 1007 (1995) of 31 July 1995,

Recalling also the resolutions adopted by the General Assembly on Haiti,

Recalling further the terms of the Governors Island Agreement and the related New York Pact,

Having considered the report of the Secretary-General of 14 February 1996, and noting the recommendations contained therein,

Taking note of the letters dated 9 February 1996 from the President of the Republic of Haiti to the Secretary-General,

Underlining the importance of the peaceful transfer of power to the new democratically elected President of Haiti,

Welcoming and supporting the efforts of the Organization of American States to promote in cooperation with the United Nations consolidation of peace and democracy in Haiti,

Stressing the need to ensure that the Government of Haiti will be able to maintain the secure and stable environment established by the multinational force in Haiti and maintained with the assistance of the United Nations Mission in Haiti, and in this context welcoming progress to establish a fully functioning Haitian National Police and to revitalize Haiti's system of justice,

Recognizing the link between peace and development and the fact that a sustained commitment by the international community to assist and support the economic, social and institutional development of Haiti is indispensable for long-term peace and stability in the country,

Commending the efforts of the Secretary-General and his Special Representative, the contribution of the United Nations Mission in Haiti and the International Civilian Mission in Haiti in support of the Haitian people's quest for stability, national reconciliation, lasting democracy, constitutional order and economic prosperity,

Acknowledging the contribution of the international financial institutions, including the Inter-American Development Bank, and the importance of their continued involvement in the development of Haiti,

Recognizing that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment and reconstruction of their country,

1. *Welcomes* the democratic election of a new President in Haiti and the peaceful transfer of power from one democratically elected President to another on 7 February 1996;

⁷ *Ibid.*, statements before the vote: pp. 4-5 (Italy, on behalf of the European Union and of Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Slovakia); pp. 6-7 (Indonesia); p. 7 (Botswana); pp. 7-8 (Honduras); pp. 8-9 (Republic of

Korea); pp. 9-10 (Poland); pp. 10-11 (Guinea-Bissau); and p. 11 (Egypt). After the vote: p. 12 (United Kingdom); p. 14 (Germany); and p. 15 (France).

⁸ *Ibid.*, pp. 5-6.

⁹ *Ibid.*, pp. 11-12.

2. *Expresses appreciation* to all Member States which have contributed to the United Nations Mission in Haiti;

3. *Welcomes* the report of the Secretary-General of 14 February 1996, and notes his recommendations for continued United Nations assistance to the democratically elected Government of Haiti;

4. *Reaffirms* the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure to the consolidation of peace, stability and democracy and the revitalization of Haiti's system of justice;

5. *Decides*, in accordance with the recommendations of the Secretary-General in his report of 14 February 1996, that for the purpose of assisting the democratic Government of Haiti in fulfilling its responsibilities to (a) sustain, by the presence of the Mission, the secure and stable environment which has been established, and (b) professionalize the Haitian National Police, the mandate of the Mission is extended for a final period of four months, for the purposes set out in paragraphs 47 to 49 of the report;

6. *Decides* to decrease the troop level of the Mission to no more than 1,200;

7. *Decides also* to reduce the current level of civilian police personnel to no more than 300;

8. *Requests* the Secretary-General to consider and implement, as appropriate, steps for further reduction of the strength of the Mission consistent with the implementation of this mandate;

9. *Also requests* the Secretary-General to initiate planning not later than 1 June 1996 for the complete withdrawal of the Mission;

10. *Further requests* the Secretary-General to report on the implementation of the present resolution by 15 June 1996, including information on activities by the United Nations system as a whole to promote the development of Haiti;

11. *Requests* all States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to the present and other relevant resolutions in order to carry out the provisions of the mandate as set out in paragraph 5 above;

12. *Reiterates* the commitment of the international community and international financial institutions to assist and support the economic, social and institutional development of Haiti, and stresses its importance for sustaining a secure and stable environment in Haiti;

13. *Appeals* to Member States to make voluntary contributions to the trust fund established in resolution 975 (1995) for the support of the Haitian National Police, to ensure that its members are adequately trained and that it is fully

operational, which is essential for the implementation of the mandate;

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

Speaking after the vote, the representative of Chile drew attention to one of the significant elements of the resolution, namely that peace was no longer the absence of armed conflict, but there was now an integral concept of peace that consisted of two constituent parts: security and development. Progress in those areas was thus vital for the promotion of peace and security in Haiti. He noted with satisfaction the fact that the Council's support for Haiti sought to restore democracy in Latin America and the Caribbean, which was a primary objective for the countries of the region.¹⁰

The representative of France stated that the United Nations role in Haiti could have been completed after the presidential elections. However, the new President of Haiti had requested the presence, for a few more months, of an international force to maintain security and stability in the country and to continue the training of its police force. France, for its part, would continue to participate in UNMIH and to provide economic assistance to Haiti.¹¹

The President, speaking in her capacity as representative of the United States, stated that, by approving the extension of the Mission, the international community had renewed its support to Haitian security and stability by continuing its much-needed assistance to the newly deployed Haitian National Police. It would also allow the Government of Haiti to consolidate and further expand its recent political, social and economic advances. The resolution just adopted was designed to help "finish the job". During the following months, her Government would welcome recommendations from the Secretary-General on further ways that the international community could contribute to development, democracy and security in Haiti.¹²

The representative of Canada stated that his delegation would have much preferred if the Secretary-General's recommendations had been approved in their entirety. However, given the strength of its determination not to abandon Haiti at this critical stage, the Government of Canada had decided, pursuant to paragraph 11 of resolution 1048 (1996) to make available, at its own expense, additional military

¹⁰ Ibid., pp. 12-14.

¹¹ Ibid., p. 15.

¹² Ibid., pp. 15-16.

personnel to enable UNMIH to fulfil its mandate. He stressed, however, that such a step was not an ideal arrangement, and should not be used as a model for future United Nations peacekeeping operations. In that context, his delegation firmly believed that all Member States should help shoulder the burden of maintaining international peace and security, through assessed contributions.¹³

**Decision of 28 June 1996 (3676th meeting):
resolution 1063 (1996)**

On 5 June 1996, pursuant to paragraph 10 of resolution 1048 (1996) of 29 February 1996, the Secretary-General submitted to the Council a report on UNMIH, providing an update of the activities of the United Nations system to promote development in the country.¹⁴ The report also contained his recommendations on the role of the United Nations in Haiti after the expiration of the mandate of the Mission, which took into account a letter dated 31 May 1996 from the President of Haiti to the Secretary-General,¹⁵ requesting the presence of a multinational force for a further six-month period. In his report, the Secretary-General stated that, for the first time in its history, Haiti had a professional police force, committed to the rule of law. Although he was aware that the last extension of UNMIH was intended to be final, it was also clear that the Haitian National Police was still not in a position to ensure, on its own, a stable and secure environment in Haiti, and that complete withdrawal of a United Nations presence, at that juncture, could jeopardize the success achieved so far. He therefore recommended to the Council the establishment of a new mission, to be known as the United Nations Support Mission in Haiti (UNSMIH), for a period of six months and with a limited mandate.¹⁶

At its 3676th meeting, held on 28 June 1996 in accordance with the understanding reached in its prior consultations, the Council included in its agenda the report of the Secretary-General. After the adoption of the agenda, the Council invited the representatives of Canada and Haiti, at their request, to participate in the discussion without the right to vote. The President (Egypt) then drew the attention of the members of the

Council to the text of a draft resolution prepared in the course of its prior consultations.¹⁷ He also drew their attention to the following documents: a letter dated 10 June 1996 from the Secretary-General addressed to the President of the Security Council,¹⁸ transmitting a letter dated 31 May 1996 from the President of Haiti addressed to the Secretary-General, requesting the Council to authorize the presence of a multinational force in Haiti for a further six-month period; and a letter dated 12 June 1996 from the representative of El Salvador addressed to the Secretary-General, transmitting the text of a resolution on the international presence in Haiti, adopted by the Organization of American States (OAS), on 6 June 1996 in Panama City.¹⁹

At the same meeting, the representative of Italy, speaking on behalf of the European Union, as well as of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, stated that the adoption of the draft resolution would once again demonstrate the international community's strong commitment to the consolidation of Haitian democracy and institutions. The European Union fully supported the continuation of the United Nations operation in Haiti and believed, in particular, that the process of creating a new police force, committed to the rule of law and respect for human rights, was one of the key issues facing the country. Every other aspect of its future was related to the question of internal security.²⁰

The representative of Canada stated that the United Nations presence in Haiti had been an essential complement to the Haitian people's efforts to build a democratic, safe and fair society. The Council would now establish a new Mission, significantly reduced in size and with a new, leaner mandate. In that context, he reiterated that his Government would continue to provide, on a voluntary basis, many of the additional troops required to fulfil the mandate of the Mission.²¹

Speaking before the vote, the representative of Chile recalled that, under the Charter of the United Nations, the main purpose of the Organization was to maintain international peace and security. However, in

¹³ *Ibid.*, pp. 16-18.

¹⁴ S/1996/416 and Add.1/Rev.1.

¹⁵ S/1996/431.

¹⁶ For details on the mandate and composition of UNSMIH, see chapter V.

¹⁷ S/1996/478.

¹⁸ S/1996/431.

¹⁹ S/1996/432.

²⁰ S/PV.3676, pp. 2-3.

²¹ *Ibid.*, pp. 3-4.

recent years, the Security Council had turned its attention to conflicts within States, not between them, and had thus found it necessary to assess those situations and to involve itself in the internal affairs of States, at their request. Operations had taken place that constituted true exceptions to the principle of non-intervention. The new situation facing the Security Council posed new challenges to its members. The case of Haiti was an example of a situation demanding subjective assessment of the country's internal problems that required the support of the international community.²²

A number of speakers, while acknowledging the successful role of UNMIH in laying the foundations for a peaceful and democratic Haiti, underlined that the overall security situation in the country remained unstable, and a premature departure of United Nations troops could jeopardize everything achieved so far. For that reason, and taking into account the request of the Government of Haiti, they supported the draft resolution and the establishment of a new Mission to contribute to the professionalization of the Haitian National Police and to promote a stable and secure environment in the country.²³

The representative of the Russian Federation stated that his Government had "misgivings" about the need for a new operation, particularly the retention of a military component, at a time when, on the whole, the situation in Haiti was stable and secure, and there was no threat of organized violence to destabilize the situation. However, taking into consideration the appeal made by the President of Haiti and the position of the Organization of American States and the Group of Friends of the Secretary-General for Haiti,²⁴ his delegation had joined other members of the Council in consenting to the establishment of UNSMIH. He underlined that this was possible because the sponsors of the draft resolution had taken into account proposals made by Russia and China, which were along the same lines. In conclusion, he added that it was important that the draft resolution sought to continue and further step

up the efforts of OAS to provide assistance in resolving Haiti's problems.²⁵

The representative of China had reservations about the continued presence of United Nations military personnel in Haiti, since there were no indications of an organized threat to the Government, nor did the situation there pose any threat to international peace and security. However, in view of the request made by the Government of Haiti and the wishes of the Latin American countries, the Chinese delegation would agree in principle to the establishment of UNSMIH, and would therefore vote in favour of the draft resolution.²⁶

The representative of the Republic of Korea stated that the role of the United Nations in Haiti should be reoriented and its focus shifted from the current peacekeeping operations to enhanced socio-economic development activities. The United Nations Mission in Haiti had been a successful model for combining a traditional peacekeeping operation with post-conflict peacebuilding efforts. His delegation therefore believed that a continued United Nations presence would contribute to a smooth transition from peacekeeping to the peacebuilding stage. He noted, with satisfaction, that the draft resolution had taken into account the difficult financial situation of the Organization by substantially reducing the troop strength of the Mission.²⁷

The draft resolution was then put to the vote and adopted unanimously as resolution 1063 (1996), which reads:

The Security Council,

Recalling all its relevant resolutions and those adopted by the General Assembly,

Taking note of the request of 31 May 1996 from the President of the Republic of Haiti to the Secretary-General,

Underlining the need to support the commitment of the Government of Haiti to maintain the secure and stable environment established by the multinational force in Haiti and extended with the assistance of the United Nations Mission in Haiti,

Welcoming the report of the Secretary-General of 5 June 1996,

²² *Ibid.*, pp. 4-5.

²³ *Ibid.* Before the vote: pp. 6-7 (United Kingdom); pp. 7-8 (Honduras); pp. 8-9 (Republic of Korea); p. 9 (Germany); pp. 9-10 (Guinea-Bissau); pp. 10-11 (Indonesia); pp. 11-12 (Botswana); and p. 12 (Poland). After the vote: p. 14 (France); and pp. 14-15 (Egypt).

²⁴ Argentina, Canada, Chile, France, United States and Venezuela.

²⁵ S/PV.3676, pp. 5-6.

²⁶ *Ibid.*, p. 6.

²⁷ *Ibid.*, p. 8-9.

Commending the role of the Mission in assisting the Government of Haiti in fulfilling its responsibilities (a) to sustain the secure and stable environment which has been established, and (b) to professionalize the Haitian National Police, and expressing appreciation to all Member States which have contributed to the Mission,

Noting the termination of the mandate of the Mission as of 30 June 1996, in accordance with resolution 1048 (1996) of 29 February 1996,

Noting also the key role played to date by the United Nations civilian police, supported by United Nations military personnel, in helping to establish a fully functioning Haitian National Police of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice, and, in this context, welcoming progress to establish the Haitian National Police,

Welcoming and supporting the efforts of the Organization of American States, in cooperation with the United Nations, and in particular the contribution of the International Civilian Mission in Haiti, to promote consolidation of peace and democracy in Haiti,

Taking note of the resolution on the international presence in Haiti adopted at the seventh plenary session of the twenty-sixth regular session of the Organization of American States, which, inter alia, encourages the international community to sustain the same level of commitment it demonstrated during the years of crisis and recommends that, at the request of the Government of Haiti, the community maintain a strong presence in Haiti and extend its full support for strengthening the national police force and consolidating the stable and democratic environment necessary for economic growth and development, and inviting the further participation of the Organization of American States,

Recognizing the link between peace and development, and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and stability in the country,

Welcoming the continued progress towards consolidation of democracy by the people of Haiti since the historic peaceful transfer of power from one democratically elected President to another on 7 February 1996,

Recognizing that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and the reconstruction of their country,

1. *Affirms* the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and revitalization of Haiti's system of justice;

2. *Decides* to establish the United Nations Support Mission in Haiti until 30 November 1996 in order to assist the Government of Haiti in the professionalization of the police force and in the maintenance of a secure and stable environment conducive to the success of the current efforts to establish and train an effective national police force, and supports the role of the Special Representative of the Secretary-General in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti;

3. *Decides* that the Support Mission initially will be composed of three hundred civilian police personnel and six hundred troops;

4. *Welcomes* the assurance that the Secretary-General will be alert to further opportunities to reduce the strength of the Support Mission so that it can implement its tasks at the lowest possible cost;

5. *Recognizes* that major tasks facing the Government and people of Haiti include economic rehabilitation and reconstruction, and stresses the importance of the Government of Haiti and the international financial institutions agreeing as soon as possible on the steps necessary to enable the provision of additional financial support;

6. *Requests* all States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to the present and other relevant resolutions in order to carry out the provisions of the mandate as set out in paragraph 2 above;

7. *Also requests* all States to make voluntary contributions to the trust fund established in resolution 975 (1995) of 30 January 1995 for the support of the Haitian National Police, to ensure that its members are adequately trained and that it is fully operational;

8. *Requests* the Secretary-General to report to the Council on the implementation of the present resolution, including prospects for further reductions in the strength of the Support Mission, by 30 September 1996;

9. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United States stated that, since assuming responsibility from the United States-led Multinational Force, UNMIH had helped to ensure a climate of security conducive to free elections, economic development, political reconciliation and the consolidation of democratic institutions in Haiti. The Security Council had once again reaffirmed its determination to contribute to regional stability, and the principles of human rights, freedom and social progress enshrined in the Charter of the United Nations. Over the next five months, international civilian police monitors would continue their efforts to professionalize the Haitian National

Police, while the military contingent of the Mission would help deter those who might be tempted to disrupt the democratization process. Ultimately, however, the Haitian authorities would have to assume full responsibility for public order.²⁸

The representative of France stated that the United Nations operation in Haiti was undoubtedly one of the great success stories of the Organization in recent times. He noted, however, that despite significant progress made by the Haitian National Police, assistance should continue. His delegation supported the establishment of the new mission, as it believed that a sudden interruption in assistance could compromise the results obtained so far. In addition, any deterioration in the Haitian situation could have a negative impact on the democratic process and on regional stability.²⁹

The representative of Haiti welcomed the adoption of the resolution authorizing the establishment of UNSMIH and stated that the new Mission would enable his Government to maintain a secure environment, while it continued to strengthen and professionalize the police force with the assistance of the international community. Measures had also been taken to address the serious economic and social problems, through a new “ambitious” programme which should enable the country to emerge from its economic stagnation within three years. The success of that plan, however, would depend on maintaining the atmosphere of security in the country.³⁰

Decision of 29 November 1996 (3719th meeting): resolution 1085 (1996)

On 1 October 1996, pursuant to paragraph 8 of resolution 1063 (1996) of 28 June 1996, the Secretary-General submitted to the Security Council a report on the United Nations Support Mission in Haiti (UNSMIH).³¹ In his report, the Secretary-General reported that, although the Government of Haiti had taken steps to correct some of its pressing economic and social problems, progress had been inadequate in several areas. The security situation in Haiti had recently deteriorated and common crime had become an increasing concern, together with drug trafficking and contraband. In addition, abuse of authority and human rights violations by the Haitian National Police were

also on the rise. While those incidents did not pose a serious threat to the Government, they caused disquiet among the population, affected the morale of the police, and distracted the Government from focusing on pressing social and economic issues and promoting the reconciliation of Haitian society. The Secretary-General was convinced that any further reductions in the strength of UNSMIH would diminish its capability and place its mandate at risk. He therefore recommended that the Mission’s current strength be maintained for the time being.

In an addendum to his report dated 12 November 1996, the Secretary-General transmitted his recommendations on the role of the United Nations in Haiti after the expiration of the current mandate of the Mission on 30 November.³² He reiterated that the Haitian National Police had not yet reached the level of experience and competence required to control and defeat threats posed by subversive groups, and that it was therefore clear that the presence of the military component of UNSMIH was a key factor in enabling the Haitian authorities to contain the danger of destabilization. To that end, and should the Government so request, he would recommend to the Council the extension of the Mission until 30 June 1997, at its current strength. The Secretary-General remained convinced that, in the present circumstances, any further reduction in the size of the Mission would diminish its operational and training capabilities and place its mandate at risk.

Subsequently, on 15 November 1996, the Secretary-General informed the Council that he had received a letter from the President of Haiti requesting an extension of the mandate of UNSMIH.³³ He therefore confirmed his earlier recommendation to extend the Mission’s mandate until 30 June 1997.

At its 3719th meeting, held on 29 November 1996, in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the President (Indonesia) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of its prior

²⁸ Ibid., pp. 13-14.

²⁹ Ibid., p. 14.

³⁰ Ibid., pp. 15-16.

³¹ S/1996/813.

³² S/1996/813 and Add.1.

³³ S/1996/956.

consultations.³⁴ He also drew their attention to a letter dated 15 November 1996 from the Secretary-General addressed to the President of the Security Council.³⁵

The draft resolution was then put to the vote and unanimously adopted as resolution 1085 (1996), which reads:

The Security Council,

Reaffirming its resolution 1063 (1996) of 28 June 1996 which established the United Nations Support Mission in Haiti,

1. *Decides* to extend the mandate of the United Nations Support Mission in Haiti for an additional period terminating on 5 December 1996;

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

**Decision of 5 December 1996 (3721st meeting):
resolution 1086 (1996)**

At its 3721st meeting, held on 5 December 1996 in accordance with the understanding reached in its prior consultations, the Council included in its agenda the report of the Secretary-General.³⁶ Following the adoption of the agenda, the Council invited the representatives of Argentina, Canada, Haiti and Venezuela, at their request, to participate in the discussion, without the right to vote. The President (Italy) then drew the attention of the members of the Council to the text of a draft resolution submitted by Argentina, Canada, Chile, France, the United States and Venezuela.³⁷ He further drew their attention to the earlier letter dated 15 November 1996 from the Secretary-General addressed to the President of the Security Council.³⁸

Opening the debate, the representative of Haiti stated that in the coming months his Government would strive to complete the formation of the Haitian National Police and, before the end of the following year, the force would be able to maintain peace and security throughout the country. He stressed, however, that the country's infrastructure remained largely dilapidated, rendering living conditions extremely difficult. Moreover, the difficult socio-economic situation was a

“breeding ground” in which subversive groups could sow discontent, thereby creating a climate of instability that harmed economic investments and hindered the reform of Haitian institutions.³⁹

During the Council's deliberations, most speakers, taking into account the recommendation of the Secretary-General and the appeal made by the President of Haiti, expressed support for a further renewal of UNSMIH to assist the Government to complete the professionalization of the Haitian National Police and to maintain a secure and stable environment in the country.⁴⁰

The representative of the Russian Federation reiterated his country's doubts regarding the necessity of extending the mandate of the mission, and in particular to preserve its military element. He underlined that it was his delegation's conviction that the situation in that country “did not” and “does not” represent a threat to international or even regional peace and security. At the same time, taking into account the appeals of Haiti, the Secretary-General and the views of the group of Friends of the Secretary-General for Haiti, Russia agreed, in principle and in a spirit of compromise, to a final extension of the UNSMIH mandate for a concluding eight-month period.⁴¹

The representative of China stated that the efforts by the Government of Haiti to maintain political and social stability would help create a favourable environment in Haiti to attract foreign financial assistance and investments and that it would also contribute to economic reconstruction in the country. His delegation believed that under the current circumstances, the United Nations peacekeeping mission in Haiti was over. The main task facing Haiti was economic reconstruction, which would mainly depend on the Haitian people themselves. However, in view of the urgent request of the Government of Haiti for an extension of the mandate of UNSMIH, his delegation was ready to treat it as a unique case, so as to promote further the peace process in Haiti. He added that the draft resolution before the Council had not only

³⁴ S/1996/990.

³⁵ S/1996/956.

³⁶ S/1996/813 and Add.1.

³⁷ S/1996/1002.

³⁸ S/1996/956.

³⁹ S/PV.3721, pp. 2-3.

⁴⁰ *Ibid.*: pp. 3-5 (Canada); p. 5 (Argentina); p. 6 (Venezuela); pp. 6-7 (France); pp. 7-8 (Russian

Federation); pp. 8-9 (Indonesia); pp. 9-10 (Honduras); pp. 10-11 (Germany); p. 11 (Republic of Korea); pp. 11-12 (United Kingdom); pp. 12-13 (Botswana); p. 13 (Poland); pp. 13-14 (Guinea-Bissau); pp. 14-15 (Chile); p. 16 (Egypt); pp. 16-17 (United States); and p. 17 (Italy).

⁴¹ *Ibid.*, pp. 7-8.

accommodated the request of the Government of Haiti, but also had taken into proper consideration the actual needs and positions of all those concerned. His delegation would therefore vote in favour of the draft resolution.⁴²

The draft resolution was then put to the vote and unanimously adopted as resolution 1086 (1996), which reads:

The Security Council,

Recalling all its relevant resolutions and those adopted by the General Assembly,

Taking note of the request of 13 November 1996 from the President of the Republic of Haiti to the Secretary-General,

Welcoming the report of the Secretary-General of 1 October 1996 and the addendum thereto of 12 November 1996, and noting the recommendations contained therein,

Commending the role of the United Nations Support Mission in Haiti on its efforts to assist the Government of Haiti in the professionalization of the police force and in the maintenance of a secure and stable environment conducive to the success of the current efforts to establish and train an effective national police force,

Noting the improvement in recent months in the security situation in Haiti and the capacity of the Haitian National Police to confront existing challenges, as described in the addendum to the report of the Secretary-General,

Noting also the fluctuations in the security situation in Haiti described in the report of the Secretary-General and the addendum thereto,

Supporting the role of the Special Representative of the Secretary-General in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti,

Noting the key role played to date by the United Nations civilian police, supported by United Nations military personnel, in helping to establish a fully functioning Haitian National Police of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice, and, in this context, welcoming continued progress towards establishing the Haitian National Police,

Supporting the efforts of the Organization of American States in cooperation with the United Nations, and in particular the contribution of the International Civilian Mission in Haiti to promote consolidation of peace and democracy in Haiti,

Recognizing the link between peace and development, and stressing that a sustained commitment by the international community and the international financial institutions to assist

and support the economic, social and institutional development in Haiti is indispensable for long-term peace and stability in the country,

Recognizing that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and the reconstruction of their country,

1. *Affirms* the importance of a professional, self-sustaining, fully-functioning national police force of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and the revitalization of Haiti's system of justice;

2. *Decides* to extend for the final time the mandate of the United Nations Support Mission in Haiti as set out in resolution 1063 (1996) of 28 June 1996 and in paragraphs 6 to 8 of the addendum to the report of the Secretary-General of 12 November 1996, and in accordance with the request of the Government of Haiti, until 31 May 1997 with three hundred civilian police personnel and five hundred troops, except that, if the Secretary-General reports by 31 March 1997 that the Support Mission can make a further contribution to the goals set out in paragraph 1 above, it will be further extended, following a review by the Council, for the final time until 31 July 1997;

3. *Requests* the Secretary-General to report to the Council on the implementation of the present resolution, including recommendations on further reductions in the strength of the Support Mission, by 31 March 1997;

4. *Recognizes* that economic rehabilitation and reconstruction constitute the major tasks facing the Government and people of Haiti, and stresses the importance of the Government of Haiti and the international financial institutions continuing their close collaboration to enable the provision of additional financial support;

5. *Requests* all States to provide support for the actions undertaken by the United Nations and by Member States pursuant to the present and other relevant resolutions in order to carry out the provisions of the mandate specified in paragraph 2 above;

6. *Also requests* all States to make voluntary contributions to the trust fund established in resolution 975 (1995) of 30 January 1995 for the support of the Haitian National Police, to ensure that its members are adequately trained and that it is fully operational;

7. *Requests* the Secretary-General to include in his report of 31 March 1997 recommendations on the nature of a subsequent international presence in Haiti;

8. *Decides* to remain seized of the matter.

**Decision of 30 July 1997 (3806th meeting):
resolution 1123 (1997)**

⁴² Ibid., p. 9.

On 19 July 1997, pursuant to resolution 1086 (1996) of 5 December 1996, the Secretary-General submitted to the Council a further report on UNSMTH, covering developments in the country, and recommending the establishment of a new mission, to be known as the United Nations Transition Mission in Haiti (UNTMTH).⁴³ In his report, the Secretary-General stated that Haiti continued to face political and economic challenges, largely as a result of discontent over the economic situation and lack of improvement in living conditions. The international community itself had come under attack and was being blamed for the country's continuing difficulties, and some "popular organizations" had publicly opposed what they termed a "foreign occupation". Reporting on the security situation, the Secretary-General stated that although progress had been made in the establishment of the new police force, as well as in the other fields, it had been slow and uneven. He shared the view of Haiti's political leaders that, without steady long-term support from the international community, the force might not be able to cope with serious incidents, risking deterioration in the security situation. The Secretary-General observed that although he was preparing to withdraw the Mission by 31 July, the ending of a United Nations presence in Haiti at such a stage might jeopardize the progress achieved so far. He recommended to the Council the establishment of the United Nations Transition Mission in Haiti to assist the Haitian authorities in the further professionalization of the Haitian National Police, with a mandate limited to a single four-month period ending on 30 November 1997.⁴⁴ The new operation would be composed of military and civilian police personnel, and the expiration of its mandate would not mean the termination of United Nations involvement in Haiti. A follow-on presence to provide advice and support in public security and judicial reform, as well as human rights monitoring, would still be required.

At its 3806th meeting, held on 30 July 1997, in accordance with the understanding reached in its prior consultations, the Council included in its agenda the report of the Secretary-General. Following the adoption of the agenda, the Council invited the representatives of Antigua and Barbuda, Argentina, Bahamas, Barbados, Canada, Ecuador, Guatemala, Guyana, Haiti, Jamaica,

Nicaragua, Suriname, Trinidad and Tobago and Venezuela, at their request, to participate in the discussion without the right to vote. The President (Sweden) then drew the attention of the members of the Council to the text of a draft resolution submitted by Antigua and Barbuda, Argentina, Bahamas, Barbados, Canada, Chile, Costa Rica, Ecuador, France, Guatemala, Guyana, Jamaica, Nicaragua, Suriname, Trinidad and Tobago, the United States and Venezuela.⁴⁵ He also drew their attention to a letter dated 20 July 1997 from the representative of Haiti addressed to the Secretary-General,⁴⁶ requesting the extension of UNTMTH until 30 November 1997.

Opening the debate, the representative of Haiti stated that despite certain difficulties, there had been significant progress as long-term projects began to replace emergency programmes. Nevertheless, serious problems still persisted and national reconciliation continued to be threatened by the proliferation of criminal gangs, whose acts created a climate of insecurity among the population. Such factors, combined with the difficult economic situation, posed a challenge for the police force. In that context, he noted that the Secretary-General, in his last report, had recognized that the Haitian National Police was not capable of coping alone with all those problems, and that much still remained to be done before the force could attain the proper degree of professionalism and efficiency. His delegation was therefore convinced that UNTMTH would be able to help the Haitian authorities to complete their work and to prepare a smooth transition to another type of commitment to Haiti by the international community.⁴⁷

The representative of Canada stated that the draft resolution represented a significant milestone in a series of steps undertaken by the international community to consolidate the democratic government in Haiti. He underlined that the responsibility for the security and stability of the country would be assumed by the Government of Haiti as the Transition Mission developed a plan and timetable for early and efficient handover of those responsibilities to the national police.⁴⁸

⁴³ S/1997/564 and Add.1.

⁴⁴ For further details on the mandate and composition of UNTMTH, see chapter V.

⁴⁵ S/1997/589.

⁴⁶ S/1997/568.

⁴⁷ S/PV.3806, pp. 2-3.

⁴⁸ *Ibid.*, pp. 3-5.

Speaking before the vote, the representative of France stated that the two previous peacekeeping missions had played a central role in efforts to enhance the effectiveness of the Haitian National Police. He stressed, however, that in spite of significant progress, security conditions remained unstable and the force was not yet fully able to meet the emerging challenges. For those reasons, his delegation supported the request made by the Haitian authorities, and the Secretary-General's recommendations, and would therefore vote in favour of the draft resolution and the establishment of UNTMIH.⁴⁹

The representative of Costa Rica stated that by adopting the draft resolution on UNTMIH, the Council would be firmly endorsing a broader and more comprehensive view of the concept of international peace and security. That new approach encompassed difficult and complex situations, such as that of Haiti. The Security Council was moving forward in the right direction in terms of understanding what constituted a threat to international peace and security, he said.⁵⁰

A number of speakers, while acknowledging the contribution made by the previous United Nations mission to Haiti's political stability, noted that the overall situation remained fragile and the Haitian National Police were not yet fully prepared to cope on its own with the emerging security challenges. For that reason, and bearing in mind the request of the Government of Haiti and the wishes of the countries of the region, they supported the establishment of UNTMIH with a clear four-month mandate to contribute to the formation of the Haitian National Police. Some speakers stressed, however, that the ultimate responsibility for the future of Haiti rested with its Government and people and that international support could not substitute for their efforts.⁵¹

The representative of China stated that the situation in Haiti no longer posed a threat to international peace and security and that the United Nations peacekeeping mission in Haiti had already been completed. The main task facing Haiti was economic reconstruction and development which should mainly be the responsibility of the Haitian people themselves. However, considering the urgent request of the Haitian

government and the wishes of Latin American and Caribbean countries the Chinese Government supported the establishment of UNTMIH as a transitional measure.⁵²

The representative of the Russian Federation stated that although his delegation was satisfied that there had been some improvement in the situation in Haiti in terms of security, the situation remained unstable and cause for concern. He stated that the situation in Haiti had not and did not pose a threat to regional peace and security. The situation was exacerbated by the protracted social and economic crisis. He further underlined that his delegation was not opposed to maintaining a United Nations presence in Haiti, but it had to be commensurate with the real requirements. The delegation of the Russian Federation saw no compelling reason for retaining a United Nations military presence in Haiti. However, bearing in mind the appeal of the President of Haiti, the recommendations of the Secretary-General and the view of the Friends of the Secretary-General for Haiti and also the contributors to the civilian police element, his delegation supported the establishment of a new United Nations Transition Mission in Haiti on the understanding that, as stipulated in the draft resolution, it would have a clearly defined, single four-month mandate.⁵³

The representative of the United States recalled that much had been achieved since 1994. For the first time in Haitian history, a democratically elected President had peacefully succeeded another, and the economy was showing signs of recovery from years of decline. Yet, despite those advances, much still needed to be done. In that context, the creation of UNTMIH would further bolster the rule of law, development, democratization and peace in Haiti. His Government would therefore vote in favour of the draft resolution and the continued support for the Haitian Government.⁵⁴

The draft resolution was then put to the vote and adopted unanimously as resolution 1123 (1997), which reads:

The Security Council,

Recalling all its relevant resolutions and those adopted by the General Assembly,

(Portugal); and p. 12 (Sweden).

⁴⁹ Ibid., pp. 6-7.

⁵⁰ Ibid., p. 8.

⁵¹ Ibid., p. 5 (Argentina); p. 6 (Venezuela); pp. 7-8 (Chile); pp. 9-10 (Republic of Korea); pp. 10-11 (Kenya); p. 11

⁵² Ibid., pp. 8-9.

⁵³ Ibid., p. 9.

⁵⁴ Ibid., pp. 11-12.

Taking note of the request of 13 November 1996 from the President of the Republic of Haiti to the Secretary-General of the United Nations, and the letter dated 20 July 1997 from the Permanent Representative of Haiti to the United Nations addressed to the Secretary-General,

Taking note of the report of the Secretary-General of 19 July 1997, and the recommendations contained therein,

Commending the role of the United Nations Support Mission in Haiti in assisting the Government of Haiti in the professionalization of the police and in the maintenance of a secure and stable environment conducive to the success of the current efforts to establish and train an effective national police force, and expressing its appreciation to all Member States which have contributed to the Support Mission,

Noting the termination, in accordance with resolution 1086 (1996), of the mandate of the Support Mission as of 31 July 1997,

Supporting the role of the Special Representative of the Secretary-General in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti,

Noting the key role played to date by the United Nations civilian police, supported by United Nations military personnel, in helping to establish a fully functioning Haitian National Police Force of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice, and in this context welcoming continued progress towards professionalizing the Haitian National Police,

Affirming the link between peace and development, noting that significant international assistance is indispensable for sustainable development in Haiti, and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and security in the country,

Recognizing that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and the reconstruction of their country,

1. *Affirms* the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and the revitalization of Haiti's system of justice;

2. *Decides*, further to paragraph 1 above, and at the request of the President of the Republic of Haiti, to establish the United Nations Transition Mission in Haiti with a mandate limited to a single four-month period ending on 30 November 1997, in order to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National

Police, as set out in paragraphs 32 to 39 of the report of the Secretary-General of 19 July 1997;

3. *Also decides* that the Transition Mission shall be composed of up to 250 civilian police and 50 military personnel to form the headquarters of a security element;

4. *Further decides* that the security element of the Transition Mission, under the authority of the Force Commander, will ensure the safety and freedom of movement of those United Nations personnel implementing the mandate set out in paragraph 2 above;

5. *Decides* that the Transition Mission will assume responsibility to deploy as appropriate until they are withdrawn all elements and assets of the United Nations Support Mission in Haiti remaining in Haiti;

6. *Requests* all States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to the present and other relevant resolutions in order to carry out the provisions of the mandate as set out in paragraph 2 above;

7. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution no later than 30 September 1997;

8. *Recognizes* that economic rehabilitation and reconstruction constitute the major tasks facing the Haitian Government and people and that significant international assistance is indispensable for sustainable development in Haiti, and stresses the commitment of the international community to a long-term programme of support for Haiti;

9. *Requests* all States to make voluntary contributions to the trust fund established pursuant to resolution 975 (1995) of 30 January 1995 for the Haitian National Police, in particular for the recruitment and deployment of police advisers to assist the Inspector General, Directorate General and department headquarters of the Haitian National Police;

10. *Requests* the Secretary-General to include in his report to be submitted no later than 30 September 1997 recommendations on the modalities of subsequent peacebuilding international assistance to Haiti;

11. *Decides* to remain seized of the matter.

**Decision of 28 November 1997 (3837th meeting):
resolution 1141 (1997)**

On 31 October 1997, pursuant to resolution 1123 (1997) of 30 July 1997, the Secretary-General submitted to the Security Council a report on the United Nations Transition Mission in Haiti.⁵⁵ The report provided an overview of the political, economic and security situation in Haiti, together with his recommendations on

⁵⁵ S/1997/832.

future international peacebuilding efforts, following the expiration of the mandate of the Mission mandate on 30 November 1997. In his report, the Secretary-General stated that Haiti had not had a fully functioning Government since the resignation of its Prime Minister on 9 June 1997. Efforts were currently under way to find a solution to the crisis and to reach a compromise between the two main factions. Seriously concerned about the political stalemate and its negative repercussions on the economy, he had called upon the Haitian authorities and political leaders to negotiate in a spirit of tolerance and reconciliation to reach an agreement and enable the country to move forward. He added that international assistance beyond November needed to focus on strengthening the existing institutions, including the Haitian National Police and the justice system, restoring people's trust in future electoral processes, and supporting economic and social development. On the security situation, the Secretary-General stated that despite growing popular discontent the situation remained relatively stable. For that reason, and given the absence of a military threat against the Haitian authorities, he hoped that the military component of UNTMIH would be able to leave the country at the end of its current mandate.

Subsequently, on 20 November 1997, in an addendum to his report of 31 October,⁵⁶ the Secretary-General stated that while the Haitian National Police had made substantial progress, its development into a professional force continued to be slow and uneven, and the force would need international assistance to continue to pursue its own institutional development while meeting the country's increasing security needs. Accordingly, and in the light of the request from the President of Haiti,⁵⁷ the Secretary-General suggested to the Council the establishment of a follow-on mission, whose main task would be to support and contribute to the formation of the Haitian National Police. He also recommended that the proposed mission, to be known as the United Nations Police Mission in Haiti (MIPONUH), be established for an initial period of six months, until 31 May 1998.⁵⁸

At its 3837th meeting, held on 28 November 1997 in accordance with the understanding reached in its prior

consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Argentina, Canada, Haiti and Venezuela, at their request, to participate in the discussion, without the right to vote. The President (China) then drew the attention of the members of the Council to the text of a draft resolution submitted by Argentina, Canada, Chile, Costa Rica, France, Portugal, the United States and Venezuela.⁵⁹

Opening the debate, the representative of Haiti recalled that since 1995, the United Nations had played a decisive role in the maintenance of stability and security in the country and the consolidation of the democratic process. He noted, however, that after the departure of the international military forces the Haitian National Police would be alone to face security challenges. The Haitian National Police needed international assistance to continue its own institutional development while also doing its job of maintaining security. In addition, insecurity remained a problem, living conditions continued to deteriorate, with poverty gaining ground despite the Government's efforts to remedy the situation. At the current stage in Haiti's national reconstruction, the Haitian people continued to count on the support of the international community. For all those reasons, his delegation would ask the Security Council to adopt the draft resolution unanimously.⁶⁰

The representative of Canada stated that the draft resolution calling for the establishment of the new civilian police mission in Haiti demonstrated the continuing commitment of the international community to assist that country on its road to democracy. He expressed concern at the growing gap between the development of the Haitian National Police and the slow pace of the judicial reform, but stressed that ultimately it was the responsibility of the Government of Haiti to revitalize its own system of justice. He also urged all political parties in Haiti to work together to resolve the

⁵⁶ S/1997/832 and Add.1.

⁵⁷ S/1997/832, annex II. Letter dated 29 October 1997 from the President of Haiti addressed to the Secretary-General requesting the continued assistance of a United Nations civilian police mission to the Haitian National Police.

⁵⁸ For details on the mandate and concept of operations of the follow-on mission, as well as its composition, see chapter V.

⁵⁹ S/1997/931.

⁶⁰ S/PV.3837, pp. 2-3.

political impasse and enable the Government to move forward.⁶¹

A number of speakers stated that despite considerable progress since the return of democratic rule to Haiti, serious problems still persisted and the Haitian National Police had not reached the level of professionalization required to confront emerging difficulties. For that reason, and taking into consideration the recommendations of the Secretary-General and the request of the President of Haiti, they supported the establishment of MIPONUH in order to continue to assist the Haitian Government by supporting and contributing to the training of its police force. Several speakers also stressed the need for a sustained commitment by the international community and financial institutions to the economic, social and institutional development in Haiti.⁶²

The representative of France stated that, despite earlier United Nations efforts, particularly in the area of police training, the Haitian National Police still needed support to complete its development. The situation in the country remained precarious, so it was essential that the security of the population be guaranteed by a competent and effective police force, which enjoyed the trust of the people. For all those reasons, the Government of France supported the establishment of a civilian police mission, and would therefore vote in favour of the draft. The new operation would differ from previous missions and would be entirely composed of civilian police. Special arrangements for the security of United Nations monitors would not constitute precedents for other similar civilian police operations.⁶³

The representative of the Russian Federation reiterated that the situation in Haiti did not pose a threat to regional peace and security, and that in his opinion the United Nations peacekeeping role in Haiti had been successfully fulfilled. His delegation would, however, support the establishment of MIPONUH with the clear understanding that the new operation would have a clearly defined, single one-year mandate, ending on 30 November 1998. Future assistance to the Haitian National Police should be provided through United Nations specialized agencies and programmes, and other

international and regional organizations, and by interested Member States.⁶⁴

The representative of the United States stated that his Government remained committed to the political and economic development of Haiti. Despite some progress in the field of public safety, the Haitian National Police still needed help in dealing with gangs, drug traffickers and political groups that sought to manipulate the police. The presence of a civilian police mission for another year would enable the force to continue to grow professionally. For that reason his delegation strongly supported the establishment of MIPONUH.⁶⁵

The representative of China stated that his delegation believed that the United Nations should conclude its peacekeeping operation in Haiti and concentrate instead on providing technical and financial assistance. However, in view of the current situation and the request from the Haitian Government, his delegation would agree, as an exceptional case, to maintain a civilian police mission in Haiti to support the formation of the Haitian National Police and to contribute to the stability and development of the country.⁶⁶

The draft resolution was then put to the vote and adopted unanimously as resolution 1141 (1997), which reads:

The Security Council,

Recalling all its relevant resolutions and those adopted by the General Assembly,

Taking note of the request of 29 October 1997 from the President of the Republic of Haiti to the Secretary-General,

Taking note also of the report of the Secretary-General of 31 October 1997 and the addendum thereto of 20 November 1997, and the recommendations contained therein,

Commending the role of the United Nations Transition Mission in Haiti in assisting the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police, and expressing its appreciation to all Member States which have contributed to the Transition Mission,

Noting the termination, in accordance with resolution 1123 (1997) of 30 July 1997, of the mandate of the Transition Mission as of 30 November 1997,

⁶¹ *Ibid.*, pp. 4-5.

⁶² *Ibid.*, pp. 3-4 (Argentina); pp. 5-6 (Chile); pp. 6-7 (Portugal); pp. 6-7 (Costa Rica); pp. 7-8 (Egypt); pp. 8-9 (Japan); pp. 9-10 (Kenya); pp. 10-11 (Poland); pp. 11-12 (Republic of Korea); and p. 12 (Sweden).

⁶³ *Ibid.*, pp. 8-9.

⁶⁴ *Ibid.*, pp. 12-13.

⁶⁵ S/PV.3837, p. 13.

⁶⁶ *Ibid.*, pp. 13-14.

Commending the role of the Special Representative of the Secretary-General in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti,

Noting the key role played to date by the United Nations Civilian Police, the International Civilian Mission in Haiti and United Nations Development Programme technical assistance in helping to establish a fully functioning Haitian National Police of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice, and in this context welcoming continued progress towards professionalization of the Haitian National Police and towards fulfilment of the May 1997 "Haitian National Police development plan for 1997-2001",

Stressing the link between peace and development, noting that significant international assistance is indispensable for sustainable development in Haiti, and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and security in the country,

Recognizing that the people and the Government of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and the reconstruction of their country,

1. *Affirms* the importance of a professional, self-sustaining, fully functioning national police of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and the revitalization of Haiti's system of justice, and encourages Haiti to pursue its plans in these respects;

2. *Decides*, further to paragraph 1 above, and at the request of the President of the Republic of Haiti, to establish until 30 November 1998 a United Nations Civilian Police Mission in Haiti, composed of up to three hundred civilian police, with a mandate limited to a single one-year period ending on 30 November 1998, in order to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police in accordance with the arrangements, including monitoring the field performance of the Haitian National Police, set out in paragraphs 39 and 40 of the report of the Secretary-General and paragraphs 2 to 12 of the addendum to the report;

3. *Affirms* that further international assistance to the Haitian National Police, should it be needed, should be provided through United Nations specialized agencies and programmes, in particular the United Nations Development Programme, and through international and regional organizations and by interested Member States;

4. *Affirms also* that all special arrangements accorded to the Civilian Police Mission will not constitute precedents for

other operations of the same nature that include civilian police personnel;

5. *Decides* that the Civilian Police Mission will assume responsibility for those United Nations Transition Mission in Haiti personnel and United Nations-owned assets required for its use in fulfilment of its mandate;

6. *Requests* all States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to the present and other relevant resolutions in order to carry out the provisions of the mandate as set out in paragraph 2 above;

7. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution every three months from the date of its adoption until the mandate of the Civilian Police Mission expires on 30 November 1998;

8. *Recognizes* that economic rehabilitation and reconstruction constitute the major tasks facing the Haitian Government and people and that significant international assistance is indispensable for sustainable development in Haiti, and stresses the commitment of the international community to a long-term programme of support for Haiti;

9. *Requests* all States to make voluntary contributions to the trust fund established pursuant to resolution 975 (1995) of 30 January 1995 for the Haitian National Police, in particular for the recruitment and deployment by the United Nations Development Programme of police advisers to assist the Inspector General, Directorate General and department headquarters of the Haitian National Police;

10. *Decides* to remain seized of the matter.

Decision of 25 March 1998 (3866th meeting): statement by the President

On 20 February 1998, pursuant to resolution 1141 (1997) of 28 November 1997, the Secretary-General submitted to the Council a report on the United Nations Civilian Police Mission in Haiti.⁶⁷ The report provided information on the implementation of the mandate of the Mission, as well as an account of developments in the mission area. In his report, the Secretary-General observed that the international community was deeply concerned that Haiti still did not have a functioning Government, and the political impasse had serious consequences for the economic and social development of the country, jeopardizing the democratic process and seriously compromising international cooperation. Although the Haitian National Police continued to make steady progress, the absence of a functioning judicial system severely hindered its ability to carry out its tasks.

⁶⁷ S/1998/144.

While acknowledging the difficulties entailed in “revamping” the system, he stressed that, without a functioning judiciary, international efforts to help create an effective and professional police force would become increasingly difficult.

At its 3866th meeting, held on 25 March 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the Council invited the representative of Haiti, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President (the Gambia) made the following statement on behalf of the Council:⁶⁸

The Security Council recalls its resolution 1141 (1997) of 28 November 1997 and welcomes the report of the Secretary-General of 20 February 1998 on the United Nations Civilian Police Mission in Haiti.

The Council commends the achievements of the Representative of the Secretary-General in Haiti, United Nations staff and the civilian police officers of the Mission in Haiti. It notes with appreciation the important contributions made by the United Nations Development Programme and the International Civilian Mission in Haiti.

The Council welcomes the progress made by the Haitian people towards the establishment of a durable democratic and constitutional system. It also welcomes the sustained improvement in security and stability in Haiti. The Council agrees with the Secretary-General in his assessment of the Haitian National Police, as expressed in his recent report. It also welcomes the significant progress made by the Haitian National Police, as mentioned in the report of the Secretary-General, and expresses confidence that activities of the Civilian Police Mission will continue to build on the achievements of previous United Nations missions in Haiti and to further the professional development of the Haitian National Police. The Council expresses the hope that achievements of the Haitian National Police will be matched by progress in other areas, including the development of a functioning judicial system, and in this regard recognizes the importance of judicial reform.

The Council reaffirms that further assistance to the Haitian National Police, should it be needed, should be provided with the full support of the international community through the specialized agencies and programmes of the United Nations system, and through international and regional organizations and by interested Member States.

The Council reaffirms also that the people and Government of Haiti bear the ultimate responsibility for national

reconciliation, the maintenance of a secure and stable environment, the administration of justice and the reconstruction of their country. It emphasizes the importance of Haiti’s continuing to settle its contentious issues peacefully and democratically. It expresses the view that a prompt solution of these issues in Haiti will facilitate economic development and the provision of international assistance. It fully supports the appeal of the Secretary-General to Haitian authorities and political leaders to resolve Haiti’s political impasse so that the country can move forward and welcomes current efforts undertaken to this end.

The Council stresses that it is of the utmost importance that the next parliamentary and local elections in Haiti be conducted in a free, fair and transparent manner in order to allow the broadest possible voter participation, consistent with Haitian law. It notes that a substantial effort will be required to ensure the success of these vitally important elections. The Council looks forward to the steps taken by the Government of Haiti in this regard and urges the international community to be ready to provide electoral assistance as may be requested.

The Council recognizes that economic rehabilitation and reconstruction constitute the major tasks facing the Haitian Government and people and stresses that a sustained commitment by the international community and the international financial institutions, as well as the relevant United Nations bodies, to assist and support economic, social and institutional development in Haiti is indispensable for long-term sustainable development in the country. It commends the efforts of those organizations and countries currently involved in meeting these needs and encourages them to coordinate their activities.

The Council will remain seized of this matter.

**Decision of 25 November 1998 (3949th meeting):
resolution 1212 (1998)**

On 24 August 1998, pursuant to resolution 1141 (1998) of 28 November 1997, the Secretary-General submitted to the Security Council a report on MIPONUH, covering the activities of the Mission and developments in the mission area since his last report.⁶⁹ In his report, the Secretary-General observed that efforts to resolve the institutional crisis in Haiti had not been successful and the country was still without a functioning Government. The continuing political deadlock threatened the fragile Haitian democratic process, and hindered economic development and international assistance. Stressing the importance of ensuring the fairness and transparency of the upcoming parliamentary and local elections, he stated that the United Nations stood ready to provide international electoral assistance, should the Haitian authorities so

⁶⁸ S/PRST/1998/8.

⁶⁹ S/1998/796.

request. He further reported that although progress had been made in both the training and performance of the Haitian National Police, the development of an effective police force was a complex and lengthy task, which called for sustained international training to strengthen the capacity of the force and consolidate the gains it had already achieved.

On 11 November 1998, in pursuance to resolution 1141 (1998) of 28 November 1997, the Secretary-General submitted to the Council a report on MIPONUH, covering the activities of the Mission and recent developments in the mission area.⁷⁰ In his report the Secretary-General noted that Haiti's democratic process continued to be undermined by the absence of a Prime Minister. The protracted political stalemate had also eroded public confidence in the capacity and willingness of the authorities to solve the pressing economic and social problems facing the country, and jeopardized international assistance. He reported that although the Haitian National Police had developed a greater capacity to maintain law and order, it still lacked the experience, professional skills and cohesion to become a well-established police force. He stressed the importance of creating an effective judicial system in Haiti. He underscored that the Secretary-General had stressed that the termination of MIPONUH at that stage would not only jeopardize the achievements made so far, but would also have a negative impact on the efforts of the Government to reinforce its institutions. He therefore shared the views expressed by the President of Haiti in his letter of 22 October 1998,⁷¹ and accordingly suggested that the Council might authorize an extension of the mandate and concept of operations of MIPONUH for another year, until 30 November 1999.⁷²

At its 3949th meeting, held on 25 November 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the two reports of the Secretary-General dated 24 August and 11 November 1998, respectively. After the adoption of the agenda, the Council invited the representatives of Argentina, Canada, Chile, Haiti and Venezuela, at their request, to participate in the

discussion without the right to vote. The President (United States) then drew the attention of the members of the Council to the text of a draft resolution submitted by Argentina, Canada, Chile, Costa Rica, France, the United States and Venezuela.⁷³ He also drew their attention to a letter dated 27 October 1998 from the representative of Haiti addressed to the Secretary-General.⁷⁴

Opening the debate, the representative of Argentina stated that while understanding the hesitation of some Council members to renew the mandate of MIPONUH, he however wished to request those delegations to understand the significance of maintaining the rule of law and democratic institutions in the region. The Council had on several occasions heeded the needs of specific regions, and hopefully it would do the same for Haiti. However, the Haitian leadership needed to show its recognition of the efforts of the international community by taking concrete action aimed at resolving the political crisis in Haiti.⁷⁵

The representative of Chile considered that the adoption of the draft resolution extending MIPONUH would comply with the responsibility of the Council under the Charter to maintain international peace and security. The international community should not abandon the Haitian people, but should continue to support them.⁷⁶

The representative of Canada stated that his Government would continue its contribution to MIPONUH at the same level. A great deal remained to be done, particularly regarding the reform of the Haitian judicial system. Time had come to reflect on how to continue to strengthen the Haitian National Police and, more broadly, the Haitian system of justice after the departure of the Mission. The draft resolution encouraged that process and would lead to recommendations by the Secretary-General on a viable transition.⁷⁷

The representative of Costa Rica recalled that Article 24 of the Charter conferred on the Security Council primary responsibility for the maintenance of

⁷⁰ S/1998/1064.

⁷¹ Letter dated 27 October 1998 from the representative of Haiti, addressed to the Secretary-General, transmitting a letter from the President of Haiti requesting the United Nations to continue to cooperate with Haiti in order to strengthen the national police (S/1998/1003).

⁷² For further details on the mandate and composition of

MIPONUH, see chapter V.

⁷³ S/1998/1117.

⁷⁴ S/1998/1003.

⁷⁵ S/PV.3949, pp. 2-3.

⁷⁶ *Ibid.*, p. 3.

⁷⁷ *Ibid.*, pp. 3-4.

international peace and security. That responsibility, under Article 1, was proactive and comprehensive for it stated that the United Nations should “take effective collective measures for the prevention and removal of threats to peace”. The situation in Haiti constituted a clear example of the need for organized international participation from the standpoint of guaranteeing and building peace and thus preventing a return of conflict and instability. In addition, dramatic statistics on Haitian social conditions, including education and poverty levels, were sufficient reason to continue assisting its people to promote a new political, economic and social model. The United Nations role in Haiti, he said, went beyond the traditional concept of development assistance; it promoted legal and institutional reforms to prevent a return to hostilities.⁷⁸

The representative of Brazil noted that despite significant progress, the Haitian National Police was still not self-sustainable and there had been regrettable delays in the judicial reform. Moreover, a political stalemate continued to undermine national institutions and hinder the implementation of reforms aimed at solving the serious economic and social problems in Haiti. His delegation regarded the extension of the Mission as part of a preventive strategy that would include economic assistance for the reconstruction and development process of the country. The renewed mandate of MIPONUH would also provide an opportunity for the gradual transfer of its tasks to other bodies. Highlighting paragraph 8 of the draft resolution before the Council, he further stated that it was a small but in a certain sense innovative step by the Council to revive Article 65 of the Charter.⁷⁹

The representative of Kenya welcomed the Council’s strong appeal urging the Haitian authorities and political leaders to negotiate urgently an end to the crisis. Expressing his delegation’s support for the extension of MIPONUH, he stressed the need to switch mechanisms of engagement and of assisting Haiti from a policing mode to one which focused more on peacebuilding.⁸⁰

The representative of Portugal expressed his delegation’s concern at the climate of violence and unrest, the difficult economic situation, the high level of

unemployment, the rising cost of living and the slow pace of change in Haiti. It was also troubling that parliamentary and local elections had been postponed, thereby prolonging the political stalemate. His delegation therefore urged the Haitian authorities and political leaders to urgently seek a negotiated solution to end the crisis. It also believed that a United Nations presence in the country was crucial and would therefore vote in favour of the draft resolution.⁸¹

The representative of France stated that his Government shared the concern expressed by previous speakers urging the Council to wind down the activities of MIPONUH and transfer its management to another framework. That transition however, must be well organized and carried out in such a way as to avoid damaging the results already obtained. His delegation fully supported the draft resolution and the extension of the Mission’s mandate.⁸²

The representative of the Russian Federation shared the view that Haiti continued to need assistance “to get back on its feet” and overcome its socio-economic crisis. He maintained that from the beginning the situation in Haiti had not posed a threat to international peace and security. It was a typical situation: the difficult transition of a society that lacked a democratic tradition — a transition that was made more difficult by chronic socio-economic difficulties and widespread poverty. The situation in Haiti was no different from many other developing countries which were also experiencing the same problems. The speaker recalled that the first United Nations Mission in Haiti had been deployed in September 1993, and had since been extended several times “for the last time” under various names. The proposed draft resolution extending the peacekeeping operation in Haiti again would not enhance the Council’s authority nor confidence in its own decisions. His delegation would therefore not be able to support the draft resolution.⁸³

The draft resolution was then put to the vote and adopted by 13 votes in favour, none against and 2 abstentions (China, Russian Federation), as resolution 1212 (1998),⁸⁴ which reads:

The Security Council,

⁷⁸ Ibid., pp. 4-5.

⁷⁹ Ibid., p. 5.

⁸⁰ Ibid., pp. 5-6.

⁸¹ Ibid., pp. 6-7.

⁸² Ibid., p. 7.

⁸³ Ibid., pp. 7-8.

⁸⁴ For the vote, see S/PV.3949, p. 8.

Recalling all its relevant resolutions, in particular resolution 1141 (1997) of 28 November 1997, and those adopted by the General Assembly,

Taking note of the request of 22 October 1998 from the President of the Republic of Haiti to the Secretary-General,

Taking note also of the reports of the Secretary-General of 24 August and 11 November 1998, and the recommendations contained therein,

Commending the role of the United Nations Civilian Police Mission in Haiti in assisting the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police, and expressing its appreciation to all Member States which have contributed to the Civilian Police Mission,

Commending also the role of the Representative of the Secretary-General in Haiti in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti,

Noting the key role played to date by the United Nations civilian police, the International Civilian Mission in Haiti and the technical assistance of the United Nations Development Programme, as well as bilateral programmes, in helping to establish a fully functioning Haitian National Police Force of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice, and in this context, stressing the importance of the reform of Haiti's system of justice for the successful development of the Haitian National Police, and welcoming continued progress towards the professionalization of the Haitian National Police and towards fulfilment of the May 1997 "Haitian National Police development plan for 1997-2001",

Stressing the link between peace and development, noting that significant international assistance is indispensable for sustainable development in Haiti, and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and security in the country,

Expressing deep concern over the prolonged political stalemate, which presents considerable risks for peace and development,

Expressing its deep regret that this political stalemate has not yet made possible the transfer of the activities of the Civilian Police Mission to other forms of international assistance,

Recognizing that the people and the Government of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and the reconstruction of their country,

1. *Reaffirms* the importance of a professional, self-sustaining, fully functioning national police of adequate size and structure, able to conduct the full spectrum of police functions, for the consolidation of democracy and the revitalization of

Haiti's system of justice, and encourages Haiti to pursue actively its plans in these respects;

2. *Decides*, further to paragraph 1 above, and at the request of the President of the Republic of Haiti, to extend until 30 November 1999 the present mandate, including the concept of operation, of the United Nations Civilian Police Mission in Haiti, in order to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police in accordance with the arrangements set out in paragraph 32 of the report of the Secretary-General of 11 November 1998, including monitoring the field performance of the Haitian National Police and strengthening the capability of the central directorate of the police force to manage aid provided to it from bilateral and multilateral sources;

3. *Affirms* that future international assistance to the Haitian National Police should be considered through specialized agencies and programmes of the United Nations system, in particular the United Nations Development Programme, and through other international and regional organizations and by Member States;

4. *Requests* Member States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to the present and other relevant resolutions in order to carry out the provisions of the mandate referred to in paragraph 2 above;

5. *Underlines* the importance of full coordination among multilateral and bilateral contributors in order to assure the effective allocation of international assistance provided to the Haitian National Police, and requests the Representative of the Secretary-General in Haiti to work closely with Member States to ensure that bilateral and multilateral efforts are complementary;

6. *Strongly urges* the Haitian authorities and political leaders to fulfil their responsibilities and to negotiate urgently an end to the crisis in a spirit of tolerance and compromise;

7. *Calls upon* the Haitian authorities to pursue the reform and strengthening of Haiti's system of justice, in particular its penal institutions;

8. *Emphasizes* that economic rehabilitation and reconstruction constitute the major tasks facing the Haitian Government and people and that significant international assistance is indispensable for sustainable development in Haiti, stresses the commitment of the international community to a long-term programme of support for Haiti, and invites United Nations bodies and agencies, especially the Economic and Social Council, to contribute to the designing of such a programme;

9. *Requests* all States to make voluntary contributions to the trust fund established pursuant to resolution 975 (1995) of 30 January 1995 for the Haitian National Police, in particular for the recruitment and deployment by the United Nations Development Programme of police advisers to assist the Inspector General, Directorate General and department headquarters of the Haitian National Police;

10. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution every three months from the date of its adoption until the mandate of the Civilian Police Mission expires on 30 November 1999;

11. *Expresses its intention* not to extend the Civilian Police Mission beyond 30 November 1999, and requests the Secretary-General to make recommendations on a viable transition to other forms of international assistance in his second report referred to in paragraph 10 above, for the consideration of the Security Council, taking into account the need to preserve the progress made in the reform of the Haitian National Police and to strengthen further United Nations support for the consolidation of democracy, respect for human rights and the maintenance of law and order in Haiti;

12. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of China stated that the United Nations peacekeeping operation in Haiti had existed for five years and had been extended in various forms many times. He noted that the situation there had since been relatively stable and did not constitute any threat to international or regional peace and security. The resolution before the Council stressed that economic reconstruction was the main task facing the country. His delegation had shown flexibility by suggesting that the Mission be extended for an appropriate period. He regretted however, that the Chinese major amendment proposals had not been taken into account and adopted by the co-sponsors and as a result his delegation was compelled to abstain in the voting.⁸⁵

The representative of the United States stated that his Government welcomed the Council's decision to continue the role of MIPONUH for another year to provide training and guidance to the Haitian National Police. His delegation remained concerned about the continuing political impasse and urged the Haitians to resolve their differences in the interest of the country's immediate and long-term future. In the months ahead, the international community would need to develop a viable transition mechanism outside the peacekeeping framework to sustain Haitian National Police professionalization.⁸⁶

The representative of Haiti stated that by authorizing the renewal of MIPONUH, the Council would not only ensure the development of the young police force, but it would also help it preserve the

progress achieved so far. Haiti was currently facing a continuing institutional crisis; however, despite the frustrating nature of the situation, a forced solution could in fact cause serious problems in the future. The Haitian Parliament had met in a special session to debate the issue and to find a solution within the framework of the Haitian Constitution.⁸⁷

**Decision of 30 November 1999 (4074th meeting):
resolution 1277 (1999)**

On 24 August 1999, pursuant to resolution 1212 (1998) of 25 November 1998, the Secretary-General submitted to the Security Council a report on MIPONUH, covering the activities of the Mission and developments in the mission area.⁸⁸ The report also included, for the consideration of the Council, further comments on a viable transition to other forms of international assistance beyond those made in previous reports. In his report, the Secretary-General observed that the period under review was marked by ongoing negotiations between the political parties and the Government of Haiti on how to further the democratic process through the holding of legislative and municipal elections. The security situation remained a matter of concern, and a coordinated effort by the Haitian Government, the police and political and civil leaders would be required to avoid a further deterioration in the months leading to the elections. He also stated that the question of security was the responsibility of all Haitians, and that the Haitian National Police could not operate effectively without the full support of the Government and the population at large. The Secretary-General further observed that it would be appropriate, at that juncture, to assess the extent to which some of the functions currently exercised by the two existing missions in Haiti — MIPONUH and the International Civilian Mission in Haiti (MICIVIH) — could be combined into one integrated operation. Subject to the availability of resources, the new mission could also operate in the areas of human rights monitoring and institution-building to provide support to the judicial sector and the national police. The mission would also encourage the Haitian authorities to speed up the reform of its system of justice; verify and support the promotion and protection of human rights; and assist the

⁸⁵ *Ibid.*, pp. 8-9.

⁸⁶ *Ibid.*, pp. 9-10.

⁸⁷ *Ibid.*, p. 10.

⁸⁸ S/1999/908.

development and strengthening of democratic institutions, including civil society.

On 18 November 1999, pursuant to resolution 1212 (1998) of 25 November 1998, the Secretary-General submitted to the Council another report on MIPONUH, covering the activities of the Mission and developments in the mission area since his last report.⁸⁹ In his report, the Secretary-General stated that the setting of a date for Haiti's long-delayed legislative and local elections was a significant step forward. He noted, however, that a number of disturbing developments had raised concerns about the electoral process, the security situation and the potential politicization of the Haitian National Police. Moreover, a new postponement of the elections would further erode the confidence of the Haitian people in the Government. The Secretary-General further reported that the Haitian National Police had made significant progress since the establishment of MIPONUH. The termination of the Mission would mark the end of United Nations peacekeeping efforts in Haiti. He underlined further the importance of a continued United Nations presence in the country to assist the Government in the democratization process, professionalization of the police, and reinforcement of the justice system, as called for in a letter dated 8 November 1999 from the President of Haiti.⁹⁰

At its 4074th meeting, held on 30 November 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the two reports of the Secretary-General. Following the adoption of the agenda, the Council invited the representatives of Haiti and Venezuela, at their request, to participate in the discussion without the right to vote. The President (Slovenia) then drew the attention of the members of the Council to the text of a draft resolution submitted by Argentina, Brazil, Canada, France, the United States and Venezuela.⁹¹

Opening the debate, the representative of Haiti stated that MIPONUH, as well as the other previous United Nations missions in Haiti, had carried out their mandate in a positive environment. However, threatening elements still persisted which could reverse

the democratic process. He recalled that the Secretary-General had suggested, in his report, that the new mission could carry out the tasks currently handled by MIPONUH and MICIVIH and assist the Haitian Government in areas which were essential for the promotion of democracy, such as the police force, justice and human rights. His delegation therefore hoped that the draft resolution on a phased transition to an International Civilian Support Mission in Haiti (MICAHA) as well as the draft before the General Assembly proposing the establishment of that Mission would be adopted by the respective bodies.⁹²

The representative of the Russian Federation stated that his delegation would abstain in the voting for reasons of principle. By extending the mandate of MIPONUH, the Council was once again in breach of its own decision. The fact that in the text the words "to continue" were used instead of "to extend the mandate" did not change the essence of the matter. Moreover, the President of Haiti had clearly set forth his position when he expressed the desire that a new mission be established whose members would be neither uniformed nor armed.⁹³ That approach was at variance with the draft resolution. He underlined that since there was no official written request from the Government of Haiti to extend MIPONUH the Security Council should not take a decision to extend the mandate.⁹⁴

The draft resolution was then put to the vote and adopted by 14 votes in favour, none against and 1 abstention (Russian Federation), as resolution 1277 (1999),⁹⁵ which reads:

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1212 (1998) of 25 November 1998, and those adopted by the General Assembly and the Economic and Social Council,

Taking note of the letter dated 8 November 1999 from the President of the Republic of Haiti to the Secretary-General, requesting the establishment of an international civilian support mission in Haiti,

⁸⁹ S/1999/1184.

⁹⁰ Letter dated 8 November 1999 from the President of Haiti, addressed to the Secretary-General, requesting a support mission, whose members would be neither uniformed nor armed, to support the democratization process, and assist the Government of Haiti in strengthening the judiciary and professionalizing the

Haitian National Police. (Ibid., annex II).

⁹¹ S/1999/1202.

⁹² S/PV.4074, pp. 2-3.

⁹³ S/1999/1184, annex II.

⁹⁴ S/PV.4074, pp. 3-4.

⁹⁵ For the vote, see S/PV.4074, p. 4.

Taking note also of the reports of the Secretary-General of 24 August and 18 November 1999,

Commending the valuable contributions of the Representative of the Secretary-General, the United Nations Civilian Police Mission in Haiti, the International Civilian Mission in Haiti and the technical assistance programmes of the United Nations Development Programme and bilateral donors, in assisting the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police Force as an integral element of the consolidation of Haiti's system of justice, as well as by their efforts in developing national institutions,

Recognizing that the people and Government of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice and the reconstruction of their country, and that the Government of Haiti bears particular responsibility for the further strengthening and effective functioning of the Haitian National Police Force and the justice system,

1. *Decides* to continue the United Nations Civilian Police Mission in Haiti in order to ensure a phased transition to an International Civilian Support Mission in Haiti by 15 March 2000;

2. *Requests* the Secretary-General to coordinate and expedite the transition from the United Nations Civilian Police Mission in Haiti and the International Civilian Mission in Haiti to the International Civilian Support Mission in Haiti and to report to the Security Council on the implementation of the present resolution by 1 March 2000;

3. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of Argentina stated that the resolution was a technical measure aimed at facilitating the smooth transition between the missions currently deployed and the new International Civilian Support Mission in Haiti, the creation of which would be considered by the General Assembly shortly.⁹⁶

The representative of the United States of America stated that her Government strongly endorsed the proposal to extend MIPONUH until 15 March 2000, so as to give the United Nations additional time to recruit the technically skilled personnel required to fulfil the MICAH mandate. The transition over the following months between the two missions, MIPONUH and

MICAH, reflected the changing realities in the type of international help most suitable for the present situation in Haiti. In their new role, the armed and uniformed international civilian police currently in the country would be replaced by technical advisors who would concentrate on developing a competent cadre of Haitian police commanders and managers.⁹⁷

The representative of Brazil stated that the General Assembly would soon approve the establishment of a new integrated mission in Haiti, thereby bringing to an end the Security Council's peacekeeping involvement in that country. The extension of MIPONUH would allow the necessary time for a smooth transition to new forms of international assistance until the new mission became fully operational.⁹⁸

The representative of China stated that his delegation supported the Secretary-General's proposal to set up MICAH and hoped that the General Assembly would take a decision on a relevant resolution shortly. He noted, however, that given the overall situation in Haiti, MIPONUH should consider completing its operation so that the relevant agencies could play a bigger role in the peacebuilding field.⁹⁹

The representative of Canada stated that the achievements of MIPONUH had enabled the Council to move to a more flexible mechanism adapted to Haiti's priority needs. The future Mission would

⁹⁶ *Ibid.*, p. 4.

⁹⁷ *Ibid.*, pp. 4-5.

⁹⁸ *Ibid.*, pp. 5-6.

⁹⁹ *Ibid.*, p. 6.

complete the ongoing transition from a military peacekeeping presence to a civilian police presence evolving towards a long-term programme of cooperation. The transition period then adopted by the Council to continue MIPONUH until 15 March 2000

was essential if MICAH was to be organized, deployed and utilized to its full potential. He added that MICAH would be a new kind of mission, fundamentally different from a peacekeeping mission.¹⁰⁰

19. Shooting down of two civil aircraft on 24 February 1996

Initial proceedings

Decision of 27 February 1996 (3635th meeting): statement by the President

By a letter dated 26 February 1996 addressed to the President of the Security Council,¹ the representative of the United States requested an urgent meeting of the Council in view of “the seriousness of the situation created by the shooting down of two civil aircraft by Cuban Forces”.

At its 3634th meeting, held on 27 February 1996 in accordance with the understanding reached in its prior consultations, the Council included the letter in its agenda. Following the adoption of the agenda, the President (United States), with the consent of the Council, invited the representative of Cuba, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 26 February 1996 from the representative of Cuba, transmitting a note dated 25 February 1996 from the Ministry of Foreign Affairs of Cuba, in connection with the shooting down of two United States “civilian” aircraft by Cuban planes and the readiness of the Government of Cuba to discuss the matters with the United States Government, in the Security Council or elsewhere; and a note dated 26 February 1996 from the Ministry of Foreign Affairs of Cuba, stating that two Cessna private aircraft, which had taken off from Florida, while in the act of violating the airspace over Cuban territorial waters were brought down by aircraft of the Cuban Air Force. The letter also included a chronology of violations of Cuban airspace from 1994 to 1996.²

At the same meeting, the representative of Cuba stated that during the previous 20 months, 25 aircraft originating in United States territory had violated Cuban airspace and that in every case it had been officially

communicated to the United States interests section in Havana. He further stated that Cuba had “irrefutable proof” that the two aircraft in the present case were in violation of Cuban airspace when they were shot down. He noted that before being shot down one of the pilots of the aircraft heading for Cuba was warned that defences had been activated and of the risk they would run by entering those areas. The pilot had replied that he would fly despite the prohibition. The representative further maintained that Cuba had repeatedly communicated, both publicly and officially to the Government of the United States — including to the Federal Aviation Administration — the dangers to aircraft that unauthorized flights in their airspace entailed. He maintained that despite those warnings, which it publicly acknowledged on several occasions, the Government of the United States had taken no effective measures to prevent such flights from taking place in Cuban airspace. He stressed that on many occasions, Cuban territorial waters and airspace had been violated by organizations based in the United States that, in civilian guise, had committed terrorist acts, while no effective measures had been taken by the Government of that country to stop such actions originating in its territory. The representative observed further that in the past Presidents of the Security Council had invoked rule 20 of the Council’s provisional rules of procedure to demonstrate clearly to the international community that, in line with basic ethical behaviour, they would not attempt to benefit from the prerogatives of their office. He noted that it was abundantly clear that the fact that the United States was presiding over the Council at that time had engendered a very particular dynamic and very particular features in the Council’s work.³ In conclusion, he wished to make very clear to the Security Council that neither the presidential

¹⁰⁰ Ibid., pp. 6-7.

¹ S/1996/130.

² S/1996/137.

³ See also chap. I for remarks concerning rule 20.

statement before it, if issued, nor any other action would be acceptable to Cuba if it did not include clear, unequivocal condemnation of the acts of aggression against his country carried out from the territory of the United States.⁴

At the same meeting, the representative of the United States stated that his country reserved the right to respond to the unfounded comments in the statement of the Cuban representative.⁵

At its 3635th meeting, held on 27 February 1996, the Council resumed its consideration of the item. After the adoption of the agenda, the President (United States) made the following statement on behalf of the Council:⁶

The Security Council strongly deplores the shooting down by the Cuban Air Force of two civil aircraft on 24 February 1996, which apparently has resulted in the death of four persons.

The Council recalls that according to international law, as reflected in article 3 bis of the Convention on International Civil Aviation of 7 December 1944, added by the Montreal Protocol of 10 May 1984, States must refrain from the use of weapons against civil aircraft in flight and must not endanger the lives of persons on board and the safety of aircraft. States are obliged to respect international law and human rights norms in all circumstances.

The Council requests that the International Civil Aviation Organization investigate this incident in its entirety and calls upon the Governments concerned to cooperate fully with this investigation. The Council requests that the International Civil Aviation Organization report its findings to it as soon as possible. The Council will consider that report and any further information presented to it without delay.

**Decision of 26 July 1996 (3683rd meeting):
resolution 1067 (1996)**

At its 3683rd meeting, held on 26 July 1996 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda a note by the Secretary-General dated 1 July 1996, transmitting a letter dated 28 June 1996 from the President of the Council of the International Civil Aviation Organization addressed to the Secretary-General⁷ containing the report of the investigation regarding the shooting down of two U.S.-

registered private civil aircraft by Cuban military aircraft on 24 February 1996. Following the adoption of the agenda, the President (France), with the consent of the Council, invited the representatives of Colombia, Cuba, the Lao People's Democratic Republic and Viet Nam, at their request, to participate in the discussion without the right to vote.

The President then drew the attention of the Council to the text of a draft resolution submitted by the United States.⁸ The President further drew the attention of the Council to the following other documents: a letter dated 1 March 1996 from the representative of Cuba addressed to the President of the Security Council,⁹ and letters dated 1 March, 22 May, 18, 18, 21, 25, 28 and 28 June, and 2, 3, 4, 16 and 17 July 1996, respectively, from the representative of Cuba addressed to the Secretary-General,¹⁰ concerning aspects of the incident involving the shooting down of the two aircraft.

At the same meeting, the representative of the United States said that the draft resolution dealt with a fundamental question of international law and with the observance or non-observance of international standards. She stated that Cuba had violated the principle of customary international law that States must refrain from resorting to the use of weapons against civil aircraft in flight, a principle that applied whether the aircraft was in national or international airspace. She recalled that Cuba had violated the International Civil Aviation Organization (ICAO) principle that interception of civil aircraft be undertaken only as a last resort and had also failed to follow proper warning procedures. She noted that the Government of Cuba still refused to acknowledge the unlawful nature of its actions. She stressed that the primary mission of the Council was to maintain international peace and security and the draft resolution served that goal by calling upon all nations to refrain from shooting down civil aircraft in violation of international legal standards.¹¹

The representative of Cuba, referring to the ICAO report, maintained that the United States had concealed information, falsified data and impeded the analysis, and had tried to make consideration of the item before the

⁴ S/PV.3634, pp. 2-5.

⁵ *Ibid.*, p. 5.

⁶ S/PRST/1996/9.

⁷ S/1996/509. See annex, enclosure 2.

⁸ S/1996/596.

⁹ S/1996/152.

¹⁰ S/1996/154, S/1996/370, S/1996/448, S/1996/449, S/1996/458, S/1996/470, S/1996/498, S/1996/499, S/1996/520, S/1996/525, S/1996/532, S/1996/570 and S/1996/577, concerning aspects of the incident involving the shooting down of the two aircraft.

¹¹ S/PV.3683, pp. 2-3.

Security Council as difficult as possible. The United States had presented the case as if it were a question of destruction over international waters and not, as was the case, well within the territory of the Republic of Cuba. He also noted that as stated in an ICAO Secretariat document, the use of the aircraft in question was the determining criterion for deciding if an aircraft had civil status or not. He stressed that in this case neither the use nor the mission related to the transport of passengers, mail or cargo. He underscored that there had been no other case before the international community of premeditated activities undertaken by an organization that was involved not in civil aviation but in illegitimate activities that not only violated international law, United States regulations and Cuban sovereignty, but were also related to very serious crimes against the Cuban people. Moreover, he stated that the policy of the United States had not been to prevent those incidents, but to promote and encourage them. He noted that there had never been an incident involving a United States civil aircraft, out of the hundreds that pass each day through these corridors linking Cuba with the United States.¹²

The representative of Colombia stated that the principle that States needed to refrain from the use of weapons against civil aircraft in flight was as relevant as that which established that each State shall take appropriate measures to prohibit the deliberate use of any civil aircraft registered in that State for any purpose inconsistent with the aims of the Convention on International Civil Aviation. He expressed regret that the draft resolution did not contain some of the amendments proposed by the caucus of members of the Non-Aligned Movement, and also noted that Colombia found no justification for the Security Council remaining indefinitely seized of the matter before it.¹³

The representative of Lao People's Democratic Republic stated that his delegation was of the firm opinion that in all circumstances every country or sovereign State had the right and the sacred duty to defend its independence and territorial integrity if it considered that those were threatened or violated. However, given that a multitude of technical questions had not yet been clarified, his delegation did not believe that there were yet grounds to resolve the substance of the question. He appealed to both parties to endeavour

to improve their bilateral relations and resolve their disputes peacefully.¹⁴

The representative of Viet Nam stated that his delegation fully supported the ongoing efforts made by the international community, including those of the non-aligned countries with a view to maintaining the principles of national independence, sovereignty, territorial integrity, non-intervention and non-interference in the internal affairs of other countries.¹⁵

Speaking before the vote, the representative of the United Kingdom stated that there could be no doubt that Cuba had contravened principles of international law in using force against civil aircraft and in not following established international procedures on interception of such aircraft. The Security Council was doing no more than upholding the principles of international law and fulfilling its responsibilities to safeguard international peace and security. He added that the Security Council was to vote on a draft resolution which made clear the Council's condemnation of the use of weapons against civil aircraft in flight.¹⁶

The representative of China stated that the provisions of international law on the non-use of weapons against civil aircraft should be respected and at the same time those on the inviolability of territorial airspace and those against the abuse of civil aviation must also be observed. However, he stated that as key amendments proposed by the parties concerned had not been accepted, the current draft resolution had a "biased tilt," as a result of which his delegation would abstain in the vote.¹⁷

The representative of the Russian Federation stated that the draft resolution reaffirmed the conclusion of the Council of the International Civil Aviation Organization that States must refrain from the use of weapons against civil aircraft in flight and that when civil aircraft were intercepted the lives of persons on board must not be endangered. However, the Security Council bore a great responsibility in terms of effective and timely measures to ensure compliance with international law, which included not allowing violations of the sovereignty of Member States or of the standards and rules of international civil aviation. He stated that the draft resolution had continued to deviate

¹² Ibid., pp. 4-13.

¹³ Ibid., pp. 13-14.

¹⁴ Ibid., pp. 14-15.

¹⁵ Ibid., p. 15.

¹⁶ S/PV.3683, pp. 15-16.

¹⁷ Ibid., pp. 17.

from the general direction consistent with the interests of all members of the international community. He said that the text remained unbalanced from the political and international legal standpoints, as it did not strike a balance between two fundamental principles: the non-use of weapons against civil aircraft and the non-use of such aircraft for illegal purposes, which established an unfortunate precedent for the future. He also expressed unhappiness that the resolution emphasized the report of the Secretary-General of ICAO, which had not been given an unequivocal assessment when it was considered, over the resolution of the International Civil Aviation Organization Council. He reiterated that his delegation could not support the draft resolution in its present form and would abstain in the voting.¹⁸

A number of other speakers endorsed the draft resolution. They supported the principle that States must refrain from the use of weapons against civil aircraft in flight. Many representatives also highlighted that each contracting State needed to take appropriate measures to prohibit the deliberate use of any civil aircraft for any purposes inconsistent with the aims of article 3 bis (d) of the Chicago Convention.¹⁹

The draft resolution was thereupon put to the vote and adopted by 13 votes to none with 2 abstentions (China, Russian Federation), as resolution 1067 (1996), which reads:

The Security Council,

Recalling the statement made by its President on 27 February 1996 strongly deploring the shooting down by the Cuban Air Force of two civil aircraft on 24 February 1996, which resulted in the death of four persons, and requesting the International Civil Aviation Organization to investigate this incident in its entirety and to report its findings to the Security Council,

Taking note of the resolution adopted by the Council of the International Civil Aviation Organization on 6 March 1996 which strongly deplored the shooting down of the two civil aircraft and which directed the Secretary-General of the International Civil Aviation Organization to initiate an immediate investigation of the incident in its entirety in accordance with the Security Council presidential statement of 27 February 1996 and to report on that investigation,

Commending the International Civil Aviation Organization for its examination of this incident, and welcoming the resolution adopted by the Council of the International Civil Aviation

Organization on 27 June 1996, transmitting the report of the Secretary-General of that organization to the Security Council,

Welcoming the report of the Secretary-General of the International Civil Aviation Organization regarding the shooting down of civil aircraft N2456S and N5485S by Cuban MiG-29 military aircraft, and noting in particular the conclusions of the report,

Recalling the principle that every State has complete and exclusive sovereignty over the airspace above its territory, and that the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto, and noting in this connection that States shall be guided by the principles, rules, standards and recommended practices laid down in the Convention on International Civil Aviation of 7 December 1944 and the annexes thereto (the Chicago Convention), including the rules relating to the interception of civil aircraft, and the principle, recognized under customary international law, concerning the non-use of weapons against such aircraft in flight,

1. *Endorses* the conclusions of the report of the International Civil Aviation Organization and the resolution adopted by the Council of the International Civil Aviation Organization on 27 June 1996;

2. *Notes* that the unlawful shooting down by the Cuban Air Force of two civil aircraft on 24 February 1996 violated the principle that States must refrain from the use of weapons against civil aircraft in flight and that, when intercepting civil aircraft, the lives of persons on board and the safety of the aircraft must not be endangered;

3. *Expresses deep regret* over the loss of four lives, and offers its deep sympathy and condolences to the bereaved families of the victims of this tragic event;

4. *Calls upon* all parties to acknowledge and comply with international civil aviation law and related internationally agreed procedures, including the rules and standards and recommended practices set out in the Chicago Convention;

5. *Reaffirms* the principle that each State shall take appropriate measures to prohibit the deliberate use of any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State for any purpose inconsistent with the aims of the Chicago Convention;

6. *Condemns* the use of weapons against civil aircraft in flight as being incompatible with elementary considerations of humanity, the rules of customary international law as codified in article 3 bis of the Chicago Convention, and the standards and recommended practices set out in the annexes of the Convention, and calls upon Cuba to join other States in complying with their obligations under these provisions;

¹⁸ Ibid., pp. 23-24.

¹⁹ Ibid., pp. 16-17 (Germany); pp. 17 (Botswana); p. 18 (Guinea-Bissau); p. 18 (Honduras); pp. 18-19 (Poland);

p. 19 (Republic of Korea); pp. 19-20 (Indonesia); p. 21 (Chile); p. 22 (Italy); and pp. 22-23 (Egypt).

7. *Urges* all States which have not yet done so to ratify as soon as possible the Montreal Protocol adding article 3 bis to the Chicago Convention, and to comply with all the provisions of the article pending the entry into force of the Protocol;

8. *Welcomes* the decision of the Council of the International Civil Aviation Organization to initiate a study of the safety-related aspects of the report of the investigation with regard to the adequacy of standards and recommended practices and other rules relating to the interception of civil aircraft with a view to preventing the recurrence of a similar tragic event;

9. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of France noted that two points regarding the events had

emerged. First, the events had occurred in a context of tension caused by repeated violations of Cuban airspace. The second was that weapons had been deliberately used against unarmed aircraft without prior recourse to procedures that would have made it possible to divert the planes. He concluded that the resolution adopted was completely consistent with the results of the International Civil Aviation Organization's work.²⁰

At the same meeting, both the United States and Cuba took second interventions to reiterate the points made in their respective statements.²¹

²⁰ Ibid., pp. 24-25.

²¹ Ibid., pp. 25-26.

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Department of Political Affairs

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

Supplement 1996-1999

Volume II



United Nations • New York, 2011

Note

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

ST/PSCA/1/Add.13

United Nations publication
Sales No. 10.VII.3

ISBN 978-92-1-137034-8

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Introduction

The present publication (volumes I and II) constitutes the thirteenth 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 3616th meeting, on 5 January 1996, to the 4086th meeting, on 30 December 1999.

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

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

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

The agenda items considered by the Council during 1996-1999, and the meetings at which they were considered, are presented in a table hereunder in the order in which the items were initially taken up during the period.*

* * *

Symbols of United Nations documents are composed of letters combined with figures. Security Council documents are indicated by a symbol such as S/1996/380. References to the verbatim records of meetings of the Council are given in the form S/PV.3677, meetings being numbered consecutively, starting with the first meeting in 1946. As in previous recent supplements, reference is made in this Supplement only to the provisional verbatim records of Security Council meetings, as the practice of publishing the meeting records in the *Official Records* has been discontinued.

The resolutions adopted by the Security Council and most of the statements by the President are published in the yearly volumes of *Resolutions and Decisions of the Security Council*. Resolutions are identified by a number followed by the year of adoption in parentheses, for example, resolution 1273 (1999). Statements by the

* For the table, see volume I, introduction.

President not included in the yearly volumes are recorded in the relevant verbatim records.

Readers who wish to consult the full record of a meeting or the text of a Security Council document referred to in the *Repertoire* may do so on the official United Nations Documentation Centre website, www.un.org/en/documents/. Security Council documents can be accessed on the website by selecting “Official Document System (ODS)” or one of the direct links to specific categories of documents. The volumes of resolutions and decisions may be accessed by symbol (S/INF/52, for 1996; S/INF/53, for 1997; S/INF/54, for 1998; and S/INF/55, for 1999). The original *Repertoire* and the other supplements may be consulted at www.un.org/en/sc/repertoire.

Members of the Security Council, 1996-1999

<i>Member</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>
Argentina				•
Bahrain			•	•
Botswana	•			
Brazil			•	•
Canada				•
Chile	•	•		
China (permanent member)	•	•	•	•
Costa Rica		•	•	
Egypt	•	•		
France (permanent member)	•	•	•	•
Gabon			•	•
Gambia			•	•
Germany	•			
Guinea-Bissau	•	•		
Honduras	•			
Indonesia	•			
Italy	•			
Japan		•	•	
Kenya		•	•	
Malaysia				•
Namibia				•
Netherlands				•
Poland	•	•		
Portugal		•	•	
Republic of Korea	•	•		

<i>Member</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>
Russian Federation (permanent member)	•	•	•	•
Slovenia			•	•
Sweden		•	•	
United Kingdom of Great Britain and Northern Ireland (permanent member)	•	•	•	•
United States of America (permanent member)	•	•	•	•

Chapter VIII (continued)

Consideration of questions under the responsibility of the Security Council for the maintenance of international peace and security

Introductory note

Chapter VIII 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. By examining the entire sequence of proceedings, it provides an overall sense of their political context.¹ The range of questions covers broadly those that may be deemed to fall under Chapters VI and VII of the Charter, constituting a framework within which to consider the ancillary legal and constitutional discussion recorded in chapters X to XII of the *Repertoire*.

The questions are dealt with by region, for ease of reference. There is also a category of thematic issues.

Each section is organized around the decisions taken by the Council on each agenda item. Procedural decisions related to the subject matter of chapters I to VII of the *Repertoire* are, with certain exceptions, omitted as not relevant to the purpose of this chapter. For instance, information on invitations to participate in the discussion and on rules 37 and 39 of the provisional rules of procedure is provided in chapter III.

Summaries of the statements made in the Council and of the documents considered by the Council during its deliberations have been included to provide a better understanding of the basis of decisions. Affirmative decisions have been reproduced in full, while negative decisions are indicated in summarized form.

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 may also have been discussed in informal consultations among the members of the Council.

Asia

20. The situation in East Timor¹

Decision of 7 May 1999 (3998th meeting): resolution 1236 (1999)

On 5 May 1999, the Secretary-General submitted to the Council a report on the situation in East Timor.² In his report, the Secretary-General recalled that since 1983 the Governments of Indonesia and Portugal had undertaken, through his good offices, to find a just, comprehensive and internationally acceptable solution to the question of East Timor. Those efforts had culminated in the signature, on 5 May 1999, of an overall Agreement between the two Governments,³ which had entrusted him with the task of organizing and conducting a popular consultation to ascertain whether the people of East Timor accepted or rejected a proposed constitutional framework providing for a special autonomy for East Timor within Indonesia. The Agreement also requested him to establish a United Nations mission to conduct the consultation. Two supplementary agreements between the United Nations and the two Governments had been signed on the same date, on the modalities for the popular consultation of the people of East Timor through a direct ballot and security arrangements.⁴

At its 3998th meeting, held on 7 May 1999 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda and began consideration of the item entitled "The situation in Timor". After the adoption of the agenda, the President (Gabon) invited the representatives of Indonesia and Portugal, at their request, to participate in the discussion without a vote. He also drew the attention of the members of the Council to the text of a draft

resolution prepared in the course of its prior consultations.⁵

The draft resolution was thereupon put to the vote and adopted unanimously as resolution 1236 (1999), which reads:

The Security Council,

Recalling its previous resolutions on the situation in East Timor,

Recalling also General Assembly resolutions 1514 (XV) of 14 December 1960, 1541 (XV) of 15 December 1960 and 2625 (XXV) of 24 October 1970 and Assembly resolutions on the question of East Timor, in particular resolution 37/30 of 23 November 1982,

Bearing in mind the sustained efforts of the Governments of Indonesia and Portugal since July 1983, through the good offices of the Secretary-General, to find a just, comprehensive and internationally acceptable solution to the question of East Timor,

Welcoming the progress made at the last round of talks between the Governments of Portugal and Indonesia, under the auspices of the Secretary-General, leading to the conclusion of a series of agreements in New York on 5 May 1999,

Commending in particular the efforts of the Personal Representative of the Secretary-General in this regard,

Taking note of the report of the Secretary-General,

Taking note also of the concerns expressed in the report of the Secretary-General regarding the security situation in East Timor,

1. *Welcomes* the concluding of the Agreement between Indonesia and Portugal on 5 May 1999 on the question of East Timor (the General Agreement);

2. *Welcomes also* the concluding of the Agreements between the United Nations and the Governments of Indonesia and Portugal also on 5 May 1999 regarding security arrangements and the modalities for the popular consultation of the East Timorese through a direct ballot;

3. *Welcomes further* the intention of the Secretary-General to establish as soon as practicable a United Nations presence in East Timor, with a view to assisting in the implementation of those Agreements, in particular by:

¹ As from the 4041st meeting of the Council, held on 3 September 1999, the wording of the item "The situation in Timor" was revised to read "The situation in East Timor".

² S/1999/513.

³ *Ibid.*, annex I.

⁴ *Ibid.*, annexes II and III.

⁵ S/1999/520.

(a) Conducting a popular consultation of the East Timorese people on the acceptance or rejection of a constitutional framework for autonomy for East Timor, scheduled for 8 August 1999, in accordance with the General Agreement;

(b) Making available a number of civilian police officers to act as advisers to the Indonesian Police in the discharge of their duties in East Timor and, at the time of the consultation, to supervise the escorting of ballot papers and boxes to and from the polling sites;

4. *Stresses* the importance of the requests made to the Secretary-General in the General Agreement to report the result of the popular consultation to the Security Council and the General Assembly, as well as to the Governments of Indonesia and Portugal and the East Timorese people, and, during the interim period between the conclusion of the popular consultation and the start of the implementation of either option, an autonomy within Indonesia or transition to independence, to maintain an adequate United Nations presence in East Timor;

5. *Stresses also* the responsibility of the Government of Indonesia to maintain peace and security in East Timor in order to ensure that the consultation is carried out in a fair and peaceful way and in an atmosphere free of intimidation, violence or interference from any side and to ensure the safety and security of United Nations and other international staff and observers in East Timor;

6. *Stresses further* the importance of the assistance of the Government of Indonesia in ensuring that the United Nations is able to carry out all the tasks entrusted to it for the implementation of the agreements;

7. *Welcomes* the establishment by the Secretary-General of a trust fund to enable Member States to make voluntary contributions to assist in the financing of the United Nations presence in East Timor, and urges all Member States who are in a position to do so to contribute without delay;

8. *Requests* the Secretary-General to keep the Security Council closely informed of the situation in East Timor, to report to it as soon as possible, and in any event by 24 May 1999, on the implementation of the present resolution and of the agreements referred to in paragraphs 1 and 2 above, *inter alia*, specifying the detailed modalities of the consultation process, to make detailed recommendations to the Council for decision on the mandate, size, structure and budget of the United Nations mission, including civilian police officers envisaged in paragraph 3 above, and to report to the Council thereafter every fourteen days;

9. *Expresses its intention* to take a prompt decision on the establishment of a United Nations mission on the basis of the report referred to in paragraph 8 above;

10. *Requests* the Secretary-General to inform the Council prior to the start of voter registration on whether, on the basis of the objective evaluation of the United Nations mission,

the necessary security situation exists for the peaceful implementation of the consultation process;

11. *Decides* to remain seized of the matter.

**Decision of 11 June 1999 (4013th meeting):
resolution 1246 (1999)**

On 22 May 1999, pursuant to resolution 1236 (1999), the Secretary-General submitted to the Council a report on the question of East Timor, proposing the establishment of the United Nations Mission in East Timor (UNAMET).⁶ In his report, the Secretary-General provided a detailed description of the consultation process to be conducted by the United Nations, as well as his recommendations on the mandate, size, structure and budget of the Mission. He stressed that UNAMET must have the confidence and backing of the Council, full cooperation of the Indonesian authorities, and the required resources to carry out its tasks. The Secretary-General noted that the situation in East Timor remained tense and volatile. He expressed the hope that all necessary steps would be taken to improve security, so that the consultation process could move forward in a secure and peaceful atmosphere. In conclusion, he requested the Council to approve the mandate of the Mission and the modalities for the implementation of the popular consultation process.

At its 4013th meeting, held on 11 June 1999 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General on its agenda. After the adoption of the agenda, the President (Gambia) invited the representatives of Australia, Indonesia, New Zealand and Portugal, at their request, to participate in the discussion without the right to vote. He also drew the attention of the Council to the text of a draft resolution prepared in the course of its prior consultations.⁷ The President also drew attention to several documents: a letter dated 11 May 1999 from the representative of Germany addressed to the Secretary-General, transmitting the statement on East Timor issued on 7 May 1999 by the Presidency on behalf of the European Union, welcoming the signing of the agreement on the future of East Timor by the

⁶ S/1999/595. For the composition and mandate of the Mission, see chapter V, "Subsidiary organs of the Security Council".

⁷ S/1999/666.

Secretary-General, Portugal and Indonesia;⁸ a letter dated 27 May 1999 addressed to the President of the Security Council by the representative of Indonesia, pointing out that certain aspects of the report of the Secretary-General depicted an imbalanced picture of the prevailing realities;⁹ and a letter dated 7 June 1999 addressed to the Secretary-General and the President of the Security Council by the representative of Portugal, informing them of the appointment of the Portuguese Commissioner to support the transition in East Timor.¹⁰

The draft resolution was then put to the vote and adopted unanimously as resolution 1246 (1999), which reads:

The Security Council,

Recalling its previous resolutions on the situation in East Timor, in particular resolution 1236 (1999) of 7 May 1999,

Recalling also the Agreement between Indonesia and Portugal of 5 May 1999 on the question of East Timor (the General Agreement) and the Agreements between the United Nations and the Governments of Indonesia and Portugal, of the same date, regarding the modalities for the popular consultation of the East Timorese through a direct ballot and regarding security arrangements (the Security Agreement),

Welcoming the report of the Secretary-General of 22 May 1999 on the question of East Timor,

Noting with concern the assessment by the Secretary-General in that report that the security situation in East Timor remains “extremely tense and volatile”,

Taking note of the pressing need for reconciliation between the various competing factions within East Timor,

Welcoming the fruitful cooperation of the Government of Indonesia and the local authorities in East Timor with the United Nations,

Taking note of the letter dated 7 June 1999 from the Permanent Representative of Portugal to the United Nations addressed to the President of the Security Council,

Welcoming the conclusion of consultations between the Government of Indonesia and the United Nations on the deployment of military liaison officers within the mission established by paragraph 1 below,

Bearing in mind the sustained efforts of the Governments of Indonesia and Portugal since July 1983, through the good offices of the Secretary-General, to find a just, comprehensive

and internationally acceptable solution to the question of East Timor.

Welcoming the appointment of the Special Representative of the Secretary-General for the East Timor Popular Consultation, and reiterating its support for the efforts of the Personal Representative of the Secretary-General for East Timor,

1. *Decides* to establish until 31 August 1999 the United Nations Mission in East Timor to organize and conduct a popular consultation, scheduled for 8 August 1999, on the basis of a direct, secret and universal ballot, in order to ascertain whether the East Timorese people accept the proposed constitutional framework providing for a special autonomy for East Timor within the unitary Republic of Indonesia or reject the proposed special autonomy for East Timor, leading to East Timor’s separation from Indonesia, in accordance with the General Agreement and to enable the Secretary-General to discharge his responsibility under paragraph 3 of the Security Agreement;

2. *Authorizes* until 31 August 1999 the deployment within the Mission of up to 280 civilian police officers to act as advisers to the Indonesian Police in the discharge of their duties and, at the time of the consultation, to supervise the escorting of ballot papers and boxes to and from the polling sites;

3. *Also authorizes* until 31 August 1999 the deployment within the Mission of fifty military liaison officers to maintain contact with the Indonesian Armed Forces in order to allow the Secretary-General to discharge his responsibilities under the General Agreement and the Security Agreement;

4. *Endorses* the proposal of the Secretary-General that the Mission should also incorporate the following components:

(a) A political component responsible for monitoring the fairness of the political environment, for ensuring the freedom of all political and other non-governmental organizations to carry out their activities freely and for monitoring and advising the Special Representative on all matters with political implications;

(b) An electoral component responsible for all activities related to registration and voting;

(c) An information component responsible for explaining to the East Timorese people, in an objective and impartial manner without prejudice to any position or outcome, the terms of the General Agreement and the proposed autonomy framework, for providing information on the process and procedure of the vote, and for explaining the implications of a vote in favour or against the proposal;

5. *Notes* the intention of the Governments of Indonesia and Portugal to send an equal number of representatives to observe all the operational phases of the consultation process both inside and outside East Timor;

6. *Welcomes* the intention of the Secretary-General to conclude with the Government of Indonesia, as soon as possible,

⁸ S/1999/547.

⁹ S/1999/612.

¹⁰ S/1999/652.

a status-of-mission agreement, and urges the early conclusion of negotiations with a view to the full and timely deployment of the Mission;

7. *Calls upon* all parties to cooperate with the Mission in the implementation of its mandate, and to ensure the security and freedom of movement of its staff in carrying out that mandate in all areas of East Timor;

8. *Approves* the modalities for the implementation of the popular consultation process scheduled for 8 August 1999 as set out in paragraphs 15 to 18 of the report of the Secretary-General of 22 May 1999;

9. *Stresses once again* the responsibility of the Government of Indonesia to maintain peace and security in East Timor, in particular in the present security situation referred to in the report of the Secretary-General, in order to ensure that the popular consultation is carried out in a fair and peaceful way and in an atmosphere free of intimidation, violence or interference from any side and to ensure the safety and security of United Nations and other international staff and observers in East Timor;

10. *Welcomes* in this regard the decision taken by the Government of Indonesia to establish a ministerial team to monitor and ensure the security of the popular consultation in accordance with article 3 of the General Agreement and paragraph 1 of the Security Agreement;

11. *Condemns* all acts of violence from whatever quarter, and calls for an end to such acts and the laying down of arms by all armed groups in East Timor, for the necessary steps to achieve disarmament and for further steps in order to ensure a secure environment devoid of violence or other forms of intimidation, which is a prerequisite for the holding of a free and fair ballot in East Timor;

12. *Requests* all parties to ensure that conditions exist for the comprehensive implementation of the popular consultation, with the full participation of the East Timorese people;

13. *Urges* that every effort be made to make the Commission on Peace and Stability operative, and in particular stresses the need for the Indonesian authorities to provide security and personal protection for members of the Commission in cooperation with the Mission;

14. *Reiterates its request* to the Secretary-General to keep the Security Council closely informed of the situation, and to continue to report to it every fourteen days on the implementation of its resolutions and of the tripartite Agreements and on the security situation in East Timor;

15. *Decides* to remain seized of the matter.

**Decision of 29 June 1999 (4019th meeting):
statement by the President**

On 22 June 1999, pursuant to resolution 1246 (1999), the Secretary-General submitted to the Council a report on the question of East Timor, providing an update on the activities of UNAMET and the security situation in the Territory.¹¹ In his report, the Secretary-General observed that pro-integration militias, believed to be operating with the acquiescence of army elements, had carried out acts of violence and intimidation against the local population. Those activities continued to restrict political freedom, thus jeopardizing the openness of the consultation process. Given the serious security situation throughout much of the territory and the absence of a “level playing field”, and in order to allow enough time for the full deployment of the Mission, he had decided to postpone the registration process, which would in turn entail a two-week postponement of the ballot date.

At its 4019th meeting, held on 29 June 1999 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General on its agenda. After the adoption of the agenda, the President (Gambia) invited the representatives of Indonesia and Portugal, at their request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:¹²

The Security Council has considered the report of the Secretary-General of 22 June 1999 on the question of East Timor.

The Council notes with understanding the decision of the Secretary-General to postpone for three weeks his determination, which he will base on the main elements identified in his report of 5 May 1999, of whether the necessary security situation exists for the start of the operational phases of the consultation process in accordance with the Agreement between the United Nations and the Governments of Indonesia and Portugal. The Council also endorses his intention not to start the operational phases of the popular consultation until the United Nations Mission in East Timor is fully deployed, and his decision to postpone the ballot date for two weeks.

The Council emphasizes that a popular consultation of the East Timorese people through a direct, secret and universal ballot represents an historic opportunity to resolve the question

¹¹ S/1999/705.

¹² S/PRST/1999/20.

of East Timor peacefully. It concurs with the Secretary-General's assessment that this process must be transparent and that all parties must have the opportunity to express themselves freely.

In this regard, the Council expresses serious concern that the Secretary-General, in his assessment, concludes that the necessary conditions do not yet exist to begin the operational phases of the consultation process, given the security situation throughout much of East Timor and the absence of a "level playing field". It is especially concerned that the militias and other armed groups have carried out acts of violence against the local population and exercise an intimidating influence over them, and that these activities continue to constrict political freedom in East Timor, thus jeopardizing the necessary openness of the consultation process. The Council notes the Secretary-General's assessment that while the security situation has severely limited the opportunity for public expression by pro-independence activists, pro-autonomy campaigning has been actively pursued.

The Council stresses the need for all sides to put an end to all kinds of violence and for utmost restraint before, during and after the consultation. It calls upon the Mission to follow up reports of violent activity by both the pro-integration militias and Falintil (the Armed Forces for the National Liberation of East Timor). In this regard, it expresses grave concern at the attack on the Mission office in Maliana, East Timor, on 29 June 1999. The Council demands that the incident be thoroughly investigated and the perpetrators be brought to justice. The Council also demands that all parties respect the safety and security of Mission personnel. The Council supports the statement of the spokesman for the Secretary-General of 29 June 1999 and requests the Secretary-General to report further.

The Council welcomes the positive developments identified by the Secretary-General. The Council warmly welcomes the excellent channels of communication between the Mission and the Indonesian authorities, which have been facilitated by the establishment of a high-level Indonesian task force in Dili. The Council warmly welcomes the opening of the DARE II talks in Jakarta with representatives of all sides in East Timor, and the progress towards making the Commission on Peace and Stability operative.

The Council stresses once again the responsibility of the Government of Indonesia to maintain peace and security in East Timor. The Council emphasizes that all local officials in East Timor must abide by the provisions of the tripartite Agreements, in particular as regards the designated campaign period, the use of public funds for campaign purposes and the need to campaign only in their private capacity, without recourse to the pressure of office.

The Council is particularly concerned at the situation of internally displaced persons in East Timor and the implications which this may have for the universality of the consultation. It calls upon all concerned to grant full access and freedom of movement to humanitarian organizations for the delivery of

humanitarian assistance, to cease immediately activities which may cause further displacement and to allow all internally displaced persons who wish to do so to return home.

The Council notes that full deployment of the Mission will not be possible before 10 July 1999. It urges the Secretary-General to take all necessary steps to ensure full deployment by that time, and urges all parties to cooperate fully with the Mission. It stresses the importance of allowing complete freedom of movement for the Mission within East Timor in order to carry out its tasks.

The Council urges the Indonesian Government and the pro-integration and pro-independence groups to continue to enhance cooperation with the Mission, to allow the popular consultation to go ahead in a timely manner.

The Council will remain seized of the matter.

**Decision of 3 August 1999 (4031st meeting):
resolution 1257 (1999)**

By a letter dated 28 July 1999, the Secretary-General informed the Council that, following discussions with his Personal Representative for East Timor and advice received from UNAMET, he had decided to postpone the date of the forthcoming consultation in East Timor until 30 August 1999.¹³ He, therefore, requested the Council to authorize an extension of the current UNAMET mandate by one month, until 30 September 1999. He stated that the United Nations would continue to have a presence in East Timor after the consultation and was currently planning for that phase, in talks with the Governments of Indonesia and Portugal.

At its 4031st meeting, held on 3 August 1999 in accordance with the understanding reached in its prior consultations, the Council included the letter from the Secretary-General on its agenda. After the adoption of the agenda, the President (Namibia) drew the attention of the Council to the text of a draft resolution prepared in the course of its prior consultations.¹⁴ The draft resolution was put to the vote and adopted unanimously as resolution 1257 (1999), which reads:

The Security Council,

Recalling its previous resolutions on the situation in East Timor, in particular resolution 1246 (1999) of 11 June 1999,

Taking note of the letter dated 28 July 1999 from the Secretary-General to the President of the Security Council which

¹³ S/1999/830.

¹⁴ S/1999/843.

informs the Council of his decision to postpone the popular consultation in East Timor until 30 August 1999 and requests the authorization of a one-month extension to the mandate of the United Nations Mission in East Timor,

1. *Decides* to extend the mandate of the United Nations Mission in East Timor until 30 September 1999;
2. *Decides* to remain seized of the matter.

**Decision of 27 August 1999 (4038th meeting):
resolution 1262 (1999) and statement by
the President**

On 9 August 1999, the Secretary-General submitted to the Council a report on the question of East Timor, providing information on the United Nations role in the post-ballot period and recommending that the tasks and structure of UNAMET be adjusted accordingly.¹⁵ In his report, the Secretary-General requested that the Council consider his recommendations regarding the composition of UNAMET and authorize their implementation for an initial period of three months from the date of the popular consultation in East Timor scheduled for 30 August 1999.

At its 4038th meeting, held on 27 August 1999 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General on its agenda. After the adoption of the agenda, the President (Namibia) invited the representatives of Australia, Finland, Indonesia, New Zealand, Portugal and the Republic of Korea, at their request, to participate in the discussion without the right to vote.

The representative of Portugal expressed his Government's concern that on the eve of the consultation in East Timor armed militias were still operating in the territory and their criminal actions were not being investigated or punished. Recent events had proven that the measures taken so far had been inadequate and insufficient. He appealed to the Indonesian authorities to take concrete steps to stop violence and ensure that the popular consultation was held in an atmosphere free of intimidation, violence or interference from any side. Referring to the future of East Timor, he highlighted the role of the people of East Timor in moving towards national reconciliation. He stated that overcoming their differences and living

together peacefully would be their biggest challenge after the consultation.¹⁶

The representative of Indonesia affirmed that his Government was determined to shoulder its responsibilities under the Agreements and to ensure that the security situation was conducive to the holding of a free, fair and peaceful popular consultation in East Timor. While acknowledging some "unfortunate" incidents, attributable to the actions of both sides, he maintained that in each instance the Indonesian police had acted promptly and had carried out the necessary investigations. He regretted that misperceptions continued to be cultivated. He observed that "there [were] two groups in East Timor, and neither could or should be dismissed out of hand."¹⁷

The representative of Australia supported the restructuring of UNAMET to enable the Mission to continue its assistance during the next phase between the consultation in East Timor and the implementation of its result. The responsibilities of the United Nations in the post-consultation period had to include building confidence, supporting stability, and reassuring all groups, including those disappointed by the results.¹⁸

The representative of Finland, speaking on behalf of the European Union, stated its intention to send a team of observers to the consultation in East Timor. The representative underlined that the European Community was deeply concerned about the security situation in East Timor, in particular the intimidation by pro-integration militias, which had been linked by many independent observers to elements of the Indonesian Army.¹⁹

The representative of New Zealand said that there could be no "cooling off" period for UNAMET. During the interim phase following the ballot, the Mission would face a range of different tasks, and its structure needed to be adjusted to reflect the new demands. The reconciliation process and the establishment of confidence between all groups would also be of critical importance during that period. He therefore urged Indonesia, and particularly the military authorities, to

¹⁵ S/1999/862.

¹⁶ S/PV.4038, pp. 2-3.

¹⁷ *Ibid.*, pp. 4-6.

¹⁸ *Ibid.*, pp. 6-8.

¹⁹ *Ibid.*, pp. 8-9.

redouble their efforts to ensure peace and security in the run-up to the ballot and the period thereafter.²⁰

The representative of the Republic of Korea affirmed that his delegation had full confidence in the commitment and capability of the Government and people of Indonesia to maintain law and order in East Timor.²¹

The draft resolution was put to the vote and adopted unanimously as resolution 1262 (1999), which reads:

The Security Council,

Recalling its previous resolutions on the situation in East Timor, in particular resolutions 1246 (1999) of 11 June 1999 and 1257 (1999) of 3 August 1999,

Recalling also the Agreement between Indonesia and Portugal of 5 May 1999 on the question of East Timor and the Agreements between the United Nations and the Governments of Indonesia and Portugal of the same date regarding the modalities for the popular consultation of the East Timorese through a direct ballot and security arrangements,

Welcoming the report of the Secretary-General of 9 August 1999,

Taking note of the need for the United Nations to pursue its efforts in East Timor in the period following the ballot to build confidence and support stability and to reassure all groups, in particular those in the minority in the ballot, that they have a role to play in the future political life of East Timor,

Welcoming the proposal of the Secretary-General that the United Nations Mission in East Timor continue its operations in the interim phase between the conclusion of the popular consultation and the start of the implementation of its result and that its tasks and structure be adjusted accordingly,

Commending the Mission for the impartial and effective implementation of its mandate, and welcoming the confirmation in the report of the Secretary-General that the Mission will continue to do its utmost to fulfil its responsibility in this manner,

Welcoming the fruitful cooperation of the Government of Indonesia in East Timor with the United Nations,

1. *Decides* to extend the mandate of the United Nations Mission in East Timor until 30 November 1999, and endorses the proposal of the Secretary-General that in the interim phase the Mission should incorporate the following components:

(a) An electoral unit as set out in the report of the Secretary-General;

(b) A civilian police component of up to 460 personnel to continue to advise the Indonesian Police and to prepare for the recruitment and training of the new East Timorese police force;

(c) A military liaison component of up to 300 personnel as set out in the report of the Secretary-General to undertake the necessary military liaison functions, to continue to be involved in the work of the East Timorese bodies established to promote peace, stability and reconciliation, and to provide advice to the Special Representative for the East Timor Popular Consultation on security matters as required, pursuant to the implementation of the Agreements of 5 May 1999;

(d) A civil affairs component to advise the Special Representative for the East Timor Popular Consultation in monitoring the implementation of the Agreements of 5 May 1999, as set out in the report of the Secretary-General;

(e) A public information component to provide information on progress made towards implementation of the outcome of the ballot, and to disseminate a message promoting reconciliation, confidence, peace and stability;

2. *Calls upon* all parties to cooperate with the Mission in the implementation of its mandate, and to ensure the security and freedom of movement of its staff in carrying out that mandate in all areas of East Timor;

3. *Recalls* the continuing responsibility of Indonesia to maintain peace and security in East Timor in the interim phase;

4. *Decides* to remain seized of the matter.

Following the adoption of the resolution, the President made the following statement on behalf of the Council:

On the eve of the ballot, the members of the Security Council wish me to affirm their view, set out in document S/PRST/1999/20, that the popular consultation of the East Timorese people on 30 August represents a historic opportunity to resolve the question of East Timor peacefully. The people of East Timor have a unique opportunity to decide their own future. Whatever the outcome of the consultation, members of the Security Council strongly hope that the people of East Timor will respect that decision and work together to build a peaceful and prosperous future. In adopting the resolution mandating the United Nations presence until 30 November 1999, the Council is demonstrating its readiness to continue to support them after they have made their decision.²²

²⁰ Ibid., pp. 9-10.

²¹ Ibid., pp. 10-11.

²² Ibid., p. 11.

**Decision of 3 September 1999 (4042nd meeting):
statement by the President**

By a letter dated 3 September 1999, the Secretary-General informed the Council that UNAMET had completed the popular consultation in East Timor on the proposed autonomy. The ballot result, and the consultation process as a whole, had been duly certified by the Electoral Commission, and was as follows: 94,388 or 21.5 per cent in favour, and 344,580 or 78.5 per cent against. The people of East Timor had thus rejected the proposed special autonomy and expressed their wish to begin a process of transition towards independence. The Secretary-General further noted that the orderly and peaceful transfer of authority in East Timor to the United Nations, under the Agreements of 5 May 1999, would be complex and difficult, given the current insecurity in the Territory.²³

At its 4041st meeting, held on 3 September 1999 in accordance with the understanding reached in its prior consultations, the Council continued consideration of the item on its agenda. After the adoption of the agenda, the President (the Netherlands) invited the representatives of Indonesia and Portugal, at their request, to participate in the discussion, without the right to vote.

At the same meeting, addressing the Council, the Secretary-General recalled that on 5 May 1999, Portugal, Indonesia and the United Nations had concluded a historic set of Agreements to determine the future of East Timor. On 30 August 1999, the people of East Timor had turned out in massive numbers to vote and had rejected the proposed special autonomy. Thus after 24 years of conflict, East Timor stood at the threshold of what it was hoped would be a process of orderly and peaceful transition towards independence. He urged all parties to end the violence and to begin a process of dialogue and reconciliation through the East Timor Consultative Commission. He also called upon the Government of Indonesia to ensure its success by maintaining law and order in the Territory.²⁴

At its 4042nd meeting, held on 3 September 1999 in accordance with the understanding reached in its prior consultations, the Council included the letter

²³ S/1999/944.

²⁴ S/PV.4041, pp. 2-3.

dated 3 September 1999 from the Secretary-General on its agenda. After the adoption of the agenda, the President (the Netherlands) invited the representatives of Indonesia and Portugal, at their request, to participate in the discussion, without the right to vote.

At the same meeting the President made the following statement on behalf of the Council:²⁵

The Security Council welcomes the successful popular consultation of the East Timorese people on 30 August 1999 and the letter dated 3 September 1999 from the Secretary-General to the President of the Security Council announcing the ballot result. The Council expresses its support for the courage of those who turned out in record numbers to express their views. It regards the popular consultation as an accurate reflection of the views of the East Timorese people.

The Council pays tribute to the extraordinary work of the Personal Representative of the Secretary-General. It also commends the courage and dedication of the Special Representative for the East Timor Popular Consultation and of the staff of the United Nations Mission in East Timor in organizing and conducting the popular consultation in extremely difficult conditions.

The Council calls upon all parties, both inside and outside East Timor, to respect the result of the popular consultation. The Council urges the East Timorese people to work together to implement their decision as freely and democratically expressed in the ballot and to cooperate in the building of peace and prosperity in the territory. The Council now looks to the Indonesian Government to take the necessary constitutional steps to implement the result of the ballot, in accordance with the Agreements of 5 May 1999.

The Council recognizes that the Agreements of 5 May 1999 which led to the popular consultation of the East Timorese people would not have been possible without the timely initiative of the Government of Indonesia and the constructive attitude of the Government of Portugal. It commends the sustained efforts of the Governments of Indonesia and Portugal, through the good offices of the Secretary-General, to find a just, comprehensive and internationally acceptable solution to the question of East Timor, and expresses its appreciation to the Government of Indonesia for its cooperation with the United Nations in the process.

The Council condemns the violence in East Timor which both preceded and followed the ballot of 30 August 1999. It expresses its condolences to the families of United Nations local staff and others so tragically killed. It underlines the need for the result to be implemented in an atmosphere of peace and security without further violence and intimidation. In accordance with its responsibility for maintaining peace and security under the Agreements of 5 May 1999, it is for the Government of

²⁵ S/PRST/1999/27.

Indonesia to take steps to prevent further violence. It also looks to the Government of Indonesia to guarantee the security of Mission personnel and premises. The Council is ready to consider sympathetically any proposal from the Secretary-General to ensure the peaceful implementation of the popular consultation process.

The Council requests the Secretary-General to report as soon as possible on the implementation of the ballot result, including recommendations on the mandate, size and structure of the United Nations presence in East Timor in the implementation phase (phase III).

The Council will remain seized of the matter.

Decision of 15 September 1999 (4045th meeting): resolution 1264 (1999)

By letters dated 8 and 9 September 1999, respectively, addressed to the President of the Security Council, the representatives of Portugal and Brazil requested the convening of an urgent meeting of the Council to discuss “the grave and alarming” situation in East Timor.²⁶

At its 4043rd meeting, on 11 September 1999, the Council included the letters from the representatives of Portugal and Brazil on its agenda and began consideration of the item entitled “The situation in East Timor”. After the adoption of the agenda, the President (the Netherlands) invited the representatives of Angola, Australia, Austria, Belarus, Belgium, Cambodia, Cape Verde, Chile, Cuba, Denmark, Ecuador, Egypt, Finland, Germany, Greece, Guinea-Bissau, India, Indonesia, the Islamic Republic of Iran, Iraq, Ireland, Italy, the Lao People’s Democratic Republic, the Libyan Arab Jamahiriya, Luxembourg, Mozambique, New Zealand, Norway, Pakistan, Papua New Guinea, the Philippines, Portugal, the Republic of Korea, Singapore, South Africa, Spain, the Sudan, Sweden, Uruguay and Viet Nam, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 7 September 1999 from the representative of Ireland addressed to the Secretary-General, in which he indicated that, while the very high turnout of registered voters and the orderly and peaceful conduct of the poll represented a great success, there were growing concerns about the security situation on the ground. He expressed the view of Ireland that if Indonesia was unable to maintain security in East

²⁶ S/1999/955 and S/1999/961.

Timor, other possibilities must be examined, and that in this context, Ireland would support the deployment of a peacekeeping force.²⁷ The President further drew the attention of the Council to a letter dated 8 September 1999 from the representative of Angola addressed to the President of the Council, attaching the declaration on the situation in East Timor made by the member States of the Community of Portuguese-speaking Countries in Lisbon on 6 September 1999, which, inter alia, called upon the international community, and in particular the Security Council, to do everything for the rapid re-establishment of security and normality, including the deployment of peacekeeping forces to the territory;²⁸ and to a letter dated 10 September 1999 from the representative of Portugal addressed to the President of the Council, reiterating the request of Portugal for an immediate meeting of the Council to consider the situation in East Timor, where widespread killings and destruction of property had continued and there had been a marked deterioration of the humanitarian situation on the ground.²⁹

Addressing the Council, the Secretary-General recalled that just one week earlier he had informed the Council that the people of East Timor had rejected the autonomy option and had voted in favour of a transition towards independence. Unfortunately, after the ballot results were announced, the situation had become chaotic, and the scale of violence, death and destruction had gone far beyond what had been foreseen. He had been in constant contact with Heads of State and, in particular, with the President of Indonesia, in an effort to create conditions that would enable UNAMET to carry out its mandate. The Council had also dispatched a mission to Indonesia to emphasize to the leaders of that country the urgency of the situation and the need for immediate action.³⁰ However, despite all those efforts, the security situation had steadily deteriorated, forcing UNAMET to close all but one of its offices. The Secretary-General further noted that some 1,000 people from East Timor had taken refuge in the United Nations

²⁷ S/1999/950.

²⁸ S/1999/956.

²⁹ S/1999/963.

³⁰ Letters dated 5 and 6 September 1999 addressed to the Secretary-General by the President of the Security Council (S/1999/946 and S/1999/972).

compound and were living in precarious conditions. Moreover, the vast majority of the population had been forcibly displaced. With access to the whole Territory being denied, the international community could not evaluate the full dimensions of the humanitarian crisis or the basic survival requirements of the uprooted population. He also urged the Government of Indonesia to agree immediately to the deployment of an international force to East Timor. He underscored that the time had come to seek the help of the international community in fulfilling its responsibilities, which included guaranteeing the safety and protection of the civilian leaders of the pro-independence camp.³¹

At the same meeting, the representative of Portugal recalled that, under the Charter, the Council had the primary responsibility for the maintenance of international peace and security, and undoubtedly both were being threatened in East Timor. Never in the history of the Organization had institutions of one Member State so blatantly attempted to destroy a process which had been organized and conducted by the United Nations. He affirmed that the Organization had a legal and ethical obligation to protect the people of East Timor, and indeed, at that stage, its credibility was at stake. He stressed that the Council should, inter alia, ensure that Indonesia took concrete steps to stop the killings and restore order; act to halt the forced dislocation of the civilian population and create conditions for their safe return; allow unimpeded access by all United Nations humanitarian agencies and the International Committee of the Red Cross (ICRC) to provide relief to those in need; and create security conditions to allow UNAMET to fulfil its mandate. He also urged the Government of Indonesia to accept the deployment of an international force, and to identify and bring to justice those responsible for the atrocities in East Timor.³²

The representative of Brazil affirmed that the Council was dealing “with an urgent and serious threat to international security”. The international community must not remain passive in the face of the atrocities committed against the people of East Timor who were also being denied the most fundamental right the Organization stood for — the right to self-determination. The international community must be

prepared to use all available means at its disposal, under the Charter, to guarantee the restoration of peace and the full implementation of the Agreements of 5 May 1999. He stated that no option should be excluded.³³

The representative of the United States said that UNAMET had worked successfully to allow the people of East Timor to express their will and that on 30 August over 400,000 had made their choice clear. However, on the day when the ballot results should have been celebrated, the militia took to the streets and began a “murderous rampage”. Hundreds had been killed, and United Nations personnel had come under attack. Moreover, there were clear indications that Indonesian troops had “backed, encouraged, directed and perhaps, in many cases, participated in the atrocities on the ground”. The present meeting would convey to the Indonesian authorities that they would face international isolation if they did not act to stop the violence. He therefore urged the Government to allow the immediate deployment of a multinational force into East Timor.³⁴

The representative of France said that the events in East Timor could not be tolerated any longer. The United Nations had encouraged and conducted a negotiating process leading to self-determination that had seemed exemplary. Suddenly, everything had collapsed. Violence had caused large flows of refugees and displaced persons, and Dili had been devastated by the militias. The measures undertaken by the Indonesian authorities had not been effective, and the choice of independence was being contested by force of arms. They should therefore accept the international community offer of assistance to help restore peace and security. Should the Council decide to deploy an international force, France would participate, he said.³⁵

The representative of Australia stated that his country had watched with growing alarm and concern the developments that had unfolded in East Timor. While stating that the deplorable situation had arisen because of the failure of the military to honour the commitment of Indonesia to provide security to East Timor for the United Nations consultation and transition process, the representative called on

³¹ S/PV.4043, pp. 2-3.

³² *Ibid.*, pp. 4-6.

³³ *Ibid.*, pp. 6-7.

³⁴ *Ibid.*, pp. 7-9.

³⁵ *Ibid.*, pp. 9-10.

Indonesia to agree immediately to the deployment of a United Nations-authorized international force to provide the necessary security for UNAMET to resume its role. He further urged Indonesia, as a friend and neighbour, to support the people of East Timor in the realization of their goal of independence. He pledged the readiness of Australia to assist in restoring peace and security to the territory and in creating the conditions in which the people of East Timor could build their lives. He concluded that the interest of Australia was in an Indonesia that was successful and was constructively engaged with the international community, not an Indonesia that was isolated and disadvantaged through confrontation over East Timor.³⁶

During the debate, most speakers expressed deep concern at the deterioration of the security and humanitarian situation in East Timor, and the continuing acts of violence against the civilian population and UNAMET personnel. Underlining the responsibility of the Government of Indonesia for security in East Timor, as stipulated in the Agreement of 5 May 1999, they called on the Indonesian authorities to act immediately to re-establish law and order, and allow the results of the popular consultation to be implemented peacefully. They also urged the Government to accept the offer of international assistance and to agree to the deployment of a multinational force to assist in restoring order and in securing a peaceful transition to independence for the Territory.³⁷ Some speakers stressed that the deployment of any peacekeeping force must be endorsed by the Council and accepted by the

Government of Indonesia.³⁸ Others contended that the Government of Indonesia had recently undertaken measures to improve the security situation in the field, and thus deemed that the deployment of such force should be studied carefully to avoid aggravating the situation.³⁹

The representative of China stated that the people of East Timor had made a choice for their future and appealed to all concerned to respect their will. He called for the immediate cessation of all acts of violence and the protection of United Nations personnel. He also stressed that the issue of East Timor needed to be solved through the United Nations and that the deployment of any peacekeeping force should be done at the request of the Government of Indonesia and endorsed by the Council.⁴⁰

The representative of the United Kingdom said that his country had repeatedly made clear to the Government of Indonesia its willingness to provide support for a multinational force to restore security in East Timor. However, those offers had so far been declined on the grounds that Indonesia was capable of restoring security by itself. The Government of Indonesia must meet its obligations under the Tripartite Agreement and allow UNAMET to operate throughout the territory, otherwise, it must understand that it would be held responsible by the international community.⁴¹

The representative of the Russian Federation said that assistance should be given to the Government of Indonesia to help restore order in East Timor and to implement the results of the public consultation in East Timor. If the situation was not brought under control, and should the deployment of an international force be considered, it would need acceptance of such a force by the Indonesian authorities, and there would have to be an endorsement by the Security Council of an appropriate resolution setting forth its mandate. He stated that the Russian Federation would be prepared,

³⁶ Ibid., pp. 15-16.

³⁷ Ibid., pp. 10-11 (Argentina); pp. 11-12 (Canada); p. 12 (Gabon); pp. 17-18 (Finland, on behalf of the European Union and Bulgaria, Cyprus, Latvia, Malta, Poland, Czech Republic, Romania and Slovakia); p. 18 (Republic of Korea); p. 19 (Ireland); and pp. 20-21 (Philippines); and S/PV.4043 (Resumption and Corr.1), pp. 2-3 (South Africa); pp. 3-4 (Egypt); pp. 6-7 (Mozambique); pp. 7-8 (Norway); pp. 8-9 (Ecuador); pp. 9-10 (Chile); pp. 10-11 (New Zealand); pp. 11-12 (Germany); pp. 13-14 (Italy); pp. 14-15 (Uruguay); p. 15 (Greece); pp. 15-16 (Pakistan); pp. 16-17 (Spain); pp. 17-18 (Papua New Guinea); pp. 18-19 (Guinea-Bissau); p. 21 (Sweden); p. 23 (Angola); pp. 23-24 (Cape Verde); p. 25 (Belgium); p. 26 (Denmark); pp. 26-27 (Luxembourg); p. 27 (Austria); pp. 30 (Slovenia); and p. 31 (the Netherlands).

³⁸ S/PV.4043, pp. 12-13 (China); and pp. 14-15 (Russian Federation); and S/PV.4043 (Resumption) and Corr.1, p. 7 (Cuba); p. 17 (Viet Nam); pp. 19-20 (Singapore); p. 24 (Islamic Republic of Iran); and pp. 25-26 (India).

³⁹ S/PV.4043 (Resumption) and Corr.1, pp. 4-5 (Sudan); p. 9 (Lao People's Democratic Republic); and p. 22 (Iraq).

⁴⁰ Ibid., pp. 12-13.

⁴¹ Ibid., pp. 13-14.

together with other members of the Council, to expeditiously consider additional measures to resolve the East Timor crisis, including in the light of the report of the Security Council mission dispatched to Indonesia.⁴²

The representative of Indonesia said that his Government would continue to support United Nations efforts in East Timor and would not renege on its commitments under the Agreements of 5 May 1999. He reiterated that the Government had never condoned any form of violence or intimidation. It had accepted the results of the popular consultation and would honour them. Despite some random incidents, the situation was presently being brought under control, and Dili and the surrounding areas were returning to normal. The Indonesian authorities had restructured the chain of command of the security forces, and were focusing on the humanitarian situation and facilitating the delivery of assistance to those in need. Under those circumstances, the Government of Indonesia, while fully understanding the willingness of some countries to provide security assistance, did not foresee the need for the deployment of a multinational force at that stage. Such an operation might exacerbate the situation and be counterproductive, he said.⁴³

On 14 September 1999, the Security Council mission dispatched to Jakarta and Dili with the task of discussing with the Government of Indonesia concrete steps for the peaceful implementation of the Agreements of 5 May 1999 submitted a report on the results of its meetings in Jakarta and Dili from 8 to 12 September 1999.⁴⁴ In the report, the Mission concluded that the accounts given by the Government of Indonesia of events in East Timor and of actions taken by Indonesia to carry out its responsibilities under the Agreement of 5 May 1999 did not tally with the briefings provided by United Nations staff and senior diplomats in Jakarta and Dili, nor with the events observed on the ground. Moreover, the repeated failure of the defence forces to carry out the obligations of the Government to provide security to UNAMET, international organizations and the population as a whole, meant that the Indonesian authorities were either unable or unwilling to provide the proper environment for the peaceful

implementation of the Agreement of 5 May 1999. The introduction of martial law did not alter that state of affairs, nor did it adequately respond to the humanitarian crisis in East Timor. In its recommendations, the Mission called on the Security Council to welcome the Indonesian President's decision to invite an international peacekeeping force to cooperate with Indonesia in restoring peace and security in East Timor, and to adopt a resolution providing a framework for its implementation; to authorize an advance party of the international security presence to undertake essential tasks in and around Dili related to UNAMET and the delivery of humanitarian supplies; to hold the Government of Indonesia to its obligations under phase II of the Agreement of 5 May 1999; and to institute the investigation of apparent abuses of international humanitarian law in East and West Timor. The mission further called on the United Nations to give top priority to the grave humanitarian crisis in East Timor and insist on the Government's provision of access and security to United Nations and international humanitarian organizations.

At its 4045th meeting, held on 15 September 1999, the Council continued consideration of the item on its agenda. After the adoption of the agenda, the President (Netherlands) invited the representatives of Australia, Finland, Indonesia, Japan, New Zealand and Portugal, at their request, to participate in the discussion, without the right to vote. The President drew the attention of the members of the Council to the report of the Security Council Mission to Jakarta and Dili,⁴⁵ and to the text of a draft resolution prepared in the course of its prior consultations.⁴⁶ He also drew their attention to a letter dated 14 September 1999 from the representative of Australia addressed to the Secretary-General, accepting the leadership of the multinational force and indicating their readiness to make a substantial contribution to the force itself.⁴⁷

The draft resolution was then put to the vote and was adopted unanimously as resolution 1264 (1999), which reads:

The Security Council,

Recalling its previous resolutions and the statements by its President on the situation in East Timor,

⁴² *Ibid.*, pp. 14-15.

⁴³ *Ibid.*, pp. 27-30.

⁴⁴ S/1999/976 and Corr.1.

⁴⁵ S/1999/976 and Corr.1.

⁴⁶ S/1999/977.

⁴⁷ S/1999/975.

Recalling also the Agreement between Indonesia and Portugal of 5 May 1999 on the question of East Timor and the Agreements between the United Nations and the Governments of Indonesia and Portugal, of the same date, regarding the modalities for the popular consultation of the East Timorese through a direct ballot and security arrangements,

Reiterating its welcome for the successful conduct of the popular consultation of the East Timorese people of 30 August 1999, and taking note of its outcome, which it regards as an accurate reflection of the views of the East Timorese people,

Deeply concerned by the deterioration in the security situation in East Timor, and in particular by the continuing violence against and large-scale displacement and relocation of East Timorese civilians,

Deeply concerned also at the attacks on the staff and premises of the United Nations Mission in East Timor, on other officials and on international and national humanitarian personnel,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Appalled by the worsening humanitarian situation in East Timor, particularly as it affects women, children and other vulnerable groups,

Reaffirming the right of refugees and displaced persons to return in safety and security to their homes,

Endorsing the report of the Security Council mission to Jakarta and Dili,

Welcoming the statement by the President of Indonesia on 12 September 1999 in which he expressed the readiness of Indonesia to accept an international peacekeeping force through the United Nations in East Timor,

Welcoming also the letter dated 14 September 1999 from the Minister for Foreign Affairs of Australia to the Secretary-General,

Reaffirming respect for the sovereignty and territorial integrity of Indonesia,

Expressing its concern at reports indicating that systematic, widespread and flagrant violations of international humanitarian and human rights law have been committed in East Timor, and stressing that persons committing such violations bear individual responsibility,

Determining that the present situation in East Timor constitutes a threat to peace and security,

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

1. *Condemns* all acts of violence in East Timor, calls for their immediate end, and demands that those responsible for such acts be brought to justice;

2. *Emphasizes* the urgent need for coordinated humanitarian assistance and the importance of allowing full, safe and unimpeded access by humanitarian organizations, and calls upon all parties to cooperate with such organizations so as to ensure the protection of civilians at risk, the safe return of refugees and displaced persons and the effective delivery of humanitarian aid;

3. *Authorizes* the establishment of a multinational force under a unified command structure, pursuant to the request of the Government of Indonesia conveyed to the Secretary-General on 12 September 1999, with the following tasks: to restore peace and security in East Timor, to protect and support the United Nations Mission in East Timor in carrying out its tasks and, within force capabilities, to facilitate humanitarian assistance operations, and authorizes the States participating in the multinational force to take all necessary measures to fulfil this mandate;

4. *Welcomes* the expressed commitment of the Government of Indonesia to cooperate with the multinational force in all aspects of the implementation of its mandate, and looks forward to close coordination between the multinational force and the Government of Indonesia;

5. *Underlines* the continuing responsibility of the Government of Indonesia under the Agreements of 5 May 1999, taking into account the mandate of the multinational force set out in paragraph 3 above, to maintain peace and security in East Timor in the interim phase between the conclusion of the popular consultation and the start of the implementation of its result and to guarantee the security of the personnel and premises of the Mission;

6. *Welcomes* the offers by Member States to organize, lead and contribute to the multinational force in East Timor, calls upon Member States to make further contributions of personnel, equipment and other resources, and invites Member States in a position to contribute to inform the leadership of the multinational force and the Secretary-General;

7. *Stresses* that it is the responsibility of the Indonesian authorities to take immediate and effective measures to ensure the safe return of refugees to East Timor;

8. *Notes* that article 6 of the Agreement of 5 May 1999 states that the Governments of Indonesia and Portugal and the Secretary-General shall agree on arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations, and requests the leadership of the multinational force to cooperate closely with the United Nations to assist and support those arrangements;

9. *Stresses* that the expenses for the force will be borne by the participating Member States concerned, and requests the Secretary-General to establish a trust fund through which contributions could be channelled to the States or operations concerned;

10. *Agrees* that the multinational force should collectively be deployed in East Timor until replaced as soon as

possible by a United Nations peacekeeping operation, and invites the Secretary-General to make prompt recommendations on a peacekeeping operation to the Security Council;

11. *Invites* the Secretary-General to plan and prepare for a United Nations transitional administration in East Timor, incorporating a United Nations peacekeeping operation, to be deployed in the implementation phase of the popular consultation (phase III) and to make recommendations as soon as possible to the Security Council;

12. *Requests* the leadership of the multinational force to provide periodic reports on progress towards the implementation of its mandate through the Secretary-General to the Council, the first such report to be made within fourteen days of the adoption of the present resolution;

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

At the same meeting, the representative of Portugal stated that the security and humanitarian conditions in East Timor had not improved and that there were alarming reports of continued brutality, violence against refugees and internally displaced persons, and major food and medicine shortages. Moreover, in spite of guarantees given by the Indonesian authorities, UNAMET had been forced to withdraw from its headquarters and the same had happened to the Observer Mission of Portugal created by the New York agreements. Those events were completely unacceptable and they were hard evidence of the inability of Indonesia to maintain peace and stability in the Territory. He therefore welcomed the establishment of a multinational force and urged Indonesia to cooperate fully.⁴⁸

The representative of Indonesia stated that following the visit of the Indonesian Armed Forces Commander to East Timor who accompanied the Security Council Mission to directly observe the effect of the declaration of a state of military emergency, the Government of Indonesia had reviewed the situation in East Timor and had decided to request the cooperation of the United Nations in dealing with the security situation in East Timor. Moreover, in a spirit of cooperation and flexibility, it had placed no conditions on the deployment of a multinational force, under Chapter VII of the Charter, and would extend its cooperation to facilitate the force's tasks. He also assured the Council that adequate measures would be

⁴⁸ S/PV.4045, pp. 2-3.

taken for the safety and security of those rendering humanitarian aid.⁴⁹

The representative of Australia welcomed the decision of the Government of Indonesia to invite a multinational force into East Timor. At the Secretary-General's request, his country was willing to accept the leadership of such a force. It also stood ready to assist in providing urgent humanitarian assistance and in the reconciliation process.⁵⁰

The representative of Finland, speaking on behalf of the European Union and the associated and aligned countries,⁵¹ welcomed the early decision by the Council to enable the rapid deployment of an international presence. He underlined that the attitude of the European Union towards Indonesia would depend on its full co-operation with the international force. In this context, he informed the Council that the European Union had agreed at its meeting on 13 September on an embargo on the export of arms, munitions and military equipment, a ban on the supply of equipment that might be used for internal repression or terrorism, and a suspension of bilateral military cooperation, for a period of four months. The European Union also called on Indonesia to allow the safe return of international humanitarian organizations and agencies to East Timor without delay.⁵²

The representative of Japan, while welcoming the establishment of a multinational force to restore peace and security in East Timor, further underlined his delegation's view that the immediate task in East Timor was threefold, namely that law and order in East Timor had to be quickly restored; and an appropriate environment, in which UNAMET could resume operations and humanitarian activities could be safely carried out, had to be established. With the acceptance of the Security Council resolution, Japan would continue to provide support and assistance to the political and humanitarian process of restoring peace in East Timor and to the implementation of the result of the ballot of 30 August. The representative further pointed out that, in pursuing the goal stipulated in the

⁴⁹ *Ibid.*, pp. 3-4.

⁵⁰ *Ibid.*, pp. 4-5.

⁵¹ *Ibid.*, pp. 5-6 (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Iceland, Liechtenstein and Norway).

⁵² *Ibid.*, pp. 5-6.

resolution, it needed to be borne in mind that Indonesia itself was at a precarious stage in its democratization process, which its Government and people were pursuing in the face of tremendous economic difficulties. It was important for the international community to keep this broader picture in mind as it continued to address this difficult issue.⁵³

The representative of New Zealand welcomed the adoption by the Council of the resolution authorizing the deployment of a multinational force to East Timor in response to the decision by the Government of Indonesia to invite an international peacekeeping presence through the United Nations. New Zealand had urged Indonesia to invite an international peacekeeping presence, as friend and regional partner, and was gratified by the response of the Indonesia Government. Welcoming the role of Australia in making the multinational force possible, he also wished to place on record that, while it had proved necessary at the time for the Council to establish a multinational force in view of the urgency of the situation, his country expected the early replacement of the multinational force by a United Nations peacekeeping operation, as envisaged in the resolution and the recommendations of the Secretary-General, as soon as possible.⁵⁴

**Decision of 25 October 1999 (4057th meeting):
resolution 1272 (1999)**

On 4 October 1999, pursuant to resolution 1264 (1999), the Secretary-General submitted to the Council a report on the situation in East Timor, providing the framework and concept of operations for the United Nations Transitional Administration in East Timor (UNTAET), and updating developments on the ground and UNAMET activities.⁵⁵ In his report, the Secretary-General observed that the implementation of the Agreements of 5 May 1999 had been significantly affected by the violence and destruction that had engulfed East Timor following the announcement of the result of the popular consultation. Civil administration had collapsed and the judicial system had ceased to function. Moreover, there were no medical services, and hundreds of thousands of displaced persons were in dire need of emergency

relief. Indonesia had already transferred the responsibility for law and order to the multinational force which, however, could not fill the vacuum in civil administration. He therefore recommended that the Council approve the establishment of UNTAET, with overall responsibility for the administration of East Timor during its transition to independence and empowered to exercise all legislative and executive authority, including the administration of justice.⁵⁶ The Transitional Administration would operate under the authority of the Council, vested in the Secretary-General and exercised by his Special Representative. It would provide security and maintain law and order throughout the Territory; establish an effective administration; assist in the development of civil and social services; ensure coordination and delivery of humanitarian, rehabilitation and development assistance; support capacity-building for self-government; and assist in the establishment of conditions for sustainable development. It would also establish a mechanism for consultation with Portugal, and organize consultations with Indonesia as necessary. Pending elections, the Special Representative would establish advisory bodies at all levels to ensure the participation of the people of East Timor in governance and administration. The Secretary-General further noted that a number of the tasks of UNTAET would be funded by voluntary contributions and a trust fund would be established for that purpose. He therefore called on Member States to contribute to the fund generously and on an urgent basis.

At its 4057th meeting, held on 25 October 1999 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the President (Russian Federation) invited the representatives of Australia, Finland, Indonesia, Japan, New Zealand, Norway, Portugal and the Republic of Korea, at their request, to participate in the discussion without the right to vote. The President drew the attention of the members of the Council to the text of a draft resolution submitted by Argentina, Brazil, Canada, France, Namibia, the Netherlands, Portugal, the Russian Federation, Slovenia, the United Kingdom and the United States.⁵⁷ He also drew their

⁵³ *Ibid.*, pp. 6-7.

⁵⁴ *Ibid.*, p. 8.

⁵⁵ S/1999/1024.

⁵⁶ For details on the composition and mandate of UNTAET, see chapter V.

⁵⁷ S/1999/1083.

attention to several other documents: a letter dated 21 September 1999 from the representative of Finland addressed to the Secretary-General, conveying the statement on East and West Timor issued on 21 September 1999 by the Presidency on behalf of the European Union, in which it welcomed the progress in the deployment of the international force in East Timor and commended the cooperation of the Government of Indonesia;⁵⁸ and letters dated 4 and 15 October 1999, respectively, from the Secretary-General addressed to the President of the Council, transmitting the first and second periodic reports by Australia on the operations of the International Force, East Timor (INTERFET).⁵⁹

At the same meeting, the representative of Portugal stated that the establishment of UNTAET was the culmination of a process of self-determination for which the people of East Timor and Portugal had fought very hard and for so long. He stressed that successful Transitional Administration would require close contact and constant coordination between UNTAET and the leadership of East Timor. He noted that East Timor was a non-self-governing territory whose privileges and rights accorded to it by Article 73 had been denied. This situation had to be reversed. In that context, he expressed support for the draft resolution to be adopted by the Council. To ensure that, not only the letter, but also the spirit of the Agreement and the resolutions were complied with in practice. The Council needed to guarantee: a rapid and effective transfer of power between INTERFET and UNTAET without disruption; full respect for the territorial integrity of East Timor; distribution of humanitarian assistance to those in need; and the security and safety of refugees in West Timor and other parts of Indonesia, in accordance with international humanitarian law. Finally, the Council also needed to ensure that Indonesia guaranteed that the territory of West Timor would not be used by the so-called militias as a platform to destabilize East Timor.⁶⁰

The representative of Indonesia stated that his country's responsibilities had begun more than two decades ago, when East Timor had been plunged into civil war. Abandoned by its former colonial Power after more than four centuries of colonial rule, the leaders of East Timor had appealed to Indonesia to

accommodate the aspirations of the majority of its people. Through that act of integration with Indonesia, East Timor had set out on the challenging path to nation-building. Indonesia had accepted that solemn responsibility and additional burden, even though East Timor had not been part of the Dutch East Indies, out of which the nation of Indonesia had evolved. He noted that since 1983, Indonesia had been engaged in a tripartite dialogue with Portugal, under the auspices of the Secretary-General, to find a just, comprehensive and internationally acceptable solution to the question of East Timor. He affirmed that his Government had never wavered in its commitments to the people of East Timor. It had extended full cooperation to UNAMET and provided security personnel for the popular consultation in East Timor. When violence had erupted, the Government of Indonesia had immediately declared a state of emergency, thereby establishing a legal framework to enable the armed forces to take the necessary measures to restore law and order. Subsequently, following a reappraisal of the situation on the ground, it had invited the assistance of INTERFET to restore peace and security on the ground, to protect the people, and to implement the result of the popular consultation. His delegation rejected allegations that Indonesian armed forces were behind the recent incidents in East Timor. He also expressed deep concern at the "unverified" reports of human rights violations following the popular consultation. Referring to the draft resolution, he underlined that one of the most important tasks for UNTAET was to promote reconciliation among the people of East Timor, if East Timor was to become a viable independent nation. Given that there were two factions, it was essential for UNTAET to carry out its duties with impartiality.⁶¹

The representative of Australia emphasized that security had been restored to most of East Timor, humanitarian agencies were again able to conduct their work and the people of East Timor had begun to return to the homes from which they had been driven out. Her delegation commended the decision of the People's Consultative Assembly of Indonesia to revoke its 1978 decree incorporating East Timor into Indonesia, and hoped that such action would mark the beginning of a new relationship between the peoples of Indonesia and East Timor, as well as of reconciliation among the

⁵⁸ S/1999/1004.

⁵⁹ S/1999/1025 and S/1999/1072.

⁶⁰ S/PV.4057, pp. 2-4.

⁶¹ *Ibid.*, pp. 4-6.

people of East Timor. Australia, as a neighbour of East Timor and a member of its region and the wider community, was committed to assisting UNTAET and the people of East Timor to prepare for independence and rebuild and develop the country. He stated that his country considered this to be a long-term regional and international responsibility.⁶²

The draft resolution was put to the vote and was adopted unanimously as resolution 1272 (1999), which reads as follows:

The Security Council,

Recalling its previous resolutions and the statements by its President on the situation in East Timor, in particular resolutions 384 (1975) of 22 December 1975, 389 (1976) of 22 April 1976, 1236 (1999) of 7 May 1999, 1246 (1999) of 11 June 1999, 1262 (1999) of 27 August 1999 and 1264 (1999) of 15 September 1999,

Recalling also the Agreement between Indonesia and Portugal of 5 May 1999 on the question of East Timor and the Agreements between the United Nations and the Governments of Indonesia and Portugal of the same date regarding the modalities for the popular consultation of the East Timorese through a direct ballot and security arrangements,

Reiterating its welcome for the successful conduct of the popular consultation of the East Timorese people of 30 August 1999, and taking note of its outcome through which the East Timorese people expressed their clear wish to begin a process of transition under the authority of the United Nations towards independence, which it regards as an accurate reflection of the views of the East Timorese people,

Welcoming the decision of the Indonesian People's Consultative Assembly on 19 October 1999 concerning East Timor,

Stressing the importance of reconciliation among the East Timorese people,

Commending the United Nations Mission in East Timor for the admirable courage and determination shown in the implementation of its mandate,

Welcoming the deployment of a multinational force to East Timor pursuant to resolution 1264 (1999), and recognizing the importance of continued cooperation between the Government of Indonesia and the multinational force in this regard,

Taking note of the report of the Secretary-General of 4 October 1999,

⁶² *Ibid.*, pp. 6-7.

Noting with satisfaction the successful outcome of the trilateral meeting held on 28 September 1999, as outlined in the report of the Secretary-General,

Deeply concerned by the grave humanitarian situation resulting from violence in East Timor and the large-scale displacement and relocation of East Timorese civilians, including large numbers of women and children,

Reaffirming the need for all parties to ensure that the rights of refugees and displaced persons are protected, and that they are able to return voluntarily in safety and security to their homes,

Reaffirming respect for the sovereignty and territorial integrity of Indonesia,

Noting the importance of ensuring the security of the boundaries of East Timor, and noting in this regard the expressed intention of the Indonesian authorities to cooperate with the multinational force deployed pursuant to resolution 1264 (1999) and with a United Nations Transitional Administration in East Timor,

Expressing its concern at reports indicating that systematic, widespread and flagrant violations of international humanitarian and human rights law have been committed in East Timor, stressing that persons committing such violations bear individual responsibility, and calling on all parties to cooperate with investigations into these reports,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Determining that the continuing situation in East Timor constitutes a threat to peace and security,

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

1. *Decides* to establish, in accordance with the report of the Secretary-General, a United Nations Transitional Administration in East Timor, which will be endowed with overall responsibility for the administration of East Timor and will be empowered to exercise all legislative and executive authority, including the administration of justice;

2. *Decides also* that the mandate of the Transitional Administration shall consist of the following elements:

(a) To provide security and maintain law and order throughout the territory of East Timor;

(b) To establish an effective administration;

(c) To assist in the development of civil and social services;

(d) To ensure the coordination and delivery of humanitarian assistance, rehabilitation and development assistance;

(e) To support capacity-building for self-government;

(f) To assist in the establishment of conditions for sustainable development;

3. *Decides further* that the Transitional Administration will have objectives and a structure along the lines set out in section IV of the report of the Secretary-General, and in particular that its main components will be:

(a) A governance and public administration component, including an international police element with a strength of up to 1,640 officers;

(b) A humanitarian assistance and emergency rehabilitation component;

(c) A military component, with a strength of up to 8,950 troops and up to 200 military observers;

4. *Authorizes* the Transitional Administration to take all necessary measures to fulfil its mandate;

5. *Recognizes* that, in developing and performing its functions under its mandate, the Transitional Administration will need to draw on the expertise and capacity of Member States, United Nations agencies and other international organizations, including the international financial institutions;

6. *Welcomes* the intention of the Secretary-General to appoint a Special Representative who, as the Transitional Administrator, will be responsible for all aspects of the United Nations work in East Timor and will have the power to enact new laws and regulations and to amend, suspend or repeal existing ones;

7. *Stresses* the importance of cooperation between Indonesia, Portugal and the Transitional Administration in the implementation of the present resolution;

8. *Stresses* the need for the Transitional Administration to consult and cooperate closely with the East Timorese people in order to carry out its mandate effectively with a view to the development of local democratic institutions, including an independent East Timorese human rights institution, and the transfer to these institutions of its administrative and public service functions;

9. *Requests* the Transitional Administration and the multinational force deployed pursuant to resolution 1264 (1999) to cooperate closely with each other, with a view also to the replacement as soon as possible of the multinational force by the military component of the Transitional Administration, as notified by the Secretary-General following consultations with the leadership of the multinational force, taking into account conditions on the ground;

10. *Reiterates* the urgent need for coordinated humanitarian and reconstruction assistance, and calls upon all parties to cooperate with humanitarian and human rights organizations so as to ensure their safety, the protection of civilians, in particular children, the safe return of refugees and displaced persons and the effective delivery of humanitarian aid;

11. *Welcomes* the commitment of the Indonesian authorities to allow the refugees and displaced persons in West Timor and elsewhere in Indonesia to choose whether to return to East Timor, remain where they are or be resettled in other parts of Indonesia, and stresses the importance of allowing full, safe and unimpeded access by humanitarian organizations in carrying out their work;

12. *Stresses* that it is the responsibility of the Indonesian authorities to take immediate and effective measures to ensure the safe return of refugees in West Timor and other parts of Indonesia to East Timor, the security of refugees, and the civilian and humanitarian character of refugee camps and settlements, in particular by curbing the violent and intimidatory activities of the militias there;

13. *Welcomes* the intention of the Secretary-General to establish a trust fund to be available for, inter alia, the rehabilitation of essential infrastructure, including the building of basic institutions, the functioning of public services and utilities, and the salaries of local civil servants;

14. *Encourages* Member States and international agencies and organizations to provide personnel, equipment and other resources to the Transitional Administration as requested by the Secretary-General, including for the building of basic institutions and capacity, and stresses the need for the closest possible coordination of these efforts;

15. *Underlines* the importance of including in the Transitional Administration personnel with appropriate training in international humanitarian, human rights and refugee law, including child and gender-related provisions, negotiation and communication skills, cultural awareness and civilian-military coordination;

16. *Condemns* all violence and acts in support of violence in East Timor, calls for their immediate end, and demands that those responsible for such violence be brought to justice;

17. *Decides* to establish the Transitional Administration for an initial period until 31 January 2001;

18. *Requests* the Secretary-General to keep the Council closely and regularly informed of progress towards the implementation of the present resolution, including, in particular, with regard to the deployment of the Transitional Administration and possible future reductions of its military component if the situation in East Timor improves, and to submit a report within three months of the date of adoption of this resolution and every six months thereafter;

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

Deliberations of 22 December 1999 (4085th meeting)

At its 4085th meeting, held on 22 December 1999 in accordance with the understanding reached in its

prior consultations, the Council continued consideration of the item on its agenda. After the adoption of the agenda, the President (United Kingdom) extended an invitation under rule 39 of its provisional rules of procedure to the Assistant Secretary-General for Peacekeeping Operations, to brief the Council on the situation in East Timor. He also drew the attention of the members of the Council to a letter dated 10 December 1999 addressed to him by the Secretary-General, transmitting the fifth periodic report from Australia on the operations of INTERFET.⁶³

The Assistant Secretary-General for Peacekeeping Operations stated that the situation in East Timor remained largely stable, despite isolated incidents against returning refugees. UNTAET military observers had been deployed throughout the territory and had set up posts on both sides of the border with West Timor to ensure liaison between INTERFET and the Indonesian armed forces and to facilitate the return of refugees. The transition from INTERFET to the United Nations would take place in February under an agreed concept that would ensure that a strong operational capacity would be maintained throughout. The humanitarian situation, although still very difficult, had also improved. Relations between UNTAET and the people of East Timor were very good. To that end, the Transitional Administration had established, in close cooperation with the people of East Timor, the National Consultative Commission of East Timor, chaired by the Special Representative of the Secretary-General. There were also positive prospects for national reconciliation. The establishment of good relations between East Timor and Indonesia was also high on the agenda of UNTAET, he said.⁶⁴

The representative of the United States noted that overall the United Nations operations and INTERFET were working quite well in a unique arrangement. She welcomed the recent meeting between the East Timor independence leader and the former pro-integrationist factions, and the militia's subsequent decision to lay down its weapons. She expressed concern, however, over the slowdown in the return of refugees, and noted that the Government of Indonesia must resettle those

who opted to remain in that country. She also stressed that the International Commission of Inquiry on East Timor and the Indonesian commission on human rights must continue their investigations into the events in East Timor so that those responsible could be brought to justice.⁶⁵

Most speakers noted with satisfaction the improvement of the situation in East Timor and praised UNTAET, INTERFET and the Special Representative of the Secretary-General for their excellent work. They expressed concern, however, at the humanitarian situation, in particular the slowdown of the return of refugees and the need to ensure their safety and security. They welcomed the establishment of the National Consultative Commission of East Timor to strengthen the involvement and direct participation of the people of East Timor in decision-making; and supported the investigation process into the violations of human rights and humanitarian law so that those responsible would be brought to justice. Some speakers emphasized the importance of an early transition from INTERFET into a United Nations peacekeeping operation, so that its military component might be progressively reduced, as the people of East Timor moved towards self-government.⁶⁶

Responding to comments and questions raised, the Assistant Secretary-General for Peacekeeping Operations stated that, with regard to the decrease in the rate of return of refugees from West Timor, it could be attributable to a combination of factors: misinformation and intimidation by the militias; and widespread destruction of areas where they wished to return to. In addition, many of those who had voted for autonomy — over 20 per cent of the population — might be reluctant to return to East Timor at the present time. As for the strength of the United Nations peacekeeping forces, he noted that the security situation had improved thanks to INTERFET. If such a trend continued, the Secretary-General would undoubtedly reassess the situation and propose reductions as long as they could be safely undertaken.⁶⁷

⁶³ Ibid., pp. 4-5.

⁶⁴ Ibid., pp. 5-6 (Canada); pp. 6-7 (Brazil); p. 7 (Russian Federation); pp. 7-8 (China); pp. 8-9 (Slovenia); pp. 9-10 (France); p. 10 (Argentina); pp. 10-11 (Malaysia); pp. 12-13 (Namibia); p. 13 (Gabon); pp. 13-14 (Netherlands); and p. 15 (United Kingdom).

⁶⁵ Ibid., pp. 15-16.

⁶³ S/1999/1248. The third and fourth periodic reports were transmitted by letters dated 28 October and 11 November 1999, respectively (S/1999/1106 and S/1999/1169).

⁶⁴ S/PV.4085, pp. 2-4.

21. The situation in Cambodia

Decision of 11 July 1997 (3799th meeting): statement by the President

At its 3799th meeting, held on 11 July 1997 in accordance with the understanding reached in its prior consultations, the President (Sweden) made the following statement on behalf of the Council:¹

The Security Council is gravely concerned at recent developments in Cambodia, including violence, which have the effect of jeopardizing continued progress of the Cambodian peace process, and calls for an immediate end to the fighting.

The Council reaffirms the need to respect the principles of national unity, territorial integrity and sovereignty of the Kingdom of Cambodia.

The Council calls upon all parties to respect fully their commitments under the Paris agreements on Cambodia. It urges them to resolve their differences through peaceful means and

political dialogue and in accordance with the spirit of national reconciliation.

The Council calls upon the parties again to ensure the effective and smooth operation of constitutional institutions.

The Council condemns all acts of violence and calls upon all parties to ensure the safety and security of persons and to respect the principles and rules of humanitarian law.

The Council reminds the Cambodian Government of its public undertaking that free and fair legislative elections would be held in May 1998. It stresses the importance of this electoral process.

The Council welcomes and supports all efforts to promote dialogue among the parties, including those undertaken by the countries of the Association of South- East Asian Nations and other signatory States of the Paris agreements on Cambodia.

The Council will remain seized of the matter.

¹ S/PRST/1997/37.

22. The situation in Tajikistan and along the Tajik-Afghan border

Decision of 29 March 1996 (3646th meeting): statement by the President

On 22 March 1996, pursuant to paragraph 4 of resolution 1030 (1995), the Secretary-General submitted to the Council a report on progress towards a comprehensive settlement of the conflict and on the operations of the United Nations Mission of Observers in Tajikistan (UNMOT).¹ In his report, the Secretary-General stated that although the beginning of the continuous inter-Tajik negotiations at Ashgabat had raised hopes for substantive progress towards a general peace agreement, in accordance with the provisions of the 17 August 1995 protocol, very little progress had been achieved. Unfortunately, the special session of the Tajik Parliament, which had the potential of becoming a turning-point in the process of national reconciliation, had not been attended by the opposition delegation. The Secretary-General expressed concern with the serious violations of the ceasefire by both

sides and the grave difficulties that had been encountered with the extension of the Tehran ceasefire agreement of 17 September 1994.² He appealed to the leadership of the opposition to consider positively the proposal of the Government regarding the extension of the ceasefire agreement for the whole duration of the inter-Tajik negotiations. He also noted that he had been receiving alarming information on a deterioration of the humanitarian situation in Tajikistan.

At its 3646th meeting, held on 29 March 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Botswana), with the consent of the Council, invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote.

¹ S/1996/212.

² Agreement on a Temporary Cease-fire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks (Tehran agreement) (S/1994/1102, annex I).

At the same meeting, the President made the following statement on behalf of the Council:³

The Security Council has considered the report of the Secretary-General of 22 March 1996 on the situation in Tajikistan.

The Council regrets that insufficient progress has been achieved during the continual round of the inter-Tajik talks in Ashgabad towards the solution of fundamental political and institutional issues. It calls upon the Tajik parties to accelerate substantially their efforts to reach agreement on the basis of the protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995. It urges them to negotiate constructively and in good faith and to search for solutions on the basis of mutual concessions and compromises.

The Council is deeply concerned about the violations of the Tehran ceasefire agreement of 17 September 1994, and in particular about the ongoing fighting in the Tavildara region. It appeals to the Tajik parties to comply strictly with all their obligations undertaken under this agreement. It reminds them that the mandate of the United Nations Mission of Observers in Tajikistan is subject to the proviso that the Tehran ceasefire agreement remains in force and the parties continue to be committed to an effective ceasefire, to national reconciliation and to the promotion of democracy. The Council notes with concern that the ongoing military operations and other violations of the ceasefire create doubt regarding the commitment of the parties to an effective ceasefire.

The Council acknowledges the extension of the ceasefire by the parties for a further period of three months until 26 May 1996. It is concerned, however, that the ceasefire has been extended for only this short period. The Council fully supports the appeal by the Secretary-General to the Tajik opposition contained in his report to agree to the extension of the ceasefire agreement for the duration of the inter-Tajik talks.

The Council reiterates the importance of direct political dialogue between the President of the Republic of Tajikistan and the leader of the Islamic Revival Movement of Tajikistan for the peace process and encourages them to hold the next meeting as soon as possible.

The Council welcomes the position of the Majlis-i Oli (Parliament) of Tajikistan which at its special session on 11 and 12 March 1996 expressed its strong support for the efforts to achieve national reconciliation and for the search for compromise at the inter-Tajik talks held under the auspices of the United Nations. It regrets that the leaders of the Islamic Revival Movement of Tajikistan declined to participate in the special session of the Majlis-i Oli.

The Council expresses its deep concern over the kidnapping on 24 February 1996 of the opposition co-chair of

the Joint Commission and calls upon the Tajik Government to intensify its investigation into this incident. The Council joins the Secretary-General in calling upon the Government to provide the necessary security guarantees to allow the Joint Commission to function safely and effectively.

The Council expresses the hope that the agreement on social accord in Tajikistan signed on 9 March 1996 in Dushanbe by the leaders of Tajikistan and of political parties, social movements and ethnic communities will contribute to national reconciliation.

The Council expresses its serious concern at the deterioration of the humanitarian situation in Tajikistan. It calls upon Member States and others concerned to respond promptly in support of the humanitarian relief efforts of the United Nations and other international organizations.

The Council welcomes the positive role played by the Mission under difficult circumstances. The Council expresses deep concern over recent incidents in which Mission personnel were harassed and threatened and reiterates its call to the parties to cooperate fully with the Mission and to ensure the safety and freedom of movement of the personnel of the United Nations and other international organizations.

The Council is concerned about delays in the establishment of a liaison post of the Mission at Taloqan (northern Afghanistan) and encourages the relevant Afghan authorities to facilitate its opening.

The Council welcomes the creation of the office of an independent ombudsman for human rights in Tajikistan with the help of the Organization for Security and Cooperation in Europe and expresses the hope that his activities will contribute to a lessening of tensions.

The Council commends the tireless efforts of the former Special Envoy of the Secretary-General in Tajikistan, Mr. Píriz-Ballón. It understands that his successor will be appointed promptly and expresses the hope that the new Special Envoy will begin without delay the preparation of the next phase of the continual round of the inter-Tajik talks which should be convened as soon as possible.

**Decision of 21 May 1996 (3665th meeting):
statement by the President**

By a letter dated 16 May 1996 addressed to the President of the Security Council,⁴ the representative of Tajikistan transmitted an appeal dated 14 May 1996 from the President of the Republic of Tajikistan. In his appeal, the President of Tajikistan drew attention to the increasing deterioration in the social and political situation in certain regions of his country as a result of the obvious reluctance of the forces opposing the

³ S/PRST/1996/14.

⁴ S/1996/354.

constitutional authorities to settle outstanding questions by peaceful means, particularly through the mechanism of the inter-Tajik talks which were being held under the auspices of the United Nations.

At its 3665th meeting, held on 21 May 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (China), with the consent of the Council, invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁵

The Security Council condemns the recent violations of the Tehran ceasefire agreement of 17 September 1994, in particular the planned and organized offensive by the armed Tajik opposition in the Tavildara region. It strongly deplors the loss of life of civilians and of members of the collective peacekeeping forces of the Commonwealth of Independent States as a result of acts of violence. It affirms that such acts are totally unacceptable.

The Council expresses its grave concern that all such actions further aggravate the already serious humanitarian situation in Tajikistan. It demands the immediate cessation of the offensive actions and acts of violence.

The Council reaffirms its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders.

The Council emphasizes its support for the extension of the ceasefire agreement for the whole duration of the inter-Tajik talks, and notes that the Islamic Revival Movement of Tajikistan has agreed to extend the ceasefire, albeit only for a further period of three months. It calls upon the parties to demonstrate their commitment to peace by strict compliance with the ceasefire and other obligations which they have assumed, as well as with the relevant resolutions of the Council. It also reminds the parties that the mandate of the United Nations Mission of Observers in Tajikistan is subject to the proviso that the ceasefire agreement remains in force and that the parties continue to be committed to an effective ceasefire, to national reconciliation and to the promotion of democracy.

The Council commends the personnel of the Mission for their contribution under difficult circumstances. It expresses its concern at the restrictions placed upon the Mission by the parties and calls upon them, in particular the Government of Tajikistan, to ensure the safety and freedom of movement of the

personnel of the United Nations and other international organizations.

The Council calls upon both parties to resolve their differences over the functioning of the Joint Commission, including the issue of security guarantees for Commission members, and to recommence the operations of the Commission as soon as possible.

The Council is concerned that the worsening humanitarian situation makes it all the more urgent to obtain the required resources and calls upon Member States and others concerned to respond promptly in support of the humanitarian relief efforts of the United Nations and other international organizations.

The Council invites the Secretary-General and his Special Representative to continue their efforts aimed at the earliest possible resumption of the inter-Tajik talks and calls upon the countries and regional organizations acting as observers at those talks to render all possible support to those efforts.

Decision of 14 June 1996 (3673rd meeting): resolution 1061 (1996)

On 7 June 1996, pursuant to paragraph 4 of resolution 1030 (1995), the Secretary-General submitted to the Council a report on the progress towards a comprehensive political settlement of the conflict and on the operations of UNMOT.⁶ In his report, the Secretary-General expressed concern at the serious deterioration of the situation in Tajikistan since the end of the civil war of 1992. He had taken note of the conviction expressed by both parties that the conflict in Tajikistan could not be settled by military means and of their declared willingness to resume the inter-Tajik negotiations as soon as possible. He therefore recommended that the Security Council extend the mandate of UNMOT for a further period of six months. If at the end of the period, prospects had not improved, he would recommend that the Security Council review the United Nations commitment in Tajikistan. He stated that in the present circumstances, the first priority was the restoration of an effective ceasefire. He called upon the Afghan authorities and the United Tajik Opposition (UTO) to finalize arrangements that would permit the establishment of an additional liaison post at Taloqan.

At its 3673rd meeting, held on 14 June 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the

⁵ S/PRST/1996/25.

⁶ S/1996/412.

adoption of the agenda, the President (Egypt), with the consent of the Council, invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁷

The representative of Tajikistan stated his appreciation for the assistance of the international community in resolving the inter-Tajik conflict. He noted with satisfaction the existence of close and useful ties between UNMOT and the collective peacekeeping forces of the Commonwealth of Independent States (CIS), as well as with the border forces in Tajikistan, which had clearly been an important factor in stabilizing the situation. He maintained that the unresolved conflict and its socio-economic consequences were a heavy burden on the shoulders of the long-suffering people of Tajikistan. In that connection, he reiterated that his Government was fully committed to a solely peaceful political solution to existing problems and firmly favoured the continuation of the inter-Tajik talks under the aegis of the United Nations, despite their relatively meager results so far, for which the government delegation was not to blame. He stressed that his Government was closely cooperating with the Special Representative of the Secretary-General and with UNMOT, and was also taking additional steps to establish civil peace and accord in the country. He pointed out that the irreconcilable armed wing of the opposition was inclined to pursue its policy of exerting continuous armed pressure on the Government. Those forces continued to make a wide use of the tactics of terrorism and intimidation and to systematically and flagrantly violate the Agreement on a Temporary Ceasefire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of Talks. The Security Council rightly condemned the planned and organized offensive acts of the armed Tajik opposition, which had caused many casualties among the civilian population. He stressed that despite the intensive humanitarian support of the international community, the situation remained critical. Finally, he reaffirmed that the Government of Tajikistan would welcome a decision by the Security Council to extend

the mandate of UNMOT as it promoted stability and the continuation of the peace process as a whole.⁸

The representative of Italy, speaking on behalf of the European Union and the associated and aligned countries,⁹ noted that the Security Council had closely monitored the situation in Tajikistan and had expressed its great concern at the worsening of conditions on the ground. Military activities by the opposition and, more recently, by the Government had shown that the ceasefire was at best frail and subject to large-scale violations. The political stalemate in the inter-Tajik dialogue following the Ashgabat talks had been blamed on the loss of trust between the parties. Some of the elements involved were the attitude of the opposition in the negotiations and in the field; and the lack of adequate written safety guarantees given by the Government to opposition members on the Joint Commission. He stressed that a solution to the conflict could only be achieved through the inter-Tajik dialogue. The parties needed to respect obligations undertaken as the international community could not continue to provide support and commitment without a much greater level of cooperation from the parties themselves. While the European Union supported the Secretary-General's recommendation to extend the mandate of UNMOT, it remained concerned that delays in implementing an effective ceasefire might create a situation in which direct United Nations involvement after the six-month period would not be advisable. Further delays in reaching a significant outcome in the inter-Tajik dialogue might prejudice not only the momentum in the negotiations that the United Nations was trying to maintain, but also the financial support badly needed by a population and a country so much afflicted by the crisis.

The representative of Germany stated that the meeting of the Security Council had provided an important opportunity to take stock of what had been achieved by the efforts of the parties to the conflict, the Council, the Secretary-General and other States and entities involved. The result was that there was still intensive fighting in the Tavildara area, the humanitarian situation was very serious and the

⁷ S/1996/430.

⁸ S/PV.3673, pp. 2-4.

⁹ *Ibid.*, pp. 4-5 (Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia; and Iceland and Norway).

prospects for progress in the inter-Tajik talks were bleak. The armed Islamist opposition seemed to be about to take control of a large and strategically important part of Tajikistan. The region of Leninabad and other areas were gradually slipping from Government control. There were even some signs of disunity within the Kulyabi-dominated Government. His delegation, therefore, saw a concrete danger of an “Afghanization” of the conflict, with serious consequences for regional stability. He stressed that both parties bore a heavy load of responsibility for that development. Germany, however, saw a major obstacle to a settlement in the Government’s failure to open itself up to the participation of other regional and political groups in Tajikistan. A viable political compromise could not consist only of power-sharing between the parties to the conflict, but had to aim at establishing genuine democratic decision-making processes. While noting that Germany supported the draft resolution, he stressed the importance of the intention to seriously review the future of the United Nations commitment in Tajikistan after the six months, if there was no meaningful progress in the peace process.¹⁰

The representative of the Russian Federation expressed extreme concern at the lack of progress towards a political settlement of the conflict in Tajikistan and by the wide-scale hostilities in the Tavildara region. The Tajik parties needed to reaffirm their declared dedication solely to a peaceful political settlement of the conflict on the basis of mutual concessions and compromises. His delegation was firmly convinced that only full and unswerving implementation by the parties of all the commitments they had undertaken and of Security Council resolutions could create the requisite conditions for successful progress in the negotiating process. He firmly condemned the terrorist acts against the civilian population and the CIS peacekeeping forces. He stated that his country was in favour of making the inter-Tajik dialogue truly continuous and dynamic and called upon the parties to take a responsible attitude towards their participation and to demonstrate the political will to achieve compromise solutions to key problems in the settlement. The delegation of the Russian Federation attached great importance to the extension of the mandate of UNMOT, whose activities were an

important factor for restraint and stabilizations and provided indispensable support for constructive political dialogue. The collective peacekeeping forces of CIS and the border forces of the Russian Federation would continue to support the efforts of the Mission in implementing its mandate.¹¹

The representative of China reiterated that the sovereignty and territorial integrity of the Republic of Tajikistan needed to be respected. The basic approach to settling the question of Tajikistan was for the parties concerned to resolve their differences through peaceful negotiations and to achieve national reconciliation. He endorsed the recommendation of the Secretary-General that UNMOT needed to be maintained in the current circumstances.¹²

Several other speakers expressed concern at the situation, and, while expressing support for the extension of UNMOT, stressed that the extension of the mandate was contingent on an effective ceasefire, progress in the peace talks and the parties respecting the Tehran agreement.¹³

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1061 (1996) which reads:

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

Having considered the report of the Secretary-General of 7 June 1996,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Expressing its grave concern at the serious deterioration of the situation in Tajikistan, and stressing the urgent need for the Tajik parties to adhere sincerely and in good faith to the commitments they have made,

Recalling the commitments made by the parties to resolve the conflict and to achieve national reconciliation in the country exclusively through peaceful, political means on the basis of mutual concessions and compromises, and stressing the

¹¹ *Ibid.*, p. 6.

¹² *Ibid.*, pp. 9-10.

¹³ *Ibid.*, pp. 6-7 (Botswana); pp. 7-8 (Republic of Korea); pp. 8-9 (Honduras); p. 9 (Guinea-Bissau); pp. 10-11 (Chile); p. 11 (Indonesia); after the vote: pp. 12-13 (Poland) and p. 13 (Egypt).

¹⁰ *Ibid.*, p. 5.

inadmissibility of any hostile acts in Tajikistan and on the Tajik-Afghan border,

Stressing the need for an early resumption of talks between the Government of Tajikistan and the United Tajik Opposition, expressing the hope that substantive progress will be achieved as soon as possible towards a political settlement of the conflict, and encouraging the efforts of the Secretary-General and his Special Representative in this direction,

Emphasizing that the primary responsibility for resolving their differences rests with the Tajik parties themselves, and that the international assistance provided pursuant to the present resolution must be linked to the process of national reconciliation and the promotion of democracy,

Expressing its satisfaction at the regular contacts between the United Nations Mission of Observers in Tajikistan and the collective peacekeeping forces of the Commonwealth of Independent States, the Russian border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe,

1. *Expresses its appreciation* for the report of the Secretary-General of 7 June 1996;

2. *Calls upon* the parties immediately to cease hostilities and to comply fully with the Tehran agreement and all the other obligations they have assumed, and strongly urges them to extend the ceasefire for the whole duration of the inter-Tajik talks;

3. *Decides* to extend the mandate of the United Nations Mission of Observers in Tajikistan until 15 December 1996 subject to the proviso that the Tehran agreement remains in force and the parties demonstrate their commitment to an effective ceasefire, to national reconciliation and to the promotion of democracy, and further decides that this mandate will remain in effect unless the Secretary-General reports to the Council that these conditions have not been met;

4. *Expresses its intention* to review the future of the United Nations commitment in Tajikistan should the prospects for the peace process not have improved during the mandate period;

5. *Calls upon* the parties to cooperate fully with the Special Representative of the Secretary-General and to resume the round of inter-Tajik talks without delay in order to achieve a comprehensive political settlement of the conflict, with the assistance of the countries and regional organizations acting as observers at the inter-Tajik talks;

6. *Calls upon* the parties to cooperate fully with the Mission and to ensure the safety of the personnel of the United Nations and other international organizations, and also calls upon them, in particular the Government of Tajikistan, to lift all restrictions on the freedom of movement of Mission personnel;

7. *Also calls upon* the parties to resume the activities of the Joint Commission without delay and, in this context, encourages the Tajik opposition to accept in good faith the

security guarantees offered to them by the Government of Tajikistan;

8. *Calls upon* the Afghan authorities and the United Tajik Opposition to finalize arrangements that would permit the establishment of an additional liaison post at Taloqan;

9. *Urges* the Tajik parties to cooperate fully with the International Committee of the Red Cross to facilitate the exchange of prisoners and detainees between the two sides;

10. *Requests* the Secretary-General to continue to report to the Council every three months on the implementation of the Tehran agreement, progress towards a comprehensive political settlement of the conflict and the operations of the Mission;

11. *Expresses its deep concern* over the worsening of the humanitarian situation, aggravated by the recent natural calamities, and urges Member States and others concerned to respond promptly and generously in support of the humanitarian relief efforts of the United Nations and other international organizations;

12. *Encourages* States to contribute to the voluntary fund established by the Secretary-General in accordance with resolution 968 (1994) of 16 December 1994, in particular in the expectation of the resumption of work of the Joint Commission;

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

Speaking after the vote, the representative of the United States expressed concern about the deterioration of the military situation in Tajikistan and the continued lack of progress in the United Nations-mediated inter-Tajik talks. The two sides continued to profess their commitment to the standing ceasefire but, in practice, had reinforced their troops, conducted offensives and counter-offensives and had shown little inclination to end the dangerous spiral. There had also been reports that areas of northern Afghanistan had been bombed or shelled in recent months, apparently in connection with the Tajik conflict. One key step towards national reconciliation would be resumption of the operations of the Joint Commission for monitoring the ceasefire accord. He stated that the two sides also needed to abide by their commitment to allow UNMOT observers freedom of movement and unfettered access to areas where ceasefire violations might have occurred. Finally, he underlined his Government's strong endorsement of the passage in the resolution calling for a review of the future of UNMOT in

Tajikistan should prospects for the peace process not improve during the mandate period.¹⁴

Decision of 20 September 1996 (3696th meeting): statement by the President

On 13 September 1996, pursuant to paragraph 10 of resolution 1061 (1996), the Secretary-General submitted to the Council a report on the progress towards a comprehensive political settlement of the conflict and on the operations of UNMOT.¹⁵ In his report, the Secretary-General observed that the situation in Tajikistan had deteriorated and the agreements reached in Ashgabat had not been implemented. In addition to the heavy fighting in the Tavildara sector, military confrontations had intensified in the Karategin valley and the Garm district, and a tense situation existed on the Tajik-Afghan border. The activities of UNMOT had been impeded by restrictions on the freedom of movement of the military observers. Those developments, which contradicted the stated intentions of the Tajik parties to resolve the conflict through political means, were a cause of serious concern. He stressed that it was imperative to resume the political dialogue. In response to the acute crisis of the people of Tajikistan, the Secretary-General informed the Council that he had asked the Under-Secretary-General for Humanitarian Affairs to arrange for an inter-agency mission to Tajikistan to help determine how the United Nations system might respond most effectively to the situation.

At its 3696th meeting, held on 20 September 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. The President then drew the attention of the Council to a letter dated 8 August 1996 from the representative of the Russian Federation addressed to the Secretary-General,¹⁶ which proposed the convening of a meeting of representatives of the Russian Federation, Tajikistan and Afghanistan to work out urgent measures for building confidence and promoting security; and a letter dated 9 August 1996 from the representative of Tajikistan addressed to the Secretary-General, expressing concern at the escalation of armed

confrontation in the areas adjacent to the Tajik-Afghan border.¹⁷

At the same meeting, the President made the following statement on behalf of the Council:¹⁸

The Security Council has considered the report of the Secretary-General of 13 September 1996 on the situation in Tajikistan.

The Council expresses its concern at the deterioration of the situation in Tajikistan and at the increasing tension along the Tajik-Afghan border. It reaffirms its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders.

The Council is also concerned about the violations of the Tehran ceasefire agreement of 17 September 1994 and about the failure of both parties to implement the Ashgabat agreements. It is, in particular, concerned about the ongoing fighting in the Tavildara region and the seizure of the towns of Jirgatal and Tajikabad by the opposition. The Council demands the immediate cessation of all hostilities and acts of violence.

The Council recalls the commitments made by the Government of Tajikistan and by the leadership of the United Tajik Opposition to resolve the conflict and to achieve national reconciliation through peaceful means. It regrets that these commitments have so far not been honoured.

The Council commends the efforts of the United Nations Mission of Observers in Tajikistan and urgently calls upon the parties to cooperate fully with the Mission and to ensure the safety of the personnel of the United Nations and other international organizations. The Council also calls upon the parties to lift all restrictions on the freedom of movement of Mission personnel. In this connection it is concerned about the large-scale use of landmines owing to the threat it creates for the population and Mission personnel.

The Council welcomes the initiative of the Secretary-General to arrange for an inter-agency mission to Tajikistan to determine how to respond most effectively to the humanitarian situation.

The Council welcomes the renewed work of the Joint Commission and the results of its efforts in reducing tensions in the Garm region and in the Karategin valley.

The Council emphasizes that the primary responsibility for resolving their differences rests with the Tajik parties themselves. It recalls paragraphs 3 and 4 of its resolution 1061 (1996) of 14 June 1996.

The Council commends the efforts of the Special Representative of the Secretary-General and calls upon the parties to cooperate fully with him in resuming the inter-Tajik

¹⁴ S/PV.3673, p. 12.

¹⁵ S/1996/754.

¹⁶ S/1996/638.

¹⁷ S/1996/640.

¹⁸ S/PRST/1996/38.

talks. The Council reiterates the importance of the continuation of direct political dialogue between the President of the Republic of Tajikistan and the leader of the United Tajik Opposition for the peace process and encourages them to hold their next meeting as soon as possible.

**Decision of 13 December 1996 (3724th meeting):
resolution 1089 (1996)**

On 5 December 1996, pursuant to paragraph 10 of resolution 1061 (1996), the Secretary-General submitted to the Council a report on the progress towards a comprehensive political settlement of the conflict and on the operations of UNMOT.¹⁹ In his report, the Secretary-General observed that the overall situation in Tajikistan had deteriorated and the ceasefire had been frequently violated by both sides. However, he had taken note of the readiness of the Tajik parties to meet in Northern Afghanistan and Moscow by the end of the year. He welcomed those plans and expressed hope that the progress made in the latest rounds of preparatory talks in Tehran would be given substance in an agreement, which could give much-needed impetus to the negotiating process. In that context he recommended that the Security Council extend the mandate of UNMOT for a further period of six months.

At its 3724th meeting, held on 13 December 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Italy), with the consent of the Council, invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.²⁰ The President also drew the attention of the Council to a letter dated 4 December 1996 from the representative of Tajikistan addressed to the Secretary-General, reporting that armed formations of the Tajik opposition had attacked the town of Garm causing casualties amongst the civilian population.²¹

The representative of Tajikistan expressed gratitude to the United Nations, the Organization for

Security and Cooperation in Europe (OSCE), the Organization of the Islamic Conference (OIC), States acting as observers of the inter-Tajik talks and the Russian Federation, which had contributed the core of the collective peacekeeping forces. Those forces also included the participation of military contingents from Uzbekistan, Kazakhstan and Kyrgyzstan, which were carrying out the difficult task of preventing the unsealing of the southern border of CIS. That task remained pressing, as the situation along the Tajik-Afghan border was considered to be tense, and the groups of fighters of the irreconcilable wing of the armed Tajik opposition, which included a significant number of foreign mercenaries, regularly attempted to make their way from Afghan territory into Tajikistan. He welcomed the resumption of the activity of UNMOT and hoped that there would be cooperation in verifying compliance with the agreements that had been achieved. For its part, the Government of Tajikistan would continue, firmly and consistently, to follow the path of the peace process. Finally, he stated that Tajikistan would welcome the decision of the Security Council to extend the mandate of UNMOT.²²

The representative of the Russian Federation stated that the draft resolution reflected the profound concern of the Council over the acute deterioration of the situation in Tajikistan as a result of the offensive actions of the opposition in the Garm region and over the continuing stagnation in the inter-Tajik talks caused by the unconstructive policy of the opposition leaders. The Russian Federation condemned the continuing terrorist acts in Dushanbe aimed at the peaceful population, the military personnel of CIS peacekeeping forces and the border forces of the Russian Federation. It also condemned the gross mistreatment of the United Nations observers at the hands of both the government personnel and the fighters of the opposition. The Russian Federation was firmly convinced that only the rejection of force as a solution to the Tajik problem, the sincere implementation of the commitments made by the sides and their readiness to make mutual concessions and compromises would allow progress to be made. He concluded by stating that his country intended to comprehensively strengthen further

²² S/PV.3724, pp. 3-4.

¹⁹ S/1996/1010.

²⁰ S/1996/1039.

²¹ S/1996/1003.

cooperation with the United Nations towards a settlement of the conflict.²³

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1089 (1996), which reads:

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

Having considered the report of the Secretary-General of 5 December 1996,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Expressing its grave concern at the continuing deterioration of the situation in Tajikistan, and stressing the urgent need for the Government of Tajikistan and the leadership of the United Tajik Opposition to adhere sincerely to the commitments they have made to resolve the conflict and to achieve national reconciliation exclusively through peaceful, political means on the basis of mutual concessions and compromises,

Also expressing its grave concern at the ongoing fighting in Tajikistan and repeated violations of the Tehran ceasefire agreement of 17 September 1994 and about the failure of both parties to implement the Ashgabat agreements,

Emphasizing that the primary responsibility for resolving their differences rests with the Tajik parties themselves, and that the international support provided pursuant to the present resolution must be linked to the process of national reconciliation and the promotion of democracy,

Expressing its satisfaction at the regular contacts between the United Nations Mission of Observers in Tajikistan and the collective peacekeeping forces of the Commonwealth of Independent States, the Russian border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe,

Commending the efforts of the Mission under difficult circumstances,

1. *Expresses its appreciation* for the report of the Secretary-General of 5 December 1996;

2. *Condemns* the ongoing flagrant violations of the ceasefire by the parties, in particular the recent opposition offensive in the Garm region, and demands the immediate cessation of all hostilities and acts of violence;

3. *Calls upon* the parties to comply fully with the Tehran agreement and all the other obligations they have

assumed, and strongly urges them to extend the ceasefire for the whole duration of the inter-Tajik talks;

4. *Condemns* the terrorist acts and other acts of violence which have resulted in the loss of life of civilians as well as members of the collective peacekeeping forces of the Commonwealth of Independent States and the Russian border forces;

5. *Decides* to extend the mandate of the Mission until 15 March 1997 subject to the proviso that the Tehran agreement remains in force and the parties demonstrate their commitment to an effective ceasefire, to national reconciliation and to the promotion of democracy, and further decides that this mandate will remain in effect until that date unless the Secretary-General reports to the Council that these conditions have not been met;

6. *Welcomes* the intention of the Secretary-General to report to the Council by 15 January 1997 on the compliance by parties with the Tehran agreement and the results of meetings between the President of the Republic of Tajikistan and the leader of the United Tajik Opposition, and requests the Secretary-General also to provide recommendations in that report on the nature and size of the United Nations presence in Tajikistan in this light;

7. *Calls upon* the parties to cooperate fully with the Special Representative of the Secretary-General in resuming the inter-Tajik talks in order to achieve a comprehensive political settlement of the conflict, with the assistance of the countries and regional organizations acting as observers at the talks, and, in this context, welcomes the meeting between the President of the Republic of Tajikistan and the leader of the United Tajik Opposition on 10 and 11 December 1996 and encourages them to continue this dialogue;

8. *Welcomes* the efforts of the Joint Commission in defusing tensions between government and opposition forces on the ground;

9. *Strongly condemns* the gross mistreatment of members of the Mission by both parties, including threats against their lives, and urgently calls upon the parties to ensure the safety of the personnel of the United Nations and other international organizations, to cooperate fully with the Mission and to lift all restrictions on the freedom of movement of its personnel;

10. *Urges* the Tajik parties to cooperate fully with the International Committee of the Red Cross to facilitate the exchange of prisoners and detainees between the two sides;

11. *Expresses its serious concern* at the indiscriminate use of landmines in Tajikistan and the threat it poses to the population and Mission personnel, and welcomes the proposals of the Secretary-General in his report of 5 December 1996 in this regard;

12. *Expresses its deep concern* over the worsening of the humanitarian situation in Tajikistan, and calls upon Member States and others concerned to respond promptly and generously

²³ Ibid., pp. 4-5.

to the consolidated inter-agency donor alert on urgent humanitarian needs for the period from 1 December 1996 to 31 May 1997 launched by the Secretary-General;

13. *Encourages* States to contribute to the voluntary fund established by the Secretary-General in accordance with resolution 968 (1994) of 16 December 1994;

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

**Decision of 7 February 1997 (3739th meeting):
statement by the President**

On 21 January 1997, the Secretary-General submitted a report on the issue of compliance by the parties with the provisions of the ceasefire agreement and on possible results of the meeting between the parties.²⁴ In his report, the Secretary-General stated that the agreement reached in Moscow had broken the long impasse that had existed between the parties on the main political issues and represented a qualitative change for the better. Nevertheless, the situation in Tajikistan remained extremely fluid. He stated that the agreements reached between the two sides entailed new tasks for UNMOT. With reference to paragraph 6 of resolution 1089 (1996) of 13 December 1996, the Secretary-General was recommending no changes in the nature and size of the United Nations presence in Tajikistan at that stage, although he would keep the situation under review and revert to the Council in due course.

At its 3739th meeting, held on 7 February 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Kenya), with the consent of the Council, invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of the Council to the following documents: a letter dated 23 December 1996 from the representative of Ukraine addressed to the President of the Security Council;²⁵ a letter dated 24 December 1996 from the representative of the Russian Federation addressed to

the Secretary-General;²⁶ a letter dated 24 December 1996 from the representatives of the Islamic Republic of Iran and the Russian Federation addressed to the Secretary-General;²⁷ and a letter dated 17 January 1997 from the representative of the Islamic Republic of Iran addressed to the Secretary-General.²⁸

At the same meeting, the President made the following statement on behalf of the Council.²⁹

The Security Council has considered the progress report of the Secretary-General of 21 January 1997 on the situation in Tajikistan, submitted pursuant to paragraph 6 of Council resolution 1089 (1996) of 13 December 1996.

The Council welcomes the signing in Moscow on 23 December 1996 by the President of Tajikistan and the leader of the United Tajik Opposition of the agreement, including the protocol on the Commission on National Reconciliation, and notes the progress made in the inter-Tajik talks in Tehran in particular the signing of the protocol on refugees. It believes that these agreements, provided they are carried out as written, represent a qualitative change for the better and give a new impetus to efforts aimed at achieving national reconciliation. The Council urges the parties to honour and implement consistently and in good faith the agreements already reached, in particular in the course of negotiating future agreements. It also urges them to make further substantive progress at the next rounds of the inter-Tajik talks.

The Council notes with satisfaction that the ceasefire has been generally observed by the parties since December 1996 and calls upon them to maintain it scrupulously for the whole duration of the inter-Tajik talks in accordance with their obligations and commitments.

²⁴ S/1997/56.

²⁵ S/1996/1065, transmitting the statement by the Ministry of Foreign Affairs of Ukraine concerning the situation in Tajikistan.

²⁶ Letter transmitting the texts of the Agreement between the President of the Republic of Tajikistan and the leader of the United Tajik Opposition on the results of the meeting held in Moscow on 23 December 1996, and of the Protocol on the basic functions and powers of the Commission on National Reconciliation (S/1996/1070).

²⁷ Letter transmitting the text of a joint statement of the Islamic Republic of Iran and the Russian Federation on Tajikistan adopted at the talks in Tehran on 22 and 23 December 1996 between the Minister for Foreign Affairs of the Islamic Republic of Iran and the Minister for Foreign Affairs of the Russian Federation (S/1996/1071).

²⁸ Letter transmitting the text of the Protocol on refugees, signed in Tehran on 13 January 1997 by the heads of the delegation of the Government of the Republic of Tajikistan and of the United Tajik Opposition in the presence of the Special Representative of the Secretary-General of the United Nations (S/1997/55).

²⁹ S/PRST/1997/6.

The Council commends the efforts of the Special Representative of the Secretary-General and calls upon the parties to cooperate fully with him in continuing the inter-Tajik talks. The Council also commends the efforts of the United Nations Mission of Observers in Tajikistan in fulfilling its mandate.

The Council calls upon the parties to ensure the safety and the freedom of movement of the personnel of the United Nations, the collective peacekeeping forces of the Commonwealth of Independent States and other international personnel in Tajikistan.

The Council strongly condemns the attacks on and kidnapping of international personnel, in particular personnel of the Mission, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross and others, and demands the immediate release of all those taken hostage. It stresses the inadmissibility of kidnapping and any other mistreatment of United Nations personnel and supports the efforts of the Secretary-General to ensure that the essential security requirements of the Mission are met.

In this context, the Council expresses satisfaction at the efforts by and cooperation between the Mission, the Russian Federation and the parties to resolve the hostage crisis.

The Council considers it necessary for the United Nations to continue its vigorous support for the political process in Tajikistan. It takes note of the request from the parties to the Mission to extend the necessary assistance in the implementation of the Moscow agreement and to cooperate closely with the Commission on National Reconciliation in its activities. The Council accepts the recommendation of the Secretary-General not to change the nature and size of the United Nations presence in Tajikistan at this stage. It requests the Secretary-General to keep the situation under review and to submit in due course his recommendations with regard to the United Nations presence in Tajikistan in the light of the progress in implementation of the inter-Tajik agreements and bearing in mind the request for assistance by the parties contained in the Moscow agreement and the tasks and functions that would be required to provide such assistance.

The Council expresses deep concern over the deteriorating humanitarian situation in Tajikistan and calls for continuing emergency relief, including assistance for the return of refugees, in the context of the implementation of the protocol on refugees, and support to Tajikistan for rehabilitation, aimed at mitigation of the consequences of the war and reconstruction of its economy.

**Decision of 14 March 1997 (3752nd meeting):
resolution 1099 (1997)**

On 5 March 1997, pursuant to resolution 1089 (1996), the Secretary-General submitted to the Council a report on the progress towards a comprehensive

political settlement of the conflict and on the operations of UNMOT.³⁰ In his report, the Secretary-General stated that the documents agreed at Mashhad on the settlement of the military and political situation in the areas of confrontation; the Moscow agreement and protocol of 23 December 1996; and the Tehran protocol of 13 February 1997 on refugees, had been significant steps on the difficult path from armed conflict to normal peaceful political competition. As a result, the negotiating process had acquired a strong momentum. At the same time, he had been profoundly disturbed at the threat to the personnel of the United Nations and he had therefore decided, so long as the situation in Tajikistan continued in a state of flux and international personnel were at particular risk, to maintain for the time being the suspension of United Nations activities in Tajikistan, except for a limited UNMOT presence. He therefore recommended that the Security Council extend the mandate of UNMOT for a period of three months only, until June 1997, on the understanding that he would be keeping the Council informed of any significant developments.

At its 3752nd meeting, held on 14 March 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Poland), with the consent of the Council, invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³¹ The President further drew the attention of the Council to a letter dated 24 February 1997 from the representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General;³² and a letter dated 10 March 1997 from the representative of the Russian Federation addressed to the Secretary-General.³³

³⁰ S/1997/198.

³¹ S/1997/216.

³² Transmitting the Statute of the Commission on National Reconciliation of Tajikistan and the Additional Protocol on the main function and powers of the Commission and joint communiqué signed by the President of Tajikistan and the leader of the opposition (S/1997/169).

³³ Transmitting a joint statement by the Government of Tajikistan and the United Tajik Opposition on the

The representative of Tajikistan stated that the restoration of peace, stability and civil harmony in Tajikistan had been and continued to be the central task with which his Government had been dealing. Active progress had been to a large extent possible thanks to the sincere support and assistance of the Russian Federation, the Islamic Republic of Iran, the observer States and international organizations, to which his Government would like to express its sincere gratitude. He stated that the March agreements in Moscow had opened the door to a new, final stage of inter-Tajik political dialogue. A very important stage lay before them: the consistent and steadfast implementation of the agreements. He expressed hope that the Secretary-General would offer his good offices to achieve a full and effective implementation of the agreements signed. In that connection, he would welcome a decision by the Council to extend the mandate of UNMOT.³⁴

The representative of the Russian Federation noted that the peaceful settlement process in Tajikistan had become increasingly irreversible. An important step in the Tajik settlement had been the signing of the Protocol on Military Issues and the joint statement on the outcome of the Moscow round of inter-Tajik talks. His delegation attached particular significance to an early elaboration by the United Nations of the parameters of its contribution to the achievement of the inter-Tajik agreements so that it could render speedy assistance in the implementation of those agreements immediately after their entry into force. He considered central to the draft resolution before them those provisions in which the Security Council welcomed the inter-Tajik agreements and expressed its intention to consider the Secretary-General's recommendations on the ways in which the United Nations could assist in their implementation in accordance with the requests of the parties. He reiterated that the Russian Federation, in cooperation with the United Nations, OSCE, the observer countries at the negotiations and all interested States, were actively promoting consistent progress in the inter-Tajik negotiating process and a final agreement on national reconciliation in Tajikistan.³⁵

outcome of the round of the inter-Tajik talks held in Moscow, 26 February and 8 March 1997 and the Protocol on Military Issues (S/1997/209).

³⁴ S/PV.3752, pp. 2-3.

³⁵ Ibid., pp. 4-5.

The representative of the United States congratulated the parties on their accomplishments and at the same time urged them to complete successfully the difficult task of negotiating peace for their country. In contrast to those successes, however, he stressed that the security threat to international personnel had hindered the ability of the international community to assist the parties in their quest. Those threats had forced the Secretary-General to suspend United Nations activities in Tajikistan to the real detriment of the people of Tajikistan. He underscored that the situation needed to be resolved immediately. His country could not in good conscience condone the return of all UNMOT personnel to Tajikistan or another extension of its mandate until it was clear that the personnel would be able to carry out their mandate free of threats.³⁶

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1099 (1997) which reads:

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

Having considered the report of the Secretary-General of 5 March 1997,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming the agreements signed by the President of Tajikistan and the leader of the United Tajik Opposition since December 1996, by which the efforts towards national reconciliation have made important progress and gained strong momentum, noting with satisfaction the personal contribution made in this respect by the President of Tajikistan and the leader of the United Tajik Opposition, with the assistance of the Secretary-General and his Special Representative, and encouraging the parties to continue their efforts to this end,

Welcoming, in particular, the results of the latest round of inter-Tajik talks held in Moscow from 26 February to 8 March 1997, including the signing of the protocol on military issues, which contains agreements on reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition, reforming the power structures of the Republic of Tajikistan and a detailed timetable for their implementation,

Taking note of the requests of the parties, contained in the statute of the Commission on National Reconciliation and in the protocol on military issues, for the assistance of the United

³⁶ Ibid., p. 5.

Nations in the full and effective implementation of those agreements,

Gravely concerned about the worsening humanitarian situation in Tajikistan,

Deeply concerned about continuing attacks on the personnel of the United Nations, the collective peacekeeping forces of the Commonwealth of Independent States and other international personnel in Tajikistan, and deploring the deterioration in the security situation which necessitated the decision of the Secretary-General to suspend the United Nations activities in Tajikistan, except for a limited presence of the United Nations Mission of Observers in Tajikistan,

1. *Expresses its appreciation* for the report of the Secretary-General of 5 March 1997;

2. *Welcomes* the agreements reached by the parties since December 1996, in particular the protocol on military issues, which represents an important new step towards the successful completion of the task of national reconciliation in Tajikistan, and calls upon the parties to honour and implement consistently and in good faith those agreements, as well as to make further substantive progress in the next rounds of the inter-Tajik talks;

3. *Expresses its satisfaction* that the ceasefire has been generally observed by the parties since December 1996, and calls upon the parties to maintain it scrupulously for the whole duration of the inter-Tajik talks, in accordance with their obligations and commitments;

4. *Strongly condemns* the acts of mistreatment against personnel of the United Nations Mission of Observers in Tajikistan and other international personnel, and urgently calls upon the parties to cooperate in bringing the perpetrators to justice, to ensure the safety and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces of the Commonwealth of Independent States and other international personnel, and to cooperate fully with the Mission;

5. *Calls upon* the Government of Tajikistan, in particular, to take further, more rigorous security measures to this end, thus enabling the international community vigorously to support Tajikistan on its difficult path from armed conflict to normal peaceful life;

6. *Decides* to extend the mandate of the Mission until 15 June 1997, subject to the proviso that the Tehran agreement remains in force and the parties demonstrate their commitment to the agreements already reached, and further decides that this mandate will remain in effect until that date unless the Secretary-General reports to the Council that these conditions have not been met;

7. *Welcomes* the intention of the Secretary-General to inform the Council of any significant developments with regard to the situation in Tajikistan, in particular of a decision to resume all those United Nations activities presently suspended, including those of the Mission;

8. *Requests* the Secretary-General to inform the Council by 30 April 1997 on possible ways and means by which the United Nations could assist in the implementation of the protocol on military issues;

9. *Also requests* the Secretary-General to submit a report on the situation in Tajikistan to the Council no later than 1 June 1997, including recommendations on the United Nations presence in Tajikistan, in particular the manner in which the United Nations can assist in the implementation of the inter-Tajik agreements, based on the requests by the parties contained in those agreements and in the light of the security situation;

10. *Commends* the efforts of the Special Representative of the Secretary-General and of the personnel of the Mission, and calls upon the parties to cooperate fully with the Special Representative of the Secretary-General in conducting the inter-Tajik talks in order to achieve a comprehensive political settlement;

11. *Calls upon* Member States and others concerned to respond promptly and generously to the consolidated interagency donor alert on urgent humanitarian needs for the period from 1 December 1996 to 31 May 1997, launched by the Secretary-General, and to offer support to Tajikistan for rehabilitation, aimed at mitigation of the consequences of the war and reconstruction of its economy;

12. *Encourages* Member States to contribute to the voluntary fund established by the Secretary-General in accordance with its resolution 968 (1994) of 16 December 1994;

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

Decision of 12 June 1997 (3788th meeting): resolution 1113 (1997)

On 30 May 1997, pursuant to resolution 1099 (1997), the Secretary-General submitted to the Council a report on the situation in Tajikistan, including the United Nations presence in the country and the manner in which it could assist in the implementation of the inter-Tajik agreements.³⁷ In his report, the Secretary-General observed that the signing of the protocol on guarantees at Tehran on 28 May 1997 completed the series of agreements to be concluded by the parties. The determination and effort invested by the United Nations in those negotiations had been rewarded by success. The Commission on National Reconciliation would be the principal implementing body for the transition period leading to general elections. However, the agreements foresaw the support and assistance of the international community and gave the United

³⁷ S/1997/415.

Nations a leading role in that regard. In addition, OSCE was to assist in the development of democratic political and legal institutions and processes; and the Collective Peacekeeping Forces of CIS had been requested to escort, under the supervision of UNMOT, the personnel, weapons and ammunition of the United Tajik Opposition from the Tajik-Afghan border to the designated assembly areas. The Mission was to continue to monitor the ceasefire agreement and to monitor the process of reintegration, disarmament and disbandment. The Secretary-General pointed out to the Council that those tasks were not fully covered by the present mandate of UNMOT, nor did UNMOT have the capacity to perform them. To fulfil the tasks envisaged, the mandate would require amendment and its civilian component would need to be strengthened and the number of military observers significantly increased. He recommended that the Security Council extend the mandate of UNMOT for a period of three months, until 15 September 1997.

At its 3788th meeting, held on 12 June 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Russian Federation), with the consent of the Council, invited the representative of Tajikistan, at his request, to participate in the discussion, without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³⁸

At the same meeting, the President drew the attention of the Council to a letter dated 20 May 1997 from the representative of Kyrgyzstan addressed to the Secretary-General,³⁹ and a letter dated 28 May 1997 from the representative of the Islamic Republic of Iran addressed to the Secretary-General.⁴⁰

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1113 (1997). The resolution reads as follows:

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

Having considered the report of the Secretary-General of 30 May 1997 on the situation in Tajikistan,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming the signing by the Government of the Republic of Tajikistan and the United Tajik Opposition in Moscow on 8 March 1997 of the protocol on military issues, in Bishkek on 18 May 1997 of the protocol on political questions and in Tehran on 28 May 1997 of the protocol on the guarantees of implementation of the general agreement on the establishment of peace and national accord in Tajikistan,

Noting that those agreements foresee the support and assistance of the international community, in particular the United Nations, in different aspects of their implementation,

Expressing concern that the security situation in Tajikistan remains precarious and that the humanitarian situation has continued to deteriorate,

1. *Welcomes* the report of the Secretary-General of 30 May 1997;

2. *Calls upon* the parties to implement fully the agreements reached in the course of the inter-Tajik talks, and encourages them to sign the general agreement on the establishment of peace and national accord in Tajikistan as a matter of priority;

3. *Emphasizes* that the implementation of the agreements reached in the course of the inter-Tajik talks will require the consistent good faith and constant effort of the parties, as well as the sustained and vigorous support of the United Nations and the international community;

4. *Calls upon* the parties to cooperate further in ensuring the safety and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces of the Commonwealth of Independent States and other international personnel;

5. *Commends* the efforts of the Special Representative of the Secretary-General and of the personnel of the United Nations Mission of Observers in Tajikistan, and calls upon the parties to cooperate fully with them;

³⁸ S/1997/444.

³⁹ Letter transmitting the text of the Protocol on Political Questions and the Bishkek Memorandum signed at the conclusion of the inter-Tajik talks in Bishkek on 18 May 1997 (S/1997/385).

⁴⁰ Letter transmitting the text of the Protocol on the Guarantees of implementation of the general agreement on the establishment of peace and national accord in Tajikistan, signed by the delegations of the Republic of Tajikistan and of the United Tajik Opposition in Tehran on 28 May 1997 (S/1997/410).

6. *Decides* to extend the mandate of the Mission for a period of three months until 15 September 1997;

7. *Requests* the Secretary-General to keep the Council informed of significant developments and to present to the Council, as soon as appropriate, detailed recommendations on the role of the United Nations in support of the implementation of the inter-Tajik agreements and the adjustment of the mandate and strength of the Mission;

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

Decision of 12 September 1997 (3816th meeting): resolution 1128 (1997)

On 4 September 1997, pursuant to resolution 1113 (1997), the Secretary-General submitted to the Council a report on developments in Tajikistan with recommendations on the role of the United Nations in support of the implementation of the inter-Tajik agreements and the adjustment of the mandate and strength of UNMOT.⁴¹ In his report, the Secretary-General observed that the situation in the country remained fluid and the hostilities within the government camp and between government forces and certain UTO groups indicated how much was yet to be achieved. He recommended that the Security Council expand the mandate of UNMOT and authorize the strengthening of the Mission. He also recommended that the new mandate be authorized for an initial period of six months.

At its 3816th meeting, held on 12 September 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (United States), with the consent of the Council, invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴² The draft resolution was put to the vote and adopted unanimously as resolution 1128 (1997), which reads:

The Security Council,

⁴¹ S/1997/686 and Add.1.

⁴² S/1997/708.

Recalling all its relevant resolutions and the statements by its President,

Having considered the report of the Secretary-General of 4 September 1997 on the situation in Tajikistan,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming the successful conclusion of the inter-Tajik talks, conducted under United Nations auspices since 1994, with the signing by the President of Tajikistan and the leader of the United Tajik Opposition in Moscow on 27 June 1997 of the General Agreement on the Establishment of Peace and National Accord in Tajikistan,

Noting that the implementation of the General Agreement will require the consistent good faith and constant effort of the parties, as well as the sustained and vigorous support of the United Nations and the international community,

Taking note with appreciation of the readiness of the collective peacekeeping forces of the Commonwealth of Independent States to assist in providing security for United Nations personnel at the request of the United Nations Mission of Observers in Tajikistan and with the agreement of the parties,

Expressing concern that the security situation in Tajikistan remains volatile,

1. *Welcomes* the report of the Secretary-General of 4 September 1997;

2. *Takes note* of the recommendations on the expansion of the United Nations Mission of Observers in Tajikistan, contained in the report of the Secretary-General;

3. *Calls upon* the parties to implement fully the General Agreement on the Establishment of Peace and National Accord in Tajikistan, and encourages them to resume without delay the work of the Commission on National Reconciliation in Dushanbe;

4. *Commends* the efforts of the Special Representative of the Secretary-General and of the personnel of the Mission, encourages them to continue assisting the parties in the implementation of the General Agreement through their good offices, and calls upon the parties to cooperate fully with those efforts;

5. *Calls upon* the parties to cooperate further in ensuring the safety and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces of the Commonwealth of Independent States and other international personnel;

6. *Requests* the Secretary-General to continue to explore ways to provide security for United Nations personnel;

7. *Decides* to extend the present mandate of the Mission for a period of two months until 15 November 1997;

8. *Requests* the Secretary-General to keep the Council informed of all significant developments, in particular on an adequate solution to the security problem, and expresses its readiness to take a decision concerning the extension of the mandate of the Mission recommended by the Secretary-General;

9. *Encourages* Member States and others concerned to continue to respond promptly and generously to the urgent humanitarian needs in Tajikistan and to offer support to Tajikistan for rehabilitation, aimed at mitigation of the consequences of the war and reconstruction of its economy;

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

Decision of 14 November 1997 (3833rd meeting): resolution 1138 (1997)

On 5 November 1997, pursuant to resolution 1128 (1997), the Secretary-General submitted to the Council a report on the progress made towards a comprehensive political settlement of the conflict and on the operations of UNMOT.⁴³ In his report, the Secretary-General stated that the main development had been the convening of the Commission on National Reconciliation and the progress achieved on a number of fronts, including the exchange of prisoners of war and detainees, the registration of UTO fighters inside Tajikistan and the repatriation of refugees from Afghanistan. Both the Government and UTO had made serious efforts to carry out their commitments under the General Agreement on the Establishment of Peace and National Accord in Tajikistan (the General Agreement) and their representatives to the Commission had cooperated. While the pace at which the implementation of the peace agreement had progressed had lagged behind the ambitious timetable envisaged in the agreement, it was still possible to complete the process in the course of 1998. He noted that the ceasefire between the Government and UTO had been firmly maintained, although the level of violence had continued to be high in the central part of the country. Therefore, the safety of United Nations personnel would remain an important concern and the decision of CIS to authorize its peacekeeping force in Tajikistan to provide security to the United Nations on request provided a most welcome additional reassurance. The Secretary-General recommended that the Security Council expand the mandate of UNMOT, in accordance with the proposals he had submitted.

⁴³ S/1997/859.

At its 3833rd meeting, held on 14 November 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (China), with the consent of the Council, invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁴ The President also drew the attention of the Council to a letter dated 17 October 1997 from the Secretary-General addressed to the President of the Security Council.⁴⁵

The representative of Tajikistan stated that expanding the mandate of UNMOT would definitely mark the beginning of a qualitatively new stage in the practical implementation of the General Agreement. He thanked the Security Council for its constant attention to the situation in Tajikistan and on the Tajik-Afghan border. Resolutions of the Security Council and statements of its Presidents had had a decisive impact on resolving the inter-Tajik conflict by stressing the main responsibility of the Council for the maintenance of international peace and security, pursuant to the Charter of the United Nations. The Council's authority had been enhanced by the individual efforts of a number of members who had sought to move the peace process in Tajikistan forward. He also expressed gratitude to the Russian Federation and the Islamic Republic of Iran, which had played an exceptionally important role in promoting and successfully concluding the inter-Tajik talks, and for their having provided substantial assistance in the post-conflict period.⁴⁶

The representative of the Russian Federation stated that the signing of the General Agreement and the start of the work of the Commission on National Reconciliation had opened prospects for overcoming the political and military confrontation and for the achievement of peace and national reconciliation in

⁴⁴ S/1997/887.

⁴⁵ Letter reporting receipt of letters from the President of Tajikistan and from the leader of the United Tajik Opposition confirming their agreement to jointly provide security for United Nations personnel and transports (S/1997/808).

⁴⁶ S/PV.3833, pp. 2-4.

Tajikistan. It was important that the Security Council had achieved agreement on the need to help to consolidate that trend and to show solidarity with the Tajik people, who needed emergency assistance. He stated that the establishment of stable peace and national reconciliation in Tajikistan was important for the Central Asian region and beyond, and it would help the efforts of the international community to combat the drugs trade, terrorism and arms smuggling.⁴⁷

The representative of the United States expressed support for the expansion of UNMOT at a critical time in the peace process so that the parties could demobilize rapidly and turn their efforts towards rebuilding Tajikistan. He noted that the road ahead would be difficult because of the proliferation of armed groups beyond the control of the parties that threatened the security and tranquillity of Tajikistan.⁴⁸

The representative of the United Kingdom stated that his delegation was encouraged by the progress which had been reported by the Secretary-General in the implementation of the General Agreement. He noted that his delegation considered the exchange of prisoners of war and the process for the return of refugees as particularly important and urgent items. He commended the parties in Tajikistan for their commitment to the peace process and urged them to continue to cooperate with each other and with the United Nations to ensure rapid progress on what was an ambitious timetable. He noted that, while his delegation accepted the recommendations for an expansion of UNMOT and would vote in favour of the draft resolution in Tajikistan, it remained concerned about the security situation in Tajikistan.⁴⁹

The representative of France maintained that the United Nations needed to help the Tajiks restore peace to their country and rebuild it. The maintenance of international peace and security had never been risk free; the United Nations needed to shoulder its responsibilities, because a lack of support from the Organization could hamper the rapid and complete implementation of the General Agreement.⁵⁰

The representative of China stated that, as a neighbour of Tajikistan, China welcomed the General

Agreement, signed by the two parties in Tajikistan, as well as the stabilization of the overall situation. His delegation believed that the recommendation of the Secretary-General for the extension of the mandate of UNMOT and its expansion was in conformity with the wishes of the parties concerned and was conducive to the implementation of the General Agreement, and would, therefore, vote in favour of the draft resolution. He expressed hope that through the common efforts of the parties concerned and the help of the international community, Tajikistan could achieve sustained stability and economic development.⁵¹

A number of other speakers expressed support for the draft resolution and the expansion of the mandate of UNMOT.⁵²

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1138 (1997), which reads:

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

Having considered the reports of the Secretary-General on the situation in Tajikistan of 4 September and 5 November 1997,

Having considered also the letter dated 17 October 1997 from the Secretary-General to the President of the Security Council,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming the progress made by the parties in the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan and the effective maintenance of the ceasefire between the Government of Tajikistan and the United Tajik Opposition,

Expressing concern that the security situation in Tajikistan remains volatile, in particular, with a high level of violence in the central part of the country, although large parts of the country are relatively calm,

Welcoming the decision of the Commonwealth of Independent States to authorize its collective peacekeeping forces to assist in providing security for United Nations

⁵¹ *Ibid.*, p. 12.

⁵² *Ibid.*, pp. 6-7 (Japan); p. 7 (Sweden); p. 8 (Republic of Korea); pp. 8-9 (Portugal); p. 9 (Chile); pp. 9-10 (Costa Rica); pp. 10-11 (Poland); p. 11 (Kenya); p. 11 (Egypt); and pp. 11-12 (Guinea-Bissau).

⁴⁷ *Ibid.*, pp. 4-5.

⁴⁸ *Ibid.*, pp. 5-6.

⁴⁹ *Ibid.*, p. 7.

⁵⁰ *Ibid.*, pp. 7-8.

personnel at the request of the United Nations Mission of Observers in Tajikistan and with the agreement of the parties,

Taking note of the requests of the parties, contained in the General Agreement and in the letter dated 27 June 1997 from the President of the Republic of Tajikistan and the leader of the United Tajik Opposition addressed to the Secretary-General, for the further assistance of the United Nations in implementing the General Agreement, and recognizing that the implementation of the Agreement will require the consistent good faith and constant effort of the parties, as well as the sustained and vigorous support of the United Nations and the international community,

1. *Welcomes* the reports of the Secretary-General of 4 September and 5 November 1997;

2. *Welcomes also* the serious efforts made by the Government of Tajikistan and the United Tajik Opposition to carry out their commitments under the General Agreement on the Establishment of Peace and National Accord in Tajikistan and the progress achieved in the activities of the Commission on National Reconciliation, the exchange of prisoners of war and detainees, the registration of United Tajik Opposition fighters inside Tajikistan and the repatriation of refugees from Afghanistan;

3. *Notes with appreciation* the agreement of the parties to form a joint security unit with the task of providing security, including armed escorts, for personnel and transports of the United Nations Mission of Observers in Tajikistan mainly in the central part of the country, and calls upon them to establish it without delay;

4. *Authorizes* the Secretary-General to expand the size of the Mission in accordance with his recommendations;

5. *Decides* to extend the mandate of the Mission until 15 May 1998;

6. *Decides* that the mandate of the Mission shall be to use its best efforts to promote peace and national reconciliation and to assist in the implementation of the General Agreement and, to this end:

(a) To provide good offices and expert advice as stipulated in the General Agreement;

(b) To cooperate with the Commission on National Reconciliation and its subcommissions and with the Central Commission on Elections and the Holding of a Referendum;

(c) To participate in the work of the Contact Group of guarantor States and organizations and to serve as its coordinator;

(d) To investigate reports of ceasefire violations and report on them to the United Nations and the Commission on National Reconciliation;

(e) To monitor the assembly of United Tajik Opposition fighters and their reintegration, disarmament and demobilization;

(f) To assist in the reintegration into governmental power structures or demobilization of ex-combatants;

(g) To coordinate United Nations assistance to Tajikistan during the transition period;

(h) To maintain close contacts with the parties, as well as cooperative liaison with the collective peacekeeping forces of the Commonwealth of Independent States, the Russian border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe;

7. *Calls upon* the parties to cooperate further in ensuring the safety and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces and other international personnel;

8. *Welcomes* the intention of the Secretary-General to convene in Vienna on 24 and 25 November 1997 a Donor Conference to obtain international support dedicated to the fulfilment of the General Agreement, and encourages Member States and others concerned to respond promptly and generously to ensure that this opportunity is not lost to contribute to the success of the peace process;

9. *Encourages* Member States and others concerned to continue assistance to alleviate the urgent humanitarian needs in Tajikistan and to offer support to Tajikistan for the rehabilitation and reconstruction of its economy;

10. *Welcomes* the continued contribution made by the collective peacekeeping forces in assisting the parties in the implementation of the General Agreement in coordination with all concerned;

11. *Commends* the efforts of the Special Representative of the Secretary-General and of the personnel of the Mission, and encourages them to continue assisting the parties in the implementation of the General Agreement;

12. *Requests* the Secretary-General to keep the Council informed of all significant developments, in particular regarding the security situation, and also requests him to report on the implementation of the present resolution within three months of its adoption;

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

Decision of 24 February 1998 (3856th meeting): statement by the President

On 10 February 1998, pursuant to resolution 1138 (1997), the Secretary-General submitted to the Council a report on the developments in Tajikistan and on the activities of UNMOT.⁵³ In his report, the Secretary-General observed that work on the implementation of the General Agreement had continued at a slow pace.

⁵³ S/1998/113.

He expressed hope that there would be practical work and tangible progress on such matters as the reintegration of UTO fighters and the revision of the Constitution and adoption of new laws. He would also encourage the Commission on National Reconciliation to launch the broad dialogue among the various political forces, including those not represented on the Commission, as foreseen in the General Agreement. He noted that for the United Nations, safety of its personnel had continued to be a major preoccupation. Security in Tajikistan had been precarious and was likely to remain so for the foreseeable future. The United Nations needed to seek to limit the risks for its personnel to the extent possible. He had outlined the simple practical steps that needed to be taken in that regard and for which the United Nations needed to rely on the cooperation of the Tajik authorities, and he trusted that they understood the importance of this and would accord it the highest priority.

At its 3856th meeting, held on 24 February 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Gabon), with the consent of the Council, invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁵⁴

The Security Council has considered the progress report of the Secretary-General of 10 February 1998 on the situation in Tajikistan, submitted pursuant to paragraph 12 of its resolution 1138 (1997) of 14 November 1997.

The Council regrets that during the last three months work on the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan and the relevant activities of the Commission on National Reconciliation have proceeded very slowly. It welcomes recent efforts made by the parties in order to fulfil their obligations. The Council calls upon them to intensify their efforts to implement fully the General Agreement, including the protocol on military issues. It also encourages the Commission on National Reconciliation to continue its efforts aimed at the institution of a broad dialogue among the various political forces, as foreseen in the General Agreement.

The Council commends the Special Representative of the Secretary-General and the personnel of the United Nations

⁵⁴ S/PRST/1998/4.

Mission of Observers in Tajikistan for their work and encourages them to continue assisting the parties in the implementation of the General Agreement. It welcomes the results of the international donor conference in support of peace and reconciliation in Tajikistan convened by the Secretary-General in Vienna on 24 and 25 November 1997, and looks forward to the contribution of those results to consolidating the peace process in Tajikistan.

The Council reiterates its concern that the security situation in some parts of Tajikistan remains precarious. It reminds both parties that the international community is ready to continue assisting in the implementation of the General Agreement as well as in humanitarian and rehabilitation programmes, but that its ability to do so and also the ability of the Mission to carry out its tasks more effectively is linked to improvements in security conditions.

The Council firmly condemns the hostage-taking of relief workers that took place in November 1997 and urges the parties to cooperate further in ensuring the security and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces of the Commonwealth of Independent States and other international personnel, and to take practical steps in this respect, such as those mentioned in paragraph 7 of the report of the Secretary-General.

The Council welcomes the presidential decree establishing a joint security unit with the task of providing security, including armed escorts, for Mission personnel and calls upon the parties to make the unit operational as soon as possible. It also welcomes the readiness of the collective peacekeeping forces to arrange for the guarding of United Nations premises in Dushanbe, as mentioned in the report of the Secretary-General, and encourages the Mission and the collective peacekeeping forces to make the relevant detailed arrangements.

The Council encourages the Secretary-General to continue the expansion of the Mission to the strength authorized by its resolution 1138 (1997) as soon as the Secretary-General deems conditions appropriate.

**Decision of 14 May 1998 (3879th meeting):
resolution 1167 (1998)**

On 6 May 1998, pursuant to resolution 1138 (1997), the Secretary-General submitted to the Council a report on developments in Tajikistan and on the activities of UNMOT.⁵⁵ In his report, the Secretary-General stated that progress in the peace process had been very slow, and it had become clear that the task of building confidence between the former adversaries was more difficult than anticipated and would take longer than allowed for in the ambitious timetable of

⁵⁵ S/1998/374.

the peace agreement. As a result, it seemed unlikely that elections could be held in 1998. It was clear that comprehensive international support remained essential for the continuation of the peace process. The Mission and other members of the United Nations system, as well as the Contact Group, provided much-needed impetus and helped stabilize the situation during crises. In the light of those circumstances, the Secretary-General recommended that the Council extend the mandate of UNMOT for a further period of six months, until 15 November 1998.

At its 3879th meeting, held on 6 May 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Kenya), with the consent of the Council, invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁵⁶ The President further drew the attention of the Council to a letter dated 1 May 1998 from the representative of Tajikistan addressed to the Secretary-General, which reported continuing armed violations of the General Agreement by individual armed units of UTO.⁵⁷

The representative of Tajikistan stated that the assistance of the international community to the efforts of the Government of Tajikistan aimed at a further stabilization of the situation and the continued progress of the country towards peace and national accord was particularly important at this time, when tensions had ignited in March and April resulting in the loss of human life. The Government of Tajikistan had expressed its concern at the local conflicts, which had been initiated by individual field commanders of UTO. He informed the Council that the President of Tajikistan was firm in his position that there was no reasonable alternative to the peace agreement and that progress towards national accord was irreversible. The representative noted that despite the fact that the implementation of key agreements on military issues had been unjustifiably delayed, thus holding back the progress of the entire peace process, that process was

moving forward at a steady pace. In that respect, a significant role was being played by UNMOT with which his Government was maintaining the closest contacts.⁵⁸

Speaking before the vote, the representative of the Russian Federation noted that despite the agreed timetable, there were significant delays in the implementation of key elements of the inter-Tajik agreement, particularly regarding the problems of reintegration, disarmament and the disbanding of the armed units of UTO. The delays in the implementation of the Protocol on military issues had led to an unjustified shift in emphasis and a break in the sequence of steps in the implementation of the General Agreement, with major emphasis being placed on political aspects to the detriment of the resolution of military issues. Such an imbalance contradicted the logic of the complex peace process and had become the major reason for the dangerous complications in the situation in a number of regions in Tajikistan. He drew the attention of the parties to the provisions in the draft resolution that reflected the need for a balanced approach to the implementation of the General Agreement. He expressed support for the intention of the Secretary-General to conclude the deployment of UNMOT and to reduce its personnel to the level authorized by the Security Council. He also reaffirmed the readiness of CIS peacekeepers to continue to provide assistance in resolving issues with regard to the security of the United Nations military observers, and to resolve with the leadership of UNMOT specific issues for taking measures in that respect.⁵⁹

The representative of China stated that China supported the peace process in Tajikistan and advocated an active role for the United Nations in promoting peace and reconciliation in Tajikistan and was in favour of further extending the mandate of UNMOT. The assessment of China of the regional peacekeeping efforts of the CIS countries in Tajikistan was also positive. He expressed the belief that the international community, including the United Nations, needed to support those efforts.⁶⁰

⁵⁸ S/PV.3879, pp. 2-3.

⁵⁹ *Ibid.*, pp. 3-4.

⁶⁰ *Ibid.*, pp. 4-5.

⁵⁶ S/1998/390.

⁵⁷ S./1998/367.

A number of other speakers made statements expressing support for the draft resolution and the extension of the mandate of UNMOT.⁶¹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1167 (1998) which reads:

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

Having considered the report of the Secretary-General of 6 May 1998 on the situation in Tajikistan,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Expressing regret that during the past three months progress in the peace process has been very slow,

Expressing concern at the precarious security situation in some parts of Tajikistan,

Expressing further concern at violations of the ceasefire in Tajikistan,

Welcoming the intensified contacts between the leadership of the Government of Tajikistan and the leadership of the United Tajik Opposition, which helped to contain the crises in the period covered by the report of the Secretary-General and confirmed the commitment of both parties to the peace process,

Recognizing that comprehensive international support remains essential for the intensification of the peace process in Tajikistan,

Welcoming the maintenance of close contact by the United Nations Mission of Observers in Tajikistan with the parties, as well as its cooperative liaison with the collective peacekeeping forces of the Commonwealth of Independent States, the Russian border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe,

Welcoming also the contribution of the Contact Group of Guarantor States and International Organizations to the peace process,

1. *Welcomes* the report of the Secretary-General of 6 May 1998;

2. *Condemns* renewed fighting in violation of the ceasefire resulting from attacks initiated by some local United Tajik Opposition commanders, and calls upon all concerned to refrain from acts of violence;

3. *Calls upon* the parties to undertake vigorous efforts to implement fully the General Agreement on the Establishment of Peace and National Accord in Tajikistan, including the protocol on military issues, and to create conditions for the holding of elections at the earliest possible time;

4. *Also calls upon* the parties, with the involvement of the United Nations Mission of Observers in Tajikistan and the Contact Group of Guarantor States and International Organizations, to implement the timetable of measures adopted by the Commission on National Reconciliation on 29 April 1998, notably, and as a matter of priority, the implementation of the protocol on military issues and the appointment of United Tajik Opposition representatives to the remaining government positions allocated to them, as well as the implementation of the amnesty law;

5. *Notes with appreciation* the work of the retiring Special Representative of the Secretary-General, commends the efforts of all the personnel of the Mission, and encourages them to continue assisting the parties in the implementation of the General Agreement;

6. *Calls upon* the parties to intensify their efforts to bring into operation as soon as possible a joint security unit tasked with providing security for Mission personnel, and to cooperate further in ensuring the safety and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces of the Commonwealth of Independent States, and other international personnel;

7. *Encourages* the Mission and the collective peacekeeping forces to continue discussion of options for improving security cooperation;

8. *Calls upon* Member States and others concerned to respond promptly and generously to the consolidated appeal for Tajikistan for 1998 launched in Geneva in March 1998, and expresses the hope that the meeting of the Consultative Group to be held by the World Bank on 20 May 1998 will bring positive results;

9. *Decides* to extend the mandate of the Mission for a period of six months until 15 November 1998;

10. *Requests* the Secretary-General to keep the Council informed of all significant developments, in particular regarding the security situation, and also requests him to report within three months of the adoption of the present resolution on its implementation;

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

Speaking after the vote, the representative of the United States stated that his delegation had voted in favour of extending the mandate of UNMOT as a sign of continued faith in the peace process. However, he stressed that the willingness of the United States to support "a broken process" was not infinite. He stressed that, while the United States and the

⁶¹ Ibid., pp. 5-6 (Gambia); p. 6 (Japan); and pp. 6-7 (Kenya).

international community wanted to give the parties the time they needed to establish an enduring peace, the parties needed to recognize that they alone held the responsibility for moving the process forward. It was clearly within the capacity of both to comply with their obligations under the peace accords. The parties also had a responsibility for ensuring the security of UNMOT, foreign diplomatic missions and international personnel. They needed to cooperate in that effort, specifically making the joint protection unit into a showcase of national cooperation.⁶²

Decision of 12 November 1998 (3943rd meeting): resolution 1206 (1998)

On 3 November 1998, pursuant to resolution 1167 (1998), the Secretary-General submitted to the Council a report on developments in Tajikistan and on the activities of UNMOT.⁶³ In his report, the Secretary-General observed that, after a period of relative stagnation, the crisis at the end of September started by the assassination of a prominent member of UTO had led to renewed movement in the political process. However, much remained to be done before the holding of elections and the installation of a new national Government, which was to mark the end of the transition period. The Secretary-General was convinced that the political process would continue to require active international support, through UNMOT and the Contact Group in particular. Therefore, he recommended that the mandate of UNMOT be extended for another six months, until 15 May 1999. Regarding the killing of four members of UNMOT in July 1998, he expressed deep concern that there had not been more progress in establishing all of the relevant facts.

At its 3943rd meeting, held on 12 November 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (United States), with the consent of the Council, invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of

the Council's prior consultations.⁶⁴ The President further drew the attention of the Council to a letter dated 4 November 1998 from the representative of Tajikistan addressed to the Secretary-General, transmitting a statement by the Government inviting members of the anti-Government movement that carried out attacks in various towns on 3 and 4 November to lay down their arms and surrender to the country's forces of law and order.⁶⁵

The representative of Tajikistan expressed deep distress at the murder in July 1998 of four staff members of the United Nations Mission and stated that his Government was taking all possible measures to prevent the tragic incident from having consequences for the future relations with the United Nations and with other international organizations. The leadership of Tajikistan had already taken serious measures to improve security conditions for international personnel working in the country and was firmly committed to close cooperation with the leaders of UTO to successfully complete the investigation of all circumstances surrounding the incident. Noting that the dedication to the peace process of both parties to the General Agreement had been severely tested during the recent hostilities, which had erupted as a result of the attempt made by an armed group of rebels in northern Tajikistan to seize power by force, he informed the Council that the President of Tajikistan had resolutely embarked on a course of protecting the unity and territorial integrity of the country and the existing constitutional system. The President had firmly stated that the peace process in the Republic was moving ahead and that no force could stop it. He expressed gratitude to the Security Council, the Secretary-General and the States members of CIS, particularly the Russian Federation, for their timely and clear political assessment of the rebels' subversive and destabilizing activities and for their determined and unequivocal moral support for the Government and people of Tajikistan at a difficult time. Tajikistan was counting on continued cooperation with their partners in CIS in order to ensure the security of Tajikistan and to prevent any new attempt by destructive forces to

⁶⁴ S/1998/1063.

⁶⁵ S/1998/1034.

⁶² *Ibid.*, pp. 7-8.

⁶³ S/1998/1029.

strike a blow against the process of national reconciliation.⁶⁶

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1206 (1998), which reads:

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

Having considered the report of the Secretary-General of 3 November 1998 on the situation in Tajikistan,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming the movement towards the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan and the effective maintenance of the ceasefire between the Government of Tajikistan and the United Tajik Opposition, and noting that there remain difficulties to be resolved in this regard,

Welcoming also the intensified regular contacts between the leadership of the Government of Tajikistan and of the United Tajik Opposition which helped to contain the crises in the period covered by the report of the Secretary-General, confirmed the commitment of both parties to the peace process and contributed to the implementation of the General Agreement,

Welcoming further the maintenance of close contact by the United Nations Mission of Observers in Tajikistan with the parties, as well as its cooperative liaison with the collective peacekeeping forces of the Commonwealth of Independent States, the Russian border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe,

Welcoming the contribution of the Contact Group of Guarantor States and International Organizations to the peace process,

Expressing concern at the precarious security situation in some parts of Tajikistan,

Deeply concerned that there has not been sufficient progress in establishing all relevant facts concerning the murder of four members of the United Nations Mission of Observers in Tajikistan in July 1998,

1. *Welcomes* the report of the Secretary-General of 3 November 1998;

2. *Strongly condemns* the recent fighting in the Leninabad area initiated by forces trying to hinder the peace process in Tajikistan, and calls upon all concerned to refrain from the use of force;

3. *Calls upon* the parties to undertake vigorous efforts to implement fully the General Agreement on the Establishment of Peace and National Accord in Tajikistan, including the protocol on military issues, and to create conditions for the holding of elections at the earliest possible time in 1999;

4. *Notes with appreciation* the work of the Special Representative of the Secretary-General, commends the efforts of all the personnel of the United Nations Mission of Observers in Tajikistan, and encourages them to continue assisting the parties in the implementation of the General Agreement;

5. *Welcomes* the continued contribution made by the collective peacekeeping forces of the Commonwealth of Independent States in assisting the parties in the implementation of the General Agreement in coordination with all concerned;

6. *Strongly condemns* the murder of four members of the Mission, recognizes that the completion of the investigation into this case is important for the resumption of the field activities of the Mission, urges the Government of Tajikistan to complete the investigation expeditiously and to bring to justice all those found to be responsible for the crime, and also urges the United Tajik Opposition leaders to continue to cooperate fully with these efforts;

7. *Acknowledges* the efforts of the Government of Tajikistan to enhance the protection of international personnel, and calls upon the parties to cooperate further in ensuring the safety and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces and other international personnel;

8. *Notes with satisfaction* the meeting of the Consultative Group held by the World Bank on 20 May 1998, and calls upon Member States and others concerned to respond promptly and generously to the consolidated appeal for Tajikistan for 1998 launched in Geneva in March 1998;

9. *Recognizes* that comprehensive international support remains essential for the intensification of the peace process in Tajikistan, and reminds both parties that the ability of the international community to mobilize and to continue assistance for Tajikistan is linked to the security of the personnel of the Mission and international organizations, and of humanitarian workers;

10. *Decides* to extend the mandate of the Mission for a period of six months until 15 May 1999;

11. *Requests* the Secretary-General to keep the Council informed of all significant developments, in particular regarding the security situation and measures taken to enhance the security of the Mission, and also requests him to report within three months of the adoption of the present resolution on its implementation;

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

⁶⁶ S/PV.3943, pp. 2-3.

Decision of 23 February 1999 (3981st meeting): statement by the President

On 8 February 1999, pursuant to resolution 1206 (1998), the Secretary-General submitted to the Council a report on developments in Tajikistan and on the activities of UNMOT.⁶⁷ In his report, the Secretary-General noted that there had been slow progress in the peace process and a great deal remained yet to be done. The holding of the constitutional referendum, as well as presidential and parliamentary elections, all to be held in 1999, remained uncertain. The risk inherent in the slow pace was the growing restlessness among the groups that were not direct parties to the peace agreement and to its power-sharing arrangements, as well as among UTO fighters, who were awaiting reintegration into the Tajik army or demobilization. He expressed concern at the precarious security situation in Tajikistan and noted that UNMOT had continued to limit its activities to Dushanbe and observe strict security precautions.

At its 3981st meeting, held on 23 February 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Canada), with the consent of the Council, invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁶⁸

The Security Council has considered the report of the Secretary-General of 8 February 1999 on the situation in Tajikistan, submitted pursuant to paragraph 11 of its resolution 1206 (1998) of 12 November 1998.

The Council welcomes the regular contacts between the President of the Republic of Tajikistan and the leader of the United Tajik Opposition and the work of the Commission on National Reconciliation aimed at achieving further progress in the peace process. It regrets that progress has remained slow during the last three months and underlines the necessity for the parties to speed up the full and sequential implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, especially the protocol on military issues. The Council calls upon the parties to intensify their efforts to create conditions for the holding in 1999 of a constitutional

referendum and presidential elections, as well as for the timely holding of parliamentary elections.

The Council notes with appreciation the work of the Special Representative of the Secretary-General and of all the personnel of the United Nations Mission of Observers in Tajikistan and encourages them to continue assisting the parties in the implementation of the General Agreement. It underlines the importance of the Mission playing a full and active role in the implementation of the General Agreement and requests the Secretary-General to continue to consider means of achieving this, taking into account the security situation.

The Council welcomes the continued contribution made by the collective peacekeeping forces of the Commonwealth of Independent States in assisting the parties in the implementation of the General Agreement in coordination with all concerned.

The Council welcomes also the contribution of the Contact Group of Guarantor States and International Organizations to the peace process and, in this context, considers that the holding of a meeting of the Contact Group at the level of Ministers for Foreign Affairs, in support of the peace process, could indeed be useful, if properly prepared.

The Council welcomes further the activities of various international organizations and humanitarian workers related to the implementation of the General Agreement and addressing the humanitarian, rehabilitation and development needs of Tajikistan. It calls upon Member States and others concerned to respond promptly and generously to the consolidated appeal for Tajikistan for 1999 launched in Geneva in December 1998.

The Council reiterates its concern that the security situation in some parts of Tajikistan remains precarious. It reiterates the importance of a full investigation into the murder in July 1998 of four members of the Mission and notes with appreciation the efforts of the Government of Tajikistan in this regard. The Council calls upon the United Tajik Opposition to contribute more effectively to the investigation in order to bring those responsible to justice. It acknowledges the efforts of the Government of Tajikistan to enhance the protection of international personnel and calls upon the parties to cooperate further in ensuring the security and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces and other international personnel. The Council reminds both parties that the ability of the international community to mobilize and to continue assistance for Tajikistan is linked to the security of the personnel of the Mission and international organizations, and of humanitarian workers.

Decision of 15 May 1999 (4004th meeting): resolution 1240 (1999)

On 6 May 1999, pursuant to resolution 1206 (1998), the Secretary-General submitted to the Council a report on developments in Tajikistan and on the

⁶⁷ S/1999/124.

⁶⁸ S/PRST/1999/8.

activities of UNMOT.⁶⁹ In his report, the Secretary-General observed that the peace process in Tajikistan had made some progress, although it continued to be held back by a deep-seated lack of confidence between the parties. UNMOT, in close cooperation with OSCE and the other members of the Contact Group, had been assisting the parties in overcoming obstacles and contributing to an atmosphere conducive to finding agreed solutions. Stating that the peace process in Tajikistan had continued to require direct international attention and support, he recommended that the mandate of UNMOT be extended for another six months, until 15 November 1999.

At its 4004th meeting, held on 15 May 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Gabon), with the consent of the Council, invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁷⁰

The representative of Tajikistan stated that it was important that the Security Council advocate protecting the valuable active role played by UNMOT in helping to implement the General Agreement, and to that end needed to strengthen the organizational and financial foundations of the Mission's activities. He stated that the peace process in Tajikistan, supported by the invaluable contribution of the United Nations and the entire international community, was entering a new and extremely serious stage in its development. The constitutional reform exercise and elections would be a serious test of the unified nature and sustainability of that process.⁷¹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1240 (1999) which reads:

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

⁶⁹ S/1999/514.

⁷⁰ S/1999/557.

⁷¹ S/PV.4004, pp. 2-3.

Having considered the report of the Secretary-General of 6 May 1999 on the situation in Tajikistan,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming progress in the peace process in Tajikistan and the effective maintenance of the ceasefire between the Government of Tajikistan and the United Tajik Opposition, while underlining the fact that more needs to be done to translate agreements and decisions into concrete actions and to deal with the many pending issues,

Welcoming also the renewed efforts of the President of the Republic of Tajikistan and the leadership of the Commission on National Reconciliation to advance and to expedite the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, which have helped to achieve movement on both military and political issues,

Welcoming further the maintenance of close contact by the United Nations Mission of Observers in Tajikistan with the parties, as well as its cooperative liaison with the collective peacekeeping forces of the Commonwealth of Independent States, the Russian border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe,

Noting with appreciation the continued contribution of the Contact Group of Guarantor States and International Organizations to the peace process, in particular through periodic joint plenary meetings with the Commission on National Reconciliation to review progress in the implementation of the General Agreement,

Welcoming the fact that the general situation in Tajikistan has remained relatively calm with better security than in earlier periods, while noting that the situation in some parts of the country has remained tense,

Recognizing that comprehensive international support remains crucial for achieving a positive outcome of the peace process in Tajikistan,

1. *Welcomes* the report of the Secretary-General of 6 May 1999;

2. *Calls upon* the parties to speed up the full and sequential implementation, in a balanced manner, of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, especially the protocol on military issues, and to create conditions for the holding in 1999 of a constitutional referendum, as well as for the timely holding of presidential and parliamentary elections, and encourages the Commission on National Reconciliation to intensify its efforts aimed at the institution of a broad dialogue among the various political forces in the country in the interests of the restoration and strengthening of civil accord in Tajikistan;

3. *Notes with appreciation* the work of the Special Representative of the Secretary-General and of all the personnel of the United Nations Mission of Observers in Tajikistan,

encourages them to continue assisting the parties in the implementation of the General Agreement, notes that the reopening of field offices should strengthen the Mission in this regard, underlines the need for the Mission to have the necessary personnel and financial support, and requests the Secretary-General to continue to consider means of ensuring a full and active role for the Mission in the implementation of the General Agreement;

4. *Encourages* the Organization for Security and Cooperation in Europe to continue its close cooperation with the United Nations on matters relating to constitutional reform, democratization and elections, as requested under the General Agreement;

5. *Supports* the active political work of the Contact Group of Guarantor States and International Organizations in promoting the implementation of the General Agreement, and considers that a meeting of the Contact Group at the level of Ministers for Foreign Affairs could lend further impetus to the peace process;

6. *Welcomes* the continued contribution made by the collective peacekeeping forces of the Commonwealth of Independent States in assisting the parties in the implementation of the General Agreement, in coordination with all concerned;

7. *Calls upon* the parties to cooperate further in ensuring the security and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces and other international personnel, and reminds the parties that the ability of the international community to mobilize and to continue assistance for Tajikistan is linked to the security of those personnel;

8. *Calls upon* Member States and others concerned to make voluntary contributions to launch projects for demobilization and to provide support for the elections, and to respond promptly and generously to the consolidated inter-agency appeal for Tajikistan for 1999;

9. *Decides* to extend the mandate of the Mission for a period of six months until 15 November 1999;

10. *Requests* the Secretary-General to keep the Council informed of all significant developments, and also requests him to report within three months of the adoption of the present resolution on its implementation;

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

Decision of 19 August 1999 (4034th meeting): statement by the President

On 12 August 1999, pursuant to resolution 1240 (1999), the Secretary-General submitted to the Council an interim report on developments in Tajikistan and on

the activities of UNMOT.⁷² In his report, the Secretary-General stated that there had been significant progress in the implementation of the General Agreement by the Government of Tajikistan and UTO. Major obstacles that had held that process back had been removed. He informed the Council that Tajikistan was facing three important ballots: the referendum on constitutional amendments on 26 September, and presidential and parliamentary elections in November 1999 and February 2000, respectively. The United Nations and OSCE had agreed on a joint approach to the parliamentary elections and were in close contact concerning the modalities of their cooperation.

At its 4034th meeting, held on 19 August 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the interim report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Namibia), with the consent of the Council, invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁷³

The Security Council has considered the report of the Secretary-General of 12 August 1999 on the situation in Tajikistan, submitted pursuant to paragraph 10 of its resolution 1240 (1999) of 15 May 1999.

The Council welcomes significant progress in the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, achieved to a great extent owing to the renewed efforts of the President of the Republic of Tajikistan and the leadership of the Commission on National Reconciliation. It particularly welcomes the official declaration by the United Tajik Opposition of the disbandment of its armed units and the decision by the Supreme Court of Tajikistan lifting the bans and restrictions on activities by the political parties and movements of the United Tajik Opposition as important steps contributing to the democratic development of Tajik society. The Council reiterates its encouragement to the Commission on National Reconciliation to intensify its efforts aimed at the institution of a broad dialogue among the various political forces in the country in the interests of the restoration and strengthening of civil accord in Tajikistan.

The Council encourages the parties to undertake further concerted measures to ensure the full and sequential implementation, in a balanced manner, of the General Agreement, especially all the provisions of the protocol on

⁷² S/1999/872.

⁷³ S/PRST/1999/25.

military issues, including those related to the reintegration of former opposition fighters. It also encourages them to continue their active work in creating conditions for the timely holding of a constitutional referendum and presidential and parliamentary elections, underlines the importance of the involvement of the United Nations in this process, in continued close cooperation with the Organization for Security and Cooperation in Europe, and welcomes the intention of the Secretary-General to approach Member States with concrete proposals on voluntary contributions to support such involvement.

The Council notes with appreciation the work of the outgoing Special Representative of the Secretary-General, Mr. Ján Kubiš, and of all the personnel of the United Nations Mission of Observers in Tajikistan, and encourages the Mission to continue assisting the parties in the implementation of the General Agreement. It underlines the need for the Mission to operate throughout Tajikistan and to have the necessary personnel and financial support, and requests the Secretary-General to continue to consider means of ensuring a full and active role for the Mission in the implementation of the General Agreement up to the strength authorized by its resolution 1138 (1997) of 14 November 1997, while continuing to observe stringent security measures. The Council urges the Secretary-General to appoint a successor to Mr. Kubiš as the Special Representative as soon as possible.

The Council supports the continued active involvement of the Contact Group of Guarantor States and International Organizations in the peace process.

The Council welcomes the continued contribution made by the collective peacekeeping forces of the Commonwealth of Independent States in assisting the parties in the implementation of the General Agreement in coordination with all concerned.

The Council expresses its concern at the precarious humanitarian situation in Tajikistan. It welcomes the activities of various international organizations and humanitarian workers related to the implementation of the General Agreement and addressing the humanitarian, rehabilitation and development needs of Tajikistan. The Council calls upon Member States and others concerned to respond promptly and generously to the mid-year review of the consolidated inter-agency appeal for Tajikistan for 1999.

Decision of 12 November 1999 (4064th meeting): resolution 1274 (1999)

On 12 August 1999, pursuant to resolution 1240 (1999), the Secretary-General submitted to the Council an interim report on developments in Tajikistan and on the activities of UNMOT.⁷⁴ In his report, the Secretary-General observed that during the previous three months, the peace process in Tajikistan had made

⁷⁴ S/1999/1127.

further progress, with the constitutional referendum and the lifting of the ban on political parties associated with UTO, both important milestones. The last major event of the transition period envisaged in the General Agreement would be the parliamentary elections, to be held before the term of the current parliament expired at the end of February 2000. He noted that, as the transition period neared its end, UNMOT also approached the end of its assignment. However, close international involvement remained essential to assist Tajikistan in any political tensions, to ensure that they were resolved by peaceful means rather than by violence, for which the potential remained. Under the circumstances, the Secretary-General recommended that the Council extend the mandate of UNMOT for another six months, until 15 May 2000. He envisaged that extension of the mandate as the final one, since the transition process stipulated in the General Agreement would come to an end during that period. However, he stressed that it was widely held that the continued political presence of the United Nations would greatly assist in ensuring that Tajikistan could consolidate the path of peace and national reconciliation. Therefore, he intended to outline, in an interim report following the parliamentary elections, a possible political role for the United Nations in that respect for the Council to consider.

At its 4064th meeting, held on 12 November 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the above report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Slovenia), with the consent of the Council, invited the representative of Tajikistan, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁷⁵ The President further drew the attention of the Council to a letter dated 11 November 1999 from Tajikistan, transmitting the text of the Protocol on Political Guarantees During the Preparation for and Holding of the Elections to the Majlis-i Oli (the Parliament) of Tajikistan.⁷⁶

The representative of Tajikistan informed the Council that the meeting was taking place after the

⁷⁵ S/1999/1158.

⁷⁶ S/1999/1159.

presidential elections on 6 November 1999 and after the national referendum on changes and amendments to the Constitution of the Republic of Tajikistan. The presidential elections had been an important step forward towards establishing lasting peace and stability and reliable conditions for further democratic development in Tajikistan. The successful implementation of the political measures and the further progress in implementing the General Agreement had been helped to a large extent by the continuing generous support provided by the guarantor States, the United Nations, OSCE and other international organizations involved. He maintained that the full and active support of the United Nations would be decisive as Tajik society faced the holding of the first parliamentary elections under the new conditions. The important work of drafting a law on elections to the Parliament was being done with assistance from the joint OSCE/United Nations assessment mission. He concluded by stressing that comprehensive international support was an important factor for ensuring that the peace process in the country was irreversible.⁷⁷

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1274 (1999), which reads:

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

Having considered the report of the Secretary-General of 4 November 1999 on the situation in Tajikistan,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming the significant progress made in the peace process in Tajikistan, particularly the holding of the constitutional referendum which followed the official declaration by the United Tajik Opposition of the disbandment of its armed units and the decision by the Supreme Court of Tajikistan lifting the bans and restrictions on activities by the political parties and movements of the United Tajik Opposition, and noting with satisfaction that these developments have set Tajikistan on the course of national reconciliation and democratization,

Welcoming also the renewed efforts of the President of the Republic of Tajikistan and the leadership of the Commission on

National Reconciliation to advance and to expedite the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, which have helped to contain emerging controversies and to reach the important milestones envisaged in the General Agreement,

Acknowledging the holding of presidential elections on 6 November 1999 as a necessary and important step towards durable peace in Tajikistan,

Welcoming the maintenance of close contact by the United Nations Mission of Observers in Tajikistan with the parties, as well as its cooperative liaison with the collective peacekeeping forces of the Commonwealth of Independent States, the Russian border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe,

Noting with appreciation the continued contribution of the Contact Group of Guarantor States and International Organizations to the peace process, in particular through periodic joint plenary meetings with the Commission on National Reconciliation to review progress and to help to overcome difficulties in the implementation of the General Agreement,

Welcoming the fact that the general situation in Tajikistan has remained relatively calm, with better security than in earlier periods, while noting that the situation in some parts of the country has remained tense,

Recognizing that comprehensive international support remains crucial for achieving a positive outcome of the peace process in Tajikistan,

1. *Welcomes* the report of the Secretary-General of 4 November 1999;

2. *Calls upon* the parties to undertake further concerted measures to implement fully the General Agreement on the Establishment of Peace and National Accord in Tajikistan, especially all the provisions of the protocol on military issues, and to create conditions for the timely holding of parliamentary elections, underlines the necessity for the full resumption of the work of the Commission on National Reconciliation, and reiterates its encouragement to the Commission to intensify its efforts to broaden a dialogue among the various political forces in the country in the interests of the restoration and strengthening of civil accord in Tajikistan;

3. *Welcomes* the signing on 5 November 1999 by the President of Tajikistan and the Chairman of the Commission on National Reconciliation of the protocol on political guarantees during the preparation for and holding of the elections to the Majlis-i Oli (the Parliament) of the Republic of Tajikistan, and, bearing in mind concerns expressed by the Secretary-General in his report, regards the strict implementation of the protocol as essential for the successful holding of free, fair and democratic parliamentary elections under international monitoring as foreseen in the General Agreement;

⁷⁷ S/PV.4064, pp. 2-3.

4. *Notes with appreciation* the work of the new Special Representative of the Secretary-General and of all the personnel of the United Nations Mission of Observers in Tajikistan, encourages them to continue assisting the parties in the implementation of the General Agreement, reiterates the need for the Mission to operate throughout Tajikistan and to have the necessary personnel and financial support, and requests the Secretary-General to continue to consider means of ensuring a full and active role for the Mission in the implementation of the General Agreement;

5. *Reiterates* the importance of the involvement of the United Nations, in continued close cooperation with the Organization for Security and Cooperation in Europe, in the preparations for and monitoring of the parliamentary elections in Tajikistan, which will be the last major event of the transitional period envisaged in the General Agreement;

6. *Supports* the continued active involvement of the Contact Group of Guarantor States and International Organizations in the peace process;

7. *Welcomes* the continued contribution made by the collective peacekeeping forces of the Commonwealth of Independent States in assisting the parties in the implementation of the General Agreement, in coordination with all concerned;

8. *Calls upon* the parties to cooperate further in ensuring the security and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces and other international personnel, and reminds the parties that the ability of the international community to mobilize and to continue assistance for Tajikistan is linked to the security of those personnel;

9. *Expresses its deep concern* at the precarious humanitarian situation in Tajikistan, and welcomes the assistance provided by Member States, international organizations and humanitarian workers towards the implementation of the General Agreement and in addressing the humanitarian, rehabilitation and development needs of Tajikistan;

10. *Calls upon* Member States and others concerned to make voluntary contributions to launch projects for demobilization and reintegration and to provide support for the elections, and to continue to respond promptly and generously to the consolidated inter-agency appeal for Tajikistan for 1999, and welcomes the preparation of a new appeal for 2000 as a strategic document that will guide a gradual transition to a more development-oriented focus;

11. *Decides* to extend the mandate of the Mission for a period of six months until 15 May 2000;

12. *Requests* the Secretary-General to keep the Council informed of all significant developments, also requests him to submit after the parliamentary elections and within four months of the adoption of the present resolution an interim report on its implementation, and supports his intention to outline in that report the future political role for the United Nations in assisting Tajikistan to continue on the path of peace and national reconciliation and in contributing to the democratic development of Tajik society after the mandate of the Mission is concluded;

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

23. The situation in Afghanistan

Decision of 15 February 1996 (3631st meeting): statement by the President

At its 3631st meeting, held on 15 February 1996 in accordance with the understanding reached in its prior consultations, the Council included the item entitled "The situation in Afghanistan" in its agenda. After the adoption of the agenda, the President (United States) invited the representative of Afghanistan, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:¹

The Security Council deeply deplores the continuation of armed hostilities in Afghanistan, which have brought death and

destruction to the people and property of the country and threaten the peace and security of the region.

The Council is particularly concerned about the recent intensification of shelling and air attacks in and around the capital city of Kabul and the blockade of the city, which has prevented the delivery of foodstuffs, fuel and other humanitarian items to its population.

The Council calls upon the parties involved to end the hostilities forthwith and not to obstruct the delivery of humanitarian aid and other needed supplies to the innocent civilians of the city. In this regard, the Council commends the efforts of the United Nations, the International Committee of the Red Cross and other humanitarian agencies in Afghanistan, which are working under the most trying circumstances, and the airlift of food supplies from Peshawar to Kabul, and urges the international community to continue its support of those life-saving efforts.

The Council is deeply concerned that the continued conflict in Afghanistan provides fertile ground for terrorism,

¹ S/PRST/1996/6.

arms transfers and drug trafficking, which destabilize the whole region and beyond. It calls upon the leaders of the Afghan parties to put aside their differences and to halt such activities.

The Council reaffirms its full support for the efforts of the United Nations Special Mission to Afghanistan to bring about a peaceful solution to the conflict through the establishment of a fully representative, broad-based, authoritative council acceptable to all Afghans. It calls upon all Afghans to cooperate fully with the Special Mission as it works towards this goal.

The Council calls upon all States in a position to do so to take steps to promote peace and stability in Afghanistan, in particular by urging the parties to the conflict to cooperate fully with the Special Mission. It also calls upon all States to refrain from interfering in the internal affairs of Afghanistan and to prevent the flow to the Afghan parties of weapons and other supplies that can fuel the fighting.

The Council urges the captors of the members of the crew of the Russian aircraft in Kandahar to release them immediately and without any preconditions.

The Council reaffirms its commitment to the full sovereignty, independence, territorial integrity and national unity of Afghanistan. It reaffirms its readiness to assist the Afghan people in their efforts to return peace and normalcy to their country and it encourages all States, as well as the Organization of the Islamic Conference, the Movement of Non-Aligned Countries and others, to support the efforts of the Special Mission to the same end.

The Council will remain actively seized of the matter.

Decision of 28 September 1996 (3699th meeting): statement by the President

At its 3648th meeting, held on 9 April 1996 in accordance with the understanding reached in its prior consultations, the President (Chile) invited the representatives of Afghanistan, Argentina, India, the Islamic Republic of Iran, Japan, Malaysia, Pakistan, Tajikistan, Tunisia, Turkey, Turkmenistan and Uzbekistan, at their request, to participate in the discussion without the right to vote. He also extended an invitation, under rule 39 of the Council's provisional rules of procedure, to the Permanent Observer of the Organization of the Islamic Conference (OIC).

At the outset, the representative of Afghanistan noted that, over the last four years, "conspirators" and "interventionists" linked to Pakistani military intelligence circles, sometimes in connivance with other outside supporters, had been attempting to overthrow the Government of the Islamic State of Afghanistan and to enthrone a "Pakistani-approved

regime" in Kabul. He stated that since the establishment in April 1992 of the Islamic State of Afghanistan, Pakistani military intelligence circles had been covertly working towards that goal by creating and then supporting the "mercenaries called the Taliban", who claimed to monopolize the absolute truth and righteousness of Islam. He urged the United Nations Special Mission to identify foreign interference as the root cause of the conflict and to recommend effective measures to terminate it; to identify and observe a logical sequence for the stages of the peace process on a pragmatic and realistic basis; and to identify the true nature of the Taliban and reveal their foreign linkage. Rebutting the allegations of Pakistan that the Government of the Islamic State of Afghanistan had been receiving military assistance from certain countries, he said that Afghanistan, as a sovereign State, reserved its legitimate right to seek the assistance — political, moral and humanitarian — of any country in conformity with Article 51 of the United Nations Charter. He suggested that a United Nations monitoring post along the borders with Pakistan be established to halt the flow of illicit arms and ammunition into Afghanistan and that a United Nations fact-finding mission should be sent to the provinces controlled by the Taliban.²

The representative of China stated that the factions in Afghanistan needed first to implement a ceasefire, establish mutual trust and create conditions for a peaceful settlement. Second, with the assistance of the United Nations, the Organization of the Islamic Conference and the neighbours of Afghanistan, the Afghan parties needed to conduct peaceful negotiations and consultations in order to find a satisfactory solution. He stressed that all countries needed to abide by United Nations resolutions, respect the sovereignty and territorial integrity of Afghanistan, refrain from interference in its internal affairs and prevent the transfer of weapons to it.³

The representative of Indonesia reaffirmed his delegation's support for the efforts of the United Nations Special Mission to Afghanistan, which offered hope for ending the conflict through the establishment of a broadly based transitional government acceptable to the Afghan people. He stressed that the time had

² S/PV.3648. pp. 2-10.

³ Ibid., pp. 10-11.

come for the launching of a credible intra-Afghan dialogue to restore peace and stability and he appealed to all States to refrain from engaging in activities that would hamstring the ongoing endeavours for a peaceful solution, especially in preventing the flow of weapons to the parties in conflict.⁴

The representative of the United States underscored that his country favoured none of the factions, movements or individuals currently vying for power in Afghanistan, nor did the United States supply weapons or other military or financial support to any of the factions or movements. He called upon all the Afghan factions and the outside parties that supported them to realize the futility of continuing the conflict. Regarding the proposed arms embargo, he stated that it was worth exploring further if it could be effectively implemented. He also suggested discussing prospects for convening a conference on Afghanistan that could help accelerate the peace process.⁵

The representative of the United Kingdom maintained that the territory of Afghanistan was increasingly used to train terrorists whose activities had consequences far beyond that country's borders. An unstable Afghanistan represented a threat to the stability of the region. Noting that it was of particular concern that foreign interference by countries in the region and beyond, both military and political, had been increasing, he called for an end to the flow of weapons into Afghanistan. Finally, he stressed that peace could not be won by force of arms; it could only be won when the arms were laid down and Afghans themselves accepted that reconciliation was the way forward.⁶

The representative of Botswana stated that it was clear that the situation in Afghanistan posed a serious threat to both regional and international peace and security. He stressed that any solution which did not include the establishment of a ceasefire and negotiations for a new political dispensation would be equally unrealistic.⁷

At its 3650th meeting, held on 9 April 1996 in accordance with the understanding reached in its prior consultations, the Council resumed consideration of the

item on its agenda. After the adoption of the agenda, the President (Chile) invited the representatives of Afghanistan, Argentina, India, the Islamic Republic of Iran, Japan, Malaysia, Pakistan, Tajikistan, Tunisia, Turkey, Turkmenistan and Uzbekistan, at their request, to participate in the discussion without the right to vote.

The representative of the Russian Federation stressed that the ongoing civil war in Afghanistan posed a grave threat to the security and stability of other states and underscored the need to ensure the security of the borders between Afghanistan and countries of the Commonwealth of Independent States (CIS) and to make certain that the territory of Afghanistan was not used to carry out acts undermining the security and stability of its neighbours. He stated that the United Nations had a fundamental role to play in the process of achieving an Afghan settlement. Welcoming the efforts by other international organizations to promote an Afghan settlement, he stated that his country supported in principle the convening of an international conference on Afghanistan. He further underscored that his country firmly adhered to its policy not to be drawn into the inter-Afghan fighting and expected that all other States would act in a similar fashion.⁸

The representative of France reiterated that no military solution was possible in Afghanistan and stressed the obligation to allow free access to Kabul for humanitarian assistance. He also maintained that if a return to peace was to last, a government needed to be established that was accepted by all the various components of the country.⁹

The representative of the Islamic Republic of Iran noted that his country had hosted more than 2.5 million Afghan refugees and urged the parties to agree on a durable ceasefire and to seek a negotiated solution acceptable to all.¹⁰

The representative of Pakistan stressed that the consistent position of his Government on the conflict had always been that only a broad-based interim mechanism, in which all factions would participate, could pave the way to a democratic government that alone could provide the necessary durable fabric for

⁴ *Ibid.*, pp. 11-12.

⁵ *Ibid.*, pp. 12-13.

⁶ *Ibid.*, pp. 13-14.

⁷ *Ibid.*, pp. 14-15

⁸ S/PV.3650, pp. 5-6.

⁹ *Ibid.*, p. 8.

¹⁰ *Ibid.*, pp. 12-14.

the multi-ethnic country. He maintained that much of the strife in Afghanistan could be attributed to the absence of legitimate governance. The massive infusion of weapons and funds from abroad for various political and military factions had compounded the problem and weakened the resolve on the part of the protagonists to seek national reconciliation. He charged that those who accused his country of interfering in Afghanistan knew that Pakistan had refrained from supporting one faction or another. He maintained that the allegations were an attempt to explain away the untenable situation that the factions found themselves in, due to a complete lack of popular support from the Afghan people. He observed that “the nominal central authority” in Afghanistan controlled only 5 of the 32 provinces. Yet, despite its long, self-extended term, it had not been able to obtain the allegiance of those over whom it arrogated to itself the right to govern. On the other hand, the Taliban controlled more than half the country and were locked in a struggle with the nominal central authority. Noting that those opposed to the nominal central authority questioned its legitimacy, he maintained that central to that was the fact that under the Afghan accords of March 1993, the term of the Government in Kabul had expired in June 1994. He expressed support for a representative gathering of the Afghan leaders under United Nations auspices, or under the joint auspices of the United Nations and neighbouring countries, with a view to launching a credible process, involving the transfer of power to a fully representative, broad-based government. Pakistan also favoured a complete ban on weapons and arms supplies to the warring factions. He suggested that the Council consider imposing an embargo to interdict the planeloads of ammunition being flown into Afghanistan. Monitoring the arms and air embargoes would require an effective mechanism, perhaps set up by the United Nations in cooperation with OIC. However, in the view of Pakistan, it would be premature to convene an international conference on Afghanistan. He concluded by welcoming the open debate but maintained that the Security Council had not heard the “true voice” of the Afghan people.¹¹

The representative of OIC expressed the belief that the proposal regarding the convening of an intra-Afghan meeting under joint United Nations/OIC sponsorship, to be joined at a later stage by other

¹¹ Ibid., pp. 15-17.

countries directly concerned, provided a viable alternative. He also reiterated that OIC proposals and initiatives provided for no outside interference whatsoever.¹²

The representative of Tajikistan noted with concern that armed attacks were being launched from several regions of Afghanistan across the Tajik-Afghan border.¹³

The representative of India, noting that the spread of terrorism in their region and beyond was a matter of deep concern, argued that United Nations peace efforts should focus on the cessation of hostilities, as well as prevention of foreign interference and outside support for rebel forces.¹⁴

The representative of Turkmenistan expressed the concern of her Government at the many years of conflict in a neighbouring country with which it shared a boundary of 800 kilometres. Political, economic and cultural links, as well as trade, had always been of great significance for the peoples of the two countries. She said that there were approximately one million of her ethnic compatriots in the territory of Afghanistan. As neighbours, Turkmenistan felt the “hot breath” of the Afghan conflict and the problems that accompanied it. It prevented the realization of the delivery through Afghanistan of sources of energy, which was one of the major potential economic areas for Turkmenistan. She further underlined that the destabilizing effect of the protracted Afghan conflict had also affected the situation throughout the region, in particular the prospect of a speedy inter-Tajik settlement, which had been the subject of ongoing talks under the aegis of the United Nations in Turkmenistan. She further recalled that it was her country that had proposed the initiative of convening an international conference under the aegis of the United Nations on the question of Afghanistan. Referring to the idea of placing an embargo on arms deliveries to Afghanistan, she underlined that such an embargo needed to be covered by an appropriate control mechanism. In conclusion, she stated that it would be an honour for neutral Turkmenistan to host such a conference in its capital, Ashgabat.¹⁵

¹² Ibid., pp. 19-22.

¹³ Ibid., pp. 27-28.

¹⁴ Ibid., pp. 29-30.

¹⁵ Ibid., pp. 24-25.

A number of other speakers expressed concern at the deteriorating situation, calling on the parties to renounce violence and end the civil war. They condemned any political or military interference by outside forces in the internal affairs of Afghanistan, and reiterated that the situation in Afghanistan constituted a serious threat to international peace and security. Speakers stressed that no military solution was possible in Afghanistan. A number of representatives spoke in support of an expanded mechanism for a fully representative and authoritative council as a way towards national reconciliation or for an international conference to address all aspects of the Afghan question.¹⁶

At its 3699th meeting, held on 28 September 1996 in accordance with the understanding reached in its prior consultations, the President (Guinea-Bissau) made the following statement on its behalf of the Council:¹⁷

The Security Council reiterates its grave concern about the military confrontation in Afghanistan.

The Council is also concerned at the violation of the United Nations premises in Kabul and expresses its dismay at the brutal execution by the Taliban of the former President of Afghanistan, Mr. Najibullah, and others who had taken refuge in these premises.

The Council demands that all parties fulfil their obligations and commitments regarding the safety of the United Nations personnel and other international personnel in Afghanistan. It calls upon all Afghans to cooperate fully with the United Nations and associated bodies as well as with other humanitarian organizations and agencies in their efforts to respond to the humanitarian needs of the people of Afghanistan.

The Council reaffirms its commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan. It calls for the immediate cessation of all armed hostilities and urgently calls upon the leaders of the Afghan parties to renounce the use of force, to put aside their differences and to engage in a political dialogue aimed at achieving national reconciliation. The Council also calls upon all States to refrain from interfering in the internal affairs of Afghanistan.

¹⁶ Ibid., pp. 2-3 (Poland); pp. 3-5 (Egypt); pp. 6-7 (Republic of Korea); pp. 7-8 (Honduras); pp. 8-10 (Italy); pp. 10-11 (Germany); pp. 11-12 (Chile); pp. 14-15 (Japan); pp. 17-19 (Argentina); pp. 22-24 (Tunisia), pp. 24-25 (Turkmenistan); pp. 25-26 (Turkey); pp. 26-27 (Uzbekistan); and pp. 28-29 (Malaysia).

¹⁷ S/PRST/1996/40.

The Council reaffirms its full support for the efforts of the United Nations in Afghanistan, in particular the activities of the United Nations Special Mission. It calls upon all parties to cooperate with the Special Mission which will act as a key and impartial facilitator in order to bring about a peaceful solution to the conflict as soon as possible. The Council calls upon all States to take all steps necessary to promote peace in Afghanistan and to work together with the United Nations to this end.

The Council will continue to follow with close attention developments in Afghanistan.

**Decision of 22 October 1996 (3706th meeting):
resolution 1076 (1996)**

By a letter dated 8 October 1996 addressed to the Secretary-General,¹⁸ the representatives of Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan transmitted the text of a joint statement made on 4 October 1996 by the leaders of their respective countries, in which they stated that the war in Afghanistan posed a direct threat to the national interests and security of their States, as well as the Commonwealth of Independent States as a whole, and requested a special meeting of the Security Council to be held without delay, with the participation of interested countries, with a view to adopting urgent measures to halt the fighting and achieve a comprehensive settlement of the Afghan conflict.

At its 3705th meeting, held on 16 October 1996 in accordance with the understanding reached in its prior consultations, the Council included the letter in its agenda. After the adoption of the agenda, the President (Honduras) invited the representatives of Afghanistan, India, the Islamic Republic of Iran, Ireland, Japan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkmenistan, Turkey and Uzbekistan, at their request, to participate in the discussion without the right to vote. He also extended an invitation, under rule 39 of the provisional rules of procedure, to the Permanent Observer of the Organization of the Islamic Conference.

The President then drew the attention of members of the Council to a note verbale dated 30 September 1996 from the representative of Kazakhstan addressed to the Secretary-General, transmitting the text of a statement by the Ministry of Foreign Affairs of Kazakhstan, dated 28 September 1996, on the recent

¹⁸ S/1996/838.

events in Afghanistan;¹⁹ and to a letter dated 9 October 1996 from the Vice-Minister for Foreign Affairs of Afghanistan addressed to the President of the Security Council, on the alleged use of “some type of chemical or internationally banned weapon” by the Taliban.²⁰

At the meeting, the representative of Afghanistan stated that Pakistan had been acting as an obstacle to the return of peace and it was for that reason that Afghanistan was turning to the Council, which was entrusted with the responsibility and the task of preserving peace and security, at the regional and international level. He noted that for years, delegations of Afghanistan had complained to the General Assembly and the Security Council about the continuation of foreign intervention in Afghanistan. Unfortunately, the measures taken by the United Nations had been limited to the adoption of resolutions and the issuance of statements, a situation which had encouraged the aggressor to take further measures for the realization of its objective to recruit, train, equip and send “mercenaries called the Taliban” into the territory of Afghanistan. He alleged that since their takeover of Kabul, the Taliban had committed condemnable acts, such as closing schools for girls, forcing women to stay at home and banning television viewing. Afghanistan was asking and urging the United Nations to send a fact-finding mission to Afghanistan where the authorities of Afghanistan would put at its disposal all the hard evidence relating to different aspects of the continued conflict there. The mission should also look into the issue of chemical weapons used against Afghan government troops. In regard to the arms embargo on Afghanistan, he maintained that no Article of the Charter stipulated that such measures should be imposed against the Government of a Member State that was itself the victim of foreign intervention and conspiracies and which was defending its sovereignty, independence and territorial integrity. He maintained that in accordance with Article 51 of the Charter, Afghanistan had the inherent right to self-defence, and any attempt to prevent Afghanistan from strengthening its defences as a sovereign State would be against the Charter and the interests of peace, stability and security in the region. Afghanistan agreed with the majority of Member States that the Security Council should not adopt any resolution where the

implementation would be exhaustively burdensome and ultimately unattainable. As more than 1,250 kilometres of frontier in the south-east and south of Afghanistan were unguarded, the requirements of implementing an arms embargo on such a basis were not workable. He stated that Afghanistan would observe an immediate ceasefire under the following conditions: first, the Taliban armed forces needed to evacuate the capital immediately; second, their heavy weapons needed to be withdrawn; third, Kabul needed to be recognized as a demilitarized zone; fourth, a police force needed to be formed under the supervision of the United Nations and OIC to ensure the security of Kabul; and fifth, negotiations needed to start in order to pave the way for the formation of an interim government of national unity in the capital city of Kabul. He urged the Council to exert the necessary international pressure on the Taliban to agree to this proposal.²¹

The representative of Kazakhstan stated that the worsening of the situation in Afghanistan and its possible implications for the destabilization of the situation in the Central Asian region had led to the convening on 4 October 1996 of a meeting at Almaty, which had been attended by the leaders of Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan. Those leaders had appealed to the Afghan parties to the conflict, first of all the Taliban, to call an immediate halt to hostilities and to begin to seek ways of achieving national accord. He stated that the United Nations and the Security Council needed to intensify their activities to arrive at the measures necessary to bring a halt to the conflict. Kazakhstan supported the steps taken towards a settlement of the dispute between the Afghan parties exclusively by peaceful means, and supported the preservation of Afghanistan as a single country. He expressed the belief that the United Nations needed to play a fundamental role in that process, with cooperation from interested States.²²

The representative of Uzbekistan stressed that the conflict in Afghanistan could not be allowed to threaten the stability and national security of neighbouring countries. He expressed alarm that in the midst of a war, the territory remained a place for the massive, uncontrolled production and illegal export of

¹⁹ S/1996/810.

²⁰ S/1996/842.

²¹ S/PV.3705, pp. 2-7.

²² *Ibid.*, pp. 7-9.

drugs. He also expressed the belief that the imposition of an embargo on the delivery of all forms of weapons to Afghanistan was an important element in establishing conditions for the cessation of hostilities and the achievement of peace. The implementation of such measures should not be aimed against any of the Afghan parties but against outside suppliers of weapons. He stressed that all possible means needed to be used to cut off the delivery of the weapons that were being used to fuel the Afghan conflict.²³

The representative of Kyrgyzstan expressed the belief that it was necessary to make use of all means at the disposal of the United Nations to contain the military and political conflict and to prevent its growth, which would pose a threat to regional security. The position of his delegation was that there needed to be an immediate cessation of hostilities, and the holding, on neutral territory, of negotiations between the parties to the conflict. He stressed that third parties should not interfere in the internal affairs of Afghanistan and that the political process to establish a broad-based interim government needed to be promoted.²⁴

The representative of Tajikistan, noting that the Tajik-Afghan border was still an area of particular tension, stated that his country was convinced that if a comprehensive political settlement to the Afghan problem was found, the situation on the southern borders of CIS, and the Tajik stretch of its outer frontier, would stabilize significantly.²⁵

The representative of the Russian Federation reiterated that it considered the approach of war towards the borders of CIS to be a direct threat to its national interests and security and a threat to stability in the region. He stated that in reaction to the threat there had been an exodus of the population from Kabul — a new wave of refugees and displaced persons. This was a new and serious exacerbation of the internal conflict, which could lead to the collapse of Afghanistan and have highly negative consequences for the stability of the region. He stated that in multinational and multireligious Afghanistan, the only possible option for a solution to the crisis was to achieve an accord based on recognition of the legitimate interests and rights of all groups of the population, and the United Nations

needed to focus its efforts on the achievement of precisely those objectives. He suggested that the Council could adopt a politically authoritative resolution with an appeal to all of the Afghan parties to halt armed action and begin a political dialogue for lasting peace in Afghanistan. He stressed that it was also important for the Council to emphasize the inadmissibility of external interference in Afghan affairs, including the need for any delivery of weapons to be stopped.²⁶

The representative of the United Kingdom noted that the kaleidoscope of alliances had shifted markedly in the past few weeks, and that while events were moving so fast it would be a mistake to rush to judgment. He stressed that the aims of the international community needed to be an immediate ceasefire, negotiations between all the parties, and the establishment of a peace process leading to the formation of a broad-based representative government which respected human rights. He stated that the United Nations Special Mission to Afghanistan (UNSMA) had a critical role in achieving those aims. With regard to the call by the representative of Afghanistan for the dispatch of United Nations fact-finding missions, he noted that there was already a United Nations Special Mission on the ground. He reiterated that Afghanistan had been subjected to interference from outside, which had only served to prolong the conflict. He called for an end to such interference, and an end to the continuing supply of arms and ammunition to the factions. He called on the factions to respect international human rights norms and to act in accordance with those international instruments which Afghanistan had signed and ratified. He concluded by stating that the Security Council and the international community as a whole needed to keep a close watch on the rapidly changing situation in Afghanistan.²⁷

The representative of France stated that the situation in Afghanistan showed that the appeals of the Council had not been heard, as the war endangered peace and stability in the entire region. He stressed that France did not intend to take the side of any of the forces in the conflict, but would call for a ceasefire and for dialogue with a view to national reconciliations. He

²³ Ibid., pp. 9-10.

²⁴ Ibid., pp. 10-11.

²⁵ Ibid., pp. 11-12.

²⁶ Ibid., pp. 12-13.

²⁷ Ibid., pp. 15-16.

noted that the alternation of alliances and counter-alliances in Afghanistan confirmed that the conflict could not be resolved through weapons but only through a political settlement based on an equitable understanding that respected the interests of all, which required that interference ceased. He also noted that the continuation of the conflict in Afghanistan was creating fertile soil for terrorist activities.²⁸

The representative of Egypt stated that the situation in Afghanistan was a protracted and complex problem, whose continuation represented a direct threat to international peace and security. He noted that Afghanistan had fallen victim to a destructive civil war and to intervention in support of the various Afghan factions by foreign powers, which were providing military and other supplies. He further underlined that the effects of the crisis in Afghanistan had turned it into a stronghold for training and exporting extremists, which had spilled the conflict beyond its borders. He recalled that his country had suffered from terrorist activities perpetrated by foreign nationals trained in Afghanistan.²⁹

The representative of China stated that the recent changes in the political and military situation of Afghanistan had caused widespread concern among the international community and particularly among the countries neighbouring Afghanistan, which feared that the escalation of the internal conflict in Afghanistan might endanger their border security. His delegation was of the view that what was needed was the realization of genuine national reconciliation, which depended mainly on the parties in Afghanistan. He expressed hope that the parties would soon resolve their political, religious and racial differences, immediately stop armed conflicts in the general interest of the country and nation, and establish through peaceful negotiations, under the auspices of the United Nations and the international community, a broad-based and stable government acceptable to all parties.³⁰

The representative of the United States noted that the political and military situation in Afghanistan had been dramatically altered by events but that the position of the United States with respect to that turmoil had not changed. She called on all parties to

stop fighting and to begin negotiations aimed at a political settlement. The United States reiterated its concern about the dangers of foreign interference in the internal affairs of Afghanistan and urged all outside parties to refrain from meddling. She urged the regional Powers and all of the neighbours of Afghanistan to work together with the United Nations to encourage the Afghan parties to move towards peace. She stated that the United States continued to support an arms embargo and urged the international community to establish a process that would unite Afghanistan and lead to a future characterized by stability, economic recovery and law. She emphasized that the United States remained concerned that all parties in Afghanistan respected international human rights standards and that every Member of the United Nations was obliged to uphold the provisions of the Charter, which affirmed the principle of equal rights for men and women.³¹

The representative of the Islamic Republic of Iran expressed the belief that the conflict in Afghanistan had no military solution. In their opinion, there was no justification for the violence and bloodshed in Afghanistan and no faction or State could endorse the ongoing violence in the name of Islam. He stressed that only a broad-based Government free from foreign interference could protect and guarantee the rights of all Afghan people. He stated that his Government was determined to cooperate and coordinate with the neighbouring State of Afghanistan, the United Nations and OIC to bring peace and security to Afghanistan and the region. His delegation had redoubled efforts to convene a regional conference in Tehran with the participation of regional foreign ministers and representatives of the United Nations and of OIC.³²

The representative of India stated that the eruption of renewed fighting that had led to the fall of Kabul had created a dangerous new situation of great fluidity. He said that Afghanistan had suffered from foreign interference and that there was ample evidence to show that some Afghan parties that had engaged in violent activities had been supported, trained and actively assisted by foreign powers.³³

²⁸ Ibid., pp. 17-18.

²⁹ Ibid., pp. 19-20.

³⁰ Ibid., pp. 22-23.

³¹ Ibid., pp. 25-26.

³² Ibid., pp. 26-27.

³³ Ibid., pp. 29-30.

The representative of Pakistan stated that Afghanistan was neither a failed State nor engaged in a simple civil war, but was a country that had been systematically ravaged by long years of foreign military occupation. That occupation had been resisted by a heroic people, rooted in fierce nationalism and in strong religious beliefs. He stated that the marked intensification of the conflict was again attributable to the massive foreign interference in the internal affairs of Afghanistan. Prompted by their narrow strategic political interests in Afghanistan, regional and extraregional Powers had again chosen to compound the miseries of the Afghan people by creating alliances and counter-alliances. Instead of a concerted regional and international effort under the auspices of the United Nations for the restoration of peace in Afghanistan, what they were witnessing was a brute power play by those who had no legitimate interest in the unity and territorial integrity of Afghanistan. He stated that the time had come for the Security Council to act decisively for the cause of peace in Afghanistan. Pakistan believed that the Security Council needed to adopt a binding resolution under Chapter VII of the Charter. Pakistan had already circulated to the members of the Council a draft resolution, which would have the Council call for the immediate cessation of all armed hostilities in Afghanistan; demand that all the Afghan parties abide by the ceasefire; and support the efforts of the United Nations Special Mission to promote peace and reconciliation. He stated that Pakistan was committed to supporting the efforts of the United Nations Special Mission, and of the Security Council, to restore peace in Afghanistan.³⁴

A number of other speakers expressed concern at the situation, reaffirmed the sovereignty, independence and territorial integrity of Afghanistan, and called on the parties to reach a negotiated political settlement. Several speakers spoke in favour of convening an international conference on the situation in Afghanistan, under the auspices of the United Nations. A number of representatives called for an end to foreign interference in Afghanistan.³⁵

³⁴ *Ibid.*, pp. 34-36.

³⁵ *Ibid.*, pp. 13-15 (Germany); pp. 16-17 (Indonesia); pp. 18-19 (Botswana); p. 19 (Republic of Korea); pp. 19-20 (Egypt); pp. 20-21 (Italy); pp. 21-22 (Chile); pp. 23-24 (Guinea-Bissau); pp. 24-25 (Poland); pp. 26

At its 3706th meeting, held on 22 October 1996 in accordance with the understanding reached in its prior consultations, the President (Honduras) drew the attention of the members of the Council to the text of a draft resolution³⁶ submitted by Germany, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan, the United States and Uzbekistan. France, Italy and the Republic of Korea also joined as sponsors of the draft resolution. He also drew the attention to identical letters dated 18 October 1996 from the Vice-Minister for Foreign Affairs of the Islamic State of Afghanistan, addressed to the Secretary-General and to the President of the Council,³⁷ containing a list of the names of foreign fighters which had allegedly been fighting alongside the Taliban.

The draft resolution, in its provisional form, as orally revised, was put to the vote and adopted unanimously as resolution 1076 (1996), which reads:

The Security Council,

Having considered the situation in Afghanistan,

Recalling the previous statements by the President of the Security Council on the situation in Afghanistan, including the statements of 15 February and 28 September 1996, and the letter dated 22 August 1996 from the President to the Secretary-General,

Recalling also General Assembly resolution 50/88 of 19 December 1995,

Taking note of the joint declaration made on 4 October 1996 by the leaders of Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan concerning developments in Afghanistan,

Expressing concern over the continuation and recent intensification of the military confrontation in Afghanistan, which have caused civilian casualties and an increase in refugees and displaced persons and which seriously endanger the stability and peaceful development of the region,

Deeply concerned about the discrimination against women and other abuses of human rights in Afghanistan,

(Honduras); pp. 28-29 (Turkey); pp. 29-30 (India); pp. 30-31 (OIC); pp. 31-32 (Japan); pp. 32-33 (Ireland on behalf of the European Union and associated and aligned countries: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia; and Iceland and Norway).

³⁶ S/1996/865.

³⁷ S/1996/863.

Stressing the need to prevent further civilian casualties, and noting in this context the proposals, *inter alia*, for an immediate ceasefire, exchange of prisoners of war and the demilitarization of Kabul,

Urging all Afghan parties to resolve their differences through peaceful means and achieve national reconciliation through political dialogue,

Stressing the importance of non-interference in the internal affairs of Afghanistan and the prevention of the flow of arms and ammunition to all parties to the conflict in Afghanistan,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Convinced that the United Nations, as a universally recognized and impartial intermediary, must continue to play the central role in international efforts towards a peaceful resolution of the Afghan conflict,

Welcoming the willingness expressed by Member States during the Security Council meeting of 16 October 1996 to support the dialogue among all the parties and to facilitate the negotiations aimed at the political settlement of the conflict,

1. *Calls upon* all Afghan parties immediately to cease all armed hostilities, to renounce the use of force, to put aside their differences and to engage in a political dialogue aimed at achieving national reconciliation and a lasting political settlement of the conflict and establishing a fully representative and broad-based transitional government of national unity;

2. *Stresses* that the main responsibility for finding a political solution to the conflict lies with the Afghan parties;

3. *Calls upon* all States to refrain from any outside interference in the internal affairs of Afghanistan, including the involvement of foreign military personnel, to respect the right of the Afghan people to determine their own destiny and to respect the sovereignty, independence, unity and territorial integrity of Afghanistan;

4. *Also calls upon* all States immediately to end the supply of arms and ammunition to all parties to the conflict in Afghanistan;

5. *Reiterates* that the continuation of the conflict in Afghanistan provides a fertile ground for terrorism and drug trafficking which destabilize the region and beyond, and calls upon the leaders of the Afghan parties to halt such activities;

6. *Expresses its regret* at the civilian casualties inflicted by landmines, and calls upon all parties in Afghanistan to desist from the indiscriminate use of landmines;

7. *Requests* the Secretary-General, in cooperation, as he deems it necessary, with interested States and international organizations, in particular the Organization of the Islamic Conference, to continue his efforts to promote the political process;

8. *Reaffirms its full support* for the efforts of the United Nations, in particular the activities of the United Nations Special Mission to Afghanistan in facilitating the political process towards the goals of national reconciliation and a lasting political settlement with the participation of all parties to the conflict and all segments of Afghan society;

9. *Calls upon* all Afghan parties to cooperate with the Special Mission, and encourages all interested States and international organizations to take all steps necessary to promote peace in Afghanistan, to support the United Nations efforts to this end and to use any influence they have to encourage the parties to cooperate fully with the Special Mission;

10. *Demands* that all parties fulfil their obligations and commitments regarding the safety of United Nations personnel and other international personnel as well as their premises in Afghanistan, not hamper the flow of humanitarian assistance and cooperate fully with the United Nations and associated bodies as well as with other humanitarian organizations and agencies, in their efforts to respond to the humanitarian needs of the people of Afghanistan;

11. *Denounces* the discrimination against girls and women and other violations of human rights and international humanitarian law in Afghanistan, and notes with deep concern possible repercussions on international relief and reconstruction programmes in Afghanistan;

12. *Calls upon* all States and international organizations to extend all possible humanitarian assistance to the civilian population of Afghanistan;

13. *Requests* the Secretary-General to continue to keep the Security Council regularly informed, on the basis of information received from the Special Mission, on the political, military and humanitarian situation, and to make recommendations on achieving a political settlement;

14. *Also requests* the Secretary-General to submit a report on the implementation of the present resolution by 30 November 1996;

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

**Decision of 16 April 1997 (3766th meeting):
statement by the President**

On 16 March 1997, in response to the request of the Security Council in resolution 1076 (1996) for regular information, the Secretary-General submitted to the Council his report on the main developments in Afghanistan.³⁸ In his report, the Secretary-General observed that the situation in Afghanistan remained precarious and might soon deteriorate further with the onset of spring offensives. He noted that despite the

³⁸ S/1997/240.

continuous suffering of the Afghan people, the warring factions had not heeded the repeated appeals for peace and appeared determined to pursue the military option. However, he remained convinced that a negotiated settlement was the only solution to the conflict and that the United Nations was the most appropriate forum to bring this about. The Secretary-General observed that the international community needed to coordinate its efforts so as to increase international pressure on the Afghan parties to solve the conflict in a peaceful way. To this end, he proposed to convene a meeting of concerned countries in the near future, using the formula that had been used for the meeting held in New York on 18 November 1996, with a view to reassessing the situation and discussing how best to promote a negotiated settlement of the conflict. He took note of the proposals that an intra-Afghan meeting among the warring parties be held outside Afghanistan in order to provide an opportunity for them to talk to each other in a secure environment. He expressed his intention to consult the Afghan parties, Member States and international organizations, in particular OIC, on the advisability of such a meeting.

At its 3765th meeting, held on 14, 15 and 16 April 1997 in accordance with the understanding reached in its prior consultations, the President (Portugal) invited the representatives of Afghanistan, Germany, the Islamic Republic of Iran, Italy, the Netherlands, Pakistan, Tajikistan and Turkey, at their request, to participate in the discussion without the right to vote. He also extended an invitation, under rule 39 of the provisional rules of procedure, to the Permanent Observer of the Organization of the Islamic Conference.³⁹

At the same meeting, the representative of Afghanistan drew the attention of the Council to the destabilizing effects of the turmoil, which might spill over beyond the border. He claimed that the Taliban was a “mercenary group” which supported international terrorism and sheltered those who financed them. He also accused the Taliban of conducting a “Serbian-style ethnic cleansing” involving 140,000 non-Pashtun Afghans, and alleged that the Taliban had been preparing a “massive attack” against the northern part of the country. He called on the Council to take appropriate measures, including

³⁹ S/PV.3765, p. 2 and S/PV.3765 (Resumption 1), p. 2.

sanctions against the Taliban and their supporters, who were supplying arms and logistical support.⁴⁰

The representative of the Russian Federation stated that the situation in Afghanistan continued to represent a threat to international peace and security in the region, and was fraught with the danger of a large-scale humanitarian catastrophe. His delegation was deeply concerned over the course of events and urged the Council to constantly follow the situation in Afghanistan and adopt appropriate measures. He further stated that his country was maintaining its useful and productive contacts on Afghanistan with other States in the region, in particular India, the Islamic Republic of Iran and Pakistan. The coordinated effort of all concerned States would help in reaching a formula acceptable to all for a settlement in Afghanistan.⁴¹

The representative of China expressed the belief that the achievement of national reconciliation was the key to a just and lasting settlement of the Afghan question. Stating that the problem had many complex causes, he urged all sides to take account of the fundamental interests of the Afghan people, set aside their political and religious differences and engage in serious negotiations so as to establish a stable, broad-based government acceptable to all sides. He said that his country had hoped that the United Nations could continue to play a central and leading role in seeking a political settlement of this question.⁴²

The representative of Egypt called on the Afghan parties to mobilize political will for a negotiated settlement and stressed the need to stop all outside military assistance to the parties.⁴³

The representative of the United Kingdom expressed concern that the parties continued to receive arms from foreign countries, despite the clear call of the Council in resolution 1076 (1996) for this to stop.⁴⁴

The representative of France recalled that his country, like its European Union partners, was complying with a full embargo on the supply of weapons to Afghanistan. He stated that the

⁴⁰ S/PV.3765, pp. 2-5.

⁴¹ *Ibid.*, pp. 5-6.

⁴² *Ibid.*, pp. 6-7.

⁴³ *Ibid.*, pp. 7-8.

⁴⁴ *Ibid.*, pp. 8-9.

continuation of the conflict in Afghanistan could result in the destabilization of the region and could also have adverse consequences for the entire international community. He also noted that many “terrorists” were being sheltered in Afghanistan.⁴⁵

The representative of Japan stated that neighbouring countries should refrain from exercising their influence on the factions involved in order to avoid exacerbating the situation, and repeated its offer to host a meeting between the Afghan parties.⁴⁶

The representative of the United States, responding to claims that the United States had given support to the Taliban, underlined that his country did not support the Taliban or any other group, but neither did his country put blame on the Taliban for the ills of Afghanistan, for which all parties were responsible. He expressed his delegation’s view that the Council needed to remain concerned about the unrelenting flow of weapons and equipment to the warring parties by outside powers. He further noted that the Taliban had brought a modicum of peace to a large part of Afghanistan, but “at a real price”.⁴⁷

The representative of the Netherlands, speaking on behalf of the European Union, called on all Afghan parties to cease hostilities and reaffirmed the central role of the United Nations in international efforts towards a peaceful resolution of the conflict. He urged third parties to refrain from interfering in the conflict and from supplying arms to the warring factions.⁴⁸

The representative of the Islamic Republic of Iran called for a comprehensive approach whereby the views of all parties and all segments of Afghan society would be taken into account, and suggested the demilitarization of Kabul as an important first step to establish a broad-based government.⁴⁹

The representatives of Germany, Italy and Portugal expressed concern about the humanitarian situation, as well as about reported human rights abuses, especially those against women and girls.⁵⁰

The representative of Tajikistan reported that on 5 April 1997, the Ministers for Foreign Affairs of Central Asia and the Russian Federation had reaffirmed in Dushanbe their readiness to cooperate closely to ensure the security of their southern borders with Afghanistan.⁵¹

The representative of Pakistan stated that his country had a deep vested interest in peace in Afghanistan. As a consequence of the continued instability in Afghanistan, there were more than 1.5 million refugees in Pakistan. He stressed that his country was also the victim of terrorism, drug trafficking and arms smuggling as a result of conditions inside Afghanistan. He further noted that the Taliban, who controlled Kabul and two thirds of Afghanistan, were a reality and could not be “wished away”. He maintained that the Islamic State of Afghanistan, headed by President Rabbani, had neither de facto control of the capital nor de jure legitimacy, and that the United Nations should adopt the “vacant seat” formula as to the representation of Afghanistan, which had been adopted by OIC. He urged the Security Council to listen to the views of the Taliban in order to have a more balanced view of the situation, possibly under the Arria formula.⁵²

At its 3766th meeting, held on 16 April 1997 in accordance with the understanding reached in its prior consultations, the President (Portugal) made the following statement on behalf of the Council:⁵³

The Security Council has considered the report of the Secretary-General of 16 March 1997 concerning the situation in Afghanistan. It has also considered the views expressed at its 3765th meeting, on 14 and 15 April 1997, on the subject.

The Council expresses its grave concern at the continued fighting in Afghanistan and its intensification in recent months. It reiterates that the continuation of the conflict threatens to destabilize the region and prevents steps towards the formation of a fully representative and broad-based government able to

⁴⁵ Ibid., pp. 11-12.

⁴⁶ Ibid., pp. 18-19.

⁴⁷ Ibid., pp. 19-20.

⁴⁸ S/PV.3765 (Resumption 1), pp. 2-3.

⁴⁹ S/PV.3765 (Resumption 1), pp. 7-9.

⁵⁰ Ibid., pp. 9-10 (Germany); pp. 10-11 (Italy); and pp. 12-13 (Portugal).

⁵¹ Ibid., pp. 11-12.

⁵² Ibid., pp. 14-15. The Arria formula meetings are informal and confidential gatherings which provide interested Council members an opportunity to engage in a direct dialogue with representatives of Governments and international organizations as well as non-State parties, on matters with which they are concerned and which fall within the purview of responsibility of the Council.

⁵³ S/PRST/1997/20.

address effectively Afghanistan's acute social and economic problems.

The Council calls upon the Afghan parties to cease immediately all hostile actions and to enter into sustained negotiations. The Council strongly believes that a negotiated settlement is the only solution to the longstanding conflict in this country.

The Council fully supports the United Nations efforts to facilitate national reconciliation in Afghanistan. It is convinced that the United Nations must continue to play the central role in assisting the warring Afghan factions in engaging in a fully-fledged negotiating process on the basis of Council resolution 1076 (1996) and General Assembly resolution 51/195. The Council welcomes the activities of the United Nations Special Mission to Afghanistan and supports further efforts by the Secretary-General to give a new impetus to its work. In this context, it welcomes the holding by the Special Mission of intra-Afghan working group meetings in Islamabad but regrets that these efforts have not yet achieved positive results.

The Council deeply regrets that many important provisions of Council resolution 1076 (1996) and General Assembly resolution 51/195 remain unimplemented. It calls upon all Afghan parties, in particular the Taliban, to abide by these resolutions, to cooperate fully with the Special Mission and to participate in serious and honest negotiations through the good offices of the Mission. The Council urges interested countries to coordinate their activities with those of the Special Mission and to refrain from supporting one Afghan party against another.

The Council welcomes the convening by the Secretary-General of a meeting of concerned countries on 16 April 1997, following the earlier meeting held in New York on 18 November 1996.

The Council takes note of the intention of the Secretary-General to consult the Afghan parties and all those concerned on the advisability of an intra-Afghan meeting at some stage and requests him to put forward a concrete plan if and when he decides that it will contribute to the peace process.

The Council again calls upon all States to end immediately the supply of arms and ammunition to all parties to the conflict in Afghanistan.

The Council reiterates its concern that the continuation of the conflict in Afghanistan provides a fertile ground for terrorism and drug trafficking which destabilize the region and beyond, and calls upon the leaders of the Afghan parties to halt such activities.

The Council is deeply concerned at the worsening of the humanitarian situation, including the displacement of the civilian population. It is also deeply concerned at the discrimination against women and other violations of human rights and of international humanitarian law in Afghanistan. The Council deplores the mistreatment of international humanitarian organizations, which inhibits the ability of the international

community to respond to Afghanistan's pressing humanitarian needs.

The Council welcomes the convening of an International Forum on Assistance to Afghanistan on 21 and 22 January 1997 at Ashgabat and the forthcoming meeting of the Afghanistan Support Group on 21 April 1997 in Geneva. It encourages all States and international organizations to continue to extend all possible humanitarian assistance, which should be distributed equitably throughout the country.

The Council will remain seized of the matter and requests the Secretary-General to continue to keep it regularly informed of the situation in Afghanistan.

Decision of 9 July 1997 (3796th meeting): statement by the President

On 16 June 1997, in response to the Council's request in resolution 1076 (1996) for regular information, the Secretary-General submitted his report on major developments in Afghanistan.⁵⁴ In his report, the Secretary-General observed that the situation in Afghanistan remained volatile, with the warring parties bent on resolving their problems through military means rather than through peaceful negotiations. However, the conflict was increasingly being fuelled by strong ethnic feelings between the predominantly Pashtun Taliban, on the one hand, and the Tajiks, Hazaras and Uzbeks, who comprised the opposition camp, on the other. In addition, while all Member States concerned claimed to agree that peace was needed in Afghanistan, it appeared that a number of them were not yet ready to put concerted pressure on the warring factions to stop the civil war. He concluded by urging the Afghan factions to return to the negotiating table immediately. He also called upon the Member States concerned to cease their military support to the warring factions, to seek how best they could contribute to the resolution of the Afghan conflict, and to coordinate their efforts closely with the United Nations.

At its 3796th meeting, held on 9 July 1997 in accordance with the understanding reached in its prior consultations, the President (Sweden) invited the representative of Afghanistan, at its request, to participate in the discussion without the right to vote. The President then drew the attention of the members of the Council to a letter dated 27 May 1997 from the representative of Pakistan addressed to the Secretary-

⁵⁴ S/1997/482.

General, on the decision to recognize the new Government of the Islamic State of Afghanistan;⁵⁵ and to identical letters dated 2 and 16 June 1997, respectively, from the representative of Afghanistan addressed to the Secretary-General and to the President of the Security Council, which transmitted the text of the first declaration of the United Islamic and National Front for the Salvation of Afghanistan (UINFSA) dated 12 June 1997, outlining essential concepts and major practical points with regard to the solution of the Afghan conflict.⁵⁶

At the same meeting, the President made the following statement on behalf of the Council:⁵⁷

The Security Council has considered the report of the Secretary-General of 16 June 1997 concerning the situation in Afghanistan.

The Council expresses its grave concern at the continued escalation of military confrontation in Afghanistan. It calls for an immediate end to the fighting.

The Council calls upon all Afghan parties to return to the negotiating table immediately and to work together towards the formation of a broad-based, fully representative government that will protect the rights of all Afghans and abide by Afghanistan's international obligations.

The Council, taking into account risks of regional destabilization, believes that peace and stability in Afghanistan can best be attained through intra-Afghan political negotiations under United Nations auspices with the active and coordinated assistance of all countries concerned. It urges the Afghan parties and countries concerned to abide by the provisions of relevant resolutions on Afghanistan adopted by the Council and the General Assembly.

The Council stresses that all external interference in Afghan affairs must cease, and, in this context, it calls upon all States to end immediately the supply of arms and ammunition to all parties to the conflict in Afghanistan.

The Council is deeply concerned at the continuing discrimination against girls and women and other violations of human rights, as well as at violations of international humanitarian law.

The Council reiterates that the continuation of the conflict in Afghanistan provides a fertile ground for terrorism and illegal drug production and trafficking, which destabilize the region and beyond, and calls upon the leaders of the Afghan parties to halt such activities.

The Council is deeply concerned at the worsening of the humanitarian situation, including the displacement of the civilian population. In this regard, it calls upon Member States to respond generously to the 1997 United Nations consolidated appeal for emergency humanitarian assistance for Afghanistan.

The Council reaffirms its full support for the efforts of the United Nations in Afghanistan, in particular the activities of the United Nations Special Mission to Afghanistan. It requests the Secretary-General to continue to keep it regularly informed of the situation and his efforts, as well as those of the Special Mission.

The Council will remain seized of the matter.

Decision of 16 December 1997 (3841st meeting): statement by the President

On 14 November 1997, pursuant to resolution 1076 (1996) of 22 October 1996, the Secretary-General submitted his report to the Council on the progress of the United Nations Special Mission in Afghanistan, as well as the main developments in Afghanistan.⁵⁸ In his report, the Secretary-General observed that in July 1997, he had appointed Lakhdar Brahimi as his Special Envoy for Afghanistan, whose activities were to be distinguished from those of UNSMA. Based on the findings of his Special Envoy, he noted that Afghanistan, which was once a flashpoint of superpower rivalry, had since become a typical post-cold war regional and ethnic conflict, and had become a place where even responsible local authorities, let alone a central government, had virtually ceased to exist. He stated that the Afghan parties seemed determined to go on fighting, while outside Powers continued to provide material, financial and other support to their respective "clients" inside Afghanistan. In addition, major Powers with potential influence in Afghanistan had yet to demonstrate the necessary degree of determination to move the situation forward. In these circumstances, he stated, it was illusory to think that peace could be achieved. The Secretary-General stressed the need for a solid international framework to address the external aspects of the Afghan question and to bring the Afghan parties to the negotiating table. He stated that the meetings held in New York of countries with influence in Afghanistan,⁵⁹

⁵⁸ S/1997/894.

⁵⁹ The Group of 21 included: China, Egypt, France, Germany, India, Islamic Republic of Iran, Italy, Japan, Kazakhstan, Kyrgyzstan, the Netherlands, Pakistan, Russian Federation, Saudi Arabia, Sweden, Tajikistan,

⁵⁵ S/1997/408.

⁵⁶ S/1997/424 and S/1997/463.

⁵⁷ S/PRST/1997/35.

as well as those of the immediate neighbours and other countries,⁶⁰ were part of his efforts in this direction. Parallel to the international framework, he also expressed his intention to maintain close contact with the warring parties, through UNSMA and at United Nations Headquarters, as well as with other influential Afghan individuals and organizations, with a view to preparing the ground for an intra-Afghan dialogue. He stated that over the past several years, it had become increasingly difficult to justify the continuation of United Nations peace efforts in Afghanistan in the absence of any positive signs suggesting a fundamental change of attitude on the part of those Governments that were capable of contributing decisively to a peaceful solution of the conflict. He maintained that much more needed to be done by Governments, with a greater sense of unity, in order for the peace efforts spearheaded by the United Nations to stand a realistic chance of success.

At its 3841st meeting, held on 16 December 1997 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the President (Costa Rica) invited the representative of Afghanistan, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President then made the following statement on behalf of the Council:⁶¹

The Security Council has considered the report of the Secretary-General of 14 November 1997 on the situation in Afghanistan and its implications for international peace and security, which was also considered by the General Assembly.

The Council reiterates its grave concern at the continued military confrontation in Afghanistan, which has caused human suffering and material destruction, which threatens to lead to the disintegration of the country and which represents a growing threat to regional and international peace and security. It deplores the unwillingness of the Afghan warring factions to lay

Turkey, Turkmenistan, United Kingdom, United States and Uzbekistan, as well as the Organization of the Islamic Conference.

⁶⁰ The Group of Eight which was later referred to as the "six plus two" group, comprised the neighbouring countries of Afghanistan — China, the Islamic Republic of Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan — as well as the Russian Federation and the United States.

⁶¹ S/PRST/1997/55.

down their arms and cooperate with the United Nations for peace.

The Council stresses that the Afghan conflict has no military solution and that the primary responsibility for finding a peaceful settlement lies with the Afghan parties themselves. It urges all Afghan parties to take genuine confidence-building measures, to agree immediately on a ceasefire, and to engage without preconditions in a political dialogue aimed at achieving national reconciliation, a lasting political settlement of the conflict and the formation of a broad-based, fully representative government that will protect the rights of all Afghans and abide by Afghanistan's international obligations.

The Council deplores the fact that foreign military support to the Afghan parties continued unabated through 1997 and reiterates its call to all States to end immediately the supply of arms, ammunition, military equipment, training or any other military support to all parties to the conflict in Afghanistan, including the involvement of foreign military personnel.

The Council encourages the Secretary-General and Member States to undertake preliminary studies on how an effective arms embargo could be imposed and implemented in a fair and verifiable manner.

The Council insists that the United Nations, as a universally recognized and impartial intermediary, must be given all necessary support so it can continue to play a pivotal, central role in coordinated international efforts, including the efforts of interested countries and organizations, towards a peaceful resolution of the Afghan conflict. It believes that peace and stability in Afghanistan can best be attained through intra-Afghan political negotiations under United Nations auspices with the active and coordinated assistance of all countries concerned. The Council reiterates its full support for the activities and mandates of the United Nations Special Mission to Afghanistan and those of the Special Envoy of the Secretary-General for Afghanistan.

The Council supports the efforts of the Secretary-General aimed at the establishment of a solid international framework in order to address the external aspects of the Afghan question and, in this context, welcomes the convening of meetings of concerned countries as well as those of the immediate neighbours and other countries.

The Council remains deeply concerned at the continuing discrimination against girls and women and other violations of human rights, as well as at violations of international humanitarian law in Afghanistan.

The Council notes with deep concern the reports about mass killings of prisoners of war and civilians in Afghanistan and supports the intention of the Secretary-General to continue to investigate fully such reports.

The Council expresses serious concern over the looting of United Nations premises and food supplies and deliberate restrictions placed on the access of humanitarian organizations

to some parts of the country and on other humanitarian operations, and urges all parties to prevent their recurrence.

The Council reiterates that the continuation of the conflict in Afghanistan provides a fertile ground for terrorism and illegal drug production and trafficking which destabilize the region and beyond, and calls upon the leaders of the Afghan parties to halt such activities.

The Council requests the Secretary-General to continue to keep it regularly informed about the situation in Afghanistan and his efforts.

The Council will remain seized of the matter.

**Decision of 6 April 1998 (3869th meeting):
statement by the President**

On 17 March 1998, pursuant to resolution 1076 (1996), the Secretary-General submitted to the Council a report on the situation in Afghanistan and its implications for international peace and security.⁶² In his report, the Secretary-General observed that the Afghan tragedy continued, as the factions, supported by the uninterrupted supply of arms from outside of the territory, kept fighting in defiance of the will of the vast majority of the Afghan people. Foreign interference by countries in the region and beyond in the form of political and military support of one faction or another, reinforced the reluctance of the faction leaders to engage in serious political dialogue with one another. He remained convinced that the United Nations and Member States must seriously consider the external aspects of the Afghan question and attempt to address them in earnest. Those countries concerned needed to also find a common approach to the Afghan question and to agree on measures to curb the flow of arms and other war-making materials into Afghanistan. As part of those efforts, the "six plus two" group⁶³ had held its fourth meeting on 3 March 1998 and finalized the common talking points on Afghanistan,⁶⁴ which were to be used by them individually and collectively when they consulted the Afghan factions.

At its 3869th meeting, held on 6 April 1998 in accordance with the understanding reached in its prior consultations, the Council included the above report of

the Secretary-General on its agenda. After the adoption of the agenda, the President (Japan) invited the representative of Afghanistan, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁶⁵

The Security Council has considered the report of the Secretary-General of 17 March 1998 concerning the situation in Afghanistan.

The Council expresses its grave concern at the continued Afghan war, which is a serious threat to regional and international security and causes extensive human suffering, further destruction, refugee flows and other forcible displacement of large numbers of people.

The Council is concerned by the increasingly ethnic nature of the conflict, by reports of persecution based on ethnicity, and by the threat this poses to the unity of the Afghan State.

The Council urges all Afghan parties to stop the fighting, to agree immediately on a ceasefire, and to engage without preconditions in a political dialogue aimed at achieving national reconciliation, a lasting political settlement of the conflict, which has no military solution, and the formation of a broad-based fully representative government.

The Council reaffirms its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, and respect for its cultural and historical heritage.

The Council deplores the fact that foreign interference in Afghanistan continues unabated in the form of the supply of war-making materials to the factions. It also deplores the active political and military support from outside Afghanistan to the factions, thereby reinforcing the reluctance of faction leaders to engage in serious political dialogue with one another. The Council reiterates its call to all States to stop such interference immediately.

The Council notes with concern that all the Afghan parties have been actively engaged in arms replenishment throughout the last months, warns the conflicting parties that the resumption of large-scale fighting will seriously undermine the attempts of the international community to assist them in finding a political solution to the conflict and urges them to live up to their declared desire for such a solution.

The Council reiterates its position that the United Nations, as a universally recognized intermediary, must continue to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict and extends its full support for the activities of the United Nations Special

⁶² S/1998/222.

⁶³ China, Islamic Republic of Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan, as well as Russian Federation and United States. See also decision of 9 July 1997.

⁶⁴ S/1998/222, annex.

⁶⁵ S/PRST/1998/9.

Mission to Afghanistan and those of the Special Envoy of the Secretary-General for Afghanistan, particularly in his current mission in the region.

The Council commends the consolidation of the process, initiated by the Special Envoy with the convening of the “six plus two” group, and calls upon all countries involved in it to continue to participate in its work in good faith, including in the discussion to devise effective and impartial ways to curb the flow of arms and other war-making materials into Afghanistan. The Security Council welcomes the support of other Member States for this process.

The Council is deeply concerned by the deteriorating security conditions for United Nations and humanitarian personnel and calls upon all Afghan factions, in particular the Taliban, to take necessary steps to assure their safety.

The Council remains deeply concerned at the continuing discrimination against girls and women and other violations of human rights as well as violations of international humanitarian law in Afghanistan.

The Council supports the steps of the Secretary-General to launch investigations into alleged mass killings of prisoners of war and civilians in Afghanistan, the outcome of which will be submitted to the General Assembly and the Security Council as soon as it becomes available.

The Council is also concerned with the sharp deterioration of the humanitarian situation in several areas in Central and Northern Afghanistan, which is caused by the Taliban-imposed blockade of the Bamyan region remaining in place despite appeals by the United Nations and several of its Member States to lift it, as well as by the lack of supplies coming in from the northern route owing to insecurity and looting. The Council strongly urges the Taliban to let the humanitarian agencies attend to the needs of the population.

The Council reiterates that the continuation of the conflict in Afghanistan provides a fertile ground for terrorism and illegal drug production and trafficking, which destabilize the region and beyond, and calls upon the leaders of the Afghan parties to halt such activities.

The Council will remain seized of the matter and requests the Secretary-General to continue to keep it regularly informed of the situation in Afghanistan.

**Decision of 14 July 1998 (3906th meeting):
statement by the President**

On 19 June 1998, pursuant to resolution 1076 (1996), the Secretary-General submitted to the Council a report on the situation in Afghanistan and its implications for international peace and security.⁶⁶ In

⁶⁶ S/1998/532.

his report, the Secretary-General observed with concern the start of the spring offensive as well as the suspension in early May 1998 of the full-fledged talks among the warring factions, which had been started earlier in Islamabad as part of the “ulema process”. Those alarming developments were further evidence that, despite their claim to the contrary, the Afghan factions were not ready for serious peace talks, but were determined to pursue the “mirage” of the military option. He regretted that some countries in the region, which supported one Afghan faction or another, were supplying armaments to them despite repeated appeals by the international community. He believed that a major handicap to the peacemaking efforts remained the absence of a coherent approach to the problem, as well as a lack of political will on the part of those countries with influence on the warring factions. He noted with concern that, to date, those players had not been able to rise above their national interests and consider the Afghan question in terms of the interests of the region as a whole nor had agreed on a common platform for the settlement of the conflict. In addition to appealing to the Afghan factions to return to the negotiating table, the Secretary-General called upon the regional powers to intensify their contacts among themselves on Afghanistan. He also called on those that were not directly involved, but were nevertheless concerned, to assist the United Nations in encouraging talks among the regional powers.

At its 3906th meeting, held on 14 July 1998 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda.

At the same meeting, the President made the following statement on behalf of the Council:⁶⁷

The Security Council has considered the report of the Secretary-General of 19 June 1998 concerning the situation in Afghanistan of 19 June 1998.

The Council reaffirms its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, and respect for its cultural and historical heritage. It reiterates its concern at the increasingly ethnic nature of the conflict, and at the continuing threat this poses to the unity of the Afghan State.

The Council expresses its grave concern at the continued Afghan conflict, which is a serious threat to regional and

⁶⁷ S/PRST/1998/22.

international security, and causes extensive human suffering, further destruction, refugee flows and other forcible displacement of large numbers of people.

The Council deplores the fact that military support, including the supply of arms and other related materiel, from outside Afghanistan to the warring factions continues unabated, despite repeated pleas to halt it made by the Council, the General Assembly and the Secretary-General. It reiterates its call to all States, in particular those in the region, to cease such interference immediately.

The Council considers it necessary that more active efforts be undertaken under the aegis of the United Nations and with the participation of interested countries aimed at a peaceful settlement of the Afghan conflict, taking into account the interests of all ethnic and religious groups and political forces involved therein.

The Council deplores the breakdown of the intra-Afghan talks in Islamabad and calls upon the parties to respect the wishes of the overwhelming majority of Afghans, to stop the fighting, to return without delay and preconditions to the negotiating table and to engage in a political dialogue aimed at achieving national reconciliation, a lasting political settlement of the conflict, which has no military solution, and the formation of a broad-based fully representative government. As an initial step towards that goal, the Council calls upon the parties to agree immediately on a ceasefire, an exchange of prisoners, and the lifting of all restrictions on the shipments of humanitarian supplies throughout the country.

The Council reiterates its position that the United Nations, as a universally recognized intermediary, must continue to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict, and extends its full support for the activities of the United Nations Special Mission to Afghanistan and those of the Special Envoy of the Secretary-General for Afghanistan.

The Council takes note of the assessment of the Secretary-General that *loya jirgah* as an informal, time-honoured Afghan method of settling disputes, advocated by some leaders of non-warring Afghan factions, continues to deserve attention, and encourages the Special Mission to continue to maintain useful contacts with them.

The Council commends the work of the “six plus two” group and calls upon all countries involved in the group to continue to participate in good faith with the aim of elaborating, on the basis of the agreed talking points, a coherent approach to the peacemaking efforts in Afghanistan, including the problem of curbing the flow of arms and other related materiel into Afghanistan in an effective and even-handed manner. It welcomes and encourages the additional support of other Member States for this process.

The Council urges all Afghan factions to cooperate fully with the Special Mission and international humanitarian organizations and calls upon them, in particular the Taliban, to

take all necessary steps to assure the safety and freedom of movement of such personnel.

The Council acknowledges the signing of the memorandum of understanding between the United Nations and the Taliban on humanitarian issues and stresses the importance of its full implementation, including full respect for immunities of United Nations staff and for the assistance of the United Nations in health and education. Noting that some of the obstacles to the provision of assistance to Hazarajat have been overcome, it nevertheless remains concerned at the continuing use by the Taliban of United Nations humanitarian aid as a weapon against the Hazara and demands that this practice cease immediately. The Council also remains concerned at the lack of supplies coming from the northern route due to insecurity and looting. It calls upon all Afghan factions to lift unconditionally any blockade of humanitarian relief supplies.

The Council is concerned at recent reports of harassment of humanitarian organizations and at the unilateral decision by the Taliban to relocate humanitarian organizations’ offices in Kabul. It calls upon all factions to facilitate the work of humanitarian agencies to the greatest extent possible.

The Council remains deeply concerned at the continuing discrimination against girls and women and other violations of human rights as well as violations of international humanitarian law in Afghanistan.

The Council supports the steps of the Secretary-General to launch investigations into alleged mass killings of prisoners of war and civilians in Afghanistan, the outcome of which will be submitted to the General Assembly and the Council as soon as it becomes available.

The Council reiterates that the continuation of the conflict in Afghanistan provides a fertile ground for terrorism and illegal drug production and trafficking which destabilize the region and beyond, and calls upon the leaders of the Afghan parties to halt such activities.

The Council will remain seized of the matter and requests the Secretary-General to continue to keep it regularly informed of the situation in Afghanistan.

**Decision of 6 August 1998 (3914th meeting):
statement by the President**

At its 3914th meeting, held on 6 August 1998 in accordance with the understanding reached in its prior consultations, the Council resumed consideration of the item on its agenda. After the adoption of the agenda, the President (Slovakia) invited the representative of Afghanistan, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁶⁸

The Security Council expresses its grave concern at the new sharp escalation of the military confrontation in Afghanistan, which is a growing threat to regional and international peace and security, and demands an urgent and unconditional ceasefire leading to a final end to the hostilities.

The Council reiterates that the Afghan crisis can be settled only by peaceful means, through direct negotiations between the Afghan factions under United Nations auspices, aimed at achieving mutually acceptable solutions accommodating the rights and interests of all ethnic, religious and political groups of Afghan society.

The Council calls upon all Afghan parties to return to the negotiating table without delay and preconditions and to cooperate with the aim of creating a broad-based and fully representative government, which would protect the rights of all Afghans and observe the international obligations of Afghanistan. The Council calls upon all States neighbouring Afghanistan and other States with influence in Afghanistan to intensify their efforts under the aegis of the United Nations to bring the parties to a negotiated settlement.

The Council demands that the Afghan parties and those countries concerned observe fully the provisions of the relevant resolutions on Afghanistan adopted by the General Assembly and the Council.

The Council calls upon all States to refrain from any outside interference in the internal affairs of Afghanistan, including the involvement of foreign military personnel. It reiterates that any such interference from abroad should cease immediately and calls upon all States to end the supply of arms and ammunition to all parties to the conflict and to take resolute measures to prohibit their military personnel from planning and participating in combat operations in Afghanistan.

The Council is deeply concerned at the serious humanitarian crisis in Afghanistan. It calls upon all Afghan parties and, in particular, the Taliban, to take the necessary steps to secure the uninterrupted supply of humanitarian aid to all in need of it and in this connection not to create impediments to the activities of the United Nations humanitarian agencies and international humanitarian organizations. The Council condemns the killing of the two Afghan staff members of the World Food Programme and the Office of the United Nations High Commissioner for Refugees in Jalalabad.

The Council once again urges all Afghan factions to cooperate fully with the United Nations Special Mission to Afghanistan and international humanitarian organizations and calls upon them, in particular the Taliban, to take the necessary steps to assure the safety and freedom of movement of such personnel. The Council deplores the measures taken by the

⁶⁸ S/PRST/1998/24.

Taliban which have made it impossible for nearly all international humanitarian organizations to continue their work in Kabul. It supports the efforts of the Office for the Coordination of Humanitarian Affairs in its current talks with the Taliban in order to ensure adequate conditions for the delivery of aid by humanitarian organizations.

The Council remains deeply concerned at the continuing discrimination against girls and women and other violations of human rights as well as violations of international humanitarian law in Afghanistan.

The Council calls upon all parties to respect international conventions regarding the treatment of prisoners of war and the rights of non-combatants.

The Council will remain seized of the matter.

Decision of 28 August 1998 (3921st meeting): resolution 1193 (1998)

At its 3921st meeting, held on 28 August 1998 in accordance with the understanding reached in its prior consultations, the President (Slovakia) invited the representatives of Afghanistan, Austria, India, the Islamic Republic of Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkey and Uzbekistan, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the members of the Council to the text of a draft resolution, submitted by Costa Rica, France, India, the Islamic Republic of Iran, Japan, Kazakhstan, Kenya, Kyrgyzstan, Portugal, the Russian Federation, Slovenia, Sweden, Tajikistan, Turkey, the United Kingdom, the United States and Uzbekistan.⁶⁹

At the outset, the representative of Austria, speaking on behalf of the European Union and the associated and aligned countries,⁷⁰ noted with concern the escalation of the conflict in Afghanistan and called on all factions to cease hostilities and engage in negotiations under United Nations auspices. He expressed concern about the consequences of the latest fighting for the Hazara and strongly urged the Taliban to refrain from all acts of violence, especially against the civilian population. He reiterated that there was no military solution to the Afghan conflict, and that only a political settlement aimed at the establishment of a fully representative, broad-based government, could

⁶⁹ S/1998/810.

⁷⁰ S/PV.3921, p. 2 (Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Iceland, Liechtenstein and Norway).

lead to peace and reconciliation. The European Union strongly deplored the fact that third parties, instead of using their influence on the warring factions to support the efforts to restore peace, continued to interfere in the internal affairs of Afghanistan by supplying the factions with weapons and other materiel. In this connection, the European Union wished to reaffirm its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan. It strongly urged that all kind of strategic and military support to Afghan factions, including involvement of foreign military personnel, needed to cease. He further underlined that the European Union continued to enforce the embargo on the export of arms, munitions and military equipment. Finally, he stated that the conflict in Afghanistan continued to threaten peace and security and stability in the whole region with the trafficking of drugs as well as providing terrorist bases and training camps. The conflict's repercussions reached far beyond Afghanistan and its neighbours and caused serious damage to States Members of the European Union.⁷¹

The representative of Pakistan stated that no other country had suffered more from the conflict in Afghanistan than Pakistan. As a consequence of continued instability in Afghanistan, Pakistan continued to host more than 1.5 million refugees, and had also been the victim of terrorism, drug trafficking and arms smuggling. He stressed that his country's consistent policy had been the promotion of a peaceful and negotiated settlement in Afghanistan, and had been the only country that had engaged with all the sides in the conflict. He stressed that, while the military fortunes or misfortunes of any of the parties were purely an internal affair of the Afghan people, the new ground realities could not be ignored by the international community. He expressed the belief that there was a distinct possibility for the restoration of peace in Afghanistan. His delegation had been encouraged by the positive pronouncements made by the Afghan authorities in Kabul: that they would grant amnesty to all who surrendered; and that the local commanders were under strict instructions not to indulge in revenge killings. He stressed that the recent air strikes by the United States in Afghanistan against alleged terrorist targets were likely to complicate the situation. In dealing with terrorism, recourse to any

⁷¹ Ibid., pp. 2-4.

means other than established principles and international norms was likely to have a negative effect. It could "spiral out of control" and further complicate matters in a vicious circle of action and retaliation. He stated that the time had now come "for the international community to engage with the authorities in Kabul" and that there was an urgent need for the opening of an effective channel of communication with the "true representatives of Afghanistan and its people". He appealed to the international community to accord formal recognition to the Government in Kabul. The Afghanistan seat at the United Nations needed to be assumed by the "true representatives of the people" and the "non-existing regime of northern Afghanistan" needed to cease to occupy the United Nations seat.⁷²

The representative of Tajikistan stated that the leadership of the Taliban movement had been banking on a military solution to the Afghan problem with the direct and massive support from outside, and that this was a source of apprehension regarding possible armed actions by the Taliban on the Tajik-Afghan border. Expressing concern over the reports regarding "glaring" violations of human rights and international law in Afghanistan, he noted that his country did not exclude the possibility of an uncontrollable surge of Afghan refugees into Tajikistan. He stressed that the events in the north of Afghanistan confirmed the timeliness of the decision to establish a Russian Federation-Tajikistan-Uzbekistan "troika" to counteract religious extremism, which could have a highly negative effect on the peace process in Tajikistan. There was a need for urgent practical steps on the part of the United Nations aimed at stepping up assistance for a peaceful settlement in Afghanistan, such as holding high-level meetings in the region for representatives of States Members of the "six plus two" group to consider a concrete plan for a settlement to the conflict.⁷³

The representative of India stated that peace and stability in Afghanistan were in the security interest of India, as they were for almost all of the neighbours of Afghanistan. In respecting the unity, independence, sovereignty and territorial integrity of Afghanistan, India was concerned that all the evidence pointed to a de facto invasion of Afghanistan by foreign military

⁷² Ibid., pp. 4-6.

⁷³ Ibid., pp. 6-7.

forces in support of the Taliban. The fighting in Afghanistan was both exploiting and heightening ethnic differences. If this continued, the unity and independence of Afghanistan would be in danger and, if Afghanistan unravelled, the impact would be felt across the region. He further noted that “ruthless terrorist organizations” had used Afghanistan as a base to recruit, train and harbour operatives who were sent abroad to “carry out atrocities”. That was an issue of particular concern to India as it had been the victim of State-sponsored, cross-border terrorism.⁷⁴

The representative of the Islamic Republic of Iran stated that, as a neighbour, Iran was seriously concerned about the following threats: the continued violence close to its borders; the danger of violence and conflict spilling over into its territory; the flow of more refugees as a result of the escalation of the conflict and of displacement by the Taliban of groups of the Afghan population on ethnic and religious grounds; the escalation of drug cultivation and trafficking; and the continued presence and activities of terrorist elements and terrorist organizations in that country. He further expressed concern about the fate of the personnel of the Iranian Consulate-General in Mazar-e-Sharif, which had been seized by the Taliban.⁷⁵

The representative of Uzbekistan expressed concern that the continuing military action in Afghanistan posed a major threat to international and regional peace and security, particularly in the region of Central Asia. He noted that one of the main concerns of his Government was the continuing supply of arms and ammunition to the parties to the Afghan conflict and the unabated foreign interference in Afghanistan. Furthermore, Uzbekistan believed that the United Nations needed to play a central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict. He also reiterated his delegation’s position that the activities of the “six plus two” group were a very important part of the achievement of a peaceful resolution to the Afghan conflict. In conclusion, he reaffirmed the proposal of his Government that a meeting of the “six plus two” group be held in the region.⁷⁶

⁷⁴ Ibid., pp. 7-8.

⁷⁵ Ibid.; see also S/1998/776.

⁷⁶ Ibid., pp. 10-11.

The representative of Afghanistan maintained that the statement by the delegation of Pakistan was “nothing but a commitment to the pursuit of a policy of intervention and hegemony based on Pakistan’s attitude of blatancy and impunity towards Afghanistan”. He stated that some elements killed in the United States missile strikes on the terrorist camps in eastern Afghanistan had been “identified by both intelligence sources and the world news media as Pakistani nationals, either plain-clothes army officers of the Pakistani Government or members of the organizations based in Pakistan evidently engaged in terrorist activities worldwide”. He underscored that only an immediate halt to the Pakistani interventions in Afghanistan, and thereby the establishment of a broad-based, fully representative Government in the country, would lead to an early return of lasting peace and civility.⁷⁷

At the resumption of the same meeting, the representative of the Russian Federation stated that the Taliban had undertaken another attempt by force of arms to extend their control over the entire territory of Afghanistan. This new phase of the civil war was destabilizing the situation in the entire region of Central Asia and beyond. It created a direct threat to the southern borders of CIS. Noting that the military expansion of the Taliban movement in the northern region of Afghanistan was being carried out with direct external assistance and the involvement of military personnel, he stressed that foreign interference in the Afghan conflict needed to cease. His delegation was deeply concerned about ethnic and religious-based persecution, ethnically motivated acts of forced displacement of large segments of the population and violations of international conventions relating to the treatment of prisoners of war and of the rights of persons not involved in combat. In conclusion, he stressed that his delegation was convinced that there could be no military solution to the Afghan conflict. He strongly supported efforts aimed at a political settlement in Afghanistan that responded to the interests of all Afghans.⁷⁸

The representative of China noted that Afghanistan was a multi-ethnic country whose ethnic disputes had deep historical roots. That, in addition to

⁷⁷ Ibid., pp. 12-13.

⁷⁸ S/PV.3921 (Resumption), pp. 2-3.

the involvement of outside forces, had made the situation in Afghanistan even more complex. He expressed the belief that any military advance was temporary. Both the history and the realities of Afghanistan had demonstrated that military means were not helpful to finding a solution. He maintained that the resumption of negotiations among all the factions in Afghanistan, under United Nations auspices, was the only way to a solution of the conflict in Afghanistan.⁷⁹

The representative of the United Kingdom stated that the recent fighting had threatened the peace and stability of the region. He reiterated that only a political settlement negotiated between the factions and accommodating the rights and interests of all Afghans could achieve a durable peace. His delegation strongly supported the demand that the Afghan factions stop fighting and enter urgently into negotiations, under United Nations auspices, aimed at creating a fully representative, broad-based government. He stressed that the worrying aspect of the current situation was the increasingly ethnic nature of the conflict. He also stressed that his country remained deeply concerned by continuing reports of outside interference in the internal affairs of Afghanistan.⁸⁰

The representative of France, recalling resolution 1076 (1996), reiterated that the Afghan parties needed to put an end to hostilities without delay and without preconditions and engage in true political dialogue aimed at achieving national reconciliation. He stressed that outside interference, especially in the form of arms supplies, needed to cease.⁸¹

The representative of the United States emphasized that no faction in Afghanistan could impose its will on the entire country through military action. A lasting settlement could be achieved only by establishing a representative and broad-based multi-ethnic Government that could effectively govern and honour the international obligations of Afghanistan. He called on the Afghan factions to facilitate the delivery of humanitarian aid by the United Nations and non-governmental organizations and urged the Afghan factions to cease all assistance to terrorists, including providing sanctuary, and to expel them from

Afghanistan. He asked the neighbours of Afghanistan to not interfere or take any actions that could further inflame the conflict at that critical time.⁸²

A number of other speakers expressed grave concern at the situation in Afghanistan, particularly the violations of human rights. They stressed that political dialogue and a broad-based government in which all groups were represented remained the only solution to the conflict.⁸³

The draft resolution was then put to the vote and adopted unanimously as resolution 1193 (1998), which reads:

The Security Council,

Having considered the situation in Afghanistan,

Recalling its resolution 1076 (1996) of 22 October 1996 and the statements by the President of the Security Council on the situation in Afghanistan,

Recalling also General Assembly resolutions 52/211 A and B of 19 December 1997,

Expressing its grave concern at the continued Afghan conflict which has recently escalated sharply as a result of the offensive by the Taliban forces in the northern parts of the country, causing a serious and growing threat to regional and international peace and security, as well as extensive human suffering, further destruction, refugee flows and other forcible displacement of large numbers of people,

Concerned by the increasingly ethnic nature of the conflict, by reports of ethnicity and religion-based persecution, particularly against the Shiites, and by the threat this poses to the unity of the Afghan State,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, and its respect for its cultural and historical heritage,

Deploring the fact that despite repeated pleas by the Council, the General Assembly and the Secretary-General to halt foreign interference in Afghanistan, including the involvement of foreign military personnel and the supply of arms and ammunition to all parties in the conflict, such interference continues unabated,

⁷⁹ Ibid., p. 11.

⁸⁰ S/PV.3921, p. 10 (Turkey) and pp. 11-12 (Kazakhstan); S/PV.3921 (Resumption), pp. 3-4 (Portugal); pp. 5-6 (Japan); p. 6 (Kenya); pp. 7-8 (Sweden); p. 8 (Bahrain); pp. 8-9 (Costa Rica); pp. 9-10 (Brazil); pp. 10-11 (Gambia); and pp. 11-12 (Slovenia).

⁷⁹ Ibid., p. 3.

⁸⁰ Ibid., pp. 4-5.

⁸¹ Ibid., pp. 6-7.

Reiterating its view that the United Nations must continue to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict,

Deeply concerned at the serious humanitarian crisis in Afghanistan, and deploring in this regard the measures taken by the Taliban which resulted in the evacuation of the United Nations humanitarian personnel from Afghanistan, and expressing hope for their early return under conditions of security,

Expressing its grave concern at the capture by the Taliban of the Consulate-General of the Islamic Republic of Iran in Mazar-e-Sharif and at the fate of the personnel of the Consulate-General and of other Iranian nationals missing in Afghanistan,

Deeply disturbed by the deteriorating security conditions for United Nations and other international and humanitarian personnel,

Deeply concerned at the continuing presence of terrorists in the territory of Afghanistan and at the production and trafficking of drugs,

Remaining deeply concerned at the continuing discrimination against girls and women and at other violations of human rights and of international humanitarian law in Afghanistan,

1. *Reiterates* that the Afghan crisis can be settled only by peaceful means, through direct negotiations between the Afghan factions under United Nations auspices, aimed at achieving a solution accommodating the rights and interests of all Afghans, and stresses that territorial gains through military operations will neither lead to a durable peace in Afghanistan, nor contribute to a comprehensive settlement of the conflict in this multicultural and multi-ethnic country;

2. *Demands* that all Afghan factions stop fighting, resume negotiations without delay and preconditions, and cooperate with the aim of creating a broad-based and fully representative government, which would protect the rights of all Afghans and would observe the international obligations of Afghanistan;

3. *Reiterates once again* that any outside interference in the internal affairs of Afghanistan should cease immediately, and calls upon all States to take resolute measures to prohibit their military personnel from planning and participating in military operations in Afghanistan and immediately to end the supply of arms and ammunition to all parties to the conflict;

4. *Calls upon* all States neighbouring Afghanistan and other States with influence in the country to intensify their efforts under the aegis of the United Nations to bring the parties to a negotiated settlement;

5. *Reaffirms its full support* for the efforts of the United Nations, in particular the activities of the United Nations Special Mission to Afghanistan and those of the Special Envoy of the Secretary-General for Afghanistan, in facilitating the political process towards the goals of national reconciliation and

a lasting political settlement with the participation of all parties to the conflict and all segments of Afghan society;

6. *Condemns* the attacks on the United Nations personnel in the Taliban-held territories of Afghanistan, including the killing of the two Afghan staff members of the World Food Programme and the Office of the United Nations High Commissioner for Refugees in Jalalabad, and of the Military Adviser to the Special Mission in Kabul, and calls upon the Taliban to investigate urgently these heinous crimes and to keep the United Nations informed about the results of the investigation;

7. *Demands* that all Afghan factions and, in particular, the Taliban, do everything possible to assure the safety and freedom of movement of the personnel of the United Nations and other international and humanitarian personnel;

8. *Condemns* the capture of the Consulate-General of the Islamic Republic of Iran in Mazar-e-Sharif, and demands that all parties and, in particular, the Taliban, do everything possible to ensure safe and dignified passage out of Afghanistan of the personnel of the Consulate-General and other Iranian nationals missing in Afghanistan;

9. *Urges* all Afghan factions and, in particular, the Taliban, to facilitate the work of the international humanitarian organizations and to ensure unimpeded access and adequate conditions for the delivery of aid by such organizations to all in need of it;

10. *Appeals* to all States, organizations and programmes of the United Nations system, specialized agencies and other international organizations to resume the provision of humanitarian assistance to all in need of it in Afghanistan as soon as the situation on the ground permits;

11. *Expresses its readiness* to call, on a priority basis, for all possible financial, technical and material assistance for the reconstruction of Afghanistan once the conditions are established by the achievement of a lasting peaceful solution of the Afghan conflict, and for the voluntary, safe and secure return of refugees and internally displaced persons;

12. *Reaffirms* that all parties to the conflict are bound to comply with their obligations under international humanitarian law and, in particular, the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches;

13. *Requests* the Secretary-General to continue investigations into alleged mass killings of prisoners of war and civilians as well as ethnicity-based forced displacement of large groups of the population and other forms of mass persecution in Afghanistan, and to submit the reports to the General Assembly and the Council as soon as they become available;

14. *Urges* the Afghan factions to put an end to the discrimination against girls and women and to other violations of human rights, as well as violations of international

humanitarian law, and to adhere to the internationally accepted norms and standards in this sphere;

15. *Demands* that the Afghan factions refrain from harbouring and training terrorists and their organizations and halt illegal drug activities;

16. *Reminds* all parties of the obligation to abide strictly by the decisions of the Council, and expresses its firm intention, in accordance with its responsibility under the Charter of the United Nations, to consider such further steps as may be required for the implementation of the present resolution;

17. *Requests* the Secretary-General to continue to keep it regularly informed of the situation in Afghanistan;

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

Decision of 15 September 1998 (3926th meeting): statement by the President

At its 3926th meeting, held on 15 September 1998 in accordance with the understanding reached in its prior consultations, the President made the following statement on behalf of the Council:⁸⁴

The Security Council strongly condemns the murder of Iranian diplomats in Afghanistan by Taliban combatants. This was a crime committed in flagrant violation of international law and despite repeated assurances by the Taliban leaders guaranteeing the safety and security of the personnel of foreign missions in Mazar-e-Sharif. The killing of Iranian diplomats by Taliban combatants has seriously increased tension in the region.

The Council expresses its deepest condolences to the families of the Iranian diplomats and to the Government of the Islamic Republic of Iran. It believes that this criminal act should be fully investigated with the participation of the United Nations with a view to prosecuting those responsible. The Council demands that the Taliban release other Iranians detained in Afghanistan and ensure their safe and dignified passage out of Afghanistan without further delay.

The Council recalls its condemnation of the murders of members of the United Nations Special Mission to Afghanistan and the personnel of humanitarian agencies in areas controlled by the Taliban and demands that these crimes be investigated and the Taliban ensure the safety and security of all international personnel.

The Council expresses its deep concern at the escalating military operations in the Bamyan province and at reports of mass killings of civilians in northern Afghanistan. It demands that the Taliban fully respect international humanitarian law and human rights.

⁸⁴ S/PRST/1998/27.

The Council calls upon all concerned to exercise maximum restraint. It also calls upon the parties, in particular the Taliban, to take action in response to the strong concerns expressed by the international community, to stop fighting and resume negotiations aimed at achieving a peaceful settlement of the conflict on the basis of the relevant resolutions of the General Assembly and of the Council.

The Council will keep the situation under close review and is prepared to consider urgently further action.

Decision of 8 December 1998 (3952nd meeting): resolution 1214 (1998)

On 23 November 1998, pursuant to resolution 1193 (1998), the Secretary-General submitted to the Council a report on the situation in Afghanistan and its implications for international peace and security.⁸⁵ In his report, the Secretary-General noted that Afghanistan, once a flashpoint of superpower rivalry, had become the stage for a new, regional version of the “Great Game”, in which the economic and security interests of the country’s neighbours and their supporters were played out. A vicious cycle had developed in which the inability of the Afghan factions to agree to a political settlement was both the cause and the effect of persistent outside interference in the affairs of Afghanistan. He stated that the Taliban had taken control of most of the country and the anti-Taliban coalition, with the exception of the fighters under the command of Ahmed Shah Massoud, appeared to have been largely eliminated as a viable fighting force. He further said that the success of the Taliban on the battlefield appeared to have diminished the willingness of some parties to negotiate further and had also increased the prospect of a deeper regionalization of the conflict. The Secretary-General remained convinced that a durable settlement could be achieved only through a ceasefire and the start of a political dialogue among the Afghans leading to national reconciliation. While appreciating the “six plus two” group as a useful forum to discuss the Afghan issues, he stated that he was somewhat disappointed “by the failure of some of those countries to narrow their differences and to cease supplying the weapons and other war materiel that fuel the conflict in Afghanistan”. At that juncture, he welcomed the proposal to convene a ministerial meeting of the group in Tashkent, with the participation of all major Afghan

⁸⁵ S/1998/1109.

factions. The Secretary-General welcomed the success of his Special Envoy in defusing a possible military confrontation between the Islamic Republic of Iran and the Taliban during the envoy's recent visit to the region, following the murder of the Iranian diplomats and the journalist in Mazar-e-Sharif in August 1998. Expressing concern at reports of mass killings and other forms of gross violations of human rights and international humanitarian law, he proposed to establish a separate civil affairs unit in UNSMA, with the primary objective of promoting respect for humanitarian standards and deterring future violations of human rights.

By a letter dated 23 November 1998,⁸⁶ the Secretary-General informed the Council of his intention, with the agreement of the Council, to establish a Civil Affairs Unit within UNSMA and proposed to send an assessment mission to Afghanistan in order to determine the exact mandate, composition and location of the civil monitors.

At its 3952nd meeting, held on 8 December 1998 in accordance with the understanding reached in its prior consultations, the Council included in its agenda the report of the Secretary-General and the letter dated 23 November 1998 from the Secretary-General addressed to the President of the Security Council. After the adoption of the agenda, the President (Bahrain) invited the representatives of the Islamic Republic of Iran and Pakistan, at their request, to participate in the discussion without the right to vote. The President drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.⁸⁷

At the outset, the representative of the Islamic Republic of Iran underlined that the capture by the Taliban of the Consulate-General of the Islamic Republic of Iran and the murder of the Iranian diplomats and a journalist added to the already chronic and complex problems in Afghanistan, which threatened regional and international peace and security. His delegation remained deeply concerned about the political and humanitarian situation in Afghanistan. The persistence of the Taliban in seeking a military solution, despite the wishes of the international community and repeated pleas by the

Security Council, continued to pose an increasing threat to regional peace and security. He maintained that the historical realities and the traditional structure of Afghanistan as a multi-ethnic country made it abundantly clear that no single group or ethnicity, however supported by outside forces, could rule over the country and bring back peace and normalcy to Afghanistan. The solution lay in a resolute process of international persuasion for inter-Afghan political negotiations under the auspices of the United Nations.⁸⁸

The representative of Pakistan urged the international community to adjust to "the new realities on the ground" by recognizing the Kabul authorities as the *de jure* and *de facto* Government of Afghanistan. He maintained that despite significant modifications of the original text, the draft resolution continued to have "a number of significant shortcomings", including the failure to acknowledge that the Taliban controlled 90 per cent of the country and the forces of Massoud continued to shell Kabul. He stated that the overall tone and tenor of the draft resolution was thus biased against one party to the conflict. That and its noticeable and numerous omissions did not augur well for the image of the United Nations, or of the Security Council for that matter, as an impartial player. With regard to the Security Council expressing its readiness to consider the imposition of measures against the Taliban, he stressed that it was likely to send the wrong signal to the Kabul authorities. His delegation strongly believed that dialogue and engagement, rather than coercion and intimidation, would produce the desired results.⁸⁹

Speaking before the vote, the representative of the Russian Federation stated that the escalation of military activities in the north of Afghanistan by the Taliban was a real threat to the southern borders of CIS and, together with other members of CIS, reserved the right of his Government to take all necessary measures to ensure the proper protection of its borders, including measures in accordance with existing international legal commitments. He maintained that the military expansion of the Taliban in northern Afghanistan was being carried out with the direct involvement of foreign military personnel. His delegation called on the

⁸⁶ S/1998/1139.

⁸⁷ S/1998/1140.

⁸⁸ S/PV.3952, pp. 2-3.

⁸⁹ *Ibid.*, pp. 3-5.

Taliban leadership to immediately halt military activities and establish a long-term ceasefire and commence serious negotiations regarding ways and means to establish peace in the country. Only through the steadfast implementation of United Nations decisions by the Taliban, could there be a basis for constructive interaction with other Afghan parties and the world community to establish a lasting peace in Afghanistan.⁹⁰

The representative of the United States stated that by adopting the draft resolution, the Council had taken a clear stand against terrorism and those who provided safe haven to terrorists. She called on all Afghan factions, particularly the Taliban, to abide by the Council resolutions and to ensure that all indicted terrorists on their soil were brought to justice. She condemned the killing of the Iranian diplomatic staff at the Consulate-General in Mazar-e-Sharif, expressed support for an international investigation into those deaths and reminded all Afghan factions of the special protected status of diplomats under international law. She also stressed their support for the demand of the draft resolution that the Taliban immediately inform the United Nations of the results of their investigation into the deaths of United Nations workers in Kabul and Jalalabad.⁹¹

The representative of China was deeply concerned by the fact that fighting had continued in Afghanistan and that a political solution to the conflict remained elusive. Afghanistan was a multi-ethnic country, where ethnic problems had deep roots in history. With the involvement of outside forces, the complex of tensions and contradictions had become even more entrenched. His delegation sincerely hoped that the Afghan factions responded positively to the appeal of the international community and endeavoured through negotiations to establish a broad-based representative government and to restore peace and stability as soon as possible. At the same time, he expected the international community to make concerted efforts to prevent outside forces from meddling in the Afghan conflict so as to create external conditions that would allow the silencing of the guns in Afghanistan. He expressed hope that the international community would exert a positive influence and that

any action taken by the Security Council would contribute to the resumption of talks among the Afghan factions with a view to agreement on a plan for a political settlement.⁹²

The representative of the United Kingdom stated that it was deeply disturbing that some countries that professed to support peace in Afghanistan continued to prolong the war by supplying the factions with arms and funding. The call on all States to demonstrate their commitment to peace by stopping the supply of arms was as clear and strong in the draft resolution before the Council as it was in resolution 1193 (1998), and all Member States had to comply with that call. He maintained that there could be no question of the Security Council taking sides in the Afghan conflict. As the report of the Secretary-General made clear, all factions were guilty of abusing human rights, and violating Security Council and General Assembly resolutions. The responsibility of the Council required it to increase the pressure on all factions to stop the fighting and to recognize that the conflict could only have a political solution, which safeguarded the rights of all ethnic and religious groups in Afghanistan. He stated that the international community needed to prevent the conflict from threatening lives beyond the borders of Afghanistan through the export of international terrorism and illegal drugs. His delegation welcomed the work of the "six plus two" group and urged them to redouble their efforts.⁹³

The representative of France stated that the draft resolution before the Council was necessary because it described a situation of ongoing conflict, external interference, discrimination, the assassination of Iranian diplomatic personnel, the murders of high-ranking United Nations officials, humanitarian crisis and unacceptable constraints imposed upon humanitarian agencies and non-government organizations. He maintained that the fighting went on and the negotiations between the parties had yet to resume. The United Front was prepared to open a political dialogue with the Taliban and to conclude a ceasefire, but the Taliban, for its part, had shown no readiness to resume the negotiations or to put an end to hostilities. He said that it was, therefore, fitting that the draft resolution, while referring to all the factions,

⁹⁰ Ibid., pp. 6-7.

⁹¹ Ibid., p. 7.

⁹² Ibid., pp. 9-10.

⁹³ Ibid., pp. 11-12.

concerned the Taliban first and foremost. It was also appropriate that the draft reflected the idea that the Council was prepared to consider imposing further measures in order fully to implement its resolutions.⁹⁴

A number of other speakers appealed to all internal and external parties to the conflict, to find an early and negotiated settlement to the armed conflict. Most speakers demanded that the Afghan factions, and the Taliban in particular, put an immediate end to military confrontation, conclude a ceasefire, and cease all activities contrary to international humanitarian law.⁹⁵

The draft resolution was then put to the vote and adopted unanimously as resolution 1214 (1998), which reads:

The Security Council,

Having considered the situation in Afghanistan,

Reaffirming its previous resolutions, in particular resolutions 1189 (1998) of 13 August 1998 and 1193 (1998) of 28 August 1998, and the statements by its President on the situation in Afghanistan,

Recalling General Assembly resolutions 52/211 A and B of 19 December 1997,

Expressing its grave concern at the continued Afghan conflict, which has recently escalated sharply as a result of the offensive by the Taliban forces, which is continuing despite the repeated pleas by the Security Council to cease the fighting, and is causing a serious and growing threat to regional and international peace and security, as well as extensive human suffering, further destruction, refugee flows and other forcible displacement of large numbers of people,

Deploring the fact that despite the readiness of the United Front of Afghanistan to conclude a durable ceasefire and to enter into a political dialogue with the Taliban, fighting continues on both sides,

Concerned by the increasingly ethnic nature of the conflict, by reports of ethnic and religious-based persecution, particularly against the Shiites, and by the threat this poses to the unity of the Afghan State,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of

Afghanistan, and its respect for its cultural and historical heritage,

Reiterating that any outside interference in the internal affairs of Afghanistan, including the involvement of foreign military personnel and the supply of arms and ammunition to all parties to the conflict, should cease immediately,

Reaffirming its full support for the efforts of the United Nations, in particular the activities of the United Nations Special Mission to Afghanistan and those of the Special Envoy of the Secretary-General for Afghanistan, in facilitating the political process towards the goals of national reconciliation and a lasting political settlement with the participation of all parties to the conflict and all segments of Afghan society, and reiterating its position that the United Nations must continue to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict,

Welcoming the work of the “six plus two” group, and supporting in this regard the “points of common understanding” adopted at its meeting at the level of Ministers for Foreign Affairs, convened and chaired by the Secretary-General on 21 September 1998,

Deeply concerned at the serious and rapidly deteriorating humanitarian crisis in Afghanistan, deploring in this regard the measures taken by the Taliban which resulted in the evacuation of the United Nations humanitarian personnel from Afghanistan, and underlining the urgent need for the prompt implementation of the necessary security requirements to allow their early return,

Reaffirming that all parties to the conflict are bound to comply with their obligations under international humanitarian law and, in particular, under the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of breaches of the Conventions are individually responsible in respect of such breaches,

Deeply disturbed by the continuing use of Afghan territory, especially areas controlled by the Taliban, for the sheltering and training of terrorists and the planning of terrorist acts, and reiterating that the suppression of international terrorism is essential for the maintenance of international peace and security,

Deeply disturbed also by the growing cultivation, production and trafficking of drugs in Afghanistan, especially in areas controlled by the Taliban,

Reiterating its deep concern at the continuing discrimination against girls and women and at other violations of human rights and of international humanitarian law in Afghanistan,

1. *Demands* that the Taliban, as well as other Afghan factions, stop fighting, conclude a ceasefire and resume negotiations without delay and preconditions under the auspices of the United Nations, and cooperate with the aim of creating a broad-based and fully representative government, which would

⁹⁴ *Ibid.*, p. 13.

⁹⁵ *Ibid.*, pp. 7-8 (Costa Rica); pp. 8-9 (Japan); pp. 10-11 (Slovenia); pp. 12-13 (Sweden); pp. 13-14 (Gambia); p. 14 (Portugal); pp. 14-16 (Kenya); pp. 16-17 (Brazil); and p. 17 (Bahrain).

protect the rights of all Afghans and observe the international obligations of Afghanistan;

2. *Welcomes* the progress made by the Special Envoy of the Secretary-General for Afghanistan in his efforts based on resolution 1193 (1998) and its relevant preceding resolutions to reduce tensions in the region and towards improving the human rights and humanitarian situation in Afghanistan, and calls upon all concerned to implement fully the commitments they have already entered into;

3. *Reiterates its very strong support and appreciation* for the continuing efforts of the Special Envoy to secure the full implementation of its resolutions, and demands that all parties, in particular the Taliban, cooperate in good faith with these efforts;

4. *Reiterates its strong call* on the Taliban to inform the United Nations without further delay about the results of the investigation into the killing of the two Afghan staff members of the World Food Programme and of the Office of the United Nations High Commissioner for Refugees in Jalalabad, and of the Military Adviser to the United Nations Special Mission to Afghanistan in Kabul;

5. *Condemns* the capture by the Taliban of the Consulate-General of the Islamic Republic of Iran and the murder of the Iranian diplomats and a journalist in Mazar-e-Sharif, stresses that these acts constitute flagrant violations of international law, and calls upon the Taliban to cooperate with the United Nations in investigating these crimes with a view to prosecuting those responsible;

6. *Encourages* the Secretary-General to continue his efforts to dispatch a mission to Afghanistan to investigate numerous reports of grave breaches and serious violations of international humanitarian law in that country, in particular mass killings and mass graves of prisoners of war and civilians and the destruction of religious sites, and urges all parties, especially the Taliban, to cooperate with this mission and, in particular, to assure the safety and freedom of movement of its personnel;

7. *Supports* the proposal of the Secretary-General, as contained in his letter dated 23 November 1998 to the President of the Security Council, to establish within the Special Mission, without prejudice to its mandate and taking into account security conditions, a civil affairs unit with the primary objective of monitoring the situation, promoting respect for minimum humanitarian standards and deterring massive and systematic violations of human rights and humanitarian law in the future, and to send an assessment mission to Afghanistan, as soon as security conditions permit, in order to determine the exact mandate, composition and location of the civilian monitors;

8. *Encourages* the initiatives of the “six plus two” group to facilitate the peace process in Afghanistan;

9. *Also encourages* the additional support of other Member States for the peace process in Afghanistan;

10. *Reiterates its call* upon all States to take resolute measures to prohibit their military personnel from planning and participating in military operations in Afghanistan and immediately to end the supply of arms and ammunition to all parties to the conflict;

11. *Urges* all Afghan factions and, in particular, the Taliban, to demonstrate their full commitment to the safety and security of all international and humanitarian personnel, which is a prerequisite for their activities in Afghanistan, to facilitate their work and to ensure unimpeded access and adequate conditions for the delivery of aid to all in need of it;

12. *Demands* that the Afghan factions put an end to discrimination against girls and women and other violations of human rights, as well as violations of international humanitarian law, and adhere to the international norms and standards in this sphere;

13. *Demands also* that the Taliban stop providing sanctuary and training for international terrorists and their organizations, and that all Afghan factions cooperate with efforts to bring indicted terrorists to justice;

14. *Demands further* that the Taliban, as well as others, halt the cultivation, production and trafficking of illegal drugs;

15. *Deplores* the failure of the leadership of the Taliban, in particular, to take measures to comply with the demands made in its previous resolutions, especially to conclude a ceasefire and to resume negotiations, and in this context expresses its readiness to consider the imposition of measures, in accordance with its responsibility under the Charter of the United Nations, with the aim of achieving the full implementation of its relevant resolutions;

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

Deliberations of 27 August 1999 (4039th meeting)

At its 4039th meeting, held on 27 August 1999 in accordance with the understanding reached in its prior consultations, the President (Namibia) invited the representatives of Afghanistan, Egypt, Finland, India, the Islamic Republic of Iran, Japan, Kazakhstan, Norway, Pakistan, Tajikistan, Turkey, Turkmenistan and Uzbekistan, at their request, to participate in the discussion without the right to vote. The Council also extended an invitation, under rule 39 of the provisional rules of procedure, to the Under-Secretary-General for Political Affairs and the Permanent Observer of the Organization of the Islamic Conference.⁹⁶

⁹⁶ S/PV.4039, p. 2.

The Under-Secretary-General for Political Affairs briefed the Council on the deteriorating military situation in Afghanistan following the launch of the long-anticipated Taliban offensive on 28 July, and on the consequences of the resumed fighting on the political, human rights and humanitarian situations. He noted that the attacks had been reinforced by a large influx of recruits from religious schools in Pakistan, with the participation of an estimated 2,000 to 5,000 students of Afghan and other nationalities. He stated that the involvement of neighbouring and other countries in the Afghan conflict not only continued to fuel the fighting but also brought into question the practical significance of the various declarations adopted by the members of the “six plus two” group, including the Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan. He added that the disunity among the “six plus two” members could call into further question the relevance of that group as presently constituted. The Secretary-General hoped that the debate in the Council would generate new ideas and approaches to end the senseless fighting in Afghanistan.⁹⁷

The representative of Afghanistan stated that the aggression and state-sponsored terrorism of Pakistan, which posed a threat to the peace and security of the region and hampered regional development and cooperation, needed to be condemned and dealt with by taking appropriate measures. He accused the Taliban of launching an “all-out offensive” on the Shomali plains, north of Kabul, “aided and accompanied by Pakistani consignments”, just nine days after the group’s meeting in Tashkent. Citing paragraph 15 of resolution 1214 (1998), he urged the Council to consider the immediate imposition of sanctions against the Taliban and “their Pakistani mentor”.⁹⁸

The representative of the Russian Federation, while appreciating the role of the United Nations, stated that his country, mindful of the principle of a peaceful solution to the conflict, earnestly desired a broad-based, fully representative and multi-ethnic government in Afghanistan. He stated that his delegation strongly opposed the continuing escalation of the fighting in Afghanistan by the Taliban and condemned the policy of the Taliban leadership of using force to solve the Afghan problem. He noted the particular cynicism displayed by the Taliban in

carrying out a major offensive literally two days after the conclusion of the Tashkent meeting of the “Group of friends and neighbours of Afghanistan”. His country was seriously concerned by the increasing external interference in the internal affairs of Afghanistan and called on Pakistan to take immediate measures to prevent its territory from being used to provide military support to the Taliban in line with the commitments made by Pakistan, along with the other members of the “six plus two” group, in accordance with the Tashkent Declaration. His delegation could not accept the continuation of a situation in which the territory of Afghanistan was used to support international terrorism and extremism of all stripes and also to encourage the illegal production of and trafficking in narcotics. In connection with such developments that directly affected the security of the Russian Federation, his country, jointly with partners in CIS, would continue to take all necessary measures. While expressing satisfaction with the results of the meeting of the “six plus two” group, held in July in Tashkent, he stressed that the group needed to increase its efforts aimed at achieving a political settlement to the conflict, and that the Security Council needed to support it in every way possible.⁹⁹

The representative of China stated that his Government offered encouragement and support to the conflicting parties in Afghanistan to put the interests of their nation above everything else, disregard their ethnic, religious and political differences, stop fighting among themselves and establish a broad-based and stable government acceptable to all sides, on the basis of mutual respect and extensive consultations. He stressed that military means would not advance the achievement of a final settlement of the issue, and the only way to achieve such a settlement was for all the parties in Afghanistan to return to negotiations under the auspices of the United Nations. He also stated that the United Nations might want to consider imposing a stringent arms embargo on Afghanistan and formulating a specific monitoring mechanism in order to stop the provision of military assistance to the various factions in Afghanistan.¹⁰⁰

The representative of the United States, expressing grave concern about the most recent Taliban

⁹⁷ Ibid., pp. 2-5.

⁹⁸ Ibid., pp. 5-8.

⁹⁹ Ibid., pp. 8-9.

¹⁰⁰ Ibid., pp. 9-10.

offensive and subsequent retreat, stated that this had again demonstrated the futility of any attempt to impose a military solution. Only by the formation of a broad-based government that represented the interests of all Afghans could a lasting resolution of the conflict be achieved. Her delegation supported the continuing efforts of the United Nations and the group of “six plus two” to help shape the outcome through a ceasefire, the exchange of prisoners and the resumption of negotiations. She expressed deep concern that the Afghan territory, particularly that under Taliban control, continued to be used for the sheltering and training of terrorists and for terrorist acts. Citing resolution 1214 (1998), in which the Council expressed its readiness to consider the imposition of measures with the aim of achieving full implementation of its resolutions, she warned that if, in defiance of Security Council resolutions, the Taliban failed to end their protection of terrorists, the international community should bring “increasing and certain pressure” to bear on them.¹⁰¹

The representative of France stated that the internal situation in Afghanistan had undergone a clear deterioration following the new offensive waged in the north. He was particularly concerned by these developments, which were blocking a settlement of the conflict by peaceful means, flouting the Tashkent Declaration of 19 July 1999 and exacerbating the terrible situation of the civilian population. He noted that the refusal of the Taliban to engage in constructive dialogue with the United Front was a major obstacle to the implementation of a peaceful solution. He demanded that the various Afghan factions cease sheltering of and training terrorist organizations and halted the production of and trade in illegal drugs. He also demanded an immediate cessation to all foreign interference in the Afghan conflict, and in particular the sending of arms and volunteers to the factions.¹⁰²

The representatives of the United Kingdom stated that the neighbours of Afghanistan needed to face facts and commit themselves wholeheartedly to a negotiated settlement. Pakistan, with its unique influence over the Taliban, had a particularly important role to play. He recalled that the Taliban and the Northern Alliance had at last acknowledged the “six plus two” group as a

valid mechanism, which could help bring progress. In the next few months, all concerned needed to find a way to build on the Tashkent Declaration and lock the parties into a genuine negotiation.¹⁰³

The representative of Finland, speaking on behalf of the European Union and associated and aligned countries,¹⁰⁴ stated that the European Union was deeply concerned at the recent escalation of the military confrontation in Afghanistan. It was dismayed that the Taliban had ignored the call in the Tashkent Declaration for the Afghan conflict to be settled through peaceful political negotiation and had instead launched a major offensive. He reiterated the position of the European Union that there was no military solution to the conflict, and that only a political settlement, aimed at the establishment of a fully representative, broad-based Government could lead to peace and reconciliation. He reiterated that the European Union had reaffirmed its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan and strongly condemned all foreign interference in Afghanistan. He recalled that the European Union continued to enforce the embargo on the export of arms, munitions and military equipment provided for in its Common Position of 17 December 1996 on Afghanistan, and urged other countries to adopt a similar policy of restraint. He also expressed strong support for the proposal of the Secretary-General to add a new function to UNSMA by establishing a separate civil affairs unit within the Mission whose primary objectives would be to promote respect for humanitarian standards and deter massive and systematic violations of human rights and humanitarian law in the future.¹⁰⁵

The representative of the Islamic Republic of Iran stated that the recourse of the Taliban to violence against ethnic groups tended to further polarize the multi-ethnic Afghan society and consequently aggravated the situation. That trend posed a serious threat to the future of the country as a whole. He expressed deep concern that the path taken by the Taliban might jeopardize the unity of Afghanistan and

¹⁰¹ Ibid., pp. 12-13.

¹⁰² Ibid., pp. 13-14.

¹⁰³ Ibid., pp. 14-15.

¹⁰⁴ S/PV.4039 (Resumption 1), p. 7 (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus and Malta).

¹⁰⁵ Ibid., pp. 7-9.

lead to a situation that endangered the national security of the neighbouring countries and thus further destabilize the region. He pointed out that the continuation of military offensives by the Taliban, which could not be carried out without outside political and military support, certainly destabilized the whole region. The engagement of an ever-growing number of non-Afghan nationals, fighting alongside the Taliban forces, could change the Afghan conflict into a transnational one. The persistence of that dangerous element could cause the conflict to spread beyond Afghan borders. He stressed that the Council needed to review the situation in Afghanistan with a view to taking a number of concrete measures in line with its previous resolutions aimed at compelling the Taliban to heed the demands of the international community concerning peace in Afghanistan.¹⁰⁶

The representative of India stated that the territories in Afghanistan that the Taliban had occupied through military force had become a breeding ground for international terrorism, which had also found a safe haven in the areas straddling the southern borders of Afghanistan. He stressed that the efforts of the international community to bring peace and stability to Afghanistan had to be active and purposeful. Those efforts had to be channelled through the United Nations and all countries that had an interest and influence in Afghanistan needed to be brought within the ambit of those peacemaking efforts.¹⁰⁷

The representative of Tajikistan reiterated that his country was very seriously concerned at the situation that prevailed in neighbouring Afghanistan, because the “hot breath” from the Afghan conflict was felt in the immediate vicinity and all along the 1,500 kilometre border shared with Afghanistan. He called upon the Taliban movement to halt military action and enter into peace negotiations. He emphasized the need to halt direct foreign military interference in the internal affairs of Afghanistan. His country was firmly convinced that the Council needed to take concrete measures to force the perpetrators of the short-sighted destructive policy on Afghanistan to heed the clear demands in the resolutions relating to the Afghan settlement. He believed that the “six plus two” group needed to make a more important contribution and

were obliged to agree as soon as possible on a specific formula for resolving the crisis in Afghanistan. He stated that Tajikistan was prepared to support any international efforts under the aegis of the United Nations to bring about a radical change in the situation in Afghanistan. In that connection, he again reaffirmed the proposal regarding the need to convene an international conference on Afghanistan, to encourage the Afghan parties to enter into serious talks on fundamental problems of an Afghan settlement.¹⁰⁸

The representative of Uzbekistan stressed that the Afghan conflict had grown from an internal problem of Afghanistan into a conflict of regional scale. In that context, some of his delegation’s main concerns were the use of Afghan territory for terrorist activities and for the training and concealing of international terrorists and their organizations, a policy whose consequences created a great danger not only for the region of Central Asia itself, but also for wider international peace and stability. Afghanistan had become one of the main exporters of international terrorism and religious extremism, as well as the largest producer and supplier of narcotics in the world. One of the main concerns of his Government was the continued supply of arms and ammunition to the parties to the Afghan conflict and the unabated foreign interference in Afghanistan. He maintained that the Tashkent meeting of the “six plus two” and its political Declaration had provided a solid basis for the achievement of a regional consensus among the members of the group, elaborated common principles and a single approach to the resolution of the Afghan conflict, and provided an opportunity for the Afghan parties to renew the negotiating process.¹⁰⁹

The representative of Turkmenistan stated that the internal conflict in Afghanistan, which had lasted many years and which had been caused by foreign intervention 20 years ago, was a source of grief in her country. She noted that Turkmenistan remained the only country that maintained an ongoing presence in Afghanistan. Although the domestic political situation had changed, the consular office of Turkmenistan had remained, because it ensured the normal functioning of the border. For neutral Turkmenistan the border was not a fence, but was an instrument for carrying out a

¹⁰⁶ Ibid., pp. 11-12.

¹⁰⁷ Ibid., pp. 13-14.

¹⁰⁸ Ibid., pp. 15-16.

¹⁰⁹ Ibid., pp. 18-19.

foreign policy that sought to help establish an atmosphere of peace, security and mutually advantageous partnership in the region. Turkmenistan would maintain relations with Afghans irrespective of what position was adopted. She called on the United Nations to be more active and to focus its efforts on one goal: the resumption of a direct inter-Afghan dialogue without any discriminatory evaluations of any Afghan party, and particularly without the imposition of any formulas or outside participants. She stated that in the efforts of the United Nations and of all those concerned to see a solution to the Afghan conflict, an important role needed to be played by countries that bore a special responsibility, in particular the five permanent members of the Security Council, States that were the immediate neighbours of Afghanistan and the major regional Powers — India, Turkey and Saudi Arabia. She stated that Turkmenistan, which had direct ongoing relations with the parties to the Afghan conflict, was prepared to continue to promote the process of seeking peace, with the agreement of the Afghans.¹¹⁰

The representative of Pakistan maintained that however ardently his country desired to insulate itself from events in Afghanistan, it could not do so. The 2,500 kilometre-long border shared by Pakistan and Afghanistan consisted of extremely difficult terrain and had always been very porous. Historically, there had been tribal movements from Afghanistan to Pakistan during the winter months and back to Afghanistan during the summers. Millions of Afghan refugees trekked to Pakistan after the Soviet occupation, and their movement to and from Afghanistan had since been largely uncontrolled. Pakistan had to cope with those realities, which was the fundamental difference between its situation and those of others. The reality in Afghanistan was also that the Taliban controlled 90 per cent of the territory, including the capital. He stressed that the international community needed to recognize this reality. Due to the major economic and social costs that Pakistan had had to bear and the price that the people of Pakistan had paid and continued to pay in terms of the impact on the quality of their lives and on their personal security, a peaceful and stable Afghanistan with its unity, territorial integrity and sovereignty fully intact was in the highest national interest of Pakistan. He emphasized that a durable

peace in Afghanistan was possible only on the basis of an intra-Afghan consensus and that any solution to the Afghan conflict had to be indigenous. Afghan history was witness to the fact that external solutions could not be imposed on the fiercely independent people of Afghanistan. He stressed that Pakistan understood this reality and had no desire to interfere in the internal affairs of Afghanistan. Pakistan did not lend any support to any side in Afghanistan, but some countries in the neighbourhood and beyond were doing so by various means, including provision of defence experts, military equipment and even landmines. He agreed with the proposal of China for an arms embargo on Afghanistan and noted that his delegation had also proposed the imposition of a verifiable arms embargo applicable to the whole of Afghanistan. With regard to moves for the imposition of sanctions against the Taliban, his delegation firmly believed that sanctions would be counter-productive, as they would give rise to the feeling of injustice and victimization, which could strengthen extremist sentiments. Finally, he expressed support for the decisions adopted by the “six plus two” group and believed that the group needed to continue and intensify its laudable efforts.¹¹¹

A number of speakers expressed concern at the deterioration of the situation in Afghanistan and called on the parties to cease hostilities and return to the negotiating table under the auspices of the United Nations. Most speakers expressed support for the work of the “six plus two” group. Several speakers expressed concern over the production of drugs and drug trafficking, as well as the harbouring of international terrorism in Afghanistan.¹¹²

**Decision of 15 October 1999 (4051st meeting):
resolution 1267 (1999)**

At its 4051st meeting, held on 15 October 1999 in accordance with the understanding reached in its prior consultations, the President (the Russian Federation) invited the representatives of Afghanistan and the

¹¹⁰ Ibid., pp. 20-21.

¹¹¹ S/PV.4039 (Resumption 1), pp. 21-23.

¹¹² S/PV.4039, pp. 10-11 (Argentina); p. 11 (Bahrain); p. 12 (Canada); and pp. 15-16 (Netherlands); S/PV.4039 (Resumption), pp. 2-3 (Malaysia); pp. 3-4 (Gabon); p. 4 (Gambia); pp. 4-6 (Slovenia); p. 6 (Brazil); pp. 6-7 (Namibia); pp. 9-10 (Kazakhstan); pp. 10-12 (Norway); pp. 14-15 (Japan); p. 17 (Turkey); pp. 19-20 (Egypt); and pp. 23-24 (Permanent Observer of OIC).

Islamic Republic of Iran, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the members of the Council to the text of a draft resolution, submitted by Canada, the Netherlands, the Russian Federation, Slovakia, the United Kingdom and the United States.¹¹³

At the outset, the representative of Afghanistan expressed support for the draft resolution, which would send an “adequate signal to the Taliban and to their Pakistani mentors”, indicating that the international community was extremely concerned about the policy of Pakistan and the Taliban, which was a major threat to international peace and security.¹¹⁴

The representative of the United States stated that the adoption of the draft resolution would send a strong message to the Taliban that the continued harbouring of Osama bin Laden posed a threat to international peace and security. The draft resolution would bring new pressure on the Taliban to turn over Osama bin Laden to authorities in a country where he would be brought to justice. It also established a Committee to monitor implementation of sanctions.¹¹⁵

While announcing that they would vote in favour of the draft resolution, the representatives of Malaysia¹¹⁶ and Bahrain¹¹⁷ expressed concern about measures in the draft resolution which might affect the civilian population.

The draft resolution was then put to the vote and adopted unanimously as resolution 1267 (1999), which reads:

The Security Council,

Reaffirming its previous resolutions, in particular resolutions 1189 (1998) of 13 August 1998, 1193 (1998) of 28 August 1998 and 1214 (1998) of 8 December 1998, and the statements by its President on the situation in Afghanistan,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, and its respect for Afghanistan’s cultural and historical heritage,

¹¹³ S/1999/1054.

¹¹⁴ S/PV.4051, p. 2.

¹¹⁵ *Ibid.*, pp. 2-3.

¹¹⁶ *Ibid.*, pp. 3-4.

¹¹⁷ *Ibid.*, pp. 4-5.

Reiterating its deep concern over the continuing violations of international humanitarian law and of human rights, particularly discrimination against women and girls, and over the significant rise in the illicit production of opium, and stressing that the capture by the Taliban of the Consul-General of the Islamic Republic of Iran and the murder of Iranian diplomats and a journalist in Mazar e Sharif constituted flagrant violations of established international law,

Recalling the relevant international counter-terrorism conventions and in particular the obligations of parties to those conventions to extradite or prosecute terrorists,

Strongly condemning the continuing use of Afghan territory, especially areas controlled by the Taliban, for the sheltering and training of terrorists and planning of terrorist acts, and reaffirming its conviction that the suppression of international terrorism is essential for the maintenance of international peace and security,

Deploing the fact that the Taliban continues to provide safe haven to Osama bin Laden and to allow him and others associated with him to operate a network of terrorist training camps from Taliban-controlled territory and to use Afghanistan as a base from which to sponsor international terrorist operations,

Noting the indictment of Osama bin Laden and his associates by the United States of America for, inter alia, the 7 August 1998 bombings of the United States embassies in Nairobi and Dar es Salaam and for conspiring to kill American nationals outside the United States, and noting also the request of the United States to the Taliban to surrender them for trial,

Determining that the failure of the Taliban authorities to respond to the demands in paragraph 13 of resolution 1214 (1998) constitutes a threat to international peace and security,

Stressing its determination to ensure respect for its resolutions,

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

1. *Insists* that the Afghan faction known as the Taliban, which also calls itself the Islamic Emirate of Afghanistan, comply promptly with its previous resolutions and in particular cease the provision of sanctuary and training for international terrorists and their organizations, take appropriate effective measures to ensure that the territory under its control is not used for terrorist installations and camps, or for the preparation or organization of terrorist acts against other States or their citizens, and cooperate with efforts to bring indicted terrorists to justice;

2. *Demands* that the Taliban turn over Osama bin Laden without further delay to appropriate authorities in a country where he has been indicted, or to appropriate authorities in a country where he will be returned to such a country, or to appropriate authorities in a country where he will be arrested and effectively brought to justice;

3. *Decides* that on 14 November 1999 all States shall impose the measures set out in paragraph 4 below, unless the Council has previously decided, on the basis of a report of the Secretary-General, that the Taliban has fully complied with the obligation set out in paragraph 2 above;

4. *Decides also* that, in order to enforce paragraph 2 above, all States shall:

(a) Deny permission for any aircraft to take off from or land in their territory if it is owned, leased or operated by or on behalf of the Taliban as designated by the Committee established by paragraph 6 below, unless the particular flight has been approved in advance by the Committee on the grounds of humanitarian need, including religious obligation such as the performance of the Hajj;

(b) Freeze funds and other financial resources, including funds derived or generated from property owned or controlled directly or indirectly by the Taliban, or by any undertaking owned or controlled by the Taliban, as designated by the Committee established by paragraph 6 below, and ensure that neither they nor any other funds or financial resources so designated are made available, by their nationals or by any persons within their territory, to or for the benefit of the Taliban or any undertaking owned or controlled, directly or indirectly, by the Taliban, except as may be authorized by the Committee on a case-by-case basis on the grounds of humanitarian need;

5. *Urges* all States to cooperate with efforts to fulfil the demand in paragraph 2 above, and to consider further measures against Osama bin Laden and his associates;

6. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States further information regarding the action taken by them with a view to effectively implementing the measures imposed by paragraph 4 above;

(b) To consider information brought to its attention by States concerning violations of the measures imposed by paragraph 4 above and to recommend appropriate measures in response thereto;

(c) To make periodic reports to the Council on the impact, including the humanitarian implications, of the measures imposed by paragraph 4 above;

(d) To make periodic reports to the Council on information submitted to it regarding alleged violations of the measures imposed by paragraph 4 above, identifying where possible persons or entities reported to be engaged in such violations;

(e) To designate the aircraft and funds or other financial resources referred to in paragraph 4 above in order to facilitate the implementation of the measures imposed by that paragraph;

(f) To consider requests for exemptions from the measures imposed by paragraph 4 above as provided for in that paragraph, and to decide on the granting of an exemption to these measures in respect of the payment by the International Air Transport Association to the aeronautical authority of Afghanistan on behalf of international airlines for air traffic control services;

(g) To examine the reports submitted pursuant to paragraph 10 below;

7. *Calls upon* all States to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of coming into force of the measures imposed by paragraph 4 above;

8. *Calls upon* States to bring proceedings against persons and entities within their jurisdiction that violate the measures imposed by paragraph 4 above and to impose appropriate penalties;

9. *Calls upon* all States to cooperate fully with the Committee established by paragraph 6 above in the fulfilment of its tasks, including supplying such information as may be required by the Committee in pursuance of the present resolution;

10. *Requests* all States to report to the Committee established by paragraph 6 above within thirty days of the coming into force of the measures imposed by paragraph 4 above on the steps they have taken with a view to effectively implementing paragraph 4 above;

11. *Requests* the Secretary-General to provide all necessary assistance to the Committee established by paragraph 6 above and to make the necessary arrangements in the Secretariat for this purpose;

12. *Requests* the Committee established by paragraph 6 above to determine appropriate arrangements, on the basis of recommendations of the Secretariat, with competent international organizations, neighbouring and other States, and parties concerned with a view to improving the monitoring of the implementation of the measures imposed by paragraph 4 above;

13. *Requests* the Secretariat to submit for consideration by the Committee established by paragraph 6 above information received from Governments and public sources on possible violations of the measures imposed by paragraph 4 above;

14. *Decides* to terminate the measures imposed by paragraph 4 above once the Secretary-General reports to the Security Council that the Taliban has fulfilled the obligation set out in paragraph 2 above;

15. *Expresses its readiness* to consider the imposition of further measures, in accordance with its responsibility under the Charter of the United Nations, with the aim of achieving the full implementation of the present resolution;

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

After the vote, the representative of China expressed reservations about the imposition of sanctions, which would only exacerbate the suffering of the Afghan people.¹¹⁸

The representative of Canada praised the resolution, which was necessary for the Council to support the fight against terrorism.¹¹⁹

**Decision of 22 October 1999 (4055th meeting):
statement by the President**

On 21 September 1999, pursuant to resolution 1076 (1996), the Secretary-General submitted to the Council a report on the situation in Afghanistan and its implications for international peace and security.¹²⁰ In his report, the Secretary-General noted with concern that the Taliban had started a new offensive only one week after the meeting of the “six plus two” group in Tashkent, and maintained that the disregard of the Taliban for the Tashkent Declaration raised serious concerns about the intentions of their leadership. He urged the Taliban leadership to accept an offer made by the United Front to resume negotiations. He stated that he was deeply disturbed by the reported involvement of thousands of non-Afghan nationals, mostly students from religious schools, in the fighting. The unabated external involvement in the conflict raised a question to the role of the “six plus two” group, as it appeared that, despite agreements and declarations, the group had not been able to make real progress on a more unified approach vis-à-vis the warring parties. He therefore supported his Special Envoy’s recommendation to review the United Nations approach regarding the Afghan conflict.

At its 4055th meeting, held on 22 October 1999 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the President (the Russian Federation) invited the representative of Afghanistan, at his request, to participate in the discussion without the right to vote.

¹¹⁸ *Ibid.*, p. 5.

¹¹⁹ *Ibid.*, p. 5.

¹²⁰ S/1999/994.

At the same meeting, the President then made the following statement on behalf of the Council:¹²¹

The Security Council has considered the report of the Secretary-General of 21 September 1999 concerning the situation in Afghanistan and its implications for international peace and security.

The Council reiterates its grave concern at the continued Afghan conflict, which is a serious and growing threat to regional and international peace and security. It strongly condemns the Taliban for the launching in July 1999, only one week after the meeting of the “six plus two” group in Tashkent, of a new offensive, despite the repeated demands by the Council to cease fighting. This has undermined international efforts to facilitate the restoration of peace in Afghanistan. The fighting following the offensive has resulted in enormous suffering to the civilian population of Afghanistan. The Taliban has a primary responsibility for this.

The Council reiterates that there is no military solution to the conflict in Afghanistan and that only a negotiated political settlement aimed at the establishment of a broad-based, multi-ethnic and fully representative government acceptable to all Afghans can lead to peace and reconciliation. It recalls its demand that the parties to the conflict, especially the Taliban, resume negotiations under United Nations auspices without delay and preconditions in full compliance with the relevant resolutions of the General Assembly and the Council. The Council notes that the United Front of Afghanistan has repeatedly made clear that it is willing to talk with the Taliban in order to reach a solution to the country’s problems.

The Council reiterates that outside interference in the internal affairs of Afghanistan, including the involvement of foreign combatants and military personnel and the supply of weapons and other materials used in the conflict, should cease immediately. It calls upon all States to take resolute measures to prohibit their military personnel from planning and participating in combat operations in Afghanistan, and immediately to withdraw their personnel and to assure that the supply of ammunition and other war-making materials is halted. The Council expresses its deep distress over reports indicating the involvement in the fighting in Afghanistan, on the side of the Taliban forces, of thousands of non-Afghan nationals, mostly from religious schools and some of whom are below the age of 14.

The Council reaffirms its full support for the efforts of the United Nations, in particular the activities of the United Nations Special Mission to Afghanistan and those of the Special Envoy of the Secretary-General for Afghanistan, in facilitating the political process towards the goals of national reconciliation and a lasting political settlement with the participation of all parties to the conflict and all segments of Afghan society, and reiterates its position that the United Nations must continue to play its

¹²¹ S/PRST/1999/29.

central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict.

The Council expresses its grave concern at the seriously deteriorating humanitarian situation in Afghanistan. It calls upon all Afghan parties, and in particular the Taliban, to take the necessary steps to secure the uninterrupted supply of humanitarian aid to all in need of it and in this connection not to create impediments to the activities of the United Nations humanitarian agencies and international humanitarian organizations.

The Council once again urges all Afghan factions to cooperate fully with the Special Mission and international humanitarian organizations, and calls upon them, in particular the Taliban, to take the necessary steps to ensure the safety and freedom of movement of such personnel.

The Council welcomes the Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan, adopted by the "six plus two" group on 19 July 1999, particularly the agreement of members of the group not to provide military support to any Afghan party and to prevent the use of their territories for such purposes. It urges the members of the group and the Afghan factions to implement these principles in support of the efforts of the United Nations towards a peaceful resolution of the Afghan conflict.

The Council strongly condemns the continuing use of Afghan territory, especially areas controlled by the Taliban, for the sheltering and training of terrorists and planning of terrorist acts, and reaffirms its conviction that the suppression of international terrorism is essential for the maintenance of international peace and security. It insists that the Taliban cease the provision of sanctuary and training for international terrorists and their organizations, take effective measures to ensure that the territory under its control is not used for terrorist installations and camps or for the preparation or organization of terrorist acts against other States or their citizens, and cooperate with efforts to bring indicted terrorists to justice. The Council demands once again that the Taliban turn over indicted terrorist Osama bin Laden to appropriate authorities as set out in its resolution 1267 (1999) of 15 October 1999. It reaffirms its decision to implement on 14 November 1999 the measures contained in that resolution, unless the Secretary-General reports that the Taliban has fully complied with the obligation set out in paragraph 2 of that resolution.

The Council is deeply disturbed also by a significant increase in the cultivation, production and trafficking of drugs in

Afghanistan, especially in areas controlled by the Taliban, which will contribute to the war-making capabilities of the Afghans and will have even more serious international consequences. It demands that the Taliban, as well as others, halt all illegal drug activities. The Council calls upon Member States, in particular those neighbouring Afghanistan, and all others concerned to undertake concerted measures to stop the trafficking of illegal drugs from Afghanistan.

The Council deplores the worsening human rights situation in Afghanistan. It expresses particular alarm at the continuing disregard by the Taliban of the concerns expressed by the international community. The Council underlines the unacceptability of the forced displacement of the civilian population, in particular that conducted by the Taliban during their recent offensive, summary executions, the deliberate abuse and arbitrary detention of civilians, violence and continuing discrimination against women and girls, the separation of men from their families, the use of child soldiers, the widespread burning of crops and destruction of homes, the indiscriminate bombing and other violations of human rights and international humanitarian law in Afghanistan. It calls upon all Afghan parties, especially the Taliban, to put an end to such practices, to adhere to the international norms and standards in this sphere, to take urgent measures to improve the human rights situation and, as an immediate first step, to ensure the protection of civilians.

The Council reiterates that the capture by the Taliban of the Consulate-General of the Islamic Republic of Iran and the murder of the Iranian diplomats and a journalist in Mazar e Sharif constitute flagrant violations of international law. It demands that the Taliban cooperate fully with the United Nations in investigating these crimes with a view to prosecuting those responsible.

The Council looks forward to the next report of the Secretary-General on the situation in Afghanistan, and encourages him to review options for the Council and the General Assembly.

The Council deplores the failure of the leadership of the Taliban to take measures to comply with the demands made in its previous resolutions, especially to conclude a ceasefire and to resume negotiations, and in this context reaffirms its readiness to consider the imposition of measures, in accordance with its responsibility under the Charter of the United Nations, with the aim of achieving the full implementation of its relevant resolutions.

24. 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

Initial proceedings

Decision of 22 April 1998 (3874th meeting): statement by the President

By a letter dated 31 March 1998 addressed to the President of the Security Council,¹ the representative of Papua New Guinea transmitted a letter from the Minister for Foreign Affairs addressed to the President of the Security Council, which informed the Council of developments through which the parties to the nine-year-old conflict in Bougainville, Papua New Guinea, had met and agreed to a secure and lasting peace by peaceful means. They included a truce, signed in Burnham, New Zealand, on 10 October 1997 (the Burnham Truce), which contained an agreement to invite a neutral regional Truce Monitoring Group to promote and instil public confidence in the peace process and to oversee and monitor implementation of the truce; and the Agreement on Peace, Security and Development on Bougainville, signed at Lincoln, New Zealand, on 23 January 1998 (the Lincoln Agreement), which made clear that the parties to the ceasefire looked to the United Nations to support their efforts to secure a lasting peace by peaceful means. The letter further stated that the United Nations would be sending important and encouraging signals of the support of the international community for peace by accepting the requests of Papua New Guinea, respectively, for Security Council endorsement and for the Secretary-General to send a small observer mission to monitor implementation of the Lincoln Agreement.

At its 3874th meeting, held on 22 April 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (Japan), with the consent of the Council, invited the representative of Papua New Guinea, at his request, to participate in the discussion without the right to vote.

¹ S/1998/287.

At the same meeting, the President made the following statement on behalf of the Council:²

The Security Council, taking note of the development of the Bougainville conflict, strongly supports the Agreement on Peace, Security and Development on Bougainville, signed at Lincoln University, New Zealand, on 23 January 1998 (the "Lincoln Agreement"), achieved by the Government of Papua New Guinea, the Bougainville Transitional Government, the Bougainville Resistance Force, the Bougainville Interim Government, the Bougainville Revolutionary Army and the Bougainville leaders, with regard to a ceasefire among conflicting parties.

The Council welcomes the extension of the period of truce, and welcomes further a permanent and irrevocable ceasefire which will take effect on 30 April 1998 as stipulated in the Lincoln Agreement.

The Council encourages all parties to cooperate in promoting reconciliation, so that the objectives of the Lincoln Agreement can be met, and urges all parties to continue to cooperate in accordance with the Lincoln Agreement in order to achieve and maintain peace, to renounce the use of armed force and violence, to resolve any differences by consultation, both now and in the future, and to confirm their respect for human rights and the rule of law.

The Council commends the efforts of countries in the region for the resolution of the conflict, and welcomes the establishment, as outlined in the Lincoln Agreement, of the peace-monitoring group composed of civilian and military personnel from Australia, Fiji, New Zealand and Vanuatu, the mandate of which is to monitor the implementation of the said Agreement.

The Council notes that the Lincoln Agreement calls for the United Nations to play a role in Bougainville, and requests the Secretary-General to consider the composition and financial modalities of such involvement by the United Nations.

The Council will remain seized of the matter.

² S/PRST/1998/10.

25. Letters dated 23 September 1996 and 3 and 11 October 1996 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council

Letters dated 23 September 1996 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council on 27 September 1996 addressed to the Secretary-General

Initial proceedings

Decision of 15 October 1996 (3704th meeting): statement by the President

By a letter dated 23 September 1996 addressed to the President of the Security Council,¹ the representative of the Republic of Korea referred to the consultations held by the members of the Security Council on 20 September 1996 regarding the infiltration into the Republic of Korea of armed agents of the Democratic People's Republic of Korea in a military submarine. On 18 September a military submarine had been found grounded in shallow water near the coastal city of Kangnung, one of the major ports on the eastern coast of the Republic of Korea. On the basis of the accumulation of concrete evidence, including arms and ammunition made in the Democratic People's Republic of Korea, the team had determined that the submarine belonged to the armed forces of the Democratic People's Republic of Korea and that the occupants of the submarine were all officers of the regular army of the Democratic People's Republic of Korea. It had also been determined that all of them had gone ashore, infiltrating the territory of the Republic of Korea. He stated that his Government believed that the incident posed a serious threat to peace and security on and around the Korean peninsula. The dispatch by the Democratic People's Republic of Korea of armed agents using a military submarine clearly constituted a grave act of military provocation to the Republic of Korea, as well as a serious violation of the Korean Armistice Agreement. He reaffirmed that his Government reserved the right to raise the issue in the Council, whenever necessary.

¹ S/1996/774.

By a letter dated 3 October 1996 addressed to the President of the Security Council,² the representative of the Republic of Korea informed the Council that two more commandos of the army of the Democratic People's Republic of Korea had been killed in an exchange of fire with the army of the Republic of Korea, with three remaining at large. Eight Republic of Korea soldiers and one civilian had been killed. He expressed the belief that appropriate action by the Council was in order. He maintained that the incident reflected a clear pattern of military provocations by the Democratic People's Republic of Korea against the Republic of Korea and formed part of a larger scheme not only to dismantle the Korean Armistice Agreement but also to destabilize the Republic of Korea. It was therefore important for the international community to send a clear and strong signal to the Democratic People's Republic of Korea that further provocations on its part would not be tolerated.

By a letter dated 11 October 1996 addressed to the President of the Security Council,³ the representative of the Republic of Korea transmitted the text of the resolution adopted by the National Assembly of the Republic of Korea on 23 September 1996 concerning the recent infiltration of armed commandos of the Democratic People's Republic of Korea by submarine into the territory of the Republic of Korea.

² S/1996/824.

³ S/1996/847.

By a letter dated 23 September 1996 addressed to the President of the Security Council,⁴ the representative of the Democratic People's Republic of Korea transmitted a statement by the spokesman of the Ministry of the People's Armed Forces of the Democratic People's Republic of Korea dated 23 September 1996. The statement noted that a small training submarine, conducting routine training on the waters of the Democratic People's Republic of Korea side of the East Sea, had run aground on the waters of Kangnung while drifting due to sudden engine trouble. When the ship was stranded, the soldiers had needed to get to land and there had been armed clashes because it was the area under the enemy's control. The spokesman stated that the Republic of Korea needed to send back the small submarine, survivors and the dead unconditionally and immediately.

By a letter dated 27 September 1996 addressed to the Secretary-General,⁵ the representative of the Democratic People's Republic of Korea reiterated that if the "enemies" did not return the small submarine, survivors and the dead unconditionally, while continuing to make "ill use of the incident for the sinister political purpose", the Democratic People's Republic of Korea would be forced to take strong countermeasures.

⁴ S/1996/768.

⁵ S/1996/800.

At its 3704th meeting, held on 15 October 1996 in accordance with the understanding reached in its prior consultations, the Council included the letters in its agenda.

At the same meeting, the President (Honduras) made the following statement on behalf of the Council:⁶

The Security Council has considered the letters from the Permanent Representative of the Republic of Korea to the United Nations and the letters from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations, regarding the incident of a submarine of the Democratic People's Republic of Korea on 18 September 1996.

The Council expresses its serious concern over this incident. The Council urges that the Korean Armistice Agreement should be fully observed and that no action should be taken that might increase tension or undermine peace and stability on the Korean peninsula.

The Council stresses that the Armistice Agreement shall remain in force until it is replaced by a new peace mechanism.

The Council encourages both sides of the Korean peninsula to settle their outstanding issues by peaceful means through dialogue, so that peace and security on the peninsula will be strengthened.

⁶ S/PRST/1996/42.

Europe

26. The situation in Cyprus

Decision of 28 June 1996 (3675th meeting): resolution 1062 (1996)

On 7 June 1996, the Secretary-General submitted to the Council a report on the United Nations operation in Cyprus, covering developments from 11 December 1995 to 10 June 1996 and providing an update of the activities of the United Nations Peacekeeping Force in Cyprus (UNFICYP).¹ In his report, the Secretary-General reported that UNFICYP had continued to carry out its functions effectively and that the overall situation on the island remained generally calm. He expressed concern, however, at the excessive levels of military forces and armaments in Cyprus and at the rate at which they were being strengthened. Furthermore, the opposing forces still had not heeded the Council's repeated calls to implement specific measures aimed at reducing the risk of confrontation along the ceasefire lines. Stressing the role of bicomunal contacts in facilitating an overall settlement, the Secretary-General urged both communities, and especially the Turkish Cypriot authorities, to lift all obstacles to such contacts. In the prevailing circumstances, the Secretary-General concluded that the presence of UNFICYP on the island remained indispensable to achieving the objectives set out by the Council and recommended the extension of the mandate of the Force for a further six months, until 31 December 1996.

On 25 June 1996, pursuant to resolution 1032 (1995) of 19 December 1995, the Secretary-General submitted to the Council a report on his mission of good offices in Cyprus, including a full assessment of his efforts towards reaching a settlement of the situation in Cyprus.² In his report, the Secretary-General reported that he had met personally with the leaders of the two communities in June 1996 and had expressed to them his concern that the negotiations had remained at a standstill for too long. The Greek Cypriot leader had reiterated his commitment to a negotiated settlement through direct talks, but had

emphasized that sufficient common ground had to exist before the negotiations began. The Turkish Cypriot leader had reaffirmed his readiness to participate in the negotiating process within the parameters of an equal partnership that would treat the Greek Cypriot and the Turkish Cypriot communities as equal in all aspects. The Secretary-General reiterated the importance of creating, as soon as possible, a basis for the resumption of direct talks between the two leaders and, to that end, called upon both parties to cooperate with the efforts of his representatives. He also stated that the decision of the European Union to begin accession negotiations with Cyprus was an important new development that should facilitate a settlement. He concluded that the international community had to build on those developments and give a new impetus to the negotiating process.

At its 3675th meeting, held on 28 June 1996 in accordance with the understanding reached in its prior consultations, the Council included the two reports of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Egypt) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of its prior consultations.³ The draft resolution was then put to the vote and adopted unanimously as resolution 1062 (1996), which reads:

The Security Council,

Welcoming the report of the Secretary-General of 7 June 1996 on the United Nations operation in Cyprus,

Welcoming also the report of the Secretary-General of 25 June 1996 on his mission of good offices in Cyprus,

Taking note of the recommendation in his report of 7 June 1996 that the Security Council extend the mandate of the United Nations Peacekeeping Force in Cyprus,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions on the island that it is necessary to keep the Force in Cyprus beyond 30 June 1996,

¹ S/1996/411 and Add.1 and Corr.1.

² S/1996/467.

³ S/1996/477.

Reaffirming its earlier relevant resolutions on Cyprus, in particular resolutions 186 (1964) of 4 March 1964, 939 (1994) of 29 July 1994 and 1032 (1995) of 19 December 1995,

Reiterating its concern that there has been no progress towards a final political solution, and agreeing with the assessment of the Secretary-General that the negotiations have been at an impasse for too long,

Regretting that no progress has been made in introducing measures to prohibit along the ceasefire lines live ammunition or weapons other than those which are hand-held and to prohibit the firing of weapons within sight or hearing of the buffer zone, or in extending the 1989 unmanning agreement,

Expressing concern about the restrictions placed upon the freedom of movement of the Force in the northern part of the island, as described in paragraph 27 of the report of the Secretary-General of 7 June 1996,

1. *Decides* to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period ending on 31 December 1996;

2. *Welcomes* the appointment of Mr. Han Sung-Joo as the new Special Representative of the Secretary-General for Cyprus, and calls upon both parties to cooperate fully with him in his efforts to facilitate a comprehensive settlement of the Cyprus problem;

3. *Deplores* the tragic incident involving the fatal shooting of a Greek Cypriot National Guardsman inside the United Nations buffer zone on 3 June 1996, as well as the hindering by Turkish Cypriot soldiers of Force personnel attempting to assist the National Guardsman and investigate the incident, as documented in the report of the Secretary-General of 7 June 1996;

4. *Expresses serious concern* about the continuing modernization and upgrading of military forces in the Republic of Cyprus, the excessive levels of military forces and armaments and the lack of progress towards a significant reduction in the number of foreign troops in the Republic of Cyprus, once again urges all concerned to commit themselves to such a reduction and to a reduction in defence spending in the Republic of Cyprus to help to restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as described in the set of ideas, stresses the importance of eventual demilitarization of the Republic of Cyprus as an objective in the context of an overall comprehensive settlement, and calls upon the Secretary-General to continue to promote efforts in this direction;

5. *Expresses serious concern also* about recent military exercises in the region, including overflights in the airspace of Cyprus by military fixed-wing aircraft, which have increased tension;

6. *Calls upon* the military authorities on both sides:

(a) To respect the integrity of the United Nations buffer zone, ensure that no further incidents occur along the

buffer zone, prevent hostile actions, including live fire against the Force, grant the Force complete freedom of movement and extend their full cooperation to the Force;

(b) To enter immediately into discussions with the Force, in line with paragraph 3 of resolution 839 (1993) of 11 June 1993, with a view to adopting reciprocal measures to prohibit along the ceasefire lines live ammunition or weapons other than those which are hand-held and to prohibit also the firing of weapons within sight or hearing of the buffer zone;

(c) To clear all minefields and booby-trapped areas inside the buffer zone without further delay, as requested by the Force;

(d) To cease military construction in the immediate vicinity of the buffer zone;

(e) To enter immediately into intensive discussions with the Force with a view to extending the 1989 unmanning agreement to cover all areas of the buffer zone where the two sides are in close proximity to each other, on the basis of the updated proposals submitted by the Force Commander in June 1996;

7. *Welcomes* the measures that have been taken by the two parties in response to the humanitarian review conducted by the Force, regrets that the Turkish Cypriot side has not responded more fully to the recommendations made by the Force, calls upon the Turkish Cypriot side to respect fully the basic freedoms of the Greek Cypriots and Maronites living in the northern part of the island and to intensify its efforts to improve their daily lives, and calls upon the Government of Cyprus to continue its efforts to eliminate any discrimination against Turkish Cypriots living in the southern part of the island;

8. *Welcomes* the continuing efforts of the United Nations and diplomatic missions to promote bicomunal events, regrets the obstacles which have been placed in the way of such contacts, and strongly urges all concerned, and especially the Turkish Cypriot leadership, to lift and prevent all obstacles to such contacts;

9. *Requests* the Secretary-General to keep under review the structure and strength of the Force, with a view to its possible restructuring, and to present any new considerations he may have in this regard;

10. *Reiterates* that the status quo is unacceptable, and calls upon the parties to demonstrate concretely their commitment to an overall political settlement;

11. *Stresses its support* for the Secretary-General's mission of good offices and the importance of the concerted efforts to work with the Secretary-General towards an overall comprehensive settlement;

12. *Urges* the leaders of the two communities to respond positively and urgently to the Secretary-General's call upon them to work with him and with the many countries who support his mission of good offices to break the present impasse

and establish common ground on which direct negotiations can be resumed;

13. *Recognizes* that the decision of the European Union concerning the opening of accession negotiations with Cyprus is an important new development that should facilitate an overall settlement;

14. *Requests* the Secretary-General to submit a report on the implementation of the present resolution by 10 December 1996;

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

**Decision of 23 December 1996 (3728th meeting):
resolution 1092 (1996)**

On 10 December 1996, the Secretary-General submitted to the Council a report on the United Nations operation in Cyprus, covering developments from 11 June to 10 December 1996 and providing an update on the activities of UNFICYP.⁴ In his report, the Secretary-General reported that the situation in Cyprus had deteriorated in the last six months, with incidents of violence along the ceasefire lines to an extent not seen since 1974. Tension had risen in anticipation of a symbolic motorcycle demonstration organized by Greek Cypriots, originating in Berlin and ending in Kyrenia, a route that would take the demonstrators across the United Nations buffer zone and the Turkish forces' ceasefire line. The Secretary-General noted that, although the Force had done its best to prevent the demonstrators from entering the buffer zone, control of the civilian population was the exclusive responsibility of the local authorities, who were perfectly capable of fulfilling that task. He stressed that the leaders on both sides needed to make a serious effort to reverse the negative trend of recent months and build an atmosphere of trust and goodwill between the two communities. The proposals of the Force towards that process included early agreement on the package of reciprocal measures to reduce tension along the ceasefire lines; implementation of the measures to improve the living conditions of the Greek Cypriots and Maronites living in the northern part of the island; and removal of all impediments to the movement of people and increased contacts and communication between the two sides. Under those circumstances, the Secretary-General believed that the continued presence of the Force on the island remained indispensable, and

⁴ S/1996/1016 and Add.1.

therefore recommended an extension of its mandate for a further period ending on 30 June 1997.

On 17 December 1996, pursuant to resolution 1062 (1996) of 28 June 1996, the Secretary-General submitted to the Council a report on his mission of good offices in Cyprus.⁵ The Secretary-General reported that, over the past six months, intensive efforts had been made to break the impasse and to establish common ground on which direct negotiations could be resumed. His Special Representative had met extensively with the two Cypriot leaders, in June and July 1996, and had found that their positions remained far apart on a number of issues. His second visit to the area, in mid-September, had been overshadowed by heightened tension between the two sides in the wake of the August incidents and the discussions had therefore focused on ways of reducing the tension. During a third visit, in mid-December, the gap in the position of the two sides had not narrowed and each of them continued to express serious doubts about the true intentions of the other, thus making it difficult to be optimistic about prospects for direct talks. The Secretary-General observed that the current situation offered the two communities, and the region, both a warning signal and an opportunity. The two leaders needed to recognize the seriousness of the moment and seize the opportunity by agreeing to negotiate a comprehensive settlement on the basis of mutual concessions.

At its 3728th meeting, held on 23 December 1996 in accordance with the understanding reached in its prior consultations, the Council included the two reports of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Italy) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.⁶

The draft resolution was then put to the vote and adopted unanimously as resolution 1092 (1996), which reads:

The Security Council,

Welcoming the report of the Secretary-General of 10 December 1996 on the United Nations operation in Cyprus,

⁵ S/1996/1055.

⁶ S/1996/1062.

Welcoming also the report of the Secretary-General of 17 December 1996 on his mission of good offices in Cyprus,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions on the island it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 31 December 1996,

Reaffirming its earlier relevant resolutions on Cyprus, in particular resolutions 186 (1964) of 4 March 1964, 939 (1994) of 29 July 1994 and 1062 (1996) of 28 June 1996,

Gravely concerned by the deteriorating situation in Cyprus and by the fact that intercommunal tensions on the island have escalated and, over the last six-month period, violence along the ceasefire lines has reached a level not seen since 1974, as stated in the report of the Secretary-General of 10 December 1996,

Concerned at the increased use of and threat to use violence against the personnel of the Force,

Noting the beginning of indirect discussions, through the Force Commander, between the military authorities of the two sides on measures aimed at the reduction of military tensions,

Reiterating its concern that negotiations on a final political solution have been at an impasse for too long,

1. *Decides* to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period ending on 30 June 1997;

2. *Deplores* the violent incidents of 11 and 14 August, 8 September and 15 October 1996, which resulted in the tragic deaths of three Greek Cypriot civilians and one member of the Turkish Cypriot Security Forces, as well as injuries to civilians and Force personnel, in particular the unnecessary and disproportionate use of force by the Turkish/Turkish Cypriot side, as well as the largely passive role played by the Cypriot police in response to civilian demonstrations;

3. *Reminds* both sides of their obligation to prevent acts of violence directed against Force personnel, particularly those involving firearms, which inhibit the Force from carrying out its mandated responsibilities, and demands that they ensure the Force complete freedom of movement and extend to it their full cooperation;

4. *Emphasizes* the need to maintain law and order and, in this context, demands that both parties prevent unauthorized incursions into the buffer zone and respond immediately and responsibly to any demonstrations which violate the buffer zone and any demonstrations near the buffer zone that might lead to an increase in tensions;

5. *Calls upon* the parties to accept as a package, without delay or preconditions, the reciprocal measures proposed by the Force, namely, (a) to extend the 1989 unarming agreement to other areas where the two sides remain in close proximity to each other; (b) to prohibit loaded weapons along the ceasefire lines; and (c) to adopt a code of conduct,

based on the concept of minimal force and proportional response, to be followed by troops of both sides along the ceasefire lines, and expresses its disappointment that no progress has been made towards implementing these measures thus far;

6. *Calls upon* the military authorities on both sides:

(a) To clear all minefields and booby-trapped areas inside the buffer zone without further delay, as requested by the Force;

(b) To cease military construction in the immediate vicinity of the buffer zone;

(c) To refrain from any military exercises along the buffer zone;

7. *Reiterates its grave concern* about the excessive levels of military forces and armaments in the Republic of Cyprus and the rate at which they are being expanded, upgraded and modernized, including by the introduction of sophisticated weaponry, as well as the lack of progress towards a significant reduction in the number of foreign troops in the Republic of Cyprus, which threaten to raise tensions both on the island and in the region and complicate efforts to negotiate an overall political settlement;

8. *Again calls upon* all concerned to commit themselves to a reduction in defence spending and a reduction in the number of foreign troops in the Republic of Cyprus to help to restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as described in the set of ideas, stresses the importance of eventual demilitarization of the Republic of Cyprus as an objective in the context of an overall comprehensive settlement, and calls upon the Secretary-General to continue to promote efforts in this direction;

9. *Expresses continuing concern* about military exercises in the region, including overflights in the airspace of Cyprus by military fixed-wing aircraft, which have markedly increased political tension on the island and undermined efforts towards achieving a settlement;

10. *Reiterates* that the status quo is unacceptable, and stresses its support for the Secretary-General's mission of good offices and the importance of the concerted efforts to work with the Secretary-General towards an overall comprehensive settlement;

11. *Welcomes* the efforts of the Special Representative of the Secretary-General, and of those working in support, to prepare the ground for open-ended direct negotiations in the first half of 1997 between the leaders of the two Cypriot communities in order to secure an overall settlement;

12. *Calls upon* the parties to cooperate with the Special Representative to that end, as well as with his intensified preparatory work in the first months of 1997, with the objective of clarifying the main elements of an overall settlement;

13. *Underlines* the fact that the success of this process will require the creation of genuine mutual confidence on both sides and the avoidance of actions which increase tension, and calls upon the leaders of both communities to create a climate of reconciliation and confidence;

14. *Reaffirms* its position that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicomunal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

15. *Welcomes* the continuous efforts by the Force to implement its humanitarian mandate in respect of Greek Cypriots and Maronites living in the northern part of the island, and Turkish Cypriots living in the southern part, and regrets that there has been no further progress on the implementation of recommendations arising out of the humanitarian review undertaken by the Force in 1995;

16. *Welcomes* the continuing efforts of the United Nations and others in the international community to promote bicomunal events, regrets the obstacles which have been placed in the way of such contacts, and strongly urges all concerned, and especially the Turkish Cypriot community leadership, to lift all obstacles to such contacts;

17. *Reaffirms* that the decision of the European Union concerning the opening of accession negotiations with Cyprus is an important new development that should facilitate an overall settlement;

18. *Requests* the Secretary-General to keep under review the structure and strength of the Force, with a view to its possible restructuring, and to present any new considerations he may have in this regard;

19. *Also requests* the Secretary-General to submit a report by 10 June 1997 on the implementation of the present resolution;

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

**Decision of 27 June 1997 (3794th meeting):
resolution 1117 (1997)**

On 5 June 1997, the Secretary-General submitted to the Council a report on the United Nations operation in Cyprus, describing developments from 11 December 1996 to 5 June 1997 and providing an update of the activities of UNFICYP.⁷ In his report, the Secretary-General observed that although the number of serious

incidents had decreased in comparison to the preceding period, tension along the ceasefire lines remained higher than in the past. Moreover, there had been no change in the levels of military forces and armaments, nor had the military authorities accepted the UNFICYP package of reciprocal measures. He urged both sides to reconsider their positions and to reach an agreement on the package without further delay. He also urged them to facilitate and encourage direct contacts between the two communities. The Secretary-General continued to believe that the presence of the Force on the island remained indispensable and, therefore, recommended that the Council extend the mandate of the Force for a further period ending on 31 December 1997.

By a letter dated 20 June 1997 addressed to the President of the Security Council,⁸ the Secretary-General informed the Council that he had written to the leaders of the two Cypriot communities, inviting them to a session of face-to-face discussions on a comprehensive settlement of the Cyprus issue, to be held in New York, from 9 to 13 July 1997. The first session would be followed by another in August and by a third one, if necessary. The Secretary-General noted that a number of Governments, as well as the Presidency of the European Union, had appointed special representatives in support of the initiatives within the framework of his mission of good offices. The support of all concerned, and particularly of the Security Council, was also indispensable to ensure the success of the current efforts. The Secretary-General asked the Council to urge the parties to commit themselves to the process of direct negotiations and to fully cooperate with his efforts and those of his Special Adviser.

At its 3794th meeting, held on 27 June 1997 in accordance with the understanding reached in its prior consultations, the Council included the report and the letter of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Russian Federation) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.⁹

The draft resolution was then put to the vote and adopted unanimously as resolution 1117 (1997), which reads:

The Security Council,

⁷ S/1997/437 and Corr.1 and Add.1.

⁸ S/1997/480.

⁹ S/1997/492.

Welcoming the report of the Secretary-General of 5 June 1997 on the United Nations operation in Cyprus,

Welcoming also the letter dated 20 June 1997 to the President of the Security Council from the Secretary-General on his mission of good offices in Cyprus,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions on the island it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 30 June 1997,

Reaffirming its earlier relevant resolutions on Cyprus, in particular resolutions 186 (1964) of 4 March 1964, 939 (1994) of 29 July 1994 and 1092 (1996) of 23 December 1996,

Noting with concern that tensions along the ceasefire lines remain high, despite the decrease in the number of serious incidents over the last six months,

Reiterating its concern that negotiations on a final political solution have been at an impasse for too long,

1. *Decides* to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period ending on 31 December 1997;

2. *Reminds* both sides of their obligation to prevent any violence directed against Force personnel, to cooperate fully with the Force and to ensure its complete freedom of movement;

3. *Underlines* the importance of agreement by both sides to the reciprocal measures for the reduction of tension along the ceasefire lines proposed by the Force, as set forth in resolution 1092 (1996), deeply regrets the fact that, in spite of the efforts of the Force, neither side has so far accepted such measures as a package, and reiterates its call upon both sides to do so without further delay or preconditions;

4. *Calls upon* the military authorities on both sides to refrain from any action, particularly in the vicinity of the buffer zone, which would exacerbate tensions;

5. *Reiterates its grave concern* at the continuing excessive level of military forces and armaments in the Republic of Cyprus and the rate at which they are being expanded, upgraded and modernized, including by the introduction of sophisticated weaponry, and the lack of progress towards any significant reduction in the number of foreign troops in the Republic of Cyprus, which threaten to raise tensions both on the island and in the region and complicate efforts to negotiate an overall political settlement;

6. *Again calls upon* all concerned to commit themselves to a reduction in defence spending and a reduction in the number of foreign troops in the Republic of Cyprus to help to restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as described in the set of ideas, stresses the importance of eventual demilitarization of the Republic of Cyprus as an objective in the context of an overall comprehensive settlement, and calls upon the Secretary-General to promote efforts in this direction;

7. *Reiterates* that the status quo is unacceptable, and stresses its support for the Secretary-General's mission of good offices and the importance of the concerted efforts to work with the Secretary-General towards an overall comprehensive settlement;

8. *Welcomes* the decision of the Secretary-General to launch a sustained process of direct negotiations between the leaders of the two Cypriot communities with the aim of securing an overall comprehensive settlement;

9. *Calls upon* the leaders to commit themselves to the process of direct negotiations, including participation in the first session of such negotiations to be held from 9 to 13 July 1997, urges them to cooperate actively and constructively with the Secretary-General and his Special Adviser on Cyprus, Mr. Diego Cordovez, to that end, and stresses that full support of all concerned is necessary for this process to produce results;

10. *Calls upon* the parties to create a climate for reconciliation and genuine mutual confidence on both sides and to avoid any actions which might increase tension;

11. *Reaffirms* its position that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicomunal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

12. *Welcomes* the continuous efforts by the Force to implement its humanitarian mandate in respect of Greek Cypriots and Maronites living in the northern part of the island, and Turkish Cypriots living in the southern part, and regrets that there has been no further progress on the implementation of recommendations arising out of the humanitarian review undertaken by the Force in 1995;

13. *Welcomes also* the efforts of the United Nations and others concerned to promote the holding of bicomunal events so as to build trust and mutual respect between the two communities, urges that these efforts be continued, acknowledges the recent cooperation from all concerned on both sides to that end, and strongly encourages them to take further steps to facilitate such bicomunal events and to ensure that they take place in conditions of safety and security;

14. *Reaffirms* that the decision of the European Union concerning the opening of accession negotiations with Cyprus is an important development that should facilitate an overall settlement;

15. *Requests* the Secretary-General to keep under review the structure and strength of the Force with a view to its possible restructuring, and to present any new considerations he may have in this regard;

16. *Also requests* the Secretary-General to submit a report by 10 December 1997 on the implementation of the present resolution;

17. *Decides* to remain seized of the matter.

Decision of 23 December 1997 (3846th meeting): resolution 1146 (1997)

On 8 December 1997, the Secretary-General submitted to the Council a report on the United Nations operation in Cyprus, covering developments since 6 June 1997 and providing an update of the activities of UNFICYP.¹⁰ In his report, the Secretary-General observed that, while the situation in Cyprus was calmer, it nevertheless continued to be marked by tension and an increased number of restrictions to the freedom of movement of the Force. Moreover, the continued lack of progress towards an overall settlement, coupled with increasing belligerent rhetoric, had contributed to a growing sense of frustration in both communities. He had appealed to both sides, as well as to Greece and Turkey, to refrain from any action that could raise tension and negatively affect the negotiating process. He had also urged the military authorities to be more responsive to the UNFICYP observations and protests concerning their responsibilities along the ceasefire lines. He further noted that, despite the Council's repeated appeals, the levels of military forces and armaments in Cyprus continued to grow, and the UNFICYP package of reciprocal measures still had not been implemented. Maintaining that the presence of UNFICYP on the island remained indispensable, he, therefore, recommended the extension of the mandate of the Force for a further period ending on 30 June 1998.

On 12 December 1997, pursuant to resolution 1117 (1997), the Secretary-General submitted to the Council a report on his mission of good offices in Cyprus.¹¹ In that report, he informed the Council that the first round of talks between the leaders of the two Cypriot communities had been held in New York where the two leaders had discussed a draft statement for launching the process of negotiations that would set out the principles and objectives of the settlement and establish the modalities for future negotiations. The second round of talks had been held in Switzerland,

where the Turkish Cypriot leader had stated that, pending clarification of some of the statements contained in a document published by the European Union entitled "Agenda 2000", his delegation would not be in a position to adopt any formal understandings or agreements. The talks had ended inconclusively. Under those circumstances, the Secretary-General had considered that a third round of talks would have been unproductive.

At its 3846th meeting, held on 23 December 1997 in accordance with the understanding reached in its prior consultations, the Council included the two reports of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Costa Rica) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.¹² The draft resolution was then put to the vote and adopted unanimously as resolution 1146 (1997), which reads:

The Security Council,

Welcoming the report of the Secretary-General of 8 December 1997 on the United Nations operation in Cyprus,

Welcoming also the report of the Secretary-General of 12 December 1997 on his mission of good offices in Cyprus,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions on the island it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 31 December 1997,

Reaffirming all its earlier relevant resolutions on Cyprus, in particular resolutions 186 (1964) of 4 March 1964, 367 (1975) of 12 March 1975, 939 (1994) of 29 July 1994 and 1117 (1997) of 27 June 1997,

Noting with concern that tensions along the ceasefire lines remain high, despite the further decrease in the number of serious incidents in the last six months, and that restrictions to freedom of movement of the Force have increased,

Reiterating its concern that negotiations on a comprehensive political solution have yet to make progress, despite the efforts made at the two rounds of direct negotiations, held in July and August 1997, between the leaders of the two communities, at the initiative of the Secretary-General,

1. *Decides* to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period ending on 30 June 1998;

¹⁰ S/1997/962 and Add.1.

¹¹ S/1997/973.

¹² S/1997/997.

2. *Reminds* both sides of their obligation to prevent any violence directed against Force personnel, to cooperate fully with the Force and to ensure its complete freedom of movement;

3. *Underlines* the importance of early agreement to the reciprocal measures for the reduction of tension along the ceasefire lines proposed and subsequently adapted by the Force, notes the fact that only one side has so far accepted this package, calls for early agreement to and rapid implementation of reciprocal measures, and encourages the Force to continue its efforts towards that end;

4. *Calls upon* the leaders of the two communities to continue the discussions on security issues begun on 26 September 1997;

5. *Calls upon* the military authorities on both sides to refrain from any action, particularly in the vicinity of the buffer zone, which would exacerbate tensions;

6. *Reiterates its grave concern* at the continuing excessive and increasing level of military forces and armaments in the Republic of Cyprus and the rate at which they are being expanded, upgraded and modernized, including by the introduction of sophisticated weaponry, and the lack of progress towards any significant reduction in the number of foreign troops in the Republic of Cyprus, which threaten to raise tensions both on the island and in the region and complicate efforts to negotiate an overall political settlement;

7. *Calls upon* all concerned to commit themselves to a reduction in defence spending and a reduction in the number of foreign troops in the Republic of Cyprus to help to restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as described in the set of ideas, stresses the importance of eventual demilitarization of the Republic of Cyprus as an objective in the context of an overall comprehensive settlement, and encourages the Secretary-General to continue to promote efforts in this direction;

8. *Reiterates* that the status quo is unacceptable, and stresses its support for the Secretary-General's mission of good offices and the importance of concerted efforts to work with the Secretary-General towards an overall comprehensive settlement;

9. *Expresses its full support* for the intention of the Secretary-General to resume in March 1998 the open-ended process of negotiations initiated by him in July 1997 and aimed at achieving a comprehensive settlement;

10. *Calls upon* the leaders of the two communities to commit themselves to that process of negotiations and to cooperate actively and constructively with the Secretary-General and his Special Adviser on Cyprus, and urges all States to lend their full support to these efforts;

11. *Calls upon*, in this context, all parties concerned to create a climate for reconciliation and genuine mutual confidence on both sides and to avoid any actions which might increase tension, including further expansion of military forces and armaments;

12. *Reaffirms* its position that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicomunal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

13. *Welcomes* the ongoing efforts by the Force to implement its humanitarian mandate in respect of Greek Cypriots and Maronites living in the northern part of the island, and Turkish Cypriots living in the southern part, and welcomes also the progress in the implementation of recommendations arising out of the humanitarian review undertaken by the Force in 1995, as mentioned in the report of the Secretary-General;

14. *Welcomes also* the agreement reached between the leaders of the two communities on 31 July 1997 on the issue of missing persons in Cyprus;

15. *Welcomes further* the efforts of the United Nations and others concerned to promote the holding of bicomunal events so as to build cooperation, trust and mutual respect between the two communities, commends the increase in such bicomunal activity in the last six months, acknowledges the recent cooperation from all concerned on both sides to that end, and strongly encourages them to take further steps to facilitate such bicomunal events and to ensure that they take place in conditions of safety and security;

16. *Recognizes* that the decision of the European Union concerning the opening of accession negotiations with Cyprus is an important development;

17. *Requests* the Secretary-General to submit a report by 10 June 1998 on the implementation of the present resolution;

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

**Decision of 29 June 1998 (3898th meeting):
resolutions 1178 (1998) and 1179 (1998)**

By a letter dated 20 April 1998 addressed to the President of the Security Council,¹³ the Secretary-General informed the Council that his Special Adviser had visited Nicosia from 17 to 22 March 1999, for consultations with the leaders of the two Cypriot communities on the resumption of the negotiations process. He noted that although both leaders had reiterated that the resolution of the Cyprus problem should be pursued through the United Nations, they strongly disagreed on the parameters that should

¹³ S/1998/410.

govern that process. As a result, it had not been possible to find a common basis for the resumption of the negotiations.

By a letter dated 19 May 1998,¹⁴ the President of the Security Council informed the Secretary-General that his letter had been brought to the attention of the members of the Council, and that they strongly supported his mission of good offices for Cyprus.

On 10 June 1998, the Secretary-General submitted to the Council a report on the United Nations operation in Cyprus, covering developments from 8 December 1997 to 8 June 1998 and updating the activities of UNFICYP.¹⁵ In his report, the Secretary-General observed that the situation along the ceasefire lines remained relatively calm, despite minor violations. Moreover, both sides continued to dispute the delineation of their respective lines in certain areas within the buffer zone, often challenging the authority of the Force, and had continued to ignore the protests by UNFICYP against violations of the status quo by continuing military construction along and in close proximity to the ceasefire lines. He noted that the repeated Council appeals for a reduction in defence spending and in the number of foreign troops had not been heeded by either side and there had also been no progress concerning the package of reciprocal measures. He regretted the decision by the Turkish Cypriot authorities to suspend all bicomunal activities on the island and urged both sides, in particular the Turkish Cypriot leadership, to allow the resumption of those events. Therefore, he concluded that the presence of UNFICYP on the island remained indispensable and recommended its extension for a further period ending on 31 December 1998.

On 16 June 1998, pursuant to resolution 1146 (1997), the Secretary-General submitted to the Council a further report on his mission of good offices in Cyprus.¹⁶ In his report, the Secretary-General informed the Council that during the visit to the island by the Special Adviser, from 17 to 22 March 1998, the President of Cyprus had reiterated his readiness to resume direct talks on the basis of the relevant Council resolutions. The leader of the Turkish Cypriot community, on the other hand, had called for a new

approach based on the "acknowledgment of the existence of two fully functioning democratic States on the island". The Secretary-General, however, regretted that, so far, and in spite of all efforts, it had not been possible to resume the negotiations. He hoped that all parties would abstain from any action that could further exacerbate tensions and called upon them to cooperate with the United Nations efforts to resume the process of direct talks.

At its 3898th meeting, held on 29 June 1998 in accordance with the understanding reached at its prior consultations, the Council included the two reports of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Portugal) drew the attention of the members of the Council to the text of two draft resolutions prepared in the course of the Council's prior consultations. The first draft resolution¹⁷ was thereupon put to the vote and adopted unanimously as resolution 1178 (1998), which reads:

The Security Council,

Welcoming the report of the Secretary-General of 10 June 1998 on the United Nations operation in Cyprus,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions on the island it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 30 June 1998,

Reaffirming all its earlier resolutions on Cyprus,

Noting with concern that tensions along the ceasefire lines and restrictions to the freedom of movement of the Force continue,

1. *Decides* to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period ending on 31 December 1998;

2. *Reminds* both sides of their obligations to prevent any violence directed against Force personnel, to cooperate fully with the Force and to ensure its complete freedom of movement;

3. *Calls upon* the military authorities on both sides to refrain from any action, particularly in the vicinity of the buffer zone, which would exacerbate tensions;

4. *Underlines* the importance of early agreement to the reciprocal measures for the reduction of tension along the ceasefire lines proposed and subsequently adapted by the Force, notes the fact that only one side has so far accepted this package, calls for early agreement to and rapid implementation of reciprocal measures, and encourages the Force to continue its efforts towards that end;

¹⁷ S/1998/575.

¹⁴ S/1998/411.

¹⁵ S/1998/488 and Add.1.

¹⁶ S/1998/518.

5. *Reiterates its grave concern* at the continuing excessive and increasing levels of military forces and armaments in the Republic of Cyprus and the rate at which they are being expanded, upgraded and modernized, including by the introduction of sophisticated weaponry, and the lack of progress towards any significant reduction in the number of foreign troops in the Republic of Cyprus, which threaten to raise tensions both on the island and in the region and complicate efforts to negotiate an overall political settlement;

6. *Calls upon* all concerned to commit themselves to a reduction in defence spending and a reduction in the number of foreign troops in the Republic of Cyprus to help to restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as described in the set of ideas, stresses the importance of eventual demilitarization of the Republic of Cyprus as an objective in the context of an overall comprehensive settlement, and encourages the Secretary-General to continue to promote efforts in this direction;

7. *Calls upon* the leaders of the two communities to resume the discussions on security issues begun on 26 September 1997;

8. *Welcomes* the ongoing efforts by the Force to implement its humanitarian mandate in respect of Greek Cypriots and Maronites living in the northern part of the island, and Turkish Cypriots living in the southern part, and welcomes also the progress in the implementation of recommendations arising out of the humanitarian review undertaken by the Force in 1995, as mentioned in the report of the Secretary-General;

9. *Welcomes also* the appointment of the new third member of the Committee on Missing Persons, and calls for implementation without delay of the agreement on missing persons of 31 July 1997;

10. *Reiterates its support* for the efforts of the United Nations and others concerned to promote the holding of bi-communal events so as to build cooperation, trust and mutual respect between the two communities, regrets the suspension of such activity by the Turkish Cypriot leadership, and urges both sides, and in particular the Turkish Cypriot side, to facilitate arrangements within which bicomunal contacts can take place uninterrupted and without formalities;

11. *Requests* the Secretary-General to submit a report by 10 December 1998 on the implementation of the present resolution;

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

The second draft resolution¹⁸ was also put to the vote, and was adopted unanimously as resolution 1179 (1998), which reads:

¹⁸ S/1998/576.

The Security Council,

Welcoming the report of the Secretary-General of 16 June 1998 on his mission of good offices in Cyprus,

Reaffirming all its earlier resolutions on Cyprus,

Calling once more upon all States to respect the sovereignty, independence and territorial integrity of the Republic of Cyprus, and requesting them, along with the parties concerned, to refrain from any action which might prejudice that sovereignty, independence and territorial integrity, as well as from any attempt of partition of the island or its unification with any other country,

Reiterating its growing concern that negotiations on a comprehensive political solution have yet to make progress, despite the efforts of the Secretary-General and his Special Adviser and others in support of the United Nations efforts to promote a comprehensive settlement,

1. *Reaffirms* that the status quo is unacceptable and that negotiations on a final political solution of the Cyprus problem have been at an impasse for too long;

2. *Reaffirms* its position that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicomunal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

3. *Stresses its full support* for the Secretary-General's mission of good offices and for the efforts of his Special Adviser on Cyprus to resume a sustained process of direct negotiations aimed at achieving a comprehensive settlement on the basis of the relevant Security Council resolutions, and stresses also the importance of concerted efforts to work with the Secretary-General to that end;

4. *Welcomes* the intention of the Secretary-General to continue to explore possibilities that may lead to a new momentum in that process of negotiations;

5. *Calls once again upon* the leaders of the two communities, in particular the Turkish Cypriot side, to commit themselves to this process of negotiations, to cooperate actively and constructively with the Secretary-General and his Special Adviser and to resume the direct dialogue without further delay, and urges all States to lend their full support to these efforts;

6. *Calls upon*, in this context, all parties concerned to create a climate for reconciliation and genuine mutual confidence on both sides, and to avoid any actions which might increase tension, including through further expansion of military forces and armaments;

7. *Requests* the Secretary-General to submit a report by 10 December 1998 on the implementation of the present resolution;

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

Decision of 22 December 1998 (3959th meeting): resolutions 1217 (1998) and 1218 (1998)

On 7 December 1998, the Secretary-General submitted to the Council a report on the United Nations operation in Cyprus, covering developments from 9 June to 8 December 1998 and providing an update of the activities of the Force.¹⁹ In his report, he observed that there had been no change with regard to reducing tension, the increasing levels of military forces and armaments, demilitarization and discussion on security issues. Moreover, as a result of the suspension of bicomunal contacts by the Turkish Cypriot authorities in December 1997, Turkish Cypriot participation in those events had ceased. He further noted that UNFICYP continued to maintain the ceasefire by controlling the buffer zone and responding quickly to any incidents. He concluded that the presence of the Force on the island remained indispensable and, therefore, recommended an extension of its mandate for a further period ending on 30 June 1999.

By a letter dated 14 December 1998 addressed to the President of the Security Council,²⁰ the Secretary-General reported on his mission of good offices in Cyprus since the adoption of resolution 1179 (1998). In his report, the Secretary-General stated that his Deputy Special Representative had begun “shuttle-talks” with a view to reducing tension and promoting a lasting settlement. Both leaders had expressed their support for the process and promised to cooperate in a constructive and flexible manner. The issues under discussion included, inter alia, a commitment to reject the use of force; a commitment to prevent further military expansion; and an agreement to the United Nations Peacekeeping Force in Cyprus package of measures for reducing tension along the ceasefire lines, including demining. Several meetings and consultations had also been held with representatives of Greece and Turkey. The Secretary-General urged the two leaders to promote a climate of reconciliation and

mutual confidence, especially by avoiding any actions that might increase tension, including the further expansion of military forces and armaments.

At its 3959th meeting, held on 22 December 1998 in accordance with the understanding reached in its prior consultations, the Council included the report and the letter of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Bahrain) drew the attention of the members of the Council to the text of two draft resolutions prepared in the course of the Council’s prior consultations.

The first draft resolution²¹ was then put to the vote and adopted unanimously as resolution 1217 (1998), which reads:

The Security Council,

Welcoming the report of the Secretary-General of 7 December 1998 on the United Nations operation in Cyprus,

Welcoming also the letter from the Secretary-General dated 14 December 1998 addressed to the President of the Security Council on his mission of good offices in Cyprus,

Noting that the Government of Cyprus has agreed that, in view of the prevailing conditions on the island, it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 31 December 1998,

Reaffirming all its earlier resolutions on Cyprus,

Calling once more upon all States to respect the sovereignty, independence and territorial integrity of the Republic of Cyprus, and requesting them, along with the parties concerned, to refrain from any action which might prejudice that sovereignty, independence and territorial integrity, as well as from any attempt of partition of the island or its unification with any other country,

Noting with concern that restrictions to the freedom of movement of the Force continue,

Noting with satisfaction that the situation along the ceasefire lines has remained generally calm, notwithstanding numerous minor violations,

Reiterating the need to make progress on a comprehensive political solution,

1. *Decides* to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period ending on 30 June 1999;

2. *Reminds* both sides of their obligations to prevent any violence directed against Force personnel, to cooperate fully with the Force and to ensure its complete freedom of movement;

¹⁹ S/1998/1149 and Add.1.

²⁰ S/1998/1166.

²¹ S/1998/1207.

3. *Calls upon* the military authorities on both sides to refrain from any action, particularly in the vicinity of the buffer zone, which would exacerbate tensions;

4. *Reiterates its grave concern* at the continuing excessive levels of military forces and armaments in the Republic of Cyprus and the rate at which they are being expanded, upgraded and modernized, including by the introduction of sophisticated weaponry, and the lack of progress towards any significant reduction in the number of foreign troops in the Republic of Cyprus, which threaten to raise tensions both on the island and in the region and complicate efforts to negotiate an overall political settlement;

5. *Calls upon* all concerned to commit themselves to a reduction in defence spending and a reduction in the number of foreign troops in the Republic of Cyprus to help to restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as described in the set of ideas, stresses the importance of eventual demilitarization of the Republic of Cyprus as an objective in the context of an overall comprehensive settlement, and encourages the Secretary-General to continue to promote efforts in this direction;

6. *Reaffirms* that the status quo is unacceptable and that negotiations on a final political solution of the Cyprus problem have been at an impasse for too long;

7. *Reaffirms* its position that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicomunal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

8. *Stresses its full support* for the Secretary-General's mission of good offices and for the efforts of his Special Adviser and Deputy Special Representative in Cyprus to resume, when appropriate, a sustained process of direct negotiations aimed at achieving a comprehensive settlement on the basis of the relevant Security Council resolutions, and stresses also the importance of concerted efforts to work with the Secretary-General to that end;

9. *Calls once again upon* the leaders of the two communities to commit themselves to this process of negotiations, to cooperate actively and constructively with the Secretary-General, his Special Adviser and his Deputy Special Representative and to resume when appropriate the direct dialogue, and urges all States to lend their full support to these efforts;

10. *Welcomes* the ongoing efforts by the Force to implement its humanitarian mandate in respect of Greek Cypriots and Maronites living in the northern part of the island, and Turkish Cypriots living in the southern part, as mentioned in the report of the Secretary-General;

11. *Welcomes also* the resumption of work of the Committee on Missing Persons, and calls for implementation without delay of the agreement on missing persons of 31 July 1997;

12. *Reiterates its support* for the efforts of the United Nations and others concerned to promote the holding of bicomunal events so as to build cooperation, trust and mutual respect between the two communities;

13. *Welcomes* the efforts made to improve the efficiency of the Force, including by the establishment of a new Civil Affairs Branch;

14. *Requests* the Secretary-General to submit a report by 10 June 1999 on the implementation of the present resolution;

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

The second draft resolution²² was then put to the vote, and was adopted unanimously as resolution 1218 (1998), which reads:

The Security Council,

Reaffirming all its earlier resolutions on Cyprus,

Reiterating its grave concern at the lack of progress towards an overall political settlement on Cyprus,

1. *Expresses its appreciation* for the letter dated 14 December 1998 from the Secretary-General addressed to the President of the Security Council on his mission of good offices in Cyprus, in particular on the work of his Deputy Special Representative;

2. *Endorses* the initiative of the Secretary-General announced on 30 September 1998 within the framework of his mission of good offices, with the goal of reducing tensions and promoting progress towards a just and lasting settlement in Cyprus;

3. *Expresses* its appreciation for the spirit of cooperation and constructive approach the two sides have demonstrated thus far in working with the Deputy Special Representative of the Secretary-General;

4. *Requests* the Secretary-General, in view of the objectives of promoting progress towards a just and lasting settlement and of reducing tension, set out in his initiative of 30 September 1998, and building on the serious engagement already demonstrated by the two sides to continue to make progress towards these two objectives, on the basis of relevant Security Council resolutions;

5. *Also requests* the Secretary-General, in particular, to work intensively with the two sides on the following, taking into account resolution 1178 (1998) of 29 June 1998:

²² S/1998/1208.

(a) An undertaking to refrain from the threat or use of force or violence as a means to resolve the Cyprus problem;

(b) A staged process aimed at limiting and then substantially reducing the level of all troops and armaments in Cyprus;

(c) Implementation of the package of measures of the United Nations Peacekeeping Force in Cyprus aimed at reducing tensions along the ceasefire lines, and a commitment to enter into discussions with the Force with a view to early agreement on further specific and related tension-reducing steps, including demining along the buffer zone;

(d) Further progress in the area of tension-reduction;

(e) Efforts to achieve substantive progress on the core aspects of a comprehensive Cyprus settlement;

(f) Other measures that will build trust and cooperation between the two sides;

6. *Calls upon* the two sides to show compliance with all the objectives in paragraphs 4 and 5 above, in full cooperation with the Secretary-General;

7. *Requests* the Secretary-General to keep the Security Council informed of progress made on his initiative;

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

**Decision of 29 June 1999 (4018th meeting):
resolutions 1250 (1999) and 1251 (1999)**

On 8 June 1999, the Secretary-General submitted to the Council a report on the United Nations operation in Cyprus, covering developments from 9 December 1998 to 9 June 1999 and providing an update on the activities of the Force.²³ The Secretary-General said that the situation along the ceasefire lines remained stable and the United Nations Peacekeeping Force in Cyprus continued to respond quickly to incidents between the two sides. While most were minor, the increase in provocative behaviour by members of the opposing forces along the lines heightened the risk of more serious problems. He underlined that the best way to prevent incidents was through enforcement of strict discipline along the ceasefire lines and cooperation with the Force on the basis of long-standing principles and practices. The adoption of measures by UNFICYP to reduce tension would further contribute to stabilizing the situation. More direct contact between Greek and Turkish Cypriots would also influence the atmosphere positively. In the existing circumstances, the Secretary-General

²³ S/1999/657 and Add.1.

concluded that the presence of the Force remained indispensable and, therefore, recommended its extension for a further period, until 31 December 1999.

On 22 June 1999, pursuant to resolution 1218 of (1998), the Secretary-General submitted to the Council a report on his mission of good offices in Cyprus.²⁴ In his report, the Secretary-General observed that his Deputy Special Representative had continued to meet with both Cypriot leaders. Although the substance of those “shuttle-talks” remained confidential, the discussions had reconfirmed the importance of the issue of political equality. The Turkish Cypriot leadership had contended, however, that some aspects of the situation placed the Turkish Cypriots at a disadvantage and undermined the commitment to political equality. The Secretary-General noted that, while there had been no resumption of fighting between the two sides for the past 25 years, the absence of a settlement remained a source of instability and tension, and neither side had anything to gain from waiting any longer. A compromise on the remaining core issues of security, distribution of powers, property and territory would remove the remaining obstacles towards a lasting settlement of the Cyprus question. It was essential, however, that those issues be addressed without preconditions and in a realistic and straightforward manner in comprehensive negotiations. In the light of the above and subject to the Council’s guidance, the Secretary-General was ready to invite both leaders to resume the direct dialogue without further delay, without preconditions and in a spirit of compromise and cooperation.

At its 4018th meeting, held on 29 June 1999 in accordance with the understanding reached in its prior consultations, the Council included the two reports of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Gambia) drew the attention of the members of the Council to the text of two draft resolution prepared in the course of the Council’s prior consultations.

The first draft resolution²⁵ was then put to the vote and adopted unanimously as resolution 1250 (1999), which reads:

²⁴ S/1999/707.

²⁵ S/1999/724.

The Security Council,

Reaffirming all its earlier resolutions on Cyprus, particularly resolution 1218 (1998) of 22 December 1998,

Reiterating its grave concern at the lack of progress towards an overall political settlement on Cyprus,

Appreciating the statement of the heads of State and Government of Canada, France, Germany, Italy, Japan, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on 20 June 1999 calling for comprehensive negotiations in the autumn of 1999 under the auspices of the Secretary-General,

1. *Expresses its appreciation* for the report of the Secretary-General of 22 June 1999 on his mission of good offices in Cyprus;

2. *Stresses its full support* for the Secretary-General's mission of good offices as decided by the Security Council and, in this context, for the efforts of the Secretary-General and his Special Representative;

3. *Reiterates its endorsement* of the initiative of the Secretary-General announced on 30 September 1998, within the framework of his mission of good offices, with the goal of reducing tensions and promoting progress towards a just and lasting settlement in Cyprus;

4. *Notes* that the discussions between the Special Representative of the Secretary-General and the two sides are continuing, and urges both sides to participate constructively;

5. *Expresses the view* that both sides have legitimate concerns that should be addressed through comprehensive negotiations covering all relevant issues;

6. *Requests* the Secretary-General, in accordance with the relevant Security Council resolutions, to invite the leaders of the two sides to negotiations in the autumn of 1999;

7. *Calls upon* the two leaders, in this context, to give their full support to such a comprehensive negotiation, under the auspices of the Secretary-General, and to commit themselves to the following principles:

- No preconditions;
- All issues on the table;
- Commitment in good faith to continue to negotiate until a settlement is reached;
- Full consideration of relevant United Nations resolutions and treaties;

8. *Requests* the two sides in Cyprus, including military authorities on both sides, to work constructively with the Secretary-General and his Special Representative to create a positive climate on the island that will pave the way for negotiations in the autumn of 1999;

9. *Requests* the Secretary-General to keep the Security Council informed of progress towards the implementation of the present resolution and to submit a report to the Council by 1 December 1999;

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

The second draft resolution²⁶ was also put to the vote, and was adopted unanimously as resolution 1251 (1999), which reads:

The Security Council,

Welcoming the report of the Secretary-General of 8 June 1999 on the United Nations operation in Cyprus,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions on the island it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 30 June 1999,

Reaffirming all its earlier resolutions on Cyprus, in particular resolutions 1217 (1998) and 1218 (1998), of 22 December 1998,

Calling once more upon all States to respect the sovereignty, independence and territorial integrity of the Republic of Cyprus, and requesting them, along with the parties concerned, to refrain from any action which might prejudice that sovereignty, independence and territorial integrity, as well as from any attempt at partition of the island or its unification with any other country,

Noting that the situation along the ceasefire lines is essentially stable, but expressing its grave concern at the increasing practice by both sides of engaging in provocative behaviour along the ceasefire lines, which heightens the risk of more serious incidents,

Reminding the parties that the package of measures of the Force aimed at reducing tensions along the ceasefire lines was designed to reduce incidents and tensions, without affecting the security of either side,

Reiterating the need to make progress on a comprehensive political solution,

1. *Decides* to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period ending 15 December 1999;

2. *Reminds* both sides of their obligation to prevent any violence directed against Force personnel, to cooperate fully with the Force and to ensure its complete freedom of movement;

3. *Calls upon* the military authorities on both sides to refrain from any action, including acts of provocation in the vicinity of the buffer zone, which would exacerbate tensions;

²⁶ S/1999/725.

4. *Requests* the Secretary-General and his Special Representative to continue to work intensively with the two sides with a view to early agreement on further specific tension-reducing steps, with full consideration of its resolution 1218 (1998);

5. *Calls upon* the two sides to take measures that will build trust and cooperation and reduce tensions between them, including demining along the buffer zone;

6. *Urges* the Greek Cypriot side to agree to the implementation of the package of measures of the Force, and encourages the Force to continue its efforts towards the rapid implementation of the package by both sides;

7. *Reiterates its grave concern* at the continuing excessive levels of military forces and armaments in the Republic of Cyprus and the rate at which they are being expanded, upgraded and modernized, including by the introduction of advanced weapon systems by either side, and at the lack of progress towards any significant reduction in the number of foreign troops in the Republic of Cyprus, which threaten to raise tensions both on the island and in the region and complicate efforts to negotiate an overall political settlement;

8. *Calls upon* all concerned to commit themselves to a reduction in defence spending, a reduction in the number of foreign troops in the Republic of Cyprus, and a staged process aimed at limiting and then substantially reducing the level of all troops and armaments in the Republic of Cyprus as a first step towards the withdrawal of non-Cypriot forces as described in the set of ideas, to help to restore confidence between the sides, stresses the importance of eventual demilitarization of the Republic of Cyprus as an objective in the context of an overall comprehensive settlement, welcomes in this context any steps either side may take to reduce armaments and troops, and encourages the Secretary-General to continue to promote efforts in this direction;

9. *Calls upon* both sides to refrain from the threat or use of force or violence as a means to resolve the Cyprus problem;

10. *Reaffirms* that the status quo is unacceptable and that negotiations on a final political solution to the Cyprus problem have been at an impasse for too long;

11. *Reaffirms its position* that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicomunal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

12. *Welcomes* the ongoing efforts by the Force to implement its humanitarian mandate in respect of Greek Cypriots and Maronites living in the northern part of the island

and Turkish Cypriots living in the southern part, as mentioned in the report of the Secretary-General;

13. *Reiterates its support* for the efforts of the United Nations and others concerned to promote the holding of bicomunal events so as to build cooperation, trust and mutual respect between the two communities, and calls upon the Turkish-Cypriot leadership to resume such activities;

14. *Requests* the Secretary-General to submit a report by 1 December 1999 on the implementation of the present resolution;

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

Decision of 15 December 1999 (4082nd meeting): resolution 1283 (1999)

On 29 November 1999, the Secretary-General submitted to the Council a report on the United Nations operation in Cyprus, covering developments from 10 June to 29 November 1999 and giving an update of the activities of the United Nations Peacekeeping Force in Cyprus.²⁷ The Secretary-General said that the situation along the ceasefire lines had remained stable and that the prevention of incidents depended on the discipline imposed upon the troops on both sides and upon sustained cooperation with the Force. He further stated that on-island contact between the two communities remained limited, owing to early restrictions imposed by the Turkish Cypriot authorities. Meanwhile, the Force continued to promote civilian activities in the buffer zone, subject to operational and security arrangements. Reporting on his mission of good offices, the Secretary-General said that the leaders of the two Cypriot communities had agreed to start proximity talks, in New York, on 3 December 1999, in order to prepare the ground for meaningful negotiations towards a comprehensive settlement. Under the existing circumstances, he concluded that the presence of the Force on the island remained indispensable, and he therefore recommended the extension of the mandate of the Force for a further period ending on 15 June 2000.

At its 4082nd meeting, held on 15 December 1999 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (United Kingdom) drew the attention of the members of the Council to the text of a draft resolution prepared in the course of the Council's prior consultations.²⁸ The draft

²⁷ S/1999/1203 and Corr.1 and Add.1.

²⁸ S/1999/1249.

resolution was then put to the vote and adopted unanimously as resolution 1283 (1999), which reads:

The Security Council,

Welcoming the report of the Secretary-General of 29 November 1999 on the United Nations operation in Cyprus, and in particular the call to the parties to assess and address the humanitarian issue of missing persons with due urgency and seriousness,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to

keep the United Nations Peacekeeping Force in Cyprus beyond 15 December 1999,

1. *Reaffirms* all its relevant resolutions on Cyprus, in particular resolution 1251 (1999) of 29 June 1999;

2. *Decides* to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period ending 15 June 2000;

3. *Requests* the Secretary-General to submit a report by 1 June 2000 on the implementation of the present resolution;

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

27. Items relating to the situation in the former Yugoslavia

A. The situation in the former Yugoslavia

Decision of 1 October 1996 (3700th meeting): resolution 1074 (1996)

At its 3700th meeting, held on 1 October 1996 in accordance with the understanding reached in its prior consultations, the President (Honduras), with the consent of the Council, invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President, with the consent of the Council, also invited Mr. Vladislav Jovanović to sit at the Council table.

At the same meeting, the President drew the attention of members of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹ The President further drew the attention of the Council to a letter dated 1 October 1996 from the Secretary-General addressed to the President of the Security Council, transmitting a letter and a report by the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. The letter from the High Representative also noted that, with the certification by the Organization for Security and Cooperation in Europe (OSCE) of the results of the elections held on 14 September in accordance with annex 3 of the Peace Agreement, conditions had been met for the decisions envisaged in paragraph 4 of resolution 1022 (1995) to be taken regarding the termination of measures imposed by resolutions 757 (1992), 787 (1992), 820 (1993), 942 (1994), 943

(1994), 988 (1995), 992 (1995), 1003 (1995) and 1015 (1995).²

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1074 (1996), which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, and reaffirming, in particular, its resolution 1022 (1995) of 22 November 1995,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Expressing its appreciation to the High Representative, the Commander and personnel of the multinational Implementation Force, personnel of the United Nations and the Organization for Security and Cooperation in Europe, as well as other international personnel in Bosnia and Herzegovina for their contributions to the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

Welcoming the progress in the implementation of the Peace Agreement,

Welcoming also the process of mutual recognition, and stressing the importance of full normalization of relations, including the establishment of diplomatic relations, among all successor States to the former Socialist Federal Republic of Yugoslavia,

Noting with satisfaction that the elections called for in annex 3 of the Peace Agreement have taken place in Bosnia and Herzegovina,

¹ S/1996/815.

² S/1996/814.

Underlining the need for full cooperation by States and entities with 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, which constitutes an essential aspect of implementing the Peace Agreement,

Reminding the parties of the relationship between the fulfilment by them of their commitments in the Peace Agreement and the readiness of the international community to commit financial resources for reconstruction and development,

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

1. *Notes with satisfaction* that the elections called for in annex 3 of the Peace Agreement took place on 14 September 1996 in Bosnia and Herzegovina, and notes that their holding constituted an essential step towards achieving the objectives of the Peace Agreement;

2. *Decides*, in accordance with paragraph 4 of its resolution 1022 (1995), to terminate, with immediate effect, the measures referred to in paragraph 1 of that resolution;

3. *Calls upon* all parties to comply strictly with all their commitments under the Peace Agreement;

4. *Decides* to keep the situation under close review taking into account the reports submitted pursuant to paragraphs 25 and 32 of resolution 1031 (1995) of 15 December 1995 and any recommendations those reports might include;

5. *Also decides* to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

6. *Further decides* to dissolve the Security Council Committee established pursuant to its resolution 724 (1991) of 15 December 1991 once its report has been finalized, and expresses its gratitude for the work of the Committee;

7. *Decides* to remain seized of the matter.

B. The situation in Croatia

Decision of 8 January 1996 (3617th meeting): statement by the President

On 21 December 1995, pursuant to resolution 1019 (1995), the Secretary-General submitted to the Security Council a report on measures taken by the Government of Croatia in implementing resolutions 1009 (1995) and 1019 (1995) from 23 August until November 1995.³ In his report, the Secretary-General stated that human rights violations in former Sectors

³ S/1995/1051.

North and South continued to be reported, although on a reduced scale. Moreover, there was a considerable discrepancy between the number of perpetrators that had been brought to justice and the number of reported violations of human rights. Croatian police officials had generally appeared to have displayed an unresponsive attitude to complaints against Croatian civilians and security personnel and, in many cases, had taken no action. He stated that the rights of Krajina Serbs to remain in their homes had not been adequately safeguarded and they had faced extensive harassment and intimidation. In addition, the rights of the Serb population that had fled during the military operation to return to their homes in safety and dignity were being seriously curtailed by the absence of constructive measures to facilitate their return. He emphasized that the humanitarian situation of the Serb population who had remained, consisting mainly of elderly and disabled people, was particularly disturbing, and stressed that many more might die during the winter if adequate assistance was not provided in a timely manner. Failure to respect the right to a fair trial of those Serbs who had remained and had been arrested on grounds of having committed “war crimes” or “armed rebellions” was also noted as a point of concern by the Secretary-General. Finally, the rights of the minority population in Croatia were being restricted by changes in the Constitution and new legal provisions, such as the law concerning the return and reclamation of property, were inhibiting the full enjoyment of human rights and fundamental freedoms. He underlined that it was necessary to ensure that the rights of the Serb minority were adequately safeguarded in the legal and constitutional framework of Croatia.

At its 3617th meeting, held on 8 January 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report in its agenda. Following the adoption of the agenda, the President (United Kingdom), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁴

The Security Council has considered the report of the Secretary-General of 21 December 1995 submitted pursuant to

⁴ S/PRST/1996/2.

its resolution 1019 (1995) of 9 November 1995 on Croatia, in particular the humanitarian situation and human rights violations described therein.

The Council strongly condemns the violations of international humanitarian law and human rights in the former sectors North and South in the Republic of Croatia, as described in the report of the Secretary-General, including killings of several hundreds of civilians, systematic and widespread looting and arson and other forms of destruction of property. The Council expresses its deep concern that there is a considerable discrepancy between the number of perpetrators that have so far been brought to justice and the number of reported violations of international humanitarian law and human rights. The Council urges the Government of the Republic of Croatia to make every effort to arrest all perpetrators and bring them to trial promptly.

The Council is disturbed by the humanitarian and security situation of the mostly elderly Serb population who have remained in the former sectors in the Republic of Croatia. The Council is gravely concerned at the information contained in the report on continuing extensive harassment and intimidation, looting of property and other forms of abuse. It reaffirms once again its demand that the Government of the Republic of Croatia take urgent measures to stop all such acts immediately and calls upon the Government to provide urgently needed food, medical assistance and proper shelter to the Serb population.

The Council reaffirms that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts. It recalls with dismay the failure to date of the Government of the Republic of Croatia to transfer to the custody 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, established pursuant to its resolution 827 (1993), persons indicted by the International Tribunal, and expresses its concern at the recent appointment of one of those indicted to a position in the Croatian Army. The Council reiterates that all States must cooperate fully with the International Tribunal and its organs.

The Council expresses its deep concern at the situation of the refugees from the Republic of Croatia who wish to return. The Council shares the view of the Secretary-General that the rights of the members of the Serb population who fled during the military operation to return to their homes in safety and dignity are being severely curtailed by the absence of constructive measures to facilitate their return. The Council reaffirms its demand that the Government of the Republic of Croatia respect fully the rights of the members of the local Serb population, including their right to remain, leave or return in safety, and demands that the Government create conditions conducive to the return of those persons and urgently establish procedures to facilitate the processing of requests by persons wishing to return. It also urges the Government of the Republic of Croatia to refrain from any measure which would adversely affect the exercise of the right to return.

The Council reaffirms its call upon the Republic of Croatia to lift any time limits placed on the return of refugees to reclaim their property. It notes the decision of the Government of the Republic of Croatia of 27 December 1995 to suspend the deadline set in the relevant Croatian law as a step in the right direction. The Council will follow closely whether the Republic of Croatia will lift any such time limit in a definitive manner.

The Council takes note with appreciation of the decision of the Government of the Republic of Croatia of 30 December 1995 to suspend criminal proceedings against and release 455 local Serbs detained on suspicion of armed rebellion. The Council calls upon the Government of the Republic of Croatia to take appropriate measures to ensure that the right to a fair trial of those Serbs who remained and have been arrested and accused of war crimes or armed rebellion is safeguarded.

The Council affirms that it is necessary to ensure that the rights of persons belonging to the Serb minority are adequately safeguarded in the legal and constitutional framework of the Republic of Croatia. It urges the Government of the Republic of Croatia to rescind its decision to suspend several articles of the 'Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities in the Republic of Croatia' as described in the report of the Secretary-General. The Council stresses that strict respect for the rights of persons belonging to the Serb minority will also be of great importance to the implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium of 12 November 1995.

The Council requests the Secretary-General to keep it regularly informed on the progress of measures taken by the Government of the Republic of Croatia to implement resolution 1019 (1995) and the demands set out in the present statement, requests the Secretary-General to report to it no later than 15 February 1996 on this matter and expresses its intention to act as appropriate.

The Council will remain seized of the matter.

Decision of 15 January 1996 (3619th meeting): resolutions 1037 (1996) and 1038 (1996)

At its 3619th meeting, held on 15 January 1996 in accordance with the understanding reached in its prior consultations, the President (United Kingdom), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.⁵ The President, with the consent of the Council, also invited Mr. Jovanović, at his request, to address the Council in the course of the discussion. He also drew the attention of the Council to

⁵ For details see S/PV.3619 and chapter III.

an earlier report of the Secretary-General pursuant to Security Council resolution 1025 (1995).⁶

At the same meeting, the President further drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, Poland, the Republic of Korea, the Russian Federation, the United Kingdom and the United States,⁷ and to a second draft resolution prepared in the course of the Council's prior consultations.⁸

At the same meeting, the President further drew the attention of the Council to the following other documents: letters dated 15 November 1995 and 10 January 1996, respectively, from the representative of Croatia addressed to the Secretary-General and the President of the Security Council, respectively, which expressed support for the deployment of United Nations military observers in the Prevlaka peninsula to be replaced by a regional arrangement;⁹ and a letter dated 11 January 1996 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council, requesting the Security Council to regulate the question of the further continuation of the United Nations monitoring mission in the disputed area pending the peaceful settlement of the dispute.¹⁰

The representative of Croatia stated that his Government understood the draft resolution as an expression of the Council's determination to go beyond passive protection of Croatia's territorial integrity within its internationally recognized borders and to actively restore Croatian sovereignty to the region of Eastern Slavonia, Baranja and Western Sirmium, through the work of the Transitional Administrator and the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES). He underlined that the demilitarization aspect of the UNTAES mandate was the most critical element for its success. He noted that there might be some resistance to it, but that this could be overcome by creating a programme of second-country resettlements for local occupation leaders and through

an active role on the part of the Government in Belgrade. That could begin with an immediate withdrawal of regular and paramilitary troops and assets from the region. He also stated that the Federal Republic of Yugoslavia had to move towards recognition of Croatia within its internationally recognized borders, in line with the Council's calls for such recognition. He noted that Croatia was also willing to do the same and recognize the Federal Republic of Yugoslavia. The momentum created by the rapid and assertive implementation of the Multinational Military Implementation Force (IFOR) mandate could benefit the demilitarization aspect of the UNTAES mandate and, therefore, his Government welcomed any form of linkages between the two missions. He emphasized the importance of operative paragraphs 5, 6 and 7 of the draft resolution, noting that his Government interpreted those paragraphs to mean that the Security Council would terminate the mandate of UNTAES, if the demilitarization aspect was not achieved and, at any other time, if any other significant aspect of the mandate failed to be implemented, particularly if 126,000 non-Serb displaced persons and refugees were unable to return to the region in a timely and meaningful manner. Commenting on the second draft resolution, he expressed support for it and noted that Croatia was pleased that the issue of the Prevlaka peninsula was addressed in a separate document. He noted that the draft resolution recognized that the Prevlaka peninsula was an integral part of Croatia and opened a door for establishing a new monitoring arrangement in the area. He reiterated that, while the question of the Prevlaka peninsula could in no way be considered a border dispute, Croatia was ready to continue to explore all possible ways to peacefully resolve existing problems in the area, centred not on Prevlaka but on the Boka Kotorska harbour. He expressed support for the view that access to the Boka Kotorska harbour in the neighbouring Republic of Montenegro should be harmless.¹¹

At the same meeting, Mr. Jovanović stated that the conclusion of the Basic Agreement on Eastern Slavonia, Baranja and Western Sirmium, together with the Peace Agreement for Bosnia and Herzegovina, represented a major step towards the establishment of a lasting and just peace in the territories of the former

⁶ S/1995/1028; see also Supplement 1993-1995 to the Repertoire, Chap. VIII.

⁷ S/1996/23.

⁸ S/1996/24.

⁹ S/1995/951 and S/1996/13.

¹⁰ S/1996/21.

¹¹ S/PV.3619, pp. 2-4.

Yugoslavia. He stated that the Federal Republic of Yugoslavia wanted to emphasize that, under the Basic Agreement, the Security Council had undertaken the responsibility to guarantee peace and stability in Eastern Slavonia in the transitional period, which meant ensuring the equality of all citizens and the protection of their human rights, including those of refugees and other people who chose to return to live in Eastern Slavonia. His delegation also commended the conclusions contained in the report of the Secretary-General and expected the United Nations forces to efficiently and impartially contribute to the full implementation of the Agreement. He stated that his delegation considered that a sufficient number of soldiers needed to be dispatched to Eastern Slavonia in order to enable the United Nations to entirely fulfil all the tasks that lay ahead, and he underlined that if that was not the case the efficient implementation of the Agreement would be at risk. He noted that the transitional authority needed to take control of and enhance all existing public services and administration and that it was imperative that the proportionality of the ethnic structure of the region be maintained in the number of people employed, particularly in top management jobs, the police and the judicial system. Noting that the implementation of the Basic Agreement could not depend solely on the United Nations, but lay with the two sides, he stressed that it was essential that confidence-building measures be urgently established and the full security of the local population ensured. He emphasized that the dispute over the Prevlaka peninsula was one of the most complex and significant issues and was of particular importance for the Federal Republic of Yugoslavia, considering that access to the Montenegrin Bay of Boka Kotorska was fully controlled from the Prevlaka peninsula. He stated that what was at stake was a classic territorial dispute, and that considering the sensitivity of the issue, as well as the strategic relevance of the area, he felt that the further presence of United Nations troops would be the best guarantor, if misunderstandings and new problems were to be avoided. The Federal Republic of Yugoslavia therefore commended the Security Council for having decided to accept the recommendations of the Secretary-General to extend the presence of the United Nations monitors pending a mutually acceptable solution. He stated that his country believed the question could be resolved peacefully, and the Federal Republic of Yugoslavia was ready, on the basis of relevant mutual agreements as well as Security

Council resolutions, to continue to negotiate with Croatia.¹²

Speaking before the vote, the representative of Egypt stressed the need to show the utmost flexibility in implementing the provisions of the draft resolution, particularly when determining the size of the military component of UNTAES, by giving the Transitional Administrator the opportunity to propose an increase in the size of that component when he reported to the Secretary-General in the framework of paragraph 4 of the draft resolution or any subsequent report. He also stressed the need to achieve the greatest possible balance between participation in the UNTAES military component by State members of the North Atlantic Treaty Organization (NATO) on the one hand and non-NATO States on the other.¹³

The representative of China underlined that the main task of the Transitional Administration would be to assist the parties concerned in implementing the Basic Agreement, and that its activities needed to be strictly restricted to what was requested therein. Reiterating China's reservations about elements of the draft resolution, he stated that, when it came to the deployment of United Nations peacekeeping operations, China was never in favour of enforcement action under Chapter VII of the Charter. He noted that, as the two Croatian parties had explicitly pledged their cooperation, the military component of the Transitional Administration would be engaged mainly in monitoring and assisting demilitarization. He stated that, under those circumstances, it was not necessary to invoke Chapter VII in the authorization. Moreover, the use of close air support, as appropriate, in the case of insufficient manpower in peacekeeping operations needed to be limited to self-defence. Peacekeeping forces should not use force indiscriminately, and even less employ it as a means of retaliation. Finally, he stressed that the Transitional Administrator should exercise caution when making such requests.¹⁴

The representative of Indonesia underlined that the draft resolution provided for the Council's reconsideration of the mandate, if at any time it received a report from the Secretary-General that the parties had significantly failed to comply with the

¹² Ibid., pp. 4-6.

¹³ Ibid., pp. 7-8.

¹⁴ Ibid., pp. 8-9.

terms of the Basic Agreement. This was important because it provided the Council with the flexibility to adapt to rapidly changing circumstances but also because it underscored the message to the parties concerned of the need for their strict and scrupulous compliance with the Agreement.¹⁵

The representative of the Russian Federation noted that there were initial signs of an exodus of the Serb population, and that every effort needed to be made to prevent such a turn of events. He maintained that the situation in that part of Croatia needed to be carefully monitored by the Security Council so that the Council could promptly consider any further steps to fully implement the provisions of the current draft resolution if necessary.¹⁶

Speaking before and after the vote, several other speakers took the floor, expressing their support for the draft resolution, emphasizing the importance of the full cooperation of the parties to the conflict with the international community and observance of their commitments under the Basic Agreement; underlining the importance of the authorization for Member States to take all necessary measures, including close air support, in defense of UNTAES and for the close cooperation between IFOR and UNTAES including the provision of military support; and for cooperation between UNTAES and the International Tribunal for the Former Yugoslavia.¹⁷

At the same meeting, the first draft resolution was put to the vote and adopted unanimously as resolution 1037 (1996), which reads:

The Security Council,

Recalling its earlier relevant resolutions, in particular its resolutions 1023 (1995) of 22 November 1995 and 1025 (1995) of 30 November 1995,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, and emphasizing in this regard that the territories of Eastern Slavonia, Baranja and Western Sirmium are integral parts of the Republic of Croatia,

Stressing the importance it attaches to full respect for human rights and fundamental freedom for all in those territories,

Expressing its support for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium between the Government of the Republic of Croatia and the local Serb community, signed on 12 November 1995,

Having considered the report of the Secretary-General of 13 December 1995,

Stressing the importance it places on mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders,

Desiring to support the parties in their effort to provide for a peaceful settlement of their disputes and thus to contribute to the achievement of peace in the region as a whole,

Stressing the obligation of Member States to meet all their commitments to the United Nations in relation to the United Nations peacekeeping operations in the former Yugoslavia,

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

Determined to ensure the security and freedom of movement of the personnel of the United Nations peacekeeping operation in the Republic of Croatia, and to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to establish for an initial period of twelve months a United Nations peacekeeping operation for the region referred to in the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, with both military and civilian components, under the name "United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium";

2. *Requests* the Secretary-General to appoint, in consultation with the parties and with the Security Council, a Transitional Administrator who will have overall authority over the civilian and military components of the Transitional Administration and who will exercise the authority given to the Transitional Administration in the Basic Agreement;

3. *Decides* that the demilitarization of the region, as provided in the Basic Agreement, shall be completed within thirty days from the date the Secretary-General informs the Council, based on the assessment of the Transitional Administrator, that the military component of the Transitional Administration has been deployed and is ready to undertake its mission;

¹⁵ Ibid., pp. 9-10.

¹⁶ Ibid., pp. 10-11.

¹⁷ Ibid., before the vote: pp. 6-7 (Italy on behalf of the European Union and associated and aligned countries; Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Slovakia; and Norway); pp. 7-8 (Egypt); pp. 9-10 (Indonesia); pp. 11-13 (Chile); p. 13 (Honduras); pp. 13-14 (Republic of Korea); pp. 14-15 (Guinea-Bissau); pp. 15-16 (Botswana); pp. 16-17 (Poland); and pp. 17-18 (Germany). After the vote: pp. 19-20 (France); and pp. 19-20 (United Kingdom).

4. *Requests* the Secretary-General to report monthly to the Council, the first such report to be submitted within one week after the date on which the demilitarization is scheduled to be completed pursuant to paragraph 3 above, regarding the activities of the Transitional Administration and the implementation of the Basic Agreement by the parties;

5. *Strongly urges* the parties to refrain from any unilateral actions which could hinder the handover from the United Nations Confidence Restoration Operation, which is known as UNCRO, to the Transitional Administration or the implementation of the Basic Agreement, and encourages them to continue to adopt confidence-building measures to promote an environment of mutual trust;

6. *Decides* that, no later than fourteen days after the date on which demilitarization is scheduled to be completed pursuant to paragraph 3 above, it will review whether the parties have shown a willingness to implement the Basic Agreement, taking into consideration the actions of the parties and information provided to the Council by the Secretary-General;

7. *Calls upon* the parties to comply strictly with their obligations under the Basic Agreement and to cooperate fully with the Transitional Administration;

8. *Decides* to reconsider the mandate of the Transitional Administration if at any time it receives a report from the Secretary-General that the parties have failed significantly to comply with their obligations under the Basic Agreement;

9. *Requests* the Secretary-General to report to the Council no later than 15 December 1996 on the Transitional Administration and the implementation of the Basic Agreement, and expresses its readiness to review the situation in the light of that report and to take appropriate action;

10. *Decides* that the military component of the Transitional Administration shall consist of a force with an initial deployment of up to 5,000 troops which will have the following mandate:

(a) To supervise and facilitate the demilitarization as undertaken by the parties to the Basic Agreement, according to the schedule and procedures to be established by the Transitional Administration;

(b) To monitor the voluntary and safe return of refugees and displaced persons to their home of origin in cooperation with the United Nations High Commissioner for Refugees, as provided for in the Basic Agreement;

(c) To contribute, by its presence, to the maintenance of peace and security in the region;

(d) Otherwise to assist in the implementation of the Basic Agreement;

11. *Decides also* that, consistent with the objectives and functions set out in paragraphs 12 to 17 of the report of the Secretary-General of 13 December 1995, the civilian component

of the Transitional Administration shall have the following mandate:

(a) To establish a temporary police force, define its structure and size, develop a training programme and oversee its implementation, and monitor the treatment of offenders and the prison system, as quickly as possible, as set out in paragraph 16 (a) of the report of the Secretary-General;

(b) To undertake tasks relating to civil administration as set out in paragraph 16 (b) of the report of the Secretary-General;

(c) To undertake tasks relating to the functioning of public services as set out in paragraph 16 (c) of the report of the Secretary-General;

(d) To facilitate the return of refugees as set out in paragraph 16 (e) of the report of the Secretary-General;

(e) To organize elections, to assist in their conduct, and to certify the results as set out in paragraph 16 (g) of the report of the Secretary-General and in paragraph 12 of the Basic Agreement;

(f) To undertake the other activities described in the report of the Secretary-General, including assistance in the coordination of plans for the development and economic reconstruction of the region, and those described in paragraph 12 below;

12. *Decides further* that the Transitional Administration shall also monitor the compliance of the parties with their commitment, as specified in the Basic Agreement, to respect the highest standards of human rights and fundamental freedoms, promote an atmosphere of confidence among all local residents irrespective of their ethnic origin, monitor and facilitate the demining of territory within the region and maintain an active public affairs element;

13. *Calls upon* the Government of the Republic of Croatia to include the Transitional Administration and the United Nations Liaison Office in Zagreb in the definition of "United Nations Peace Forces and Operations in Croatia" in the present status-of-forces agreement with the United Nations, and requests the Secretary-General to confirm urgently, and no later than the date referred to in paragraph 3 above, whether this has been done;

14. *Decides* that Member States, acting nationally or through regional organizations or arrangements, may, at the request of the Transitional Administration and on the basis of procedures communicated to the United Nations, take all necessary measures, including close air support, in defence of the Transitional Administration and, as appropriate, to assist in the withdrawal of the Transitional Administration;

15. *Requests* that the Transitional Administration and the multinational Implementation Force authorized by the Council in resolution 1031 (1995) of 15 December 1995 cooperate, as appropriate, with each other as well as with the High Representative;

16. *Calls upon* the parties to the Basic Agreement to cooperate with all agencies and organizations assisting in the activities related to the implementation of the Basic Agreement, consistent with the mandate of the Transitional Administration;

17. *Requests* all international organizations and agencies active in the region to coordinate closely with the Transitional Administration;

18. *Calls upon* States and international financial institutions to support and cooperate with efforts to promote the development and economic reconstruction of the region;

19. *Underlines* the relationship between the fulfilment by the parties of their commitments in the Basic Agreement and the readiness of the international community to commit financial resources for reconstruction and development;

20. *Reaffirms* that all States shall cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and its organs, in accordance with the provisions of resolution 827 (1993) of 25 May 1993 and the statute of the International Tribunal, and shall comply with requests for assistance or orders issued by a Trial Chamber under article 29 of the statute;

21. *Stresses* that the Transitional Administration shall cooperate with the International Tribunal in the performance of its mandate, including with regard to the protection of the sites identified by the Prosecutor and persons conducting investigations for the International Tribunal;

22. *Requests* the Secretary-General to submit for consideration by the Council at the earliest possible date a report on the possibilities for contributions from the host country in offsetting the costs of the operation;

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

At the same meeting, the second draft resolution was put to the vote and adopted unanimously as resolution 1038 (1996).

The Security Council,

Recalling its earlier relevant resolutions, in particular resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995 and 1025 (1995) of 30 November 1995,

Having considered the report of the Secretary-General of 13 December 1995,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia,

Noting the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia which reaffirmed their agreement concerning the demilitarization of the Prevlaka peninsula, emphasizing the contribution that this

demilitarization has made to the decrease of tension in the region, and stressing the need for the Republic of Croatia and the Federal Republic of Yugoslavia to agree on a settlement which would peacefully resolve their differences,

Stressing the importance it places on mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders,

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

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995 for a period of three months, to be extended for an additional period of three months upon a report by the Secretary-General that such extension would continue to contribute to the decrease of tension there;

2. *Requests* the Secretary-General to submit to the Council by 15 March 1996, for its early consideration, a report on the situation in the Prevlaka peninsula as well as on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences, and on the possibility that the existing mandate may be extended or that another international organization may assume the task of monitoring the demilitarization of the Prevlaka peninsula;

3. *Requests* the United Nations military observers and the multinational Implementation Force authorized by the Council in resolution 1031 (1995) of 15 December 1995 to cooperate fully with each other;

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

Speaking after the vote, the representative of the United States stated that, as requested by the parties, the mandate of UNTAES ensured that it would be able to “govern” the region in an authoritative fashion. She stated that, in agreeing to undertake this complex responsibility, the international community would demand that both the Serb and Croat sides fully implement the 12 November Agreement. The Transitional Administration would not be expected to implement the Agreement by force, nor would it be expected to defend the region from an armed incursion. The international community would not tolerate actions that endangered the lives of the peacekeepers that were being sent. She emphasized that the meaning of paragraph 14 of the resolution was clear, namely that UNTAES would have the right to ask for assistance if its personnel were in danger. Further, North Atlantic Treaty Organization (NATO) had already decided to provide close air support if requested by UNTAES.

Regarding the resolution that authorized United Nations military observers to continue to monitor the agreement on the demilitarization of the Prevlaka peninsula and surrounding territory, she stated that, while her Government had no doubt that the Prevlaka peninsula was sovereign Croatian territory, the United States called on both sides to continue to comply with their agreement to demilitarize the strategically important area. She also noted that the resolution called on the Secretary-General to submit, by 15 March 1996, a report which would comment on the possibility of another international organization assuming the task of monitoring the Prevlaka peninsula.¹⁸

**Decision of 31 January 1996 (3626th meeting):
resolution 1043 (1996)**

By a letter dated 26 January 1996 addressed to the President of the Security Council, the Secretary-General referred to Security Council resolution 1037 (1996) of 15 January 1996, by which the Council established the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium, and to his report of 13 December 1995.¹⁹ He recalled that in his report he had recommended that a force of 9,300 combat troops would be necessary to ensure security in the region and to supervise demilitarization through a visible and credible presence. He noted that, given that number of troops, the concept had not required the deployment of United Nations military observers. However, in its resolution 1037 (1996), the Security Council decided that the military component of UNTAES would consist of a force with an initial deployment of up to 5,000 troops. In view of the more limited presence of the smaller force, the Transitional Administrator and his military staff had identified the need for 100 United Nations military observers for a period of six months in order to enable UNTAES to supervise and facilitate the demilitarization provided for in the Basic Agreement. He expressed his agreement with this recommendation and therefore sought the authorization of the Security Council for the deployment of 100 United Nations military observers for six months.

At its 3626th meeting, held on 31 January 1996 in accordance with the understanding reached in its prior

consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (United Kingdom), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations. The draft resolution was put to the vote and adopted unanimously as resolution 1043 (1996), which reads:

The Security Council,

Recalling its resolution 1037 (1996) of 15 January 1996 establishing the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium,

Having considered the letter dated 26 January 1996 from the Secretary-General to the President of the Security Council,

1. *Decides* to authorize, as part of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, and in accordance with the provisions of resolution 1037 (1996), the deployment of one hundred military observers for a period of six months;

2. *Decides also* to remain seized of the matter.

**Decision of 23 February 1996 (3633rd meeting):
statement by the President**

On 14 February 1996, pursuant to Security Council resolution 1019 (1995), the Secretary-General submitted to the Council a report on the progress of measures taken by the Government of Croatia to implement resolution 1019 (1995), which demanded that the rights of the local Serb population in the former Sectors be respected and that an end be put to all violations of international humanitarian law and human rights.²⁰ In his report, the Secretary-General observed that the report by the Government of 28 January 1996 constituted a welcome statement of intended policy and operational initiatives to improve Croatia's human rights record. However, it was clear that international concern and attention in that area would not dissipate until there was evidence that the various policy initiatives had been implemented. He stated that it was gratifying that the incidence of human rights violations noted in the past two months in the former Sectors in Croatia had been greatly reduced from the levels recorded in the months immediately

¹⁸ *Ibid.*, pp. 18-19.

¹⁹ S/1996/66 and Add.1.

²⁰ S/1996/109.

following last summer's military operations. The potential for recurrence remained substantial and, in that regard, the continuing absence of a strong and responsible local police presence remained a cause for concern. He also underlined that it would be important to continue to monitor the judicial process to ensure that the widespread criminality documented by international observers would be addressed. In addition, continued vigilance in respect of the humanitarian needs of the elderly Croatian Serbs who remained in the former Sectors was essential. Finally, little progress had been made on the return of Croatian Serb refugees to Croatia, and the Government had indicated that this would be addressed principally in the course of initiatives to be taken for the normalization of relations between Croatia and the Federal Republic of Yugoslavia. The Secretary-General also expressed hope that Serbs alleged to have taken up arms in support of the "Republic of Serb Krajina" would be granted fair judicial proceedings and that due consideration would be given to granting them amnesty, in accordance with the principles of international law. With the termination of the United Nations Confidence Restoration Operation in Croatia mandate on 15 January 1996, the number of international personnel in Croatia (outside the former Sector East) with a mandate to monitor human rights had been drastically reduced. Therefore, he stated that the ability of the United Nations to assess further developments would accordingly be very limited.

At its 3633rd meeting, held on 23 February 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (United States), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:²¹

The Security Council has considered the further report of the Secretary-General of 14 February 1996 submitted pursuant to its resolution 1019 (1995) on Croatia.

The Council recalls the statement by its President of 8 January 1996. The Council acknowledges that the incidence of human rights violations has been greatly reduced. However, it

expresses concern that isolated incidents of killings and other violations of human rights have been reported. The Council also acknowledges the significant progress made by the Croatian Government in alleviating the humanitarian plight of the mostly elderly Serb population who remain in the former sectors in the Republic of Croatia. The Council looks to the Croatian Government to ensure the security and well-being of that population and to ensure the provision of basic humanitarian assistance, including access to medical facilities, pension allowances and property. The Council also looks to the Croatian Government to pursue vigorously prosecutions against those suspected of past violations of international humanitarian law and human rights against the local Serb minority.

The Council calls upon the Croatian Government to give due consideration to granting amnesty to local Serbs remaining in detention on charges arising from their alleged participation in the conflict.

The Council reiterates that all States must cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and its organs, established pursuant to its resolution 827 (1993). It notes that Croatian legislation providing for full cooperation with the International Tribunal is reported to be imminent. The Council urges the Government of the Republic of Croatia to uphold its obligations with respect to the International Tribunal unreservedly and without delay.

The Council remains deeply concerned at the situation of those refugees from the Republic of Croatia who wish to return. It condemns the fact that effective measures have so far not been taken in that respect. It calls upon the Croatian Government to ensure the expeditious processing of all requests from refugees. It underlines the fact that the exercise by members of the local Serb population of their rights, including their right to remain, leave or return to their homes in safety and dignity and reclaim possession of their property, cannot be made conditional upon an agreement on the normalization of relations between the Republic of Croatia and the Federal Republic of Yugoslavia. The Council demands that the Croatian Government take measures forthwith to ensure that those concerned may fully exercise these rights. The Council also calls upon the Croatian Government to rescind its earlier decision to suspend articles of the constitutional law affecting the rights of national minorities and to proceed with the establishment of a provisional human rights court. It reminds the Croatian Government once again that the promotion of strict respect for the rights of persons belonging to the Serb minority is relevant to the successful implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995.

The Council welcomes and supports the Croatian Government's agreement to the establishment by the Organization for Security and Cooperation in Europe of a long-term mission with a view to monitoring respect for human rights throughout the Republic of Croatia. The Council pays tribute to

²¹ S/PRST/1996/8.

the valuable work carried out by the United Nations Confidence Restoration Organization, which is known as UNCRO, and the European Community Monitoring Mission in this field over the past year.

The Council requests the Secretary-General to keep it regularly informed and to report in any case no later than 20 June 1996, drawing *inter alia* on information available from other relevant United Nations bodies, including the Office of the United Nations High Commissioner for Refugees, and the European Community Monitoring Mission, on the progress of measures undertaken by the Government of the Republic of Croatia in the light of the present statement.

The Council will remain seized of the matter.

**Decision of 22 May 1996 (3666th meeting):
statement by the President**

By a letter dated 20 May 1996 addressed to the President of the Security Council,²² the Secretary-General informed the Council, with reference to operative paragraph 3 of resolution 1037 (1996), that the Transitional Administrator had assessed that the military component of the Transitional Administration had been deployed and was ready to undertake its mission of demilitarization of the region of Eastern Slavonia, Baranja and Western Sirmium. As other arrangements to support the process of demilitarization were also in place, it was the intention of the Transitional Administrator to commence demilitarization of the region at 1200 hours, local time, on Tuesday, 21 May 1996.

At its 3666th meeting, held on 22 May 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (China), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 20 May 1996 addressed to the President of the Security Council from the representative of Croatia,²³ which informed him that the Croatian Sabor (Parliament) had adopted a law that granted amnesty to all persons who committed crimes between 17 August 1990 and 1 June 1996 in the last remaining occupied Croatian territory, presently under the temporary administration of UNTAES, although this excluded

persons who were suspected of violations of international humanitarian law and the laws of war.

At the same meeting, the President made the following statement on behalf of the Council:²⁴

The Security Council has considered the letter dated 20 May 1996 from the Secretary-General to its President in which he informed the Council of the assessment of the Transitional Administrator that the military component of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium had been deployed and was ready to undertake its mission of demilitarization of the region. That mission of demilitarization began on 21 May 1996.

The Council calls upon the parties to comply strictly with their obligations under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995, and to cooperate fully with the Transitional Administration. It stresses that they must refrain from any unilateral action which could hinder the implementation of the Basic Agreement, including the process of demilitarization.

The Council reminds the parties that the successful implementation of the Basic Agreement requires the respect by them of the highest level of internationally recognized human rights and fundamental freedoms. It calls upon the parties to continue to cooperate with the Transitional Administration in adopting confidence-building measures to promote an environment of mutual trust.

The Council calls upon the Government of the Republic of Croatia to grant amnesty to all persons who, either voluntarily or by coercion, served in the civil administration, military or police forces of the local Serb authorities in the former United Nations Protected Areas, with the exception of those who committed war crimes as defined in international law. It notes that the law on amnesty recently passed in the Republic of Croatia is a step in this direction. The Council calls upon the Government of the Republic of Croatia to make this amnesty comprehensive as soon as possible and stresses the importance such a measure would have for maintaining public confidence and stability during the demilitarization and demobilization process.

The Council underlines the key importance of attention to the need for economic reconstruction and rehabilitation of the region of Eastern Slavonia, Baranja and Western Sirmium and encourages Member States to contribute to this end.

The Council will remain seized of the matter and requests the Secretary-General to keep it regularly informed of developments in the situation.

²⁴ S/PRST/1996/26.

²² S/1996/363.

²³ S/1996/357.

**Decision of 3 July 1996 (3677th meeting):
statement by the President**

On 21 June 1996, pursuant to Security Council resolution 1019 (1995), the Secretary-General submitted to the Council a further report on the situation of human rights in Croatia.²⁵ The Secretary-General stated that it was evident that measures taken by the Government of Croatia to provide security to residents of the former Sectors in Croatia had been insufficient. The prevailing lawlessness clearly demanded that additional steps be taken and that the professional police presence be strengthened. He underlined that the Government's failure thus far to provide reasonable security in the former Sectors had not created conditions likely to encourage the return of Croatian Serbs. Concern was also warranted by the lack of progress in the investigation and prosecution of numerous crimes committed against the local Serb population in the previous summer's military operations. He also noted that, while Croatia had embarked on a major programme to return displaced Croats and Croat refugees from elsewhere to the former Sectors West, North and South, there was no determined effort to facilitate the return of Croatian Serb refugees and the rapid repopulation was likely to create major obstacles for their return. The continued failure by the Government to enact a broad amnesty for former soldiers of the so-called "Republic of Serb Krajina" also mitigated against the large-scale return of Croatian Serbs. He also noted that, while the Government should be credited for its generally cooperative attitude with international human rights mechanisms and various initiatives for the protection of minority rights, such protection could not be linked with the political negotiations with the Federal Republic of Yugoslavia, as the protection arose from obligations under various legal instruments. He summed up by saying that there was an absence of concrete initiatives to encourage the return of Croatian Serb refugees, which suggested continuing hostility to the presence of a significant Serb population in the territory of Croatia.

At its 3677th meeting, held on 3 July 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report in its agenda. Following the adoption of the agenda, the President (France), with the consent of the Council,

²⁵ S/1996/456.

invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:²⁶

The Security Council has considered the further report of the Secretary-General of 21 June 1996 submitted pursuant to its resolution 1019 (1995) on Croatia.

The Council is deeply concerned at the failure by the Croatian Government to take sufficient measures to safeguard the rights of the local Serb population and to ensure their safety and well-being. The Council is also deeply concerned at the Croatian Government's failure to promote conditions, including satisfactory procedures, facilitating the return of all Croatian Serbs who wish to do so. The Council strongly deplores such failure to act.

The Council notes that the Croatian Government has begun to cooperate with international human rights mechanisms and that it has considered various initiatives for the protection of minority rights. Nevertheless, the Council underlines the fact that the Croatian Government must undertake determined and sustained efforts to ensure respect for and protection of the rights of Croatian Serbs and to provide for their safeguarding in the legal and constitutional framework of the Republic of Croatia, including by the reactivation of the relevant articles of its constitutional law. The Council reminds the Croatian Government that its obligation to promote respect for and protection of such rights cannot be made conditional upon other factors, including upon political negotiations with the Federal Republic of Yugoslavia.

The Council expects the Croatian Government to take steps forthwith to comply with the demands contained in its resolution 1019 (1995) and in its presidential statements of 8 January, 23 February and 22 May 1996.

The Council reiterates that all States must cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and its organs, established pursuant to its resolution 827 (1993). It notes the cooperation by the Croatian Government with the International Tribunal to date and reminds the Croatian Government of its obligation to execute arrest warrants in respect of any person in its territory indicted by the Tribunal. The Council calls upon the Croatian Government, with due respect to the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina, to use its influence with the Bosnian Croat leadership to ensure their cooperation with the International Tribunal.

The Council will continue to follow this issue closely. It requests the Secretary-General to keep it regularly informed on measures undertaken by the Croatian Government in the light of the present statement, and to report in any case no later than 1 September 1996.

²⁶ S/PRST/1996/29.

**Decision of 3 July 1996 (3678th meeting):
statement by the President**

On 26 June 1996, pursuant to paragraph 4 of Security Council resolution 1037 (1996), the Secretary-General submitted to the Council a report on the activities of the Transitional Administration and the implementation of the Basic Agreement by the parties.²⁷ He stated that UNTAES had achieved significant progress in the implementation of its mandate and had contributed to the gradual normalization of relations between Croatia and the Federal Republic of Yugoslavia. Moreover, the demilitarization of the region had been completed with relative ease, and the parties had displayed a willingness to abide by the Basic Agreement and to recognize the desire of the international community to help them to implement it. Although the Transitional Administration would endeavour to build confidence by maintaining stability and security in the region in the post-demilitarization period, the mandate of the military observers who were serving with UNTAES in accordance with Security Council resolution 1043 (1996) would expire on 30 July 1996. The post-demilitarization period was a critical time for the Transitional Administration, with the region still tense and subject to the possibility of infiltration. The Force Commander felt strongly that a continued presence of United Nations military observers would enhance the ability of UNTAES to monitor the situation. The Secretary-General concurred with this view and thus recommended that the mandate of the military observers be extended to 15 January 1997. He noted that many challenges awaited UNTAES in the next phase, with the return of displaced persons among the most daunting. Another challenge was to define mechanisms and assurances that would protect the cultural and social identities as well as the heritage of national minorities.

At its 3678th meeting, held on 3 July 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report in its agenda. Following the adoption of the agenda, the President (France), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. He then drew the attention of the Council to a letter

²⁷ S/1996/472 and Add.1.

dated 28 June 1996 from the representative of Croatia addressed to the Secretary-General,²⁸ stating that Croatia had received the report favourably and providing several clarifications to points that had been raised.

At the same meeting, the President made the following statement on behalf of the Council:²⁹

The Security Council, in accordance with paragraph 6 of resolution 1037 (1996), has considered the report of the Secretary-General of 26 June 1996 on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium.

The Council notes that the implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995, is proceeding according to the timetable established by the Agreement. In particular it notes with appreciation that the demilitarization proceeded smoothly and was completed on 20 June 1996. It expresses its satisfaction at the cooperation that both parties have shown in this respect. It calls upon both sides to refrain from any action that might raise tension and to continue to cooperate closely with the Transitional Administration on all aspects of the Basic Agreement to maintain peace and security in the region. It expresses its readiness to consider favourably the extension of the mandate of the United Nations military observers in the Transitional Administration as recommended in the report.

The Council expresses its satisfaction with the work already achieved by the Transitional Administration, in particular through its operational joint implementation committees, for the re-establishment of normal conditions of life for all the inhabitants of the region. The Council welcomes the efforts now in train to begin the return of displaced persons and refugees to their homes in the region. It notes that it is equally important that persons who fled from their homes in Western Slavonia and elsewhere in Croatia, in particular in the Krajina, should be permitted to return to their homes of origin. The Council calls upon both parties to cooperate fully with the Transitional Administration in that respect.

The Council recalls the statement by its President of 22 May 1996. The Council regrets that the Government of the Republic of Croatia has not yet taken steps to adopt a comprehensive amnesty law concerning all persons who, either voluntarily or by coercion, served in the civil administration, military or police forces of the local Serb authorities in the former United Nations Protected Areas, with the exception of those who committed war crimes as defined in international law. The Council urges that this action be taken as soon as possible

²⁸ S/1996/500.

²⁹ S/PRST/1996/30.

and calls upon the Croatian Government to cooperate with the Transitional Administration to that end.

The Council expresses its concern at the worsening economic situation in the region, particularly since the closure in April of the Djeletovci oilfields, which constitute the region's most important economic resource, and at the subsequent lack of revenue available to the local administration to meet salaries and other operating costs of the region. The Council urges the Government of the Republic of Croatia to cooperate closely with the Transitional Administration to identify and provide funding for the local administration and public services. It also underlines the importance of economic development in stabilizing the region.

The Council expresses its support for the efforts of the Transitional Administration to establish and train a transitional police force which will have the primary responsibility for the maintenance of law and order, operating under the authority of the Transitional Administrator and monitored by the United Nations civilian police. The Council also supports the efforts of the Transitional Administration and the United Nations High Commissioner for Refugees to facilitate mine clearing for humanitarian purposes. It calls upon States and others concerned urgently to contribute in support of such activities.

The Council commends the Transitional Administrator and all the personnel of the Transitional Administration for the impressive results they have achieved so far and expresses its full support for them.

The Council will remain seized of the matter.

**Decision of 15 July 1996 (3681st meeting):
resolution 1066 (1996)**

On 27 June 1996, pursuant to Security Council resolution 1038 (1996), the Secretary-General submitted to the Council a report on the situation in the Prevlaka peninsula before the expiry of the existing mandate.³⁰ In his report, the Secretary-General stated that there had been several positive developments including the withdrawal of Croatian military personnel, the partial removal of mines in the United Nations-controlled zone on the Croatian side of the border, the withdrawal of heavy weapons and the easing of movement restrictions. He expressed hope that the parties, having taken the steps towards normalization of the situation in Prevlaka, would adopt the practical options proposed by the United Nations Mission of Observers in Prevlaka (UNMOP) to reduce tension further and to promote an atmosphere conducive to the restoration of the area. He stated that

³⁰ S/1996/502 and Add.1.

the Mission had made, and continued to make, an important contribution to stability in the Prevlaka area, promoting a better climate for bilateral negotiations between Croatia and the Federal Republic of Yugoslavia. He expressed his belief that, if UNMOP were to be removed at this stage, one of the parties could seek to fill the vacuum created by its departure and the ensuing military tensions could prejudice the process of political negotiations. Moreover, in discussions with his Chief Military Observer, both Governments had requested the continuation of the UNMOP mandate and, given that no other international or regional organization had expressed a willingness to undertake full-time monitoring of the area, he recommended that the mandate of the Mission be extended for a period of three months, until 15 October 1996, pending the outcome of the negotiations between the parties.

At its 3681st meeting, held on 15 July 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (France), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion, without the right to vote.

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³¹ The draft resolution was then put to the vote and adopted unanimously as resolution 1066 (1996), which reads:

The Security Council,

Recalling its earlier relevant resolutions, in particular resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995, 1025 (1995) of 30 November 1995 and 1038 (1996) of 15 January 1996,

Having considered the report of the Secretary-General of 27 June 1996,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia,

Noting the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia which reaffirmed their agreement concerning the demilitarization of the Prevlaka peninsula, emphasizing the contribution that this

³¹ S/1996/545.

demilitarization has made to the decrease of tension in the region, and stressing the need for the Republic of Croatia and the Federal Republic of Yugoslavia to agree on a settlement which would peacefully resolve their differences,

Stressing the importance it places on mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders,

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

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 January 1997;

2. *Urges* the parties to abide by their mutual commitments and to continue their negotiations with a view to normalizing fully their bilateral relations, which are critical for the establishment of peace and stability throughout the region;

3. *Requests* the Secretary-General to submit to the Council by 5 January 1997, for its early consideration, a report on the situation in the Prevlaka peninsula as well as on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences;

4. *Encourages* the parties to adopt the practical options proposed by the United Nations military observers to reduce tension, as referred to in the report of the Secretary-General of 27 June 1996;

5. *Requests* the United Nations military observers and the multinational Implementation Force authorized by the Council in resolution 1031 (1995) of 15 December 1995 to continue to cooperate fully with each other;

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

**Decision of 30 July 1996 (3686th meeting):
resolution 1069 (1996)**

At its 3686th meeting, held on 30 July 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General on UNTAES of 26 June 1996 and its addendum in its agenda.³² Following the adoption of the agenda, the President (France), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

³² S/1996/472 and Add.1. See also decision of 3 July 1996.

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's consultations.³³ The draft resolution was then put to the vote and adopted unanimously as resolution 1069 (1996), which reads:

The Security Council,

Recalling its resolution 1037 (1996) of 15 January 1996 establishing the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and its resolution 1043 (1996) of 31 January 1996 authorizing the deployment of military observers as part of the Transitional Administration,

Having considered the report of the Secretary-General of 26 June 1996,

1. *Decides* to authorize, as part of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and in accordance with the provisions of resolution 1037 (1996), the deployment of one hundred military observers for an additional period of six months, ending on 15 January 1997;

2. *Decides* to remain seized of the matter.

**Decision of 15 August 1996 (3688th meeting):
statement by the President**

On 5 August 1996, pursuant to paragraph 4 of resolution 1037 (1996), the Secretary-General submitted a report to the Security Council on the Transitional Administration.³⁴ In his report, he observed that UNTAES had continued to make vigorous efforts to achieve the full and peaceful reintegration of the region into Croatia. The most immediate concern was to obtain funding for the local administration of the region until sustained Croatian financing became available, possibly for a period of up to six months. He stated that it was regrettable that the Government of Croatia had not provided such funding, and he stressed that, unless the present negotiations with the Government of Croatia reached a satisfactory conclusion, he would have to consider whether to report to the Council that one of the parties had significantly failed to comply with its obligations under the Basic Agreement. He also underlined that negative effects on Serb confidence and UNTAES operations had been caused by the uncertainty regarding the duration of the UNTAES mission. While

³³ S/1996/601.

³⁴ S/1996/622.

UNTAES was making encouraging progress in regard to the implementation of all aspects of its mandate, it did not appear realistic to expect that the tasks would be completed by the expiration of the current UNTAES mandate. Therefore, he recommended that, considering the many and complex tasks UNTAES had been mandated to perform and in order to provide greater clarity and guidance to the mission, the Council consider the possibility of indicating that it intended to extend the mandate of UNTAES by up to a further 12 months to enable it to complete its tasks.

By a letter dated 2 August 1996 addressed to the President of the Security Council,³⁵ the Secretary-General communicated his concerns over the difficulties faced by UNTAES in securing funding for the operations of existing local administrative structures in its area of operations.

By a note dated 12 August 1996, the Secretary-General transmitted the text of the Agreement on Interim Co-financing of Public Services on the Territory Administered by UNTAES, concluded on 8 August 1996 by the Government of Croatia and UNTAES.³⁶

At its 3688th meeting, held on 15 August 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letter, the note and the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Germany), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:³⁷

The Security Council has considered the report of the Secretary-General of 5 August 1996 on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, and the letter dated 2 August 1996 from the Secretary-General concerning the funding of the existing local administrative structures in the area of operations of the Transitional Administration.

The Council welcomes the progress made by the Transitional Administration in implementing the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995, and in

promoting the full and peaceful reintegration of the region of Eastern Slavonia into the Republic of Croatia. It stresses that the restoration and maintenance of the multi-ethnic character of Eastern Slavonia are important to international efforts to maintain peace and stability in the region of the former Yugoslavia as a whole. It reminds both parties of their obligation to cooperate with the Transitional Administration. It underlines the importance of economic rehabilitation of the region, the establishment of a transitional police force and the return of displaced persons and refugees to their homes in the region, as well as the importance of the promotion by the Government of Croatia of the return of displaced persons and refugees to their homes of origin elsewhere in the Republic of Croatia. It further underlines the importance of the holding of elections in accordance with the Basic Agreement, once the necessary conditions have been established.

The Council reminds the Government of Croatia of its responsibility to cooperate with the Transitional Administration and to create conditions conducive to maintaining stability in the region. It calls upon the Government of Croatia to take the necessary action without further delay.

The Council recalls the statements by its President of 22 May and 3 July 1996 and again urges the Government of Croatia to adopt a comprehensive amnesty law concerning all persons who, voluntarily or by coercion, served in the civil administration, military or police forces of the local Serb authorities in the former United Nations Protected Areas, with the exception of those who committed war crimes as defined in international law. The Council notes with concern that the amnesty law and the action subsequently taken by the Government of Croatia, as described by the Secretary-General in his report of 5 August, have been insufficient to create confidence among the local Serb population in Eastern Slavonia. The Council notes the general agreement reached by President Tudjman and President Milosevic in Athens on 7 August 1996 that a general amnesty is an indispensable condition for the safe return of refugees and displaced persons. It expects this agreement to be followed up by corresponding concrete measures.

The Council notes with appreciation the agreement reached by the Government of Croatia and the Transitional Administration on issues relating to the funding of public services on the territory administered by the Transitional Administration. It notes, however, that this funding is not sufficient to cover all the costs of such services and it expects further funding to be made available by the Government of Croatia urgently and without conditions. It stresses the importance of ensuring a functioning civil administration so as to maintain stability in the region and help to ensure the fulfilment of the mission objectives of the Transitional Administration. The Council, having regard to its resolution 1037 (1996), also reminds the Government of Croatia of the need to contribute towards the costs of the operation of the Transitional Administration.

³⁵ S/1996/632.

³⁶ S/1996/648.

³⁷ S/PRST/1996/35.

The Council recalls that the Basic Agreement provides for a transitional period of twelve months which may be extended at most to another period of the same duration if so requested by one of the parties. It stresses the importance it attaches to the Transitional Administration being able to complete its mandated tasks, including the organization of elections as provided for in the Basic Agreement, promptly and in full. These tasks are, as the Secretary-General notes, the building blocks for the difficult process of reconciliation. To that end, the Council affirms its readiness to consider, at an appropriate time, extending the duration of the mandate of the Transitional Administration, on the basis of the Basic Agreement, its resolution 1037 (1996) and a recommendation from the Secretary-General.

The Council expresses its appreciation to the Transitional Administrator and his staff and reaffirms its full support for the efforts of the Transitional Administrator.

The Council will remain seized of the matter.

Decision of 20 September 1996 (3697th meeting): statement by the President

On 23 August 1996, pursuant to Security Council resolution 1019 (1995), the Secretary-General submitted to the Council a report on the situation of human rights in Croatia.³⁸ The Secretary-General stated that a prevailing climate of lawlessness persisting in the former Sectors North, South and West, particularly around Knin, was causing great fear among local residents. It was evident that the Government of Croatia still had not taken adequate measures to provide an effective police presence in the region. Moreover, the situation had been aggravated by several bombing attacks and by harassment of non-governmental human rights organizations. Concerning the investigation and prosecution of past violations of international humanitarian law and human rights against the local Serb population, much progress remained to be made by the Croatian authorities. The International Tribunal for the Former Yugoslavia indicated that it was receiving satisfactory cooperation from Croatian police authorities, but was concerned that the Croatian authorities had not executed arrest warrants transmitted to them. While the process of the return of Croatian Serbs was moving slowly, tens of thousands of Croats, both displaced persons and refugees, were settling in the region. He noted that the manner in which the Government of Croatia had been approaching this question was having a profound impact on the region's ethnic balance. In addition, the

³⁸ S/1996/691.

question of property required particular attention from the Croatian authorities who also needed to take other measures to facilitate the return of Croatian Serbs, including strong measures against widespread employment discrimination on the basis of ethnic origin. He also noted that the reluctance of the Government of Croatia to enact a broad amnesty for former soldiers of the so-called "Republic of Serb Krajina", and its failure to re-enact or provide a meaningful replacement for suspended constitutional provisions dealing with minority rights in Croatia, were continuing areas of concern. He concluded by saying that, while positive steps had been taken, the overall approach of the Government of Croatia to the rights of Croatian Serbs in Croatia had so far failed to encourage confidence within the Serb population.

At its 3697th meeting, held on 20 September 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Guinea-Bissau), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

The President then drew the attention of the Council to a letter dated 16 September 1996 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council.³⁹ In the letter, the President of the Tribunal informed the Council of the "refusal" by Croatia, a State Member of the United Nations, and by Bosnia and Herzegovina, to cooperate with the Tribunal and to comply with its orders to arrest Iвица Rajić, as required by article 29 of the Statute of the Tribunal. This was not an isolated incident, but formed part of a general pattern of failure in respect of matters concerning the Tribunal. Moreover, he noted that, by refusing to cooperate in the execution of the arrest warrant against Iвица Rajić and others, Croatia had failed to comply with an enforcement measure under Chapter VII of the Charter of the United Nations. In addition, both Croatia and Bosnia and Herzegovina had not lived up to the commitments undertaken by signing the Dayton Peace Agreement.

³⁹ S/1996/763.

At the same meeting, the President made the following statement on behalf of the Council:⁴⁰

The Security Council has considered the report of the Secretary-General of 23 August 1996 submitted pursuant to Council resolution 1019 (1995) on Croatia.

The Council notes progress in the humanitarian and human rights situation in some areas. The Council regrets, however, that many of its previous requests have not been complied with by the Government of Croatia. Numerous incidents threatening the population in the formerly Serb-controlled areas are a continuing source of concern and could jeopardize the prospects for peaceful and substantial reintegration of refugees and displaced persons in Croatia.

The Council commends the agreement between the Republic of Croatia and the Federal Republic of Yugoslavia, signed in Belgrade on 23 August 1996, and expects the commitments contained therein to be implemented.

The Council recognizes steps taken by the Government of Croatia to reintegrate refugees and displaced persons into Croatia but urges the Government to expand its programme to accelerate the return of all such persons without preconditions or delay. The Council urges the Government of Croatia also to expand its humanitarian relief efforts, especially as winter approaches.

The Council, in the statement by its President of 3 July 1996, highlighted the need for the adoption of a comprehensive amnesty law, in cooperation with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium. Since the report of the Secretary-General of 23 August 1996 which found no substantial progress in this regard since passage of the Croatian Government's amnesty law of 17 May 1996, the Republic of Croatia on 20 September 1996 enacted a new amnesty law. The Council welcomes this development as a step towards addressing the concerns outlined by the statement by its President on 3 July 1996 and emphasizes that such a law must be implemented without delay and in a fair and equitable manner, with full respect for the rights of the individual. The Council will follow such implementation closely. The Council notes that a comprehensive new amnesty law and its equitable application are also vital elements in preparing for elections in Eastern Slavonia and important factors in the successful completion of the mandate of the Transitional Administration.

Despite some positive developments, the Council is deeply concerned that residents of the Krajina and Western Slavonia continue to suffer from inadequate security, including the danger of theft or assault at any time. The Council also notes with concern attacks and threats against those engaged in humanitarian relief activities and human-rights monitoring in the area. In particular, it deplores the reported involvement of

Croatian uniformed military and police officials in acts of looting and harassment.

The Council urges the Croatian authorities to act immediately to improve the security situation in those regions. It urges that Croatian officials ensure that members of the military and police refrain from criminal and other unacceptable behaviour and increase their efforts to protect the human rights of all persons present in Croatia, including the Serb population.

The Council welcomes the recommendations made by the Secretary-General in his report for specific action which must be taken to improve the human rights situation in the Republic of Croatia, inter alia, in the framework of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, as part of the peace process towards a comprehensive political settlement in the region. In this context, the Council calls upon the Government of Croatia to expand investigations of crimes committed against the Serb population in 1995. The Council again calls upon the Government of Croatia to rescind its decision of September 1995 suspending certain constitutional provisions affecting the rights of national minorities, principally Serbs.

The Council reminds the Government of Croatia of its obligation to cooperate with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and, in particular, to execute the arrest warrants issued by the International Tribunal regarding individuals under Croatian jurisdiction, including prominent accused persons known or believed to be in areas under its control, and to transfer to the Tribunal all indicted persons. In this context, the Council deplores the failure to date of the Republic of Croatia to execute the arrest warrants issued by the International Tribunal against individuals indicted by the Tribunal, in particular the Bosnian Croats referred to in the letter dated 16 September 1996 from the President of the Tribunal to the President of the Council, and calls for the execution of those arrest warrants without delay.

The Council recalls that no individual should be arrested and detained on the territory of the former Yugoslavia for serious violations of international humanitarian law until and unless the International Tribunal has reviewed the case and agreed that the warrant, order or indictment meets international legal standards.

The Council will remain seized of the matter and requests that the Secretary-General continue to report on the situation, in any case no later than 10 December 1996.

Decision of 15 November 1996 (3712th meeting): resolution 1079 (1996)

On 26 October 1996, pursuant to Security Council resolution 1037 (1996), the Secretary-General submitted to the Council a report on the major activities of UNTAES since his last report of 1 October

⁴⁰ S/PRST/1996/39.

1996, which identified the current challenges and future tasks of the mission and contained his recommendations.⁴¹ He stated that in the six months since the full deployment of UNTAES troops and civilian staff, demilitarization had been completed, the Transitional Police Force had been established, integration of waterways, railways and roads was in hand and postal and telephone services had been reconnected with Croatian systems. Strenuous efforts had been made to attract international financial assistance for the economic reconstruction and revitalization of the region. He also noted that the process of face-to-face political dialogue had been instrumental in the achievement of a satisfactory amnesty law. He informed the Council that, building on the progress that had been achieved, UNTAES had set a realistic target plan for the fulfilment of the remaining tasks of its mandate, although its achievement was dependent on the full and timely cooperation of the parties. He stated that, while extremists on both sides sought to disrupt the implementation by UNTAES of the Basic Agreement programme, it was of particular concern that the Government of Croatia had not been fully forthcoming in meeting its commitments and obligations. An atmosphere of confrontation and obstruction had developed that appeared to be related more to domestic political concerns than to the work of UNTAES. He emphasized that terminating the uncertainty around the mandate of UNTAES was an urgent requirement for the successful completion of the mission. It was clear that the completion of tasks within the present mandate period was impossible, and moreover, a decision by the Council to extend the mandate would discourage those who held the false belief that political pressure would cause the mission to compromise on the performance of its tasks and full realization of its mandate, and therefore seek to obstruct it. He stated that, while the presence of UNTAES had significantly contributed to the normalization of relations between Croatia and the Federal Republic of Yugoslavia and had played an important role in promoting wider regional stabilization, the climate of uncertainty and agitation that had developed over the past two months threatened to undermine the progress of the mission. The Secretary-General therefore recommended that the Council extend the mandate of UNTAES by six

⁴¹ S/1996/883.

months, to end on 15 July 1997. He added that the Council might also wish to give consideration to the need to make appropriate arrangements for a further six-month presence until the end of a two-year transitional period. This follow-on mission would be designed to monitor the parties' compliance with their commitments as outlined in the Basic Agreement and to promote an atmosphere of confidence among all local residents, while facilitating the establishment of a long-term monitoring and observation presence. He noted that an early decision would be needed in order to avoid a further period of pressure and political turmoil.

At its 3712th meeting, held on 15 November 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Indonesia), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President drew the attention of the Council to a letter dated 1 November 1996 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council,⁴² in which he informed the Council that the Federal Republic of Yugoslavia strongly urged the Security Council to adopt a resolution on the extension of the mandate of UNTAES until 15 January 1998, to assure the full implementation of all provisions of the Basic Agreement and satisfy the fundamental needs of the peace process in general.

At the same meeting, the President drew the attention of members of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴³ The draft resolution was then put to the vote and adopted unanimously as resolution 1079 (1996), which reads:

The Security Council,

Recalling all its relevant resolutions concerning the territories of Eastern Slavonia, Baranja and Western Sirmium of the Republic of Croatia, in particular its resolutions 1023 (1995) of 22 November 1995, 1025 (1995) of 30 November 1995, 1037 (1996) of 15 January 1996, 1043 (1996) of 31 January 1996 and 1069 (1996) of 30 July 1996,

⁴² S/1996/899.

⁴³ S/1996/938.

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, and emphasizing in this regard that the territories of Eastern Slavonia, Baranja and Western Sirmium are integral parts of the Republic of Croatia,

Welcoming the success the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium has had in facilitating the peaceful return of the territories to the control of the Republic of Croatia,

Recalling that the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995 by the Government of the Republic of Croatia and the local Serb community, requested the Security Council to establish a Transitional Administration to govern the region during the transitional period,

Recalling also that the Basic Agreement provided that the transitional period of twelve months may be extended at most to another period of the same duration if so requested by one of the parties,

Noting that the local Serb community has requested that the transitional period be extended by twelve months, as indicated by the Secretary-General in his report of 28 August 1996,

Welcoming the report of the Secretary-General of 26 October 1996, and noting in particular the recommendations of the Secretary-General that the mandate of the Transitional Administration should be extended by six months, until 15 July 1997, that early extension would avoid a period of pressure and political turmoil, and that the Council should consider at this time the need for a further six-month presence of the United Nations,

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

Determined to ensure the security and freedom of movement of the personnel of the United Nations peacekeeping operations in the Republic of Croatia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Expresses its full support* for the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, and calls upon the Government of the Republic of Croatia and the local Serb community to cooperate fully with the Transitional Administration and to fulfil all obligations specified in the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium and all relevant Security Council resolutions;

2. *Calls upon* the Government of the Republic of Croatia and the local Serb community to cooperate with the Transitional Administration in creating the conditions and taking the other steps necessary for holding local elections in the region, in accordance with the Basic Agreement, the organization of which is the responsibility of the Transitional Administration;

3. *Reaffirms* the importance of full compliance by the parties with their commitments as specified in the Basic Agreement to respect the highest standards of human rights and fundamental freedoms and to promote an atmosphere of confidence among all local residents irrespective of their ethnic origin, and in this context, urges the Government of the Republic of Croatia to ensure respect for the rights of all national ethnic groups;

4. *Urges*, furthermore, the Republic of Croatia and the local Serb community to avoid actions which could lead to refugee movements, and, in the context of the right of all refugees and displaced persons to return to their homes of origin, reaffirms the right of all persons originating from the Republic of Croatia to return to their homes of origin throughout the Republic of Croatia;

5. *Emphasizes* the responsibility of both the Republic of Croatia and the local Serb community to improve the reliability and effectiveness of the transitional police force, in cooperation with the Transitional Administration and consistent with its mandate;

6. *Requests* the Secretary-General to keep the Council fully informed of developments and to report to the Council by 15 February 1997 and again by 1 July 1997 on the situation in the region;

7. *Decides* to maintain the United Nations presence in the region until the end of the extended transitional period as provided for in the Basic Agreement, and:

(a) *Decides* to extend the mandate of the Transitional Administration until 15 July 1997;

(b) *Requests* that as soon as possible after the successful holding of elections, and in no case later than his report of 1 July 1997, the Secretary-General provide to the Council for its immediate action his recommendations, in the light of the progress of the parties towards fulfilling the Basic Agreement, for the further United Nations presence, possibly a restructured Transitional Administration, consistent with the fulfilment of the Basic Agreement, for the six-month period beginning 16 July 1997;

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

Decision of 20 December 1996 (3727th meeting): statement by the President

On 5 November 1996, pursuant to Security Council resolution 1019 (1995), the Secretary-General submitted to the Council a further report on the situation of human rights in Croatia.⁴⁴ In his report, he observed that, although the security situation in the former Sectors had improved slightly since his last

⁴⁴ S/1996/1011 and Corr.1.

report, the ongoing looting and harassment, especially in the area around Knin, gave continuing cause for concern. Prospects for improved confidence amongst the local Serb population were further harmed by the Government's lack of progress in investigating and resolving incidents of human rights violations that occurred in 1995. He noted that it was a legitimate question whether Croatian Serbs in the region would be able to re-establish the conditions of normal life in the near future. However, there had been some positive political developments, including the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, which contained important human rights commitments, the adoption of the new Law on Amnesty on 25 September 1996 and the admission of Croatia to the Council of Europe. He informed the Council that, on the issue of the return of Croatian Serb refugees, there had been little progress since his last report. He stated that two developments boded especially poorly for the prospect of future returns. The first was the failure of the Government of Croatia to effectively safeguard property rights. The second was related to the implementation of the new amnesty law, where the re-arrest of numerous persons, immediately following their release under the law, threatened to deprive the legislation of its value in building confidence and promoting reconciliation in Croatia. Regarding the International Tribunal for the Former Yugoslavia, there remained strong grounds for concern that the Government of Croatia was withholding its full cooperation, principally by failing to ensure the apprehension of indicted war-crime suspects believed to be in areas under its control. The Office of the Prosecutor had also advised that it had not been able to find evidence of any serious attempt by the Croatian authorities to investigate grave allegations made about the conduct of Croatian soldiers and civilians during the 1995 military operations in Krajina and Western Slavonia.

At its 3727th meeting, held on 20 December 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Italy), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁴⁵

The Security Council has considered the report of the Secretary-General of 5 December 1996 submitted pursuant to Council resolution 1019 (1995) on Croatia.

The Council acknowledges notable progress in the humanitarian situation, in particular measures taken by the Government of Croatia to meet the most urgent humanitarian needs of the Croatian Serb population.

Although the security situation has improved slightly, the Council, however, expresses its concern at continued acts of harassment, looting and physical attacks against Croatian Serbs and, in particular, involvement by Croatian uniformed military and police officials in a number of those incidents. It calls upon the Government of Croatia to intensify its efforts to improve the security situation and to ensure adequate security conditions for the local Serb population, including the urgent re-establishment of a functioning court system in the former sectors North and South.

The Council is deeply concerned that in spite of its previous requests there has been little progress on the issue of the return of the Croatian Serb refugees and urges the Government of Croatia to adopt a comprehensive approach in order to facilitate the return of refugees originating from Croatia to their homes of origin throughout Croatia. It deplores the continued failure by the Government of Croatia to safeguard effectively their property rights, especially the situation where many of those Serbs who have returned to the former sectors have been unable to regain possession of their properties. The Council calls upon the Government of Croatia to apply immediately proper procedures to the question of property rights and to stop all forms of discrimination against the Croatian Serb population in the provision of social benefits and reconstruction assistance.

The Council is deeply concerned at reports that the new amnesty law is not being implemented in a fair and equitable manner. It underlines the fact that equitable application of that law is vital for building confidence and promoting reconciliation in Croatia as well as for the peaceful reintegration of the region of Eastern Slavonia, Baranja and Western Sirmium.

The Council stresses the importance of the commitments undertaken by the Government of Croatia in relation to the Council of Europe, including its signature of the Framework Convention for the Protection of National Minorities and expects that the Government of Croatia will implement those commitments fully and without delay.

The Council reiterates its call upon the Government of Croatia to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of

⁴⁵ S/PRST/1996/48.

the Former Yugoslavia since 1991 and to conduct investigations into and the prosecution of all persons accused of serious violations of international humanitarian law, especially those committed in the course of military operations in 1995.

The Council will remain seized of the matter and requests that the Secretary-General continue to report on the situation, in any case no later than 10 March 1997.

**Decision of 14 January 1997 (3731st meeting):
resolution 1093 (1997)**

On 31 December 1996, pursuant to Security Council resolution 1066 (1996), the Secretary-General submitted to the Council a report on the situation in the Prevlaka peninsula as well as on the progress made by Croatia and the Federal Republic of Yugoslavia towards a settlement.⁴⁶ In his report, the Secretary-General stated that the prospects for a peaceful settlement of the Prevlaka issue appeared to have improved with the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia. Given the comparative stability that the United Nations Mission of Observers in Prevlaka had ensured in the area, the parties needed to proceed to negotiate a settlement. Noting that, while Prevlaka remained a stable area, it was also tense and the potential for a military confrontation still existed. He also noted that the continued violations and the lack of real progress on the adoption of the options presented by UNMOP were still a cause for concern. He expressed his belief that the continued presence of UNMOP was indispensable, if the full benefits of the Agreement on Normalization of Relations were to be realized in the Prevlaka area and recommended a further six-month extension of the mandate of UNMOP until 15 July 1997.

At its 3731st meeting, held on 14 January 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Japan), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁷ The President further drew the attention of the Council to

two other documents: a letter dated 28 October 1996 from the representative of the Federal Republic of Yugoslavia addressed to the Secretary-General,⁴⁸ and a letter dated 25 November 1996 from the representative of Croatia addressed to the Secretary-General,⁴⁹ which transmitted respective aides-mémoire on the situation.

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1093 (1997), which reads:

The Security Council,

Recalling its earlier relevant resolutions, in particular, resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995, 1025 (1995) of 30 November 1995, 1038 (1996) of 15 January 1996 and 1066 (1996) of 15 July 1996,

Having considered the report of the Secretary-General of 31 December 1996;

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia,

Noting the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia by which they reaffirmed their agreement concerning the demilitarization of the Prevlaka peninsula, emphasizing the contribution that this demilitarization has made to the decrease of tension in the region, and stressing the need for the Republic of Croatia and the Federal Republic of Yugoslavia to agree on a settlement which would resolve their differences peacefully,

Noting with concern the violations in the United Nations designated zones in the region, and other activities, including restrictions on the freedom of movement of United Nations military observers, referred to in the report of the Secretary-General, which have dangerously increased tensions,

Welcoming the mutual recognition among all the successor States to the former Socialist Federal Republic of Yugoslavia within their internationally recognized borders, and stressing the importance of full normalization of relations among those States,

Commending the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, signed in Belgrade on 23 August 1996, committing the parties to resolve peacefully the disputed issue of Prevlaka by negotiations in the spirit of the Charter of the United Nations and good neighbourly relations,

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

⁴⁶ S/1996/1075.

⁴⁷ S/1997/29.

⁴⁸ S/1996/884.

⁴⁹ S/1996/974.

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995 until 15 July 1997;

2. *Urges* the parties to abide by their mutual commitments and to implement fully the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia and stresses that these are critical for the establishment of peace and security throughout the region;

3. *Calls upon* the parties to adopt the practical options proposed by the United Nations military observers for the improvement of safety and security in the area, as referred to in the report of the Secretary-General of 31 December 1996; and requests that the Secretary-General report by 15 April 1997 on progress made in implementing those practical options, in particular regarding the freedom of movement of the military observers throughout the area and respect for the demilitarization regime;

4. *Calls upon* the parties to cease and refrain from all violations and from military or other activities which may increase tension, to cooperate fully with the United Nations military observers and to ensure their safety and freedom of movement, including through the removal of landmines;

5. *Requests* the Secretary-General to submit to the Council by 5 July 1997, for its early consideration, a report on the situation in the Prevlaka peninsula as well as on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would resolve their differences peacefully;

6. *Requests* the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088 (1996) of 12 December 1996 to cooperate fully with each other;

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

**Decision of 31 January 1997 (3737th meeting):
statement by the President**

By a letter dated 21 January 1997 addressed to the President of the Security Council, the Secretary-General stated that, since his previous report, the political focus of UNTAES had been to resolve outstanding policy issues required for the holding of elections. He informed the Council that the Joint Implementation Committee on Elections had been unable to resolve any of the principal policy questions, including representation (the institutions for which elections were to be held), voter eligibility and timing of elections. In an attempt to resolve the political deadlock, the Transitional Administrator had met with

local Serb leaders and officials of the Government of Croatia on the political package for elections. The outcome of the consultations with the Government of Croatia were contained in a letter dated 12 January 1997, where the Government of Croatia committed itself before the international community to implement fully the Basic Agreement and extended additional rights and privileges to the residents of the region. It also indicated agreement to international monitoring of the implementation of the commitments outlined in the letter. The local Serb Executive Council and Regional Assembly replied in a letter dated 16 January 1997 seeking additional guarantees including the creation of a single county for the region.

The Secretary-General stated that the political package, taken in conjunction with the Basic Agreement and resolution 1037 (1996) as well as the guarantees contained in the Affidavit of Employment, constituted a comprehensive framework of guarantees for Serbs who chose to stay in Croatia. He stated that the letter by the Government of Croatia merited favourable consideration by the Council, although he reiterated that strict compliance by all sides with the obligations outlined in the letter, and the full support of the international community, were essential, if the reintegration process was to succeed.

At its 3737th meeting, held on 31 January 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the letter from the Secretary-General in its agenda. Following the adoption of the agenda, the President (Japan), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President drew the attention of the Council to the following documents: a letter dated 13 January 1997 from the representative of Croatia addressed to the President of the Security Council,⁵⁰ conveying the proposal for elections in the region of Eastern Slavonia, Baranja and Western Sirmium; a letter dated 22 January from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council,⁵¹ transmitting a letter dated 16 January 1997 from the Assembly and the Executive Council of the Region of Eastern Slavonia, Baranja and Western Sirmium

⁵⁰ S/1997/27.

⁵¹ S/1997/64.

replying to the proposal of the Government of Croatia for the elections; a letter dated 27 January 1997 from the representative of the Federal Republic of Yugoslavia to the President of the Security Council transmitting a letter dated 25 January 1997 from the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia addressed to the President of the Security Council,⁵² which stated that the requests of the Serbs in the region deserved to be carefully considered.

At the same meeting, the President made the following statement on behalf of the Council:⁵³

The Security Council has considered the letter from the Secretary-General dated 21 January 1997 concerning developments with respect to the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, and welcomes his evaluation.

The Council welcomes the letter dated 13 January 1997 from the Government of Croatia on the completion of the peaceful reintegration of the region under the Transitional Administration, which guarantees the local Serb community representation and a voice at various levels of local, regional and national government, provides for a limited deferment of military service and affirms the intention of the Government of Croatia to provide the local Serb population with the protection of their legal and civil rights under Croatian law. The Council calls upon the Government of Croatia to implement fully the commitments contained in that letter and the oral guarantees made by Croatian officials to the Transitional Administration, as specified in the letter from the Secretary-General dated 21 January 1997.

The Council also takes note of the letter dated 16 January 1997 from the local Serb Executive Council and Regional Assembly on this matter.

The Council recalls the statement by its President of 15 August 1996 and again underlines the importance of the holding of elections, the organization of which is the responsibility of the Transitional Administration, in accordance with the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium signed on 12 November 1995. The Council shares the view of the Transitional Administrator that the rights and guarantees outlined in the letter from the Government of Croatia, if fully implemented, constitute a solid basis for the holding of elections simultaneously with nationwide elections in Croatia, and offer substantial progress towards the completion of the process of peaceful reintegration of the region. In this context, the Council emphasizes that the holding and certification of elections, upon a decision by the Transitional Administration, within the envisaged timeframe will

only be possible if the Croatian authorities fulfil their obligations with respect to the completion of the issuance of citizenship and identity documents for all eligible voters and relevant technical documents, and provide all information as required by the Transitional Administration for certification of the elections. The Council underlines the need for full cooperation by the local Serbs.

The Council reiterates the importance of confidence building measures which could benefit residents of the region beyond the expiration of the mandate of the Transitional Administration. In this regard, it encourages the Croatian authorities to maintain the present demilitarized status of the region.

The Council reaffirms the importance of effectively implementing the right of all residents in the region to equal treatment with respect to housing, access to reconstruction grants and loans, and to property compensation, as guaranteed by Croatian law. It reiterates the right of all refugees and displaced persons to return to their places of origin. It also reiterates the right of residents of a State to choose freely where they wish to live. The upholding of these principles is of vital importance for the stability of the region. In this connection, it strongly encourages the Government of Croatia to reaffirm its obligation, under the provisions of the Croatian Constitution, Croatian law and the Basic Agreement, to treat all its citizens equally regardless of their ethnicity.

The Council stresses that the restoration of the multiethnic character of Eastern Slavonia is important to international efforts to maintain peace and stability in the region of the former Yugoslavia as a whole. The Council encourages the Croatian Government to take such steps as are needed to promote goodwill, build confidence and provide assurances of a safe, secure and stable environment to all people in the region. These steps should include full implementation of its Amnesty Law, full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia, improved cooperation with respect to local Serbs who wish to return to other areas of Croatia, full compliance with the Basic Agreement and full cooperation with the Transitional Administration and other international organizations. The Council welcomes the commitments by the Government of Croatia with regard to the establishment of a Joint Council of Municipalities, a Council of the Serb Ethnic Community and with respect to educational and cultural autonomy of the Serb population and other minorities in the region. The Council notes the reassurances of the Croatian authorities that applications for a second period of deferment of military service for local Serbs will be considered in a positive manner.

The Council condemns the incident that occurred at Vukovar on 31 January 1997, which resulted in the death of a Transitional Administration peacekeeper and injuries to other Transitional Administration personnel.

⁵² S/1997/78.

⁵³ S/PRST/1997/4.

The Council calls upon both sides to cooperate in good faith on the basis of the Basic Agreement. It also calls upon them to continue to cooperate with the Transitional Administrator and with the Transitional Administration in order to ensure the success of the process of reintegration. It calls upon the international community to support fully this endeavour.

The Council expresses its appreciation to the Transitional Administrator and his staff; and reaffirms its full support for them.

The Council will remain actively seized of the matter.

**Decision of 7 March 1997 (3746th meeting):
statement by the President**

On 24 February 1997, pursuant to Security Council resolution 1079 (1996), the Secretary-General submitted to the Council a report on the situation in the region under the administration of UNTAES.⁵⁴ He informed the Council that the Transitional Administrator considered that, with the full cooperation of the parties, 13 April 1997 was a realistic and achievable date for the holding of free and fair elections in the region. He also stated that the political framework for elections, including the rights and guarantees contained in the letter of 13 January 1997 from the Government of Croatia, offered the residents of the region the prospect of full participation in Croatian political life as equal citizens. He further cautioned that the holding of the elections would also depend on the readiness of the Government of Croatia to meet all preconditions, including the issuance of documents, provision of data and timely completion of the technical arrangements required for certification. He also expressed concern about the recent increase in the number of people leaving the region, which could constitute a threat to international efforts to promote peace both in the region and in the wider area. In addition, he was concerned that no progress had been made with respect to the future of displaced persons and the establishment of equal treatment with respect to housing, access to reconstruction grants and loans as well as to property compensation, as guaranteed by Croatian law. He suggested that if the Government of Croatia issued a formal public confirmation of the guarantees from its letter, it would go a long way towards reassuring its Serb interlocutors and assuaging

⁵⁴ S/1997/148.

the fears of those Serbs currently inclined to leave the region.

At its 3746th meeting, held on 7 March 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Poland), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President further drew the attention of the Council to a letter dated 4 March 1997 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council, which requested the Security Council to adopt a resolution containing a number of elements regarding the implementation of the elections.⁵⁵

At the same meeting, the President made the following statement on behalf of the Council:⁵⁶

The Security Council has considered the report of the Secretary-General of 24 February 1997 on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and recent developments in that region. It recalls the statement by its President of 31 January 1997 and reiterates its call on the parties to cooperate fully with the Transitional Administration and the Transitional Administrator.

The Council shares the observation contained in the report of the Secretary-General that, with the full cooperation of the parties, 13 April 1997 is a realistic and achievable date for the holding of free and fair elections in the region.

The Council underlines that it is in the best interests of the members of the Serb community to collect their citizenship documents, to participate fully in those elections, and to take part in Croatian political life as equal citizens on the basis of the implementation of the rights and guarantees contained in the letter dated 13 January 1997 from the Government of Croatia. The Council deplores disruptive activities by some elements of the Serb community in the region creating an atmosphere of political agitation and uncertainty. It calls upon all residents of the region to follow wise leadership, to stay in the region, and to take up their future as citizens of the Republic of Croatia.

The Council stresses that the holding of the elections will also depend on the readiness of the Government of Croatia to meet all preconditions, including the issuance of documents, provision of data and timely completion of the technical arrangements required for certification. The Council acknowledges the encouraging progress the Government of Croatia is making in this respect. It is, however, concerned that

⁵⁵ S/1997/188.

⁵⁶ S/PRST/1997/10.

implementation of these procedures has been uneven. The Council urges the Government of Croatia to redouble its efforts to ensure the completion of the necessary technical preparations for the holding of elections.

The Council strongly urges the Croatian Government to issue, as a gesture towards reassuring the Serb community, formal public confirmation of the oral guarantees made to the Transitional Administration as specified by the Secretary-General in his letter dated 21 January 1997 and to reaffirm its obligations as referred to in paragraphs 28 and 29 of the report of the Secretary-General. It also calls upon the Government of Croatia to apply its Amnesty Law fairly and consistently to all persons subject to its jurisdiction. The Council stresses that, to a large measure, the long-term success of peaceful reintegration will be determined by the commitment of the Government of Croatia to reconciliation and to ensuring that those Serbs who are currently resident in the region will enjoy equal rights as Croatian citizens.

The Council shares the serious concern, as stated in the report of the Secretary-General, that no progress has been made concerning the future of displaced persons in the region and the establishment of equal treatment with respect to housing, access to reconstruction grants and loans and property compensation, in accordance with the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium and Croatian law. The Council reaffirms the right of all refugees and displaced persons to return to their homes of origin throughout the Republic of Croatia and to live there in conditions of security. It welcomes the proposal elaborated by the Transitional Administration and the Office of the United Nations High Commissioner for Refugees concerning the return of displaced persons, and urges the Government of Croatia to pursue discussions on that proposal without delay, to cooperate closely with the Transitional Administration and the Office of the High Commissioner in implementation, and to make a clear and unambiguous public statement and undertake concrete actions confirming the equal rights of all displaced persons regardless of their ethnicity.

The Council welcomes the commitment by the Federal Republic of Yugoslavia and the Republic of Croatia to make progress in their bilateral relations, in particular with respect to the permanent demilitarization of the border region and the abolition of the visa regime, which would constitute a major contribution to local confidence-building and the stabilization of the region.

The Council recalls its resolution 1079 (1996) of 15 November 1996 and expresses its intention to consider recommendations, to be submitted by the Secretary-General as soon as possible after the successful holding of elections, concerning the further United Nations presence consistent with the fulfilment of the Basic Agreement.

The Council requests the Secretary-General to keep it regularly informed of the situation. It will remain actively seized of the matter.

Decision of 19 March 1997 (3753rd meeting): statement by the President

On 5 March 1997, pursuant to Security Council resolution 1019 (1995), the Secretary-General submitted to the Council a further report on the situation of human rights in Croatia.⁵⁷ In his report, he stated that security conditions for Croatian Serbs living in the former Sectors, most of whom were elderly, continued to be unsatisfactory, particularly in the area around Knin. Although there was a significant police presence throughout the region, the authorities had generally been ineffective in restoring a climate of law and order. As for investigations of past violations of humanitarian law and human rights, while some progress had taken place regarding more recent incidents, major crimes which occurred at or near the time of Croatia's military operation in the summer of 1995 remained for the most part unresolved. He noted that difficulties for remaining Serbs had been eased considerably during the past winter by intensive humanitarian programmes. Still there had been little progress with regard to the return of younger relatives of elderly Croatian Serbs remaining in the area, despite the 1996 Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia. With regard to the Tribunal, the Secretary-General emphasized that there remained strong grounds for concern that the Government was withholding its full cooperation. As international observers had noted, hostility continued to characterize inter-ethnic relations in the former Sectors, and it was clear that, if there was to be genuine improvement in the disturbing situation in the former Sectors, efforts by both international and local organizations to promote confidence and reconciliation would continue to be needed for the foreseeable future.

At its 3753rd meeting, held on 19 March 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Poland), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

⁵⁷ S/1997/195.

At the same meeting, the President made the following statement on behalf of the Council:⁵⁸

The Security Council has considered the report of the Secretary-General on Croatia of 5 March 1997 submitted pursuant to Council resolutions 1009 (1995) and 1019 (1995). It also recalls the statement by its President of 20 December 1996.

The Council remains deeply concerned that, although the Government of Croatia maintains that it has deployed the necessary number of police officers, Croatian Serbs continue to live in conditions of serious insecurity throughout the areas which had been designated United Nations Protected Areas and were known as sectors West, North and South, particularly in the area of former Sector South around Knin. It calls upon the Government of Croatia to take further steps to restore a climate of law and order in those areas.

The Council welcomes the fact that difficult living conditions for remaining Serbs have been considerably eased during recent months by intensive humanitarian programmes conducted by international organizations. In this context, it calls upon the Government of Croatia to assume fully its responsibilities, in cooperation with all relevant international organizations, to ensure that the social and economic situation of all inhabitants in the former sectors improves.

The Council expresses its concern that there continues to be little progress with regard to the return of Croatian Serb displaced persons and refugees to the areas. It calls upon the Government of Croatia to accelerate its efforts to improve conditions of personal and economic security, to remove bureaucratic obstacles to the rapid issue of documentation to all Serb families and to resolve promptly the property issue, by a return of property or just compensation, in order to facilitate the return of Croatian Serbs to the former sectors.

The Council calls upon the Government of Croatia to remove uncertainty about the implementation of its Amnesty Law, in particular by finalizing without delay the list of war crime suspects on the basis of existing evidence and in strict accordance with international law, and to put an end to arbitrary arrests, particularly of Serbs returning to Croatia.

The Council recalls the obligations of Croatia arising from relevant universal human rights instruments to which it is a party. It welcomes the commitments undertaken by the Government of Croatia in relation to the Council of Europe, including its signature of the Framework Convention for the Protection of National Minorities and expects that the Government of Croatia will implement those commitments fully.

The Council is concerned that the Government of Croatia continues to withhold its full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia. It underlines the obligation

⁵⁸ S/PRST/1997/15.

of the Government of Croatia, in accordance with resolution 827 (1993), to respond promptly and in full to all requests from the International Tribunal. It also calls upon the Government of Croatia to conduct investigations into and the prosecution of persons accused of serious violations of international humanitarian law, especially those committed in the course of military operations in 1995.

The Council stresses the importance of the effective implementation of the measures outlined in the paragraphs above for promoting confidence and reconciliation in Croatia as well as for the peaceful reintegration of the region of Eastern Slavonia, Baranja and Western Sirmium. In this context, the Council requests the Secretary-General to continue to keep it informed on a regular basis and to report again on the humanitarian and human rights situation in Croatia within his report to be submitted by 1 July 1997 pursuant to paragraph 6 of resolution 1079 (1996).

**Decision of 25 April 1997 (3772nd meeting):
statement by the President**

On 14 April 1997, pursuant to Security Council resolution 1093 (1997), the Secretary-General submitted to the Council a report on the progress made in implementing those practical options proposed by the United Nations military observers for the improvement of safety and security in the area of the Prevlaka peninsula, particularly regarding the freedom of movement of the military observers throughout the entire area and respect for the demilitarization regime.⁵⁹ In his report, the Secretary-General noted that the parties had made no progress towards adopting the practical options that were part of the procedures proposed by the United Nations Mission of Observers in Prevlaka in May 1996 to reduce tension and improve safety and security in the area. Long-standing violations of the demilitarization regime also persisted and both parties continued to restrict the freedom of movement of UNMOP. He informed the Council that the parties had indicated that their continuing bilateral negotiations had not yet addressed the Prevlaka issue directly and that there had been no progress towards a settlement of the dispute. The Secretary-General stated that, in that situation, UNMOP would continue to carry out its mandate, within the existing practical constraints. It would also continue its efforts to enhance security and safety in its area of responsibility and to contribute to confidence-building between the parties.

⁵⁹ S/1997/311.

At its 3772nd meeting, held on 25 April 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. At the same meeting, the President made the following statement on behalf of the Council:⁶⁰

The Security Council has considered the report of the Secretary-General of 14 April 1997 concerning the United Nations Mission of Observers in Prevlaka and expresses its disappointment at the general lack of improvement in the situation in Prevlaka.

The Council is concerned by the assessment of the Secretary-General that, while the situation generally has been stable, several developments have led to an increase in tension in the area. The Council is particularly concerned by the descriptions in the report of continuing violations of the demilitarization regime, including movements of heavy weapons and of special police of the Republic of Croatia, and the entry by a navy missile boat of the Federal Republic of Yugoslavia into the demilitarized zone, in disregard of the concerns and requests previously expressed by the Council.

The Council calls upon the parties to refrain from provocative actions of all kinds, to cease violations of the demilitarized zone and to cooperate fully with the United Nations military observers.

The Council also notes the observations in the report of the Secretary-General about the lack of any progress towards adopting the practical options proposed to the parties by the United Nations military observers in May 1996, as referred to in the report of the Secretary-General of 31 December 1996 to improve the safety and security of the area. The Council reiterates its call upon both parties to adopt these practical options with a view to their early implementation, to remove landmines from areas patrolled by the military observers, and to stop their interference with the freedom of movement of the military observers and with the implementation of the mandate of the observers.

The Council calls upon the Republic of Croatia and the Federal Republic of Yugoslavia to resolve the disputed issue of Prevlaka through bilateral negotiations pursuant to the Agreement on Normalization of Relations, signed by them in Belgrade on 23 August 1996, and in the spirit of the Charter of the United Nations and good neighbourly relations.

The Council emphasizes its confidence in and support for the work of the United Nations military observers. It expresses its appreciation to the military observers and to the Member States who have provided personnel and other forms of support.

The Council will remain seized of the matter.

⁶⁰ S/PRST/1997/23.

**Decision of 8 May 1997 (3775th meeting):
statement by the President**

By a letter dated 29 April 1997 addressed to the President of the Security Council,⁶¹ the Secretary-General informed the Council of the results of the elections held on 13 and 14 April 1997 in the region of Eastern Slavonia, Baranja and Western Sirmium under the administration of UNTAES. In his report, the Secretary-General stated that the Transitional Administrator had informed him that no intimidation, violence or electoral improprieties were observed or reported before, during or after the elections, which had been an essential step for further progress in the peaceful reintegration of the region and had opened the way for the two-way return of all displaced persons in Croatia. In that regard, rapid progress had been made with the adoption by the Government of Croatia on 24 April 1997 of the Agreed Procedures on Return.

At its 3775th meeting, held on 8 May 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (Republic of Korea), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President drew the attention of the Council to a letter dated 2 May 1997 from the representative of the Netherlands addressed to the Secretary-General, drawing attention to the statement on the elections in Croatia issued by the European Union on 30 April 1997.⁶²

At the same meeting, the President made the following statement on behalf of the Council:⁶³

The Security Council welcomes the letter from the Secretary-General dated 29 April 1997 which conveys the conclusions of the Transitional Administrator regarding the successful holding of the elections in the region of Eastern Slavonia, Baranja and Western Sirmium in the Republic of Croatia beginning on 13 April 1997, under the direction of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium.

The Council shares the assessment of the Transitional Administrator that the holding of the elections has been an essential step for further progress in the peaceful reintegration of the region and marks an important milestone for the

⁶¹ S/1997/343.

⁶² S/1997/348.

⁶³ S/PRST/1997/26.

legitimate representation of the local population in the Croatian constitutional and legal system. It urges early formation of the newly elected bodies of local government and prompt and full implementation of the undertakings contained in the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium and the letter dated 13 January 1997 from the Government of Croatia including the establishment of the Joint Council of Municipalities and the appointment of local Serbs to the guaranteed positions in the parliamentary and administrative structures of Croatia.

The Council underlines the finding of the Transitional Administrator that no intimidation, violence or electoral improprieties were observed or reported before, during or after the elections. The Council welcomes the goodwill and sense of cooperation demonstrated by the parties to the process.

The Council emphasizes the importance of the two-way return of all displaced persons in Croatia, as well as the right of residents of a State to choose freely where they wish to live. In this context, it welcomes the Agreement of the Joint Working Group on the Operational Procedures of Return. It urges the Government of Croatia strictly to implement this agreement. The Council calls upon both sides to cooperate in good faith on the basis of the Basic Agreement and stresses the need to respect human rights, including rights of persons belonging to minorities, throughout the country, in order to ensure the success of the process of reintegration.

The Council expresses its appreciation to the Transitional Administration and to those elements of the international community, including observers from the Organization for Security and Cooperation in Europe, the Council of Europe and members of the diplomatic community, whose efforts made possible the successful holding of elections. The Council commends the Transitional Administration for resolving technical difficulties by taking decisive actions, which contributed significantly to the successful holding of the elections.

The Council looks forward to the recommendations of the Secretary-General, in the light of the progress of the parties towards fulfilling the Basic Agreement, for the further United Nations presence in Eastern Slavonia, Baranja and Western Sirmium, possibly a restructured Transitional Administration, consistent with the fulfilment of the Basic Agreement, for the six-month period beginning 16 July 1997, in accordance with Council resolution 1079 (1996).

**Decision of 14 July 1997 (3800th meeting):
resolutions 1119 (1997) and 1120 (1997)**

On 1 July 1997, pursuant to Security Council resolution 1093 (1997), the Secretary-General submitted to the Council a report on the situation in the Prevlaka peninsula and on progress made by Croatia and the Federal Republic Yugoslavia towards a settlement that would peacefully resolve their

differences.⁶⁴ In his report, the Secretary-General stated that the parties still retained differing interpretations of the Prevlaka dispute. Croatia regarded the dispute as a security issue to be settled by an arrangement that would provide security for each State within existing borders, while the Federal Republic of Yugoslavia felt that the dispute centred upon territorial possession of the Prevlaka peninsula. However, both parties confirmed their positive assessment of the role of UNMOP in lessening tension and maintaining stability in the region. The Secretary-General expressed his belief that the presence of UNMOP continued to be essential to maintain conditions that were conducive to a negotiated settlement of the dispute. He therefore recommended a further six-month extension of the mandate of UNMOP until 15 January 1998.

On 23 June 1997, pursuant to paragraphs 6 and 7 of Security Council resolution 1079 (1996), the Secretary-General submitted to the Council a report giving an overview of the activities of UNTAES and describing the humanitarian and human rights situation in Croatia. It also contained his recommendations concerning the future of the United Nations presence in the region after 15 July 1997, in the light of the progress in implementing the Basic Agreement.⁶⁵ In his report, the Secretary-General noted that, since its full deployment in the region, UNTAES had made significant achievements in demilitarization, reintegration of institutions and creation of conditions that had permitted successful elections to be held in April, although the reintegration of the people had hardly begun. President Franjo Tudjman had reaffirmed Croatia's intention to fulfil its various obligations and guarantees, but no specific programmes or timetables had been given. Of particular concern was the stated intention of Croatia to introduce a regime of unrestricted access to the region without taking adequate steps to prevent harassment and intimidation of local residents. The Secretary-General informed the Council that there had been outbursts of ethnic violence against Serbs, increased harassment and intimidation of Serbs, continued hostile propaganda in the Croatian media and serious delays in the introduction in the region of Croatian institutions, among other problems. He stated that, as Croatian

⁶⁴ S/1997/506.

⁶⁵ S/1997/487.

promises had not been met in a timely manner on the ground, the Serbs' confidence about their future was very low. In fact, Serb reliance on UNTAES for protection had increased rather than diminished over the past several months. He stated that recent experience regarding the return of Croats to the region had underlined the need for effective preparations to rebuild a functioning multi-ethnic community. The Secretary-General informed the Council that Croatia's position was that, with the successful holding of elections, UNTAES had completed the executive part of its mandate; authority over the region should therefore be transferred to Croatia, the UNTAES military component should be withdrawn and the remaining United Nations civilian presence restricted to a monitoring and observation mission pending its replacement by a long-term Organization for Security and Cooperation in Europe observation mission. President Tudjman had warned of negative consequences for Croat-Serb relations and reconciliation, if the executive mandate of UNTAES was extended. The position of local Serbs and of the Federal Republic of Yugoslavia, which would be the primary recipient of Serb refugees from the region, if reintegration failed, was that UNTAES needed to remain with its existing mandate for the full extended transition period up to 15 January 1998. However, Croatia maintained that it would not have the opportunity to implement programmes of reconciliation as long as the region was under transitional administration, and that a large UNTAES military component created a psychological barrier to normal life. He stated that, in order to accommodate Croatia's concerns, the Transitional Administrator would devolve to Croatian executive responsibility for the major part of civil administration of the region while maintaining his authority and ability to intervene and overrule decisions, if the situation deteriorated and the achievements of UNTAES were threatened. The pace of devolution would be commensurate with Croatia's demonstrated ability to reassure the Serb population and successfully complete peaceful reintegration. In the second phase, subject to satisfactory Croatian performance, remaining executive functions would be devolved.

The Secretary-General expressed his concern that a precipitate transfer of authority to Croatia and the withdrawal of UNTAES in the near term could lead to a mass exodus of Serbs, which would gravely set back the process of bilateral normalization of relations,

imperil wider regional security and create an unwelcome precedent for collective international peace efforts in Bosnia and Herzegovina. He therefore recommended the proposed two-phase exit strategy to be an effective programme for the successful completion of peaceful reintegration and the withdrawal of UNTAES from the region. This was contingent upon the full cooperation of the Government of Croatia, which had yet to demonstrate its determination to fulfil its responsibilities. If the confidence of the local population in the sustainable reintegration of people in the region was not achieved, the Security Council would need to reassess the situation by 15 October 1997.

At its 3800th meeting, held on 14 July 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the reports of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Sweden), with the consent of the Council, invited the representatives of Belgium, Croatia, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations⁶⁶ and to another draft resolution submitted by Belgium, France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States, with the Republic of Korea joining as a sponsor.⁶⁷ The President also drew the attention of the Council to a letter dated 7 July 1997 from the representative of Denmark addressed to the Secretary-General,⁶⁸ which transmitted the decision adopted by the Permanent Council of the Organization for Security and Cooperation in Europe concerning the presence of OSCE in Eastern Slavonia in Croatia.

At the same meeting, the first draft resolution was put to the vote and adopted unanimously as resolution 1119 (1997), which reads:

The Security Council,

Recalling its earlier relevant resolutions, in particular resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995, 1025 (1995) of 30 November 1995, 1038 (1996) of 15 January 1996, 1066 (1996) of 15 July 1996, and 1093

⁶⁶ S/1997/537.

⁶⁷ S/1997/528.

⁶⁸ S/1997/522.

(1997) of 14 January 1997, as well as the statement by its President of 25 April 1997,

Having considered the report of the Secretary-General of 1 July 1997,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia,

Noting with concern that the parties have failed to make any progress in adopting the practical options proposed by the United Nations military observers in May 1996, as referred to in the report of the Secretary-General of 31 December 1996, to reduce tension and improve safety and security in the area, or in reaching a peaceful settlement of the Prevlaka issue,

Noting the observation contained in the report of the Secretary-General of 1 July 1997 that the presence of the United Nations military observers continues to be essential to maintain conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

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

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 January 1998;

2. *Renews its call* upon the parties to abide by their mutual commitments, implement fully the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996 adopt the practical options proposed by the United Nations military observers for the improvement of safety and security in the area, cease all violations of the demilitarization regime and military or other activities which may increase tension, and cooperate fully with the United Nations military observers and ensure their safety and freedom of movement, including through the removal of landmines;

3. *Requests* the Secretary-General to submit to the Council by 5 January 1998 a report on the situation in the Prevlaka peninsula as well as on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement to resolve their differences peacefully;

4. *Requests* the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088 (1996) of 12 December 1996 to cooperate with each other;

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

At the same meeting, the second draft resolution was also put to the vote and adopted unanimously as resolution 1120 (1997), which reads:

The Security Council,

Recalling all its relevant resolutions concerning the territories of Eastern Slavonia, Baranja and Western Sirmium of the Republic of Croatia, in particular resolutions 1023 (1995) of 22 November 1995, 1025 (1995) of 30 November 1995, 1037 (1996) of 15 January 1996, 1043 (1996) of 31 January 1996, 1069 (1996) of 30 July 1996 and 1079 (1996) of 15 November 1996,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, and emphasizing in this regard that the territories of Eastern Slavonia, Baranja and Western Sirmium are integral parts of the Republic of Croatia,

Expressing its appreciation for the substantial achievements of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium in facilitating progress towards the peaceful return of the region to the control of the Republic of Croatia, and expressing further its deep appreciation to the dedicated military and civilian personnel of the Transitional Administration for their outstanding contributions to its mission, and to the Transitional Administrator, Mr. Jacques Paul Klein, for his leadership and dedication,

Recalling the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium between the Government of the Republic of Croatia and the local Serb community, signed on 12 November 1995, which promotes the mutual confidence, safety and security of all inhabitants of the region,

Emphasizing the importance of the obligation of the Government of the Republic of Croatia to allow all refugees and displaced persons to return in safety to their homes throughout the Republic of Croatia, and further emphasizing the importance of the two-way return of all displaced persons in the Republic of Croatia,

Welcoming the Agreement of the Joint Working Group on the Operational Procedures of Return but noting with concern that the lack of conditions necessary for the return of displaced persons to the former United Nations Protected Areas from the region of Eastern Slavonia, Baranja and Western Sirmium prevents the return in any substantial number of those displaced persons seeking to return to Eastern Slavonia, Baranja and Western Sirmium from other parts of Croatia,

Expressing its grave concern over the lack of improvement in respect for human rights, including the: rights of persons belonging to minorities, in Croatia and in particular in the former United Nations Protected Areas, and strongly deploring recent incidents of ethnically motivated violence in Hrvatska Kostajnica and similar incidents,

Reiterating its concern about the failure of the Government of the Republic of Croatia to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia, and in this context recalling the obligation of the

States in the region to surrender to the Tribunal all those indicted,

Reiterating also its concern about continued uncertainty regarding implementation of the Amnesty Law, which has been detrimental to the building of confidence and trust among Croatia's ethnic communities,

Welcoming the report of the Secretary-General of 23 June 1997, and noting in particular his recommendations for the continued presence of the Transitional Administration after 15 July 1997, with an appropriate restructuring of the mission,

Recalling that the Basic Agreement provides that the transitional period of twelve months may be extended at most to another period of the same duration if so requested by one of the parties, and noting that the local Serb community has requested such an extension, as indicated by the Secretary-General in his report of 28 August 1996,

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

Determined to ensure the security and freedom of movement of the personnel of the United Nations peacekeeping operations in the Republic of Croatia, and to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Expresses its firm support* for the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, and calls upon the Government of the Republic of Croatia and the local Serb community to cooperate fully with the Transitional Administration and other international bodies and to fulfil all obligations and commitments specified in the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium and all relevant Security Council resolutions, as well as in the letter from the Government of the Republic of Croatia dated 13 January 1997;

2. *Reaffirms* in particular the importance of full compliance by the parties, in particular by the Government of the Republic of Croatia, with their commitments, as specified in the Basic Agreement, to respect the highest standards of human rights and fundamental freedoms and to promote an atmosphere of confidence among local residents, regardless of their ethnic origin, and urges the Government of the Republic of Croatia to ensure respect for the rights of all persons of all national ethnic groups;

3. *Reaffirms also* the right of all refugees and displaced persons originating from the Republic of Croatia to return to their homes of origin throughout the Republic of Croatia;

4. *Strongly urges* the Government of the Republic of Croatia to eliminate promptly the administrative and legal obstacles to the return of refugees and displaced persons, in particular those posed by the Law on the Temporary Takeover and Administration of Specified Property; to create the necessary conditions of security, safety, and social and economic opportunity for those returning to their homes in Croatia,

including the prompt payment of pensions; and to foster the successful implementation of the Agreement of the Joint Working Group on the Operational Procedures of Return, treating all returnees equally, regardless of ethnic origin;

5. *Reminds* the local Serb population in Eastern Slavonia, Baranja and Western Sirmium of the importance of continuing to demonstrate a constructive attitude towards the reintegration of the region and a willingness to cooperate fully with the Government of the Republic of Croatia in building a stable and positive future for the region;

6. *Reiterates* its previous calls on all the States in the region, including the Government of the Republic of Croatia, to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia;

7. *Urges* the Government of the Republic of Croatia to eliminate ambiguities in implementation of the Amnesty Law and to implement it fairly and objectively in accordance with international standards, in particular by concluding all investigations of crimes covered by the amnesty and undertaking an immediate and comprehensive review with United Nations and local Serb participation of all charges outstanding against individuals for serious violations of international humanitarian law which are not covered by the amnesty, in order to end proceedings against all individuals against whom there is insufficient evidence;

8. *Decides* to extend the mandate of the Transitional Administration until 15 January 1998, as envisaged in its resolution 1079 (1996) as well as in the Basic Agreement;

9. *Endorses* the plan for the gradual devolution of executive responsibility for civil administration in the region by the Transitional Administrator, as set out in the report of the Secretary-General of 23 June 1997;

10. *Also endorses* the plan for restructuring the Transitional Administration, as set out in the report of the Secretary-General of 23 June 1997, and, in particular, the proposal for achieving the drawdown of the military component of the Transitional Administration by 15 October 1997;

11. *Stresses* that the pace of the gradual devolution of executive responsibility would be commensurate with the demonstrated ability of Croatia to reassure the Serb population and successfully complete peaceful reintegration;

12. *Reiterates* its decision in its resolution 1037 (1996) that Member States, acting nationally or through regional organizations or arrangements, may, at the request of the Transitional Administration and on the basis of procedures communicated to the United Nations, take all necessary measures, including close air support, in defence of the Transitional Administration and, as appropriate, to assist in the withdrawal of the Transitional Administration;

13. *Requests* that the Transitional Administration and the multinational Stabilization Force authorized by the Council in resolution 1088 (1996) of 12 December 1996 continue to cooperate, as appropriate, with each other as well as with the High Representative;

14. *Requests* the Secretary-General to continue to keep the Council regularly informed of the situation and to report in any case no later than 6 October 1997 on all aspects relevant to the peaceful reintegration of the region;

15. *Stresses* the importance of demilitarization of the area, and in that context stresses further the importance of achieving bilateral agreements on demilitarization and a liberal border regime in the region of Eastern Slavonia, Baranja and Western Sirmium, accompanied by appropriate confidence building measures as suggested in the report of the Secretary-General of 23 June 1997;

16. *Calls upon* the Government of the Republic of Croatia, *inter alia*, to initiate a country-wide public programme of national reconciliation, to take all necessary steps for the official establishment and legal registration of the Joint Council of Municipalities, and to fulfil all its obligations as specified in the various agreements signed with the Transitional Administration;

17. *Welcomes* the renewed mandate of the Organization for Security and Cooperation in Europe of 26 June 1997 providing for a continued and reinforced presence of the Organization for Security and Cooperation in Europe in the Republic of Croatia, with a particular focus on two-way return of ill refugees and displaced persons, protection of their rights and the protection of persons belonging to national minorities, welcomes also the decision of the Organization for Security and Cooperation in Europe for the build-up of its mission personnel starting in July 1997 with a view to full deployment by 15 January 1998, and urges the Government of the Republic of Croatia to cooperate fully with the mission of the Organization for Security and Cooperation in Europe to that end;

18. *Underlines* the observation of the Secretary-General that the essential prerequisite for the successful completion of peaceful reintegration of the region is the full cooperation of the Government of the Republic of Croatia, which bears the responsibility for convincing the local population that the reintegration of the people of the region is sustainable and that the process of reconciliation and return is irreversible;

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

Decision of 18 September 1997 (3818th meeting): statement by the President

At its 3818th meeting, held on 18 September 1997 in accordance with the understanding reached in its prior consultations, the President (United States), with the consent of the Council, invited the

representatives of Croatia and Germany, at their request, to participate in the discussion, without the right to vote. The President then made the following statement on behalf of the Council:⁶⁹

The Security Council expresses its deep concern at the lack of substantial progress by the Government of the Republic of Croatia in fulfilling the conditions and tasks that are key to the transfer of executive authority to the Republic of Croatia in the territories of Eastern Slavonia, Baranja and Western Sirmium, as noted in its resolution 1120 (1997) and the report of the Secretary-General of 23 June 1997.

In this regard, the Council calls upon the Croatian Government to meet its obligations and commitments and to take immediate action in the following areas: to remove all administrative and legal obstacles to the two-way return of all displaced persons as well as to the return of refugees; to ensure security and social and economic opportunity, including property rights, for all returnees; to take effective measures to prevent harassment of returnees; to implement measures to establish effective local government administrations; to ensure the regular payment of benefits to all pension and welfare recipients and open Croatian pension offices in the region; to ensure further economic reintegration; to initiate a countrywide public programme of national reconciliation and curb media attacks on ethnic groups; and to implement fully and fairly the Amnesty Law and cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia. In this context, the Council notes the recent information provided by the Croatian Government on steps intended to address some of these issues and urges the Croatian Government to implement these steps without delay.

The Council emphasizes that the prompt completion of the tasks outlined above, as well as the fulfilment by the Croatian Government of its obligations under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, the agreements between the Croatian Government and the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, as well as the letter from the Croatian Government dated 13 January 1997, will determine the pace of further devolution of executive authority for the civil administration to the Croatian Government as well as further Council action. The Council urges all parties to cooperate fully with the Transitional Administration and looks forward to the report of the Secretary-General due no later than 6 October 1997, as requested in its resolution 1120 (1997).

⁶⁹ S/PRST/1997/45.

**Decision of 20 October 1997 (3824th meeting):
statement by the President**

On 2 October 1997, pursuant to Security Council resolution 1120 (1997), the Secretary-General submitted to the Council a report on all aspects relevant to the peaceful reintegration into Croatia of the region of Eastern Slavonia, Baranja and Western Sirmium.⁷⁰ In his report, the Secretary-General stated that, while Croatia had made significant achievements in the formal and technical aspects of reintegration, such as the reintegration of State institutions, its cooperation in reintegrating the people of the region, as well as implementing agreements important to their long-term rights and welfare, had been less apparent. Of fundamental concern was that no attempt had been made by Croatia to lead and support a national programme of reconciliation and confidence-building. He informed the Council that deficiencies in the cooperation and performance of Croatia had delayed the decision by the Transitional Administrator that conditions had been achieved for the transfer of authority to Croatia, as the first phase of the exit strategy had not been completed. It was the Administrator's view that, while the transfer of authority of the region at that time would jeopardize the achievements made, the Government of Croatia could meet its obligations and commitments, if it applied itself with sufficient diligence in the time remaining. The Secretary-General further informed the Council that in view of the calm and stable military situation in the region, the Transitional Administrator considered that the second phase of the repatriation of the military contingent of UNTAES could start on 15 October and be completed by 15 November. However, because conditions had not yet been achieved to enable the full integration of the Transitional Police Force into the Croatian police force, the existing level of civilian strength would be required at least until 15 January 1998. It was also essential that the number of United Nations military observers remained unchanged. UNTAES would continue close cooperation with OSCE to assist in establishing the intended long-term mission of OSCE in Croatia. He stated that he shared the assessment of the Transitional Administrator that there was sufficient time for Croatia to further improve its performance and to comply fully with its obligations before 15 January

⁷⁰ S/1997/767.

1998, when the Council would need to decide on the future of UNTAES. In conclusion, he underlined that the recent renewed commitment of the Government of Croatia had to be put into practice immediately in order to establish sufficient confidence that the termination of the mandate of UNTAES could be achieved without jeopardizing the results of two years of intensive international investment in the process of peaceful reintegration of the region and its people.

At its 3824th meeting, held on 20 October 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Chile), with the consent of the Council, invited the representatives of Croatia, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to letters dated 24 September and 3 October 1997, respectively, from the representative of Croatia addressed to the President of the Security Council.⁷¹

At the same meeting, the President made the following statement on behalf of the Council:⁷²

The Security Council welcomes the report of the Secretary-General of 2 October 1997 on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and agrees with its balanced and objective assessment.

The Council notes with approval several positive actions taken by the Government of Croatia which are contained in the report, as well as those which have occurred since the report was issued. These developments include the recent agreements relating to education, progress on the reintegration of the judiciary, the law on convalidation, moves towards recognition of pensioner service, assistance to local governments and municipalities, and provision of documentation on twenty-five war crimes cases to the Transitional Administration. The Council is also encouraged by the increased cooperation with the International Tribunal on the Prosecution of Persons

⁷¹ Letters transmitting the report on the implementation of the letter of intent of 13 January 1997 on the peaceful reintegration of the region under UNTAES administration (S/1997/745) and the Programme of the Government of the Republic of Croatia for the Establishment of Trust, Accelerated Return, and Normalization of Living Conditions in the War-affected Regions of the Republic of Croatia (S/1997/772).

⁷² S/PRST/1997/48.

Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia. The Council expects the Government of Croatia to continue to build upon these positive steps and accelerate its efforts in order fully to complete these initiatives.

The Council welcomes the recent establishment by the Government of Croatia of a programme for national reconciliation. A final assessment of this programme must await its full and prompt implementation.

The Council continues to note with concern that there are still many outstanding areas and issues of contention and non-compliance, which require further, urgent action from the Government of Croatia. The Council reiterates its call upon the Government of Croatia to curb media attacks on ethnic groups. The Council also underlines, in particular, the importance of the removal of all legal and administrative barriers, thus allowing the accelerated voluntary two-way return of displaced persons, including their right to choose to live in the region, as well as the return of refugees. It calls upon the Government of Croatia to give immediate effect to recent decisions of the Constitutional Court regarding the Law on the Temporary Takeover and Administration of Specified Property, and to take further action to promote the safe return of owners to their homes and the resolution of the issue of lost tenancy rights, including ensuring access to reconstruction assistance.

Much progress in these and other outstanding areas must be made on an urgent basis, in order for the Government of Croatia to comply fully with its obligations and create the conditions for a successful completion of the Transitional Administration. For its part, the local Serb population must also take more active measures to participate in the reintegration process.

The Council notes the urgent need for all local government bodies in the region, particularly the City Council of Vukovar, to commence full normal functions immediately.

The Council expresses its concern about the behaviour of some officers of the Transitional Police Force, and urges full cooperation with the Transitional Administration in improving the performance of the Force. The Council approves the intention of the Secretary-General to retain United Nations civilian police and military observers at current levels to the end of the mandate of the Transitional Administration. The Council also notes the need to address concerns relating to the continuation of police monitoring functions.

The Council welcomes the close cooperation between the Transitional Administration and the Organization for Security and Cooperation in Europe in expanding the long-term mission of the latter in Croatia.

The Council shares the assessment of the Secretary-General that there is sufficient time for Croatia to comply fully with its obligations and commitments before 15 January 1998 and urges the Government of Croatia to redouble its efforts in the time remaining. The Council looks forward to the next report

of the Secretary-General on all aspects relevant to the peaceful reintegration of the region, due by the beginning of December.

Decision of 19 December 1997 (3843rd meeting): resolution 1145 (1997)

On 4 December 1997, pursuant to the request of the Security Council expressed in the statement of its President of 20 October 1997,⁷³ the Secretary-General submitted to the Council a report on all aspects relevant to the peaceful reintegration of the region of Eastern Slavonia, Baranja and Western Sirmium and on his recommendations for the future role of the United Nations in the region.⁷⁴ In his report, the Secretary-General stated that, as the period of transitional administration envisaged in the Basic Agreement drew to an end, consensus had developed between the Government of Croatia, local Serb leaders and the Government of the Federal Republic of Yugoslavia on two key points: firstly, that UNTAES had successfully achieved the basic objectives for which it was established and had completed those tasks in its power; and second, that although much had been achieved, full implementation of commitments by Croatia remained incomplete. However, since October, the Government of Croatia had made a major effort to meet those commitments and to reassure its citizens. The Secretary-General stated that those efforts, if sustained, gave hope that the termination of UNTAES on 15 January 1998 would not jeopardize the results of two years of intensive international investment and efforts in the region. He noted that in the vital area of local policing and rule of law, the Government of Croatia had acknowledged that the Transitional Police Force had not yet demonstrated the professional qualities or inter-ethnic cohesion necessary to police the multi-ethnic communities of the region effectively and impartially and had therefore requested the continued presence of United Nations civilian police in the Danube region of Croatia following the end of the UNTAES mandate. The presence of United Nations civilian police would also provide essential reassurance during the period of major two-way population movement, which was expected to continue until September 1998. The Secretary-General also emphasized that, in the post-UNTAES period, many other international organizations would support Croatia

⁷³ S/PRST/1997/48.

⁷⁴ S/1997/953 and Add.1.

by comprehensively monitoring implementation of commitments and providing reassurance to the population of the region. In that connection, he welcomed the deployment throughout Croatia of the long-term missions of OSCE, the increasing involvement of the Commission envisaged under paragraph 11 of the Basic Agreement⁷⁵ and the activities of local and international non-governmental organizations. He expressed his view that UNTAES should complete its work as originally envisaged and therefore recommended the termination of UNTAES on 15 January 1998. He further recommended that the Security Council establish a support group of 180 civilian police monitors whose task would be to continue to monitor the performance of the Croatian police in the Danube region, particularly in connection with the return of displaced persons, and noted that the Government of Croatia had indicated its readiness to provide such a support group with the necessary protection, should the need arise.

At its 3843rd meeting, held on 19 December 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Costa Rica), with the consent of the Council, invited the representatives of Belgium, Croatia, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by Belgium, France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.⁷⁶ The President further drew the attention of the Council to a letter dated 20 November 1997 from the representative of Croatia addressed to the Secretary-General, transmitting a letter of the same date from the Deputy Prime Minister and Minister for Foreign Affairs of Croatia to the Secretary-General, which accepted the activities of the Civilian Police Support Group with the provision that its presence in Croatia could be shortened in duration, in line with the positive development of the situation in the region.⁷⁷

At the same meeting, the representative of Croatia stated that the success of UNTAES could be seen in many areas, particularly in the documents

programme, the Government spending in the region, the reconciliation programme, the public overtures to the residents of the region, and the notable number of returns. He also stated that, in spite of the many positive elements it contained, the draft resolution overlooked two important issues. The first was that it did not give proper focus with respect to the International Tribunal for the Former Yugoslavia, as paragraph 11 of the resolution called specifically only on Croatia to cooperate with the Tribunal. Although the region “was also occupied for a period of time by Serbia and Montenegro”, the resolution failed to mention the Federal Republic of Yugoslavia. In addition, the draft resolution failed to reflect that the former rebels were reintegrating not only into Croatia but also into the vibrant Serb community in Croatia, as a substantial segment of the Serb community had remained to live in Croatia.⁷⁸

The representative of the Russian Federation stated that it was already clear that the fruitfulness of international efforts in the context of UNTAES could only be talked about if there were long-term, full and unconditional adherence by the Government of Croatia to the process of genuine reintegration of people and the achievement of a multi-ethnic reconciliation for all citizens.⁷⁹

The representative of the United States stated that UNTAES, working with the Government of Croatia, had helped to lay a foundation for healing and rebuilding, but that all the commitments, pledges and promises made on both sides had to be made good.⁸⁰

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1145 (1997), which reads:

The Security Council,

Recalling all its relevant resolutions concerning the territories of Eastern Slavonia, Baranja, and Western Sirmium of the Republic of Croatia (the Region),

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, and emphasizing in this regard that the territories of the Region are integral parts of the Republic of Croatia,

⁷⁵ S/1995/951.

⁷⁶ S/1997/990.

⁷⁷ S/1997/913.

⁷⁸ S/PV.3843, pp. 2-4.

⁷⁹ *Ibid.*, pp. 4-5.

⁸⁰ *Ibid.*, p. 5.

Recalling the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium between the Government of the Republic of Croatia and the local Serb community, signed on 12 November 1995, which promotes the mutual confidence, safety and security of all inhabitants of the Region,

Noting the termination of the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium on 15 January 1998, as envisaged in its resolution 1079 (1996) of 15 November 1996 as well as in the Basic Agreement, and in accordance with its resolution 1120 (1997) of 14 July 1997, and expressing its deep appreciation to the Transitional Administrators for their leadership of the efforts of the United Nations in promoting peace, stability and democracy in the Region, and to the civilian and military personnel of the Transitional Administration for their dedication and achievement in facilitating the peaceful reintegration of the Region into the Republic of Croatia,

Emphasizing the continuing obligation of the Government of the Republic of Croatia, under the Basic Agreement and international conventions, to allow all refugees and displaced persons to return in safety to their homes throughout the Republic of Croatia, and further emphasizing the urgency and importance of the two-way return of all displaced persons in the Republic of Croatia,

Recalling the mandate of the Organization for Security and Cooperation in Europe of 26 June 1997 providing for a continued and reinforced presence of the Organization for Security and Cooperation in Europe in the Republic of Croatia, with a focus on the two-way return of all refugees and displaced persons, the protection of their rights, and the protection of persons belonging to national minorities,

Welcoming the letter dated 20 November 1997 from the Minister for Foreign Affairs of the Republic of Croatia to the Secretary-General requesting a continued presence of United Nations civilian police monitors after the completion of the mandate of the Transitional Administration,

Welcoming also the report of the Secretary-General of 4 December 1997 and the recommendations contained therein, including the recommendation for the establishment of a support group of civilian police monitors,

Stressing that the Croatian authorities bear the main responsibility for the successful completion of the peaceful reintegration of the Region and the true reconciliation of the people,

1. *Notes* that the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium will terminate on 15 January 1998, and expresses its continued full support for the Transitional Administration as it completes its mandate;

2. *Reiterates* the continuing obligation of the Government of the Republic of Croatia, under the Basic Agreement on the Region of Eastern Slavonia, Baranja and

Western Sirmium to respect the highest standards of human rights and fundamental freedoms and to promote an atmosphere of confidence among local residents regardless of ethnic origin, as well as its continuing obligations under international conventions and other agreements in this regard;

3. *Underlines* the fact that it is the Government of the Republic of Croatia and the Croatian police and judicial authorities who bear full responsibility for the security and safeguarding of the civil rights of all residents of the Republic of Croatia, regardless of ethnicity;

4. *Calls upon* the Government of the Republic of Croatia to implement fully and promptly all of its obligations and commitments, including those reached with the Transitional Administration, with regard to the Region;

5. *Stresses* the need for the Government of the Republic of Croatia to pursue the economic revitalization of the Region, and notes, in this respect, the importance of past and future involvement by the international community;

6. *Notes with approval* the recent improved performance of the Government of the Republic of Croatia towards fulfilling its obligations, including the adoption of a comprehensive programme of national reconciliation, and encourages continued progress in this regard;

7. *Reaffirms* the right of all refugees and displaced persons originating from the Republic of Croatia to return to their homes of origin throughout the Republic of Croatia, welcomes the fact that some progress has been made in the peaceful two-way return of displaced persons and the return of refugees in the Region, and calls upon the Government of the Republic of Croatia to remove legal obstacles and other impediments to two-way returns, including through the resolution of property issues, the establishment of straightforward procedures for returns, the adequate funding of the Joint Council and all relevant activities of municipalities, the clarification and full implementation of the Amnesty Law, and other measures, as set out in the report of the Secretary-General;

8. *Reminds* the local Serb community of the continued importance of demonstrating a constructive attitude and participating actively in the process of reintegration and national reconciliation;

9. *Stresses* that the achievement of the long-term goals for the Region established by the Security Council depend upon the commitment of the Government of the Republic of Croatia to the permanent reintegration of its Serb citizens and upon the vigilant and active role of the international community, and in this regard welcomes the key role of the Organization for Security and Cooperation in Europe;

10. *Emphasizes* the role of other international organizations and the United Nations specialized agencies, in particular the Office of the United Nations High Commissioner for Refugees, in the Republic of Croatia;

11. *Reiterates its call* upon all the States in the region, including the Government of the Republic of Croatia, to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia, and recalls its encouragement by the increased cooperation of the Government of the Republic of Croatia with the Tribunal;

12. *Urges* the Republic of Croatia and the Federal Republic of Yugoslavia to pursue further normalization of their relations, especially in the areas of cross-border confidence-building measures, demilitarization and dual nationality;

13. *Decides* to establish, with effect from 16 January 1998, a support group of 180 civilian police monitors, for a single period of up to nine months as recommended by the Secretary-General, to continue to monitor the performance of the Croatian police in the Danube region, particularly in connection with the return of displaced persons, in accordance with the recommendations contained in paragraphs 38 and 39 of the report of the Secretary-General and in response to the request by the Government of the Republic of Croatia;

14. *Decides also* that the support group will assume responsibility for those Transitional Administration personnel and United Nations-owned assets needed for its use in fulfilment of its mandate;

15. *Requests* the Secretary-General to keep it informed periodically and to report as necessary on the situation, and in any case no later than 15 June 1998;

16. *Reminds* the Government of the Republic of Croatia of its responsibility for the security and freedom of movement of all civilian police monitors and other international personnel, and requests that it provide all necessary support and assistance to the civilian police monitors;

17. *Encourages* liaison between the support group and the Organization for Security and Cooperation in Europe with a view to facilitating a smooth transition of responsibility to that organization;

18. *Decides* to remain seized of the matter.

**Decision of 13 January 1998 (3847th meeting):
resolution 1147 (1998)**

On 30 December 1997, pursuant to Security Council resolution 1145 (1998), the Secretary-General submitted to the Council a report on progress made by Croatia and the Federal Republic of Yugoslavia towards a settlement to resolve peacefully their differences in the area.⁸¹ In his report, the Secretary-General observed that the parties had continued to

⁸¹ S/1997/1019.

indicate in their contacts that they retained their divergent interpretations of the Prevlaka dispute, with Croatia seeing it as a security issue and the Federal Republic of Yugoslavia regarding it as a territorial issue. Still he affirmed that the stability which had prevailed in the UNMOP area of responsibility since the establishment of the mission on 1 February 1996 had not been disrupted by any serious incidents and there had been welcome steps of compliance with the practical options proposed by UNMOP, which had served to confirm the lessening of tensions. Furthermore, both parties had continued to reiterate their firm commitment to a negotiated resolution. However, he added that substantive negotiations had not started and neither side had held out the prospect of long-term violations in the United Nations-controlled zone. The Secretary-General underlined that UNMOP played an essential role in maintaining conditions conducive to negotiations and therefore recommended a further six-month extension of the UNMOP mandate until 15 July 1998.

At its 3847th meeting, held on 13 January 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (France), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President also drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁸² The President then drew the attention of the Council to a letter dated 12 December 1997 from the representative of the Federal Republic of Yugoslavia addressed to the Secretary-General,⁸³ transmitting a letter dated 12 December 1997 from the President of the Federal Government of the Federal Republic of Yugoslavia, and to a letter dated 22 December 1997 from the representative of Croatia addressed to the Secretary-General,⁸⁴ reiterating their positions on the Prevlaka peninsula.

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1147 (1998), which reads:

⁸² S/1998/16.

⁸³ S/1997/984.

⁸⁴ S/1997/1002.

The Security Council,

Recalling its earlier relevant resolutions, in particular resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995, 1025 (1995) of 30 November 1995, 1038 (1996) of 15 January 1996, 1066 (1996) of 15 July 1996, 1093 (1997) of 14 January 1997 and 1119 (1997) of 14 July 1997,

Having considered the report of the Secretary-General of 30 December 1997, and welcoming the positive developments noted therein,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia,

Noting again the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia, in particular article 3, which reaffirmed their agreement concerning the demilitarization of the Prevlaka peninsula, and emphasizing the contribution that this demilitarization has made to the decrease of tension in the region,

Noting with concern continued long-standing violations of the demilitarization regime in the United Nations designated zones in the region, but welcoming a decrease in the number of violations,

Welcoming the first substantial progress in implementing the practical options proposed by the United Nations military observers in May 1996, as referred to in the report of the Secretary-General of 31 December 1996,

Noting with concern that there has been no progress towards a settlement of the disputed issue of Prevlaka through mutual negotiations,

Recalling the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, signed in Belgrade on 23 August 1996, committing the parties to settle peacefully the disputed issue of Prevlaka by negotiations in the spirit of the Charter of the United Nations and good neighbourly relations, and stressing the need for the Republic of Croatia and the Federal Republic of Yugoslavia to agree on a settlement which would peacefully resolve their differences,

Noting that the presence of the United Nations military observers continues to be essential to maintain conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 July 1998;

2. *Welcomes* steps taken by the parties in adopting the practical options proposed by United Nations military observers to reduce tension and improve safety and security in the area,

and calls upon the parties to make further progress in this regard;

3. *Reiterates its call* upon the parties to cease all violations of the demilitarization regime in the United Nations designated zones, to cooperate fully with the United Nations military observers and to ensure their safety and freedom of movement;

4. *Urges* the parties to abide by their mutual commitments and to implement fully the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996;

5. *Expresses its support* for the commitment by the parties to a negotiated resolution of the disputed issue of Prevlaka in accordance with article 4 of the agreement mentioned in paragraph 4 above;

6. *Urges* the parties to take concrete steps towards a negotiated resolution of the disputed issue of Prevlaka in good faith and without delay;

7. *Requests* the Secretary-General to submit to the Council by 5 July 1998 a report on the situation in the Prevlaka peninsula and, in particular, on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences;

8. *Requests* the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088 (1996) of 12 December 1996 to cooperate fully with each other;

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

**Decision of 13 February 1998 (3854th meeting):
statement by the President**

On 22 January 1998, pursuant to Security Council resolutions 1120 (1997) and 1145 (1997), the Secretary-General submitted to the Council a report on the situation in the region of Eastern Slavonia, Baranja and Western Sirmium.⁸⁵ In his report, the Secretary-General observed that progress had continued to be made on a range of issues and that the Government had displayed commendable energy and commitment in the conduct of its comprehensive programme for national reconciliation. Nevertheless, several key issues had remained unresolved, including property-related issues, tenancy rights, funding for the Joint Council of Municipalities, and full implementation of the Amnesty Law. He stressed that the lack of progress on those commitments could have serious implications. Critical to sustaining progress would be the role of the

⁸⁵ S/1998/59.

international community and Croatia's bilateral partners. In that regard, he welcomed the key role that would be played by the Organization for Security and Cooperation in Europe, and suggested that the Security Council might wish to consider inviting the Chairman-in-Office of OSCE to keep the United Nations regularly informed of relevant developments in the mission area. He also noted that Croatia's request for further United Nations police assistance demonstrated the political will to complete the process of peaceful reintegration. He affirmed that the United Nations Civilian Police Support Group would work closely with the Government of Croatia to monitor police operations in the Danube region and to improve the professional qualities of the multi-ethnic police force. That commitment, and the support of the international community, would ensure that the region was policed effectively and impartially, thereby facilitating the vital process of two-way returns of displaced persons.

At its 3854th meeting, held on 13 February 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Gabon), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁸⁶

The Security Council welcomes the successful completion of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, as described in the report of the Secretary-General of 22 January 1998. The experience of this multifunctional operation may be useful for similar situations in the future.

The Council commends the commitment shown by the Government of the Republic of Croatia to the implementation of its comprehensive programme of national reconciliation, and stresses the need for continued progress in this regard. The Council is also encouraged by signs of increasing participation in Croatian political life by the region's ethnic Serb citizens, and underlines the importance of continued efforts by the Government of the Republic of Croatia to ensure full participation by the Serb minority in the political life of the country, including through urgent funding of the Joint Council of Municipalities.

⁸⁶ S/PRST/1998/3.

The Council notes that, despite the positive conclusion of the Transitional Administration and the efforts of the Government of the Republic of Croatia, including its request for the establishment of the civilian police support group, much remains to be done. The Government of the Republic of Croatia remains responsible for the rights and safety of members of all ethnic groups within the Republic of Croatia and bound by its obligations and commitments under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium and other international agreements. In this regard, the Council calls upon the Government of the Republic of Croatia to intensify its efforts to promote full reintegration of the region, in particular to resolve property issues and other problems which are hindering the return of refugees and displaced persons, to protect human rights, including by taking action against harassment, to address in full uncertainties about the implementation of the Amnesty Law and to take measures to improve public confidence in the Croatian police.

In this context, the Council emphasizes the key role of the Organization for Security and Cooperation in Europe throughout the Republic of Croatia, including in the Danubian region. The Council strongly supports the closest possible cooperation between the United Nations and the Organization for Security and Cooperation in Europe, in particular between the mission of that organization and the support group and other United Nations offices and agencies in the Republic of Croatia, as envisaged by the Secretary-General, and, to that end, encourages the support group and the mission to keep each other fully informed.

The Council pays tribute to the dedicated men and women of the Transitional Administration and, in particular, expresses its appreciation to the Transitional Administrators and the Force Commanders for their leadership of the mission of the Transitional Administration.

**Decision of 6 March 1998 (3859th meeting):
statement by the President**

At its 3859th meeting, held on 6 March 1998 in accordance with the understanding reached in its prior consultations, the President (Gambia), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 26 February from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council,⁸⁷ transmitting an aide-mémoire issued on 25 February 1998 by the Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia, which outlined worrisome negative developments that were continuing

⁸⁷ S/1998/161.

to take place in the region of Eastern Slavonia, Baranja and Western Sirmium leading to an exodus of Serbs on an ever larger scale and jeopardizing the results of the United Nations mission. The President also drew the attention of the Council to a letter dated 5 March 1998 from the representative of Croatia addressed to the President of the Security Council, which transmitted an aide-mémoire giving the views of Croatia on the situation in the Eastern Slavonia region.⁸⁸

At the same meeting, the President made the following statement on behalf of the Council:⁸⁹

The Security Council expresses its concern at the Croatian Government's lack of compliance with obligations assumed under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, the letter from the Croatian Government dated 13 January 1997 and the agreement of 23 April 1997 between the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, the Office of the United Nations High Commissioner for Refugees and the Croatian Government concerning the return of refugees and displaced persons. The Council notes that the overall security situation in the Danube region remains relatively stable, but is particularly concerned about the increasing incidence of harassment and intimidation of the local Serb community in the region and the failure of the Croatian Government to apply the process of national reconciliation in an effective way at the local level. This worrying situation, together with recent statements by the Croatian authorities, cast doubt upon the commitment of the Republic of Croatia to include ethnic Serbs and persons from other minorities as full and equal members of Croatian society.

The Council, recalling the statement by its President of 13 February 1998 and having taken note of the letter dated 5 March 1998 from the Permanent Representative of the Republic of Croatia to the United Nations, calls upon the Croatian Government publicly to reaffirm and by its actions to demonstrate its commitment to fulfilling its obligations under the Basic Agreement and other agreements in full, including through progress on national reconciliation at every level. In particular, the Council calls upon the Croatian Government to take prompt and unequivocal steps to ensure the safety, security and rights of all Croatian citizens and to build confidence among the Serb community throughout Croatia, including by providing promised funding for the Joint Council of Municipalities. These steps should include measures to create the conditions to allow local Serbs to remain in the region, to facilitate the return of refugees and displaced persons and to address underlying practical and economic issues which inhibit returns. The Council calls upon the Croatian Government to establish clear procedures for the documentation of refugees from Croatia; to

issue an equitable plan for nationwide two-way returns; to implement fully and fairly its legislation on amnesty; to act promptly to pass equitable property and tenancy rights legislation which would encourage returns and stimulate additional international reconstruction assistance; to ensure fair employment benefit practices and equal economic opportunity; and to ensure the non-discriminatory application of the rule of law.

The Council recognizes that, since the end of the mandate of the Transitional Administration, the performance of the Croatian police has been generally satisfactory, and in this context it expresses its appreciation and support for the work of the United Nations civilian police support group. The Council notes, however, that public confidence in the police is low. The Council calls upon the Croatian Government to take measures, including through public information and police preventive action, to improve public confidence in the police as part of a wider programme of measures to prevent ethnically motivated crime and ensure the protection and equal treatment of all Croatian citizens, regardless of ethnicity.

The Council stresses that, following the termination of the Transitional Administration, responsibility for the full reintegration of the Danube region lies clearly with the Croatian Government. The United Nations will continue to work closely with the Organization for Security and Cooperation in Europe in monitoring the situation and reminding the Croatian Government of its obligations.

**Decision of 2 July 1998 (3901st meeting):
statement by the President**

On 11 June 1998, pursuant to Security Council resolution 1145 (1997), the Secretary-General submitted to the Council an overview of the activities of the United Nations Civilian Police Support Group and an assessment of the situation in the region following the termination of the United Nations Transitional Authority for Eastern Slavonia, Baranja and Western Sirmium on 15 January 1998.⁹⁰ In his report, the Secretary-General observed that there had been progress on a number of issues that remained outstanding at the end of the UNTAES mandate, but core issues, including the abolishment of discriminatory property laws and the establishment of an effective mechanism that would allow owners to recover their property, remained unresolved. The Government of Croatia also still had to adopt a comprehensive nationwide programme for returns and to develop a balanced reconstruction plan. Provided that the Government took major steps to resolve those

⁸⁸ S/1998/197.

⁸⁹ S/PRST/1998/6.

⁹⁰ S/1998/500.

problems, that the return of Croat displaced persons to the region proceeded without increased ethnic incidents and that the police performance continued to improve, it would be his intention to downsize the Support Group operation gradually beginning in August 1998, with the goal of reaching a level of 140 civilian police monitors by the end of that month and a level of 120 by the end of September. In the meantime, he had instructed his Representative to establish a timetable for the handover of the functions of the Support Group to the Organization for Security and Cooperation in Europe, in the expectation that the Permanent Council of that organization would confirm its readiness to assume responsibility for police monitoring in the region from 16 October 1998.

At its 3901st meeting, held on 2 July 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Russian Federation), with the consent of the Council, invited the representative of Croatia, at her request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 29 June 1998 from the representative of Croatia addressed to the President of the Security Council, transmitting the text of the Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons, adopted by the State Parliament of Croatia on 26 June 1998.⁹¹

At the same meeting, the President made the following statement on behalf of the Council:⁹²

The Security Council has considered the report of the Secretary-General of 11 June 1998 pursuant to its resolution 1145 (1997) of 19 December 1997.

The Council notes that the overall security situation in the Danube region is relatively stable. It also notes that the generally satisfactory performance of the Croatian police in the region is largely due to comprehensive monitoring by the United Nations Police Support Group and the special attention paid to the situation by the Ministry of the Interior of the Republic of Croatia. However, the Council is concerned that, despite the large presence of the Croatian police, ethnically related incidents, evictions and housing intimidation cases have not been stopped, and that such incidents have increased in the recent period.

⁹¹ S/1998/589.

⁹² S/PRST/1998/19.

The Council expresses its grave concern that a large number of Serb residents and displaced persons have emigrated from the Republic of Croatia since late 1996, mainly because of continued security incidents, ethnically related intimidation, a dire economic situation, bureaucratic hurdles, discriminatory legislation and a stalled return programme. A continuation of this trend could have a seriously negative effect on the restoration of a multi-ethnic society in the Republic of Croatia. The Council, therefore, welcomes the adoption by the Government of Croatia, on 26 June 1998, of a nationwide programme for the return and accommodation of displaced persons, refugees and exiled persons and calls for its prompt and full implementation at all levels, including the abolition of discriminatory property laws and the establishment of effective mechanisms allowing owners to recover their property. It stresses the importance of the prompt and full implementation of the programme on reconciliation at all levels throughout Croatia and of preventing and responding to incidents of harassment and unlawful evictions.

The Council reiterates the continuing obligations of the Government of Croatia under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium as well as under international conventions and other agreements. It notes with satisfaction that the Government of Croatia has met the majority of its obligations concerning the provision of public services and employment within the public sector, set out in the Basic Agreement. The Council, however, reiterates that a number of obligations have yet to be fulfilled in such areas as the implementation of the Convalidation Law and the Amnesty Law, the functioning of local municipalities and the permanent funding of the Joint Council of Municipalities. In this regard, the Council stresses the significance of the Article 11 Commission, formed under the provisions of article 11 of the Basic Agreement, as a key instrument in encouraging the Government of Croatia to meet its obligations fully and in underscoring continued international commitment to the successful completion of peaceful reintegration.

The Council calls upon the Government of Croatia to improve police response to ethnically related incidents, evictions and housing intimidation cases and to take other measures to strengthen public confidence in the police, including through public information and police preventive action. In this context, the Council stresses the importance of the implementation of the guidelines issued by the Ministry of the Interior on 9 January 1998 and the institution of a community policing programme by the Ministry.

The Council fully supports the activities of the United Nations Police Support Group and the United Nations Liaison Office in Zagreb. It welcomes the decision of 25 June 1998 of the Permanent Council of the Organization for Security and Cooperation in Europe to deploy civilian police monitors to assume, from 15 October 1998, the responsibilities of the Support Group. It also welcomes the invitation by the representative of the Secretary-General to the head of the mission of the Organization for Security and Cooperation in Europe in Croatia to begin planning for the intended transfer of

the police monitoring function in the region to that organization. It supports the establishment of a timetable for the handover of the functions of the Support Group to the organization and agrees with the intention of the Secretary-General to reduce gradually the number of civilian police monitors, under the conditions specified in his report. The Council looks forward to a report by the Secretary-General by mid-September detailing the arrangements for the termination of the mandate of the Support Group by 15 October 1998.

**Decision of 15 July 1998 (3907th meeting):
resolution 1183 (1998)**

On 26 June 1998, pursuant to paragraph 7 of Security Council resolution 1147 (1998), the Secretary-General submitted to the Council a report on progress made by Croatia and the Federal Republic of Yugoslavia towards a settlement that would peacefully resolve their differences.⁹³ In his report, the Secretary-General observed that the stability in the UNMOP area of responsibility had not been disrupted by any serious incidents. However, there were also no signs that both parties would cease the continuing violations of the demilitarization regime in the two United Nations-designated zones, which constituted an irritant in the relations between UNMOP and local authorities. He emphasized that UNMOP was assisting in resolving disputes that could lead to a rise in tension, including an increasing number of civilian difficulties, and had avoided any steps that would prejudice the outcome of bilateral political negotiations. He further noted that the parties had retained their divergent interpretations of the Prevlaka dispute although, for the first time, a formal proposal for the settlement of the issue had been presented. Meanwhile, since UNMOP played an essential role in maintaining conditions conducive to negotiations, he recommended a further six-month extension of the UNMOP mandate until 15 January 1999.

At its 3907th meeting, held on 15 July 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (the Russian Federation), with the consent of the Council, invited the representatives of Croatia, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention

⁹³ S/1998/578.

of the Council to a draft resolution submitted by France, Germany, Italy, Japan, Portugal, the Russian Federation, Slovenia, Sweden, the United Kingdom and the United States.⁹⁴ The President further drew the attention of the Council to the following letters from the representative of Croatia: a letter dated 18 June 1998 addressed to the President of the Security Council, transmitting the Croatian draft text for an agreement between Croatia and the Federal Republic of Yugoslavia on a permanent solution to the security issue of Prevlaka,⁹⁵ and letters addressed to the President of the Security Council dated 29 June 1998 and 8 July 1998, respectively, expressing support for bilateral negotiations with a view to resolving security issues in Prevlaka, but stressing that Croatia could not support negotiations aimed at changing internationally recognized borders.⁹⁶ The President also drew the attention of the Council to letters addressed to the President of the Security Council dated 30 June and 10 July 1998, respectively, from the Federal Republic of Yugoslavia,⁹⁷ transmitting a letter from the President of the Republic concerning the extension of the mandate of the UNMOP and a draft agreement between the Federal Republic of Yugoslavia and Croatia on the permanent settlement of the disputed issue of Prevlaka with an explanatory note.

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1183 (1998), which reads:

The Security Council,

Recalling all its earlier relevant resolutions, in particular resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995 and 1147 (1998) of 13 January 1998,

Having considered the report of the Secretary-General of 26 June 1998, and noting the positive assessment in the report of the Secretary-General of recent developments, including the initiative by the Republic of Croatia for a final resolution of the disputed issue of Prevlaka,

Noting the proposal by the Federal Republic of Yugoslavia on the permanent settlement of the disputed issue of Prevlaka,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the

⁹⁴ S/1998/642.

⁹⁵ S/1998/533.

⁹⁶ S/1998/589 (see also decision of 2 July 1998) and S/1998/617.

⁹⁷ S/1998/593 and S/1998/632.

Republic of Croatia within its internationally recognized borders,

Noting again the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia, in particular article 3, which reaffirmed their agreement concerning the demilitarization of the Prevlaka peninsula, and emphasizing the contribution that this demilitarization has made to the decrease of tension in the region,

Concerned, however, at the continued long-standing violations of the demilitarization regime in the United Nations designated zones in the region and the failure of the parties to improve their compliance with the demilitarization regime as recommended by the United Nations Mission of Observers in Prevlaka, including important demining activities within the demilitarized area, and by continued restrictions on the freedom of movement of its personnel within their area of responsibility,

Recalling the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, signed in Belgrade on 23 August 1996, committing the parties to settle peacefully the disputed issue of Prevlaka by negotiations in the spirit of the Charter of the United Nations and good-neighbourly relations, and deeply concerned at the lack of significant progress towards such a settlement,

Noting that the presence of the United Nations military observers continues to be essential to maintain conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 January 1999;

2. *Calls upon* the parties to take further steps to reduce tension and improve safety and security in the area;

3. *Reiterates its call* upon the parties to cease all violations of the demilitarization regime in the United Nations designated zones, to cooperate fully with the United Nations military observers and to ensure their safety and full and unrestricted freedom of movement, and calls upon them to complete promptly the demining of the area;

4. *Urges* the parties to abide by their mutual commitments and to implement fully the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996, in particular their commitment to reach a negotiated resolution of the disputed issue of Prevlaka in accordance with article 4 of the Agreement, and calls upon them to engage promptly and constructively in negotiations;

5. *Requests* the Secretary-General to submit to the Council by 15 October 1998 a report on the situation in the Prevlaka peninsula and in particular on progress made by the

Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences, and, in this context, on the possible adaptation of the United Nations Mission of Observers in Prevlaka;

6. *Requests* the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088 (1996) of 12 December 1996 and extended by resolution 1174 (1998) of 15 June 1998 to cooperate fully with each other;

7. *Decides* to remain seized of the matter.

**Decision of 6 November 1998 (3941st meeting):
statement by the President**

On 27 October 1998, pursuant to Security Council resolution 1145 (1997), the Secretary-General submitted to the Council a final report on the United Nations Civilian Police Support Group.⁹⁸ In his report, the Secretary-General informed the Council that the mandate of the Support Group had been fully completed and had come to an end on 15 October 1998. The Organization for Security and Cooperation in Europe had taken over police monitoring responsibilities on the following day. The overall security situation in the region remained satisfactory, although there continued to be a worrying trend of ethnically motivated incidents. Police performance had improved notably since the beginning of the mandate of the Support Group and the Government had taken steps to ensure that performance continued to improve.

At its 3941st meeting, held on 6 November 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (United States), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁹⁹

The Security Council welcomes the final report of the Secretary-General on the United Nations Police Support Group and, in particular, his description of the successful conclusion of the mandate of the Support Group and the smooth transition of responsibilities to the police monitoring programme of the Organization for Security and Cooperation in Europe. The

⁹⁸ S/1998/1004.

⁹⁹ S/PRST/1998/32.

Council recalls the commitment of the Government of Croatia to ensure that police monitors of the Organization for Security and Cooperation in Europe will have the same access to police stations, documents and police operations, including investigations and checkpoints, as that accorded to the Support Group.

While the overall security situation in the Danube region remains satisfactory and police performance has improved notably and the Government of Croatia has taken steps to ensure that this continues, a worrying trend of ethnically motivated incidents persists in the region. The Council remains deeply concerned at the continuing departures of Serb residents, resulting to a considerable extent from these incidents. In this context, the Council is mindful of the importance of economic revitalization and reconstruction in creating an environment for sustained returns. The Council calls upon the Government of Croatia to make every effort to enhance public confidence in the police force and to recommit itself fully to the process of reconciliation between ethnic groups.

The Council also calls upon the Government of Croatia to address the perceived lack of security, which is contributing to continuing departures of Serbs from the region, and to remedy a number of problems that are preventing the full implementation of the “Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons”. While noting that in his previous report the Secretary-General recognized progress in the implementation of the Programme, the Council calls upon the Government of Croatia promptly and fully to address all unresolved issues, which include restitution of property to Croatian citizens of Serb ethnicity, harmonization of legislation with the provisions of the return programme to enable non-discriminatory implementation, effective functioning of all housing commissions, equal access to reconstruction funding, restoration of rights to socially owned apartments, access to information, removal of impediments to the acquisition of documents needed for returnee status and benefits, and implementation of the Convalidation Law.

The Council expresses particular concern about the Joint Council of Municipalities, which represents all Serb ethnic communities in the region and which is described by the Secretary-General as being on the brink of collapse. The Council reiterates the continuing obligations of the Government of Croatia under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium as well as under international conventions and other agreements, and, in this context, stresses the importance of full implementation of the “Programme for the Establishment of Trust, Accelerated Return and Normalization of Living Conditions in the War-Affected Regions of the Republic of Croatia”.

The Council expresses its full support for the Organization for Security and Cooperation in Europe, which has now assumed the role of the Support Group, and looks forward to being kept informed, whenever necessary, of relevant developments in the Danube region of Croatia.

The Council expresses its deep appreciation to all the men and women who participated in the United Nations peacekeeping operations in the Danube region of Croatia. Their dedication and perseverance made a significant contribution to regional peace.

Decision of 15 January 1999 (3966th meeting): resolution 1222 (1999)

On 6 January 1999, pursuant to Security Council resolution 1183 (1998), the Secretary-General submitted to the Council a report on the United Nations Mission of Observers in Prevlaka.¹⁰⁰ In his report, the Secretary-General noted that the continued stability of the area, under monitoring of the United Nations military observers, had contributed to a constructive atmosphere in which discussions were continuing although it would be premature to conclude that a final agreement between the parties was close at hand. He recommended that, in the light of the pivotal role of UNMOP in ensuring the maintenance of an atmosphere in which serious negotiations could proceed and, given the current status of negotiations between the parties, the mandate of the Mission be extended for six months, until 15 July 1999, without change to its current concept of operations. He also noted that, in the event that the parties were unable to resolve their dispute or make substantial progress during that time, the Security Council might wish to consider alternative mechanisms, such as international mediation or arbitration, in the search for a solution to the dispute.

At its 3966th meeting, held on 15 January 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Brazil), with the consent of the Council, invited the representatives of Croatia, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of members of the Council to a draft resolution submitted by Canada, France, Germany, Italy, the Netherlands, the Russian Federation, the United Kingdom and the United States.¹⁰¹ The President further drew the attention of the Council to a letter dated 24 December 1998 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security

¹⁰⁰ S/1999/16.

¹⁰¹ S/1999/39.

Council, transmitting a letter of the same date from the President of the Federal Government of the Federal Republic of Yugoslavia addressed to the President of the Security Council, requesting the extension of the mandate of UNMOP for an additional period of six months, and a memorandum on the negotiating position of the Federal Republic of Yugoslavia in connection with the region of Prevlaka and the preservation of the security system of the United Nations.¹⁰² The President also drew the attention of the Council to a letter dated 7 January 1999 from the representative of Croatia addressed to the President of the Security Council, requesting the Security Council to press the Federal Republic of Yugoslavia to engage in constructive negotiations regarding the Prevlaka peninsula.¹⁰³

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1222 (1999) which reads:

The Security Council,

Recalling all its earlier relevant resolutions, in particular resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995, 1147 (1998) of 13 January 1998 and 1183 (1998) of 15 July 1998,

Having considered the report of the Secretary-General of 6 January 1999 on the United Nations Mission of Observers in Prevlaka,

Recalling the letter dated 24 December 1998 from the Prime Minister of the Federal Republic of Yugoslavia and the letter dated 7 January 1999 from the Permanent Representative of Croatia to the United Nations, concerning the disputed issue of Prevlaka,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia within its internationally recognized borders,

Taking note once again of the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia, in particular articles 1 and 3, the latter reaffirming their agreement concerning the demilitarization of the Prevlaka peninsula,

Noting with concern, however, that long-standing violations of the demilitarization regime by both parties continue, including the standing presence of Yugoslav military personnel and the occasional presence of Croatian military elements in the demilitarized zone, and limitations placed on the

free movement of United Nations military observers by both parties,

Welcoming, in this regard, the recent lifting of certain restrictions on access for the Mission by Croatia, as well as the recent steps taken by the Croatian authorities to improve communication and coordination with the Mission to allow it to monitor more effectively the situation in its area of responsibility,

Welcoming also the Croatian willingness to open crossing points between Croatia and the Federal Republic of Yugoslavia (Montenegro) in the demilitarized zone, which has led to considerable civilian traffic in both directions and which represents a significant confidence-building measure in the normalization of relations between the two parties, and expressing the hope that further such openings will help to increase such civilian traffic,

Noting with approval the continuing bilateral negotiations between the parties pursuant to the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996, but expressing serious concern that such negotiations have not yet resulted in any substantive progress towards a settlement of the disputed issue of Prevlaka,

Reiterating its call upon the parties urgently to put in place a comprehensive demining programme,

Noting that the presence of the United Nations military observers continues to be essential to maintain conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 July 1999;

2. *Welcomes* the improvement in cooperation between the Republic of Croatia and the Federal Republic of Yugoslavia and the United Nations military observers and the decrease in the number of serious incidents, and reiterates its call upon the parties to cease all violations of the demilitarization regime in the United Nations designated zones, to take steps further to reduce tension and improve safety and security in the area, to cooperate fully with the United Nations military observers and to ensure their safety and full and unrestricted freedom of movement;

3. *Requests* the Secretary-General, in the light of the improved cooperation and reduction in tensions in Prevlaka as described in his report, to consider possible reductions, without prejudice to the main operational activities of the United Nations Mission of Observers in Prevlaka, focusing on the possibility of reducing the number of military observers to as few as twenty-two, in line with the reconsideration of the concept of operations of the Mission and the existing security

¹⁰² S/1998/1225.

¹⁰³ S/1999/19.

regime and the desirability of closing the Mission when appropriate;

4. *Also requests* the Secretary-General to submit a report by 15 April 1999 on the progress of bilateral negotiations between the parties, as well as on possible ways to facilitate a negotiated settlement, should the parties require such assistance, and to this end requests the parties to report at least bimonthly to the Secretary-General on the status of the negotiations;

5. *Urges once again* that the parties abide by their mutual commitments and implement fully the Agreement on Normalization of Relations, and stresses in particular the urgent need for them to fulfil rapidly and in good faith their commitment to reach a negotiated resolution of the disputed issue of Prevlaka in accordance with article 4 of the Agreement;

6. *Requests* the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088 (1996) of 12 December 1996 and extended by resolution 1174 (1998) of 15 June 1998 to cooperate fully with each other;

7. *Decides* to remain seized of the matter.

**Decision of 15 July 1999 (4023rd meeting):
resolution 1252 (1999)**

On 8 July 1999, pursuant to Security Council resolution 1222 (1999), the Secretary-General submitted to the Council a report on the progress of bilateral negotiations between Croatia and the Federal Republic of Yugoslavia to resolve the disputed issue of Prevlaka, as well as on possible ways to facilitate a negotiated settlement, should the parties require such assistance.¹⁰⁴ In his report, the Secretary-General stated that the situation in the UNMOP area of responsibility had remained relatively calm, although tensions were heightened for a time following the commencement of NATO military action against the Federal Republic of Yugoslavia on 24 March 1999. Still, violations of both the demilitarized and United Nations-controlled zones persisted during the period under review and United Nations military observers had not been able to patrol fully or freely in the UNMOP area of responsibility on either the Croatian or the Yugoslav side. The Secretary-General expressed his disappointment that there had not been substantive progress in the talks between the two parties. He suggested that, while the two parties were alone responsible for reaching a satisfactory and enduring resolution, alternative mechanisms could also be considered as means of assisting the parties to implement, in practical terms, their stated intent to resolve the Prevlaka dispute peacefully. Furthermore, he added that the Council might wish to reassess the

¹⁰⁴ S/1999/764.

state of the negotiations after three months, on the basis of regular reports by the parties as originally requested in resolution 1222 (1999), and that it would be useful if the parties reported after each round of talks to facilitate the process. Given the importance of ensuring that the situation on the ground remained stable and as free of tension as possible, and in order to maintain conditions of stability within which political negotiations would have the greatest possible chance of success, the Secretary-General recommended that the UNMOP mandate be extended for a further six-month period, until 15 January 2000, without any changes to its current concept of operations.

At its 4023rd meeting, held on 15 July 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Malaysia), with the consent of the Council, invited the representatives of Croatia, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by Canada, France, Germany, Italy, the Netherlands, the Russian Federation, the United Kingdom, and the United States, which, in accordance with the understanding reached in the Council's prior consultations, had become a presidential text.¹⁰⁵ The President further drew the attention of the Council to the following documents: letters dated 15 March, 2 May, 25 June and 13 July 1999, respectively, from the representative of Croatia addressed to the President of the Security Council; and letters dated 23 March, 27 April, 10 May, 18 June and 7 July 1999, respectively, from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council, detailing the positions of each side on the issue of the Prevlaka peninsula and recent developments.¹⁰⁶

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1252 (1999), which reads:

The Security Council,

Recalling all its earlier relevant resolutions, in particular resolutions 779 (1992) of 6 October 1992, 981 (1995) of

¹⁰⁵ S/1999/785.

¹⁰⁶ Croatia: S/1999/291, S/1999/501, S/1999/719 and S/1999/783; Federal Republic of Yugoslavia: S/1999/313, S/1999/480, S/1999/546, S/1999/697 and S/1999/760.

31 March 1995, 1147 (1998) of 13 January 1998, 1183 (1998) of 15 July 1998 and 1222 (1999) of 15 January 1999,

Having considered the report of the Secretary-General of 8 July 1999 on the United Nations Mission of Observers in Prevlaka,

Recalling the letter to the President of the Security Council dated 18 June 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations and the letter dated 25 June 1999 from the Permanent Representative of Croatia to the United Nations, concerning the disputed issue of Prevlaka,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia within its internationally recognized borders,

Noting once again the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia, in particular articles 1 and 3, the latter reaffirming their agreement concerning the demilitarization of the Prevlaka peninsula,

Reiterating its concern that long-standing violations of the demilitarization regime by both parties continue, including the standing presence of military personnel of the Federal Republic of Yugoslavia military personnel and the occasional presence of Croatian military elements in the demilitarized zone, and limitations placed on the free movement of United Nations military observers by both parties,

Expressing its concern about more recent, additional violations of the demilitarized zone, in particular the presence there of troops of the Federal Republic of Yugoslavia,

Noting with satisfaction that the opening of crossing points between Croatia and the Federal Republic of Yugoslavia (Montenegro) in the demilitarized zones continues to facilitate civilian and commercial traffic in both directions without security incidents and continue to represent a significant confidence-building measure in the normalization of relations between the two parties, and urging the parties to utilize these openings as a basis for further confidence-building measures to achieve the normalization of relations between them,

Reiterating its serious concerns about the lack of substantive progress towards a settlement of the disputed issue of Prevlaka in the continuing bilateral negotiations between the parties pursuant to the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996, and calling upon the parties to resume discussions,

Reiterating its call upon the parties urgently to put in place a comprehensive demining programme,

Commending the role played by the Mission, and noting also that the presence of the United Nations military observers continues to be essential to maintain conditions that are

conducive to a negotiated settlement of the disputed issue of Prevlaka,

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 January 2000;

2. *Reiterates its call upon* the parties to cease all violations of the demilitarization regime in the United Nations designated zones, to take steps further to reduce tension and to improve safety and security in the area, to cooperate fully with the United Nations military observers and to ensure their safety and full and unrestricted freedom of movement;

3. *Requests* the Secretary-General to report by 15 October 1999 with recommendations and options further to develop confidence-building measures between the parties aimed, inter alia, at further facilitating freedom of movement of the civilian population;

4. *Urges once again* that the parties abide by their mutual commitments and implement fully the Agreement on Normalization of Relations, and stresses in particular the urgent need for them to fulfil rapidly and in good faith their commitment to reach a negotiated resolution of the disputed issue of Prevlaka in accordance with article 4 of the Agreement;

5. *Requests* the parties to continue to report at least bimonthly to the Secretary-General on the status of their bilateral negotiations;

6. *Requests* the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088 (1996) of 12 December 1996 and extended by resolution 1247 (1999) of 18 June 1999 to cooperate fully with each other;

7. *Decides* to remain seized of the matter.

C. The situation in Bosnia and Herzegovina

Decision of 4 April 1996 (3647th meeting): statement by the President

On 29 March 1996, pursuant to Security Council resolution 1035 (1995), the Secretary-General submitted to the Council a progress report on the establishment of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), which included the International Police Task Force in Bosnia and Herzegovina.¹⁰⁷ In his report, the Secretary-General stated that it was evident that military undertakings

¹⁰⁷ S/1996/210.

under the General Framework Agreement for Peace in Bosnia and Herzegovina¹⁰⁸ had been complied with under the powerful presence of the Multinational Military Implementation Force. A relatively stable military environment had been established for the implementation of the extremely complex political and civilian undertakings contained in the Agreement. Over the last month, UNMIBH, and especially the Task Force, had been predominantly concerned with the transfer of the Bosnian Serb-controlled suburbs of Sarajevo to the authority of the Federation of Bosnia and Herzegovina, to achieve the reunification of the city under the terms of the Peace Agreement. He noted that the bitterness, fears and hatred created by the four years of war were the underlying forces that had led to the exodus of the Bosnian Serb population of Sarajevo. However, the Bosnian Serb and the Federation authorities bore a great responsibility for the setback, as they had not shown any determination to reassure and persuade the Serb population to stay on. A number of Bosnian Serb Sarajevans might consider returning to Sarajevo, if they felt that conditions there were secure enough, especially if they could regain access to their homes upon return. He underlined that the Federation authorities would have to adopt a radically different policy towards reconciliation if they wished to encourage the reconstitution of a multicultural Sarajevo. Meanwhile, the challenge remained to strengthen the links between the two entities¹⁰⁹ to whom the Peace Agreement had assigned considerable autonomy and constitutional authority. He noted that the restoration of some degree of confidence at the political level was essential for the parties to work together in Bosnia and Herzegovina. Within the Federation, persistent strains between the two partners were a major cause for concern, and he underlined that, unless the two communities made determined and sustained efforts to avoid conflict, establish cantons as agreed and strengthened Federation structures, divisive trends would increase. The Secretary-General stated that it was in the midst of those tensions that UNMIBH and its principal component, the Task Force, were operating. He stressed that annex (11) to the Peace Agreement envisaged the Task Force as an unarmed monitoring and advisory force. It was on that basis that

the Security Council had authorized its deployment and contributing Governments had provided personnel. It was therefore not feasible to assign to the unarmed force the task of enforcing law and order in a country awash with weapons, particularly when it had no legal authority to do so. He stressed that UNIMBH faced uncertainties related to the dilemma that would arise, if IFOR was withdrawn as anticipated by the end of the year, and reiterated that the mandate of the Task Force ought to be coterminous with that of IFOR. It was unrealistic to envisage a civilian police operation continuing its work without the framework of security provided by the presence of a credible international military force. Finally, he stated that, as peace could not be durable unless it was accompanied by justice, those individuals indicted by the International Tribunal for the Former Yugoslavia had to be brought to trial.

By a letter dated 13 March 1996 addressed to the President of the Security Council,¹¹⁰ the Secretary-General transmitted the first report of the High Representative for the implementation of the peace agreement on Bosnia and Herzegovina, which covered the period from the signature of the Peace Agreement in Paris on 14 December 1995 to the beginning of March 1996, and the establishment of the Headquarters of the High Representative in Sarajevo as well as of a secretariat in Brussels.

At its 3647th meeting, held on 4 April 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General and the letter in its agenda. Following the adoption of the agenda, the President (Chile), with the consent of the Council, invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 22 March 1996 from the Secretary-General addressed to the President of the Security Council, conveying a communication from the Secretary-General of the North Atlantic Treaty Organization (NATO), transmitting the fourth report on the operations of the Implementation Force;¹¹¹ and a letter dated 26 March 1996 from the representatives of France, Germany, Italy, the Russian Federation, the United Kingdom and the United States addressed to the

¹⁰⁸ Negotiated at Dayton, Ohio, and signed in Paris on 14 December 1995 (S/1995/999).

¹⁰⁹ The Federation of Bosnia and Herzegovina, and Republika Srpska.

¹¹⁰ S/1996/190.

¹¹¹ S/1996/215.

Secretary-General,¹¹² transmitting the text of the final document of the Contact Group Ministerial meeting, dated 23 March 1996. He further drew the attention of the Council to a letter dated 4 April 1996 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council,¹¹³ asserting that the Government of Bosnia and Herzegovina had undertaken all measures requested of it, including ensuring the security of the Serb population that lived in the previously Serb-controlled suburbs of Sarajevo.

At the same meeting, the President made the following statement on behalf of the Council:¹¹⁴

The Security Council has considered the report of the Secretary-General of 29 March 1996 submitted pursuant to its resolution 1035 (1995) of 21 December 1995, and the report of the High Representative for the implementation of the peace agreement on Bosnia and Herzegovina, annexed to the letter from the Secretary-General to the President of the Security Council dated 13 March 1996. The Council welcomes both reports.

The Council notes that, on the whole, the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") is proceeding according to the timetable established by the Agreement. It also notes, in general, satisfactory compliance with the military aspects of the Peace Agreement, as confirmed in the most recent report to the Council on the operations of the Implementation Force, and stresses that now the main emphasis in implementation efforts by the international community and the Bosnian parties themselves should shift to the civil aspects of the Agreement.

The Council stresses that the responsibility for implementing the Peace Agreement rests primarily with the parties to the Agreement. It demands that they fully implement the Peace Agreement and demonstrate a genuine commitment to confidence and security-building measures, regional arms control, reconciliation and the building of a common future. In that context, it demands that the parties comply fully, unconditionally and without any further delay with their commitments regarding the release of prisoners, implementation of the constitutional framework, withdrawal of foreign forces, ensuring freedom of movement, cooperation with 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, return of refugees and respect for human rights and international humanitarian law. It calls upon the authorities concerned with the Federation of Bosnia and

Herzegovina to move forward vigorously on measures to strengthen the Federation and, to that end, to implement in full the Sarajevo agreement concluded on 30 March 1996.

The Council is particularly concerned at the failure to date by all parties to comply fully with the provisions of the Peace Agreement concerning the release of prisoners, in spite of the repeated commitments by the parties to do so. The Council stresses that the obligation to release the prisoners is unconditional. Failure to do so constitutes a serious case of non-compliance. In this context, the Council affirms its support for the conclusions of the Contact Group Ministerial Meeting of 23 March 1996 and notes the readiness of the High Representative to propose measures to be taken against any party that fails to comply.

The Council expresses its full support for the High Representative who is in charge of monitoring the implementation of the Peace Agreement and mobilizing and, as appropriate, giving guidance to, and coordinating the activities of, the civilian organizations and agencies involved, in accordance with resolution 1031 (1995). It also expresses its full support for the United Nations Mission in Bosnia and Herzegovina and other international institutions and organizations involved in the implementation of the Peace Agreement. It affirms that the implementation of the Peace Agreement must be strict, just and impartial.

The Council expresses its strong support for the International Police Task Force in Bosnia and Herzegovina of the United Nations Mission in Bosnia and Herzegovina. It notes that an effective United Nations civilian police operation is vital to the implementation of the Peace Agreement and encourages the Task Force to implement its mandate as actively as possible consistent with annex 11 of the Peace Agreement, as referred to in resolution 1035 (1995). The Council, bearing in mind the agreement of the parties in annex 11 of the Peace Agreement not to impede the movement of Task Force personnel or in any way hinder, obstruct or delay them in the performance of their responsibilities, calls upon the parties to allow Task Force personnel immediate and complete access to any site, person, activity, proceeding, record, or other item or event in Bosnia and Herzegovina as the Task Force may request. It notes with appreciation the participation of Member States in the staffing of the Task Force and urges those Member States which have agreed to provide civilian police to dispatch expeditiously fully qualified personnel to enable the Task Force to reach full deployment by mid-April. It encourages the Task Force to accelerate the deployment of police monitors, consistent with maintaining their high quality. The Council also expresses its strong support for the Mine Action Centre of the Mission in Bosnia and Herzegovina and encourages States to contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance.

The Council recognizes that economic reconstruction and rehabilitation throughout the territory of Bosnia and Herzegovina are key factors for the overall success of the peace implementation process, reconciliation and reintegration. These

¹¹² S/1996/220.

¹¹³ S/1996/242.

¹¹⁴ S/PRST/1996/15.

tasks require the political will of and consistent efforts by the Bosnian parties as well as substantial international assistance. The Council urges that priority be given to projects aimed at facilitating the process of reconciliation and the economic reintegration of the whole country. It notes with appreciation the resources that have already been made available in this respect. It calls upon States and international institutions to honour fully their commitments regarding economic and financial assistance to Bosnia and Herzegovina. The Council recalls the relationship, as described in the London Conference, between the fulfilment by the parties of their commitments in the Peace Agreement and the readiness of the international community to commit financial resources for reconstruction and development. It affirms that it is the parties themselves that have the most important role in re-establishing the economy of their country.

The Council expresses its deep concern over recent developments in the Sarajevo area which caused thousands of Bosnian Serb civilians to leave their homes. The Council calls upon the parties to make greater efforts towards reconciliation and the reconstitution of a multicultural and multi-ethnic Sarajevo, as a city of Bosniacs, Serbs, Croats, and others, and as the capital and seat of the future common institutions of Bosnia and Herzegovina. It further calls upon the parties to put in place additional measures to ensure security, freedom of movement and conditions for the return of people affected in Sarajevo and all other transferred areas. The Council calls upon the parties to reverse the trend of population movements and partition efforts in Bosnia and Herzegovina along ethnic lines.

The Council pays tribute to all those who have given their lives in the cause of peace in the former Yugoslavia and expresses its condolences to their families, including to the family of the Secretary of Commerce of the United States of America.

The Council requests the Secretary-General and the High Representative to continue to keep the Council regularly informed on the situation in Bosnia and Herzegovina and on the implementation of the Peace Agreement.

**Decision of 8 August 1996 (3687th meeting):
statement by the President**

By a letter dated 9 July 1996 addressed to the President of the Security Council, the Secretary-General transmitted the report of the High Representative for the implementation of the peace agreement on Bosnia and Herzegovina.¹¹⁵ In the report, the High Representative identified substantial shortcomings in the implementation of the Peace Agreement and stressed that the resolution of those issues was inextricably linked to the creation of a stable peace in Bosnia and Herzegovina. While some

¹¹⁵ S/1996/542.

progress had been made, the severity of abuses in places such as Teslic and the Sarajevo suburbs belied the conclusion that, with time, the parties would make the necessary changes to ensure respect for human rights without outside pressure. He cautioned that there was troubling evidence of a trend not only to accept, but also to institutionalize, ethnic separation. He underlined that the parties needed to work actively to create conditions conducive to the return of members of minority groups to their homes and to ensure that vulnerable persons, including those with opposing political views, were able to return and live in safety. He then called upon the parties to implement a range of urgent measures relating to cooperating with human rights institutions and organizations, and addressing human rights abuses.

By a letter dated 11 July 1996 addressed to the President of the Security Council,¹¹⁶ the 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 reported that a Trial Chamber of the Tribunal had delivered a decision under rule 61 of the Tribunal's Rules of Procedure and Evidence in the case of Radovan Karadžić and Ratko Mladić, and had found that there were reasonable grounds for believing that they were individually responsible for planning, instigating or ordering the commission of genocide, crimes against humanity and war crimes. Consequently, the Trial Chamber had issued international arrest warrants against the two accused. He also notified the Council that the failure to execute the initial arrest warrants against the two accused was wholly due to the refusal of the Republika Srpska and the Federal Republic of Yugoslavia to cooperate with the Tribunal in accordance with article 29 of its Statute. He was therefore duty-bound to bring to the attention of the Security Council the refusal of the Republika Srpska and the Federal Republic of Yugoslavia to cooperate with the Tribunal, so that the Council could decide upon the appropriate response.

At its 3687th meeting, held on 8 August 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letters in its agenda. Following the adoption of the agenda, the

¹¹⁶ S/1996/556.

President (Germany), with the consent of the Council, invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion, without the right to vote. The President then drew the attention of the Council to letters dated 2, 3, 18 and 22 July 1996, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council,¹¹⁷ which called upon all parties to honour their obligations and commitments under the Dayton/Paris Agreement with respect to the International Tribunal for the Former Yugoslavia and called for the arrest and extradition to The Hague of indicted war criminals. The President further drew the attention of the Council to a letter dated 8 July 1996 from the representative of Guinea addressed to President of the Security Council, which reported that the Contact Group of the Organization of the Islamic Conference endorsed the contents of the letter dated 2 July 1996 from Bosnia and Herzegovina and urged the Security Council to impose sanctions on those parties which did not fully comply with the orders of the Tribunal, to seek the arrest and extradition of war criminals by the international force and to declare that elections could not be held before the apprehension of indicted war criminals.¹¹⁸

At the same meeting, the President made the following statement on behalf of the Council:¹¹⁹

The Security Council has considered the report of the High Representative for the implementation of the peace agreement on Bosnia and Herzegovina annexed to the letter from the Secretary-General to the President of the Council dated 9 July 1996.

The Council expresses its full support for the conclusions reached at the meeting of the Peace Implementation Council in Florence, Italy, on 13 and 14 June 1996. It stresses the importance of the forthcoming elections in Bosnia and Herzegovina, to be carried out in accordance with the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), which will allow for the establishment of the common institutions and which will be an important milestone for normalization in Bosnia and Herzegovina. It calls upon the parties to ensure the prompt functioning of these institutions after the elections. It supports the preparatory work done in this regard.

¹¹⁷ S/1996/510, S/1996/523, S/1996/565 and S/1996/576.

¹¹⁸ S/1996/535.

¹¹⁹ S/PRST/1996/34.

The Council expects the parties to increase their efforts towards the maintenance and further enhancement of conditions necessary to ensure democratic elections, as provided for in article I of annex 3 of the Peace Agreement, and to abide fully by the results of those elections. In that context, the Council stresses the importance of the agreement reached by the Bosniac and Bosnian Croat leaderships in Mostar and facilitated by the European Union Administration of Mostar that has at last secured Bosnian Croat participation in a unified city administration in Mostar on the basis of the election results of 30 June 1996. The Council expects the Bosniac and Bosnian Croat leaderships in Mostar to implement this agreement fully and without delay, and stresses that failure to do so would seriously undermine crucial efforts to ensure lasting peace and stability in Bosnia and Herzegovina. It expresses its full support for the international organizations that are currently working in Mostar and in particular for the European Union Administration of Mostar, and calls upon both leaderships to cooperate fully with the Administration. It calls upon the Government of the Republic of Croatia, which bears a special responsibility in this context, to continue to use its influence on the Bosnian Croat leadership to ensure full compliance with its obligations. The Council will continue to follow closely the situation in Mostar.

The Council underlines the fact that the continued lack of progress in transferring authority and resources to the Federation of Bosnia and Herzegovina is a potential danger for the peace implementation process. The Council calls upon the Federation partners to accelerate their efforts for the establishment of a fully functioning Federation, which is an essential prerequisite for peace in Bosnia and Herzegovina.

The Council notes with particular concern the conclusions of the High Representative, contained in his report on the implementation of the human rights provisions of the Peace Agreement, that the parties are not implementing their commitments in respect of human rights and that this failure is impeding the return of refugees. It condemns all acts of ethnic harassment. It calls upon the parties to the Peace Agreement to take immediately the measures identified in the report to stop the trend of ethnic separation in the country and in its capital, Sarajevo, and to preserve their multi-cultural and multi-ethnic heritage. The Council deeply regrets the undue delay in implementing measures regarding, inter alia, the development or creation of new independent media and the preservation of property rights, and calls upon each party to implement them immediately. The Council is ready to consider further reports by the Office of the High Representative on all aspects of the implementation of the Peace Agreement, including those mentioned above.

The Council stresses that, under the Peace Agreement, persons indicted by 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 who have failed to comply with an order to appear before the Tribunal may not stand as a candidate or hold any appointive, elective or other public office in the territory of Bosnia and Herzegovina. Any continued holding of such an office is unacceptable. In this context, the Council notes the fact that, as a first step, Radovan Karadzic, after officially handing over his executive powers in the Republika Srpska on 30 June 1996, agreed on 19 July 1996 to cease definitively all political and official activities, thus facilitating the electoral process in Bosnia and Herzegovina. The Council expects this undertaking to be implemented fully and in good faith and will closely monitor further developments.

The Council stresses that all States and concerned parties have an obligation, in accordance with resolution 827 (1993) of 25 May 1993, other relevant resolutions and the Peace Agreement, to cooperate fully with the International Tribunal and to comply without exception with requests for assistance or orders issued by a Trial Chamber. The Council has considered the letter from the President of the International Tribunal dated 11 July 1996, which referred to the conclusion of a Trial Chamber of the Tribunal regarding the failure to execute the warrants of arrest issued against Radovan Karadzic and Ratko Mladic owing to the refusal of the Republika Srpska and the Federal Republic of Yugoslavia to cooperate with the Tribunal. It condemns this failure to execute these arrest warrants. The Council notes the recent visit by the delegation from the Republika Srpska to the International Tribunal in The Hague for the purpose of discussing all aspects of cooperation with the Tribunal, and expects that cooperation with the Tribunal to bring to justice all persons indicted will be realized. The Council condemns the failure to date of the Bosnian Croat leadership and the Croatian Government to comply with the orders of the International Tribunal regarding several persons indicted for war crimes. The Council demands the full cooperation of all parties concerned in the immediate execution of all arrest warrants and the transfer to the International Tribunal of all persons indicted, in accordance with article 29 of the statute of the Tribunal. The Council further condemns any attempt to challenge the authority of the International Tribunal. The Council underlines the importance of the obligations undertaken by the parties to the Peace Agreement to cooperate fully with the International Tribunal and stresses that failure to arrest and transfer persons indicted by the Tribunal is a violation of these obligations. The Council stresses that compliance with the requests and orders of the International Tribunal constitutes an essential aspect of implementing the Peace Agreement, as provided by previous resolutions; the Council is ready to consider the application of economic enforcement measures to ensure compliance by all parties with their obligations under the Peace Agreement.

The Council condemns any threat or act of violence directed against international personnel in Bosnia and Herzegovina, in particular those directed against personnel belonging to the United Nations International Police Task Force on the territory of the Republika Srpska. It condemns also the obstacles put in the way of forensic investigations carried out by international organizations on the territory of the Republika Srpska as well as on the territory of the Federation of Bosnia and Herzegovina. It calls upon all parties to lift those obstacles and to ensure full freedom of movement and safety for all international personnel.

The Council reiterates its full support for the High Representative and for all international organizations currently working in Bosnia and Herzegovina for the implementation of the Peace Agreement. The Council stands ready to consider the need for further action in order to continue and consolidate the efforts made for full implementation of the Peace Agreement. The Council welcomes all initiatives which will lead to a greater degree of stability and cooperation in the whole region.

**Decision of 10 October 1996 (3701st meeting):
statement by the President**

At its 3701st meeting, held on 10 October 1996 in accordance with the understanding reached in its prior consultations, the President (Honduras), with the consent of the Council, invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 8 October 1996 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council, which referred to reports that a Presidential statement was being considered by the Security Council with regard to human rights abuses in Srebrenica, Zepa, Banja Luka and Sanski and noted that, since there had not been an appropriate response to the Council's demands in its Presidential statement of 8 August 1996, the Council was now obliged to adopt measures that demanded justice and a durable peace.¹²⁰

At the same meeting, the President made the following statement on behalf of the Council:¹²¹

The Security Council has considered, in the light of its resolution 1034 (1995) of 21 December 1995, the current situation with regard to the investigation of violations of international humanitarian law in the areas of Srebrenica, Zepa,

¹²⁰ S/1996/834.

¹²¹ S/PRST/1996/41.

Banja Luka and Sanski Most as well as in the areas of Glamoc, Ozren and elsewhere throughout the territory of Bosnia and Herzegovina.

The Council recalls the report of the Secretary-General of 27 November 1995.

The Council expresses deep concern about the very little progress achieved so far in these investigations and strongly appeals to all the parties of Bosnia and Herzegovina to make every effort to identify the fate of the missing persons, both for humanitarian and legal purposes.

The Council is concerned that endeavours by the relevant international authorities to identify the fate of the missing by, inter alia, carrying out exhumations have met with limited success largely owing to obstruction by the Republika Srpska. It notes with concern that the fate of only a few hundred missing persons has been established so far.

The Council welcomes the recent visit by the delegation from the Republika Srpska to 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, in The Hague, and expresses the hope that this visit marks a turning point in relations between the Republika Srpska and the International Tribunal and will facilitate cooperation with regard to investigations conducted by personnel of the Tribunal.

The Council condemns all attempts to obstruct the investigations or to destroy, alter, conceal or damage any related evidence. The Council stresses again the obligations of all the parties to cooperate fully and unconditionally with the relevant international authorities and among themselves with respect to such investigations and reminds the parties of their commitment under the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement").

The Council reaffirms that the violations of international humanitarian law throughout the territory of Bosnia and Herzegovina as described in resolution 1034 (1995) must be fully and properly investigated. The Council reiterates that all States and concerned parties have an obligation, in accordance with resolution 827 (1993) of 25 May 1993, other relevant resolutions and the Peace Agreement, to cooperate fully with the International Tribunal and to comply without exception with requests for assistance or orders issued by a Trial Chamber. The Council expresses again its support for the endeavours of the international agencies and authorities involved in these investigations and invites them to pursue and intensify their efforts. It encourages Member States to continue to provide the necessary financial and other support.

The Council will continue to follow this issue closely. It requests the Secretary-General to keep it regularly informed on progress reached in the investigation of the violations of international humanitarian law referred to in the report mentioned above.

Decision of 12 December 1996 (3723rd meeting): resolution 1088 (1996)

On 9 December 1996, pursuant to Security Council resolution 1035 (1995), the Secretary-General submitted to the Council a report on the activities of the United Nations Mission in Bosnia and Herzegovina and his recommendations for the future of the United Nations involvement in Bosnia and Herzegovina, based on the recommendations of the London Peace Implementation Conference.¹²² In his report, the Secretary-General observed that, while satisfaction could be drawn from the status of the implementation of the Peace Agreement, much remained to be done, particularly regarding those aspects of the Peace Agreement which would bind together the communities in the country. Noting that much attention at the London Conference had been devoted to the need to ensure that the International Tribunal for the Former Yugoslavia did its work, he called upon all States to detain indicted war criminals and turn them over to the Tribunal, and reiterated that a failure to do so constituted a violation of obligations under international law. On the basis of the requests made by the Peace Implementation Council and his own assessment, he recommended that the Security Council extend the mandate of UNMIBH for another year, until 21 December 1997. He further recommended that the International Police Task Force in Bosnia and Herzegovina have the task of investigating allegations of human rights abuses by police officers or other law enforcement officials of the various authorities of Bosnia and Herzegovina added to its mandate. He noted that if a modest increase in the strength of the Force was needed for that purpose, he would seek approval of the Council at the appropriate time.

By a letter dated 21 November 1996 addressed to the President of the Security Council,¹²³ the Secretary-General transmitted a letter dated 20 November from the High Representative for the implementation of the peace agreement on Bosnia and Herzegovina containing the conclusions of the Ministerial Steering Board and of the Presidency of Bosnia and Herzegovina.

¹²² S/1996/1017.

¹²³ S/1996/968.

By a letter dated 5 December 1996 addressed to the Secretary-General,¹²⁴ the representative of the United Kingdom transmitted the conclusions of the London Peace Implementation Conference on Bosnia and Herzegovina, held from 4 to 5 December 1996.

At its 3723rd meeting, held on 12 December 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General and the letters in its agenda. Following the adoption of the agenda, the President (Italy), with the consent of the Council, invited the representatives of Bosnia and Herzegovina, Canada, the Czech Republic, Ireland, Malaysia, Norway, Turkey and Ukraine, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, the Russian Federation, the United Kingdom and the United States.¹²⁵ The President further drew the attention of the Council to a letter dated 9 December 1996 from the Secretary-General addressed to the President of the Security Council,¹²⁶ conveying the communication from the High Representative for the implementation of the peace agreement on Bosnia and Herzegovina.

At the same meeting, the President also drew the attention of the Council to a letter dated 9 December 1996 from the Secretary-General addressed to the President of the Security Council,¹²⁷ conveying the exchange of letters between the Secretary-General of the North Atlantic Treaty Organization and the parties to the Dayton Peace Accords concerning the agreement that had been reached for a follow-up force to IFOR, which was to be called the Stabilization Force (SFOR), and be organized and led by NATO.

The representative of Bosnia and Herzegovina emphasized that he was there to represent all of Bosnia and Herzegovina and the Presidency of Bosnia and Herzegovina as a whole and that the Dayton/Paris Peace Agreement was still the foundation of the peace process. While expressing general satisfaction with the draft resolution, he highlighted several issues. First, although the economic recovery and reconstruction had

moved forward, the general and explicit promises of assistance had remained too frequently unrealized. At the same time, at least some members of the Presidency of Bosnia and Herzegovina were in favour of assistance being conditioned on fulfillment of the obligations contained in the Peace Agreement. Second, while progress was being made in the establishment of the new institutions of the central Government of Bosnia and Herzegovina as well as the accommodation of the old institutions, less progress had been achieved on the elements of the Peace Agreement that constituted the reintegration of the country and the real basis for real peace. Third, he reiterated support for the call under the terms of the Dayton/Paris Agreement for regional arms control and military stabilization. He expressed the belief that this was a cornerstone for peace and security in the region. Effective inspections were essential and public reporting of compliance or non-compliance was absolutely determinative under the terms of the Peace Agreement. Fourth, he welcomed the continuing role of the Organization for Security and Cooperation in Europe (OSCE) in supervising the forthcoming municipal elections in Bosnia and Herzegovina. Fifth, he mentioned an issue where there did not seem to be consensus between all the authorities in Bosnia and Herzegovina. This was the call for full cooperation and compliance with the International Criminal Tribunal and its orders, which had been made in the draft resolution, the Peace Agreement and numerous other resolutions and statements of the Security Council. He emphasized that the legal and constitutional requirement for compliance with the Tribunal applied to all equally, and that the central Government had already acted in full consistency with the principle by surrendering to the Tribunal all indicted persons who were under the control of his country's authorities, regardless of whether they were Serbs, Croats or Bosnian Muslims.¹²⁸

The representative of Ireland spoke on behalf of the European Union and the associated and aligned countries.¹²⁹ He noted that the draft resolution was a reaffirmation by the international community that it was willing to support the consolidation of peace and

¹²⁴ S/1996/1012.

¹²⁵ S/1996/1032.

¹²⁶ S/1996/1024.

¹²⁷ S/1996/1025.

¹²⁸ S/PV.3723, pp. 2-5.

¹²⁹ *Ibid.*, p. 5 (Bulgaria, Cyprus, Czech Republic, Hungary, Lithuania, Poland, Romania, Slovakia and Slovenia; and Iceland).

democracy in Bosnia and Herzegovina by continuing to provide the necessary stable and secure environment within which the important objectives of the Peace Agreement could be reached. He stressed that it had to be clearly understood that, without the fullest commitment from the authorities of Bosnia and Herzegovina to meeting their obligations under the Peace Agreement, the European Union would have to reconsider the scope of its engagement in the peace process. Noting that the European Union would continue to closely monitor the progress being made and would react, as appropriate, whenever commitments were not being met, he stressed the particular importance of effective action in the following areas: full respect for human rights and fundamental freedoms; marked progress in establishing freedom of movement and communication between the entities; the elimination of obstacles to the early, phased, safe and orderly return of refugees and displaced persons to their homes; full compliance by the authorities in Bosnia and Herzegovina and other States with the orders of the International Tribunal for the Former Yugoslavia; full respect for freedom of expression, including a free and independent media; and the successful holding of municipal elections by summer 1997 under the supervision of OSCE.¹³⁰

The representative of China stated that, although his delegation would vote in favour of the draft resolution, he wished to make three points. First, the deployment of the Stabilization Force was an important, major operation following the Implementation Force, and it should accept the political leadership of the Security Council and report on schedule to the Council on the performance of its tasks. Second, China had reservations with regard to the draft resolution's invocation of Chapter VII of the Charter, regarding the authorization of enforcement measures and the use of force. It was his delegation's view that SFOR had to maintain strict neutrality and fairness and could not misuse force and that, in its operations, it should steadfastly promote peace and stability in Bosnia and Herzegovina. Third, he stated that it was the understanding of the Security Council that the paragraphs of the draft resolution that invoked Chapter VII of the Charter did not apply to part III.¹³¹

¹³⁰ S/PV.3723, pp. 5-7.

¹³¹ *Ibid.*, pp. 14-15.

Speaking before the vote, the representative of the United States stated that his country firmly supported the extension of the mandate of the International Police Task Force on Bosnia and Herzegovina and urged the parties to abide by the Task Force-promulgated internationally accepted principle of policing in a democratic state. He reiterated that all States and parties must cooperate fully with the Tribunal. Noting that SFOR would continue to have the authority to detain indictees when it encountered them, he stated that all States and parties should recognize that there would be consequences for non-cooperation. He also called on the parties to honour commitments that would allow freedom of movement to all, including refugees and displaced persons.¹³²

The representative of Egypt stated that the principle of conditionality in the draft resolution, which linked the availability of international financial assistance and the degree to which all the authorities in Bosnia and Herzegovina implemented the Peace Agreement, including cooperation with the Tribunal and the Action Plan approved by the London Conference, must be implemented so as to differentiate between those who cooperated and those who did not.¹³³

The representative of France stated that his delegation would support the draft resolution and mentioned four main points of agreement between the international community and the authorities of Bosnia and Herzegovina on how to approach the next two years. These were: first, the commitment of all the authorities to participate without reservation in the establishment of a democratic Bosnian State, and second, the obligation to cooperate without reservation with the Tribunal. The other two were the reaffirmation and strengthening of the substantial role of the High Representative whose centrality in the effective implementation of the peace agreement had been confirmed by the experience of the past year; and the more active mandate for the Task Force, although the primary responsibility for progress would once again fall on the Bosnian parties.¹³⁴

The representative of the United Kingdom stated that underlying the approach set out in the Action Plan

¹³² *Ibid.*, pp. 15-16.

¹³³ *Ibid.*, pp. 16-17.

¹³⁴ *Ibid.*, pp. 17-18.

was the principle that responsibility for promoting reconciliation lay with the authorities in Bosnia and Herzegovina. He stressed that the international community's willingness to help them would inevitably depend on the degree to which those authorities shouldered that responsibility. He also noted that one key area in this respect was compliance with the International Tribunal for the Former Yugoslavia.¹³⁵

The representative of the Russian Federation reiterated that the clear primary responsibility for the successful development of the peace process lay with the Bosnians themselves, and their level of cooperation in the implementation of the Peace Agreement would largely determine the degree of involvement of the international community in the process of reconstruction of Bosnia and Herzegovina. He maintained that the experience of the first year of international efforts in support of the Peace Agreement was convincing testimony to the fact that success was possible only on the basis of an impartial approach. Everything had to be equal: the support for the recovery of various regions in Bosnia and Herzegovina and, if necessary, the punishment, including the refusal of economic assistance or the adoption of other measures, for failure to carry out obligations assumed under the Peace Agreement. The draft resolution clearly laid down the principle of equal treatment of the parties. That also applied to the issue of cooperation with the Tribunal, which, as the draft resolution emphasized, was to carry out its responsibilities for dispensing justice impartially. He stressed that the Tribunal should not be used as a political instrument. In his view, success in the incipient stage of the "Bosnian settlement" and in the work of SFOR was guaranteed by the fact that the key parameters, including measures of influence, were supported by all members of the Presidency of Bosnia and Herzegovina and by the leadership of Croatia and the Federal Republic of Yugoslavia, as reflected in the Security Council resolution.¹³⁶

Several other speakers spoke both before and after the vote, welcoming the authorization of SFOR, the subregional arms control agreements and the Peace Implementation Conference and other efforts; calling on all parties to cooperate fully with the Tribunal and

to facilitate freedom of movement and the return of refugees and displaced people; and noting the urgency of economic development. A number of speakers also mentioned the importance of a free media while other speakers noted the importance of economic restoration and the problems of mine clearance.¹³⁷

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1088 (1996), which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031 (1995) of 15 December 1995 and 1035 (1995) of 21 December 1995,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Welcoming the conclusions reached by the Ministerial Steering Board and the Presidency of Bosnia and Herzegovina at a conference held in Paris on 14 November 1996 (the Paris Conference), and the guiding principles of the two-year civilian consolidation plan of the peace process referred to in those conclusions,

Welcoming also the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 (the London Conference), which, following the conclusions of the Paris Conference, approved an action plan for the first twelve-month period of the civilian consolidation plan of the peace process,

Welcoming further the progress in the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement", and expressing its appreciation to the High Representative, the Commander and personnel of the multinational Implementation Force, and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

Noting with satisfaction the holding of the elections called for in annex 3 of the Peace Agreement, and welcoming the progress in establishing the common institutions in accordance

¹³⁵ *Ibid.*, pp. 18-19.

¹³⁶ *Ibid.*, p. 22.

¹³⁷ *Ibid.*, pp. 8-9 (Norway); pp. 9-10 (Turkey); pp. 11-12 (Ukraine); pp. 13-14 (Malaysia); pp. 19-20 (Germany); pp. 20-21 (Republic of Korea); pp. 20-22 (Poland); pp. 22-24 (Indonesia); pp. 24-26 (Botswana); pp. 25-26 (Chile); pp. 26-27 (Honduras); pp. 27-28 (Guinea-Bissau); and pp. 28 (Italy).

with the provisions of the Constitution of Bosnia and Herzegovina,

Underlining the important role for the Republic of Croatia and the Federal Republic of Yugoslavia to play in the successful development of the peace process in Bosnia and Herzegovina,

Having considered the report of the Secretary-General of 9 December 1996,

Taking note of the report of the High Representative of 9 December 1996,

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

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

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

I

1. *Reaffirms its support* for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), as well as for the Dayton Agreement on Implementing the Federation of Bosnia and Herzegovina of 10 November 1995, calls upon the parties to comply strictly with their obligations under those agreements, and expresses its intention to keep the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under review;

2. *Expresses its support* for the conclusions of the Paris and London Conferences;

3. *Underlines* the fact that the primary responsibility for the further successful implementation of the peace process lies with the authorities in Bosnia and Herzegovina themselves, which during the next two years should assume increasing responsibility for the functions now undertaken or coordinated by the international community, and stresses that without compliance and active participation by all the authorities in Bosnia and Herzegovina in rebuilding a civil society they cannot expect the international community and major donors to continue shouldering the political, military and economic burden of the implementation and reconstruction efforts;

4. *Underlines* the link, as agreed by the Presidency of Bosnia and Herzegovina in the conclusions of the Paris Conference, between the availability of international financial assistance and the degree to which all the authorities in Bosnia and Herzegovina implement the Peace Agreement, including cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and cooperation with the action plan which has been approved by the London Conference;

5. *Welcomes* the mutual recognition among all the successor States to the former Socialist Federal Republic of Yugoslavia within their internationally recognized borders, and stresses the importance of full normalization of relations, including the immediate establishment of diplomatic relations, among those States;

6. *Welcomes* the reaffirmation by the Presidency of Bosnia and Herzegovina in the conclusions of the Paris Conference of its commitment to pursuing the peace process fully, in the name of the three constituent peoples of Bosnia and Herzegovina, in accordance with the Peace Agreement and the sovereignty and territorial integrity of the country, including the development of a Bosnian State based on the principles of democracy and consisting of the two entities, the Federation of Bosnia and Herzegovina and the Republika Srpska, and underlines in this respect the importance of establishing the remaining common institutions provided for in the Constitution of Bosnia and Herzegovina without delay, as well as the importance of the commitment by the authorities in Bosnia and Herzegovina to cooperate in the working of these institutions at all levels;

7. *Reminds* the parties that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal, as it carries out its responsibilities for dispensing justice impartially, and underlines the fact that full cooperation by States and entities with the Tribunal includes, the surrender for trial of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

8. *Recognizes* that the parties have authorized the multinational force referred to in paragraph 18 below to take such actions as required, including the use of necessary force, to ensure compliance with annex 1-A of the Peace Agreement;

9. *Welcomes* the agreement of the authorities in Bosnia and Herzegovina to supervision by the Organization for Security and Cooperation in Europe of the preparation and conduct of the municipal elections to be held in 1997, and also welcomes the decision of that organization to extend the mandate of its mission in Bosnia and Herzegovina to take forward its work on elections, as well as that on human rights and regional stabilization;

10. *Underlines* the obligation of the parties under the Peace Agreement to secure to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, calls upon them to cooperate fully with the work of the Human Rights Ombudsman and the Human Rights Chamber and to implement their conclusions and decisions, and calls upon the authorities in Bosnia and Herzegovina to cooperate fully with the United Nations Commission on Human Rights, the Organization for Security and Cooperation in Europe, the United Nations High Commissioner for Human Rights and other intergovernmental or

regional human rights missions or organizations to monitor closely the human rights situation in Bosnia and Herzegovina;

11. *Welcomes* the commitment of the parties to the right of all refugees and displaced persons freely to return to their homes of origin or to other places of their choice in Bosnia and Herzegovina in safety, notes the leading humanitarian role which has been given by the Peace Agreement to the Office of the United Nations High Commissioner for Refugees, in coordination with other agencies involved and under the authority of the Secretary-General, to assist with the repatriation and relief of refugees and displaced persons, and stresses the importance of facilitating the return or resettlement of refugees and displaced persons, which should be gradual and orderly and carried out through progressive, coordinated programmes that address the need for local security, housing and jobs, while ensuring full compliance with annex 7 of the Peace Agreement as well as other established procedures;

12. *Emphasizes* the importance of the creation of conditions conducive to the reconstruction and development of Bosnia and Herzegovina, encourages Member States to provide assistance for the programme of reconstruction in that country, and welcomes in this respect the important contribution already made by the European Union, the World Bank and bilateral donors;

13. *Underlines* the importance of control of armaments in the region at the lowest possible level of weapons, calls upon the Bosnian parties to implement fully and without further delay the agreements signed in Vienna on 26 January 1996 and in Florence on 14 June 1996 and, following satisfactory progress in the implementation of the agreements in articles II and IV of annex 1-B of the Peace Agreement, calls for efforts to continue to promote the implementation of the regional arms control agreement in article V;

14. *Stresses* the importance it attaches to the continuation on a reinforced basis, as agreed at the Paris and London Conferences, of the 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, and reaffirms that the High Representative is the final authority in theatre regarding the interpretation of annex 10 on civilian implementation of the peace settlement and that in case of dispute he may give his interpretation and make his recommendations, including to the authorities of Bosnia and Herzegovina or its entities, and make them known publicly;

15. *Reaffirms its intention* to keep the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 26 and 34 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

II

16. *Pays tribute* to those Member States that participated in the multinational force established in accordance with its resolution 1031 (1995), and welcomes their willingness to assist the parties to the Peace Agreement by continuing to deploy a multinational implementation force;

17. *Notes* the confirmations by the Presidency of Bosnia and Herzegovina, on behalf of Bosnia and Herzegovina, including its constituent entities, and by the Republic of Croatia and the Federal Republic of Yugoslavia of the understandings set out in the letters dated 29 November 1996 from the Secretary-General of the organization referred to in annex 1-A of the Peace Agreement;

18. *Authorizes* the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to establish for a planned period of eighteen months a multinational Stabilization Force as the legal successor to the Implementation Force, under unified command and control, in order to fulfil the role specified in annexes 1-A and 2 of the Peace Agreement;

19. *Authorizes* the Member States acting under paragraph 18 above to take all necessary measures to effect the implementation of and to ensure compliance with annex 1-A of the Peace Agreement, stresses that the parties shall continue to be held equally responsible for compliance with that annex and shall be equally subject to such enforcement action by the Stabilization Force as may be necessary to ensure implementation of that annex and the protection of the Force, and notes that the parties have consented to the Force taking such measures;

20. *Authorizes* Member States to take all necessary measures, at the request of the Stabilization Force, either in defence of the Force or to assist the Force in carrying out its mission, and recognizes the right of the Force to take all necessary measures to defend itself from attack or threat of attack;

21. *Authorizes* the Member States acting under paragraph 18 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures, to be established by the Commander of the Stabilization Force, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

22. *Requests* the authorities in Bosnia and Herzegovina to cooperate with the Commander of the Stabilization Force to ensure the effective management of the airports of Bosnia and Herzegovina, in the light of the responsibilities conferred on the Force by annex 1-A of the Peace Agreement with regard to the airspace of Bosnia and Herzegovina;

23. *Demands* that the parties respect the security and freedom of movement of the Stabilization Force and other international personnel;

24. *Invites* all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 18 above;

25. *Recalls* all the agreements concerning the status of forces as referred to in appendix B to annex 1-A of the Peace Agreement, and reminds the parties of their obligation to continue to comply therewith;

26. *Requests* the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to report to the Council, through the appropriate channels and at least at monthly intervals;

Noting the request of the authorities in Bosnia and Herzegovina that the mandate of the United Nations civilian police force known as the International Police Task Force, which is a part of the United Nations Mission in Bosnia and Herzegovina, be renewed,

Reaffirming the legal basis in the Charter of the United Nations on which the International Police Task Force was given its mandate in resolution 1035 (1995),

Expressing its appreciation to the personnel of the Mission for their contribution to the implementation of the Peace Agreement,

III

27. *Decides* to extend the mandate of the United Nations Mission in Bosnia and Herzegovina, which includes the International Police Task Force, for an additional period terminating on 21 December 1997, and also decides that the Task Force shall continue to be entrusted with the tasks set out in annex 11 of the Peace Agreement, including the tasks referred to in the conclusions of the London Conference and agreed by the authorities in Bosnia and Herzegovina;

28. *Requests* the Secretary-General to keep the Council regularly informed on the work of the International Police Task Force and its progress in assisting the restructuring of law enforcement agencies, and to report every three months on the implementation of the mandate of the Mission as a whole, and, in this context, also requests the Secretary-General to report to the Council by 16 June 1997 on the Task Force, in particular its work in assisting the restructuring of law enforcement agencies, coordinating assistance in training and providing equipment, advising law enforcement agencies on guidelines on democratic policing principles with full support for human rights, and investigating or assisting with investigations into human rights abuses by law enforcement personnel, as well as to report on progress by the authorities in Bosnia and Herzegovina in regard to such issues, in particular their compliance with Task Force-prescribed guidelines, including their taking prompt and effective action, which could include dismissal where appropriate, in respect of any officer reported to them by the Task Force Commissioner as failing to cooperate with the Task Force or to adhere to democratic policing principles;

29. *Stresses* that the successful implementation of the tasks of the International Police Task Force rests on the quality, experience and professional skills of its personnel, and urges Member States, with the support of the Secretary-General, to ensure the provision of such qualified personnel;

30. *Reaffirms* the responsibility of the parties to cooperate fully with, and instruct their respective responsible officials and authorities to provide their full support to, the International Police Task Force on all relevant matters;

31. *Expresses appreciation* for the efforts under way to enhance and strengthen the logistical and support capabilities of the Mission by the Secretary-General, and urges that those efforts be increased;

32. *Calls upon* all concerned to ensure the closest possible coordination between the High Representative, the Stabilization Force, the Mission and the relevant civilian organizations and agencies so as to ensure the successful implementation of the Peace Agreement and of the priority objectives of the civilian consolidation plan, as well as the security of International Police Task Force personnel;

33. *Encourages* Member States, in response to demonstrable progress by the parties in restructuring their law enforcement institutions, to assist the parties, through the International Police Task Force, in following up the United Nations programme of assistance for the local police forces;

34. *Requests* the Secretary-General to submit to the Council reports from the High Representative, in accordance with annex 10 of the Peace Agreement and the conclusions of the London Conference, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under the Agreement;

35. *Decides* to remain seized of the matter.

Decision of 14 February 1997 (3740th meeting): statement by the President

By a letter dated 14 February 1997 addressed to the President of the Security Council,¹³⁸ the Secretary-General transmitted a communication dated 14 February 1997 from the High Representative, enclosing the decision adopted in Rome on 14 February 1997 by the Arbitral Tribunal for the dispute over the inter-entity boundary in the Brcko area.

At its 3740th meeting, held on 14 February 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the

¹³⁸ S/1997/126.

agenda, the President (Kenya), with the consent of the Council, invited the representative of Bosnia and Herzegovina, at her request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:¹³⁹

The Security Council notes the announcement of the decision of 14 February 1997 by the arbitral tribunal on the disputed portion of the Inter-Entity Boundary Line in the Brcko area, pursuant to article V of annex 2 to the General Framework Agreement for Peace in Bosnia and Herzegovina.

The Council reminds the parties to annex 2 to the General Framework Agreement of their obligation to be bound by the decision of the arbitral tribunal and to implement the decision without delay. The Council underscores the importance of prompt and full cooperation by the parties to the General Framework Agreement and the annexes thereto (collectively the "Peace Agreement") in carrying out their commitments to implement the Peace Agreement in its entirety.

**Decision of 11 March 1997 (3749th meeting):
statement by the President**

By a letter dated 7 March 1997 addressed to the President of the Security Council,¹⁴⁰ the Secretary-General transmitted the executive summary and key findings of the report prepared by the Task Force pursuant to the decisions on Mostar of 12 February 1997. The report covered an incident on 10 February 1997 when police officers fired into a procession marching towards a cemetery.

By another letter dated 7 March 1997 addressed to the President of the Security Council,¹⁴¹ the Secretary-General transmitted a communication dated 7 March 1997 from the Principal Deputy High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. The letter, referring to the deliberations of the Security Council on the situation in Mostar, attached the following documents: (a) the text of the decisions from the meeting of 12 February 1997, in which the participants¹⁴² condemned in strongest terms the

violent acts committed in Mostar and all provocative acts preceding the present crisis; and (b) a copy of the letter from the Principal Deputy High Representative addressed to the Chair of the Presidency of Bosnia and Herzegovina and the Member of the Presidency, Mr. Kresimir Zubak, of 24 February 1997.

At its 3749th meeting, held on 11 March 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the letters in its agenda. Following the adoption of the agenda, the President (Poland), with the consent of the Council, invited the representative of Bosnia and Herzegovina, at her request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to letters dated 17 February and 3 March 1997, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council, transmitting decisions on Mostar adopted by officials of Bosnia and Herzegovina, and an advance copy of the report of the Task Force in pursuance of the 12 February decisions on Mostar.¹⁴³

At the same meeting, the President made the following statement on behalf of the Council:¹⁴⁴

The Security Council has considered the letter dated 7 March 1997, and the annex thereto, from the Secretary-General to the President of the Security Council concerning the incident on 10 February 1997 involving a violent assault against a group of civilians attempting to visit a graveyard in West Mostar in the presence of the International Police Task Force, in which one person died and others were wounded.

The Council notes that the participants in the meeting of 12 February 1997 referred to in the letter from the Secretary-General agreed, inter alia, to request the International Police Task Force to conduct an investigation into that incident, to accept and endorse the report on the investigation in full, and to draw the necessary conclusions concerning the arrest, the bringing

Tomic, Foreign Minister Prlic, Croatian Democratic Union of Bosnia and Herzegovina (HDZ) President Rajic, Democratic Action Party (SDA) Vice-President and Prime Minister Bicakcic, and the Mayor and Deputy Mayor of Mostar. The meeting was chaired by the Principal Deputy High Representative. The Commander of SFOR, the Acting Police Commissioner and the Head of the Office of the High Representative South were also present.

¹⁴³ S/1997/140 and S/1997/183.

¹⁴⁴ S/PRST/1997/12.

¹³⁹ S/PRST/1997/7.

¹⁴⁰ S/1997/204.

¹⁴¹ S/1997/201.

¹⁴² The meeting was attended by President Izetbegovic, President Zubak, Co-Chairman Silajdzic, Vice-Chairman

to trial and dismissal from office of those found responsible for instigating or participating in violent acts.

The Council fully supports the conclusions drawn from the International Police Task Force report by the Office of the High Representative and fully supported by the Task Force, the Commander of the Stabilization Force in Bosnia and Herzegovina and the members of the Contact Group.

The Council strongly condemns the involvement by West Mostar police officers in the violent assault on 10 February 1997 as referred to in the International Police Task Force report annexed to the letter dated 7 March 1997 from the Secretary-General to the President of the Security Council.

The Council also condemns the failure of the local police to provide protection to civilians subject to inter-ethnic attacks which occurred throughout Mostar both before and after the incident on 10 February 1997, and stresses the importance it attaches to preventing such incidents in the future.

The Council takes note of the announced suspension of some of the police officers identified in the International Police Task Force report but remains deeply concerned by the failure to date of the responsible authorities to take all the necessary steps to implement the conclusions drawn from that report. It strongly condemns attempts by those authorities to place conditions upon the arrest and prosecution of the police officers identified in the International Police Task Force report as having fired upon the group of civilians.

The Council demands that the responsible authorities, notably in West Mostar, immediately implement the conclusions drawn from the International Police Task Force report and, in particular, suspend all relevant police officers and arrest and prosecute them without further delay. It also calls upon the responsible authorities to investigate all police officers involved in the incident.

The Council requests the Secretary-General to keep it informed of the situation. It will remain actively seized of the matter.

**Decision of 31 March 1997 (3760th meeting):
resolution 1103 (1997)**

On 14 March 1997, pursuant to Security Council resolution 1088 (1996), the Secretary-General submitted to the Council a report on the activities of the United Nations Mission in Bosnia and Herzegovina.¹⁴⁵ In his report, the Secretary-General

stated that the Stabilization Force, which had succeeded the Implementation Force, was the principal guarantor of the fragile peace that existed in Bosnia and Herzegovina. He also stated that there were two principal threats to that fragile peace: one was the continued friction between the Federation partners and the other the friction between the entities within the joint institutions. While admirable progress had been achieved in some areas, particularly in the establishment of joint institutions in accordance with the Constitution of Bosnia and Herzegovina, progress in others remained dangerously slow. In the area of cooperation with the International Tribunal for the Former Yugoslavia, four of the five signatories to annex 1A of the Peace Agreement had yet to comply with their basic undertakings in the Agreement. He informed the Council that the Brcko Implementation Conference had proposed that the Task Force carry out monitoring, restructuring and retraining police in the Brcko area. In addition, the Security Council had endorsed, in resolution 1088 (1996), additional human rights investigation tasks for the Task Force, and the Task Force Commissioner had determined that these tasks required the force to be strengthened by 120 police personnel. He therefore recommended that the Council approve the proposed increase in the authorized strength of UNMIBH by 186 police and 11 civilian personnel as well as 120 police personnel for human rights investigations. He cautioned that the role proposed for the Task Force in the Brcko area would need to be performed in close cooperation with SFOR.

At its 3760th meeting, held on 31 March 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Poland), with the consent of the Council, invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁴⁶ The draft resolution was put to the vote and adopted unanimously as resolution 1103 (1997), which reads:

¹⁴⁶ S/1997/263.

¹⁴⁵ S/1997/224 and Add. 1.

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1035 (1995) of 21 December 1995 and 1088 (1996) of 12 December 1996,

Recalling also the need for the implementation of the provisions of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") in particular those provisions relating to cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia,

Noting that the International Police Task Force has been entrusted with the tasks set out in annex 11 of the Peace Agreement, including the tasks referred to in the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 and agreed upon by the authorities in Bosnia and Herzegovina,

Taking note of the decision of 14 February 1997 by the arbitral tribunal on the disputed portion of the Inter-Entity Boundary Line in the Brcko area and noting the holding of the Brcko Implementation Conference in Vienna on 7 March 1997,

Reminding all parties to annex 2 of the Peace Agreement of their obligation, in accordance with article V of that annex, to be bound by the decision of the arbitral tribunal and to implement it without delay,

Expressing its appreciation to the personnel of the United Nations Mission in Bosnia and Herzegovina, including those of the International Police Task Force, for their work in assisting in the implementation of the Peace Agreement in Bosnia and Herzegovina, and to all other personnel of the international community engaged in implementing the Peace Agreement,

Welcoming the report of the Secretary-General of 14 March 1997,

1. *Decides* to authorize an increase in the strength of the United Nations Mission in Bosnia and Herzegovina by 186 police and 11 civilian personnel, in the light of the recommendation of the Secretary-General concerning the role of the International Police Task Force in Brcko, contained in his report of 14 March 1997, and in order to enable it to carry out its mandate as set out in annex 11 of the Peace Agreement and resolution 1088 (1996) of 12 December 1996;

2. *Acknowledges* the importance of ensuring that the International Police Task Force is able to carry out all the tasks with which it has been entrusted, in particular those tasks set out in the conclusions of the London Conference and agreed upon by the authorities in Bosnia and Herzegovina, and decides to consider expeditiously the recommendations of the Secretary-General concerning those tasks, contained in his report of 14 March 1997;

3. *Urges* Member States, with the support of the Secretary-General, to provide qualified police monitors and other forms of assistance and support to the International Police Task Force and in support of the Peace Agreement;

4. *Calls upon* all parties to the Peace Agreement to implement all aspects of that Agreement and to cooperate in full with the International Police Task Force in the conduct of its activities;

5. *Stresses* the need for the continued closest possible coordination between the multinational Stabilization Force and the International Police Task Force, in particular in the area of Brcko;

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

**Decision of 16 May 1997 (3776th meeting):
resolution 1107 (1997)**

By a letter dated 5 May 1997 addressed to the President of the Security Council,¹⁴⁷ the Secretary-General transmitted the executive summary and the conclusions of a report entitled "Mostar: human rights and security situation, 1 January-15 February 1997", prepared by the Task Force. He also informed the Council of the follow-up to the 10 February incident, and noted that, while no further action by the responsible authorities to implement the demands contained in the statement by the President of 11 March 1997 had been taken, the general situation had improved. He also noted that, in resolution 1103 (1997) of 31 March 1997, the Council had acknowledged the importance of ensuring that the Task Force was able to carry out all the tasks with which it had been entrusted, including its investigation into the 10 February 1997 incident. He reiterated his recommendation for an increase in Task Force strength by 120 personnel and expressed the hope that the Security Council would respond positively to it.

On 14 March 1997, the Secretary-General submitted to the Council a report pursuant to paragraph 28 of resolution 1088 (1996), summarizing the activities of the United Nations Mission in Bosnia and Herzegovina since the previous report and providing an updated view of the activities of the United Nations system in Bosnia and Herzegovina during the same period.¹⁴⁸

¹⁴⁷ S/1997/351.

¹⁴⁸ S/1997/224 and Add.1; also see decision of 31 March 1997.

At its 3776th meeting, held on 16 May 1997 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the letter and the report of the Secretary-General. Following the adoption of the agenda, the President (Republic of Korea), with the consent of the Council, invited the representatives of Bosnia and Herzegovina, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.¹⁴⁹ The draft resolution was put to the vote and adopted unanimously as resolution 1107 (1997), which reads:

The Security Council,

Recalling its resolution 1103 (1997) of 31 March 1997 concerning the United Nations Mission in Bosnia and Herzegovina, including the International Police Task Force,

Recalling also the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

Having considered the report of the Secretary-General of 14 March 1997 and his letter dated 5 May 1997 to the President of the Security Council,

1. *Decides* to authorize an increase in the strength of the United Nations Mission in Bosnia and Herzegovina by 120 police personnel, in the light of the recommendation of the Secretary-General concerning the tasks of the International Police Task Force set out in the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 and agreed upon by the authorities in Bosnia and Herzegovina, in order to enable the Task Force to carry out its mandate set out in annex 11 of the Peace Agreement and resolution 1088 (1996) of 12 December 1996;

2. *Urges* Member States to provide qualified police monitors and other forms of assistance and support to the International Police Task Force and in support of the Peace Agreement;

3. *Decides* to remain seized of the matter.

**Decision of 12 June 1997 (3787th meeting):
resolution 1112 (1997)**

At its 3787th meeting, held on 12 June 1997 in accordance with the understanding reached in its prior consultations, the President (Russian Federation), with

¹⁴⁹ S/1997/371.

the consent of the Council, invited the representative of Bosnia and Herzegovina, at her request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 5 June 1997 from the representative of the United Kingdom addressed to the Secretary-General, transmitting the text of the Political Declaration from the Ministerial Meeting of the Steering Board of the Peace Implementation Council held at Sintra, Portugal, on 30 May 1997.¹⁵⁰

At the same meeting, the President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁵¹ The draft resolution was put to the vote and adopted unanimously as resolution 1112 (1997), which reads:

The Security Council,

Recalling its resolutions 1031 (1995) of 15 December 1995 and 1088 (1996) of 12 December 1996,

Recalling also the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

1. *Welcomes* the conclusions of the Ministerial Meeting of the Steering Board of the Peace Implementation Council held in Sintra, Portugal, on 30 May 1997, and agrees with the designation of Mr. Carlos Westendorp as High Representative in succession to Mr. Carl Bildt;

2. *Expresses its warmest appreciation* to Mr. Carl Bildt for his work as High Representative;

3. *Reaffirms* the importance it attaches to the role of the High Representative in monitoring the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively 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, and also reaffirms that the High Representative is the final authority in theatre regarding the interpretation of annex 10 of the Peace Agreement concerning civilian implementation and that in case of dispute he may give his interpretation and make his recommendations, including to the authorities of Bosnia and Herzegovina or its entities, and make them known publicly.

¹⁵⁰ S/1997/434.

¹⁵¹ S/1997/445.

**Decision of 18 and 19 December 1997
(3842nd meeting and resumption): resolution
1144 (1997)**

On 10 December 1997, pursuant to Security Council resolution 1088 (1996), the Secretary-General submitted to the Council a report on the activities of the United Nations Mission in Bosnia and Herzegovina.¹⁵² In his report, the Secretary-General stated that there had been progress towards implementing the General Framework Agreement in areas of concern to the UNMIBH operation, including the inauguration of joint Bosnian-Croat police forces in the two mixed cantons of the Federation; the initiation of a comprehensive police restructuring programme in the Republika Srpska; and the appointment of a multi-ethnic police leadership in the contested city of Brcko. He cautioned that the progress was in its early stages and fragile and would require the Mission's continued engagement in developing the capacity for policing according to internationally acceptable standards. He also stressed that police restructuring had to be accompanied by reform of the judicial system in general. He informed the Council that he had suggested to the High Representative and the members of the Steering Board of the Peace Implementation Council that UNMIBH work with the Council of Europe, OSCE and other organizations to expand its operations to ensure that international efforts to reform the judicial and penal systems advanced in tandem with efforts aimed at reforming the local police forces. Another area that deserved increased attention was the loss of revenue to the State through economic crimes that benefited mainly forces opposed to the peace process. He stated that, in order to carry out the tasks related to judicial reform and economic crime, UNMIBH would require an increase in human and financial resources. Finally, the Secretary-General recommended an extension of the UNMIBH mandate for a further 12-month period, although he noted that the presence of International Police Task Force monitors was contingent on the existence of adequate security arrangements, which could only be secured by a credible international military force.

At its 3842nd meeting, held on 18 December 1997 in accordance with the understanding reached in its prior consultations, the Security Council included

¹⁵² S/1997/966.

the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Costa Rica), with the consent of the Council, invited the representatives of Argentina, Bosnia and Herzegovina, Canada, Croatia, Germany, Hungary, Italy, Luxembourg, Malaysia, Norway, Pakistan, Slovenia, Turkey and Ukraine, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 12 December 1997 from the Secretary-General, addressed to the President of the Security Council,¹⁵³ transmitting a letter dated 10 December 1997 from the Secretary-General of NATO addressed to the Secretary-General, enclosing the eleventh monthly report on Stabilization Force operations. The President further drew the attention of the Council to a letter dated 15 December 1997 from the representative of Germany, addressed to the Secretary-General, transmitting the conclusions of the Peace Implementation Conference on Bosnia and Herzegovina held on 9 and 10 December 1997.¹⁵⁴ The Council also had before it a draft resolution submitted by France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.¹⁵⁵

At the same meeting, the representative of China expressed support for the work of the United Nations carried out in accordance with the provisions of the Peace Agreement. In his view, UNMIBH ought to principally carry out tasks mandated by the Peace Agreement. He also observed that issues relating to judicial reform and economic matters involved sensitive and complex questions and high stakes. Therefore, the United Nations should proceed with caution in that respect. Noting that the countries contributing troops to SFOR were reviewing its future mandate, he expressed hope that those countries would report to the Security Council in a timely fashion on their thoughts about the future. He also expressed hope that any actions taken by SFOR would be conducive to continued stability in Bosnia and Herzegovina.¹⁵⁶

The representative of the Russian Federation stated that, while negative trends had been kept in check by the presence of multinational forces, his

¹⁵³ S/1997/975.

¹⁵⁴ S/1997/979.

¹⁵⁵ S/1997/989.

¹⁵⁶ S/PV.3842, pp. 8-9.

delegation reaffirmed its resolute rejection of attempts at an arbitrary, unilateral interpretation of the mandate of existing international structures, which was leading to a build-up of elements of military force in the arsenal of peacekeeping efforts in Bosnia and Herzegovina. He noted that sub-units of SFOR had carried out a pre-planned operation to forcibly detain individuals indicted by the International Tribunal for the Former Yugoslavia, and had thereby gone beyond the mandate of SFOR that had been approved by the Security Council, which ruled out such acts of force targeted at individuals. He also expressed concern that the High Representative, who was ultimately responsible for respect for the civilian aspects of the Agreement, was informed of the arrest only after the fact. He underlined that the Russian Federation frowned on any unilateral actions that might threaten the lives of the peacekeepers or jeopardize the entire process of a settlement in Bosnia and Herzegovina, and stressed that they did not intend to take responsibility for such actions. Still, the United Nations was making a real contribution to the Bosnian settlement, and his Government supported the further continuation of the activities of the United Nations Mission and the Task Force in the framework of the current mandate.¹⁵⁷

The representative of the United Kingdom welcomed the latest action by SFOR, acting under the authority contained in the relevant Security Council resolutions, to detain two Bosnian Croats indicted for war crimes. He called on other war crimes indictees to surrender themselves, and on all parties to the Peace Agreement to fully comply with their commitment to transfer those indicted for war crimes to The Hague. His country welcomed the readiness to use SFOR directly to support civilian implementation and noted that NATO was examining possible options for a follow-on force to succeed SFOR when its mandate expired in June 1998. He believed that the extension of the mandate of the Task Force for six months, on a renewable basis to bring it in line with the mandate of SFOR, was strategically coherent while offering the best way of meeting operational requirements.¹⁵⁸

The representative of France urged that all indicted persons be handed over to the Tribunal, and reiterated that the primary responsibility for handing

over the war criminals being sought fell on the parties. He stressed that, as recently confirmed by the Secretary-General of NATO, all of the allies and the countries participating in SFOR shared the same resolve to ensure that indicted war criminals were brought to justice. The arrest in central Bosnia of two indicted persons had been an example. That was a joint effort under a single chain of command and in accordance with identical rules of engagement. He underlined that the policy followed in that domain was decided by the Council of NATO.¹⁵⁹

The representative of Egypt stated that progress made recently in implementation of the Agreement was closely linked to the efforts made to deal with and settle the question of war crimes. He noted that despite the difficulty of dealing with the problem, the fact that SFOR had apprehended one of the indicted war criminals on 10 July 1997 and two Croatian war criminals the previous day had proved that SFOR was indeed capable of dealing with the question. He stressed that the peace process in Bosnia would not continuously progress without the apprehension of those indictees, and that the reconciliation process would not succeed without them being tried. He stated that the Security Council bore a historic responsibility to mandate SFOR, and any successor force, to pursue the war criminals and bring them to trial. Regarding the Agreement on Subregional Arms Control, he noted that Republika Srpska continued to refuse to make the deep cuts necessary to comply with the Agreement. He maintained that the Security Council bore a special responsibility for the implementation of that part of the Dayton Agreement, not only to prevent the eruption of conflict in the future, but also within the context of exercising its responsibility under the Charter for the regulation of armaments. Finally, he stressed that the reconstruction efforts had to be linked to the responsiveness of the parties to the political efforts being made. This view was shared by all the States members of the Organization of the Islamic Conference Contact Group on Bosnia and Herzegovina. The Contact Group felt it was extremely important that the role of the Security Council in Bosnia and Herzegovina not be confined to the Mission and the Task Force, and that it was imperative that the Security Council set a number of guidelines to address the aforementioned problems in coordination with the Peace

¹⁵⁷ Ibid., pp. 9-10.

¹⁵⁸ Ibid., pp. 13-14.

¹⁵⁹ Ibid., pp. 15-16.

Implementation Council in Bosnia, and assign a larger role to SFOR and its successor, in order to create a unified and multi-ethnic State.¹⁶⁰

The representative of Bosnia and Herzegovina stated that, while the United Nations had not failed in Bosnia and Herzegovina, it had not yet succeeded either. He welcomed the extension of the mandate of the multilateral force led by NATO beyond the deadline of the summer of 1998, although he emphasized that the military aspects of implementation would prove to be rather hollow without a coordinated and revitalized effort on the civilian aspect of implementation. He expressed concern about the lack of respect shown to the Tribunal and the political consequences thereof. He underlined that the Tribunal was enshrined in the Constitution of Bosnia and Herzegovina as the highest authority in the country, and had jurisdiction over all potential witnesses and suspects related to war crimes and genocide that might have been committed in Bosnia and Herzegovina and in the former Yugoslavia as a whole. In that regard, he emphasized his delegation's concern regarding the large number of States that still had not adopted domestic legislation in line with full cooperation with the Tribunal.¹⁶¹

The representative of Croatia emphasized that his Government assigned special significance to the Tribunal and its work and that his country did not condition its cooperation with the Tribunal upon the reciprocal cooperation of any other country or entity. Observing that the limited capabilities of Tribunal meant that it could only carry out its work in a selective manner, he therefore added that discretion in deciding which crimes and perpetrators to pursue carried significant weight. Croatia could not be wholly satisfied with the exercise of the discretion to date as international sources had estimated that Bosnian Croats and Muslims were responsible for about 10 per cent of all the crimes committed in Bosnia and Herzegovina during the conflict, while Bosnian Serbs were responsible for 90 per cent. Yet, Bosnian Croats represented 73 per cent of those in custody. Regarding the recent arrest of two Bosnian Croats, he stressed that, while the arrests were based on international law and were within the scope of the mandate of SFOR,

they had brought to an even higher level the already existing disproportionality of Croat detainees. He stressed that it was essential for the peace process that the Tribunal in its future work better reflect the level of involvement and degree of responsibility of the different sides of the conflict.

Several other speakers underlined the role of the United Nations in the establishment of lasting peace in Bosnia and Herzegovina and stressed, in that regard, that the Dayton Peace Agreement needed to be implemented in full. A number of speakers called on the parties in Bosnia to cooperate fully in the peace process and highlighted, in particular, the importance of issues such as the return of refugees and displaced persons, freedom of movement, establishment of the rule of law, respect for and protection of human rights, the conduct of free and fair elections, economic reconstruction and effective functioning of common institutions and cooperation with the International Tribunal for the Former Yugoslavia. Several speakers also highlighted the role of the Task Force as a key factor in the implementation of the civilian aspects of the Peace Agreement. Some also stressed the need for adequate security arrangements to be established after the end of the mandate of SFOR.¹⁶²

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1144 (1997), which reads as follows:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031 (1995) of 15 December 1995, 1035 (1995) of 21 December 1995, 1088 (1996) of 12 December 1996, 1103 (1997) of 31 March 1997 and 1107 (1997) of 16 May 1997,

¹⁶² Ibid., pp. 2-4, (Chile); pp. 4-5 (Japan); pp. 5-7 (Costa Rica); pp. 7-8 (Kenya); pp. 10-11 (Portugal); pp. 11-12 (Poland); pp. 12-13 (Sweden); pp. 18-19 (Republic of Korea); pp. 19-20 (Guinea-Bissau); pp. 23-24 (Pakistan); and pp. 24-25 (Norway); S/PV.3842 (Resumption), pp. 2-3 (Malaysia); pp. 3-5 (Slovenia); pp. 5-6 (Turkey); pp. 6-8 (Hungary); pp. 8-9 (Ukraine); pp. 9-10 (Canada); pp. 10-12 (Luxembourg on behalf of the European Union, and associated and aligned countries: Bulgaria, Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus and Iceland); pp. 12-13 (Italy); pp. 13-15 (Germany); and pp. 15-16 (Argentina).

¹⁶⁰ Ibid., pp. 16-18.

¹⁶¹ Ibid., pp. 21-23.

Expressing its continued commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Welcoming the conclusions of the Ministerial Meeting of the Steering Board of the Peace Implementation Council held in Sintra, Portugal, on 30 May 1997 and the Peace Implementation Conference held in Bonn on 9 and 10 December 1997,

Having considered the report of the Secretary-General of 10 December 1997, and taking note of his observations, in particular with regard to the International Police Task Force,

Affirming its full support for the High Representative and his staff and his responsibility in implementing the civilian aspects of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

Commending the United Nations Mission in Bosnia and Herzegovina, in particular the International Police Task Force for its valuable work in such areas as police restructuring, training, weapons inspections and promoting freedom of movement, as well as its assistance in connection with the elections in Bosnia and Herzegovina,

Expressing its appreciation to the personnel of the Mission, and commending the leadership and dedication of the Special Representative of the Secretary-General and the Commissioner of the International Police Task Force in their efforts to support the implementation of the Peace Agreement,

Noting that the presence of International Police Task Force monitors is contingent on the existence of adequate security arrangements which, at present, can only be secured by a credible international military force,

1. *Decides* to extend the mandate of the United Nations Mission in Bosnia and Herzegovina, which includes the International Police Task Force, for an additional period terminating on 21 June 1998, which will be renewed for a further period unless significant changes are made to the security arrangements as currently provided by the multinational Stabilization Force, and decides also that the Task Force shall continue to be entrusted with the tasks set out in annex 11 of the Peace Agreement, including the tasks referred to in the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 and of the Ministerial Meeting of the Steering Board of the Peace Implementation Council held in Sintra on 30 May 1997 and the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, and agreed upon by the authorities in Bosnia and Herzegovina;

2. *Expresses its support* for the conclusions of the Bonn Conference, and encourages the Secretary-General to pursue implementation of its relevant recommendations, in particular on the restructuring of the International Police Task Force;

3. *Requests* the Secretary-General to keep the Council informed regularly about the work of the International Police Task Force and, in particular, its progress in assisting the restructuring of law enforcement agencies; to report every three months on the implementation of the mandate of the United Nations Mission in Bosnia and Herzegovina as a whole; and to include in his first report a description of action taken to implement recommendations of the Bonn Conference on restructuring the Task Force, particularly the creation of specialized Task Force units to train Bosnian police to address more effectively key public security issues;

4. *Reaffirms* that the successful implementation of the tasks of the International Police Task Force rests on the quality, experience and professional skill of its personnel, and urges Member States, with the support of the Secretary-General, to ensure the provision of such qualified personnel;

5. *Urges* Member States to provide training, equipment and related assistance for local police forces in coordination with the International Police Task Force, recognizing that resources are critical to the success of the police reform efforts of the Task Force;

6. *Calls upon* all concerned to ensure the closest possible coordination among the Office of the High Representative, the multinational Stabilization Force, the Mission and the relevant civilian organizations and agencies in order to ensure the successful implementation of the Peace Agreement and the priority objectives of the civilian consolidation plans, as well as the security of the International Police Task Force;

7. *Pays tribute* to the victims of the helicopter crash of 17 September 1997 in Bosnia and Herzegovina, including members of the Office of the High Representative, the International Police Task Force and a bilateral assistance programme, for their sacrifice in advancing the peace process;

8. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United States stated that, while his country was gratified by the improvements in cooperation with the International Criminal Tribunal by some parties, and strongly supported recent actions by SFOR, failure by other parties to cooperate could mean only continued isolation. He expressed strong support for the restructuring of the Task Force to provide maximum support to the most pressing civilian implementation needs. He also stated that it had become clear that continued progress in Bosnia necessitated a follow-on military force, led by NATO, after SFOR ended. He noted that his President had announced that the United States could take part in a security presence in Bosnia when SFOR withdrew. He agreed with the Secretary-General that the continued presence of a NATO-led peacekeeping force was closely linked to the future of

the Task Force. It therefore made sense that the mandate of the Task Force be considered only when the details of what would follow SFOR became clearer, and therefore his delegation had supported a six-month extension of the mandate of UNMIBH. As the debate on an SFOR follow-on force moved ahead, he expected that the Task Force would assume as much responsibility for public security as it could, and noted that his delegation had made a number of suggestions to improve its performance under its current mandate. He noted that his country had not pressed for changes in the mandate of the Task Force in the context of the current renewal, but a prolongation of the status quo was not acceptable. He underlined that the United States had not foreclosed the option of changing the mandate in the future, if that would help to improve the effectiveness of the Task Force.¹⁶³

**Decision of 19 March 1998 (3862nd meeting):
statement by the President**

At its 3862nd meeting, held on 19 March 1998 in accordance with the understanding reached in its prior consultations, the President (Gambia), with the consent of the Council, invited the representative of Bosnia and Herzegovina, at her request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 17 March 1998 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council, transmitting the text of the Supplemental Award of the Arbitral Tribunal for the Dispute over the Inter-Entity Boundary in the Brčko Area, dated 15 March 1998.¹⁶⁴

At the same meeting the President made the following statement on behalf of the Council.¹⁶⁵

The Security Council welcomes the announcement of the decision on 15 March 1998 relating to Brcko by the arbitral tribunal pursuant to article V of annex 2 to the General Framework Agreement for Peace in Bosnia and Herzegovina and to the award of 14 February 1997.

The Council, recalling that the 1997 award helped to promote the start of a peaceful, orderly and phased return process in Brcko and the beginnings of the establishment of a multi-ethnic administration, considers that the decision of 15 March 1998 represents the best

interests of the peace process. The Council commends the efforts of the Presiding Arbitrator and of the International Supervisor for Brcko.

The Council calls upon the parties to annex 2 to the General Framework Agreement to implement the decision without delay, as they are obliged to do. The Council underscores the importance of prompt and full cooperation by the parties to the Agreement in carrying out their commitments to implement the Agreement in its entirety, including cooperation with the International Supervisor for Brcko and the Office of the High Representative.

**Decision of 21 May 1998 (3883rd meeting):
resolution 1168 (1998)**

On 12 March 1998, pursuant to paragraph 3 of Security Council resolution 1144 (1997), the Secretary-General submitted to the Council a report on the activities of the United Nations Mission in Bosnia and Herzegovina and on the steps taken to implement the recommendations of the meeting of the Peace Implementation Council held at Bonn on 9 and 10 December 1997.¹⁶⁶ In his report, the Secretary-General observed that further progress had been made towards the implementation of the mandate of UNMIBH and the tasks of the International Police Task Force. The Security Council, in its resolution 1144 (1997), had endorsed the conclusions of the Bonn meeting of the Peace Implementation Council, which had requested the Task Force to carry out new intensive training programmes for the local police in a number of specialized fields. He outlined his proposal on how to respond to the request of the Security Council and recommended that the Council approve the very modest increase in resources required. The Implementation Council had asked UNMIBH to take part in a major programme of legal reform under the coordination of the Office of the High Representative. The Secretary-General had also submitted a proposal for a programme of court monitoring by the Mission. He reiterated his conviction that police and judicial reforms had to be carried out in an integrated way and he therefore believed that the Security Council should approve the required increase in resources for the task.

At its 3883rd meeting, held on 21 May 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report

¹⁶³ S/PV.3842 (Resumption), pp. 17-18.

¹⁶⁴ S/1998/248.

¹⁶⁵ S/PRST/1998/7.

¹⁶⁶ S/1998/227 and Corr.1 and Add.1.

of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Kenya), with the consent of the Council, invited the representatives of Bosnia and Herzegovina, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.¹⁶⁷ The President further drew the attention of the Council to a letter dated 9 April 1998 from the Secretary-General addressed to the President of the Security Council, transmitting a letter dated 9 April 1998 from the High Representative for the implementation of the peace agreement on Bosnia and Herzegovina.¹⁶⁸

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1168 (1998), which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031 (1995) of 15 December 1995, 1035 (1995) of 21 December 1995, 1088 (1996) of 12 December 1996, 1103 (1997) of 31 March 1997, 1107 (1997) of 16 May 1997 and 1144 (1997) of 19 December 1997,

Expressing its continued commitment to the political settlement of conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Recalling the conclusions of the Ministerial Meeting of the Steering Board of the Peace Implementation Council held in Sintra, Portugal, on 30 May 1997 and the Peace Implementation Conference held in Bonn on 9 and 10 December 1997,

Having considered the report of the Secretary-General of 12 March 1998, and taking note of his observations and the planning outlined in paragraphs 37 to 46 of that report,

Reaffirming its full support for the High Representative and his staff and his responsibility in implementing the civilian aspects of the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the "Peace Agreement"),

Commending the United Nations Mission in Bosnia and Herzegovina, including the International Police Task Force, and recalling the recommendations of the Bonn Peace

Implementation Conference relating to the Mission, including the Task Force,

Expressing its appreciation to the personnel of the Mission, including the International Police Task Force, and to the Special Representative of the Secretary-General and the Task Force Commissioner,

Emphasizing the increasing importance of specialized training for local police in Bosnia and Herzegovina, especially in the areas of critical incident management, corruption, organized crime and drug control, as outlined in the report of the Secretary-General,

Acknowledging that success in the area of police reform in Bosnia and Herzegovina is closely linked to complementary judicial reform, and taking note of the report of the High Representative of 9 April 1998, which emphasizes that judicial reform is a priority for further progress,

1. *Decides* to authorize an increase in the strength of the International Police Task Force by 30 posts, to a total authorized strength of 2,057;

2. *Supports* the improvements in the overall management of the International Police Task Force undertaken by the Secretary-General, his Special Representatives, and the Task Force Commissioners and personnel in Bosnia and Herzegovina, stresses the importance of continued reforms in this area, and in this regard strongly encourages the Secretary-General to make further improvements to the Task Force, in particular with regard to personnel management issues;

3. *Encourages* Member States to intensify their efforts to provide, on a voluntary funded basis and in coordination with the International Police Task Force, training, equipment and related assistance for local police forces in Bosnia and Herzegovina;

4. *Recognizes* that establishing an indigenous public security capability is essential to strengthening the rule of law in Bosnia and Herzegovina, agrees to consider expeditiously a court monitoring programme led by the United Nations Mission in Bosnia and Herzegovina as part of an overall programme of legal reform as outlined by the Office of the High Representative, and requests the Secretary-General to submit recommendations on the possibility of utilizing locally hired personnel as far as is practical and of voluntary funding;

5. *Decides* to remain seized of the matter.

**Decision of 15 June 1998 (3892nd meeting):
resolution 1174 (1998)**

On 10 June 1998, pursuant to paragraph 3 of Security Council resolution 1144 (1997), the Secretary-General submitted to the Council a report on the

¹⁶⁷ S/1998/415.

¹⁶⁸ S/1998/314.

United Nations Mission in Bosnia and Herzegovina.¹⁶⁹ In his report, the Secretary-General observed that UNMIBH was proceeding with its programme to restructure the police services in the Federation and the Republika Srpska, but progress in implementing the programme would depend upon the ability of all members of the international community to secure compliance of the parties with the commitments they made in the General Framework Agreement for Peace. He noted that the past three months had seen an increase in violent incidents aimed at returning refugees and displaced persons, in particular those belonging to minority groups. At the same time, resistance towards integrating minority officers into the police force had continued, especially in the Croat-controlled areas of the Republika Srpska. He stressed that, while UNMIBH would do anything in its power to further advance the restructuring of the local police forces in order to help create confidence for returning minorities, it would be overly optimistic to expect a decisive change before the nationwide elections scheduled for 13 September 1998. He noted that the role of the Task Force was also changing and that the Mission was now prepared to move forward with a programme to monitor and assess the court system. He told the Council that he had been informed by the Secretary-General of NATO that NATO military authorities had developed an operational plan for the continuation of a NATO-led multinational force in Bosnia and Herzegovina and that the plan had been endorsed by the Foreign Ministers of NATO. On the assumption that there would be no significant changes to the security arrangements as currently provided by SFOR, he recommended that the mandate of UNMIBH be extended for an additional period terminating on 21 June 1999.

At its 3892nd meeting, held on 15 June 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Portugal), with the consent of the Council, invited the representatives of Bosnia and Herzegovina, Croatia, Germany, Italy, Malaysia and Turkey, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, Japan,

¹⁶⁹ S/1998/491.

Portugal, the Russian Federation, Slovenia, Sweden, the United Kingdom and the United States.¹⁷⁰

At the same meeting, the President further drew the attention of the Council to the following documents: a letter dated 5 June 1998 from the representative of Luxembourg addressed to the Secretary-General;¹⁷¹ a letter dated 10 June 1998 from the representative of Germany addressed to the Secretary-General;¹⁷² a letter dated 11 June 1998 from the Secretary-General addressed to the President of the Security Council;¹⁷³ and a letter dated 9 April 1998 from the Secretary-General addressed to the President of the Security Council.¹⁷⁴

The representative of Bosnia and Herzegovina stated that military, civilian and economic resources being committed to serve peace and rebuild Bosnia and Herzegovina, were having a gradual but steady positive impact. However, there was still an ongoing, organized criminal effort to keep the people from going back to their homes and to prevent the process of reconciliation and normalcy from taking hold, an assessment that was shared by the representative of SFOR, the Office of the High Representative and others. Regarding the situation in Kosovo,¹⁷⁵ he stated that those “who light the fuse” would try to sell their constructive engagement in one situation at the expense of another. He suggested that a leadership that preyed on its neighbours, on its own people and on its own

¹⁷⁰ S/1998/502.

¹⁷¹ Letter transmitting the text of a statement on Bosnia and Herzegovina adopted by NATO following the ministerial meeting held in Luxembourg on 28 and 29 May 1998 (S/1998/475).

¹⁷² Letter transmitting, in his capacity as the coordinator of the Consulting and Coordinating Process, the declaration of the Luxembourg Peace Implementation Conference Steering Board issued on 9 June 1998 (S/1998/498).

¹⁷³ Letter transmitting a letter from the Secretary-General of NATO addressed to the Secretary-General, conveying the seventeenth monthly report on the operations of SFOR (S/1998/501).

¹⁷⁴ Letter transmitting a letter dated 9 April 1998 from the High Representative for the implementation of the Peace Agreement on Bosnia and Herzegovina, conveying his ninth report (S/1998/314).

¹⁷⁵ For purposes of this *Supplement*, the term “Kosovo” refers to “Kosovo, Federal Republic of Yugoslavia”, without prejudice to issues of status. In other instances, the terminology originally used in official documents has been preserved to the extent possible.

stereotypes was to blame for the wars in Slovenia, Croatia, Bosnia and Herzegovina, and Kosovo. He also said that there was compelling evidence that weapons taken during attacks on United Nations forces in Bosnia were now being used in Kosovo against the Kosovo Albanians, which should be proof enough as to where the blame lay.¹⁷⁶

The representative of Croatia, recognizing the importance of the return process in the ongoing stabilization of the region, recalled that Croatia remained the only State in the region that had received a significant number of displaced persons from a group formerly affiliated with the rebel occupying forces. He stated that a consequence of a one-sided approach with regard to refugee returns had already been reflected in a loss of confidence in the Dayton Peace Agreement. In addition, despite recent positive developments in the theatre with the voluntary surrender or arrest by SFOR of some Serb indictees, Bosnia and Herzegovina Croats continued to make up the vast majority of imprisoned indictees, which did not nurture confidence in the international community.¹⁷⁷

The representative of Germany underlined that reform and restructuring of the local police would remain ineffective if not accompanied by similar efforts regarding the judicial system. In that context, the High Representative had pointed out that the International Police Task Force was best equipped to monitor criminal courts in Bosnia. The Security Council would urgently have to find a pragmatic solution which enabled the Task Force to begin the task, setting aside theological or budgetary disputes. He stressed that it was the Council's responsibility to make the international effort in Bosnia a coherent and therefore successful one, and not to be diverted by secondary questions regarding the philosophy of United Nations peacekeeping in general.¹⁷⁸

The representative of Albania stated that the extension of the mandate of the Stabilization Force in Bosnia and Herzegovina was a necessary step in the light of the situation in the Balkan area and the deepening of the crisis in the Kosovo region. That was why Albania was in favour not only of the extension of the mandate of SFOR, but also of energetic action by

the international community to prevent a second tragedy like Bosnia from taking place in the Balkans. It was now time for the international community to be more united and determined to stop the "ethnic cleansing" in Kosovo and to find a peaceful and workable solution to calm the situation and to resolve the conflict in Kosovo. That action would strengthen the peace process in Bosnia and Herzegovina and the implementation of the Dayton Agreement, as well as peace and stability in the Balkan region.¹⁷⁹

The representative of the Russian Federation stressed that an extremely important area of international assistance continued to be the work of SFOR and the Mission, including the Task Force. He stated that an important guarantee for the success of SFOR and the Task Force was their strict compliance with the mandates established by the Security Council for those operations. His delegation was convinced that SFOR could not and should not assume any police functions whatsoever.¹⁸⁰

The representative of the United States stated that SFOR and UNMIBH had been critical to the implementation of the long-term process agreed by the parties in the Dayton/Paris accords. He stressed that much work remained and that NATO had adopted a series of benchmarks to measure progress in the overall implementation of the Peace Agreement. Meeting those benchmarks would permit progressive reductions in the size and profile of the Force. He reiterated that the primary responsibility for the implementation of the Peace Agreement rested with the parties themselves and stressed that efforts had to be redoubled to implement the Agreement. Cooperating fully with the Tribunal, the return of refugees and the strengthening of joint institutions were also key elements.¹⁸¹

The representative of China reiterated that China's reservations about the invocation of Chapter VII of the Charter and the authorization of the use of force contained in the draft resolution remained unchanged. He stated that in implementing the mandate set out by the Security Council, SFOR must not misuse force. Moreover, Chapter VII, as invoked in the draft

¹⁷⁶ S/PV.3892, pp. 3-4.

¹⁷⁷ Ibid., pp. 5-6.

¹⁷⁸ Ibid., pp. 8-9.

¹⁷⁹ Ibid., pp. 11-12.

¹⁸⁰ Ibid., pp. 12-13.

¹⁸¹ Ibid., pp. 18-19.

resolution, was not applicable to the parts concerning the Mission and the Task Force.¹⁸²

A number of other speakers took the floor, noting that ultimately the responsibility for the establishment of lasting peace lay with the parties in Bosnia and Herzegovina themselves, and underscoring some of the key issues that needed to be addressed including the return of refugees, the effective functioning of common institutions, fostering free and fair media and greater cooperation with the International Tribunal for the Former Yugoslavia. Several speakers emphasized the importance of the Task Force in monitoring the activities of the local police force and in its restructuring, and welcomed the expansion of the role of the Task Force in key public security matters. Some speakers also highlighted the role of SFOR in providing security not only to the citizens of Bosnia and Herzegovina, but also to the Mission, the Task Force and other international organizations.¹⁸³ A number of speakers also stressed that events in Kosovo were a cause for concern, and that the international community needed to be vigilant about the ramifications.¹⁸⁴

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1174 (1998), which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031 (1995) of 15 December 1995, 1035 (1995) of 21 December 1995, 1088 (1996) of 12 December 1996, 1144 (1997) of 19 December 1997 and 1168 (1998) of 21 May 1998,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

¹⁸² Ibid., pp. 20-21.

¹⁸³ Ibid., pp. 4-5 (United Kingdom on behalf of the European Union and associated and aligned countries: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia, Cyprus, and Iceland); pp. 7-8 (Italy); pp. 9-10 (Turkey); pp. 10-11 (Malaysia); p. 13 (Japan); pp. 13-14 (Sweden); pp. 14-15 (Brazil); pp. 15-16 (Bahrain); p. 16 (Kenya); pp. 16-17 (Costa Rica); p. 17 (Gambia); pp. 17-18 (Gabon); pp. 19-20 (Slovenia); and p. 21 (Portugal).

¹⁸⁴ Ibid., p. 9 (Turkey); p. 11 (Malaysia); and p. 15 (Bahrain).

Underlining its commitment to supporting implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational Stabilization Force, the Special Representative of the Secretary-General and the personnel of the United Nations Mission in Bosnia and Herzegovina, including the Commissioner and personnel of the International Police Task Force, and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

Underlining once again the important role for the Republic of Croatia and the Federal Republic of Yugoslavia in the successful development of the peace process in Bosnia and Herzegovina,

Stressing that a comprehensive and coordinated return of refugees and displaced persons throughout the region is crucial to lasting peace,

Taking note of the declaration of the Steering Board of the Peace Implementation Council in Luxembourg on 9 June 1998 and the conclusions of its previous meetings,

Having considered the report of the Secretary-General of 10 June 1998,

Noting the report of the High Representative of 9 April 1998,

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

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Acting under Chapter VII of the Charter,

I

1. *Reaffirms once again its support* for the Peace Agreement, as well as for the Dayton Agreement on Implementing the Federation of Bosnia and Herzegovina of 10 November 1995, calls upon the parties to comply strictly with their obligations under those agreements, and expresses its intention to keep the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under review;

2. *Reiterates* that the primary responsibility for the further successful implementation of the peace process lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in

full cooperation with 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, in strengthening joint institutions and in facilitating returns of refugees and displaced persons;

3. *Once again reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and underlines that full cooperation by States and entities with the International Tribunal includes the surrender for trial of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

4. *Emphasizes 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, and reaffirms that the High Representative is the final authority in theatre regarding the interpretation of annex 10 on civilian implementation of the Peace Agreement and that in case of dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997;

5. *Expresses its support* for the declaration of the Steering Board of the Peace Implementation Council in Luxembourg;

6. *Recognizes* that the parties have authorized the multinational force referred to in paragraph 10 below to take such actions as required, including the use of necessary force, to ensure compliance with annex 1-A of the Peace Agreement;

7. *Reaffirms its intention* to keep the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 25 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

II

8. *Pays tribute* to those Member States which participated in the multinational Stabilization Force established in accordance with its resolution 1088 (1996), and welcomes their willingness to assist the parties to the Peace Agreement by continuing to deploy a multinational Stabilization Force;

9. *Notes* the support of the parties to the Peace Agreement for the continuation of the Stabilization Force set out

in the declaration of the Steering Board of the Peace Implementation Council at Luxembourg;

10. *Authorizes* 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 twelve months the Stabilization Force as established in accordance with its resolution 1088 (1996) under unified command and control in order to fulfil the role specified in annex 1-A and annex 2 of the Peace Agreement, and expresses its intention to review the situation with a view to extending this authorization further as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

11. *Authorizes* the Member States acting under paragraph 10 above to take all necessary measures to effect the implementation of and to ensure compliance with annex 1-A of the Peace Agreement, stresses that the parties shall continue to be held equally responsible for compliance with that annex and shall be equally subject to such enforcement action by the Stabilization Force as may be necessary to ensure implementation of that annex and the protection of the Force, and notes that the parties have consented to the Force taking such measures;

12. *Authorizes* Member States to take all necessary measures, at the request of the Stabilization Force, either in defence of the Force or to assist the Force in carrying out its mission, and recognizes the right of the Force to take all necessary measures to defend itself from attack or threat of attack;

13. *Authorizes* the Member States acting under paragraph 10 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures, established by the Commander of the Stabilization Force, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

14. *Requests* the authorities in Bosnia and Herzegovina to cooperate with the Commander of the Stabilization Force to ensure the effective management of the airports of Bosnia and Herzegovina, in the light of the responsibilities conferred on the Force by annex 1-A of the Peace Agreement with regard to the airspace of Bosnia and Herzegovina;

15. *Demands* that the parties respect the security and freedom of movement of the Stabilization Force and other international personnel;

16. *Invites* all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 10 above;

17. *Recalls* all the agreements concerning the status of forces as referred to in appendix B to annex 1-A of the Peace Agreement, and reminds the parties of their obligation to continue to comply therewith;

18. *Requests* 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;

Reaffirming the legal basis in the Charter of the United Nations on which the International Police Task Force was given its mandate in resolution 1035 (1995),

III

19. *Decides* to extend the mandate of the United Nations Mission in Bosnia and Herzegovina, which includes the International Police Task Force, for an additional period terminating on 21 June 1999, and also decides that the Task Force shall continue to be entrusted with the tasks set out in annex 11 of the Peace Agreement, including the tasks referred to in the conclusions of the peace implementation conferences in London on 4 and 5 December 1996, Bonn on 9 and 10 December 1997 and Luxembourg on 9 June 1998 and agreed upon by the authorities in Bosnia and Herzegovina;

20. *Requests* the Secretary-General to keep the Council regularly informed on the work of the International Police Task Force and its progress in assisting the restructuring of law enforcement agencies, and to report every three months on the implementation of the mandate of the Mission as a whole;

21. *Reiterates* that the successful implementation of the tasks of the International Police Task Force rests on the quality, experience and professional skills of its personnel, and once again urges Member States, with the support of the Secretary-General, to ensure the provision of such qualified personnel;

22. *Reaffirms* the responsibility of the parties to cooperate fully with, and instruct their respective responsible officials and authorities to provide their full support to the International Police Task Force on all relevant matters;

23. *Reiterates its call* upon all concerned to ensure the closest possible coordination between the High Representative, the Stabilization Force, the Mission and the relevant civilian organizations and agencies so as to ensure the successful implementation of the Peace Agreement and of the priority objectives of the civilian consolidation plan, as well as the security of International Police Task Force personnel;

24. *Urges* Member States, in response to demonstrable progress by the parties in restructuring their law enforcement institutions, to intensify their efforts to provide, on a voluntary-funded basis and in coordination with the International Police Task Force, training, equipment and related assistance for local police forces in Bosnia and Herzegovina;

25. *Requests* the Secretary-General to continue to submit to the Council 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 the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under the Agreement;

26. *Decides* to remain seized of the matter.

Decision of 16 July 1998 (3909th meeting): resolution 1184 (1998)

At its 3909th meeting, held on 16 July 1998 in accordance with the understanding reached in its prior consultations, the Security Council included two reports of the Secretary-General on UNMIBH dated 12 March and 10 June 1998, respectively, in its agenda.¹⁸⁵ Following the adoption of the agenda, the President (Russian Federation), with the consent of the Council, invited the representatives of Bosnia and Herzegovina, Germany and Italy, at their request, to participate in the discussion, without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.¹⁸⁶ The draft resolution was then put to the vote and adopted unanimously as resolution 1184 (1998), which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, in particular resolutions 1168 (1998) of 21 May 1998 and 1174 (1998) of 15 June 1998,

Recalling also the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

Taking note of the conclusions of the Peace Implementation Conference in Bonn on 9 and 10 December 1997 and of the declaration of the Steering Board of the Peace Implementation Council in Luxembourg on 9 June 1998,

Taking note also of the recommendations of the High Representative of 9 April 1998,

Having considered the reports of the Secretary-General of 12 March and 10 June 1998, in particular his observations and planning regarding the issue of legal reform,

1. *Approves* the establishment by the United Nations Mission in Bosnia and Herzegovina of a programme to monitor and assess the court system in Bosnia and Herzegovina, as part of an overall programme of legal reform as outlined by the Office of the High Representative, in the light of the Peace

¹⁸⁵ S/1998/227 and Corr.1 and Add.1; and S/1998/491. See also decision of 21 May 1998 and decision of 15 June 1998, respectively.

¹⁸⁶ S/1998/648.

Agreement, the recommendations of the Peace Implementation Conference in Bonn and the Steering Board of the Peace Implementation Council in Luxembourg, and the recommendations of the High Representative;

2. *Requests* the authorities in Bosnia and Herzegovina to cooperate fully with, and instruct their respective responsible officials to provide their full support to the court monitoring programme;

3. *Requests* the Secretary-General to keep the Council regularly informed on the implementation of the programme to monitor and assess the court system in Bosnia and Herzegovina through his reports on the implementation of the mandate of the Mission as a whole;

4. *Decides* to remain seized of the matter.

**Decision of 18 June 1999 (4014th meeting):
resolution 1247 (1999)**

On 11 June 1999, pursuant to paragraph 20 of Security Council resolution 1174 (1998), the Secretary-General submitted to the Council a report on the activities of UNMIBH.¹⁸⁷ In his report, the Secretary-General stated that the Mission contributed to the establishment of the rule of law in Bosnia and Herzegovina by reforming and restructuring the police, assessing the functioning of the existing judicial system and monitoring and auditing the performance of the police and other agencies involved in the maintenance of law and order. Despite progress, political developments in Bosnia and Herzegovina and in the wider region continued to challenge the establishment of the rule of law. The difficulties encountered in trying to establish self-sustaining political institutions throughout the country had forced the High Representative to use his authority creatively in support of the implementation of the General Framework Agreement. Continuing close cooperation of the Mission with the Office of the United Nations High Commissioner for Refugees (UNHCR), SFOR and the Office of the High Representative would be necessary to address impediments to a sustainable peace. He stressed that UNMIBH still had a considerable way to go before the peace process in Bosnia and Herzegovina became self-sustainable. He therefore recommended that the Security Council

¹⁸⁷ S/1999/670.

extend the mandate of the Mission for another period of 12 months.

At its 4014th meeting, held on 18 June 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Gambia), with the consent of the Council, invited the representatives of Bosnia and Herzegovina, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by Canada, France, Germany, Italy, the Netherlands, the Russian Federation, the United Kingdom, and the United States.¹⁸⁸

At the same meeting, the President further drew the attention of the Council to letters dated 7 and 8 March 1999, respectively, from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council,¹⁸⁹ which forwarded a statement concerning the decision of the Arbitral Tribunal and a statement regarding the removal of the President of Republika Srpska from office by the High Representative; a letter dated 11 March 1999 from the representative of the Federal Republic of Yugoslavia addressed to the Secretary-General,¹⁹⁰ transmitting a letter from the Minister for Foreign Affairs which conveyed disagreement with the decisions of the Arbitral Tribunal on Brcko and the decision of the High Representative to dismiss the President of Republika Srpska. The President also drew the attention of the Council to the following documents: a letter dated 9 March 1999 from the representative of Germany addressed to the Secretary-General;¹⁹¹ a letter dated 6 May 1999 from the Secretary-General addressed to the President of the Security Council, transmitting a letter dated 5 May 1999 from the High Representative for the implementation of the peace agreement on Bosnia and Herzegovina addressed to the Secretary-General;¹⁹² and a letter dated 3 June 1999

¹⁸⁸ S/1999/688.

¹⁸⁹ S/1999/243 and S/1999/253.

¹⁹⁰ S/1999/270.

¹⁹¹ Letter transmitting a statement on Brcko issued on 5 March 1999 by the Presidency of the European Union (S/1999/263).

¹⁹² Letter enclosing a report on the implementation of the Peace Agreement (S/1999/524).

from the Secretary-General addressed to the President of the Security Council.¹⁹³

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1247 (1999), which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031 (1995) of 15 December 1995, 1035 (1995) of 21 December 1995, 1088 (1996) of 12 December 1996, 1144 (1997) of 19 December 1997, 1168 (1998) of 21 May 1998, 1174 (1998) of 15 June 1998 and 1184 (1998) of 16 July 1998,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Underlining its commitment to supporting implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational Stabilization Force, the Special Representative of the Secretary-General and the personnel of the United Nations Mission in Bosnia and Herzegovina, including the Commissioner and personnel of the International Police Task Force, and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

Noting that the States in the region must play a constructive role in the successful development of the peace process in Bosnia and Herzegovina, and noting especially the obligations of the Republic of Croatia and the Federal Republic of Yugoslavia in this regard as signatories to the Peace Agreement,

Emphasizing that a comprehensive and coordinated return of refugees and displaced persons throughout the region continues to be crucial to lasting peace,

Taking note of the declaration of the ministerial meeting of the Peace Implementation Council in Madrid on 16 December 1998 and the conclusions of its previous meetings,

Noting the reports of the High Representative, including his latest report of 5 May 1999,

Having considered the report of the Secretary-General of 11 June 1999,

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

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Acting under Chapter VII of the Charter,

I

1. *Reaffirms once again* its support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), as well as for the Dayton Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995, calls upon the parties to comply strictly with their obligations under those Agreements, and expresses its intention to keep the implementation of the Peace Agreement, and the situation in Bosnia and Herzegovina, under review;

2. *Reiterates* that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in full cooperation with 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, in strengthening joint institutions and in facilitating returns of refugees and displaced persons;

3. *Reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and underlines the fact that full cooperation by States and entities with the International Tribunal includes the surrender for trial of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

4. *Emphasizes 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, and reaffirms that the High Representative is the final authority in theatre regarding the interpretation of annex 10 on civilian implementation of the Peace Agreement and that in case of

¹⁹³ Letter transmitting a letter dated 3 June 1999 from the Secretary-General of NATO addressed to the Secretary-General and enclosing the monthly report on SFOR (S/1999/642).

dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997;

5. *Expresses its support* for the declaration of the ministerial meeting of the Peace Implementation Council in Madrid on 16 December 1998;

6. *Recognizes* that the parties have authorized the multinational force referred to in paragraph 10 below to take such actions as required, including the use of necessary force, to ensure compliance with annex 1-A of the Peace Agreement;

7. *Reaffirms its intention* to keep the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 25 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

II

8. *Pays tribute* to those Member States which participated in the multinational Stabilization Force established in accordance with its resolution 1088 (1996), and welcomes their willingness to assist the parties to the Peace Agreement by continuing to deploy a multinational Stabilization Force;

9. *Notes* the support of the parties to the Peace Agreement for the continuation of the Stabilization Force, set out in the declaration of the ministerial meeting of the Peace Implementation Council in Madrid;

10. *Authorizes* 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 twelve months the 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, and expresses its intention to review the situation with a view to extending this authorization further as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

11. *Authorizes* the Member States acting under paragraph 10 above to take all necessary measures to effect the implementation of and to ensure compliance with annex 1-A of the Peace Agreement, stresses that the parties shall continue to be held equally responsible for compliance with that annex and shall be equally subject to such enforcement action by the Stabilization Force as may be necessary to ensure implementation of that annex and the protection of the Force, and takes note that the parties have consented to the Force taking such measures;

12. *Authorizes* Member States to take all necessary measures, at the request of the Stabilization Force, either in defence of the Force or to assist the Force in carrying out its

mission, and recognizes the right of the Force to take all necessary measures to defend itself from attack or threat of attack;

13. *Authorizes* the Member States acting under paragraph 10 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures established by the Commander of the Stabilization Force, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

14. *Requests* the authorities in Bosnia and Herzegovina to cooperate with the Commander of the Stabilization Force to ensure the effective management of the airports of Bosnia and Herzegovina, in the light of the responsibilities conferred on the Force by annex 1-A of the Peace Agreement with regard to the airspace of Bosnia and Herzegovina;

15. *Demands* that the parties respect the security and freedom of movement of the Stabilization Force and other international personnel;

16. *Invites* all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 10 above;

17. *Recalls* all the agreements concerning the status of forces as referred to in appendix B to annex 1-A of the Peace Agreement, and reminds the parties of their obligation to continue to comply therewith;

18. *Requests* 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;

* * *

Reaffirming the legal basis in the Charter of the United Nations on which the International Police Task Force was given its mandate in resolution 1035 (1995),

III

19. *Decides* to extend the mandate of the United Nations Mission in Bosnia and Herzegovina, which includes the International Police Task Force, for an additional period terminating on 21 June 2000, and also decides that the Task Force shall continue to be entrusted with the tasks set out in annex 11 of the Peace Agreement, including the tasks referred to in the conclusions of the Peace Implementation Conferences held in London on 4 and 5 December 1996, Bonn on 9 and 10 December 1997, Luxembourg on 9 June 1998 and Madrid on 15 and 16 December 1998 and agreed by the authorities in Bosnia and Herzegovina;

20. *Requests* the Secretary-General to keep the Council regularly informed on the work of the International Police Task Force and its progress in assisting the restructuring of law enforcement agencies and the progress of the Mission in

monitoring and assessing the court system, and to report every three months on the implementation of the mandate of the Mission as a whole;

21. *Reiterates* that the successful implementation of the tasks of the International Police Task Force rests on the quality, experience and professional skills of its personnel, and once again urges Member States, with the support of the Secretary-General, to ensure the provision of such qualified personnel;

22. *Reaffirms* the responsibility of the parties to cooperate fully with, and to instruct their respective responsible officials and authorities to provide their full support to the International Police Task Force on all relevant matters;

23. *Reiterates its call upon* all concerned to ensure the closest possible coordination between the High Representative, the Stabilization Force, the Mission and the relevant civilian organizations and agencies so as to ensure the successful implementation of the Peace Agreement and of the priority objectives of the civilian consolidation plan, as well as the security of personnel of the International Police Task Force;

24. *Urges* Member States, in response to demonstrable progress by the parties in restructuring their law enforcement institutions, to intensify their efforts to provide, on a voluntary-funded basis and in coordination with the International Police Task Force, training, equipment and related assistance for local police forces in Bosnia and Herzegovina;

25. *Requests* the Secretary-General to continue to submit to the Council 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, and later Peace Implementation Conferences, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under that Agreement;

26. *Decides* to remain seized of the matter.

**Decision of 3 August 1999 (4030th meeting):
resolution 1256 (1999)**

At its 4030th meeting, held on 3 August 1999 in accordance with the understanding reached in its prior consultations, the President (Namibia), with the consent of the Council, invited the representative of Bosnia and Herzegovina, at her request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁹⁴ The draft resolution was put to the vote and adopted unanimously as resolution 1256 (1999), which reads:

¹⁹⁴ S/1999/834.

The Security Council,

Recalling its resolutions 1031 (1995) of 15 December 1995, 1088 (1996) of 12 December 1996 and 1112 (1997) of 12 June 1997,

Recalling also the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") and the conclusions of the Peace Implementation Conferences held in Bonn on 9 and 10 December 1997 and Madrid on 15 and 16 December 1998,

1. *Welcomes and agrees* to the designation by the Steering Board of the Peace Implementation Council on 12 July 1999 of Mr. Wolfgang Petritsch as High Representative in succession to Mr. Carlos Westendorp;

2. *Pays tribute* to the efforts of Mr. Westendorp in his work as High Representative;

3. *Reaffirms* the importance it attaches to the role of the High Representative in pursuing the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively 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;

4. *Reaffirms also* the final authority of the High Representative in theatre regarding the interpretation of annex 10 on civilian implementation of the Peace Agreement.

**Deliberations of 26 October 1999 (4058th
meeting): private meeting**

At its 4058th meeting, held in private on 26 October 1999, the Security Council considered the situation in Bosnia and Herzegovina. The representatives of Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Denmark, Egypt, Finland, Germany, Greece, Hungary, India, Italy, Jamaica, Japan, Luxembourg, Malta, Mexico, Norway, Poland, Portugal, the Republic of Korea, Romania, Singapore, Slovakia, South Africa, Sweden, Turkey and Ukraine were invited, at their request, to participate in accordance with rule 37 of the Council's provisional rules of procedure.

The Security Council heard a briefing under rule 39 of its provisional rules of procedure by the Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina. The members of the Council made comments and posed questions in connection with the briefing. The Special Representative responded to the comments and questions posed.

**Deliberations of 8 November 1999 (4062nd
meeting): private meeting**

At its 4062nd meeting, held in private on 8 November 1999, the Security Council considered the situation in Bosnia and Herzegovina. The representatives of Algeria, Armenia, Australia, Austria, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Egypt, Finland, Georgia, Germany, Greece, Hungary, India, the Islamic Republic of Iran, Iraq, Italy, Jamaica, Japan, Jordan, Kenya, Lithuania, Luxembourg, Mexico, Morocco, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, Singapore, Slovakia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey and Ukraine and the Permanent Observer of Switzerland were invited, at their request, to participate in the discussion without the right to vote.

The Council heard a briefing under rule 39 of its provisional rules of procedure from the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. The members of the Council made comments and posed questions in connection with the briefing. The High Representative then responded to the comments and questions posed.

**Deliberations of 15 November 1999 (4069th
meeting)**

At its 4069th meeting, held on 15 November 1999 in accordance with the understanding reached in its prior consultations, the Security Council was briefed by the three members of the Presidency of Bosnia and Herzegovina.

In their briefings, the three members of the Presidency reaffirmed their commitment to the Dayton Agreement. They highlighted what had been achieved since the Agreement had been signed and what remained to be done. In that regard, they paid special tribute to the United Nations and the international community for the assistance provided. They drew attention to the New York Declaration, adopted by the members of the Presidency in New York on 14 November 1999, and highlighted some essential elements of the Declaration: the State border service; strengthening inter-entity cooperation; the question of returns into urban areas; strengthening of common

institutions; the fight against corruption; promoting transparency; and establishing a central database for passports.

The Chair of the Presidency of Bosnia and Herzegovina stated that, while there had been real progress, there were many more tasks ahead, including: the issue of the functioning of joint institutions, implementing serious economic and social reforms, fighting terrorism, organized crime and corruption, as well as the return of refugees and displaced persons. He also stressed that the Presidency had two important laws before it in Bosnia and Herzegovina, the permanent election law and the law on the border service. He expressed the belief that the Tribunal was an essential element on the path to reconciliation. He urged the Council to insist on direct communication in all institutions, as opposed to the former practice of communication through the Council.¹⁹⁵

Mr. Alija Izetbegovic, Member of the Presidency, briefly addressed the list of issues and areas where the Security Council and the international community as a whole could assist: the return of refugees; the arrest and prosecution of war criminals; the rebuilding of Bosnia and Herzegovina and implementation of economic reform; the issue of corruption; the consensus decision-making process; demining; and security in Bosnia and Herzegovina and the region as a whole. He believed that Bosnia and Herzegovina could not feel secure in its future until the region as a whole moved forward economically and towards the necessary respect for democratic, human and minority rights.¹⁹⁶

Mr. Zivko Radisic, Member of the Presidency, expressed his belief that the Dayton Peace Accord had strong support in Republika Srpska from all of its citizens, political parties and State institutions. He noted that the military aspect of the Dayton Peace Accord had been implemented with enormous success, and without any incidents or resistance. Further, he expressed optimism for the goal of demilitarization of Bosnia and Herzegovina and the wider region, which could lead to the creation of conditions for a lasting peace and rapid economic development. He believed that the results achieved in the implementation of the Dayton Peace Accord would be even greater, if the

¹⁹⁵ S/PV.4069 and Corr.1, pp. 2-4.

¹⁹⁶ *Ibid.*, pp. 5-6.

norms and the spirit of Dayton were fully and consistently respected, noting that the arbitration decision on Brcko had infringed on the premise of the territorial integrity of the entities and caused crisis and dissatisfaction among the citizens of the Republika Srpska. Economic aid pledged by the international community had also been uneven, although he noted that the behaviour on the part of certain institutions of the Republika Srpska had also had an impact in that area.¹⁹⁷

All members of the Council welcomed the adoption of the New York Declaration as a clear statement by the Presidency that it was committed to removing the remaining obstacles to the full implementation of the Dayton Accord. They encouraged the Presidency to persevere in their tasks of rebuilding the country. In that connection, they called for more efforts towards reconciliation, institution building, the rule of law, economic reform and fighting corruption. They reaffirmed that the goal of the international community was to see a united, democratic and multi-ethnic Bosnia and Herzegovina. Several speakers also expressed support for the work of the Tribunal.¹⁹⁸

The representative of the United States stated that, despite progress, great problems and concerns remained, and he called on the Office of the High Representative to press for full implementation. He stated that his delegation did not believe that the High Representative had expanded his authority or that the Peace Implementation Council had expanded its authority beyond what was authorized in the Dayton Agreements. Finally he maintained that success in Kosovo and Bosnia and Herzegovina were equally important to the international community, and one could not be separated from the other in the long run. Bosnia and Herzegovina was years ahead of Kosovo on the timelines of history, but success in both would be required for stability in the region. He reiterated that the ultimate obstruction to this remained what it had

been for the last nine years: “the leadership in Belgrade”.¹⁹⁹

The representative of France noted that, when speaking of Bosnia and Herzegovina, the example of Kosovo and the problems which the Council was confronting needed to be kept in mind. He also stated that increasingly Bosnia and Herzegovina would have to rely on its own resources to successfully carry out the needed reforms.²⁰⁰

The representative of the Russian Federation stated that the New York Declaration did not address the fact that there were three de facto independent armies in Bosnia and Herzegovina, which was clearly not a normal situation and which did not help in the trend towards integration and towards strengthening a unified Bosnian State. He called for action on the development of a unified military doctrine for Bosnia and Herzegovina. He also expressed concern about the continued negative impact on the situation in Bosnia and Herzegovina of the final arbitration award on Brcko. He underscored that it was important that the decisions be implemented in a way that would stabilize the situation to the greatest possible extent and that would be in accordance with the Peace Agreement, through identifying solution acceptable to all parties. Regarding the situation in Kosovo, he stated that his personal conclusions were not very encouraging as the safety and security of the population seemed to be increasingly under threat. He stated that more and more often the majority of such incidents reflected an organized policy aimed at expelling all non-Albanians from Kosovo, which was undermining resolution 1244 (1999). In his view, the Kosovo Force (KFOR) and the United Nations Interim Administration Mission in Kosovo (UNMIK) had been unable to eliminate provocations and activities intended to undermine resolution 1244 (1999), or guarantee the proper level of safety and security for all. However, he maintained that he could not agree with attempts to link decisions relating to Kosovo or Bosnia and Herzegovina with any questions that had nothing to do with issues under discussion, as that might be interpreted as interference in the internal affairs of the Federal Republic of Yugoslavia.²⁰¹

¹⁹⁷ Ibid., pp. 8-10.

¹⁹⁸ Ibid., pp. 10-12 (United States); pp. 13-14 (France); pp. 14-16 (Russian Federation); pp. 16-17 (Canada); pp. 17-18 (Malaysia); pp. 18-19 (Argentina); pp. 19-20 (United Kingdom); pp. 20-21 (China); pp. 21-22 (Brazil); pp. 22-23 (Bahrain); pp. 23-24 (Netherlands); p. 24 (Gambia); p. 25 (Namibia); p. 25 (Gabon); and p. 25-26 (Slovenia).

¹⁹⁹ Ibid., pp. 10-12.

²⁰⁰ Ibid., p. 13.

²⁰¹ Ibid., p. 15.

The representative of the United Kingdom stressed that the High Representative had to be given support in what he was doing, and be able to take the decisions that were necessary.²⁰²

The representative of China emphasized the necessity of establishing a unified armed force. He also expressed support for the work of the International Tribunal for the Former Yugoslavia, which hopefully would proceed in a professional, impartial and objective manner.²⁰³

The representative of Slovenia maintained that the crisis in Kosovo had severely tested peace and stability in Bosnia and Herzegovina, and he commended all parties in Bosnia and Herzegovina for their responsible and wise attitude, which contributed to the preservation of stability in the country. The peace, stability and unity of Bosnia and Herzegovina were of critical importance for the resolution of other problems in the region, most notably the problem of Kosovo. Therefore, every effort needed to be made to strengthen Bosnia and Herzegovina and its institutions.²⁰⁴

D. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia

Decision of 8 May 1996 (3663rd meeting): statement by the President

By a letter dated 24 April 1996 addressed to the President of the Security Council,²⁰⁵ the 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 informed the Council of the refusal of the Federal Republic of Yugoslavia to cooperate with the Tribunal, as required by resolutions of the Council and the Statute of the Tribunal. Specifically, the occasion for the report was the failure of the Federal Republic of Yugoslavia to execute arrest warrants against three

accused, Mile Mrksic, Miroslav Radic and Veselin Sljivancanin, all of whom were on its territory and who were charged with the murder of 260 civilians and other unarmed men following the fall of the city of Vukovar in November 1991.

At its 3663rd meeting, held on 8 May 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. The President (China) then drew the attention of the Council to the following documents: a letter dated 19 April 1996 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council;²⁰⁶ a letter dated 19 April 1996 from the representative of Croatia addressed to the President of the Security Council;²⁰⁷ and a letter dated 8 May 1996 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council.²⁰⁸

At the same meeting the President made the following statement on behalf of the Council:²⁰⁹

The Security Council expresses its profound concern at recent instances of failure to cooperate with the International Tribunal for the former Yugoslavia, established pursuant to resolution 827 (1993) of 25 May 1993, and in particular the failure of the Federal Republic of Yugoslavia to cooperate, described in the letter dated 24 April 1996 from the President of the Tribunal to the President of the Security Council.

The Council recalls its decision in resolution 827 (1993) that all States should cooperate fully with the International Tribunal and its organs in accordance with that resolution and the statute of the Tribunal and that consequently all States should take any measures necessary under their domestic law to implement the provisions of the resolution and the statute, including the obligation of States to comply with requests for assistance or orders issued by Trial Chamber under article 29 of the statute. The Council underlines the importance of these obligations, as well as the obligations undertaken by the

²⁰⁶ S/1996/300.

²⁰⁷ Letter informing the Council that the Croatian Sabor (Parliament) had adopted a Constitutional Law which would allow the Government of Croatia to cooperate with the International Tribunal, consistent with the relevant provisions of Security Council resolution 827 (1992) (S/1996/306).

²⁰⁸ Letter transmitting information on the cooperation of the Federal Republic of Yugoslavia with the International Tribunal (S/1996/339).

²⁰⁹ S/PRST/1996/23.

²⁰² *Ibid.*, p. 19.

²⁰³ *Ibid.*, p. 21.

²⁰⁴ *Ibid.*, pp. 25-26.

²⁰⁵ S/1996/319.

parties to the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the “Peace Agreement”) to cooperate fully with the International Tribunal.

The Council deploras the failure to date of the Federal Republic of Yugoslavia to execute the arrest warrants issued by the International Tribunal against the three individuals referred to in the letter dated 24 April 1996, and calls for the execution of those arrest warrants without delay.

The Council calls upon all States and others concerned to comply fully with their obligations with respect to cooperation with the International Tribunal, and in particular their obligation to execute arrest warrants transmitted to them by the Tribunal. It recalls its resolution 1022 (1995) of 22 November 1995 which it noted, *inter alia*, that compliance with the requests and orders of the Tribunal constituted an essential aspect of implementing the Peace Agreement. The Council calls upon all States which have not already done so to make provision in their domestic law enabling them to comply fully with their obligations with respect to cooperation with the Tribunal.

The Council will remain seized of the matter.

**Decision of 8 April 1997 (3763rd meeting):
resolution 1104 (1997)**

At its 3763rd meeting, held on 8 April 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the item “Establishment of the list of candidates for Judges” in its agenda.

At the same meeting, the President (China) drew the attention of the Council to a draft resolution prepared in the course of the Council’s prior consultations.²¹⁰ The draft resolution was then put to the vote and adopted unanimously as resolution 1104 (1997), which reads:

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993,

Having decided to consider the nominations for Judges 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 received by the Secretary-General by 13 March 1997,

²¹⁰ S/1997/283.

Forwards the following nominations to the General Assembly in accordance with article 13, paragraph 2 (d) of the Statute of the International Tribunal:

Mr. Masoud Mohamed Al-Amri (Qatar)
Mr. George Randolph Tissa Dias Bandaranayake (Sri Lanka)
Mr. Antonio Cassese (Italy)
Mr. Babiker Zain Elabideen Elbashir (Sudan)
Mr. Saad Saood Jan (Pakistan)
Mr. Claude Jorda (France)
Mr. Adolphus Godwin Karibi-Whyte (Nigeria)
Mr. Richard George May (United Kingdom)
Ms. Gabrielle Kirk McDonald (United States)
Ms. Florence Ndepele Mwachande Mumba (Zambia)
Dr. Rafael Nieto Navia (Colombia)
Dr. Daniel David Ntanda Nsereko (Uganda)
Dr. Elizabeth Odio Benito (Costa Rica)
Dr. Fouad Abdel-Moneim Riad (Egypt)
Mr. Almiro Simões Rodrigues (Portugal)
Mr. Mohamed Shahabuddeen (Guyana)
Mr. Jan Skupinski (Poland)
Mr. Wang Tieya (China)
Mr. Lal Chand Vohrah (Malaysia)

**Decision of 27 August 1997 (3813th meeting):
resolution 1126 (1997)**

By a letter dated 30 July 1997 addressed to the President of the Security Council,²¹¹ the Secretary-General informed him that the President of the International Tribunal for the Former Yugoslavia had requested an extension of the terms of office of the non-elected judges of the Tribunal in order to allow them to dispose of ongoing cases.

At its 3813th meeting, held on 27 August 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda.

At the same meeting, the President (United Kingdom) drew the attention of the Council to a draft

²¹¹ S/1997/605.

resolution prepared in the course of its prior consultations.²¹² The draft resolution was then put to the vote and adopted unanimously as resolution 1126 (1997), which reads:

The Security Council,

Taking note of the letter dated 30 July 1997 from the Secretary-General to the President of the Security Council, to which was annexed the letter to him dated 18 June 1997 from the 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,

Endorses the recommendation of the Secretary-General that Judges Karibi-Whyte, Odio Benito and Jan, once replaced as members of the International Tribunal, finish the *Celebici* case which they have begun before expiry of their terms of office, and takes note of the intention of the Tribunal to finish the case before November 1998.

**Decision of 13 May 1998 (3878th meeting):
resolution 1166 (1998)**

At its 3878th meeting, held on 13 May 1998 in accordance with the understanding reached in its prior consultations, the President (Kenya) drew the attention of the Council to a draft resolution submitted by Costa Rica, France, Japan, Kenya, Portugal, Slovenia, Sweden, the United Kingdom and the United States²¹³. The President then drew the attention of the Council to a letter dated 5 May 1998 from the Secretary-General addressed to the President of the Security Council, transmitting a letter dated 16 April 1998 from the President of the International Tribunal for the Former Yugoslavia addressed to the Secretary-General, raising the problem faced as a result of the recent dramatic increase in the number of persons accused of crimes under the Statute of the Tribunal, and recommending the establishment of a third Trial Chamber.²¹⁴

The representative of the Russian Federation stated that it was his delegation's understanding that the reference in the draft resolution to Chapter VII of the Charter was purely a technicality and would not set a precedent for the consideration by the Security Council of any similar situation.²¹⁵

The representative of China expressed his country's reservation about invoking Chapter VII in the draft resolution. He noted that over the previous five years the situation in the territory of the former Yugoslavia had undergone tremendous changes, which made it even less appropriate to invoke Chapter VII.²¹⁶

During the course of the debate, a number of speakers made statements expressing support for the work of the Tribunal, and supporting the establishment of a third Trial Chamber. Several speakers also called on all parties to cooperate fully with the Tribunal.²¹⁷ A number of speakers also highlighted the need for a permanent international criminal court.²¹⁸

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1166 (1998), which reads:

The Security Council,

Reaffirming its resolution 827 (1993) of 25 May 1993,

Remaining convinced that the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia contributes to the restoration and maintenance of peace in the former Yugoslavia,

Having considered the letter dated 5 May 1998 from the Secretary-General to the President of the Security Council,

Convinced of the need to increase the number of judges and Trial Chambers, in order to enable 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 ("the International Tribunal") to try without delay the large number of accused awaiting trial,

Noting the significant progress being made in improving the procedures of the International Tribunal, and convinced of the need for its organs to continue their efforts to further such progress,

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

²¹⁶ *Ibid.*, p. 9.

²¹⁷ *Ibid.*, pp. 2-3 (United Kingdom on behalf of the European Union and associated and aligned countries: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus, Iceland and Norway); p. 4 (Portugal); pp. 4-5 (Japan); pp. 5-6 (United States); pp. 7-8 (France); p. 8 (Gabon); p. 8 (Bahrain); pp. 8-9 (Gambia); and pp. 9-10 (Kenya).

²¹⁸ *Ibid.*, p. 3 (Costa Rica); p. 5 (Sweden); pp. 6-7 (Slovenia); and p. 7 (Brazil).

²¹² S/1997/667.

²¹³ S/1998/386.

²¹⁴ S/1998/376.

²¹⁵ S/PV.3878, p. 8.

1. *Decides* to establish a third Trial Chamber of the International Tribunal, and to this end decides to amend articles 11, 12 and 13 of the statute of the Tribunal, replacing those articles with the text set out in the annex to the present resolution;²¹⁹

2. *Decides* that three additional judges shall be elected as soon as possible to serve in the additional Trial Chamber, and decides also, without prejudice to paragraph 4 of article 13 of the statute of the International Tribunal, that once elected they shall serve until the date of expiry of the terms of office of the existing judges, and that for the purpose of that election the Security Council shall, notwithstanding paragraph 2 of article 13 of the statute, establish a list from the nominations received of no less than six and no more than nine candidates;

3. *Urges* all States to cooperate fully with the International Tribunal and its organs in accordance with their obligations under resolution 827 (1993) and the statute of the Tribunal, and welcomes the cooperation already extended to the Tribunal in the fulfilment of its mandate;

4. *Requests* the Secretary-General to make practical arrangements for the elections mentioned in paragraph 2 above and for enhancing the effective functioning of the International Tribunal, including the timely provision of personnel and facilities, in particular for the third Trial Chamber and related offices of the Prosecutor, and further requests him to keep the Security Council closely informed of progress in this regard;

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

**Decision of 27 August 1998 (3919th meeting):
resolution 1191 (1998)**

At its 3919th meeting, held on 27 August 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the item “Establishment of the list of candidates for judges” in its agenda.

At the same meeting, the President (Slovenia) drew the attention of the Council to a draft resolution, prepared in the course of the Council’s prior consultations.²²⁰ The draft resolution was then put to the vote and adopted unanimously as resolution 1191 (1998), which reads:

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993, 827 (1993) of 25 May 1993 and 1166 (1998) of 13 May 1998,

Having decided to consider the nominations for judges 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 received by the Secretary-General by 4 August 1998,

Forwards the following nominations to the General Assembly in accordance with paragraph 2 (d) of article 13 of the statute of the International Tribunal:

Mr. Mohamed Bennouna (Morocco)

Mr. David Anthony Hunt (Australia)

Mr. Per-Johan Lindholm (Finland)

Mr. Hugo Anibal Llanos Mansilla (Chile)

Mr. Patrick Robinson (Jamaica)

Mr. Jan Skupinski (Poland)

Mr. S. W. B. Vadugopitiya (Sri Lanka)

Mr. Luis Valencia-Rodríguez (Ecuador)

Mr. Peter H. Wilkitzki (Germany)

**Decision of 17 November 1998 (3944th meeting):
resolution 1207 (1998)**

By a letter dated 8 September 1998 addressed to the President of the Security Council,²²¹ the President of the International Tribunal for the Former Yugoslavia reported to the Council the continuing refusal of the Government of the Federal Republic of Yugoslavia to cooperate with the Tribunal by failing to arrest and transfer to its custody three persons who had been indicted: Mile Mrksic, Miroslav Radic and Veselin Sljivancanin. He stressed that such conduct was illegal. He noted that the Security Council had acted under Chapter VII of the Charter of the United Nations when it created the International Tribunal for the Former Yugoslavia, thus all States were legally required to comply with its orders, including warrants of arrest and surrender. Moreover, the Federal Republic of Yugoslavia, as a signatory to the Dayton Agreement, was further bound to cooperate with the International Tribunal (General Framework Agreement, article IX; annex I-A, article X; annex 7, article III (2)). He therefore stressed that it was imperative that the conduct of the Government of the Federal Republic of Yugoslavia no longer be tolerated.

²²¹ S/1998/839.

²¹⁹ Annex not included in present *Supplement*.

²²⁰ S/1998/806.

By a letter dated 22 October 1998 addressed to the President of the Security Council,²²² the President of the International Tribunal for the Former Yugoslavia noted that recent efforts to find a peaceful solution to events in Kosovo²²³ had resulted in agreements between the Government of the Federal Republic of Yugoslavia and the Organization for Security and Cooperation in Europe and the North Atlantic Treaty Organization. While the agreements committed the Government of the Federal Republic of Yugoslavia to accept an international verification system in Kosovo, they contained no provisions regarding the obligation of the Federal Republic of Yugoslavia to cooperate with the Tribunal. Moreover, it appeared that the statement by the President of Serbia reserved to the domestic judicial system of the Federal Republic of Yugoslavia the right to investigate, prosecute and try offences committed in Kosovo that might fall within the jurisdiction of the Tribunal. He stressed that that was of particular concern to the Tribunal considering the history of its relationship with the Federal Republic of Yugoslavia, which was characterized by near-total non-compliance. Thus, he maintained that it was imperative that the competence of the Tribunal be unambiguously reaffirmed and that the obligation of the Government of the Federal Republic of Yugoslavia to cooperate with it be made an explicit part of any resolution of the situation in Kosovo.

By a letter dated 6 November 1998 addressed to the President of the Security Council,²²⁴ the President of the International Tribunal for the Former Yugoslavia reported to the Security Council the continuing refusal of the Federal Republic of Yugoslavia to cooperate with the Tribunal. The occasion for the report was the failure of the Federal Republic of Yugoslavia to issue visas to investigators of the Office of the Prosecutors so that they could conduct investigations in Kosovo. In doing so, the Federal Republic of Yugoslavia had stated that it did not accept any investigation of the Tribunal in Kosovo and Metohija. He stressed that that position contravened the explicit decisions of the Council in resolutions 1160 (1998), 1199 (1998), and 1203 (1998).

²²² S/1998/990.

²²³ For purposes of this *Supplement*, the term “Kosovo” refers to “Kosovo, Federal Republic of Yugoslavia”, without prejudice to issues of status. In other instances, the terminology originally used in official documents has been preserved to the extent possible.

²²⁴ S/1998/1040.

Noting that the Council had issued presidential statements in response to prior reports by the Tribunal of non-compliance by the Federal Republic of Yugoslavia, which had failed to bring about the required cooperation with the Tribunal, he requested measures from the Council that were sufficiently compelling to bring the Federal Republic of Yugoslavia into the fold of law-abiding nations.

At its 3944th meeting, held on 17 November 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the three letters in its agenda. The President (United States) then drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, Japan, Portugal, Sweden, the United Kingdom and the United States, with Slovenia joining as a sponsor.²²⁵

Speaking before the vote, the representative of China stated that his country supported the work of the Tribunal in principle. However, he stressed that the Council had established the Tribunal on an ad hoc basis, with a specific target. The Tribunal was not a permanent court of law, nor was it an organ that could intervene at any time in the internal affairs of any country in the Balkan region with regard to matters that fell purely within that country’s domestic jurisdiction. He stressed that the problems in the Kosovo region of the Federal Republic of Yugoslavia, by their very nature, originated in terrorist and separatist activities, and the Government of the Federal Republic of Yugoslavia was investigating and handling those matters through its internal judicial procedures. The handling of those matters fell entirely within the internal jurisdiction of the Government of the Federal Republic of Yugoslavia. He reiterated that the principle of respect for the sovereignty and territorial integrity of the Federal Republic of Yugoslavia needed to be strictly observed. In the light of those considerations, he stated that the Chinese delegation was unable to support the invoking of Chapter VII of the Charter as a means of putting pressure on the Federal Republic of Yugoslavia, as well as some other provisions in the draft resolution. Therefore, his delegation would abstain in the vote.²²⁶

At the same meeting, the draft resolution was put to the vote and adopted by 14 votes to none, with

²²⁵ S/1998/1082.

²²⁶ S/PV.3944, pp. 2-3.

I abstention (China), as resolution 1207 (1998),²²⁷ which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, in particular resolution 827 (1993) of 25 May 1993,

Recalling also the statement by its President of 8 May 1996,

Recalling further the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto, in particular its article IX of the Agreement and article X of annex 1-A,

Having considered the letters dated 8 September, 22 October and 6 November 1998 from the 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 addressed to the President of the Security Council,

Deploring the continued failure of the Federal Republic of Yugoslavia to cooperate fully with the International Tribunal, as described in those letters,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

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

1. *Reiterates* its decision that all States shall cooperate fully with the International Tribunal and its organs in accordance with resolution 827 (1993) and the statute of the Tribunal, including the obligation of States to comply with requests for assistance or orders issued by a Trial Chamber under article 29 of the statute, to execute arrest warrants transmitted to them by the Tribunal, and to comply with its requests for information and investigations;

2. *Calls again upon* the Federal Republic of Yugoslavia, and all other States which have not already done so, to take any measures necessary under their domestic law to implement the provisions of resolution 827 (1993) and the statute of the International Tribunal, and affirms that a State may not invoke provisions of its domestic law as justification for its failure to perform binding obligations under international law;

3. *Condemns* the failure to date of the Federal Republic of Yugoslavia to execute the arrest warrants issued by the International Tribunal against the three individuals referred to in the letter dated 8 September 1998, and demands the immediate and unconditional execution of those arrest warrants, including the transfer to the custody of the Tribunal of those individuals;

²²⁷ For the vote, see S/PV.3944, p. 3.

4. *Reiterates its call* upon the authorities of the Federal Republic of Yugoslavia, the leaders of the Kosovo Albanian community and all others concerned to cooperate fully with the Prosecutor in the investigation of all possible violations within the jurisdiction of the International Tribunal;

5. *Requests* the President of the Tribunal to keep the Council informed about the implementation of the present resolution for the further consideration of the Council;

6. *Decides* to remain seized of the matter.

E. The situation in the former Yugoslav Republic of Macedonia

Decision of 13 February 1996 (3630th meeting): resolution 1046 (1996)

On 30 January 1996, pursuant to resolution 1027 (1995), the Secretary-General submitted to the Council a report on developments on the ground and other circumstances affecting the mandate of the United Nations Preventive Deployment Force (UNPREDEP) in the former Yugoslav Republic of Macedonia and all aspects of UNPREDEP.²²⁸ In his report, the Secretary-General noted that the deployment of the Force in the former Yugoslav Republic of Macedonia had played a significant role in preventing the conflict in the former Yugoslavia from spreading to that Republic and had contributed to alleviating serious concerns about external security threats. He stated that, as the continuation of the UNPREDEP mission was an important contribution to the maintenance of peace and stability in the region, he recommended that the mandate of UNPREDEP should not only be continued but that it should become an independent mission, reporting directly to United Nations Headquarters in New York, effective on 1 February 1996.²²⁹ He noted that, despite its new status, the operation would have basically the same mandate, strength and composition

²²⁸ S/1996/65.

²²⁹ UNPREDEP was established as a distinct operating entity in the former Yugoslav Republic of Macedonia pursuant to Security Council resolution 983 (1995) of 31 March 1995. However, in view of the interconnected nature of the problems in the former Yugoslavia and in order to enhance coordination, overall command and control of the United Nations presence in the former Yugoslavia was placed with the United Nations Peace Forces Headquarters and exercised by the Special Representatives of the Secretary-General and the United Nations Theatre Force Commander.

of troops. In respect of ongoing programmes, a key priority would be engineering operations, and he therefore proposed making provision for a permanent arrangement for engineering assets in an independent UNPREDEP mission, which would require an increase of the authorized strength by approximately 50 personnel. Another major priority would be the communications infrastructure.

By a letter dated 6 February 1996 addressed to the President of the Security Council,²³⁰ the Secretary-General expressed his appreciation for the fact that the members of the Security Council concurred in principle with his recommendation that UNPREDEP become an independent mission with basically the same mandate, strength and composition of forces.²³¹ He stated that he intended to submit concrete proposals on the financial and administrative requirements of the proposed change in the status of UNPREDEP, in conjunction with the financial and administrative arrangements for the liquidation of the United Nations Confidence Restoration Operation in Croatia, the United Nations Protection Force and the United Nations Peace Forces Headquarters, as well as for the new missions in Bosnia and Herzegovina and Croatia, to the relevant United Nations bodies. He requested that the Council approve the proposed increase of the strength of UNPREDEP by 50 military personnel and the appointment of a Force Commander.

At its 3630th meeting, held on 13 February 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report and the letter of the Secretary-General in its agenda.

At the same meeting, the President (United States) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations,²³² which was then put to the vote and adopted unanimously as resolution 1046 (1996), which reads:

²³⁰ S/1996/94.

²³¹ Letter dated 1 February 1996 from the President of the Security Council addressed to the Secretary-General (S/1996/76).

²³² S/1996/96.

The Security Council,

Recalling all its previous relevant resolutions, in particular resolution 1027 (1995) of 30 November 1995 by which it extended the mandate of the United Nations Preventive Deployment Force in the former Yugoslav Republic of Macedonia until 30 May 1996,

Having considered the report of the Secretary-General of 29 January 1996 and his letter dated 6 February 1996 to the President of the Council and the annex thereto,

1. *Decides* to authorize, for the duration of the present mandate, an increase in the strength of the United Nations Preventive Deployment Force by fifty military personnel in order to provide for a continued engineering capability in support of its operations;
2. *Approves* the establishment of the position of Force Commander of the United Nations Preventive Deployment Force;
3. *Requests* the Secretary-General to submit to the Council not later than 20 May 1996 further recommendations on the composition, strength and mandate of the Force in the light of developments in the region;
4. *Decides* to remain seized of the matter.

**Decision of 30 May 1996 (3670th meeting):
resolution 1058 (1996)**

On 23 May 1996, pursuant to Security Council resolution 1046 (1996), the Secretary-General submitted to the Council a report giving further recommendations on the composition, strength and mandate of the United Nations Preventive Deployment Force, in the light of developments in the region.²³³ In his report, noting that UNPREDEP was the first preventive force deployed by the United Nations, the Secretary-General stated that the mere presence of a United Nations force had undoubtedly had a reassuring, stabilizing and confidence-building effect. In addition, the Force's military operations had helped to reduce tensions on the country's borders and to ensure that stability was not impaired by unintended military confrontations or by the activities of armed smugglers. He expressed his agreement that UNPREDEP had been, and continued to be, a success for the United Nations, for the former Yugoslav Republic of Macedonia and for the region as a whole. He noted that the view of the Government of the former Yugoslav Republic of Macedonia was that there was a continued need for UNPREDEP in order to

²³³ S/1996/373 and Add.1.

maintain stability, preserve the gains already achieved and avoid undermining the still-fragile structure of peace in the Balkans. He added that this view was shared by the leadership of other political parties and of various ethnic groups in the country, and by most of the Governments that had expressed views to the Secretariat, including the Governments of the troop-contributing nations. He expressed his belief that, at the moment, it would be imprudent to withdraw UNPREDEP, although the question of whether its mandate could be implemented with fewer resources remained. However, he noted that, while it had been suggested, he was convinced that the UNPREDEP infantry should not be replaced with military observers. He stated his intention to review questions relating to the concept and strength of UNPREDEP at regular intervals and to inform the Security Council as soon as he judged that developments in the region and/or in the former Yugoslav Republic of Macedonia itself permitted further economies. Meanwhile, he recommended that the mandate of the Force, in its present configuration, should be extended for a further period of six months to 30 November 1996.

At its 3670th meeting, held on 30 May 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (China), with the consent of the Council, invited the representative of the former Yugoslav Republic of Macedonia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of members of the Council to the text of a draft resolution submitted by France, Germany, Italy, the United Kingdom and the United States, with Poland joining as a sponsor.²³⁴ He further drew the attention of the Council to a letter dated 11 April 1996 from the representative of the former Yugoslav Republic of Macedonia addressed to the Secretary-General,²³⁵ transmitting the text of a letter dated 8 April 1996 from the Minister of Foreign Affairs of the former Yugoslav Republic of Macedonia addressed to the Secretary-General.

²³⁴ S/1996/392.

²³⁵ S/1996/389.

The representative of the former Yugoslav Republic of Macedonia stated that it was the opinion of his Government that the situation in the region had not changed to the extent that the mandate of the mission should be restructured or terminated. He noted that the Dayton Agreement had not been implemented; the threats to his country by the potential explosion of the crisis had not been overcome yet, in view of the issue of Kosovo;²³⁶ the northern border had not been mutually demarcated; and his country had been left with a significantly reduced defensive capability as a consequence of the withdrawal of all armaments and military equipment following the departure of the former Yugoslav army and the Security Council resolution imposing an arms embargo. For those reasons and others, the mandate of UNPREDEP should be further extended.²³⁷

The representative of Italy, speaking on behalf of the European Union and the associated countries, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland and Slovakia,²³⁸ stated that they were in full agreement with the assessments in the Secretary-General's report of 23 May 1996, and noted that it represented an important precedent in the preventive deployment of United Nations forces. Although the report of the Secretary-General reflected an unquestionable improvement in the situation, it was equally clear that the situation still contained troublesome elements of precariousness, and that peace and stability within the borders of the former Yugoslav Republic of Macedonia were still largely dependent on developments in the rest of the former Yugoslavia. Therefore, the circumstances made any withdrawal of UNPREDEP forces at such a delicate stage premature and potentially dangerous and risked sending the wrong signal.²³⁹

The representative of the Russian Federation stated that, while the United Nations could be justly proud of the success of the operation, the current

²³⁶ For purposes of this Supplement, the term "Kosovo" refers to "Kosovo, Federal Republic of Yugoslavia", without prejudice to issues of status. In other instances, the terminology originally used in official documents has been preserved to the extent possible.

²³⁷ S/PV.3670, p. 2.

²³⁸ Iceland, Liechtenstein and Norway also aligned themselves with the statement.

²³⁹ S/PV.3670, p. 3.

situation in the region of the former Yugoslavia was radically different from the one that prevailed in 1992 or even a year previously. He suggested that it would be strange if UNPREDEP were to be maintained in the form in which it existed at the height of the hostilities in the territory of the former Yugoslavia and that, in that connection, it would be fitting and proper to raise the question of reconfiguring the whole structure of the operation. He noted that the report of the Secretary-General had analysed the possibility of replacing the military contingents of UNPREDEP with military observers, and that, despite certain reservations, the conclusion had been reached that this option was feasible in principle, from both technical and operational viewpoints. He went on to say that considering the fact that in 1992, at the peak of the crisis, the Security Council had established the personnel strength of the operation's military component at approximately 700, and given that the armed struggle in Bosnia and Herzegovina had ended, his delegation's belief was that it would be logical to revert at least to the original personnel strength. He also suggested that several of the functions being performed by the civilian component of UNPREDEP could be entrusted to the United Nations Development Programme and the specialized agencies of the Organization. At the same time, he recognized that the positive changes in the region were not yet irreversible and pointed out that his delegation had not raised the question of winding up or of withdrawing UNPREDEP and had taken particular account of the ongoing concerns of the Macedonian leadership. As a result, he expressed his belief that, while it would have been possible to extend the mandate in its present form for four months, so that the Security Council could come back to the issue and take a decision that would be consonant with the real state of affairs in the region, the other members of the Council had not supported these proposals and so they were not reflected in the draft resolution. As his delegation had not heard any convincing arguments in support of the view that it was the only correct decision in the current situation, he stated that his delegation would therefore be obliged to abstain from voting. He expressed his hope that, when the mandate was taken up again, account would be taken of their concerns, and, on that basis, the Council

would determine how the operation should be dealt with in the future.²⁴⁰

The representative of China stated that, taking into account the request of the Government of the former Yugoslav Republic of Macedonia and the situation in the region, his country would consent to the extension of the mandate of UNPREDEP. At the same time, the Chinese delegation maintained that the United Nations peacekeeping missions, including preventive deployment missions, needed to follow some established principles and be terminated upon completion of their mandates. He expressed hope that, with a continued improvement of the situation in the region, UNPREDEP would reduce its strength according to its actual needs and finally terminate its mission in "a smooth manner".²⁴¹

Taking the floor before and after the vote, a number of speakers noted that, considering the fact that stability in the region remained fragile, they would support the extension of the mandate of UNPREDEP. Most speakers also noted the importance of continuing to review the composition, strength and mandate of the force in the light of the situation.²⁴²

The draft resolution was then put to the vote and adopted by 14 votes to none, with 1 abstention (Russian Federation), as resolution 1058 (1996),²⁴³ which reads:

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 1027 (1995) of 30 November 1995 and 1046 (1996) of 13 February 1996,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

Noting with appreciation the important role played by the United Nations Preventive Deployment Force in contributing to the maintenance of peace and stability, and paying tribute to its personnel in the performance of their mandate,

²⁴⁰ Ibid., pp. 8-9.

²⁴¹ Ibid., pp. 13-14.

²⁴² Ibid., before the vote: pp. 3-4 (Germany); pp. 5 (United Kingdom); pp. 6-7 (Chile); pp. 6-7 (Indonesia); pp. 7-8 (Republic of Korea); p. 9 (Botswana); pp. 9-10 (Guinea-Bissau); pp. 10 (Honduras); pp. 10-11 (Egypt); and pp. 10-11 (Poland); after the vote: p. 12 (France); pp. 12-13 (United States); and pp. 13-14 (China).

²⁴³ For the vote, see S/PV.3670, p. 12.

Noting that the security situation of the former Yugoslav Republic of Macedonia has improved, but recognizing that it is too early to be confident that stability has been established in the region, and expressing the hope that future developments in the region will not undermine confidence and stability in the former Yugoslav Republic of Macedonia or threaten its security,

Welcoming the signing of the agreement between the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia on 8 April 1996, and urging both parties to implement it in full, including the demarcation of their mutual border,

Welcoming also the progress achieved in improving relations between the former Yugoslav Republic of Macedonia and Greece on the basis of the Interim Accord of 13 September 1995,

Welcoming further the close cooperation between the Force and the mission of the Organization for Security and Cooperation in Europe,

Taking note of the letter from the Chargé d'affaires a.i. of the Permanent Mission of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General dated 11 April 1996,

Having considered the report of the Secretary-General of 23 May 1996 and, in particular, his assessment of the composition, strength and mandate of the Force,

1. *Takes note with appreciation* of the report of the Secretary-General of 23 May 1996;

2. *Decides* to extend the mandate of the United Nations Preventive Deployment Force for a period terminating on 30 November 1996;

3. *Calls upon* Member States to consider favourably requests by the Secretary-General for necessary assistance to the Force in the performance of its mandate;

4. *Requests* the Secretary-General to keep the Council regularly informed of any developments on the ground and other circumstances affecting the mandate and also requests the Secretary-General to review the composition, strength and mandate of the Force and to report to the Council by 30 September 1996 for its consideration;

5. *Decides* to remain seized of the matter.

Decision of 27 November 1996 (3716th meeting): resolution 1082 (1996)

On 19 November 1996, pursuant to Security Council resolution 1058 (1996), the Secretary-General submitted to the Council a report giving his recommendations regarding the composition, strength,

mandate and future of UNPREDEP.²⁴⁴ He noted that, while much progress had been achieved in the region since the signing of the Dayton Agreement, it was clear that the international community's political and military involvement in the former Yugoslavia would necessarily continue for some time in order to consolidate peace and security. Moreover, it had become increasingly evident that the primary threat to the country's stability might come from internal political tensions. He stated that, as the Government of the former Yugoslav Republic of Macedonia had requested the extension of the UNPREDEP mandate for six months beyond 30 November 1996, he would recommend that the mandate of the Force be extended for a further six months, to 31 May 1997, with a phased reduction of the military component by 300 all ranks by 1 April 1997. During the mandate period he would consult United Nations agencies and other relevant organizations on the modalities for continuing international support to the former Yugoslav Republic of Macedonia, and would submit recommendations to the Council on the type of international presence that would be appropriate from June 1997.

At its 3716th meeting, held on 27 November 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Indonesia), with the consent of the Council, invited the representative of the former Yugoslav Republic of Macedonia, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Security Council to a letter dated 19 November 1996 from the representative of the former Yugoslav Republic of Macedonia, transmitting the text of a letter dated 18 November 1996 from the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia addressed to the Secretary-General,²⁴⁵ which expressed his opinion that the situation in the region had not changed to an extent that would allow either the reduction or termination of UNPREDEP. The President further drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, the United Kingdom and the United States.²⁴⁶

²⁴⁴ S/1996/961.

²⁴⁵ S/1996/983.

²⁴⁶ S/1996/979.

The representative of the Russian Federation stated that the original objective of the deployment of a United Nations preventive mission in the former Yugoslav Republic of Macedonia, averting the spillover into that country of conflicts from other regions of the former Yugoslavia, had been achieved and that the mandate given by the Security Council had been fulfilled. He expressed his belief that it was therefore right and justified to raise the question of shutting down UNPREDEP, and noted that if the Council acted out of inertia and transformed the operation into something inviolable by maintaining it, the Council ran the risk of wiping out all the earlier positive achievements of the operation and of calling into question the unique experience of preventive peacekeeping. He noted that, while the substantive reduction of the size of UNPREDEP and the draft resolution's oblique reference to the possibility for a full drawing down of the operation were definite steps forward, his delegation felt these were insufficient. Considering the evolving situation in the region and the current trend towards a further positive evolution, his country did not see the point of maintaining UNPREDEP after May 1997. For that reason, he had proposed including a clear statement in the draft resolution that the present extension of the UNPREDEP mandate was its last. He noted that his delegation's position was not reflected in the draft resolution and that, having taken into consideration the positions of the other members of the Security Council, the leadership of the former Yugoslav Republic of Macedonia and the troop-contributing countries, his delegation had decided to abstain on the vote. He reiterated that the Russian Federation believed that it was the final extension of the UNPREDEP mandate, although this in no way reflected an underestimation of the real problems in the country or excluded the possibility of a further international presence to support and maintain programmes being implemented with international assistance.²⁴⁷

The draft resolution was then put to the vote and adopted by 14 votes to none, with 1 abstention (Russian Federation), as resolution 1082 (1996),²⁴⁸ which reads:

The Security Council,

²⁴⁷ S/PV.3716, pp. 2-3.

²⁴⁸ For the vote, see S/PV.3716, p. 3.

Recalling all its previous relevant resolutions, in particular resolutions 1046 (1996) of 13 February 1996 and 1058 (1996) of 30 May 1996,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

Noting with appreciation the important role played by the United Nations Preventive Deployment Force in contributing to the maintenance of peace and stability, and paying tribute to its personnel in the performance of their mandate,

Taking into consideration the fact that the security situation of the former Yugoslav Republic of Macedonia continues to improve, but that peace and stability in the broader region have not yet been fully achieved, and expressing the hope that developments in the region will contribute to increased confidence and stability in the former Yugoslav Republic of Macedonia, permitting the further drawing down of the Force towards its conclusion,

Welcoming the improvement in the relations between the former Yugoslav Republic of Macedonia and its neighbouring States,

Reiterating its call on the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia to implement in full their agreement of 8 April 1996, in particular regarding the demarcation of their mutual border,

Welcoming the continued cooperation between the Force and the mission of the Organization for Security and Cooperation in Europe,

Taking note of the letter dated 18 November 1996 from the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia to the Secretary-General requesting the extension of the mandate of the Force,

Having considered the report of the Secretary-General of 19 November 1996, and noting his assessment of the composition, strength and mandate of the Force,

1. *Decides* to extend the mandate of the United Nations Preventive Deployment Force for a period terminating on 31 May 1997 with a reduction of its military component by three hundred all ranks by 30 April 1997 with a view to concluding the mandate as and when circumstances permit;

2. *Calls upon* Member States to consider favourably requests by the Secretary-General for necessary assistance to the Force in the performance of this mandate;

3. *Requests* the Secretary-General to keep the Council regularly informed about any developments and to report to the Council by 15 April 1997 with his recommendations on a subsequent international presence in the former Yugoslav Republic of Macedonia;

4. *Decides* to remain seized of the matter.

**Decision of 9 April 1997 (3764th meeting):
resolution 1105 (1997)**

By a letter dated 4 April 1997 addressed to the President of the Security Council, the Secretary-General stated that peace and stability in the former Yugoslav Republic of Macedonia were intimately linked to the overall situation in the region and that recent developments in Albania and the resulting situation of lawlessness and banditry in certain parts of that country had demonstrated that stability in the Balkan region remained extremely fragile.²⁴⁹ He noted that, while there appeared to be no imminent danger of the problems in Albania spilling over to the former Yugoslav Republic of Macedonia, the current crisis was a source of great anxiety in that country. The Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia had underlined the seriousness of the situation and requested that the reduction of the UNPREDEP military component be suspended. Considering the volatility of the situation in the region, the Secretary-General's Special Representative and the Force Commander of UNPREDEP had temporarily suspended the drawdown of the military component and had conveyed their concern to him about the timing of the downsizing of the Force. However, if it were to meet the 30 April deadline for the mandated reduction in force levels, UNPREDEP would be required to resume the drawdown in the coming days. He advised that, while UNPREDEP had been a successful mission, proceeding with the planned reduction during a period when further regional instability continued to be a possibility could put at risk the credibility of the international community's first serious effort at preventive deployment. In this light, and on the basis of the advice of his Special Representative, he recommended that the Security Council approve the suspension of the reduction of the UNPREDEP military component until the end of the current mandate on 31 May 1997.

At its 3764th meeting, held on 9 April 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (Portugal), with the consent of the Council, invited the representative of the former Yugoslav Republic of Macedonia, at his request, to participate in

²⁴⁹ S/1997/276.

the discussion without the right to vote. The President then drew the attention of the Security Council to a draft resolution prepared in the course of the Council's prior consultations.²⁵⁰ He further drew the attention of members of the Council to a letter dated 1 April 1997 from the representative of the former Yugoslav Republic of Macedonia addressed to the Secretary-General, transmitting a letter dated 1 April 1997 from the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia addressed to the Secretary-General, requesting that the reduction of the UNPREDEP military component be suspended.²⁵¹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1105 (1997), which reads:

The Security Council,

Recalling its resolution 1082 (1996) of 27 November 1996,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

Having considered the letter dated 3 April 1997, and the recommendation contained therein from the Secretary-General to the President of the Security Council,

1. *Decides* to suspend the reduction of the military component of the United Nations Preventive Deployment Force referred to in its resolution 1082 (1996) until the end of the current mandate on 31 May 1997;

2. *Welcomes* the redeployment of the Force already achieved in the light of the situation in Albania, and encourages the Secretary-General to continue further redeployment of the Force taking into consideration the situation in the region, consistent with the mandate of the Force;

3. *Requests* the Secretary-General to submit to the Council by 15 May 1997 a report containing recommendations on a subsequent international presence in the former Yugoslav Republic of Macedonia referred to in its resolution 1082 (1996);

4. *Decides* to remain seized of the matter.

**Decision of 28 May 1997 (3783rd meeting):
resolution 1110 (1997)**

On 12 May 1997, pursuant to Security Council resolution 1082 (1996), the Secretary-General submitted to the Council a report on the status of the

²⁵⁰ S/1997/290.

²⁵¹ S/1997/267.

United Nations Preventive Deployment Force.²⁵² He stated that recent developments in Albania had demonstrated that stability in the Balkan region remained fragile. Uncertainty still prevailed and there had been doubts about the possibility of holding free and fair elections in June. He stated that the lack of a perceptible and early change in the situation in Albania could lead to another explosion of internal violence, which might have a negative impact on neighboring countries. In that regard, the large number of weapons circulating in the region posed a risk to the stability in the region that could not be neglected. He expressed his opinion that, in the light of the strong views of the Government of the former Yugoslav Republic of Macedonia for a continued presence of UNPREDEP, and the continuation of the conditions that led to the suspension of the drawdown of the military component and the challenges in the region, it would be imprudent to recommend that UNPREDEP be terminated or to recommend any immediate changes in the mandate or size of the Force. He therefore recommended that the mandate of UNPREDEP be renewed for an additional six months until 30 November 1997 and the present strength of the Force be maintained for a period of four months. At that point, taking into account prevailing conditions, a two-month phased reduction of the military component to the 750 troop level foreseen by the Council in resolution 1082 (1996) could begin.

At its 3783rd meeting, held on 28 May 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Republic of Korea), with the consent of the Council, invited the representatives of Germany, Italy and the former Yugoslav Republic of Macedonia, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, Japan, Portugal, Sweden, the United Kingdom and the United States.²⁵³ He further drew the attention of the Council to a letter dated 1 April 1997 from the representative to the former Yugoslav Republic of Macedonia addressed to the Secretary-General,²⁵⁴ transmitting the text of a letter of the same date from

the Minister of Foreign Affairs of the former Yugoslav Republic of Macedonia addressed to the Secretary-General, which proposed extending the mandate of UNPREDEP with its full composition of troops.

The representative of the former Yugoslav Republic of Macedonia noted that, in spite of the success of UNPREDEP and the stability of his country, the present negative developments in the region, particularly in Albania, had made the extension of the mandate of UNPREDEP an obvious necessity. He emphasized that the preventive tasks of the mission in the coming period would not be easier than what had been the case so far. The complex situation in the region and the difficulties in predicting precisely coming developments required the continuous and able coordination of all peace efforts. In that regard, the capacity of the mission and its ability to perform the tasks it was best qualified for needed to be utilized thoughtfully and effectively. He reiterated that the mission should continue to act as an important force for peace in the region.²⁵⁵

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1110 (1997), which reads:

The Security Council,

Recalling all its relevant resolutions, in particular resolutions 1082 (1996) of 27 November 1996 and 1105 (1997) of 9 April 1997,

Recalling also its resolution 1101 (1997) of 28 March 1997, in which the Security Council expressed its deep concern over the situation in Albania,

Reaffirming its *commitment* to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

Reiterating its *appreciation* for the important role played by the United Nations Preventive Deployment Force in contributing to the maintenance of peace and stability, and paying tribute to the personnel of the Force in the performance of their mandate,

Welcoming the significant progress made by the Governments of the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia in developing their mutual relations in many areas, and reiterating its call upon the two Governments to implement in full their agreement of 8 April 1996, in particular regarding the demarcation of their mutual

²⁵² S/1997/365 and Add.1.

²⁵³ S/1997/405.

²⁵⁴ S/1997/267.

²⁵⁵ S/PV.3783.

border in the light of the willingness shown by them to resolve the matter,

Taking note of the letter dated 1 April 1997 from the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia to the Secretary-General, requesting the extension of the mandate of the Force,

Having considered the report of the Secretary-General of 12 May 1997 and the recommendations contained therein,

Noting his observation that recent developments in the region, in particular in Albania, have demonstrated that stability there remains fragile,

1. *Decides* to extend the mandate of the United Nations Preventive Deployment Force until 30 November 1997 and to start as of 1 October 1997, taking into account the conditions prevailing at that time, a two-month phased reduction of the military component by 300 all ranks;

2. *Requests* the Secretary-General to keep the Council regularly informed about any relevant developments, and further requests the Secretary-General to review the composition, deployment, strength and mandate of the Force as outlined in his report, taking into consideration the situation prevailing at that time in the region, in particular in Albania, including in the context of elections in that country, and to submit a report to the Council by 15 August 1997 for its consideration;

3. *Welcomes* the redeployment of the Force already achieved in the light of the situation in Albania, and encourages the Secretary-General to continue further redeployment of the Force taking into consideration the situation in the region, consistent with the mandate of the Force;

4. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the Russian Federation noted that the initial goal of UNPREDEP, which was to prevent conflicts in other regions of the former Yugoslavia from spreading, had been attained. Considering that the main reason for the extension of UNPREDEP was the complicated situation in Albania, he suggested that the most urgent task was to work out ways to properly restructure UNPREDEP, concentrating it in the area of Albania. He noted that a realistic analysis of the functions and tasks of UNPREDEP at this stage should include the question of a speedy reduction of its military component as soon as circumstances in Albania allowed.²⁵⁶

The representative of the United States expressed the belief that UNPREDEP played an important and highly effective role in promoting stability in the

²⁵⁶ Ibid., p. 3.

former Yugoslav Republic of Macedonia. The crisis in Albania had heightened the need for the continuation of UNPREDEP, but, in his delegation's view, there were other sources of instability and tension in the region which also reinforced the current importance of UNPREDEP. He expressed full support for a message of sustained, undiminished international commitment to UNPREDEP and the region. He also expressed the belief that the resolution would strengthen the ability of UNPREDEP to carry out its difficult mission and enhance the collective efforts by members of the Council in the region.²⁵⁷

The representative of Japan stated that, while the situation within the country had stabilized to some degree, owing to the deployment of the multinational protection forces and to the efforts of various humanitarian agencies, it was anticipated that the restoration of political, economic and social order would take time, even after the election. Considering this, his delegation shared the views expressed in the reports of the Secretary-General.²⁵⁸

Decision of 28 November 1997 (3836th meeting): resolution 1140 (1997)

At its 3836th meeting, held on 28 November 1997 in accordance with the understanding reached in its prior consultations, the President (China), with the consent of the Council, invited the representative of the former Yugoslav Republic of Macedonia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.²⁵⁹ He noted that, while the informal consultations were still continuing on some remaining technical aspects of the mandate of UNPREDEP, the mandate would expire on 30 November 1997. As a result of the informal consultations, the members of the Council had decided to adopt the draft resolution to allow time for the completion of consultations. The President then drew the attention of the Council to a letter dated 3 November 1997 from the representative of the former Yugoslav Republic of Macedonia addressed to the

²⁵⁷ Ibid., pp. 3-4.

²⁵⁸ Ibid., p. 4.

²⁵⁹ S/1997/932.

Secretary-General,²⁶⁰ which expressed the belief that UNPREDEP should be extended with the current mandate and composition for a period, which could be for the following 12 months.

The draft resolution was then put to the vote and adopted unanimously as resolution 1140 (1997), which reads:

The Security Council,

Recalling its resolution 1110 (1997) of 28 May 1997,

1. *Decides* to extend the mandate of the United Nations Preventive Deployment Force for an additional period terminating on 4 December 1997;

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

**Decision of 4 December 1997 (3839th meeting):
resolution 1142 (1997)**

On 20 November 1997 pursuant to Security Council resolution 1110 (1997), the Secretary-General submitted to the Council a report on UNPREDEP covering developments in the mission area since his last report.²⁶¹ The Secretary-General stated that UNPREDEP had successfully contributed to preventing the spillover of conflicts elsewhere in the region into the former Yugoslav Republic of Macedonia, promoting dialogue among the various political forces and ethnic communities, and providing humanitarian assistance. However, he noted that peace and stability in the former Yugoslav Republic of Macedonia continued to depend largely on developments in other regions. He noted that there were concerns over the uncertainty of the outcome of the presidential elections in Serbia and the possible repercussions that it could bring to the area. Increased violence in Kosovo had also raised fears of a spillover effect on ethnic Albanians in the host country. Similarly, the slow progress in implementing the civilian aspects of the Dayton Peace Accords in Bosnia and Herzegovina had underscored the need for a longer-term commitment by the international community in that country. Within the former Yugoslav Republic of Macedonia, the effects of inter-ethnic relations on long-term stability remained a matter of concern. He noted that the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia had requested an extension of the

UNPREDEP mandate for a period of 12 months, citing his Government's concern at the continued sources of destabilization in the region. The Secretary-General suggested that the reduction of the military component by 300 all ranks, which had been initiated, could be viewed as the commencement of a phased exit in response to the improved situation in the region. He also suggested that the Council might wish to observe the effectiveness of the initial reduction before contemplating its next step. He stated his intention to revert to the Council in due course with appropriate recommendations for further reductions on the basis of a careful assessment of the situation in all its relevant aspects. He then recommended that the mandate of UNPREDEP be extended for an additional period of six months with the strength and configuration he had outlined. His Special Representative and the Force Commander would monitor the situation closely so as to be in a position to advise him as soon as conditions permitted a further reduction.

At its 3839th meeting, held on 4 December 1997 in accordance with the understanding reached in its prior consultations, the President (Costa Rica), with the consent of the Council, invited the representatives of Germany, Italy and the former Yugoslav Republic of Macedonia, at their request, to participate in the discussion without the right to vote. Following the adoption of the agenda, the President drew the attention of the Council to a draft resolution submitted by Costa Rica, France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.²⁶² He further drew the attention of the Council to a letter dated 3 November 1997 from the representative of the former Yugoslav Republic of Macedonia addressed to the Secretary-General,²⁶³ stating his views in connection with the need for extending the stay of UNPREDEP in the Republic of Macedonia after 30 November 1997.

The representative of the former Yugoslav Republic of Macedonia expressed the view that the situation would not improve as much as his delegation wished in the coming nine months. For that reason and with the aim of preventing new conflicts, implementing the Dayton Agreement, developing better good-neighbourly relations among Balkan States and

²⁶⁰ S/1997/838 and Corr.1.

²⁶¹ S/1997/911 and Add.1.

²⁶² S/1997/948.

²⁶³ S/1997/838 and Corr.1.

integrating them in the European structures, determined efforts by the international community and the United Nations were needed and had to continue. He stated that those were the main reasons for his Government's view that a 12-month extension would be appropriate. He emphasized that the extension of the UNPREDEP mandate represented an important contribution of the Security Council to the effort to maintain peace and security in the Balkans.²⁶⁴

The representative of Germany noted that the mission had started out as a preventive effort to prevent a spillover from conflicts in the other parts of the former Yugoslavia and its focus had shifted first towards the civil unrest in Albania and then to the situation in the Kosovo region of the Federal Republic of Yugoslavia, which gave rise to fears of destabilization also in the area of operations of UNPREDEP. He noted that, with preventive missions, of which UNPREDEP was a model, it was always particularly difficult to gauge the degree of success and it was similarly difficult to decide when a preventive mission had satisfactorily completed its task. Noting that there seemed to be general agreement that UNPREDEP had been a success story, he expressed his belief that the Council should take no chances by ending the international military presence in the former Yugoslav Republic of Macedonia before a sufficient degree of stability was achieved throughout the surrounding region.²⁶⁵

Speaking before the vote, several delegations expressed their support for the extension of the mandate of UNPREDEP and looked forward to receiving the Secretary-General's recommendations. A number of speakers maintained that significant risks remained in the region, particularly in Kosovo and Albania, which made the extension of UNPREDEP necessary. Several delegations also mentioned the importance of an appropriate successor mechanism that would ensure that the gains made by UNPREDEP were not jeopardized.²⁶⁶

²⁶⁴ S/PV.3839, pp. 2-3.

²⁶⁵ *Ibid.*, pp. 3-4.

²⁶⁶ *Ibid.*, pp. 4-5 (Italy); pp. 5 (Portugal); p. 5 (China); p. 6 (Japan); p. 6 (France); p. 7 (Sweden); p. 7 (Poland); pp. 7-8 (Kenya); pp. 8-9 (Egypt); p. 9 (Republic of Korea); pp. 9-10 (Chile); p. 10 (United States); and pp. 10-11 (Costa Rica).

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1142 (1997), which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, in particular resolutions 1105 (1997) of 9 April 1997 and 1110 (1997) of 28 May 1997,

Recalling also its resolutions 1101 (1997) of 28 March 1997 and 1114 (1997) of 19 June 1997, in which the Council expressed concern over the situation in Albania,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

Reiterating its appreciation for the important role played by the United Nations Preventive Deployment Force in contributing to the maintenance of peace and stability, and paying tribute to the personnel of the Force in the performance of their mandate,

Reiterating its call upon the Governments of the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia to implement in fulfilling their agreement of 8 April 1996, in particular regarding the demarcation of their mutual border,

Welcoming the phased reduction and restructuring of the troop strength of the Force, which has taken place pursuant to resolution 1110 (1997),

Taking note of the letter dated 31 October 1997 from the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia to the Secretary-General, requesting the extension of the mandate of the Force,

Having considered the report of the Secretary-General of 20 November 1997 and the recommendations contained therein,

Taking note of the observation of the Secretary-General that there have been a number of positive developments in the overall situation in the area, in particular the stabilization of the situation in Albania, but that peace and stability in the former Yugoslav Republic of Macedonia continue to depend largely on developments in other parts of the region,

Bearing in mind the intention of Member States and interested organizations to consider actively the instituting of possible alternatives to the Force,

1. *Decides* to extend the mandate of the United Nations Preventive Deployment Force for a final period until 31 August 1998, with the withdrawal of the military component immediately thereafter;

2. *Requests* the Secretary-General to report to the Council by 1 June 1998 on the modalities of the termination of the Force, including practical steps for the complete withdrawal of the military component immediately after 31 August 1998, and to submit recommendations on the type of international

presence that would be most appropriate: for the former Yugoslav Republic of Macedonia after 31 August 1998;

3. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the Russian Federation stated that developments in the situation in the former Yugoslav Republic of Macedonia and the region, particularly after the successful handling of the acute political crisis and the stabilization of the situation in Albania, confirmed how relevant and timely it was to restructure UNPREDEP, with the withdrawal of a military component from the operation. The mandate established in 1991, which was already successfully implemented, could not be an effective instrument for neutralizing the current risks to stability within and around the country. Therefore the centre of gravity should now shift to the civilian area, bringing into play non-military international structures. He noted that, while his Government had consistently supported this approach, it had taken into account the position of interested parties, primarily that of the host country and the recommendation of the Secretary-General, and agreed to the final extension of the mandate of UNPREDEP, with the withdrawal of the military component immediately thereafter.²⁶⁷

**Decision of 21 July 1998 (3911th meeting):
resolution 1186 (1998)**

On 1 June 1998, pursuant to Security Council resolution 1142 (1997), the Secretary-General submitted to the Council a report on UNPREDEP, addressing the Council's request to report on the modalities of the termination of the mission and submit recommendations on the type of international presence that would be most appropriate afterwards, as well as covering developments in the mission area since his last report.²⁶⁸ The Secretary-General noted that the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia had referred to the changed circumstances in the region which mitigated against any weakening of the international presence in the country. In particular, he had expressed his Government's concern over the negative developments north of the border, especially in Kosovo, the yet unmarked border with the Federal Republic of Yugoslavia, and the tensions along the border between

Albania and the Federal Republic of Yugoslavia. Expressing his concern that the peace and stability of the former Yugoslav Republic of Macedonia could be endangered, if the military component of the Force was withdrawn, the Minister had recommended an extension of UNPREDEP for an additional period of six months, with the same mandate structure and troop composition.

The Secretary-General also noted that discussions were under way within the framework of NATO and elsewhere concerning the possible need for an expanded international military presence in the region as a consequence of the situation in Kosovo. Consultations were also continuing with a view to adopting a decision on the establishment of a comprehensive regime to monitor the implementation of the arms embargo on the Federal Republic of Yugoslavia imposed by Security Council resolution 1160 (1998). The outcome of either might well have implications for both the former Yugoslav Republic of Macedonia and UNPREDEP. Therefore, he suggested that proceeding with a decision to withdraw UNPREDEP would be premature. He added that he also did not yet possess the requisite information to submit recommendations on the type of international presence that would be most appropriate after the withdrawal of UNPREDEP. He suggested that one possible option that the Security Council could consider was to extend UNPREDEP with its mandate unchanged for a further period of six months, with the Council reviewing its decisions, if the outcome of the aforementioned international discussion affected it. He also suggested that, as any further escalation of the crisis in Kosovo could have negative operational consequences for the Force at its current strength, if the Security Council wished, he would submit specific proposals on a possible strengthening of the force's overall capacity.

On 14 July 1998, the Secretary-General submitted to the Council a report containing specific proposals on a possible strengthening of the overall capacity of UNPREDEP, taking into consideration the situation in the region and the relevant Security Council resolutions, including 795 (1992) and 1160 (1998).²⁶⁹ He reiterated that it seemed premature to proceed with a decision to withdraw UNPREDEP and

²⁶⁷ *Ibid.*, p. 11.

²⁶⁸ S/1998/454.

²⁶⁹ S/1998/644.

that, therefore, the Council might wish to consider the extension of the mandate of UNPREDEP for a further period of six months, until 28 February 1999. He also recommended that, in view of the constraints placed on UNPREDEP, the Council might wish to consider increasing the troop level of UNPREDEP by 350 all ranks and increasing the military observer and the civilian police elements by twelve and twenty-four personnel, respectively.

At its 3911th meeting, held on 21 July 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the two reports in its agenda. The President (Russian Federation), with the consent of the Council, invited the representatives of Austria, Germany, Italy and the former Yugoslav Republic of Macedonia, at their request, to participate in the discussion without the right to vote. The President then drew the attention of members of the Council to letters dated 15 May and 9 July 1998, respectively, from the representative of the former Yugoslav Republic of Macedonia, transmitting letters of the same dates from the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia addressed to the Secretary-General.²⁷⁰

The representative of the former Yugoslav Republic of Macedonia stated that his Minister for Foreign Affairs had reiterated that his Government had endorsed the option of an eventual increase in the military component, maintaining the same mandate structure and proportion and taking into account in particular the internal specifics of the country. He had also stated that reinforcing the civilian police could be successful and could contribute to more efficient monitoring. The representative also stressed that his delegation welcomed the recommendations of the Secretary-General in his report dated 14 July 1998.²⁷¹

The representative of Austria, speaking on behalf of the European Union and associated and aligned countries,²⁷² stated that, while UNPREDEP was initially intended to prevent a spillover from conflicts in the former Yugoslavia, the focus had shifted to the conflict in Kosovo which posed a serious threat to

regional peace and security. He stated that the European Union fully subscribed to the provisions of Security Council resolution 1169 (1998), which, *inter alia*, imposed an arms embargo on the Federal Republic of Yugoslavia. He declared that UNPREDEP would play an important role in the monitoring of and reporting on illicit arms flows and other activities that had been prohibited under Security Council resolution 1160 (1998).²⁷³

Speaking before the vote, the representative of China emphasized that, while his delegation had always been of the view that United Nations peacekeeping operations should have both a proper beginning and a proper conclusion, China had taken into account the request by the former Yugoslav Republic of Macedonia and the concern expressed by other countries of the area and would not object to the further extension of the mandate of UNPREDEP. However, his country wanted to reiterate that in assisting in the maintenance of stability and security in the former Yugoslav Republic of Macedonia, the international community should respect the political independence, sovereignty and territorial integrity of the country concerned, namely the former Yugoslav Republic of Macedonia. He expressed hope that the adjustment of the mandate of UNPREDEP to enable it to be responsible for monitoring the border areas between the Federal Republic of Yugoslavia, the former Yugoslav Republic of Macedonia and Albania would help effectively contain illicit arms flows and terrorist activities in the region. On that basis and in the interest of maintaining peace and stability in the area, China would not object to the adjustment of the mandate and would vote for the draft resolution. However, he noted that such a vote did not constitute any change in China's position of principle with respect to resolutions 1101 (1997), 1114 (1997) and 1160 (1998).²⁷⁴

The representative of the United States stated that, despite its successes, the mission of UNPREDEP was not over. In Kosovo, Belgrade had failed to fulfil the calls of the international community to cease action against the civilian population, return forces to barracks and begin meaningful negotiations on an enhanced status and a substantially greater degree of

²⁷⁰ S/1998/401 and S/1998/627.

²⁷¹ S/PV.3911, pp. 2-3.

²⁷² Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus, Iceland and Norway.

²⁷³ S/PV.3911, pp. 2-3.

²⁷⁴ *Ibid.*, p. 6.

autonomy for Kosovo, which had led to a deteriorating situation in Kosovo that threatened regional stability. He emphasized that the current crisis in Kosovo reinforced the need for an increase in and extension of the current mandate of UNPREDEP. Noting that the strength of UNPREDEP would be increased by 300 troops, he stated that his delegation had not excluded consideration of a further increase, if the situation in the region required it.²⁷⁵

The representative of the Russian Federation stated that his delegation shared the view expressed by the Secretary-General that the continuing complex situation in Kosovo, Serbia, and the Federal Republic of Yugoslavia made it advisable to extend the mandate of the operation. He remarked that it was clear that the direct reason prompting the members of the Security Council to adjust the Council's decision on terminating UNPREDEP after 31 August related to resolution 1160 (1998), which authorized the imposition of an arms embargo and called for the cessation of external support for "the Kosovar terrorists". He expressed his belief that UNPREDEP could and should make a useful, practical contribution to carrying out monitoring functions in line with resolution 1160 (1998), and noted that an appropriate provision had been included in the draft resolution.²⁷⁶

Also speaking before the vote, several speakers expressed their support for the extension and expansion of the mandate of UNPREDEP.²⁷⁷

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1186 (1998), which reads:

The Security Council,

Recalling all its relevant resolutions concerning the conflicts in the former Yugoslavia, in particular resolution 795 (1992) of 11 December 1992, in which it addressed possible developments which could undermine confidence and stability in the former Yugoslav Republic of Macedonia or threaten its territory, and resolution 1142 (1997) of 4 December 1997,

Recalling also its resolutions 1101 (1997) of 28 March 1997 and 1114 (1997) of 19 June 1997, in which it expressed its concern over the situation in Albania, and its resolution 1160 (1998) of 31 March 1998, in which it decided that all States

shall prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, of arms and related materiel of all types and shall prevent arming and training for terrorist activities there,

Reiterating its appreciation for the important role played by the United Nations Preventive Deployment Force in contributing to the maintenance of peace and stability, and paying tribute to its personnel in the performance of their mandate,

Commending the role of the Force in monitoring the border areas and reporting to the Secretary-General on any developments which could pose a threat to the former Yugoslav Republic of Macedonia and by its presence deterring threats and preventing clashes, including monitoring and reporting on illicit arms flows within its area of responsibility,

Reiterating its call on the Governments of the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia to implement in full their agreement of 8 April 1996, in particular regarding the demarcation of their mutual border,

Taking note of the letters dated 15 May and 9 July 1998 from the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia to the Secretary-General, requesting the extension of the mandate of the Force and endorsing the option of an increase in its troop strength,

Having considered the reports of the Secretary-General of 1 June and 14 July 1998 and the recommendations contained therein,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

1. *Decides* to authorize an increase in the troop strength of the United Nations Preventive Deployment Force up to 1,050 and to extend the current mandate of the Force for a period of six months until 28 February 1999, under which the Force would continue by its presence to deter threats and prevent clashes, to monitor the border areas, and to report to the Secretary-General any developments which could pose a threat to the former Yugoslav Republic of Macedonia, including the tasks of monitoring and reporting on illicit arms flows and other activities that are prohibited under resolution 1160 (1998);

2. *Expresses its intention* to consider further the recommendations of the Secretary-General in his report of 14 July 1998;

3. *Decides* to remain seized of the matter.

Decision of 25 February 1999 (3982nd meeting): rejection of a draft resolution

On 12 February 1999, pursuant to Security Council resolution 1186 (1998), the Secretary-General submitted to the Council a report covering developments in the mission area of UNPREDEP since

²⁷⁵ Ibid., pp. 6-7.

²⁷⁶ Ibid., pp. 7-8.

²⁷⁷ Ibid., p. 4 (Sweden); pp. 4-5 (Slovenia); p. 5 (Japan); and pp. 5-6 (Brazil).

his reports of 1 June and 14 July 1998.²⁷⁸ In his report, the Secretary-General informed the Council that the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia had presented arguments for an extension of the mandate of UNPREDEP for an additional six months, with its existing composition and structure. He also drew attention to the fact that the Contact Group on the former Yugoslavia was engaged in seeking a political solution to the Kosovo crisis and discussions were continuing within the framework of NATO concerning the deployment of an international military presence in the region. Considering these developments, he suggested that the Security Council might wish to consider extending the presence of UNPREDEP, with its existing mandate and composition, for a further period of six months until 31 August 1999, on the understanding that it would review its decisions should the aforementioned international discussions result in developments which would affect the role and responsibilities of UNPREDEP.

At its 3982nd meeting, held on 25 February 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Canada) with the consent of the Council, invited the representatives of Bulgaria, Germany, Italy and the former Yugoslav Republic of Macedonia, at their request, to participate in the discussion without the right to vote. The President then drew the attention of members of the Council to a draft resolution submitted by Canada, France, Germany, Italy, the Netherlands, Slovenia, the United Kingdom and the United States.²⁷⁹ He further drew the attention of members of the Council to a letter dated 2 February 1999 from the representative of the former Yugoslav Republic of Macedonia addressed to the Secretary-General, transmitting a letter dated 29 January 1998 from the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia also addressed to the Secretary-General.²⁸⁰

The representative of Argentina stated that, since the situation in Kosovo had not yet been resolved, the presence of UNPREDEP, which was a preventive

force, constituted an irreplaceable reassurance. Equally important was the mandate that the Council gave to UNPREDEP to monitor illicit flows of arms and other activities prohibited under resolution 1160 (1998). In light of these issues, his delegation supported the extension of the mandate of UNPREDEP for a further six-month period, until 31 August 1999, with its existing composition and mandate.²⁸¹

The representative of the former Yugoslav Republic of Macedonia emphasized that it could be argued that the contributions of the United Nations were more necessary than when the Security Council decided to extend the mandate of the UNPREDEP the previous year. The situation continued to be very difficult, dangerous and unpredictable, and it could be safely considered a serious threat to the peace and security of the Balkans. The possibility of a new bloody war in the Balkans needed to be considered a real one. He reiterated that extension of the mandate of UNPREDEP needed to be seen as providing important support to the peace forces in the region. Prevention of a new war in the Balkans was of utmost urgency and a very serious obligation of the Security Council under the Charter of the United Nations, in particular under Article 24, in which the Council was requested to act on behalf of the Member States. He asserted that Member States fully supported the extension of the mandate of the first successful preventive peacekeeping mission of the United Nations. He noted that the main argument against the use of the veto was that the Security Council acted on behalf of all Member States, not of an individual Member State. In the case of UNPREDEP, he stressed that the extension of its mandate was supported by all Member States except one, and that was because of bilateral considerations, something that his delegation considered to be in full contradiction of the Charter of the United Nations.²⁸²

Speaking before the vote, the representative of the Russian Federation stated that his position was that the tasks of UNPREDEP regarding the monitoring of compliance with the arms embargo and with the injunctions established by resolution 1160 (1998) should become the main component of its activities, and that this should have been more clearly highlighted

²⁷⁸ S/1999/161.

²⁷⁹ S/1999/201.

²⁸⁰ S/1999/108.

²⁸¹ S/PV.3982, pp. 2-3.

²⁸² *Ibid.*, pp. 3-4.

in the mandate of the operation. Guided by that approach, his delegation had proposed corresponding amendments to the draft resolution on the extension of the mandate of UNPREDEP. He stated that, as these amendments were unfortunately not duly reflected in the final text of the draft resolution, his delegation would not be able to support the draft resolution.²⁸³

At the same meeting, the Council proceeded to vote on the draft resolution. Under the preambular part of the draft resolution, the Council would, *inter alia*, have underlined the continuing importance of the role of the UNPREDEP in monitoring the border areas and reporting to the Secretary-General on any developments which could pose a threat to the former Yugoslav Republic of Macedonia and, by its presence, deterring threats and preventing clashes, including monitoring and reporting on illicit arms flows within its area of responsibility. The resolution received 13 votes in favour to 1 against (China), with 1 abstention (Russian Federation), and was not adopted owing to the negative vote of a permanent member of the Security Council.

Speaking after the vote, the representative of the United States stated that very real regional threats to the security of the former Yugoslav Republic of Macedonia remained. He emphasized that his delegation's vote to extend the mandate of UNPREDEP was a vote of confidence in a mission that was needed as much as ever. He expressed regret over the decision of one member of the Council to exercise its veto. He expressed his belief that the overall interests of security in the region should have been sufficiently compelling to outweigh other considerations and that the role of UNPREDEP was indispensable. His delegation therefore hoped to begin work with members of the Security Council to find a way to allow the international community to continue to meet this critical need, without disruption.²⁸⁴

The representative of Slovenia expressed regret that the Council was unable to adopt the necessary decision to extend the mandate of UNPREDEP. He stated that the situation around the former Yugoslav Republic of Macedonia was fraught with instability and potential threat, which called for an array of international responses, among them the preventive deployment of the United Nations peacekeeping force

in the former Yugoslav Republic of Macedonia. He stressed that it was essential that Council members dealt with specific situations from the standpoint of ensuring peace and security in the world and from the perspective of the Organization as a whole. That was essential for the realization of the responsibility conferred upon the Council by the United Nations Member States and enshrined in Article 24 of the Charter of the United Nations. He stated that the situation in the immediate vicinity of Kosovo continued to represent a threat to peace and security in the region and gave additional importance and urgency to the role of UNPREDEP. Therefore, Slovenia strongly supported the idea of continued consultations among the Security Council members and with the former Yugoslav Republic of Macedonia to lead to an arrangement acceptable to all, which could ensure the continued pursuit of the tasks which made UNPREDEP necessary.²⁸⁵

The representative of China, explaining the vote against the draft resolution, stated that his delegation had always maintained that United Nations peacekeeping operations, including preventive deployment missions, should not be open-ended. As the situation in the former Yugoslav Republic of Macedonia had apparently stabilized and the Secretary-General had clearly indicated that the original goal of the Security Council in establishing the preventive mission had been met, there was no need to extend further the mandate of UNPREDEP. He also reiterated that as Africa and other regions were still plagued by conflict and instability and needed greater attention, it would be neither reasonable nor fair to continue to assess Member States for UNPREDEP.²⁸⁶

Several speakers expressed support for the extension of the mandate of UNPREDEP, their regret that the Security Council was unable to do so, and their concern over the possible escalation of the crisis in Kosovo.²⁸⁷

The representative of China took the floor a second time to reply that he had taken note of the statements made by several representatives and expressed the belief that deciding one's own position on the merits of a matter was

²⁸³ *Ibid.*, p. 4.

²⁸⁴ *Ibid.*, pp. 5-6.

²⁸⁵ *Ibid.*, p. 6.

²⁸⁶ *Ibid.* pp. 6-7.

²⁸⁷ *Ibid.*, p. 7 (Canada); pp. 7-8 (Germany, on behalf of the European Union and the associated and aligned States: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus, Iceland and Norway); and p. 8 (Bulgaria).

the right of every sovereign State. He also stated that the accusations that some countries had made against China were totally groundless.²⁸⁸

F. Items relating to the situation in Kosovo, Federal Republic of Yugoslavia

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

Initial proceedings

Decision of 31 March 1998 (3868th meeting): resolution 1160 (1998)

By a letter dated 11 March 1998 addressed to the President of the Security Council,²⁸⁹ the representative of the United Kingdom transmitted the text of a statement on Kosovo, Federal Republic of Yugoslavia,²⁹⁰ agreed by the members of the Contact Group²⁹¹ at their meeting in London on 9 March 1998. The Contact Group expressed their dismay that, although they had called upon the authorities in Belgrade and the leadership of the Kosovo Albanians to join in a peaceful dialogue, rather than taking steps to reduce tensions or entering without preconditions in dialogue towards a political solution, the Belgrade authorities had applied repressive measures in Kosovo. They stressed that their condemnation of the actions of the Serbian police should not in any way be mistaken

for an endorsement of terrorist actions by the Kosovo Liberation Army (KLA) or any other group or individual. In the light of the deplorable violence in Kosovo, they felt compelled to take steps to demonstrate to the authorities in Belgrade that they could not defy international standards without facing severe consequences. The Contact Group welcomed the continuation of consultations in the Security Council, in view of the implications of the situation in Kosovo for regional security. Owing to the gravity of the situation, they endorsed the following measures, to be pursued immediately: consideration by the Council of a comprehensive arms embargo against the Federal Republic of Yugoslavia, including Kosovo; refusal to supply equipment to the Federal Republic of Yugoslavia, which might be used for internal repression, or for terrorism; denial of visas for senior Federal Republic of Yugoslavia and Serbian representatives responsible for repressive action by security forces of the Federal Republic of Yugoslavia in Kosovo; and a moratorium on government-financed export credit support for trade and investment, including government financing for privatizations, in Serbia. The Contact Group further noted that the Russian Federation could not support the last two measures mentioned above for immediate imposition. However, if there was no progress towards the steps called for by the Contact Group, the Russian Federation would then be willing to discuss all the measures. The Contact Group also called upon President Milosevic of the Federal Republic of Yugoslavia to take rapid and effective steps to stop the violence and engage in a commitment to find a political solution to the issue of Kosovo through dialogue. If President Slobodan Milosevic took those steps, they would immediately reconsider the measures they had adopted. If he failed to take those steps, and repression continued in Kosovo, the Contact Group would move to further international measures, and, specifically, pursue a freeze on the funds held abroad by the Federal Republic of Yugoslavia and Serbian Governments. The Contact Group stressed that they supported neither independence nor the maintenance of the status quo. As they had set out clearly, the principles for a solution of the Kosovo problem needed to be based upon the territorial integrity of the Federal Republic of Yugoslavia, and in accordance with the Organization for Security and Co-operation in Europe (OSCE) standards, the Helsinki Principles, and the Charter of the United Nations. A solution also had to

²⁸⁸ *Ibid.*, p. 9.

²⁸⁹ S/1998/223.

²⁹⁰ For purposes of this Supplement, the term "Kosovo" refers to "Kosovo, Federal Republic of Yugoslavia", without prejudice to issues of status. In other instances, the terminology originally used in official documents has been preserved to the extent possible.

²⁹¹ The Contact Group was composed of France, Germany, Italy, the Russian Federation, the United Kingdom and the United States.

take into account the rights of the Kosovo Albanians and all those who lived in Kosovo. They supported an enhanced status for Kosovo within the Federal Republic of Yugoslavia, which a substantially greater degree of autonomy would bring, and recognized that that must include meaningful self-administration.

By a letter dated 27 March 1998, addressed to the President of the Security Council,²⁹² the representative of the United States transmitted the text of a statement on Kosovo, Federal Republic of Yugoslavia, agreed by the members of the Contact Group at their meeting in Bonn on 25 March 1998. They stated that their overall assessment was that further progress by Belgrade on certain points requiring action by the Federal Republic of Yugoslavia and Serbian governments was necessary. Therefore, they had agreed to maintain and implement the measures announced on 9 March, including seeking adoption by 31 March of the arms embargo resolution currently under consideration in the Security Council.

At its 3868th meeting, held on 31 March 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the letters in its agenda. Following the adoption of the agenda, the President (Gambia), with the consent of the Council, invited the representatives of Albania, Bosnia and Herzegovina, Canada, Croatia, Egypt, Germany, Greece, Hungary, Italy, the Islamic Republic of Iran, Pakistan, Poland, Turkey and Ukraine, at their request, to participate in the discussion without the right to vote. He also extended an invitation to Mr. Vladislav Jovanovic, at his request, to address the Council in the course of its discussion of the item.²⁹³

At the same meeting, the President drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, Japan, Portugal, Sweden, the United Kingdom and the United States.²⁹⁴ The President further drew the attention of the Council to the following documents: identical letters dated 11 March 1998 from the representative of the Federal Republic of Yugoslavia addressed to the Secretary-General and to the President of the Security Council;²⁹⁵ letters dated 12, 16 and 18 March 1998,

respectively, from the representative of the Federal Republic of Yugoslavia addressed to the Secretary-General;²⁹⁶ a letter dated 13 March 1998 from the representative of Bulgaria addressed to the Secretary-General;²⁹⁷ and a letter dated 17 March 1998 from the representative of Poland addressed to the President of the Security Council.²⁹⁸ Members of the Council also received a letter dated 30 March 1998 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council,²⁹⁹ protesting the efforts of the Council to adopt a resolution that provided for the imposition of an arms embargo on the Federal Republic of Yugoslavia, and stating that the situation in Kosovo and Metohija was an internal matter of Serbia.

At the same meeting, the representative of Costa Rica stated that his country had always maintained that safeguarding human rights was not solely and exclusively a matter of the internal jurisdiction of States. In that connection, he expressed the belief that there were certain circumstances in which a violation of such fundamental rights was so serious that it constituted, in and of itself, a threat to international peace and security and therefore fully justified the Security Council invoking the powers granted to it under Chapter VII of the Charter. While condemning terrorism in all its forms, he underlined that combating terrorism did not justify human rights violations or the failure to respect international humanitarian law.³⁰⁰

The representative of Brazil stated that although the Charter enshrined the principle of non-intervention in matters that were essentially within the domestic jurisdiction of any State, everyone was aware that the principle did not prejudice the application of

(S/1998/225).

²⁹⁶ Letter transmitting statements by the Federal Republic of Yugoslavia and the President of Serbia on the situation in Kosovo, and a letter to the President of the International Committee of the Red Cross (S/1998/229, S/1998/240 and S/1998/250).

²⁹⁷ Letter transmitting a joint declaration adopted by the Ministers for Foreign Affairs of countries of south-eastern Europe concerning the situation in Kosovo (S/1998/234).

²⁹⁸ Letter transmitting decision 218 on the situation in Kosovo, adopted at the special session of the Permanent Council of OSCE on 11 March 1998 (S/1998/246).

²⁹⁹ S/1998/285.

³⁰⁰ S/PV.3868 and Corr.1 and Corr.2, pp. 3-4.

²⁹² S/1998/272.

²⁹³ S/PV.3868, p. 2.

²⁹⁴ S/1998/284.

²⁹⁵ Letter transmitting a statement by the Government of Serbia on the situation in Kosovo and Metohija

enforcement measures under Chapter VII, in accordance with Article 2 (7). He noted that in recent years some observers had gone so far as to suggest that there might have been a tendency to frame emergencies under Chapter VII so as to circumvent the non-intervention principle. This would be a distortion of the waiver provided by Article 2 (7), which would seem to be incompatible with its original purpose. On the other hand, as stated in General Assembly resolution 51/242, annex II, sanctions should be resorted to only with the utmost caution, when other peaceful options provided by the Charter were inadequate. In conclusion, he emphasized his delegation's commitment to the pacific settlement of disputes within a context of respect for sovereignty and territorial integrity. Brazil believed that exercising caution in resorting to coercive measures would actually strengthen the authority of the Security Council in the face of serious and otherwise intractable situations.³⁰¹

The representative of Slovenia stated that there were three essential political lessons to be borne in mind while approaching the issue of Kosovo. First, there was no reason to expect quick fixes. Second, it was essential that the political process be started on the basis of the broad and fundamental principles of the Charter of the United Nations and the Helsinki Final Act of 1975. Third, it was essential to ensure that intellectual and moral accuracy prevailed in the international efforts to help resolve the situation. He noted that in the past, the unilateral dismantling of the autonomy of Kosovo represented one of the major sources of political deterioration and instability in the region. At present, the use of force against the Albanians of Kosovo represented the most important source of instability and a threat to international peace and security. Consequently, efforts had to be directed towards the elimination of that threat. Regarding terrorism, he stated that it was clear that violent acts, such as the taking of hostages, attacks against the safety of civilian air traffic, terrorist bombings and other attacks against civilian targets were properly defined as terrorism. On the other hand, there were forms of struggle that, while undesirable, were not terrorism and ought not to be labelled so. That was particularly relevant to the situation in Kosovo, where the characteristics of an armed conflict had already

³⁰¹ Ibid., pp. 6-7.

assumed serious proportions. He expressed agreement with the decisions of the Contact Group and stressed that such action was necessary since the situation in Kosovo had already developed into a threat to international peace and security in the region, which was the reason for action based on Chapter VII of the Charter.³⁰²

The representative of Bahrain stated that the Organization of the Islamic Conference (OIC), at its meeting of Ministers for Foreign Affairs from 16 to 17 March 1998, had expressed its concern at the grave violations of the human and political rights of the inhabitants of the Kosovo region and called for an immediate halt to such actions and for an immediate withdrawal from civilian areas.³⁰³

The representative of the Russian Federation stated that from the outset his delegation had viewed the events in Kosovo as the internal affair of the Federal Republic of Yugoslavia. His Government strongly believed that the basic principle for a settlement of the situation in Kosovo was that the autonomous region had to remain within Serbia, on the basis of unswerving compliance with the principle of the territorial integrity of the Federal Republic of Yugoslavia and of the republics that made it up. Only within that legal framework was an effective settlement of the Kosovo problem possible through peaceful political dialogue without preconditions or unilateral approaches. He underscored that, while condemning the use of excessive force by the Serbian police, the Russian Federation also strongly condemned any terrorist acts on the part of the Kosovo Albanians, including the "so-called" Kosovo Liberation Army and other manifestations of extremism. The representative stressed that, while the events in Kosovo had an adverse regional impact, the situation in Kosovo, despite its complexity, did not constitute a threat to regional, much less international, peace and security. He informed the Council that it had been extremely difficult for the Russian Federation to agree with the introduction of a military embargo, and had done so only on the understanding that the issue was not about punishing anyone, Belgrade in particular, but about specific measures designed to prevent an increase in tension, to erect an obstacle to external terrorism and

³⁰² Ibid., pp. 7-9.

³⁰³ Ibid., p. 9.

to foster the political process with a view to a speedy and lasting settlement. He also noted that one of the most important conditions for the viability of the embargo was an effective monitoring regime for its implementation, particularly on the Albanian-Macedonian border, and it was precisely from that perspective that the Council needed to consider the mandate of the United Nations Preventive Deployment Force.³⁰⁴ It was his delegation's position that the establishment by the Security Council of a military embargo, like any application of military sanctions, was possible only with a clear exit strategy. While the approach of his delegation had not received sufficient support in the Security Council, the draft resolution had been able to define strict criteria. If Belgrade complied with these criteria, the Security Council would decide to lift the embargo. He stressed that the main task of the international community was the full promotion of the consolidation of progress made in the situation around Kosovo. That must not be done by increasing sanction measures, which might have the most adverse repercussions for the entire Balkan region and many other States.³⁰⁵

The representative of China stated that Kosovo was an integral part of the territory of the Federal Republic of Yugoslavia. The question of Kosovo was an internal matter of the Federal Republic. It should be resolved properly through negotiations between the two parties concerned, on the basis of the principle of respect for the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. He noted that the Government of the Federal Republic of Yugoslavia had taken a series of positive measures in that regard and the situation on the ground was moving towards stability. He stated that his delegation did not think that the situation in Kosovo endangered regional and international peace and security. The representative stressed that if the Council was to get involved in a dispute without a request from the country concerned, it might set a bad precedent and would have wider negative implications. Therefore, the Council needed to be cautious when addressing those issues. He underlined that, although the priority in solving the question of Kosovo in the Federal Republic of Yugoslavia was for the parties to start the political

talks as soon as possible, the draft resolution would not help move the parties to negotiations. Neither was it appropriate to bring before the Council the differences between OSCE and the Federal Republic of Yugoslavia, as well as the human rights issues in Kosovo, nor was it proper to link the return of the Federal Republic of Yugoslavia to the international community to the question of Kosovo. Since the content of the draft resolution did not conform to the principled positions of China, his delegation had no choice but to abstain in the voting.³⁰⁶

Speaking both before and after the vote, a number of speakers stated that neither the repression of human and political rights of the Albanian population in Kosovo nor the separation and independence of Kosovo were acceptable, but that a solution had to be found within the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. All speakers urged the authorities in Belgrade and the leadership of the Albanian community in Kosovo to immediately enter into a substantive dialogue without precondition. They also endorsed the statements made by the Contact Group. Several speakers also called upon all States to strictly observe the embargo.³⁰⁷

At the same meeting, the draft resolution was put to the vote and adopted by 14 votes to none, with 1 abstention (China), as resolution 1160 (1998),³⁰⁸ which reads:

The Security Council,

Noting with appreciation the statements by the Ministers for Foreign Affairs of France, Germany, Italy, the Russian Federation, the United Kingdom and the United States (the Contact Group) of 9 and 25 March 1998, including the proposal on a comprehensive arms embargo on the Federal Republic of Yugoslavia, including Kosovo,

Welcoming the decision adopted at the special session of the Permanent Council of the Organization for Security and Cooperation in Europe on 11 March 1998,

³⁰⁶ Ibid., pp. 11-12.

³⁰⁷ Ibid., p. 3 (Japan); pp. 4-5 (France); p. 5 (Kenya); pp. 5-6 (Sweden); pp. 9-10 (Portugal). After the vote: pp. 13-14 (Gambia); pp. 14-15 (United Kingdom on behalf of the European Union and Czech Republic, Hungary, Poland, Romania and Norway); pp. 19-20 (Germany); pp. 20-21 (Italy); p. 22 (Pakistan); pp. 24-25 (Poland); pp. 25-26 (Hungary); pp. 29-30 (Ukraine); and p. 30 (Islamic Republic of Iran).

³⁰⁸ For the vote, see S/PV.3868, p. 12.

³⁰⁴ See section 27.E in this chapter on the situation in the former Yugoslav Republic of Macedonia.

³⁰⁵ S/PV.3868 and Corr.1 and Corr.2, pp. 10-11.

Condemning the use of excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo, as well as all acts of terrorism by the Kosovo Liberation Army or any other group or individual and all external support for terrorist activity in Kosovo, including finance, arms and training,

Taking note of the declaration of 18 March 1998 by the President of the Republic of Serbia on the political process in Kosovo and Metohija,

Noting the clear commitment of senior representatives of the Kosovo Albanian community to non-violence,

Noting that there has been some progress in implementing the actions indicated in the Contact Group statement of 9 March 1998, but stressing that further progress is required,

Affirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

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

1. *Calls upon* the Federal Republic of Yugoslavia immediately to take the further necessary steps to achieve a political solution to the issue of Kosovo through dialogue and to implement the actions indicated in the Contact Group statements of 9 and 25 March 1998;

2. *Also calls upon* the Kosovo Albanian leadership to condemn all terrorist action, and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;

3. *Underlines* the fact that the way to defeat violence and terrorism in Kosovo is for the authorities in Belgrade to offer the Kosovo Albanian community a genuine political process;

4. *Calls upon* the authorities in Belgrade and the leadership of the Kosovo Albanian community urgently to enter without preconditions into a meaningful dialogue on political status issues, and notes the readiness of the Contact Group to facilitate such a dialogue;

5. *Agrees*, without prejudging the outcome of that dialogue, with the proposal in the Contact Group statements of 9 and 25 March 1998 that the principles for a solution of the Kosovo problem should be based on the territorial integrity of the Federal Republic of Yugoslavia and should be in accordance with standards of the Organization for Security and Cooperation in Europe, including those set out in the Final Act of the Conference on Security and Cooperation in Europe, signed at Helsinki on 1 August 1975, and the Charter of the United Nations, and that such a solution must also take into account the rights of the Kosovo Albanians and all who live in Kosovo, and expresses its support for an enhanced status for Kosovo, which would include a substantially greater degree of autonomy and meaningful self-administration;

6. *Welcomes* the signature on 23 March 1998 of an agreement on measures to implement the 1996 Education Agreement, calls upon all parties to ensure that its implementation proceeds smoothly and without delay according to the agreed timetable, and expresses its readiness to consider measures if either party blocks implementation;

7. *Expresses its support* for the efforts of the Organization for Security and Cooperation in Europe for a peaceful resolution of the crisis in Kosovo, including through the Personal Representative of the Chairman-in-Office for the Federal Republic of Yugoslavia, who is also the Special Representative of the European Union, and the return of the long-term missions of the Organization for Security and Cooperation in Europe;

8. *Decides* that all States shall, for the purposes of fostering peace and stability in Kosovo, prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, by their nationals or from their territories or using their flag vessels and aircraft, of arms and related materiel of all types, such as weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, and shall prevent arming and training for terrorist activities there;

9. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council, consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the prohibitions imposed by the present resolution;

(b) To consider any information brought to its attention by any State concerning violations of the prohibitions imposed by the present resolution and to recommend appropriate measures in response thereto;

(c) To make periodic reports to the Security Council on information submitted to it regarding alleged violations of the prohibitions imposed by the present resolution;

(d) To promulgate such guidelines as may be necessary to facilitate the implementation of the prohibitions imposed by the present resolution;

(e) To examine the reports submitted pursuant to paragraph 12 below;

10. *Calls upon* all States and all international and regional organizations to act strictly in conformity with the present resolution, notwithstanding the existence of any rights granted or obligations conferred or imposed by any international agreement or of any contract entered into or any license or permit granted prior to the entry into force of the prohibitions imposed by the present resolution, and stresses in this context the importance of continuing implementation of the Agreement on Subregional Arms Control signed in Florence, Italy, on 14 June 1996;

11. *Requests* the Secretary-General to provide all necessary assistance to the Committee established pursuant to paragraph 9 above and to make the necessary arrangements in the Secretariat for this purpose;

12. *Requests* States to report to the Committee established pursuant to paragraph 9 above within thirty days of adoption of the present resolution on the steps they have taken to give effect to the prohibitions imposed by the present resolution;

13. *Invites* the Organization for Security and Cooperation in Europe to keep the Secretary-General informed on the situation in Kosovo and on measures taken by that organization in this regard;

14. *Requests* the Secretary-General to keep the Council regularly informed and to report on the situation in Kosovo and the implementation of the present resolution no later than thirty days following the adoption of the present resolution and every thirty days thereafter;

15. *Also requests* that the Secretary-General, in consultation with appropriate regional organizations, include in his first report recommendations for the establishment of a comprehensive regime to monitor the implementation of the prohibitions imposed by the present resolution, and calls upon all States, in particular neighbouring States, to extend full cooperation in this regard;

16. *Decides* to review the situation on the basis of the reports of the Secretary-General, which will take into account the assessments of, inter alia, the Contact Group, the Organization for Security and Cooperation in Europe and the European Union, and decides also to reconsider the prohibitions imposed by the present resolution, including action to terminate them, following receipt of the assessment of the Secretary-General that the Government of the Federal Republic of Yugoslavia, cooperating in a constructive manner with the Contact Group, has:

(a) Begun a substantive dialogue in accordance with paragraph 4 above, with the participation of an outside representative or representatives, unless any failure to do so is not because of the position of the Federal Republic of Yugoslavia or Serbian authorities;

(b) Withdrawn the special police units and ceased action by the security forces affecting the civilian population;

(c) Allowed access to Kosovo by humanitarian organizations as well as representatives of the Contact Group and other embassies;

(d) Accepted a mission by the Personal Representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe for the Federal Republic of Yugoslavia that would include a new and specific mandate for addressing the problems in Kosovo, as well as the return of the long-term missions of the Organization for Security and Cooperation in Europe;

(e) Facilitated a mission to Kosovo by the United Nations High Commissioner for Human Rights;

17. *Urges* the Office of the 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, established pursuant to resolution 827 (1993) of 25 May 1993, to begin gathering information related to the violence in Kosovo that may fall within its jurisdiction, and notes that the authorities of the Federal Republic of Yugoslavia have an obligation to cooperate with the Tribunal and that the Contact Group countries will make available to the Tribunal substantiated relevant information in their possession;

18. *Affirms* that concrete progress to resolve the serious political and human rights issues in Kosovo will improve the international position of the Federal Republic of Yugoslavia and prospects for normalization of its international relationships and full participation in international institutions;

19. *Emphasizes* that failure to make constructive progress towards the peaceful resolution of the situation in Kosovo will lead to the consideration of additional measures;

20. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United Kingdom stated that in adopting the resolution, the Security Council had sent an unmistakable message that, by acting under Chapter VII of the Charter, the Council considered that the situation in Kosovo constituted a threat to international peace and security in the Balkans. It said to Belgrade that repression in Kosovo would not be tolerated by the international community and to the Kosovar side that terrorism was unacceptable. He stressed that his delegation did not support separatism or independence in Kosovo, but that it expected Belgrade to grant Kosovo an enhanced status, including self-administration. Getting the authorities in Belgrade and the Kosovo Albanian community to start a constructive dialogue without preconditions about the differences between them was the only chance of reaching a peaceful settlement.³⁰⁹

The representative of the United States stated that the international community had to avoid the mistakes of the past, when they had waited too long before taking decisive action. His delegation fully recognized that the security of the region directly affected broader international interests and that deterioration of the situation in Kosovo constituted a threat to international peace and security. He reiterated that to have the arms

³⁰⁹ S/PV.3868, pp. 12-13.

embargo and other sanctions lifted and to avoid further measures, the Federal Republic of Yugoslavia had to begin an unconditional dialogue on political status issues with the Kosovo Albanian leadership. He welcomed the commitment of senior representatives of the Kosovo Albanian leadership to non-violence and a negotiated solution to the crisis in Kosovo and stressed that his Government would not countenance terrorist activity or external support for terrorist activity. He also noted that the resolution underlined the important role of the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia in gathering evidence about the violence in Kosovo that might fall within its jurisdiction. Finally, urgent action by the Federal Republic of Yugoslavia to stop the violence and other provocative action by its police and paramilitary security forces was of key importance.³¹⁰

Mr. Jovanovic stated that Kosovo and Metohija was a Serbian province that had always been, and was, an integral part of the Republic of Serbia. He stated that the meeting of the Security Council and the adoption of a resolution were not acceptable to the Government of the Federal Republic of Yugoslavia, since questions that represented an internal matter for Serbia and the Federal Republic of Yugoslavia were at stake. His Government considered that the internal question could not be the subject of deliberation in any international forum without the consent of the Government of the Federal Republic of Yugoslavia, and such consent had not been granted. He noted that the pretext for the action by the Security Council had been found in two anti-terrorist police actions in Kosovo and Metohija, the autonomous province of Serbia. He stressed that there was not, nor had there been, any armed conflict in Kosovo and Metohija. There was therefore no danger of a spillover, no threat to peace and security and no basis for invoking Chapter VII of the Charter of the United Nations. He stressed that the Contact Group was not authorized to create obligations for the Security Council by its statements, or to establish the calendar of its meetings and decisions or to determine the content of those decisions. He also maintained that Serbia was firmly committed to an unconditional dialogue with the members of the Albanian minority and to the solution of all questions through political means in accordance with European standards. However, he emphasized that

³¹⁰ Ibid., p. 13.

the call of some countries for solutions to be sought outside Serbia or within the Federal Republic of Yugoslavia constituted a violation of the territorial integrity of Serbia, a State which had been in existence for more than 13 centuries, much longer than even the first ideas of “Yugoslavness”.³¹¹

The representative of Turkey stated that his Government had formulated a number of proposals towards finding a concrete solution to the Kosovo problem. A solution to the dispute had to be found through comprehensive dialogue between the parties and within the framework of the territorial integrity of the Federal Republic of Yugoslavia. He suggested that it should be possible for a third party, which would be decided on by the two sides, to assume a function that would facilitate reaching a settlement. He also suggested that the dialogue aimed at reinstating all the rights of all the ethnic minorities in Kosovo ought to begin immediately. Those minorities, including the Turkish community, ought to be represented in the talks concerning the future of Kosovo.³¹²

The representative of Albania stated that his Government favoured a peaceful resolution of the conflict, did not support the use of violence and was firm in demanding a harsh condemnation of Serbia. Albania called for the immediate withdrawal of the Serbian military, paramilitary and police forces and for serious talks, declaring that borders would not change and that the Kosovo problem had to be considered, as were those of other Yugoslav republics, by always applying the European model. He maintained that, given the dimensions of the Kosovo crisis and the danger of it spilling over to the south of the Balkan peninsula, the crisis went far beyond the limits of having some implications for regional security. He expressed the belief that the great responsibility of the Member States of the Security Council to preserve peace and security in the area, in order to avoid a new tragedy, would guide them to take the necessary decisions without delay.³¹³

The representative of Croatia emphasized that all political issues in Kosovo, including its future status, had to be resolved between the Belgrade authorities and Kosovo Albanians through a genuinely democratic

³¹¹ Ibid., pp. 15-19.

³¹² Ibid., pp. 21-22.

³¹³ Ibid., pp. 22-24.

political process, which had to take into account both the opinions of the Badinter Commission on the inviolability of the borders of new States established following the dissolution of the former Yugoslavia and the tradition of territorial autonomy in Kosovo. Croatia acknowledged the importance of normalizing relations between the Federal Republic of Yugoslavia and the rest of the international community. However, he stressed that the participation of the Federal Republic of Yugoslavia in international institutions was conditional upon its application for membership and the fulfilment of all criteria for acceptance into those institutions, as was the case with every new applicant. Consequently, it was the understanding of his delegation that that was the only context within which paragraph 18 of the resolution could be interpreted. The issue of succession to the former Yugoslavia could not be linked to the Kosovo crisis, because it was a matter which involved all the successor States to the former Yugoslavia and needed to be resolved on the basis of the opinions of the Badinter Commission and international law.³¹⁴

The representative of Greece pointed out that any measures against the Federal Republic of Yugoslavia should also take into account the stability of south-eastern Europe and should not unduly harm States in the region, which were particularly hit by the negative consequences of the sanctions regime in the years 1992 through 1996.³¹⁵

The representative of Bosnia and Herzegovina first of all welcomed the role of the Security Council in the process and emphasized the determinative importance of the Council remaining seized of the matter. Second, the authority and active role of the International Tribunal for the Former Yugoslavia was unquestioned and necessary. Third, they stressed the territorial integrity and sovereignty of all the States in the region, without any prejudice to the eventual solution. Fourth, they emphasized that the basis for a solution lay with full respect for the democratic, human, national and minority rights of all the citizens of the Federal Republic of Yugoslavia. Fifth, noting that the role of the Federal Republic of Yugoslavia in the situation in Bosnia and Herzegovina had been frequently addressed before the Council, the

representative emphasized that the health of the Federal Republic of Yugoslavia also reflected upon the health of Bosnia and Herzegovina. Sixth, he stressed the importance of the arms-control arrangements negotiated under the authority of OSCE, both within the region and in their country. Seventh, his Government would like to underline the consistency of the interpretation provided by the representative of Slovenia with that of the relevant Security Council and General Assembly resolutions, as that related to paragraph 18 of the resolution.³¹⁶

The representative of Egypt stated that his delegation had noted that the Security Council candidly referred to the fact that the resolution had been adopted under the provisions of Chapter VII of the Charter without a prior reference to a determination by the Security Council that there existed a threat to international peace and security as required by the provisions of Article 39 of the Charter. He stated that, of course, it might be said that the Council was the master of its own procedures, and that was correct with regard to procedures. However, in principle, the constitutional requirements in the Charter should in general be scrupulously followed and respected.³¹⁷

**Decision of 24 August 1998 (3918th meeting):
statement by the President**

On 5 August 1998, pursuant to Security Council resolution 1160 (1998), the Secretary-General submitted to the Council a report on developments in Kosovo, Federal Republic of Yugoslavia.³¹⁸ In his report, the Secretary-General informed the Council that the situation in Kosovo had continued to deteriorate with increased heavy fighting between the security forces of the Federal Republic of Yugoslavia and the “so-called” Kosovo Liberation Army being reported. Most disturbing were reports of increased tensions along the border between the Federal Republic of Yugoslavia and Albania. The unrelenting violence had led to a dramatic increase in internally displaced persons in Kosovo and Montenegro since his last report, which was causing further instability. He observed that the continuing infiltration from outside the borders of the Federal Republic of Yugoslavia of weapons and fighting men was a source of continuing

³¹⁴ Ibid., pp. 25-27.

³¹⁵ Ibid., p. 27.

³¹⁶ Ibid., pp. 27-28.

³¹⁷ Ibid., pp. 28-29.

³¹⁸ S/1998/712.

widespread concern, as were the sharp escalation of violence and the reported use of excessive force by security forces against civilians as part of the operations of the Government against KLA. He stated that centrifugal tendencies appeared to be gaining ground. He maintained that the situation was aggravated by the failure of the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanians to enter into serious negotiations on the future status of Kosovo. He underlined that the continuation or further escalation of the conflict had dangerous implications for the stability of the region. Finally, he expressed his strong hope that the question of Kosovo would be examined not in isolation, but in a manner that fully took into account and embraced the broad, regional context and the principles of the Charter of the United Nations.

At its 3918th meeting, held on 24 August 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Slovenia), with the consent of the Council invited the representatives of Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 20 July 1998 from the representative of Austria addressed to the Secretary-General,³¹⁹ transmitting the text of a statement on recent fighting in Kosovo issued on 20 July 1999 by the President of the European Union.

At the same meeting, the President made the following statement on behalf of the Council:³²⁰

The Security Council has considered the report of the Secretary-General of 5 August 1998 submitted pursuant to its resolution 1160 (1998) of 31 March 1998.

The Council remains gravely concerned about the recent intense fighting in Kosovo which has had a devastating impact on the civilian population and has greatly increased the numbers of refugees and displaced persons.

The Council shares the concern of the Secretary-General that the continuation or further escalation of the conflict in Kosovo has dangerous implications for the stability of the region. In particular, the Council is gravely concerned that given the increasing numbers of displaced persons, coupled with the approaching winter, the situation in Kosovo has the potential to

become an even greater humanitarian disaster. The Council affirms the right of all refugees and displaced persons to return to their homes. In particular, the Council emphasizes the importance of unhindered and continuous access of humanitarian organizations to the affected population. The Council is concerned over reports of increasing violations of international humanitarian law.

The Council calls for an immediate ceasefire. The Council emphasizes that the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanians must achieve a political solution to the issue of Kosovo and that all violence and acts of terrorism from whatever quarter are unacceptable, and reiterates the importance of the implementation of its resolution 1160 (1998). The Council reaffirms the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, and urges the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue leading to an end to the violence and a negotiated political solution to the issue of Kosovo. It supports in this context the efforts of the Contact Group, including its initiatives to engage the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership in discussions on the future status of Kosovo.

In this regard, the Council welcomes the announcement by Mr. Ibrahim Rugova, the leader of the Kosovo Albanian community, of the formation of a negotiating team to represent the interests of the Kosovo Albanian community. The formation of the Kosovo Albanian negotiating team should lead to the early commencement of a substantial dialogue with the authorities of the Federal Republic of Yugoslavia, with the aim of ending the violence and achieving a peaceful settlement, including the safe and permanent return of all internally displaced persons and refugees to their homes.

It remains essential that the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanians accept responsibility for ending the violence in Kosovo, for allowing the people of Kosovo to resume their normal lives and for moving the political process forward.

The Council will continue to follow the situation in Kosovo closely and will remain seized of the matter.

Decision of 23 September 1998 (3930th meeting): resolution 1199 (1998)

On 4 September 1998, pursuant to Security Council resolution 1160 (1998), the Secretary-General submitted to the Council a report on the situation in Kosovo, Federal Republic of Yugoslavia.³²¹ In his report, the Secretary-General expressed his alarm at the lack of progress towards a political settlement in Kosovo and the further loss of life, displacement of the

³¹⁹ S/1998/675.

³²⁰ S/PRST/1998/25.

³²¹ S/1998/834 and Add.1.

civilian population and destruction of property resulting from the ongoing conflict. He reiterated that it was essential that negotiations get under way so as to break “the cycle of disproportionate use of force by the Serbian forces and acts of violence by the Kosovo Albanian paramilitary units” by promoting a political resolution of the conflict. Persistent tensions on the border between the Federal Republic of Yugoslavia and Albania, including reports of border violations and cross-border shelling, were a further cause of serious concern. That escalation of tensions risked detrimental consequences for the stability in the region. He reiterated his concern that the United Nations operations in the region could be negatively affected by developments in Kosovo. He expressed his belief that there could be no military solution for the crisis and urged both parties to demonstrate restraint and to start the negotiating process as soon as possible. He stated that efforts by the Contact Group, regional organizations and individual States to put an end to the violence and to create appropriate conditions for a political settlement of the conflict had his full support. Finally, he noted that recent clashes in Kosovo had led to further displacement of the civilian population, which had borne the brunt of the fighting since March 1998, and urged parties in the Federal Republic of Yugoslavia to assure unhindered access to all affected areas and to ensure the security of the relief personnel.

At its 3930th meeting, held on 23 September 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Sweden), with the consent of the Council, invited the representatives of Albania, Bosnia and Herzegovina, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, Japan, Portugal, Slovenia, Sweden, the United Kingdom and the United States.³²²

Speaking before the vote, the representative of the Russian Federation stated that the situation in and around Kosovo, Federal Republic of Yugoslavia, remained extremely difficult. As a result of the continued armed confrontations, including some in

which heavy weapons were used, there was a steady flow of refugees and displaced persons, which, given the onset of winter, was fraught with grave humanitarian consequences. In violation of Security Council resolution 1160 (1998), material and financial support from abroad continued to be provided to Kosovo extremists, first and foremost from the territory of Albania, which was seriously destabilizing the situation and provoking tensions in Kosovo. Despite the efforts undertaken, up to that time, it had been impossible to establish a direct political dialogue between the Serbian authorities, the Federal Republic of Yugoslavia and the leadership of the Kosovo Albanians. Under those circumstances, an urgent need had arisen to give additional impetus to international efforts to facilitate a political settlement and a normalization of the humanitarian situation in the area. He reiterated that the basic provisions of the draft resolution corresponded with the fundamental stance taken by the Russian Federation, which favoured settlement of the conflict in Kosovo exclusively through peaceful and political means on the basis of granting broad autonomy to Kosovo, with strict respect for the territorial integrity of the Federal Republic of Yugoslavia. He maintained that his delegation was convinced that there was no reasonable alternative to such an approach. In particular, the use of unilateral measures of force to settle the conflict was fraught with the risk of destabilizing the Balkan region and all of Europe and would have long-term adverse consequences for the international system, which relied on the central role of the United Nations.³²³

The representative of China stated that his country had always been of the view that the question of Kosovo was an internal matter of the Federal Republic of Yugoslavia. He expressed his belief that the question of Kosovo should and could be solved only by the Yugoslav people themselves in their own way. His delegation appreciated the position of the Government of the Federal Republic of Yugoslavia regarding settling the Kosovo issue through unconditional dialogue. He maintained that the situation in the Kosovo region was now stabilizing. There was no large-scale armed conflict, still less any escalation of the conflict. The Government of the Federal Republic of Yugoslavia had also taken a series of positive measures to encourage the refugees to

³²² S/1998/882.

³²³ S/PV.3930, pp. 2-3.

return home and provide facilities for humanitarian relief work. He expressed grave concern about the action of blocking for political purposes the return of refugees and prolonging the humanitarian crisis so as to keep the attention of the international community on the region. He reiterated that China did not see the situation in Kosovo as a threat to international peace and security. He also reiterated that many of the countries in the region were multi-ethnic. If the Security Council became involved in a dispute without being requested to do so by the countries of the region, or went even further and unfairly applied pressure on or threatened actions against the Government of the country concerned, it would create a bad precedent and have wider negative implications. He asserted that the draft resolution had not taken into full consideration the situation in Kosovo and the legitimate rights of the Federal Republic of Yugoslavia within its sphere of sovereignty. It had invoked Chapter VII of the United Nations Charter all too indiscreetly in order to threaten the Federal Republic of Yugoslavia. That would not help bring about the fundamental settlement of the Kosovo issue. It might, on the contrary, reinforce the separatist and terrorist forces in the region and increase the tension there. As a result, the Chinese delegation could not support the draft resolution and would be compelled to abstain.³²⁴

At the same meeting, the draft resolution was put to the vote and was adopted by 14 votes to none, with 1 abstention (China), as resolution 1199 (1998),³²⁵ which reads:

The Security Council,

Recalling its resolution 1160 (1998) of 31 March 1998,

Having considered the reports of the Secretary-General pursuant to resolution 1160 (1998), and in particular his report of 4 September 1998,

Taking note with appreciation of the statement by the Ministers for Foreign Affairs of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the Contact Group) of 12 June 1998 at the conclusion of the meeting of the Contact Group with the Ministers for Foreign Affairs of Canada and Japan, and the further statement of the Contact Group made in Bonn on 8 July 1998,

Taking note also with appreciation of the joint statement of 16 June 1998 by the Presidents of the Russian Federation and the Federal Republic of Yugoslavia,

Taking note of the communication by the 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 addressed to the Contact Group on 7 July 1998, expressing the view that the situation in Kosovo represents an armed conflict within the terms of the mandate of the Tribunal,

Gravely concerned at the recent intense fighting in Kosovo and in particular the excessive and indiscriminate use of force by Serbian security forces and the Yugoslav Army, which have resulted in numerous civilian casualties and, according to the estimate of the Secretary-General, the displacement of over 230,000 persons from their homes,

Deeply concerned by the flow of refugees into northern Albania, Bosnia and Herzegovina and other European countries as a result of the use of force in Kosovo, as well as by the increasing numbers of displaced persons within Kosovo, and other parts of the Federal Republic of Yugoslavia, up to 50,000 of whom the Office of the United Nations High Commissioner for Refugees has estimated are without shelter and other basic necessities,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety, and underlining the responsibility of the Federal Republic of Yugoslavia for creating the conditions which allow them to do so,

Condemning all acts of violence by any party, as well as terrorism in pursuit of political goals by any group or individual, and all external support for such activities in Kosovo, including the supply of arms and training for terrorist activities in Kosovo, and expressing concern at the reports of continuing violations of the prohibitions imposed by resolution 1160 (1998),

Deeply concerned by the rapid deterioration in the humanitarian situation throughout Kosovo, alarmed at the impending humanitarian catastrophe as described in the report of the Secretary-General, and emphasizing the need to prevent this from happening,

Deeply concerned also by reports of increasing violations of human rights and of international humanitarian law, and emphasizing the need to ensure that the rights of all inhabitants of Kosovo are respected,

Reaffirming the objectives of resolution 1160 (1998), in which the Council expressed support for a peaceful resolution of the Kosovo problem, which would include an enhanced status for Kosovo, a substantially greater degree of autonomy, and meaningful self-administration,

Reaffirming also the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

³²⁴ *Ibid.*, pp. 3-4.

³²⁵ For the vote, see S/PV.3930, p. 4.

Affirming that the deterioration of the situation in Kosovo, Federal Republic of Yugoslavia, constitutes a threat to peace and security in the region,

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

1. *Demands* that all parties, groups and individuals immediately cease hostilities and maintain a ceasefire in Kosovo, Federal Republic of Yugoslavia, which would enhance the prospects for a meaningful dialogue between the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership and reduce the risks of a humanitarian catastrophe;

2. *Demands also* that the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership take immediate steps to improve the humanitarian situation and to avert the impending humanitarian catastrophe;

3. *Calls upon* the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue without preconditions and with international involvement, and to a clear timetable, leading to an end of the crisis and to a negotiated political solution to the issue of Kosovo, and welcomes the current efforts aimed at facilitating such a dialogue;

4. *Demands* that the Federal Republic of Yugoslavia, in addition to the measures called for under resolution 1160 (1998), implement immediately the following concrete measures towards achieving a political solution to the situation in Kosovo as contained in the Contact Group statement of 12 June 1998:

(a) Cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression;

(b) Enable effective and continuous international monitoring in Kosovo by the European Community Monitoring Mission and diplomatic missions accredited to the Federal Republic of Yugoslavia, including access and complete freedom of movement of such monitors to, from and within Kosovo, unimpeded by government authorities, and expeditious issuance of appropriate travel documents to international personnel contributing to the monitoring;

(c) Facilitate, in agreement with the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, the safe return of refugees and displaced persons to their homes, and allow free and unimpeded access for humanitarian organizations and supplies to Kosovo;

(d) Make rapid progress to a clear timetable, in the dialogue referred to in paragraph 3 above with the Kosovo Albanian community, which was called for in resolution 1160 (1998), with the aim of agreeing to confidence-building measures and finding a political solution to the problems of Kosovo;

5. *Notes*, in this connection, the commitments of the President of the Federal Republic of Yugoslavia, in his joint

statement with the President of the Russian Federation of 16 June 1998:

(a) To resolve existing problems by political means on the basis of equality for all citizens and ethnic communities in Kosovo;

(b) Not to carry out any repressive actions against the peaceful population;

(c) To provide full freedom of movement for and ensure that there will be no restrictions on representatives of foreign States and international institutions accredited to the Federal Republic of Yugoslavia monitoring the situation in Kosovo;

(d) To ensure full and unimpeded access for humanitarian organizations, the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees, and delivery of humanitarian supplies;

(e) To facilitate the unimpeded return of refugees and displaced persons under programmes agreed upon with the Office of the High Commissioner and the International Committee of the Red Cross, providing State aid for the reconstruction of destroyed homes;

and calls for the full implementation of these commitments;

6. *Insists* that the Kosovo Albanian leadership condemn all terrorist action, and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;

7. *Recalls* the obligations of all States to implement fully the prohibitions imposed by resolution 1160 (1998);

8. *Endorses* the steps taken to establish effective international monitoring of the situation in Kosovo, and in this connection welcomes the establishment of the Kosovo Diplomatic Observer Mission;

9. *Urges* States and international organizations represented in the Federal Republic of Yugoslavia to make available personnel to fulfil the responsibility of carrying out effective and continuous international monitoring in Kosovo until the objectives of the present resolution and those of resolution 1160 (1998) are achieved;

10. *Reminds* the Federal Republic of Yugoslavia that it has the primary responsibility for the security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia as well as the safety and security of all international and non-governmental humanitarian personnel in the Federal Republic of Yugoslavia, and calls upon the authorities of the Federal Republic of Yugoslavia and all others concerned in the Federal Republic of Yugoslavia to take all appropriate steps to ensure that monitoring personnel performing functions under the present resolution are not subject to the threat or use of force or interference of any kind;

11. *Requests* States to pursue all means consistent with their domestic legislation and relevant international law to prevent funds collected on their territory being used to contravene resolution 1160 (1998);

12. *Calls upon* Member States and others concerned to provide adequate resources for humanitarian assistance in the region and to respond promptly and generously to the United Nations Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Kosovo Crisis;

13. *Calls upon* the authorities of the Federal Republic of Yugoslavia, the leaders of the Kosovo Albanian community and all others concerned to cooperate fully with the Prosecutor of the International Tribunal for the Former Yugoslavia in the investigation of possible violations within the jurisdiction of the Tribunal;

14. *Underlines* the need for the authorities of the Federal Republic of Yugoslavia to bring to justice those members of the security forces who have been involved in the mistreatment of civilians and the deliberate destruction of property;

15. *Requests* the Secretary-General to provide regular reports to the Council as necessary on his assessment of compliance with the present resolution by the authorities of the Federal Republic of Yugoslavia and all elements in the Kosovo Albanian community, including through his regular reports on compliance with resolution 1160 (1998);

16. *Decides*, should the concrete measures demanded in the present resolution and resolution 1160 (1998) not be taken, to consider further action and additional measures to maintain or restore peace and stability in the region;

17. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United Kingdom stated that, despite the efforts of the international community to help find a settlement, the security forces of President Milosevic of the Federal Republic of Yugoslavia were continuing to inflict brutality and repression on those they “claim[ed] to see as their fellow citizens”. He stressed that President Milosevic carried a direct responsibility. If he ignored those obligations and continued to pursue military repression, the international community would respond vigorously. By acting under Chapter VII of the United Nations Charter and by explicitly characterizing the deterioration of the situation in Kosovo as a threat to peace and security in the region, the Security Council was putting President Milosevic on notice that he would be held accountable for his actions.³²⁶

³²⁶ S/PV.3930, p. 4.

The representative of the United States stated that the best way to stem the crisis was for Belgrade to heed the demands for an immediate cessation of offensive actions and for the pullback of its security forces. They also called for a meaningful dialogue, without preconditions and with international involvement, leading to a solution to the Kosovo question, as set out in the resolution. In particular, the authorities in Belgrade had to be held accountable for creating the conditions to allow all refugees and displaced persons to return to their homes in safety. Belgrade was responsible for the well-being of the people of Kosovo, as well as for the security of all diplomatic personnel and non-governmental humanitarian personnel on the ground. He also underlined the importance of full cooperation with the Tribunal. He expressed their hope that the resolution and the ongoing efforts to reach a settlement would convince Belgrade to comply with the demands of the international community, but stressed that planning at the North Atlantic Treaty Organization for military operations, if those efforts did not succeed, was nearing completion. He underscored that the international community would not stand idly by as the situation in Kosovo deteriorated.³²⁷

**Decision of 24 October 1998 (3937th meeting):
resolution 1203 (1998)**

On 4 September 1998, pursuant to Security Council resolutions 1160 (1998) and 1199 (1998), the Secretary-General submitted to the Council a report on the situation in Kosovo, Federal Republic of Yugoslavia. In his report, the Secretary-General informed the Council that, during the reporting period, fighting in Kosovo had continued unabated.³²⁸ He stated that the international community had witnessed appalling atrocities in Kosovo, reminiscent of the recent past elsewhere in the Balkans. Those had been borne out by reporting by the Kosovo Diplomatic Observer Mission and other reliable sources. It was clear beyond any reasonable doubt that the great majority of such acts had been committed by security forces in Kosovo acting under the authority of the Federal Republic of Yugoslavia, although Kosovo Albanian paramilitary units had engaged in armed action also, and there was good reason to believe that

³²⁷ *Ibid.*, pp. 4-5.

³²⁸ S/1998/912.

they too had committed atrocities. He cautioned that, if the present state of affairs continued, thousands could die in the winter and that conditions had to be created that would allow for the return of a significant number of internally displaced persons. He expressed his hope that the negotiations between the Federal Republic of Yugoslavia and the Kosovo Albanian leadership would be resumed without delay and would produce early agreements, and that they would result in the restoration of confidence that was needed for a return and resettlement of all those who had fled their home in fear. Such agreements might also envisage more far-reaching steps, possibly even institutional reforms, to address long-term needs. He suggested that it would be useful to initiate consultations amongst international actors to prepare to face such a challenge, without necessarily awaiting the agreements. He also suggested that it would be helpful if, in the immediate term, the Kosovo Diplomatic Observer Mission were brought to its full strength and if the presence of human rights observers were enhanced. He noted that for the report he had had to rely largely on information and analysis from sources external to the United Nations and did not have the means necessary to provide an independent assessment of compliance, as required by the Security Council in paragraph 15 of resolution 1199 (1998), other than on the humanitarian situation. Therefore, the Council might wish to make its own judgment in that respect on the basis of the present report. He reiterated that, as the Council had affirmed, the deterioration in the situation in Kosovo, Federal Republic of Yugoslavia, constituted a threat to peace and security in the region.

At its 3937th meeting, held on 24 October 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (United Kingdom), with the consent of the Council, invited the representatives of Germany, Italy, Poland and Ukraine, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by Bahrain, France, Germany, Italy, Japan, Portugal, Slovenia, Sweden, the United Kingdom and the United States.³²⁹ The President further drew the attention of the Council to the following documents:

³²⁹ S/1998/992.

letters dated 14, 16 and 23 October 1998, respectively from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council, transmitting the endorsement of the Yugoslav Republic of Serbia of the accord on the problems in Kosovo and Metohija, reached by the President of the Federal Republic of Yugoslavia and the United States Special Envoy, the agreement on the Organization for Security and Cooperation in Europe Verification Mission in Kosovo, and a statement on the meeting between the Yugoslav President and the Head of the OSCE Mission in Kosovo;³³⁰ letters dated 16 and 19 October 1998 from the representative of Poland addressed to the President of the Security Council and to the Secretary-General, respectively, transmitting a decision of OSCE on Kosovo and the agreement on the OSCE Verification Mission in Kosovo;³³¹ and a letter dated 22 October 1998 from the representative of the United States addressed to the President of the Security Council, enclosing the text of the Kosovo Verification Mission Agreement between NATO and the Federal Republic of Yugoslavia.³³² He further drew the attention of the Council to a letter dated 16 October 1998 from the representative of Canada to the United Nations addressed to the President of the Security Council,³³³ expressing the view that the Council should move quickly to adopt a resolution to lock in the agreement that the President of the Federal Republic of Yugoslavia had signed, and to provide for its enforcement.

The representative of Poland presented the view of the Polish Chairmanship-in-Office of OSCE. The Organization for Security and Cooperation in Europe was concerned at the unfolding crisis in Kosovo, its dangerous potential ramifications for peace and stability in the region and in Europe, and the fact that the provisions of Security Council resolutions 1160 (1998) and 1199 (1998) had not been fully complied with. He informed the Council that OSCE had taken the position that the solution should be based on respect for the territorial integrity of the Federal Republic of Yugoslavia and on the standards defined in the United Nations Charter, as well as on OSCE documents. The Organization for Security and

³³⁰ S/1998/953, S/1998/962 and S/1998/993.

³³¹ S/1998/959 and S/1998/978.

³³² S/1998/991.

³³³ S/1998/963.

Cooperation in Europe insisted that such a solution take into account the right of the Kosovo Albanians to autonomy and significant self-government, which would be reflected in a special status of the province within the Federal Republic of Yugoslavia. He noted that, thanks to the efforts of the international community, the process of settling the Kosovo dispute had entered into a new phase. The OSCE Chairman-in-Office had signed an agreement between OSCE and the Government of the Federal Republic of Yugoslavia on the establishment of the Mission. That agreement, together with the agreement on the NATO-Kosovo Air Verification regime, constituted an important step towards the development of a political framework aimed at ensuring compliance with the demands set out in resolution 1199 (1998). He also stated that the leader of the Kosovo Albanians, had, in spite of some reservations, welcomed the agreement and expressed the view that the Albanian community in Kosovo would cooperate with the OSCE Verification Mission in Kosovo. The Kosovo Albanian leader saw that act as an important step towards enhancing the international presence in Kosovo, which needed to facilitate negotiations for a political solution to the crisis, the recognition of Albanian community institutions, including local police, and a decision on the future of Kosovo. Finally, the representative of Poland expressed the belief that an effective implementation of the recently concluded agreements had to be secured, if the process of conflict resolution was to gain momentum.³³⁴

The representative of Ukraine stressed that, as the Ministry for Foreign Affairs of Ukraine had noted, while understanding the motivations behind the decision by NATO of 13 October 1998 on the possibility of the use of military force in the Federal Republic of Yugoslavia, his delegation was still hopeful that the latest steps of the Federal Republic of Yugoslavia leadership as to the implementation of Security Council resolution 1199 (1998) would make it possible to avert the use of force, because it could lead to unpredictable consequences.³³⁵

Speaking before the vote, the representative of Costa Rica stated that, while his Government was supporting the draft resolution, he wanted to state some

³³⁴ S/PV.3937, pp. 2-4.

³³⁵ *Ibid.*, pp. 4-5.

misgivings of a legal nature, with regard to certain aspects of the draft resolution. He maintained that a goal such as that one, which was ethically and morally unquestionable, deserved to be achieved by means of international law. He expressed the belief that any Security Council resolution ought to be strictly in keeping with international law and with a sound political concept. The adoption of any measure that implied the use of force or military troops had to meet all the legal, political and strategic requirements of the Charter and be based on practical experience. Any action that implied the use of force, with the very limited exception of the right of legitimate defence, thus required clear authorization by the Council for each specific case. He maintained that those principles were implicit in the primary responsibility of the Council with respect to the maintenance of international peace and security and in the absolute prohibition of the use of force in international relations. The Council could not transfer to others or set aside its primary responsibility for the maintenance of international peace and security. His delegation did not believe that the Council should authorize missions with military troops whose limits and powers were not clearly pre-established or whose mandate might be conditional on the subsequent decisions of other organs or groups of States. He insisted that the Security Council alone could determine whether there had been a violation of its resolutions, adopted in the exercise of its mandated powers. Only the Security Council could authorize the use of force to ensure compliance with its resolutions, in exercise of its primary responsibility of the maintenance of international peace and security.³³⁶

The representative of Brazil observed that a difficult negotiating process had prevented the Security Council from moving more rapidly on Kosovo after the agreements reached between the Federal Republic of Yugoslavia on the one hand, and OSCE and NATO on the other. In its attempt to reach a consensus, the Security Council had been caught between two opposing tendencies. Some had argued that the Council's role at that stage should not go beyond a mere endorsement of those agreements; others had argued in favour of exerting as much pressure as possible, if need be, without a clear reference to the prerogatives of the Council under the Charter. Of particular concern was the possibility that the Council

³³⁶ *Ibid.*, pp. 6-7.

might be transferring to other organizations its essential role in making the determination on whether or not its resolutions were being complied with. He expressed the belief that before it became sufficiently clear that the trend of the past few months had been reversed in Kosovo, the Council could not allow itself to be seen as showing complacency about non-compliance or even incomplete compliance with its resolutions. He commented that his delegation did not wish to raise the question of how regional groups define themselves. However, as a State Member of the United Nations it was his country's right to defend the Charter and according to the Charter, "non-universal organisms" might resort to force only on the basis either of the right to legitimate self-defence, as stipulated in Article 51, or through the procedures of Chapter VIII, in particular Article 53, which imposed on them the obligation of seeking Security Council authorization beforehand and abiding by the Council's decisions. He underscored that the integration of non-universal organizations into the wider collective security concept enshrined in the Charter was a serious matter. He maintained that it would be regrettable if they were to slide into a two-tiered international system, in which the Security Council would continue to bear primary responsibility for the maintenance of peace and security in most of the world, while it would bear only secondary responsibility in regions covered by special defence arrangements. He noted that his delegation was glad that the suggestion to have a preambular paragraph reaffirming the primary responsibility of the Council for the maintenance of international peace and security had been taken on board. In light of that reaffirmation and of other changes which satisfied their basic concerns, his delegation would be voting in favour of the draft resolution before them.³³⁷

The representative of the Russian Federation stated that a new, important stage had been reached, opening up prospects for a political solution of the Kosovo problem. He reiterated that the Russian Federation fully supported the Agreements regarding the dispatch of the verification missions and called upon Belgrade to implement them fully. He noted that there had also clearly been some progress in the fulfilment of the requirements contained in Security Council resolutions 1160 (1998) and 1199 (1998),

although much still remained to be done. Regarding the draft resolution, he stressed that enforcement elements had been excluded, and there were no provisions in it that would directly or indirectly sanction the automatic use of force, which would be to the detriment of the prerogatives of the Council under the Charter. Observing that in the course of the work on the draft resolution, much attention had been paid to the question of ensuring the security of the personnel of the verification missions in Kosovo, he expressed their satisfaction that it was clearly stated in paragraph 9 that, in the event of an emergency, measures to ensure the safety of the verification missions, including arrangements for evacuating OSCE personnel, would be undertaken strictly in accordance with the procedure provided for in the agreements signed with the Federal Republic of Yugoslavia. He commented that the clarity introduced on that issue provided guarantees against arbitrary and unsanctioned actions. He also maintained that one could not fail to take account of the possible danger to the implementation of the agreements between OSCE and the Federal Republic of Yugoslavia as a result of actions by the Kosovo Albanians and expressed alarm at news of their continuing failure to comply with the demands of the Security Council. Noting that illegal weapons continued to reach Kosovo in violation of the arms embargo, he emphasized that that created a real threat of a new outbreak of violence and tension. He reminded members that resolution 1160 (1998) had been adopted under Chapter VII of the Charter, and that the draft resolution also made reference to that chapter, which served as a reminder to those who were violating the arms embargo and in particular the prohibition on supplying outside weapons or assistance to the Kosovo terrorists. He cautioned that the draft resolution did not take into account the recent positive changes with respect to the implementation by Belgrade of the Council's demands. His delegation could not agree with the one-sided assertion in the preambular part of the text that the unresolved situation in Kosovo constituted a continuing threat to peace and security in the region. He also expressed regret that the sponsors of the draft resolution refused to delete the portion of the text relating to freedom of operation of media outlets in the Federal Republic of Yugoslavia. Questions of freedom of the press lay far beyond the powers of the Security Council, and therefore could not be the object of a Council resolution, especially one adopted under Chapter VII of the Charter. It was other United Nations

³³⁷ Ibid., pp. 10-11.

organs that considered such matters. He informed the Council that under the circumstances, the Russian delegation would abstain in the vote on the draft resolution. Finally, he reiterated that his delegation was convinced that there were no differences of opinion among members of the Security Council on the strategy for action to achieve a peaceful settlement in Kosovo. That strategy, which precluded the granting of *carte blanche* with respect to the use of force, was reflected in the draft resolution and the Russian Federation would not object to its adoption.³³⁸

The representative of the United Kingdom welcomed the draft resolution and noted that it was right that its commitments were enshrined in a mandatory Chapter VII resolution. The history of unfulfilled commitments from the President of the Federal Republic of Yugoslavia over the summer meant that they could not rely on his word, but had to watch his actions closely. In agreeing to the two missions, the Yugoslav President had accepted that the international community had a significant role to play in resolving the problems of Kosovo. He stressed that the Federal Republic of Yugoslavia had guaranteed the freedom of movement of the OSCE Verification Mission as well as its safety and security. The representative underlined that there should be no doubt that his Government would use to the full their inherent right to protect their nationals if they were in danger, and the right under the draft resolution to ensure their safety and freedom of movement. The United Kingdom called upon the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to seize the opportunity to build a new Kosovo, based on free elections and the principle of self-government for its people. Failure to do so would not be understood or accepted by the international community.³³⁹

A number of other speakers took the floor, welcoming the signing of the agreements between OSCE and NATO and the Federal Republic of Yugoslavia; calling for the two parties to begin a constructive, unconditional dialogue leading to agreement on all matters and issues that had yet to be resolved and to take measures to prevent a humanitarian catastrophe.³⁴⁰

At the same meeting, the draft resolution was put to the vote and was adopted by 13 votes to none, with 2 abstentions (China and the Russian Federation), as resolution 1203 (1998),³⁴¹ which reads:

The Security Council,

Recalling its resolutions 1160 (1998) of 31 March 1998 and 1199 (1998) of 23 September 1998, and the importance of the peaceful resolution of the problem of Kosovo, Federal Republic of Yugoslavia,

Having considered the reports of the Secretary-General pursuant to resolutions 1160 (1998) and 1199 (1998), in particular his report of 3 October 1998,

Welcoming the agreement signed in Belgrade on 16 October 1998 by the Minister for Foreign Affairs of the Federal Republic of Yugoslavia and the Chairman-in-Office of the Organization for Security and Cooperation in Europe providing for that organization to establish a verification mission in Kosovo, including the undertaking of the Federal Republic of Yugoslavia to comply with resolutions 1160 (1998) and 1199 (1998),

Welcoming also the agreement signed in Belgrade on 15 October 1998 by the Chief of General Staff of the Federal Republic of Yugoslavia and the Supreme Allied Commander, Europe, of the North Atlantic Treaty Organization providing for the establishment of an air verification mission over Kosovo, complementing the Organization for Security and Cooperation in Europe Verification Mission in Kosovo,

Welcoming further the decision of the Permanent Council of the Organization for Security and Cooperation in Europe of 15 October 1998,

Welcoming the decision of the Secretary-General to send a mission to the Federal Republic of Yugoslavia to establish a first-hand capacity to assess developments on the ground in Kosovo,

Reaffirming that, under the Charter of the United Nations, primary responsibility for the maintenance of international peace and security is conferred on the Security Council,

Recalling the objectives of resolution 1160 (1998), in which the Council expressed support for a peaceful resolution of the Kosovo problem, which would include an enhanced status for Kosovo, a substantially greater degree of autonomy and meaningful self-administration,

Condemning all acts of violence by any party, as well as terrorism in pursuit of political goals by any group or individual, and all external support for such activities in Kosovo, including the supply of arms and training for terrorist activities in Kosovo,

(Sweden); pp. 7-8 (Slovenia); p. 8 (Kenya); p. 8 (Gambia); p. 9 (Japan); and pp. 9-10 (Gabon).

³⁴¹ For the vote, see S/PV.3937, p. 14.

³³⁸ Ibid., pp. 11-12.

³³⁹ Ibid., p. 13.

³⁴⁰ Ibid., p. 5 (Bahrain); pp. 5-6 (Portugal); pp. 6-7

and expressing concern at the reports of continuing violations of the prohibitions imposed by resolution 1160 (1998),

Deeply concerned at the recent closure by the authorities of the Federal Republic of Yugoslavia of independent media outlets in the Federal Republic of Yugoslavia, and emphasizing the need for these to be allowed freely to resume their operations,

Deeply alarmed and concerned at the continuing grave humanitarian situation throughout Kosovo and the impending humanitarian catastrophe, and re-emphasizing the need to prevent this from happening,

Stressing the importance of proper coordination of humanitarian initiatives undertaken by States, the United Nations High Commissioner for Refugees and international organizations in Kosovo,

Emphasizing the need to ensure the safety and security of members of the Verification Mission in Kosovo and the Air Verification Mission over Kosovo,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Affirming that the unresolved situation in Kosovo, Federal Republic of Yugoslavia, constitutes a continuing threat to peace and security in the region,

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

1. *Endorses and supports* the agreements signed in Belgrade on 16 October 1998 between the Federal Republic of Yugoslavia and the Organization for Security and Cooperation in Europe, and on 15 October 1998 between the Federal Republic of Yugoslavia and the North Atlantic Treaty Organization, concerning the verification of compliance by the Federal Republic of Yugoslavia and all others concerned in Kosovo with the requirements of its resolution 1199 (1998), and demands the full and prompt implementation of those agreements by the Federal Republic of Yugoslavia;

2. *Notes* the endorsement by the Government of Serbia of the accord reached by the President of the Federal Republic of Yugoslavia and the United States Special Envoy, and the public commitment of the Federal Republic of Yugoslavia to complete negotiations on a framework for a political settlement by 2 November 1998, and calls for the full implementation of these commitments;

3. *Demands* that the Federal Republic of Yugoslavia comply fully and swiftly with resolutions 1160 (1998) and 1199 (1998) and cooperate fully with the Organization for Security and Cooperation in Europe Verification Mission in Kosovo and the North Atlantic Treaty Organization Air Verification Mission over Kosovo according to the terms of the agreements referred to in paragraph 1 above;

4. *Demands also* that the Kosovo Albanian leadership and all other elements of the Kosovo Albanian community comply fully and swiftly with resolutions 1160 (1998) and 1199 (1998) and cooperate fully with the Verification Mission in Kosovo;

5. *Stresses* the urgent need for the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue without preconditions and with international involvement, and a clear timetable, leading to an end of the crisis and to a negotiated political solution to the issue of Kosovo;

6. *Demands* that the authorities of the Federal Republic of Yugoslavia, the Kosovo Albanian leadership and all others concerned respect the freedom of movement of the Verification Mission in Kosovo and other international personnel;

7. *Urges* States and international organizations to make available personnel to the Verification Mission in Kosovo;

8. *Reminds* the Federal Republic of Yugoslavia that it has the primary responsibility for the safety and security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia, including members of the Verification Mission in Kosovo, as well as the safety and security of all international and non-governmental humanitarian personnel in the Federal Republic of Yugoslavia, and calls upon the authorities of the Federal Republic of Yugoslavia, and all others concerned throughout the Federal Republic of Yugoslavia, including the Kosovo Albanian leadership, to take all appropriate steps to ensure that personnel performing functions under the present resolution and the agreements referred to in paragraph 1 above are not subject to the threat or use of force or interference of any kind;

9. *Welcomes* in this context the commitment of the Federal Republic of Yugoslavia to guarantee the safety and security of the Verification Missions as contained in the agreements referred to in paragraph 1 above, notes that, to this end, the Organization for Security and Cooperation in Europe is considering arrangements to be implemented in cooperation with other organizations, and affirms that, in the event of an emergency, action may be needed to ensure their safety and freedom of movement as envisaged in the agreements referred to in paragraph 1 above;

10. *Insists* that the Kosovo Albanian leadership condemn all terrorist actions, demands that such actions cease immediately, and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;

11. *Demands* immediate action from the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to cooperate with international efforts to improve the humanitarian situation and to avert the impending humanitarian catastrophe;

12. *Reaffirms* the right of all refugees and displaced persons to return to their homes in safety, and underlines the responsibility of the Federal Republic of Yugoslavia for creating the conditions which allow them to do so;

13. *Urges* Member States and others concerned to provide adequate resources for humanitarian assistance in the region and to respond promptly and generously to the United Nations Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Kosovo Crisis;

14. *Calls* for prompt and complete investigation, including international supervision and participation, of all atrocities committed against civilians and full cooperation with 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, including compliance with its orders, requests for information and investigations;

15. *Decides* that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to relevant equipment for the sole use of the Verification Missions in accordance with the agreements referred to in paragraph 1 above;

16. *Requests* the Secretary-General, acting in consultation with the parties concerned with the agreements referred to in paragraph 1 above, to report regularly to the Council regarding implementation of the present resolution;

17. *Decides* to remain seized of the matter.

At the same meeting, speaking after the vote, the representative of China stated that his delegation understood the agreements on the question of Kosovo reached between the Federal Republic of Yugoslavia and the parties concerned and that they evaluated positively the efforts made by the Government in alleviating the humanitarian situation in Kosovo and pursuing lasting peace and reconciliation in the region. However, at the same time as those agreements were being concluded, a regional organization made the decision to take military actions against the Federal Republic of Yugoslavia and interfere in its internal affairs — a decision that was made unilaterally, without consulting the Security Council or seeking its authorization. That act had violated the purposes, principles and relevant provisions of the Charter of the United Nations, as well as international law and widely acknowledged norms governing relations between States. He reiterated that the question of Kosovo needed to be resolved on the basis of maintaining the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, conforming to the provisions and requirements of the Charter. The implementation of the agreements also had to proceed on that basis and be completed through full consultation and cooperation

with the Government of the Federal Republic of Yugoslavia. The representative stated that, while China did not oppose the adoption of a well-focused technical resolution by the Council to endorse the agreements reached between the Federal Republic of Yugoslavia and relevant parties and to encourage peaceful approaches on the question of Kosovo, his Government did not favour the inclusion in the resolution of content beyond the above agreements, and was even more opposed to using Council resolutions to pressure the Federal Republic of Yugoslavia or to interfere in its internal affairs. He noted that the Chinese delegation had put forward its amendments during the Council's consultations, among which the request to delete those elements authorizing use of force or threatening to use force was accommodated. He stressed that China believed that the resolution did not entail any authorization to use force or to threaten to use force against the Federal Republic of Yugoslavia, nor should it be interpreted as authorizing the use of force. Nonetheless, the resolution still contained several elements beyond the agreements reached between the Federal Republic of Yugoslavia and the parties concerned, including reference to Chapter VII of the Charter and elements of interference in the internal affairs of the Federal Republic of Yugoslavia, and the Chinese delegation therefore abstained in voting.³⁴²

The representative of the United States stated that the voices of reason and moderation in Kosovo had been muffled by repressive political, military and police actions and by those who advocated violence and the use of force over negotiation. Recently, Belgrade had taken steps to silence the independent media, further depriving the people of the Federal Republic of Yugoslavia of the capacity to make their own judgments about events in Kosovo and to assess accurately the actions of their leaders. In that context, he expressed regret that not all members of the Council were able to support the resolution, and in particular its language about the importance of free media to a peaceful resolution of the Kosovo crisis. He also stressed that the investigations of the International Criminal Tribunal for the Former Yugoslavia into Kosovo were essential to restoring peace and security and had to continue with the cooperation of everyone. He acknowledged that a credible use of force was key to achieving OSCE and NATO agreements and

³⁴² S/PV.3937, p. 14.

remained key to ensuring their full implementation. In addition, no party should be under the misapprehension that it could take any action that would hinder or endanger international verifiers or the personnel of humanitarian organizations. He also insisted that the NATO allies, in agreeing on 13 October to the use of force, made it clear that they had the authority, the will and the means to resolve the issue, and that they retained that authority. Finally, he reiterated that the crisis in Kosovo could and should be resolved through peaceful dialogue and negotiation.³⁴³

The representative of France stated that the way was open to a peaceful settlement to the question of Kosovo, but vigilance and commitment on the part of all would be required. He noted that members of the Council were aware of the dangers and threats and did not want any recurrence of the violations of the safety and security of those entrusted with the verification and implementation of the agreements. The Council therefore welcomed the commitment of the Federal Republic of Yugoslavia to guarantee the security of the verification missions, but it affirmed that, in the event of an emergency, action might be necessary to ensure the safety and freedom of movement of the Mission, as envisaged in the agreements signed in Belgrade.³⁴⁴

Decision of 19 January 1999 (3967th meeting): statement by the President

At its 3967th meeting, held on 19 January 1999 in accordance with the understanding reached in its prior consultations, the President (Brazil), with the consent of the Council, invited the representatives of Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 16 January 1999 addressed to the President of the Security Council,³⁴⁵ in which the representative of Albania requested that an urgent meeting of the Security Council be convened with regard to the massacre of ethnic Albanians in the village of Racak, Kosovo. The President further drew the attention of the Council to the following other documents: a letter dated 17 January 1999 from the representative of the Federal Republic of Yugoslavia addressed to the Secretary-

General,³⁴⁶ transmitting a statement by the President of the Republic of Serbia following a statement of the Head of the OSCE Verification Mission; and a letter dated 18 January 1999 from the representative of Albania addressed to the Secretary-General,³⁴⁷ transmitting a letter from the Minister for Foreign Affairs concerning the massacre of ethnic Albanians in Racak, Kosovo, urging the Secretary-General's immediate engagement in the matter.

At the same meeting, the President made the following statement on behalf of the Council:³⁴⁸

The Security Council strongly condemns the massacre of Kosovo Albanians in the village of Racak in southern Kosovo, Federal Republic of Yugoslavia, on 15 January 1999, as reported by the Kosovo Verification Mission of the Organization for Security and Cooperation in Europe. It notes with deep concern that the report of the Mission states that the victims were civilians, including women and at least one child. The Council also takes note of the statement by the head of the Mission that the responsibility for the massacre lay with security forces of the Federal Republic of Yugoslavia, and that uniformed members of both the armed forces of the Federal Republic of Yugoslavia and Serbian special police had been involved. The Council emphasizes the need for an urgent and full investigation of the facts and urgently calls upon the Federal Republic of Yugoslavia to work with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the Mission to ensure that those responsible are brought to justice.

The Council deplores the decision by Belgrade to declare the head of the Mission, William Walker, *persona non grata*, and reaffirms its full support for Mr. Walker and the efforts of the Organization for Security and Cooperation in Europe to facilitate a peaceful settlement. It calls upon Belgrade to rescind this decision and to cooperate fully with Mr. Walker and the Mission.

The Council deplores the decision by the Federal Republic of Yugoslavia to refuse access to the Prosecutor of the International Tribunal for the Former Yugoslavia, and calls upon the Federal Republic of Yugoslavia to cooperate fully with the International Tribunal in carrying out an investigation in Kosovo, in line with the call for cooperation with the Tribunal in Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998 and 1203 (1998) of 24 October 1998.

The Council notes that, against the clear advice of the Mission, Serb forces returned to Racak on 17 January 1999 and that fighting broke out.

³⁴³ *Ibid.*, p. 15.

³⁴⁴ *Ibid.*, pp. 15-16.

³⁴⁵ S/1999/50.

³⁴⁶ S/1999/51.

³⁴⁷ S/1999/52.

³⁴⁸ S/PRST/1999/2.

The Council considers that the events in Racak constitute the latest in a series of threats to the efforts to settle this conflict through negotiation and peaceful means.

The Council condemns the shooting of Mission personnel on 15 January 1999 and all actions endangering Mission and international personnel. It reaffirms its full commitment to the safety and security of the Mission personnel. It reiterates its demands that the Federal Republic of Yugoslavia and the Kosovo Albanians cooperate fully with the Mission.

The Council calls upon the parties to cease immediately all acts of violence and to engage in talks on a lasting settlement.

The Council also strongly warns the Kosovo Liberation Army against actions which are contributing to tensions.

The Council considers all of these events to be violations of its resolutions and of relevant agreements and commitments calling for restraint. It calls upon all parties to respect fully their commitments under the relevant resolutions and affirms once again its full support for international efforts to facilitate a peaceful settlement on the basis of equality for all citizens and ethnic communities in Kosovo. The Council reaffirms its commitment to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

The Council takes note with concern of the report of the United Nations High Commissioner for Refugees that five-and-a-half-thousand civilians fled the Racak area following the massacre, showing how rapidly a humanitarian crisis could again develop if steps are not taken by the parties to reduce tensions.

The Council will remain actively seized of the matter.

**Decision of 29 January 1999 (3974th meeting):
statement by the President**

At its 3974th meeting, held on 29 January 1999 in accordance with the understanding reached in its prior consultations, the President (Brazil), with the consent of the Council, invited the representatives of Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 26 January 1999 from the representatives of the Russian Federation and the United States addressed to the Secretary-General³⁴⁹ and to a letter dated 29 February 1999 from the representative of the United

³⁴⁹ Transmitting the text of the statement on Kosovo, Federal Republic of Yugoslavia, issued by the Minister for Foreign Affairs of the Russian Federation and the Secretary of State of the United States on 26 January 1999 (S/1999/77).

Kingdom addressed to the President of the Security Council.³⁵⁰

At the same meeting, the President made the following statement on behalf of the Council:³⁵¹

The Security Council expresses its deep concern at the escalating violence in Kosovo, Federal Republic of Yugoslavia. It underlines the risk of a further deterioration in the humanitarian situation if steps are not taken by the parties to reduce tensions. The Council reiterates its concern at attacks on civilians and underlines the need for a full and unhindered investigation of such actions. It calls once again upon the parties to respect fully their obligations under the relevant resolutions and to cease immediately all acts of violence and provocation.

The Council welcomes and supports the decisions of the Ministers for Foreign Affairs of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the Contact Group), following their meeting in London on 29 January 1999, which aim at reaching a political settlement between the parties and establishing a framework and timetable for that purpose. The Council demands that the parties accept their responsibilities and comply fully with these decisions and requirements, as with its relevant resolutions.

The Council reiterates its full support for international efforts, including those of the Contact Group and the Kosovo Verification Mission of the Organization for Security and Cooperation in Europe, to reduce tensions in Kosovo and facilitate a political settlement on the basis of substantial autonomy and equality for all citizens and ethnic communities in Kosovo and the recognition of the legitimate rights of the Kosovo Albanians and other communities in Kosovo. It reaffirms its commitment to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

The Council will follow the negotiations closely and would welcome members of the Contact Group keeping it informed about the progress reached therein.

The Council will remain actively seized of the matter.

³⁵⁰ Transmitting the statement of the Ministers for Foreign Affairs of France, Germany, Italy, the Russian Federation, the United Kingdom and the United States (the Contact Group) following their meeting in London on 29 January 1999 (S/1999/96).

³⁵¹ S/PRST/1999/5.

**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**

Initial proceedings

**Decision of 26 March 1999 (3989th meeting):
rejection of a draft resolution**

By a letter dated 24 March 1999 addressed to the President of the Security Council, the representative of the Russian Federation requested that an urgent meeting of the Security Council be convened to consider “an extremely dangerous situation” caused by the unilateral military action of the North Atlantic Treaty Organization (NATO) against the Federal Republic of Yugoslavia.³⁵²

At its 3988th meeting, held on 24 March 1999 in response to the request contained in the preceding letter, the Council included the letter in its agenda. Following the adoption of the agenda, the President (China), with the consent of the Council, invited the representatives of Albania, Belarus, Bosnia and Herzegovina, Germany and India, at their request, to participate in the discussion without the right to vote. He also invited Mr. Vladislav Jovanovic to address the Council in the course of its discussion of the item. The President then recalled Security Council resolutions 1160 (1998), 1199 (1998), 1199 (1998), and 1203 (1998).

At the same meeting, the President drew the attention of the Council to a letter dated 24 March 1999 from the representative of the Federal Republic of Yugoslavia, addressed to the President of the Security Council,³⁵³ requesting the Council to convene an urgent meeting, on the basis of Chapter VII of the Charter, so that it might take an immediate action to condemn and to stop the NATO military activities against the Federal Republic of Yugoslavia. He stressed that by carrying out air strikes against military and civilian facilities, the armed forces of NATO had committed an act of aggression on the territory of the Federal Republic of Yugoslavia, which represented a blatant and flagrant violation of the basic principles of the Charter of the United Nations and was in direct

contravention of Article 53 (1), in which it was stated that “no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council”. He stated that, in reply to the NATO aggression against its territory, the Federal Republic of Yugoslavia, as a sovereign and independent State and a founding member of the United Nations, had no alternative but to defend its sovereignty and territorial integrity in accordance with Article 51 of the Charter. The President further drew the attention of the Council to a letter of the same date addressed to the President of the Security Council from the representative of Belarus, also calling for an urgent meeting of the Council to consider the situation caused by the military activity of NATO.³⁵⁴

The representative of the Russian Federation stated that his country was profoundly outraged at the use of military force by NATO against the Federal Republic of Yugoslavia. He stressed that the countries involved in the unilateral use of force against the sovereign Federal Republic of Yugoslavia, carried out in violation of the Charter of the United Nations and without the authorization of the Council, needed to realize the heavy responsibility they bore for subverting the Charter and other norms of international law. He continued that the members of NATO were not entitled to decide the fate of other sovereign and independent States. Those States were not only members of their alliance, but also Members of the United Nations, so that it was their obligation to be guided by the Charter of the United Nations, in particular its Article 103, which clearly established the absolute priority for Members of the Organization of Charter obligations over any other international obligations. The representative maintained that the attempts to justify the NATO strikes with arguments about preventing a humanitarian catastrophe in Kosovo were completely untenable. Those attempts were in no way based on the Charter or other generally recognized rules of international law. He also underscored that the decision of NATO to use military force was particularly unacceptable from any point of view, because the potential of political and diplomatic methods to yield a settlement in Kosovo had not been exhausted. He stated that the Russian Federation demanded the immediate cessation of illegal military

³⁵² S/1999/320.

³⁵³ S/1999/322.

³⁵⁴ S/1999/323.

action against the Federal Republic of Yugoslavia, and they reserved the right to raise in the Security Council the question of the adoption of appropriate measures with respect to the situation, which had arisen as a result of the illegal actions of NATO and posed a clear threat to international peace and security.³⁵⁵

The representative of the United States stated that the current situation in Kosovo was of grave concern to everyone. The United States and its allies had begun military action only with the greatest reluctance. He expressed the belief that such action was necessary to respond to Belgrade's brutal persecution of Kosovo Albanians, violations of international law, excessive and indiscriminate use of force, refusal to negotiate to resolve the issue peacefully and recent military build-up in Kosovo, all of which foreshadowed a humanitarian catastrophe. He stressed that the continuing offensive by the Federal Republic of Yugoslavia was threatening the stability of the region and constituted a threat to the safety of international observers and humanitarian workers in Kosovo. He reminded the Council that resolutions 1199 (1998) and 1203 (1998) recognized that the situation in Kosovo constituted a threat to peace and security in the region and invoked Chapter VII of the Charter. In resolution 1199 (1998) the Council had demanded that the Serbian forces take immediate steps to improve the humanitarian situation and avert the impending humanitarian catastrophe. Moreover, Belgrade had refused to comply with agreements with NATO and the Organization for Security and Cooperation in Europe (OSCE) to verify its compliance with Security Council demands. The actions of the Federal Republic of Yugoslavia also violated its commitments under the Helsinki Final Act, as well as its obligations under the international law of human rights. He summed up by saying that Belgrade's actions in Kosovo could not be dismissed as an internal matter. He reiterated that efforts by the Contact Group had led to talks in Rambouillet and Paris, which had produced a balanced agreement, which the Kosovo Albanians had signed, but Belgrade had rejected. While they were mindful that violations of the ceasefire by the Kosovo Liberation Army had also contributed to the situation, it was Belgrade's policy that had prevented a peaceful solution. He concluded by expressing his country's belief that the action by NATO was justified and

³⁵⁵ S/PV.3988, pp. 2-3.

necessary to stop the violence and prevent an even greater humanitarian disaster.³⁵⁶

The representative of Canada stated that the conflict in Kosovo threatened to precipitate a far larger humanitarian disaster and destabilize the entire region. He emphasized that the preference of his delegation had been for a diplomatic solution and the diplomatic track had been given every chance to succeed. The continuing oppression in Kosovo by the Government in Belgrade and its continuing refusal to act in compliance with the requirements of successive Security Council resolutions had left NATO with no choice but to take action.³⁵⁷

The representative of Slovenia, noting that the military action against the civilian population had further escalated, stated that the situation represented a case of massive violations of the relevant Security Council resolutions, in particular resolution 1199 (1998) of 23 September 1998, which called for an immediate end to all military activity against the civilian population, and was a looming threat to international peace and security in the region. He stressed that their main concern were the consequences of the systematic and brutal violations of the Security Council resolutions. He expressed regret that not all permanent members were willing to act in accordance with their special responsibility for the maintenance of international peace and security under the Charter of the United Nations. Their apparent absence of support had prevented the Council from using its powers to the full extent and from authorizing the action, which was necessary to put an end to the violations of its resolutions. He stated that it was his country's expectation and belief that the action that was being undertaken would be carried out strictly within the substantive parameters established by the relevant Security Council resolutions, particularly resolution 1199 (1998) of 23 September 1998, which called for an immediate end to all military activity against the civilian population.³⁵⁸

The representative of the Gambia expressed regret that the international community had had to take the actions it had. He maintained that, while regional arrangements had responsibility for the maintenance of

³⁵⁶ *Ibid.*, pp. 4-5.

³⁵⁷ *Ibid.*, pp. 5-6.

³⁵⁸ *Ibid.*, pp. 6-7.

peace and security in their areas, the Council had primary responsibility for the maintenance of international peace and security, as stated in the Charter of the United Nations. However, he noted that at times the exigencies of a situation demanded and warranted decisive and immediate action. His country had found that the present situation in Kosovo deserved such a treatment. He therefore called on those with whom the responsibility lay to take the necessary actions to prevent a continuation of the action before it was too late.³⁵⁹

The representative of the Netherlands stated that they had participated in and assumed responsibility for the NATO decisions because there had been no other solution. He underlined that a country or alliance that was compelled to take up arms to avert a humanitarian catastrophe would always prefer to be able to base its action on a specific Security Council resolution. However, if due to one or two permanent members' rigid interpretation of the concept of domestic jurisdiction, such a resolution was not attainable, they could not sit back and simply let the humanitarian catastrophe occur. He stressed that in such a situation they would act on the legal basis they had available, and what they had available in that case was more than adequate.³⁶⁰

The representative of Brazil stated that the Government of Brazil had expressed its concern about the developments in the crisis and regretted that the escalation of tensions had resulted in recourse to military action.³⁶¹

The representative of France stated that the actions that had been decided upon were a response to the violation by Belgrade of its international obligations, which stemmed in particular from the Security Council resolutions adopted under Chapter VII of the Charter. He reiterated that the Belgrade authorities needed to be persuaded that the only way to settle the crisis in Kosovo was for them to halt their military offensives in Kosovo and accept the framework defined by the Rambouillet Accords.³⁶²

The representative of Malaysia stated that as a matter of principle, his delegation was not in favour of

the use or threat of use of force to resolve any conflict situation. If the use of force was necessary, it should be a recourse of last resort, to be sanctioned by the Council, which had been vested with the primary responsibility for the maintenance of international peace and security. He stated that the ongoing conflict would have international repercussions and that the international community could not afford to stand idly by. His delegation had wished that the crisis in Kosovo could have been dealt with directly by the Council and regretted that in the absence of action by the Council it had been necessary for action to be taken outside the Council.³⁶³

The representative of Namibia stated that his delegation wished to underscore that military action against the Federal Republic of Yugoslavia might not be the solution, and that the implications of that action might go beyond the Federal Republic of Yugoslavia, thereby posing a serious threat to peace and security in the region. Therefore, his delegation appealed for the immediate cessation of the ongoing military action and for exhausting all possible avenues for a peaceful resolution of the conflict.³⁶⁴

The representative of Gabon stated that his delegation would have hoped that the Contact Group would continue to use all its authority to compel the Federal Republic of Yugoslavia to sign the Rambouillet agreement. His Government was in principle opposed to the use of force to settle local or international disputes.³⁶⁵

The representative of Argentina stated that they reiterated their position regarding the urgent need for strict compliance with Security Council resolution 1160 (1998), and 1199 (1998) and appealed to the Belgrade Government to return to the path of negotiation.³⁶⁶

The representative of the United Kingdom stated that, in defiance of the international community, the President of the Federal Republic of Yugoslavia had refused to accept the interim political settlement negotiated at Rambouillet, to observe the limits on security-force levels agreed to on 25 October and to end the excessive and disproportionate use of force in

³⁵⁹ Ibid., pp. 7-8.

³⁶⁰ Ibid., p. 8.

³⁶¹ Ibid., p. 8.

³⁶² Ibid., pp. 8-9.

³⁶³ Ibid., pp. 9-10.

³⁶⁴ Ibid., p. 10.

³⁶⁵ Ibid., pp. 10-11.

³⁶⁶ Ibid., pp. 10-11.

Kosovo. He asserted that renewed acts of repression by the authorities of the Federal Republic of Yugoslavia would cause further loss of civilian life and would lead to displacement of the civilian population on a large scale in hostile conditions. He maintained that in those circumstances, and as an exceptional measure on grounds of overwhelming humanitarian necessity, military intervention was legally justifiable. The force now proposed was directed exclusively to averting a humanitarian catastrophe and was the minimum judged necessary for that purpose.³⁶⁷

The representative of China stated that NATO, with the United States in the lead, had launched military strikes against the Federal Republic of Yugoslavia, seriously exacerbating the situation in the Balkan region. He underlined that the act amounted to a blatant violation of the Charter of the United Nations and of the accepted norms of international law. The Government of China strongly opposed that act. He reiterated that the question of Kosovo, as an internal matter of the Federal Republic of Yugoslavia, needed to be resolved among the parties concerned in the Federal Republic of Yugoslavia themselves. He maintained that it had always been their position that, under the Charter, it was the Security Council that bore primary responsibility for the maintenance of international peace and security, and it was only the Council that could determine whether a given situation threatened international peace and security and could take appropriate action. His Government was firmly opposed to any act that violated this principle and that challenged the authority of the Security Council. He stated that the Chinese Government vigorously called for an immediate cessation of the military attacks by NATO against the Federal Republic of Yugoslavia.³⁶⁸

The representative of the Russian Federation then took a second intervention to make two factual clarifications. First, in response to the statement that the Russian Federation was a co-sponsor of the packages of documents of the Contact Group, he stated that, while the Russian Federation was a member of the Contact Group, and the Contact Group had adopted a document in London that was the basis of the draft political settlement; the military implementation had never been discussed in the Contact Group, but in

NATO. Second, in response to the statement that the actions of NATO had become inevitable because one or two of the permanent members of the Security Council had blocked action, he stated that that was not correct because no proposals on that topic had been introduced in the Council by anyone.³⁶⁹

Mr. Jovanovic stated that the armed forces of NATO had committed a unilateral act of aggression against the Federal Republic of Yugoslavia, despite the fact that his Government had not threatened any country or the peace and security of the region. It had been attacked because it sought to solve an internal problem and had used its sovereign right to fight terrorism and prevent the secession of a part of its territory. He underscored that the decision to attack an independent country had been taken outside the Security Council, the sole body responsible, under the Charter of the United Nations, for maintaining international peace and security. That blatant aggression was a flagrant violation of the basic principles of the Charter of the United Nations and was in direct contravention of Article 53 (1). His country requested the Council to take immediate action to strongly condemn and stop the aggression against the Federal Republic of Yugoslavia and to protect its sovereignty and territorial integrity. Until that happened, his country had no alternative but to defend its sovereignty and territorial integrity by all means at its disposal, in accordance with Article 51 of the Charter of the United Nations. He stressed that the Government of the Federal Republic of Yugoslavia remained committed to a reasonable political settlement of the problems in Kosovo and Metohija that respected the sovereignty and territorial integrity of Serbia and the Federal Republic of Yugoslavia and guaranteed the equality of the rights of all citizens and national communities living there.³⁷⁰

The representative of Belarus stressed that the use of military force against the Federal Republic of Yugoslavia without a proper decision of the only competent international body, which was the Security Council, qualified as an act of aggression, with all ensuing responsibility for its humanitarian, military, and political consequences. His country was disturbed that the unlawful military action against the Federal

³⁶⁷ *Ibid.*, pp. 11-12.

³⁶⁸ *Ibid.*, pp. 12-13.

³⁶⁹ *Ibid.*, p. 13.

³⁷⁰ *Ibid.*, pp. 13-15.

Republic of Yugoslavia meant an intentional disregard for the role and responsibility of the Security Council in maintaining international peace and security. He stated that Belarus called for an immediate stop to the use of force against and in the sovereign Federal Republic of Yugoslavia; for the immediate resumption of the negotiating process on a peaceful settlement; and insisted on restoring the Charter role of the Council in maintaining international peace and security.³⁷¹

The representative of India stated that the attacks against the Federal Republic of Yugoslavia were in clear violation of Article 53 of the Charter. He emphasized that no country, group of countries or regional arrangement, no matter how powerful, could arrogate to itself the right to take arbitrary and unilateral military action against others. Noting that Kosovo was recognized as part of the sovereign territory of the Federal Republic of Yugoslavia, he stressed that under the application of Article 2 (7), the United Nations had no role in the settlement of the domestic political problems of the Federal Republic of Yugoslavia. He stated that the only exception laid down by Article 2 (7) would be the application of enforcement measures under Chapter VII, and that the attacks had not been authorized by the Council, acting under Chapter VII, and were therefore illegal. He commented that they had heard that the attack on the Federal Republic of Yugoslavia would be called off if its Government accepted what had been described as "NATO peacekeeping forces" on its territory. He observed that his country and the entire membership of the Non-Aligned Movement had repeatedly said that the United Nations could not be forced to abdicate its role in peacekeeping and that a peacekeeping operation could be deployed only with the consent of the Government concerned. He stressed that there was a very real danger that the attacks would imperil regional peace and security and spread discord in the Balkans and beyond. He urged NATO to stop immediately the military action against the Federal Republic of Yugoslavia.³⁷²

The representative of Germany spoke as the Presidency of the European Union and informed the Council of a statement adopted by the European Council at its meeting in Berlin. The statement said

³⁷¹ Ibid., p. 15.

³⁷² Ibid., pp. 15-16.

that policy of the European Council was directed against the irresponsible policy of the Yugoslav leadership. President Milosevic needed to stop Serb aggression in Kosovo and sign the Rambouillet Accords, which included a NATO-led implementation force to provide stability. The only objective of the international community was to find a political future for Kosovo, on the basis of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, which did justice to the concerns and aspirations of all the people of Kosovo.³⁷³

The representative of Albania expressed the total support of his Government for the military action of NATO and considered it an action in support of peace and stability in the region. The international community had not declared war on Serbia, because war had existed there for a long time. However, the international community had achieved the first step towards peace, security in the region and the reestablishment of human values and of the principles that were so well expressed in the Charter of the United Nations. He maintained that no country that tried to bury the basic Charter principles of peace, security and cooperation and that committed genocide and crimes against humanity could expect to receive the protection of the United Nations and the Security Council.³⁷⁴

The representative of Bosnia and Herzegovina stated that, while military force was never a welcome option, it was sometimes the only alternative. He maintained that a country that had most recently engaged in aggression and military intervention against its own neighbours, and that had committed genocidal acts against its own population and others, that had refused to adhere to international law and numerous Security Council resolutions or to cooperate with the International Tribunal for the Former Yugoslavia, could not credibly plead for the protection of international law.³⁷⁵

The representative of Slovenia spoke again regarding Security Council resolutions 1199 (1998) and 1203 (1998). He stated that the situation in Kosovo was defined by the Council as a threat to international peace and security in the region. That defined the

³⁷³ Ibid., pp. 16-18.

³⁷⁴ Ibid., p. 18.

³⁷⁵ Ibid., pp. 18-19.

situation as something other than a matter that was essentially within the domestic jurisdiction of a State. Therefore, he asserted that Article 2 (7) of the Charter did not apply. He also stated that, while the responsibility of the Security Council for international peace and security was a primary responsibility, it was not an exclusive responsibility. He stated that it very much depended on the Security Council and on its ability to develop policies that would make it worthy of the authority it had under the Charter, whether the primacy of its responsibility would actually be the reality of the United Nations.³⁷⁶

At its 3989th meeting, held on 26 March 1999 in accordance with the understanding reached in its prior consultations, the Security Council again included the letter from the representative of the Russian Federation in its agenda.³⁷⁷ Following the adoption of the agenda, the President (China), with the consent of the Council, invited the representatives of Albania, Belarus, Bosnia and Herzegovina, Cuba, Germany, India and Ukraine, at their request, to participate in the discussion without the right to vote. The President then recalled Security Council resolutions 1160 (1998), 1199 (1998) and 1203 (1998). The President further drew the attention of the Council to a draft resolution submitted by Belarus and the Russian Federation and sponsored by India.³⁷⁸

At the same meeting, the President also drew the attention of the Council to the following documents: a letter dated 24 March 1999 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council, transmitting the decision of the Government of the Federal Republic of Yugoslavia to declare a state of war;³⁷⁹ a letter dated 25 March 1999 from the representative of Tajikistan addressed to the Secretary-General, expressing concern over the bomb strikes and calling for a peaceful resolution to the conflict;³⁸⁰ and a letter dated 24 March 1999 from the representative of Belarus addressed to the Secretary-General, calling for the convening of an emergency meeting of the Security Council on the matter.³⁸¹ He also drew attention to letters dated 25 March 1999 from the representative of

Ukraine addressed to the Secretary-General,³⁸² stating that it considered the military action by NATO as aggression against a sovereign State and urging the Council to consider the situation; and a letter dated 25 March 1999 from the Secretary-General addressed to the President of the Security Council, transmitting a letter dated 23 March 1999 from the Secretary-General of NATO.³⁸³

At the same meeting, speaking before the vote, the representative of Canada, noting that the draft resolution demanded an immediate cessation of the hostilities and urgent resumption of negotiations, pointed out that the entire international community had been negotiating urgently and actively since the beginning of the humanitarian crisis in Kosovo in order to avert the escalation. Moreover, the Security Council had adopted a number of resolutions and presidential statements asking the President of the Federal Republic of Yugoslavia to put an end to the repression. However, during that process, the President of the Federal Republic of Yugoslavia had “taken advantage of the international community’s good intentions” to continue and even intensify his tactic of repression in Kosovo, in obvious violation of the relevant resolutions of the Council and of the commitments he had undertaken. The representative maintained that the draft resolution would only grant the President of the Federal Republic of Yugoslavia free rein, which was why Canada would vote against the resolution.³⁸⁴

The representative of Slovenia stated that the draft resolution represented an inadequate attempt to address the situation concerning Kosovo. He observed that the draft resolution ignored the fact that several months ago the Security Council had declared the situation to be one constituting a threat to peace and security in the region. The draft resolution also ignored the fact that the Council had already spelled out the requirements for the removal of that threat and the fact that those requirements were flagrantly violated by the Federal Republic of Yugoslavia. He stated that all those and other obstacles to the implementation of the resolutions under Chapter VII of the Charter were ignored in the draft resolution, which failed to address the relevant circumstances and ignored the situation of necessity, which had led to the current international

³⁷⁶ *Ibid.*, pp. 19-20.

³⁷⁷ S/1999/320.

³⁷⁸ S/1999/328.

³⁷⁹ S/1999/327.

³⁸⁰ S/1999/331.

³⁸¹ S/1999/332.

³⁸² S/1999/335 and S/1999/336.

³⁸³ S/1999/338.

³⁸⁴ S/PV.3989, pp. 2-3.

military action. In addition, he stated that the draft resolution also failed to reflect the practice of the Security Council, which had several times chosen to remain silent at a time of military action by a regional organization, aimed at the removal of a regional threat to peace and security. He stressed that the requirement of consistency in the interpretation and application of the principles and norms of the Charter demanded some indication as to the specific justification for the approach proposed by the draft resolution. He concluded by stating that in the present circumstances, according to the Charter, the Council had the primary, but not the exclusive, responsibility for the maintenance of international peace and security.³⁸⁵

The representative of the Netherlands noted that resolution 1203 (1998) clearly stated that the Security Council was acting under Chapter VII of the Charter. He maintained that the NATO action followed directly from resolution 1203 (1998), in conjunction with the flagrant non-compliance on the part of the Federal Republic of Yugoslavia. Given its complex background, his delegation could not allow it to be described as unilateral use of force. He emphasized that if the Security Council demanded an immediate cessation of the NATO action, it would send the wrong signal to the President of the Federal Republic of Yugoslavia, leading to a further prolongation of the bloodshed in Kosovo.³⁸⁶

The representative of the United States reiterated that, by rejecting a peace settlement and escalating its assault on the people of Kosovo, in violation of numerous Security Council resolutions, Belgrade had chosen the path of war. He stressed that the Federal Republic of Yugoslavia forces were pressing their offensive against civilians, burning, looting, and attacking Kosovo Albanian political leaders. As a result, the large refugee flows out of Kosovo into neighbouring countries could have a serious and destabilizing effect. The stability of Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and the rest of the region was at stake. Those developments justified sustained military action to limit Belgrade's ability to threaten and harm innocent civilians in Kosovo. He underscored that, while the draft resolution alleged that NATO was

acting in violation of the Charter, that "turned the truth on its head", as the Charter did not sanction armed assaults upon ethnic groups or imply that the international community should turn a blind eye to a growing humanitarian disaster. Therefore the actions by NATO were completely justified. He concluded by saying that the draft resolution did nothing to advance the cause of peace in the Balkans, which the international community and the Security Council had worked long and hard to achieve.³⁸⁷

The representative of the Russian Federation stated the continuing military action, undertaken under the pretext of preventing a humanitarian catastrophe, had already caused severe humanitarian consequences and done serious damage to the efforts to find a political settlement in Kosovo. He maintained that the aggressive military action unleashed by NATO against a sovereign State without the authorization, and in circumvention, of the Security Council was a real threat to international peace and security and a gross violation of the Charter and other basic norms of international law. He stressed that key provisions of the Charter were being violated, in particular: Article 2 (4), which required all Members of the United Nations to refrain from the threat or use of force in their international relations, including against the territorial integrity or political independence of any State; Article 24, which entrusted the Council with the primary responsibility for the maintenance of international peace and security; Article 53, on the inadmissibility of any enforcement action under regional arrangement or by regional agencies without the authorization of the Council, as well as others. He also added that the ban declared by NATO on any civil aviation flights in the airspace of the Federal Republic of Yugoslavia, Bosnia and Herzegovina, Macedonia and Croatia was a gross violation of the principle of exclusive sovereignty of a State over the airspace above its territory, which was enshrined in article 1 of the Convention on International Civil Aviation (Chicago Convention). He concluded by saying that members of the Council could not ignore the demands that they were hearing in various parts of the world, made by, among others, the Rio Group, the Council of Defence Ministers of the member countries of the Commonwealth of Independent States and members of the Non-Aligned

³⁸⁵ Ibid., pp. 3-4.

³⁸⁶ Ibid, p. 4.

³⁸⁷ Ibid., pp. 4-5.

Movement, to stop the military aggression and to respect international legality.³⁸⁸

At the same meeting, the Council proceeded to vote on the draft resolution. Under the preambular part of the draft resolution, the Council would have expressed concern that NATO had used military force against the Federal Republic of Yugoslavia without the authorization by the Council, and affirmed that that such unilateral use of force constituted a flagrant violation of the United Nations Charter, in particular Articles 2 (4), 24 and 53. The draft resolution also would have recognized that the ban by NATO of civil flights in the airspace of a number of countries in the region constituted a flagrant violation of the principle of complete and exclusive sovereignty of every State over the airspace above its territory in accordance with Article 1 of the Chicago Convention; and determined that the use of force by NATO against the Federal Republic of Yugoslavia constituted a threat to international peace and security. The resolution received 3 votes in favour (China, Namibia and the Russian Federation) and 12 against, and was not adopted because it did not obtain the required majority.³⁸⁹

Speaking after the vote, the representative of the United Kingdom reiterated that, as recognized in resolutions 1199 (1998) and 1293 (1998), it was the policies of Belgrade with regard to Kosovo that had caused the threat to peace and security in the region, not the actions of NATO. He maintained that, in the circumstances existing at that time, military intervention was justified as an exceptional measure to prevent an overwhelming humanitarian catastrophe. Referring to the suggestion in the draft resolution that NATO had banned civil flights over a number of countries in the Balkan region, he informed the Council that that was incorrect: NATO had advised Albania, Bosnia and Herzegovina, Croatia and the former Yugoslavia Republic of Macedonia that NATO air strikes could make their airspace unsafe for civil flights. In the light of that advice, those countries had decided to close their airspace to such flights. As a result, there had been no breach of either the Charter of the United Nations or of the Chicago Convention.³⁹⁰

The representative of France stated that the actions decided upon responded to the violation by Belgrade of its international obligations under the resolutions, which the Security Council had adopted under Chapter VII of the Charter of the United Nations. He also stated that the draft resolution ran directly counter to his country's judgment, which was why France had voted against it.³⁹¹

The representatives of Argentina and Malaysia stated that they could not accept a draft resolution that failed to mention earlier resolutions of the Security Council on the question of Kosovo that invoked Chapter VII, disregarded the extremely grave humanitarian context and did not take into account the background to the situation.³⁹²

The representative of Bahrain stated that his Government was not able to vote in favour of the draft resolution because it would have encouraged the Belgrade authorities to continue with their current policy of "ethnic cleansing" and led to more massacres and displacements for the Kosovo Albanians.³⁹³

The representative of China stated that the continued military strikes against the Federal Republic of Yugoslavia by NATO had already resulted in severe casualties and damage, and the situation in the Balkan region had seriously deteriorated. He stated that the Government of China strongly opposed such an act, which constituted a blatant violation of the principles of the Charter of the United Nations and of international law, as well as a challenge to the authority of the Council. The representative reiterated the call for an immediate cessation of military action so as to facilitate the restoration of peace in the Balkan region. He also reiterated that the question of Kosovo, being an internal matter of the Federal Republic of Yugoslavia, needed to be resolved by the parties concerned in the Federal Republic of Yugoslavia among themselves.³⁹⁴

The representative of Ukraine read a statement issued by the Ministry of Foreign Affairs of Ukraine on 24 March 1999, which stated that Ukraine considered the use of military force against a sovereign State without the authorization of the Security Council as

³⁸⁸ Ibid., pp. 5-6.

³⁸⁹ Ibid., p. 6.

³⁹⁰ Ibid., pp. 6-7.

³⁹¹ Ibid., p. 7.

³⁹² Ibid., pp. 7-8 (Argentina) and pp. 8-9 (Malaysia).

³⁹³ Ibid., p. 9.

³⁹⁴ Ibid., p. 9.

inadmissible. At the same time, the refusal by Belgrade to sign the agreements elaborated through the mediation of the Contact Group had resulted in the breakdown of the negotiating process. Therefore, the provisions of Security Council resolutions 1160 (1998) and 1199 (1998) had not been fully implemented, and that had led to the use of force.³⁹⁵

Mr. Jovanovic stated that the aggression by NATO countries, led by the United States, could not be justified on any grounds whatsoever. If the aggression went on, the Federal Republic of Yugoslavia would continue to protect its sovereignty and territorial integrity on the basis of Article 51 of the United Nations Charter. He maintained that once the aggression was stopped, his Government would be ready to resume negotiations about political solutions of the problem in Kosovo and Metohija on the basis of the 10 principles adopted by the Contact Group on 29 January 1999 and the document signed in Paris by the members of their delegation. He asserted that, by attacking the Federal Republic of Yugoslavia, NATO had not solved the “alleged humanitarian catastrophe in Kosovo and Metohija”, but was itself creating “a catastrophe of enormous proportions for all citizens of Yugoslavia” and for peace and stability in the region and beyond. He concluded by saying that the aggressor “displayed contempt” for the United Nations and its Charter and arrogated the prerogatives of the Security Council as the only organ in charge of maintaining international peace and security.³⁹⁶

The representatives of Belarus and Cuba stressed that the decision to use force could be made only by the Council taking into account the views of the States Members of the Organization; and called on the Council to put a halt to and condemn the NATO military action. They also called for the resumption of the work of the Contact Group on the former Yugoslavia.³⁹⁷

The representative of Bosnia and Herzegovina stated that, if the draft resolution had been adopted or had even succeeded in garnering significant support, it would have been a defeat for peace in Bosnia and Herzegovina. He stressed his concern for the implications of the NATO military action being

undertaken without the sanction of the Council. However, his delegation would have been even more concerned and dismayed if the Council had been blocked and there had been no response to the humanitarian crisis and to the legal obligation to confront ethnic cleansing and war crime abuses. He also noted that the airspace of Bosnia and Herzegovina was closed on the basis of their own decision.³⁹⁸

The representative of India underlined that it was a matter of great concern that the attacks of NATO on the Federal Republic of Yugoslavia continued, with the Security Council reduced to helplessness. He reiterated that his Government had expected the Council to exert its authority to bring about an early return of the peace that was broken by the bombing. He therefore expressed his country’s deep regret that the Council had not adopted the draft resolution and maintained that the effect would be to prevent a return of the peace that the international community so dearly wanted and which permanent members, three of whom had cast vetoes in pursuit of national interests, had a special responsibility to uphold.³⁹⁹

At the same meeting, the representative of Canada referred to the statement of the representative of India that three vetoes had been cast and pointed out that, in fact, there had been no vetoes cast, as a veto was cast only when it overrode nine positive votes, which had not been the case that morning. The representative of France associated himself with the statement made by the representative of Canada.⁴⁰⁰

**Letter dated 7 May 1999 from the
Permanent Representative of China to the
United Nations addressed to the President of the
Security Council**

Initial proceedings

**Decision of 14 May 1999 (4001st meeting):
statement by the President**

By a letter dated 7 May 1999 addressed to the President of the Security Council, the representative of China requested an urgent meeting of the Security Council to discuss the North Atlantic Treaty

³⁹⁵ Ibid., p. 10.

³⁹⁶ Ibid., p. 11-12.

³⁹⁷ Ibid., p. 12 (Belarus) and pp. 13-14 (Cuba).

³⁹⁸ Ibid., pp. 15-16.

³⁹⁹ Ibid., pp. 15-16.

⁴⁰⁰ Ibid., p. 16 (Canada and France).

Organization (NATO) attack at the Embassy of China in Belgrade.⁴⁰¹

At its 4000th meeting, held on 8 May 1999 in response to the above-mentioned letter, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (Gabon), with the consent of the Council, invited the representatives of Albania, Belarus, Cuba, India, Iraq and Ukraine, at their request, to participate in the discussion without the right to vote.

At the same meeting, the representative of China read a statement by the Government of China, informing the Council that NATO, led by the United States, had attacked the Embassy of the People's Republic of China in the Federal Republic of Yugoslavia, resulting in serious damage to the Embassy premises and at least two dead and more than 20 injured. The representative expressed his country's indignation and strong condemnation of the incident. He underscored that it was a flagrant violation of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. The representative stated that China strongly demanded that NATO carry out an investigation of the serious incident and account for it and stressed that NATO had to assume all responsibility for it. He noted that his Government reserved the right to take further action. Finally, he reiterated the demand that NATO immediately and unconditionally stop its air strikes against the Federal Republic of Yugoslavia.⁴⁰²

The representative of the United States stated that his delegation did not have confirmation of the facts at that time and that NATO had opened an investigation of the matter. He stressed that if NATO had been responsible for the incident, his country was deeply sorry and reiterated that NATO would never target civilians or an embassy. However, he maintained that NATO was taking action in response to Belgrade's "sustained multi-year, outrageous, unacceptable policies of ethnic cleansing, terrorization and repression of its own citizens in Kosovo". He underscored that NATO would continue to press the Federal Republic of Yugoslavia until it agreed to accept

conditions offered by NATO and the Group of Eight principles.⁴⁰³

The representative of the Russian Federation expressed his country's deepest condolences to the Government of China and to the families of the victims of the NATO strike. He underscored that his Government was outraged and demanded an immediate investigation. He maintained that the fate of the Kosovars had become entirely incidental, and the humanitarian banner was being used "as a cover for NATO's attempts to destroy the present world order", which was based on respect for international law and for the Charter of the United Nations. He reiterated that it was essential to shift immediately to a political settlement.⁴⁰⁴

The representative of the Netherlands expressed his regret about the incident. He stated that collateral damage to an embassy building was not essentially different from other collateral damage. As the Embassy was not deliberately targeted, the accident could not be regarded as a violation of diplomatic immunity, let alone as an attack on the integrity of the country concerned. He reiterated his Government's conviction that they had no choice but to launch air strikes after President Slobodan Milosevic had continued to ignore the demands of the Security Council. He acknowledged that there were many more refugees, but maintained that they could not be held responsible for the fact that President Milosevic had seized the opportunity to accelerate and try to complete his "final solution to the Kosovo problem".⁴⁰⁵

The representative of France first expressed his delegation's profound sympathy to the delegation of China. He stated that France, like all members of the European Union, supported the initiative of the Secretary-General of the United Nations dated 9 April 1999, and was working together with Canada, Germany, Italy, Japan, the Russian Federation, the United Kingdom and the United States (Group of Eight) to develop a political solution. He informed the Council that a meeting of the Ministers for Foreign Affairs of the eight countries on 6 May had made it possible to adopt general principles for a political

⁴⁰¹ S/1999/523.

⁴⁰² S/PV.4000 and Corr.1, pp. 2-3.

⁴⁰³ *Ibid.*, p. 3.

⁴⁰⁴ *Ibid.*, pp. 3-4.

⁴⁰⁵ *Ibid.*, p. 4.

solution to the Kosovo problem.⁴⁰⁶ He expressed the desire of his Government to arrive at the adoption of a Security Council resolution under Chapter VII that would endorse and adopt those principles for a settlement and that would make it possible to restore peace and stability to that region in crisis.⁴⁰⁷

The representative of Slovenia expressed their sincere condolences to the Government and the people of China. He informed the Council that a draft resolution relating to the humanitarian aspects of the situation had been submitted to the Council, and he expressed hope that the Council would take action on the draft resolution soon. He stressed that all efforts for a peaceful resolution of the situation in and around Kosovo, Federal Republic of Yugoslavia had to continue, and that the Council had to be actively involved in the process.⁴⁰⁸

The representative of the United Kingdom expressed his sincere condolences to China. He reiterated that NATO also expressed its regrets, that they awaited the results of the investigation and that NATO did not target civilians or embassies. He also maintained that NATO had taken urgent and forceful action to reverse the humanitarian tragedy and to return the displaced to their homes in safety. He stated that the key to concluding the conflict was the acceptance by the Federal Republic of Yugoslavia of the steps spelled out in the Group of Eight statement of 6 May 1999.⁴⁰⁹

Mr. Jovanovic stated that his country had been a victim of NATO aggression, and that NATO attacks had been concentrated on civilian targets, threatening lives, the environment and the basic human rights of the entire population of the country. He stressed that there was no mention of collateral damage or incidental killings of people and destruction of property in the Geneva Conventions or in the statutes of the International Criminal Tribunal for the Former Yugoslavia. He reiterated that the Federal Republic of Yugoslavia had been committed to a peaceful solution of the crisis in Kosovo and Metohija, but that they had

the right and the duty to protect themselves from aggression — rights and duties that were enshrined in the Charter and international law. He also noted that the Embassy building was in the exclusive residential area of New Belgrade, which had no military targets, and stressed that the attack was in gross violation of the Geneva Convention of 1949 and of international law. He maintained that it was not only the Federal Republic of Yugoslavia that was targeted, but peace and security in the region as well. He stated that the Security Council had perhaps a last chance to exercise its duty and reaffirm the authority invested in it by the Charter of the United Nations.⁴¹⁰

The representative of Albania expressed its condolences to the Government of China. He also expressed his country's belief that NATO, through its action, was trying to preserve the principles of the Charter of the United Nations, including the maintenance of peace and international security.⁴¹¹

The representative of India underscored that any damage to a diplomatic establishment was to be entirely deplored and maintained that the incident, along with the continuing loss of innocent lives and other untoward consequences, only confirmed that the very fundamentals of the approach of NATO were wrong. He reiterated that a solution to the problems relating to the Federal Republic of Yugoslavia were to be found only in means other than military ones. He therefore urged an immediate end to all hostilities so as to give peace a chance.

The representative of China spoke again and, referring to the argument that as NATO had not intentionally attacked the Chinese Embassy it could not be charged with violating the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, maintained that, deliberate or not, the action by NATO was a "blatant flouting of international law" and reiterated that NATO had to shoulder full responsibility for its action.⁴¹²

All speakers made statements expressing profound regret for the strike on the Embassy and extending their sympathy to the delegation of China. A number of speakers also called for the crisis to be

⁴⁰⁶ For the principles, see the letter dated 6 May 1999 from the representative of Germany addressed to the President of the Security Council (S/1999/516); see also decision of 10 June 1999.

⁴⁰⁷ S/PV.4000 and Corr.1, pp. 4-5.

⁴⁰⁸ Ibid., p. 7.

⁴⁰⁹ Ibid., p. 7.

⁴¹⁰ Ibid., pp. 8-9.

⁴¹¹ Ibid., pp. 11-12.

⁴¹² Ibid., p. 12.

resolved by diplomatic means.⁴¹³ Other speakers condemned the military actions by NATO and called for an immediate halt to the bombing and the resumption of diplomatic efforts to find a peaceful solution.⁴¹⁴

At its 4001st meeting, held on 14 May 1999 in accordance with the understanding reached in its prior consultations, the Security Council again included the letter dated 7 May 1999 from the representative of China addressed to the President of the Security Council in its agenda. Following the adoption of the agenda, the President (Gabon), in accordance with the decisions taken at the 4000th meeting, invited the representatives of Albania, Belarus, Cuba, India, Iraq and Ukraine, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 9 May 1999 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council;⁴¹⁵ a letter dated 10 May 1999 from the representative of South Africa addressed to the President of the Security Council;⁴¹⁶ and a letter dated 10 May 1999 from the representative of the Sudan addressed to the President of the Security Council,⁴¹⁷ transmitting statements by the respective countries concerning the bombing of the Chinese Embassy by NATO.

At the same meeting, the President made the following statement on behalf of the Council:⁴¹⁸

The Security Council recalls the press statement by the President on 8 May 1999, and expresses its deep distress and concern over the bombing of the Embassy of the People's Republic of China in the Federal Republic of Yugoslavia on 7 May 1999, which has caused serious casualties and property damage. The Council expresses its deepest sympathy and profound condolences to the Chinese Government and families of the victims.

The Council expresses profound regrets over the bombing and deep sorrow for the loss of lives, injuries and property damage caused by the bombing, and notes that regrets and apologies were expressed for this tragedy by members of the

North Atlantic Treaty Organization. The Council, bearing in mind the Charter of the United Nations, reaffirms that the principle of the inviolability of diplomatic personnel and premises must be respected in all cases in accordance with internationally accepted norms.

The Council stresses the need for a complete and thorough investigation of the bombing by the North Atlantic Treaty Organization. In this connection, it takes note of the fact that an investigation has been initiated by the North Atlantic Treaty Organization and it awaits the results of the investigation.

The Council will remain seized of this matter.

Security Council resolutions 1160 (1998), 1199 (1998) and 1203 (1998)

Initial proceedings

Decision of 14 May 1999 (4003rd meeting): resolution 1239 (1999)

At its 4003rd meeting, held on 14 May 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the item "Security Council resolutions 1160 (1998), 1199 (1998) and 1203 (1998)" in its agenda. Following the adoption of the agenda, the President (Gabon), with the consent of the Council, invited the representatives of Albania, Belarus, Bosnia and Herzegovina, Cuba, Egypt, the Islamic Republic of Iran, Jordan, Kuwait, Morocco, Pakistan, Qatar, Saudi Arabia, Senegal, Turkey, Ukraine, the United Arab Emirates and Yemen, at their request, to participate in the discussion without the right to vote. The President also invited the Deputy Permanent Observer of the Organization of the Islamic Conference (OIC) under rule 39 of its provisional rules of procedure. The President then drew the attention of the Council to a draft resolution submitted by Argentina, Bahrain, Bosnia and Herzegovina, Brazil, Egypt, Gabon, the Gambia, the Islamic Republic of Iran, Jordan, Kuwait, Malaysia, Morocco, Namibia, Pakistan, Qatar, Saudi Arabia, Senegal, Slovenia, Turkey, the United Arab Emirates and Yemen.⁴¹⁹ The President further drew the attention of the Council to a letter dated 6 May 1999 from the representative of Turkey addressed to the President of the Security Council, informing the Council that its co-sponsorship of the draft resolution in no way indicated any change in regard to the long-standing position of Turkey

⁴¹³ Ibid., p. 4 (Argentina); p. 6 (Bahrain); p. 6 (Malaysia); and p. 7 (Gabon).

⁴¹⁴ Ibid., p. 5 (Namibia); p. 9 (Belarus); pp. 9-10 (Iraq) and pp. 10-11 (Cuba).

⁴¹⁵ S/1999/529.

⁴¹⁶ S/1999/530.

⁴¹⁷ S/1999/541.

⁴¹⁸ S/PRST/1999/12.

⁴¹⁹ S/1999/517.

concerning the name of the former Yugoslav Republic of Macedonia.⁴²⁰

At the same meeting, speaking before the vote, the representative of Bahrain observed that according to United Nations sources there were more than 840,000 displaced persons within the Federal Republic of Yugoslavia and more than 700,000 outside that territory. He stated that, therefore, there was a need to try to redress the humanitarian situation and to help the refugees. He informed the Council that it was in view of the humanitarian situation that the delegations of Bahrain and Malaysia had taken the initiative to submit a draft resolution, which had achieved consensus in the Council and in the caucus and other groups of Member States outside of the Council. His country called upon Council members to adopt the draft resolution by consensus so that the humanitarian assistance that was so necessary to the refugees could be given to them and so that their situation could be improved pending their return to their homes.⁴²¹

The representative of Malaysia stated that, while nothing would have pleased his delegation more than adopting a resolution that addressed the Kosovo issues in a comprehensive manner, the Council could in the meantime play a meaningful role by pronouncing itself on the humanitarian situation, which was an important aspect of the Kosovo crisis. He stressed that formal action by the Council on the humanitarian issue in and around Kosovo would be a clear expression of the serious concern of the Council about the humanitarian tragedy that had unfolded. He stated that the draft resolution represented the first serious attempt on the part of some Council members to bring the Kosovo issue back to the Council in the hope that it could pave the way for the forging of a consensus on the more difficult aspects of the Kosovo problem, thereby reasserting the role of the Council on the issue.⁴²²

The representative of the United States observed that the draft resolution focused attention on the urgent issue at hand in Kosovo and the surrounding region: the plight of hundreds of thousands of refugees and displaced persons and the critical need to assist the United Nations High Commissioner for Refugees and other humanitarian organizations and workers in their

efforts to address the crisis. He also reiterated that the crisis could be resolved if Belgrade met the conditions set out by NATO and the principles of the Group of Eight, agreed to at the Foreign Ministers' meeting on 6 May 1999. He stressed that his country remained firm in its resolve to continue to exert pressure on President Slobodan Milosevic and his Government to stop their planned, systematic campaign of ethnic cleansing and to permit the return of all refugees and displaced persons to their homes in safety and in security. He stated that his Government expected that the Secretary-General's humanitarian mission to the Federal Republic of Yugoslavia would focus on the destruction in Kosovo, and stressed that it was essential in their view that the team have unimpeded access throughout its visit.⁴²³

The representative of France stressed the importance of paragraph 5 of the draft resolution, which emphasized that the humanitarian situation would continue to deteriorate in the absence of a political solution to the crisis. He noted that, by specifying that any solution needed to be consistent with the principles adopted by the Foreign Ministers of Canada, France, Germany, Italy, Japan, the Russian Federation, the United Kingdom and the United States on 6 May 1999, the Council was clearly indicating what the parameters of a political solution needed to be.⁴²⁴

The representative of China stated that, while his delegation was deeply disturbed by the humanitarian crisis in the Balkans, the fact that NATO had launched military attacks against the Federal Republic of Yugoslavia was an equal concern. Following the bombing of the Embassy of China, he stressed that China had every reason to demand that NATO immediately and unconditionally stop the bombing. He stressed that an immediate cessation of the bombing campaign against the Federal Republic of Yugoslavia needed to be the prerequisite for any political solution to the Kosovo issue and also the minimum condition for alleviating the humanitarian crisis in the Balkans. For those reasons, the Chinese delegation had put forward constructive amendments to the draft resolution calling for a cessation of all military activities, which were not accepted. He also noted that

⁴²⁰ S/1999/542.

⁴²¹ S/PV.4003, p. 3.

⁴²² Ibid., pp. 3-4.

⁴²³ Ibid., pp. 4-5.

⁴²⁴ Ibid., pp. 5-6.

the draft resolution referred to the principles adopted by the Foreign Ministers of the Group of Eight, and stated that they could not accept that the Council had prejudged those principles in the draft resolution without first deliberating on them. On the basis of those considerations, he stated that the Chinese delegation had no choice but to abstain in the voting on the draft resolution.⁴²⁵

The representative of the Russian Federation stated that the tragic course of events in the Federal Republic of Yugoslavia had shown that it was the military action against that sovereign country, conducted by NATO in circumvention of the Security Council and in violation of the Charter of the United Nations and other generally recognized norms of international law, that had caused the humanitarian catastrophe and created a real emergency situation in the Balkans region. Noting that the civilian infrastructure was being destroyed systematically and deliberately, and very serious damage was being done to the economy, he stressed that the material basis for the return of the refugees and the displaced persons to their homes was being destroyed, though NATO had proclaimed that the resolution of the problem of refugees was one of its main tasks. He stated that, although it was difficult to remain indifferent in the face of the escalating humanitarian catastrophe, it was clear that this was a consequence, not a cause, of the crisis situation. It was precisely with regard to the causes of the humanitarian catastrophe that the Security Council should have spoken out, as the organ bearing primary responsibility for the maintenance of international peace and security. He noted that it had been upon the initiative of his delegation that the draft resolution had taken on board the important conclusion that the humanitarian situation would continue to deteriorate unless a political settlement to the crisis could be ensured. However, the draft resolution had not taken into account a number of their other amendments, of which the main one was an appeal for immediate cessation of the NATO air strikes on the Federal Republic of Yugoslavia, adamantly supported by the Russian Federation and China. He informed the Council that because of the principled nature of their position, his delegation could not support the text.⁴²⁶

⁴²⁵ Ibid., pp. 7-8.

⁴²⁶ Ibid., pp. 8-9.

Speaking both before and after the vote, several other speakers expressed their support for the draft resolution and their concern about the humanitarian situation in and around Kosovo. A number of speakers called for the cessation of hostilities and for the Security Council to reassert its authority over the situation and to find a political solution.⁴²⁷ Other speakers maintained that the major reason for the worsening humanitarian situation was the NATO military action and called for its immediate end.⁴²⁸

At the same meeting, the draft resolution was put to the vote and adopted by 13 votes to none, with two abstentions (China and the Russian Federation), and adopted as resolution 1239 (1999),⁴²⁹ which reads:

The Security Council,

Recalling its resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998 and 1203 (1998) of 24 October 1998, and the statements by its President of 24 August 1998, 19 January 1999 and 29 January 1999,

Bearing in mind the provisions of the Charter of the United Nations, and guided by the Universal Declaration of Human Rights, the international covenants and conventions on human rights, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, the Geneva Conventions of 1949 and the Additional Protocols thereto, of 1977, as well as other instruments of international humanitarian law,

Expressing grave concern at the humanitarian catastrophe in and around Kosovo, Federal Republic of Yugoslavia, as a result of the continuing crisis,

Deeply concerned by the enormous influx of Kosovo refugees into Albania, the former Yugoslav Republic of Macedonia, Bosnia and Herzegovina, and other countries, as well as by the increasing numbers of displaced persons within Kosovo, the Republic of Montenegro and other parts of the Federal Republic of Yugoslavia,

Stressing the importance of effective coordination of humanitarian relief activities undertaken by States, the Office of the United Nations High Commissioner for Refugees and international organizations in alleviating the plight and suffering of refugees and internally displaced persons,

⁴²⁷ Ibid., p. 5 (United Kingdom); p. 5 (Canada); p. 6 (Gambia); pp. 6-7 (Namibia); pp. 9-10 (Argentina); p. 10 (Brazil); pp. 12-13 (Pakistan); p. 13 (Qatar in its capacity as Chairman of the Islamic Group); pp. 13-14 (Saudi Arabia); pp. 15-16 (Egypt); pp. 16-17 (Ukraine); and pp. 20-21 (Organization of the Islamic Conference).

⁴²⁸ Ibid., p. 18 (Belarus) and pp. 19-20 (Cuba).

⁴²⁹ For the vote, see S/PV.4003, p. 9.

Noting with interest the intention of the Secretary-General to send a humanitarian needs assessment mission to Kosovo and other parts of the Federal Republic of Yugoslavia,

Reaffirming the territorial integrity and sovereignty of all States in the region,

1. *Commends* the efforts that have been taken by Member States, the Office of the United Nations High Commissioner for Refugees and other international humanitarian relief organizations in providing urgently needed relief assistance to the Kosovo refugees in Albania, the former Yugoslav Republic of Macedonia and Bosnia and Herzegovina, and urges them and others in a position to do so to contribute resources for humanitarian assistance to the refugees and internally displaced persons;

2. *Invites* the Office of the United Nations High Commissioner for Refugees and other international humanitarian relief organizations to extend relief assistance to the internally displaced persons in Kosovo, the Republic of Montenegro and other parts of the Federal Republic of Yugoslavia, as well as to other civilians being affected by the ongoing crisis;

3. *Calls* for access for United Nations and all other humanitarian personnel operating in Kosovo and other parts of the Federal Republic of Yugoslavia;

4. *Reaffirms* the right of all refugees and displaced persons to return to their homes in safety and in dignity;

5. *Emphasizes* that the humanitarian situation will continue to deteriorate in the absence of a political solution to the crisis consistent with the principles adopted by the Ministers for Foreign Affairs of Canada, France, Germany, Italy, Japan, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on 6 May 1999, and urges all concerned to work towards this aim;

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

Speaking after the vote, Mr. Jovanović reiterated that the aggression of NATO was continuing, expanding and intensifying, and was a gross violation of the Charter of the United Nations and the basic principles of international relations. He noted that, despite many requests by his Government, the Security Council had taken no steps to uphold the Charter of the United Nations, to prevent the arrogation of its authority by others and the violations of international peace and security. He stated that the NATO campaign had targeted civilians, infrastructure and the economy, and inflicted a humanitarian catastrophe on the Federal Republic of Yugoslavia. Additionally, NATO bombs had caused an ecological disaster in the Federal Republic of Yugoslavia and the region and NATO had violated international conventions and covenants on human rights and freedoms, in particular the Geneva

Convention relative to the Protection of Civilian Persons in Time of War. He expressed his delegation's regret that the draft resolution made no mention of the tragic consequences of the NATO aggression. Stating that the concern of the Security Council about the humanitarian situation in the Federal Republic of Yugoslavia was justified, he reiterated that the attempt to legalize the aggression of NATO by means of the "so-called humanitarian resolution" was unjustified. He stressed that the bypassing of the Security Council, the body charged with the maintenance of international peace and security, prior to the commencement of the aggression, and the subsequent attempts to get the Council on board in order to legalize the aggression, dealt a heavy blow to the reputation of the United Nations and set a dangerous precedent for international relations in general.⁴³⁰

The representative of the Netherlands commented on the statement by Mr. Jovanović and stressed that if Serbia wanted to be part of Europe, it would have to realize why it had been subjected to NATO air strikes, and maintained that their intervention on account of "the atrocities committed by the Serbian security forces and the Yugoslav army in Kosovo" would not have been possible if it had not been preceded by almost eight years of "ethnic cleansing".⁴³¹

The representative of the Islamic Republic of Iran, in his capacity as Chairman of the OIC Contact Group on Bosnia and Herzegovina and Kosovo, expressed his deep concern about the ripple effect of the Kosovo crisis and the belief that the continuation of the current Kosovo crisis could endanger the fragile peace and security in other parts of the Balkans. The OIC Contact Group deeply regretted the failure of the Security Council to deal effectively with the crisis in Kosovo and to put an end to the plight of the Kosovo Albanians. They reiterated that the Security Council had the primary responsibility for the maintenance of international peace and security and expressed hope that the Council would accelerate its endeavours in order to carry out its responsibility under the United Nations Charter in an effective manner.⁴³²

The representative of Albania expressed his country's strong support for the resolution and belief in

⁴³⁰ S/PV.4003, pp. 10-11.

⁴³¹ Ibid., pp. 11-12.

⁴³² Ibid., pp. 14-15.

the value of the NATO mission and its actions. He stated that NATO was saving exactly the same values that the United Nations was created to defend, and noted that the Albanian people regretted that the United Nations was not able to deliver the same message due to the obstacles created by some of its Members. Albania welcomed any initiative of the international community that could solve the crisis in Kosovo and the humanitarian catastrophe and that respected the freedom of the people who believed so much in the principles of the United Nations.⁴³³

The representative of Slovenia appealed to all Council members to understand that the unity and resolve of the entire international community were the essential conditions for the success of the efforts for peace and expressed his country's belief that the resolution was a relevant contribution to that end.⁴³⁴

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

Initial proceedings

Decision of 10 June 1999 (4011th meeting): resolution 1244 (1999)

By a letter dated 6 May 1999 addressed to the President of the Security Council, the representative of Germany transmitted a statement by the Chairman on the conclusion of the meeting of the Group of Eight Ministers for Foreign Affairs held at the Petersberg Centre on 6 May 1999.⁴³⁵ The letter announced that the Ministers had adopted the following general principles on the political solution to the Kosovo crisis: immediate and verifiable end to violence and repression in Kosovo; withdrawal from Kosovo of military, police and paramilitary forces; deployment in Kosovo of effective international civil and security presences, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives; establishment of an interim administration for Kosovo to be decided by the Security Council to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo; the safe and free return of all refugees and displaced persons

and unimpeded access to Kosovo by humanitarian aid organizations; a political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet Accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the Kosovo Liberation Army (KLA); and a comprehensive approach to the economic development and stabilization of the crisis region.

By a letter dated 5 June 1999 addressed to the Secretary-General,⁴³⁶ the representative of the Federal Republic of Yugoslavia transmitted a letter dated 4 June 1999 from the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia addressed to the Secretary-General, informing him of the acceptance by the Government of the Federal Republic of Yugoslavia and the Assembly of the Republic of Serbia of the Peace Plan (principles) presented by the President of the Finnish Republic, representing the European Union and the United Nations, and by the personal envoy of the President of the Russian Federation. He noted that the Yugoslav constitutional authorities had been strongly motivated by the fact that the competence of the Security Council was being established by the acceptance of the Peace Plan, including the setting up of a United Nations mission in accordance with the Charter of the United Nations. The Federal Minister stated his conviction that that had created conditions and a need for regular contacts and cooperation between the Government of the Federal Republic of Yugoslavia and the United Nations. He expected that his delegation's representatives would be able to present their views on the draft resolution, and that an appropriate agreement would be concluded later on between the Government of the Federal Republic of Yugoslavia and the United Nations.

By a letter dated 7 June 1999 addressed to the President of the Security Council,⁴³⁷ the representative of Germany, on behalf of the Presidency of the European Union, transmitted the agreement on the Peace Plan (principles) to move towards a resolution of the Kosovo crisis.

⁴³³ *Ibid.*, pp. 19-20.

⁴³⁴ *Ibid.*, p. 21.

⁴³⁵ S/1999/516.

⁴³⁶ S/1999/646.

⁴³⁷ S/1999/649.

By a letter dated 10 June 1999 addressed to the President of the Security Council,⁴³⁸ the Secretary-General transmitted a letter dated 10 June 1999 from the Secretary-General of the North Atlantic Treaty Organization (NATO). The Secretary-General of NATO informed the United Nations that NATO military authorities had agreed with the Federal Republic of Yugoslavia on the procedures and modalities for the withdrawal from Kosovo of the Federal Republic of Yugoslavia security forces, which had begun to withdraw from Kosovo in accordance with those procedures and modalities. He noted that NATO was monitoring the compliance of the Federal Republic of Yugoslavia closely. Against that background, NATO air operations against the Federal Republic of Yugoslavia had been suspended.

At its 4011th meeting, held on 10 June 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the item entitled "Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998) and 1239 (1999)" and the above-mentioned letters in its agenda. Following the adoption of the agenda, the President (Gambia), with the consent of the Council, invited the representatives of Albania, Belarus, Costa Rica, Croatia, Cuba, Germany, Hungary, the Islamic Republic of Iran, Italy, Japan, Mexico, Norway, Turkey, the former Yugoslav Republic of Macedonia and Ukraine, at their request, to participate in the discussion without the right to vote. The President also invited Mr. Vladislav Jovanovic to sit at the Council table and to make a statement.

At the same meeting, the President drew the attention of the Council to a draft resolution submitted by Canada, France, Gabon, Germany, Italy, Japan, the Netherlands, the Russian Federation, Slovenia, Ukraine, the United Kingdom and the United States, with Bahrain joining as a co-sponsor.⁴³⁹ The President also drew the attention of the Council to the following documents: a letter dated 2 June 1999 from the representative of Germany addressed to the Secretary-General;⁴⁴⁰ and letters dated 1, 5 and 7 June 1999, respectively, from the representative of the Federal Republic of Yugoslavia addressed to the President of

the Security Council.⁴⁴¹ Members of the Council also received a letter dated 4 June 1999 from the representative of France addressed to the President of the Security Council⁴⁴² and a letter dated 9 June 1999 from the Secretary-General addressed to the President of the Security Council.⁴⁴³

Mr. Jovanovic, on behalf of the Government of the Federal Republic of Yugoslavia, addressed the following requests to the members of the Council: first, to point out the responsibility of the NATO member States for flagrantly violating the principles of the Charter of the United Nations and for the unauthorized and brutal bombing of the Federal Republic of Yugoslavia, which resulted in a massive humanitarian catastrophe, the destruction of the civilian infrastructure and the economy of the country, the death of more than 2000 people and the wounding of more than 6,000 civilians; second, to stress the moral, political and material obligation of the NATO member States to fully compensate the Federal Republic of Yugoslavia and its citizens within the shortest possible period of time for all the damage caused by the unauthorized bombing; and third, to restore the Federal Republic of Yugoslavia all of its suspended rights in the United Nations, in international and financial institutions and in other international organizations and associations, as well as to lift all existing sanctions and unilateral restrictions and all other discriminatory measures. He stated that, although the peace plan had confirmed a role for the United Nations in the solution of the crisis, his Government had instead faced NATO attempts to deploy its troops in Kosovo and Metohija by way of insisting on some political elements without a decision and a mandate from the Council. He stressed that, in order to achieve a lasting and stable peace in the region and reaffirm the roles of the United Nations and the Security Council as the highest bodies for the maintenance of international peace and security, it was necessary to deploy the United Nations peacekeeping

⁴³⁸ S/1999/663.

⁴³⁹ S/1999/661.

⁴⁴⁰ Letter transmitting a statement on Kosovo issued on 31 May 1999 (S/1999/650) by the European Union.

⁴⁴¹ Letters transmitting statements concerning the acceptance of the principles of the Group of Eight (S/1999/631), and the peace plan (principles) (S/1999/655) respectively; and transmitting a statement regarding humanitarian aid (S/1999/647).

⁴⁴² Letter transmitting the text of the Rambouillet accords (S/1999/648).

⁴⁴³ Letter transmitting a report of the Inter-Agency Needs Assessment Mission to the Federal Republic of Yugoslavia (S/1999/662).

mission in Kosovo and Metohija on the basis of a decision of the Council and of Chapter VI of the Charter and with the prior and full agreement of the Government of the Federal Republic of Yugoslavia. He also stated that, in that context, the Security Council draft resolution needed to contain the following positions: a firm and unequivocal reaffirmation of full respect for the territorial integrity and sovereignty of the Federal Republic of Yugoslavia; and a political solution to the situation in Kosovo and Metohija that would be based on broad autonomy, in accordance with the highest international standards, such as the Paris Charter and the Organization for Security and Cooperation in Europe (OSCE) Copenhagen document, ensuring the full equality of all ethnic communities. The solution for Kosovo and Metohija also needed to fall within the legal frameworks of the Republic of Serbia and the Federal Republic of Yugoslavia, which implied that all State and public services in the province, including the organs of law and order, should function according to the Constitution and laws of the Federal Republic of Yugoslavia and the Republic of Serbia. He also stressed that the draft resolution should not contain provisions on the International Tribunal for the Former Yugoslavia, considering that that institution had no jurisdiction over the Federal Republic of Yugoslavia and had not been included in the principles of the Ahtisaari-Chernomyrdin peace plan. The resolution also needed to contain a condemnation of NATO aggression against the Federal Republic of Yugoslavia as an act in violation of the Charter of the United Nations and a threat to international peace and security; a reference to the reports of the United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and the United Nations High Commissioner for Human Rights, which should point to the civilian casualties and material destruction as consequences of NATO attacks, and a condemnation of the use of inhumane weapons; a condemnation of NATO bombing of foreign diplomatic and consular missions in the Federal Republic of Yugoslavia; provisions ensuring unhindered and safe passage of refugees; and respect for the Constitution and laws of the Republic of Serbia and the Federal Republic of Yugoslavia as necessary preconditions for the solution of all questions and a successful evolution of the international presence. He stated that the mandate of the mission needed to consist of the supervision of the implementation of the comprehensive agreement on Kosovo and Metohija,

the withdrawal of Yugoslav military and political forces, the return of refugees and displaced persons and cooperation with international humanitarian organizations in providing assistance to all in need of it. The mission also had to guarantee full security and equality to all citizens in Kosovo and Metohija, regardless of their religious and national affiliations, and prevent all violence, especially the resurgence of terrorism and separatism. The mission had to be responsible to and report to the Secretary-General and the Security Council. He underscored that the Federal Republic of Yugoslavia could not accept a mission that would take over the role of government in Kosovo and Metohija or any form of open or hidden protectorate, or a mission that had an open mandate, unlimited in time. He also stressed that they were against the participation in the United Nations mission by the countries that had taken an active part in the aggression. He expressed his delegation's regret that the draft resolution proposed by the Group of Eight was "yet another attempt to marginalize the world Organization aimed at legalizing *post festum* the brutal aggression", and noted that the solutions being tried provided a broad authority to those who had conducted a war against a sovereign country. He observed that in sub-items (a) and (b) of operative paragraph 9, the draft resolution requested in all practical terms that the Federal Republic of Yugoslavia renounce a part of its sovereign territory and grant amnesty to terrorists. Furthermore, in operative paragraph 11, the draft resolution established a protectorate, provided for the creation of a separate political and economic system in the province and opened up the possibility of the secession of Kosovo and Metohija from Serbia and the Federal Republic of Yugoslavia. He concluded by stating that, in adopting the draft resolution, the Council would not only be instrumental in a de facto dismemberment of a sovereign European State, but would also set a negative precedent with far-reaching consequences for overall international relations.⁴⁴⁴

The representative of Namibia expressed regret that it was only after the "senseless killing of innocent civilians, the destruction of property and the massive displacement of people" that a peace plan had been possible. He stressed that his country did not condone ethnic cleansing and other human rights abuses committed in the Federal Republic of Yugoslavia, and

⁴⁴⁴ S/PV.4011, pp. 3-6.

also opposed any attempt to dismember the Federal Republic of Yugoslavia. Finally, he reiterated that it was the primary responsibility of the Security Council to maintain international peace and security, and that all States Members of the United Nations had the obligation to uphold the provisions of the Charter in that regard.⁴⁴⁵

The representative of the Russian Federation stated that the draft resolution's main significance lay in the fact that it restored the Kosovo settlement to the political track along with the central role of the United Nations. He noted that in addition to clearly reaffirming the commitment of all States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, the draft resolution authorized the deployment in Kosovo, under United Nations auspices, of international civil and security presences with a clearly formulated, concrete mandate. He underlined that the draft resolution's reference to Chapter VII of the Charter related exclusively to ensuring the safety and security of international personnel and compliance with the provisions of the draft resolution. It did not even hint at the possibility of any use of force beyond the limits of the tasks clearly set out by the Security Council. He also stressed that the demilitarization of the "so-called" Kosovo Liberation Army and other armed Kosovo Albanian groups was of special importance in terms of achieving a lasting and effective political settlement of the Kosovo crisis, which was clearly defined as one of the principal duties of the international security presence. The Kosovo Liberation Army needed scrupulously to comply with all demands made of it by the Council and needed to cease to exist as a military force. He also called for the leadership of the Federal Republic of Yugoslavia to comply fully with the obligations it had entered into.⁴⁴⁶

The representative of China reiterated that the Government of China had made their principled stance clear. His delegation had firmly opposed NATO military action against the Federal Republic of Yugoslavia and demanded that NATO immediately stop all its bombing operations. China stood for peaceful settlement of the question of Kosovo, on the basis of respect for the sovereignty and territorial integrity of

the Federal Republic of Yugoslavia and guarantees of the legitimate rights and interests of all ethnic groups in the Kosovo region. His country was of the view that any proposed solution needed to take full account of the view of the Federal Republic of Yugoslavia. He emphasized that, fundamentally speaking, ethnic problems within a State needed to be settled by its own Government and people, through the adoption of sound policies. They could not be used as an excuse for external intervention, much less used by foreign States as an excuse for the use of force. He maintained that respect for sovereignty and non-interference in each other's internal affairs were basic principles of the Charter of the United Nations. Since the end of the cold war, the international situation had undergone major changes, but those principles were by no means outdated, having acquired even greater relevance. He underscored that, in essence, the "human rights over sovereignty" theory served to infringe upon the sovereignty of other States and to promote "hegemonism" under the pretext of human rights, which ran counter to the purposes and principles of the Charter of the United Nations. The representative stated that the draft resolution had failed to reflect fully the principled stand and justified concerns of China. In particular, it made no mention of the disaster caused by NATO bombing in the Federal Republic of Yugoslavia, and it had failed to impose necessary restrictions on the invoking of Chapter VII of the Charter. However, in view of the fact that the Federal Republic of Yugoslavia had already accepted the peace plan, that NATO had suspended its bombing and that the draft resolution had reaffirmed the purposes and principles of the Charter of the United Nations, the primary responsibility of the Security Council for the maintenance of international peace and security and the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, he stated that the Chinese delegation would not block the adoption of the draft resolution.⁴⁴⁷

At the same meeting, the draft resolution was put to the vote and adopted by 14 votes to none, with 1 abstention (China),⁴⁴⁸ as resolution 1244 (1999), which reads:

The Security Council,

⁴⁴⁵ Ibid., pp. 6-7.

⁴⁴⁶ Ibid., pp. 7-8.

⁴⁴⁷ Ibid., pp. 8-9.

⁴⁴⁸ For the vote, see S/PV.4011, p. 9.

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

Recalling its resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998 and 1239 (1999) of 14 May 1999,

Regretting that there has not been full compliance with the requirements of those resolutions,

Determined to resolve the grave humanitarian situation in Kosovo, Federal Republic of Yugoslavia, and to provide for the safe and free return of all refugees and displaced persons to their homes,

Condemning all acts of violence against the Kosovo population as well as all terrorist acts by any party,

Recalling the statement made by the Secretary-General on 9 April 1999, expressing concern at the humanitarian tragedy taking place in Kosovo,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety,

Recalling the jurisdiction and the mandate 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,

Welcoming the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999, contained in annex I to the present resolution, and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles set forth in points 1 to 9 of the paper presented in Belgrade on 2 June 1999, contained in annex II to the present resolution, and the agreement of the Federal Republic of Yugoslavia to that paper,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, as set out in the Final Act of the Conference on Security and Cooperation in Europe, signed at Helsinki 1 August 1975, and in annex II to the present resolution,

Reaffirming the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosovo,

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

Determined to ensure the safety and security of international personnel and the implementation by all concerned of their responsibilities under the present resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations,

1. *Decides* that a political solution to the Kosovo crisis shall be based on the general principles in annex I to the

present resolution and as further elaborated in the principles and other required elements in annex II;

2. *Welcomes* the acceptance by the Federal Republic of Yugoslavia of the principles and other required elements referred to in paragraph 1 above, and demands the full cooperation of the Federal Republic of Yugoslavia in their rapid implementation;

3. *Demands* in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin and complete a verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo will be synchronized;

4. *Confirms* that after the withdrawal, an agreed number of Yugoslav and Serb military and police personnel will be permitted to return to Kosovo to perform the functions in accordance with annex II;

5. *Decides* on the deployment in Kosovo, under United Nations auspices, of international civil and security presences, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia to such presences;

6. *Requests* the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary-General to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner;

7. *Authorizes* Member States and relevant international organizations to establish the international security presence in Kosovo as set out in point 4 of annex II with all necessary means to fulfil its responsibilities under paragraph 9 below;

8. *Affirms* the need for the rapid early deployment of effective international civil and security presences to Kosovo, and demands that the parties cooperate fully in their deployment;

9. *Decides* that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:

(a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided for in point 6 of annex II;

(b) Demilitarizing the Kosovo Liberation Army and other armed Kosovo Albanian groups, as required in paragraph 15 below;

(c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established and humanitarian aid can be delivered;

(d) Ensuring public safety and order until the international civil presence can take responsibility for this task;

(e) Supervising demining until the international civil presence can, as appropriate, take responsibility for this task;

(f) Supporting, as appropriate, and coordinating closely with the work of the international civil presence;

(g) Conducting border monitoring duties as required;

(h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations;

10. *Authorizes* the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia and which will provide for a transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo;

11. *Decides* that the main responsibilities of the international civil presence will include:

(a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex II and of the Rambouillet Accords;

(b) Performing basic civilian administrative functions where and as long as required;

(c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;

(d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peacebuilding activities;

(e) Facilitating a political process designed to determine the future status of Kosovo, taking into account the Rambouillet Accords;

(f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;

(g) Supporting the reconstruction of key infrastructure and other economic reconstruction;

(h) Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid;

(i) Maintaining civil law and order, including establishing local police forces and in the meantime through the deployment of international police personnel to serve in Kosovo;

(j) Protecting and promoting human rights;

(k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo;

12. *Emphasizes* the need for coordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organizations and to cooperate with such organizations so as to ensure the fast and effective delivery of international aid;

13. *Encourages* all Member States and international organizations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, and emphasizes in this context the importance of convening an international donors conference, particularly for the purposes set out in paragraph 11 (g) above, at the earliest possible date;

14. *Demands* full cooperation by all concerned, including the international security presence, with 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;

15. *Demands* that the Kosovo Liberation Army and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General;

16. *Decides* that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related materiel for the use of the international civil and security presences;

17. *Welcomes* the work in hand in the European Union and other international organizations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis, including the implementation of a stability pact for South-Eastern Europe, with broad international participation, in order to further the promotion of democracy, economic prosperity, stability and regional cooperation;

18. *Demands* that all States in the region cooperate fully in the implementation of all aspects of the present resolution;

19. *Decides* that the international civil and security presences are established for an initial period of twelve months, to continue thereafter unless the Security Council decides otherwise;

20. *Requests* the Secretary-General to report to the Council at regular intervals on the implementation of the present resolution, including reports from the leadership of the international civil and security presences, the first reports to be submitted within thirty days of the adoption of this resolution;

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

Speaking after the vote, the representative of Slovenia stated that, with regard to military and security aspects, his country wanted to emphasize the need for the Federal Republic of Yugoslavia to terminate the state of war in the country immediately. In particular, the state of war and related measures could not be used against the Republic of Montenegro, which had demonstrated a reasoned and constructive approach throughout the conflict, including by accepting and taking care of tens of thousands of internally displaced persons. He stressed that the pressures exerted by Belgrade against the Republic of Montenegro under the pretext of military needs had to stop and expressed concern that without such a measure the situation in Montenegro could escalate into a new threat to international peace and security in the region. At the political level, he underlined that the Federal Republic of Yugoslavia had to understand the importance of the normalization of its relations with its neighbours and with other States. It therefore had to stop its attempts to create the erroneous impression that it was a continuing Member State of the United Nations and apply for membership in the United Nations, as expressly required by Security Council resolution 777 (1992) and General Assembly resolution 47/1 of 22 September 1992. He repeated that justice would be an essential condition for the durability of peace, and stressed the importance of the role of the International Tribunal for the Former Yugoslavia. In conclusion, he observed that, while it was true that international organizations had to be careful in all their efforts and that they had to respect international law, including the principle of the sovereignty of States, it was at least equally clear that State sovereignty was not absolute and that it could not be used as a tool of denial of humanity resulting in threats to peace.⁴⁴⁹

The representative of the Netherlands expressed the hope of his Government that the few delegations that had maintained that the NATO air strikes against the Federal Republic of Yugoslavia were a violation of the United Nations Charter would one day realize that

⁴⁴⁹ S/PV.4011, pp. 10-11.

the Charter was not the only source of international law. He maintained that the Charter was much more specific on respect for sovereignty than on respect for human rights, but they regarded it as a generally accepted rule of international law that no sovereign State had the right to terrorize its own citizens. He stated that the shift from sovereignty to human rights spelled uncertainty, and they all had their difficulties with it, but the Security Council could not afford to ignore it.⁴⁵⁰

The representative of Canada stated that his country considered that humanitarian and human rights concerns had to be given new weight in the Council's definition of security and in its calculus as to when and how the Council had to engage. He expressed the belief that the agreement reached in the Council was an important step towards a broader definition of security by the international community.⁴⁵¹

The representative of the United States stated that the resolution would advance a goal that was shared by all members, that of returning hundreds of thousands of Kosovars to their homes with security and self-government. While his country welcomed agreement by Belgrade to principles for resolving the crisis, he stressed that his delegation could not forget the systematic campaign of repression and ethnic cleansing carried out against the people of Kosovo in violation of recognized principles of international law. In the resolution, the international community had clearly demonstrated that such policies and behaviour would not be tolerated and affirmed that the resolution addressed all of their key objectives as set out by NATO. In particular, his delegation welcomed the reiteration in the resolution of the strong mandate of the authority and the jurisdiction of the International Criminal Tribunal for the Former Yugoslavia over war crimes committed in the former Yugoslavia, including Kosovo, contained in Security Council resolution 1160 (1998). He also stressed that it was important to note that the resolution provided for the civil and military missions to remain in place until the Council affirmatively decided that conditions existed for their completion. The United States would work to ensure that the people of Kosovo were given the meaningful self-government they deserved, as envisioned in the

⁴⁵⁰ *Ibid.*, pp. 12-13.

⁴⁵¹ *Ibid.*, pp. 13-14.

Rambouillet Accords. Finally, he stressed that both sides to the conflict needed to demonstrate a firm commitment to peace.⁴⁵²

The representative of Brazil commented that, independent of the moral considerations invoked for the actions, problematic precedents had been set in the resort to military force without Security Council authorization. He stressed that those had neither contributed to upholding the Council's authority nor improved the humanitarian situation.⁴⁵³

The representative of the United Kingdom stated that the Chapter VII resolution and its annexes clearly set out the demands of the international community, which Belgrade had to satisfy. He stressed that the interpretation and conditions that the delegation of the Federal Republic of Yugoslavia had attempted to propose had been rejected. The resolution also provided for the deployment of an international civil presence, led by the United Nations, for the continuing work of the International Criminal Tribunal for the Former Yugoslavia, and for an effective international security presence to re-establish a safe environment in Kosovo. That force needed to command the confidence of Kosovo Albanian refugees if they were to return home, which was why NATO had made clear that it would be essential to have a unified NATO chain of command under the political direction of the North Atlantic Council in consultation with non-NATO force contributors.⁴⁵⁴

The Secretary-General stated that the United Nations was determined to lead the civilian implementation of the peace effectively and efficiently, but to do so it needed the cooperation of all parties and the means to carry out the mandate. He underscored that the commitment to peace was not enough, but that it was the will to implement it that was what counted. That included tasks for which the United Nations was not responsible, but which were vital if peace and stability were to be restored, for example the need for the full withdrawal of Serb military, paramilitary and police forces and for the demilitarization of the Kosovo Liberation Army. He said that he looked to those responsible for the security aspects of the resolution to act swiftly. He informed the Council that he would

soon revert to them with specific proposals on how to make the civilian operation authorized by the resolution truly integrated and effective. Finally, he affirmed that the hard and extremely complex work of building a durable peace lay ahead, and in doing so they needed to deal with the roots of the crisis.⁴⁵⁵

A number of other speakers took the floor after the vote and after the resumption of the meeting. They welcomed the resolution and stressed the importance of immediate efforts to provide a secure environment for the refugees and displaced persons to return to their homes; underlined the importance of the work of the International Criminal Tribunal for the Former Yugoslavia in Kosovo; and noted that the resolution reaffirmed that it was the primary responsibility of the Security Council to maintain international peace and security.⁴⁵⁶

The representative of Belarus reiterated the condemnation of the military actions by NATO, and stressed that they had been undertaken in violation of the Charter of the United Nations and universally recognized norms of international law.⁴⁵⁷

The representative of Germany spoke on behalf of the European Union and associated and aligned countries,⁴⁵⁸ stating that the necessary and warranted military action by NATO, in combination with diplomatic activity, had brought about the agreement of the authorities of the Federal Republic of Yugoslavia to withdraw all military, police and paramilitary forces, thereby creating the conditions for the return of hundreds of thousands of Kosovars driven out of Kosovo. He reiterated that full responsibility for the situation lay entirely with President Milosevic and the regime. The European Union firmly believed that all those who planned, authorized and executed the campaign of forced deportation, torture and murder had to be held personally accountable and brought to justice before the International Criminal Tribunal for

⁴⁵² Ibid., pp. 14-15.

⁴⁵³ Ibid., p. 17.

⁴⁵⁴ Ibid., p. 18.

⁴⁵⁵ Ibid., p. 21.

⁴⁵⁶ S/PV.4011 pp. 11-12 (France); pp. 15-16 (Malaysia); pp. 18-19 (Argentina); pp. 19-20 (Bahrain); and pp. 19-20 (the Gambia); S/PV.4011 (Resumption 1), p. 3 (Japan); p. 13 (Islamic Republic of Iran); pp. 12-13 (Hungary); and pp. 17-18 (Mexico).

⁴⁵⁷ S/PV.4011 (Resumption 1), p. 6.

⁴⁵⁸ Ibid., p. 2 (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus, Iceland and Liechtenstein).

the Former Yugoslavia. It was gratified to see the Security Council assuming the functions foreseen by the United Nations Charter and urged the Security Council to show unity and coherence in its further handling of the crisis. Finally, he informed the Council that, with a view to enhancing peace, stability, prosperity and cooperation among countries in the region, the European Union had established a stability pact for South-Eastern Europe.⁴⁵⁹

The representative of Norway stated that, as Chairman-in-Office of the Organization for Security and Cooperation in Europe, the Minister for Foreign Affairs of Norway, welcomed the decision to place the overall responsibility for the civilian presence with the United Nations. Noting that the civilian implementation of the peace agreement would have to be divided between several international organizations, he stressed that clear lines of command and clearly defined areas of responsibility would be necessary. Careful consideration needed to be given to ensuring that the division of responsibility was logical and promoted efficient implementation. He stated that the primary responsibility for rebuilding democratic institutions and civil society needed to lie with OSCE, as the organization had considerable experience and expertise with regard to the tasks.⁴⁶⁰

The representative of Costa Rica expressed concerns about how the operations in the Federal Republic of Yugoslavia had been conducted and reiterated that with the very limited exception of the right to legitimate defence, any option involving the use of force required the clear authorization of the Security Council in each specific case. He expressed his country's belief that that principle was implicit in the Council's primary responsibility for the maintenance of international peace and security, as well as in the absolute prohibition against the use of force in international relations.⁴⁶¹

The representative of Cuba maintained that this had been an invasion by the United States and NATO and that the sovereignty and territorial integrity of the Federal Republic of Yugoslavia were absolutely unworkable under the conditions that had been

imposed, meaning the disintegration by force of a sovereign State.⁴⁶²

The representative of Ukraine stated that they were more certain than before that the threatening development of the situation in and around Kosovo could have been avoided, if the Security Council had been prepared to exercise its powers under Chapter VII of the Charter at a very early stage of the conflict. He also stressed that his country expected the Council to address in a positive and action-oriented way the problem of the economic losses of third countries suffered as a result of military activities in Kosovo.⁴⁶³

The representative of Croatia stated that "the Great Serbian expansion policy" had initiated wars in Bosnia and Herzegovina, Croatia, Slovenia, and had resulted in the dissolution of the former Socialist Federal Republic of Yugoslavia, a founding member of the United Nations, and its replacement by five equal successor States, none of which automatically continued the international legal personality and status of the former Socialist Federal Republic of Yugoslavia in the United Nations. Regarding their role in the Kosovo crisis, he stressed that, while supporting the actions of the international community in Kosovo, they had persisted in maintaining the pace of the normalization of relations with the Federal Republic of Yugoslavia and its peoples. He maintained that peace bred in, and on, economic prosperity so the international community needed to strengthen its approach towards fostering the overall security, political and economic stability and prosperity of the entire region and thus "widen the road" towards reintegration into Euro-Atlantic structures, for those who sought it.⁴⁶⁴

The representative of Albania expressed his country's high appreciation for the irreplaceable role of NATO, which had stopped "one of the greatest human catastrophes in Europe after the Second World War" and which had brought to a halt "the genocide and the ethnic cleansing carried out against millions of innocent civilians". He maintained that the leaders of the Group of Eight and NATO had been defending the principles of the Charter of the United Nations and preventing the spillover of the conflict into Europe. He

⁴⁵⁹ Ibid., pp. 2-3.

⁴⁶⁰ Ibid., pp. 3-4.

⁴⁶¹ Ibid., pp. 4-5.

⁴⁶² Ibid., pp. 6-9.

⁴⁶³ Ibid., pp. 9-11.

⁴⁶⁴ Ibid., pp. 11-12.

underlined that the mission of peace initiated by the Security Council resolution would achieve success when it took into consideration two essential conditions set out by the international community. First, there needed to be substantial economic assistance for reconstructing Kosovo and its economy, infrastructure and self-governing institutions. Second, any long-term solution to the Kosovo problem had to take into consideration and respect the will of the people of Kosovo to decide their own future.⁴⁶⁵

The representative of the former Yugoslav Republic of Macedonia stated that the implementation of the resolution and the peace agreement had priorities: the first priority was the goal of enabling each refugee and every displaced person to go home in safety and with dignity; the other was the recovery and reconstruction of the region. He stressed that the implementation of paragraph 17 of the resolution was of crucial importance for his country and for others in the region, and reiterated that the firm intention to promote democracy, economic prosperity, stability and regional cooperation in their region needed to be implemented in the spirit of the resolution, generously and without hesitation.⁴⁶⁶

The representative of Bulgaria emphasized that the return before the winter of all the ethnic Albanian refugees who wished to go back to their homes in Kosovo was the key to a durable resolution of the present conflict. He stressed that the rehabilitation efforts in Kosovo could be even more challenging than those that had led to the peace. He also noted that of particular importance in avoiding further similar crises in the Balkans was the comprehensive stabilization and development of the States affected by the Kosovo crisis. The international community needed to play a decisive role in helping countries in South-Eastern Europe to rebuild and develop their economies, their civil societies, their democratic infrastructure and their security relations according to their specific needs.⁴⁶⁷

At the same meeting, the representative of the United States took a second intervention to observe that the representative of Cuba had avoided any acknowledgement of the human realities in Kosovo

prior to the commencement of the NATO air campaign on 24 March.⁴⁶⁸

The representative of Cuba made a second statement and reiterated that it was NATO that had flagrantly violated the sovereignty and territorial integrity of a Member State.⁴⁶⁹

The representative of the Netherlands also made a second statement noting that an effort to get the Council to support the “allegation” that NATO had violated the Charter of the United Nations had been defeated by 12 votes to 3. He also referred again to the rule, which was now generally accepted in international law, that no sovereign State had the right to terrorize its own citizens.⁴⁷⁰

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

Initial proceedings

Deliberations of 5 and 8 November and 30 December 1999 (4061st and 4086th meetings): private meetings

At its 4061st and 4086th meetings, held in private on 5 and 8 November 1999, the Security Council considered the item entitled “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)”. The representatives of Albania, Armenia, Australia, Austria, Bangladesh, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cuba, the Czech Republic, Denmark, Egypt, Finland, Georgia, Germany, Greece, Guatemala, Hungary, India, the Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Lithuania, Luxembourg, Mexico, Morocco, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, the Republic of Korea, Romania, San Marino, Singapore, Slovakia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey and Ukraine were invited to one or both meetings, at their request, to participate. At the 4061st meeting, Mr. Branislav Srdanovic was invited to participate, at Mr. Vladislav Jovanovic’s request. At the 4086th meeting, Mr. Jovanovic was invited, at his request, to be seated at the Council table during the discussion.

⁴⁶⁵ Ibid., pp. 13-15.

⁴⁶⁶ Ibid., pp. 15-16.

⁴⁶⁷ Ibid., pp. 16-17.

⁴⁶⁸ Ibid., p. 18.

⁴⁶⁹ Ibid., pp. 18-19.

⁴⁷⁰ Ibid., p. 19.

The Permanent Observer of the Holy See to the United Nations was also invited to participate, at his request, in accordance with the understanding reached in the Council's prior consultations.⁴⁷¹

At the 4061st meeting, the Security Council heard a briefing under rule 39 of its provisional rules of procedure by Mr. Bernard Kouchner, Special

Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo, Federal Republic of Yugoslavia. At the 4086th meeting, the Security Council heard a briefing under rule 39 of its provisional rules of procedure by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations. The members of the Council made comments and posed questions in connection with the briefings, to which the speakers responded.

⁴⁷¹ S/PV.4061 and S/PV.4086.

28. The situation in Georgia

Decision of 12 January 1996 (3618th meeting): resolution 1036 (1996)

On 2 January 1996, pursuant to Security Council resolution 993 (1995), the Secretary-General submitted to the Council a report on all aspects of the situation in Abkhazia, Georgia,¹ and his recommendations regarding the role of the United Nations after the expiry of the mandate of the United Nations Observer Mission in Georgia (UNOMIG) on 12 January 1996.² In his report, the Secretary-General informed the Council that the Georgian-Abkhaz peace process remained deadlocked and the situation in the UNOMIG area of responsibility remained unsettled and tense. He stated that, despite strenuous efforts by the Russian Federation, in its capacity as facilitator, to draft a protocol acceptable to both parties to the conflict, there had been very little progress. Stressing that the two sides continued to need outside assistance to help them find a lasting solution to their dispute, he recommended that the Security Council extend the mandate of UNOMIG for six months, until 12 July 1996. However, as the situation in Abkhazia as well as the mandate of the Commonwealth of Independent States (CIS) peacekeeping force would be considered at the meeting of the Council of Heads of State of CIS on 19 January 1996, he also expressed the view that it would be appropriate to make the extension of the

mandate of UNOMIG subject to early review by the Security Council if decisions taken at that meeting changed the mandate of the CIS peacekeeping force.

At its 3618th meeting, held on 12 January 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (United Kingdom), with the consent of the Council, invited the representative of Georgia, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution, prepared in the course of the Council's prior consultations.³ The President also drew the attention of the Council to a letter dated 8 January 1996 from the representative of Georgia addressed to the President of the Security Council, reporting the killing of eight civilians in the Abkhazian region allegedly by "Abkhaz boeviks".⁴

At the same meeting, the representative of Georgia stated that the firm position of the Security Council regarding the developments in the troubled region of Georgia had repeatedly thwarted the aspirations of the separatists to divide the country and to put its sovereignty in question. Abkhaz separatists stubbornly continued to intimidate the civilian population through kidnappings, torture and summary executions. He informed the Council that, despite the resolutions of the Security Council calling for the unconditional return of refugees to their homes, only a

¹ For purposes of this *Supplement*, the term "Abkhazia" refers to "Abkhazia, Georgia", without prejudice to issues of status. In other instances, the terminology originally used in official documents has been preserved to the extent possible.

² S/1996/5.

³ S/1996/16.

⁴ S/1996/9.

small group of displaced persons had managed to return to the region of Gali, where they lived under constant threat. He also informed the Council that, on 5 January, “Abkhaz boeviks” had brutally tortured and killed innocent civilians. The representative stressed that, in carrying out that act, the separatists had once again overridden numerous resolutions of the Security Council and ignored the presence of the United Nations observers and CIS peacekeeping forces in the region. He maintained that the Government of Georgia had always been committed to the peaceful resolution of the conflict but, at the same time, numerous breaches of agreements by the Abkhaz side, including violations of the provisions of Security Council resolutions and attempts to ignore, evade and negotiate away their obligations, had brought them to the conclusion that peace had to be enforced. Therefore, he appealed to the Security Council to assist his country by using its capacity to stop further bloodshed and restore peace in Georgia. He expressed his country’s hope that the members of the Council and all interested parties would once again seriously consider the situation in Georgia and would take necessary measures to prevent the imminent escalation of the dispute.⁵

The representative of Italy stressed that the activities of UNOMIG should not contribute to an indefinite paralysis of the situation but that UNOMIG needed to continue playing a dynamic role. That role needed to help to restore a climate of security that would finally make it possible to settle the crucial problem of the return of refugees.⁶

The representative of the Russian Federation noted that the draft resolution reaffirmed the dedication of the international community to settling of the conflict in Abkhazia through political dialogue, on the basis of respect for the sovereignty and territorial integrity of Georgia, and to ensuring the rights of the multinational people of that country. He also maintained that the basic responsibility for ending the crisis, through mutually acceptable compromises, lay with the parties to the conflict themselves. While the situation of the negotiating process remained complex, he informed the Council that his country was actively working to encourage the parties to be flexible in their approaches to a settlement. Finally, he expressed his

delegation’s concern over the situation regarding the return of refugees and displaced persons, and stated that the Russian Federation considered it essential that the comprehensive and safe return of refugees be ensured.⁷

The representative of China maintained that the final settlement of the question in Georgia depended, in the final analysis, on Georgians of all ethnic groups. In that connection, the international community could play only a supplementary and promoting role that was based on the political will of the two parties concerned. Therefore, he urged the two parties to take into account the fundamental interests of Georgians of all ethnic groups and to engage in real peace talks to find a proper solution.⁸

Speaking both before and after the vote, several speakers made statements expressing their concern over the lack of progress in the negotiations and the humanitarian situation. They expressed support for the role of UNOMIG and expressed hope that a political settlement to the conflict would be reached. Many delegations stressed that both parties needed to cooperate with UNOMIG in creating a safe environment for the return of refugees and displaced persons. Speakers also stressed that any settlement needed to respect the independence, sovereignty and territorial integrity of Georgia.⁹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1036 (1996), which reads:

The Security Council,

Reaffirming all its relevant resolutions, in particular resolution 993 (1995) of 12 May 1995,

Having considered the report of the Secretary-General of 2 January 1996,

Reaffirming its commitment to the sovereignty and territorial integrity of Georgia,

Stressing the need for the parties to intensify efforts, under the auspices of the United Nations and with the assistance

⁷ *Ibid.*, pp. 7-8.

⁸ *Ibid.*, pp. 8-9.

⁹ *Ibid.*, pp. 3-5 (Germany); pp. 5-6 (Republic of Korea); pp. 6-7 (Poland); p. 8 (Guinea-Bissau); pp. 9-10 (Indonesia); pp. 9-10 (Botswana); pp. 11-12 (Honduras); pp. 12-13 (Egypt); pp. 13-14 (United States); pp. 14-15 (France); pp. 15-16 (Chile); and p. 16 (United Kingdom).

⁵ S/PV.3618, pp. 2-3.

⁶ *Ibid.*, p. 5.

of the Russian Federation as facilitator, to achieve an early and comprehensive political settlement of the conflict, including on the political status of Abkhazia, fully respecting the sovereignty and territorial integrity of Georgia,

Noting the holding of presidential and parliamentary elections in Georgia in November 1995, and expressing the hope that these will contribute positively to the achievement of a comprehensive political settlement of the conflict in Abkhazia, Georgia,

Reaffirming the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons of 4 April 1994,

Deploing the continued obstruction of such return by the Abkhaz authorities,

Deeply concerned over the deterioration in the humanitarian situation, in particular in the Gali region where there is a continued lack of a secure environment,

Deeply concerned also at the rising violence and at the killings being committed in the areas under the control of the Abkhaz side reported in a letter dated 8 January 1996 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council,

Recalling the conclusions of the Budapest summit of the Conference on Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia,

Reaffirming the necessity for the parties to comply strictly with international humanitarian law,

Noting that the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 has generally been respected by the parties with the assistance of the collective peacekeeping force of the Commonwealth of Independent States and the United Nations Observer Mission in Georgia,

Expressing its satisfaction with the close cooperation and coordination between the Mission and the collective peacekeeping force in the performance of their respective mandates, and commending the contribution both have made to stabilize the situation in the zone of conflict,

Expressing concern about the safety and security of the Mission and Commonwealth of Independent States personnel, and stressing the importance it attaches to their freedom of movement,

Noting that the forthcoming meeting of the Council of Heads of State of the Commonwealth of Independent States to be held in Moscow on 19 January 1996 will consider the extension of the mandate of the collective peacekeeping force,

1. *Welcomes* the report of the Secretary-General of 2 January 1996;

2. *Expresses its deep concern* at the continued deadlock in the efforts to achieve a comprehensive settlement of the conflict in Abkhazia, Georgia;

3. *Reaffirms its full support* for the efforts of the Secretary-General aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia, respecting fully the sovereignty and territorial integrity of Georgia, as well as for the efforts that are being undertaken by the Russian Federation in its capacity as facilitator to intensify the search for a peaceful settlement of the conflict, and encourages the Secretary-General to continue his efforts, with the assistance of the Russian Federation as facilitator, and with the support of the Organization for Security and Cooperation in Europe, to that end;

4. *Calls upon* the parties, in particular the Abkhaz side, to achieve substantive progress without further delay towards a comprehensive political settlement, and also calls upon them to cooperate fully with the efforts undertaken by the Secretary-General with the assistance of the Russian Federation as facilitator;

5. *Demands* that the Abkhaz side accelerate significantly the process of voluntary return of refugees and displaced persons by accepting a timetable on the basis of that proposed by the Office of the United Nations High Commissioner for Refugees, and also demands that it guarantee the safety of spontaneous returnees already in the area and regularize their status in accordance with the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons of 4 April 1994;

6. *Calls upon* the Abkhaz side, in that context, to promote, as a first step, the return of refugees and displaced persons to the Gali region in safety and dignity;

7. *Condemns* the ethnic killings and continuing human rights violations committed in Abkhazia, Georgia, and calls upon the Abkhaz side to ensure the safety of all persons in areas under its control;

8. *Calls upon* the parties to improve their cooperation with the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States in order to provide a secure environment for the return of refugees and displaced persons, and also calls upon them to honour their commitments with regard to the security and freedom of movement of all United Nations and Commonwealth of Independent States personnel and with regard to Mission inspections of heavy-weapon storage sites;

9. *Welcomes* the additional measures implemented by the Mission and the collective peacekeeping force in the Gali region aimed at improving conditions for the safe and orderly return of refugees and displaced persons, and all appropriate efforts in this regard;

10. *Expresses its full support* for the elaboration of a concrete programme for the protection and promotion of human rights in Abkhazia, Georgia, as described in the report of the

Secretary-General of 2 January 1996, and calls upon the Abkhaz authorities to cooperate fully with the efforts to this end;

11. *Decides* to extend the mandate of the Mission for an additional period terminating on 12 July 1996, subject to a review by the Council of the mandate of the Mission in the event of any changes that may be made in the mandate of the collective peacekeeping force;

12. *Reiterates its encouragement* to States to contribute to the voluntary fund in support of the implementation of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 and/or for humanitarian aspects, including demining, as specified by the donors;

13. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report after three months from the date of the adoption of the present resolution on all aspects of the situation in Abkhazia, Georgia, including the operations of the Mission;

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

**Decision of 25 April 1996 (3658th meeting):
statement by the President**

On 15 April 1996, pursuant to paragraph 13 of Security Council resolution 1036 (1996), the Secretary-General submitted to the Council a report on all aspects of the situation in Abkhazia.¹⁰ In his report, the Secretary-General stated that, despite months of vigorous efforts by the Russian Federation, in its capacity as facilitator, neither side had signed the draft protocol on the principal elements of a settlement owing to continued disagreement over the political status of Abkhazia. He stressed that, while the stalemate continued, there could be no significant improvement in the situation of displaced persons and refugees, whose plight was a cause of great concern. He stated that, while it was unlikely that the draft protocol would clearly define the political status of Abkhazia, if the draft protocol was signed, it would serve as a framework for further negotiations and expert discussions. The Secretary-General stated that he saw an important role for the United Nations, especially as both sides, as well as the Russian Federation in its capacity as facilitator, had recently asked his Special Envoy to strengthen the role of the United Nations in the search for a comprehensive settlement.

¹⁰ S/1996/284.

At its 3658th meeting, held on 25 April 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Chile), with the consent of the Council, invited the representative of Georgia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President then made the following statement on behalf of the Council:¹¹

The Security Council has considered the interim report of the Secretary-General concerning the situation in Abkhazia, Georgia, of 15 April 1996. It has also read with appreciation the letter dated 5 March 1996 from the Government of Georgia and the proposals on the political status of Abkhazia contained therein.

The Council notes with deep concern the continued failure of the parties to achieve a comprehensive political settlement. It also notes the adverse impact that this failure has on the humanitarian situation and economic development in the region. It calls upon the parties, in particular the Abkhaz side, to achieve substantive progress without further delay.

The Council reaffirms its full support for the efforts of the Secretary-General, of his Special Envoy and of the Russian Federation as facilitator, aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia, respecting the sovereignty and territorial integrity of Georgia. The Council stresses that the primary responsibility for achieving a comprehensive political settlement rests upon the parties themselves.

The Council welcomes the efforts undertaken by the members of the Commonwealth of Independent States as set out in annex IV to document S/1996/74, in support of such a comprehensive political settlement.

The Council remains deeply concerned at the continued obstruction of the return of the refugees and displaced persons by the Abkhaz authorities, which is totally unacceptable.

The Council expresses its support for the efforts of the Secretary-General to find ways of improving the observance of human rights in the region, as an integral part of the work towards a comprehensive political settlement.

The Council notes the important contribution made by the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States to the stabilization of the situation in the zone of conflict. The Council recalls its encouragement to Member States to make contributions, in cash or kind, to the voluntary fund in support of the implementation of the Agreement on a Ceasefire and

¹¹ S/PRST/1996/20.

Separation of Forces signed in Moscow on 14 May 1994 and/or for humanitarian aspects, including demining. It welcomes the contributions mentioned in the report of the Secretary-General.

The Council is, however, deeply concerned at the deterioration in security conditions in the Gali region, which has a negative effect on the ability of the Mission to meet its mandated tasks. The Council condemns mine-laying in the Gali region, which has resulted in loss of life, including of a military observer of the Mission. Such mine-laying should cease. The Council calls upon the parties to take all measures in their power to prevent it. The Council stresses that the ability of the international community to assist depends on the full cooperation of the parties, especially the fulfilment of their obligations regarding the safety and freedom of movement of international personnel.

The Council invites the Secretary-General to continue to keep it informed of the situation.

**Decision of 12 July 1996 (3680th meeting):
resolution 1065 (1996)**

On 1 July 1996, pursuant to Security Council resolution 1036 (1996), the Secretary-General submitted to the Council a report on all aspects of the situation in Abkhazia.¹² In his report, the Secretary-General informed the Council that the political process remained at a standstill and that the core issue in the conflict, namely the definition of a political status for Abkhazia acceptable to both sides, remained unresolved. Nor were additional measures by the United Nations to improve conditions in the security and restricted weapons zones likely to prove effective, unless the parties demonstrated the necessary will to cooperate. In the hope that the parties could be persuaded to help reactivate the peace process, he recommended that the Security Council extend the mandate of UNOMIG until 31 January 1997. However, as the mandate of the CIS peacekeeping force would expire on 19 July 1996, the extension of the mandate of UNOMIG needed to be subject to an early review by the Council, if decisions were to be taken to change the mandate of that force.

At its 3680th meeting, held on 12 July 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (France), with the consent of the Council, invited the representatives of

¹² S/1996/507 and Add.1.

Georgia and Ireland, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹³ The President also drew the attention of the Council to a letter dated 23 May 1996 from the representative of the Russian Federation addressed to the Secretary-General,¹⁴ transmitting the decision on the presence of the Collective Peacekeeping forces and the declaration on the settlement of the Nagorny Karabakh conflict, adopted at the meeting of the Council of Heads of State of the CIS on 17 May 1996; and a letter dated 8 July 1996 from the representative of Georgia addressed to the President of the Security Council,¹⁵ transmitting a letter of 6 July by the President of Georgia on the situation in Abkhazia.

At the same meeting, the representative of Georgia noted that the peace process was at a standstill and that the Gali region, on which international efforts were focused, was engulfed by lawlessness and chaos. The small number of refugees who had returned to their homes had become hostages in the hands of bandit groups. He stated that things had reached the point where the lives of United Nations military observers were being threatened, not to mention their ability to carry out their mandated tasks. He also stated that the mining of the territory had far-ranging consequences, allowing those who were carrying it out to create conditions in which international observers were deprived of first-hand information and in which the thwarting of the international community was planned and premeditated. He stated that, although the Government of Georgia was well aware that both sides bore responsibility for maintaining peace and stability, a true assessment of the positions of the parties, as reflected in their actions, could not be achieved on the basis of a balanced approach. His Government expressed hope that all possible steps would be taken to expand the participation of the international community in a settlement of the conflict. In his view, it would be useful to send representatives of the Security Council to Georgia to study the situation on the ground. He also expressed the hope that the Council would make use of all means available to

¹³ S/1996/544.

¹⁴ S/1996/371.

¹⁵ S/1996/527.

convince the separatists of the hopelessness of their destructive policy.¹⁶

The representative of Germany stressed that, while his country welcomed the valuable and stabilizing role that UNOMIG was playing, the role of the Mission could not be to support a perpetuation of the political status quo without the prospect of a negotiated settlement. If the current political stalemate continued, the Council might be forced to ask itself where a future role for United Nations engagement might be. He also expressed his Government's concern over the deteriorated security situation, which had virtually brought patrolling by UNOMIG to an end. He suggested that, if no improvement was foreseen, there might be reason to take a fresh look at the tasks UNOMIG had been mandated to accomplish.¹⁷

The representative of the Russian Federation stated that it was imperative that there be a speedy settlement of the conflict and the elimination of its consequences. His country was holding active consultations with the Abkhaz leaders, combined with measures to exert strong pressure on the Abkhaz side, in accordance with the decisions of the Council of Heads of State of the CIS of 19 January 1996 in order to give greater flexibility and a constructive nature to the position of Sukhumi.¹⁸ He also stated that another subject of growing concern to his delegation was the ongoing deadlock in the question of the organized return of refugees. His Government expected that a firm demand of the Security Council on the issue would ultimately enjoy a positive reception in Sukhumi. Finally, he concluded that urgent and widespread measures need to be taken to eliminate the widespread danger of mines.¹⁹

Several other speakers called on the parties to make committed efforts towards a political settlement. While delegations welcomed the expressed will of the Government of Georgia to move ahead, they criticized the continued intransigence of the Abkhaz authorities and urged Sukhumi to demonstrate flexibility towards a solution based on the sovereignty and territorial integrity of Georgia. Members also highlighted the humanitarian situation in the region and the plight of

refugees and displaced persons; the establishment of the human rights office in Sukhumi; and the deteriorating security situation in the Gali region, where continued mine-laying posed a particular threat to UNOMIG, the CIS peacekeeping force and the local population, as well as to the freedom of movement of the United Nations observers. Most speakers also expressed support for the proposal for a programme for the protection and promotion of human rights in Abkhazia, to be carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in cooperation with the Organization for Security and Cooperation in Europe (OSCE).²⁰

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1065 (1996), which reads:

The Security Council,

Reaffirming all its relevant resolutions, in particular resolution 1036 (1996) of 12 January 1996,

Having considered the report of the Secretary-General of 1 July 1996,

Noting with deep concern the continued failure by the parties to resolve their differences due to the uncompromising position taken by the Abkhaz side, and underlining the necessity for them to intensify without delay their efforts, under the auspices of the United Nations and with the assistance of the Russian Federation as facilitator, to achieve an early and comprehensive political settlement of the conflict, including on the political status of Abkhazia within the State of Georgia, which fully respects the sovereignty and territorial integrity of Georgia,

Reaffirming the necessity for the parties strictly to respect human rights, and expressing its support for the efforts of the Secretary-General to find ways to improve their observance as an integral part of the work towards a comprehensive political settlement,

Noting that the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 has generally been respected by the parties with the assistance of the collective

¹⁶ S/PV.3680 and Corr.1, pp. 2-4.

¹⁷ *Ibid.*, pp. 5-6.

¹⁸ Sukhumi was the de facto capital of Abkhazia.

¹⁹ S/PV.3680 and Corr.1, pp. 1-11.

²⁰ *Ibid.*, pp. 4-5 (Ireland on behalf of the European Union and associated and aligned countries: Bulgaria, Cyprus, the Czech Republic, Hungary, Latvia, Malta, Poland, Romania, the Slovak Republic, and Slovenia; and Iceland and Norway); pp. 6-7 (Chile), pp. 7-8 (China); pp. 8-9 (United Kingdom); p. 9 (Republic of Korea); pp. 9-10 (Poland); pp. 11-12 (Indonesia); pp. 12-13 (Egypt); pp. 12-14 (Guinea-Bissau); pp. 13-14 (Botswana); p. 14 (Italy); and pp. 14-15 (United States).

peacekeeping force of the Commonwealth of Independent States and the United Nations Observer Mission in Georgia,

Commending the contribution the Mission and the collective peacekeeping force have made to stabilize the situation in the zone of conflict, and stressing the importance of continued close cooperation and coordination between them in the performance of their respective mandates,

Deeply concerned at the deterioration of the security conditions in the Gali region and of the safety and security of the local population, of the refugees and displaced persons returning to the region and of the Mission and collective peacekeeping force personnel,

Reminding the parties that the ability of the international community to assist them depends on their political will to resolve the conflict through dialogue and mutual accommodation, as well as their full cooperation with the Mission and the collective peacekeeping force, including the fulfilment of their obligations regarding the safety and freedom of movement of international personnel,

Taking note of the decision taken by the heads of State of the Commonwealth of Independent States on 17 May 1996,

Noting that the heads of State of the Commonwealth of Independent States will consider the extension of the mandate of the collective peacekeeping force beyond 19 July 1996,

1. *Welcomes* the report of the Secretary-General of 1 July 1996;

2. *Expresses its deep concern* at the continued deadlock in the efforts to achieve a comprehensive settlement of the conflict in Abkhazia, Georgia;

3. *Reaffirms its commitment* to the sovereignty and territorial integrity of Georgia, within its internationally recognized borders, and to the necessity of defining the status of Abkhazia in strict accordance with these principles, and underlines the unacceptability of any action by the Abkhaz leadership in contravention of these principles;

4. *Reaffirms its full support* for the efforts of the Secretary-General and his Special Envoy aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia within the State of Georgia, respecting fully the sovereignty and territorial integrity of Georgia, as well as for the efforts that are being undertaken by the Russian Federation in its capacity as facilitator to continue to intensify the search for a peaceful settlement of the conflict, and encourages the Secretary-General to intensify his efforts, with the assistance of the Russian Federation as facilitator and with the support of the Organization for Security and Cooperation in Europe, to that end;

5. *Calls upon* the parties, in particular the Abkhaz side, to achieve substantive progress without further delay towards a comprehensive political settlement, and also calls upon them to cooperate fully with the efforts undertaken by the

Secretary-General with the assistance of the Russian Federation as facilitator;

6. *Reaffirms* the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons of 4 April 1994, condemns the continued obstruction of that return by the Abkhaz side, and stresses the unacceptability of any linkage of the return of refugees and displaced persons with the question of the political status of Abkhazia, Georgia;

7. *Demands* that the Abkhaz side accelerate significantly the process of voluntary return of refugees and displaced persons without delay or preconditions, in particular by accepting a timetable on the basis of that proposed by the Office of the United Nations High Commissioner for Refugees, and also demands that it guarantee the safety of spontaneous returnees already in the area and regularize their status in cooperation with the Office of the High Commissioner and in accordance with the Quadripartite Agreement, in particular in the Gali region;

8. *Recalls* the conclusions of the Budapest summit of the Conference on Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia, and affirms the unacceptability of the demographic changes resulting from the conflict;

9. *Condemns* ethnically motivated killings and other ethnically related acts of violence;

10. *Condemns* the laying of mines in the Gali region, which has already caused several deaths and injuries among the civilian population and the peacekeepers and observers of the international community, and calls upon the parties to take all measures in their power to prevent mine-laying and to cooperate fully with the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States in order to honour their commitments to ensure the safety and the freedom of movement of all personnel of the United Nations, the collective peacekeeping force and international humanitarian organizations;

11. *Encourages* the Secretary-General to take the necessary steps in response to the threat posed by the laying of mines in order to improve security conditions so as to minimize the danger to Mission personnel and to create conditions for the effective performance of the mandate of the Mission;

12. *Decides* to extend the mandate of the Mission for an additional period terminating on 31 January 1997, subject to a review by the Council of the mandate of the Mission in the event of any changes that may be made in the mandate of the collective peacekeeping force;

13. *Expresses its full support* for the implementation of a concrete programme for the protection and promotion of human rights in Abkhazia, Georgia, and requests the Secretary-General to report to the Council by 15 August 1996 on possible

arrangements for the establishment of a human rights office in Sukhumi;

14. *Reiterates its encouragement* to States to contribute to the voluntary fund in support of the implementation of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 and/or for humanitarian aspects, including demining, as specified by the donors;

15. *Requests* the Secretary-General to consider the means of providing technical and financial assistance aimed at the reconstruction of the economy of Abkhazia, Georgia, following the successful outcome of the political negotiations;

16. *Also requests* the Secretary-General to continue to keep the Council regularly informed and to report after three months from the date of the adoption of the present resolution on the situation in Abkhazia, Georgia, including the operations of the Mission;

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

Speaking after the vote, the representative of France stressed that political negotiations had to be urgently resumed and the obstacle to the return of refugees and displaced persons removed. In that respect, the development of the situation in the Gali region would test the seriousness of the Abkhaz representatives. Continued refusal to cooperate on the issue could only lead the international community to condemn in the harshest terms what would be tantamount to a deliberate policy of “ethnic cleansing”.²¹

Decision of 22 October 1996 (3707th meeting): resolution 1077 (1996) and statement by the President

On 9 August 1996, pursuant to Security Council resolution 1065 (1996), the Secretary-General submitted to the Council a report on possible arrangements for the establishment of a human rights office in Sukhumi in cooperation with the OSCE.²²

On 10 October 1996, pursuant to paragraph 16 of Security Council resolution 1065 (1996), the Secretary-General submitted to the Council a report on the situation in Abkhazia and the operations of the United Nations Observer Mission in Georgia.²³ In his report, the Secretary-General stated that, despite the fact that UNOMIG had had to limit its patrolling of the Gali

sector owing to the continued mine threat, the Mission had been able to implement some of its mandated tasks in the region. He informed the Council that the peace process continued to be stalled and there had been no progress on the question of the return of refugees and displaced persons to Abkhazia. He had, therefore, asked his Special Envoy to visit the region from 8 to 10 October 1996 in order to assess the situation with representatives of both sides and with the Russian Federation. Based on his assessment of the situation, the Secretary-General would consider what steps could be taken by the United Nations to reinvigorate the peace process.

At its 3707th meeting, held on 22 October 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the reports of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Honduras), with the consent of the Council, invited the representative of Georgia, at his request, to participate in the discussion without the right to vote.

The President then drew the attention of the Council to a draft resolution submitted by France, Germany, the Russian Federation, the United Kingdom and the United States.²⁴

Speaking before the vote, the representative of China stated that, in accordance with the agreement reached by the two parties in Georgia, OSCE and OHCHR would set up a human rights office in Abkhazia. He noted that, in order to ensure its efficiency and security, the Secretary-General had recommended that UNOMIG provide appropriate support facilities. He emphasized that the Security Council had entrusted UNOMIG with the primary peacekeeping mandate, and his delegation was of the view that peacekeeping operations needed to have a clear mandate and could not be all-inclusive, still less overextended by assuming responsibilities that fell to other agencies. He expressed regret that the amendments offered by China on the basis of that principled position were not accepted. He expressed his country’s belief that it was beyond the competence of the Council to authorize the establishment of the aforementioned office, and stated that it was not in accordance with the Agreement between the two parties concerned. Therefore, the Chinese delegation

²¹ *Ibid.*, pp. 16-17.

²² S/1996/644.

²³ S/1996/843.

²⁴ S/1996/866.

would abstain on the draft resolution. He emphasized that, even if the draft resolution was adopted, it should not set a precedent for other United Nations peacekeeping operations.²⁵

At the same meeting, the draft resolution was put to the vote and adopted by 14 votes to none, with 1 abstention (China), as resolution 1077 (1996).²⁶ which reads:

The Security Council,

Recalling its resolutions 937 (1994) of 21 July 1994, 1036 (1996) of 12 January 1996 and 1065 (1996) of 12 July 1996,

Having considered the reports of the Secretary-General of 1 July and 9 August 1996,

Reiterating its full support for the sovereignty and territorial integrity of Georgia within its internationally recognized borders,

1. *Welcomes* the report of the Secretary-General of 1 July 1996, and in particular paragraph 18 thereof, and decides that the office referred to in this report shall form part of the United Nations Observer Mission in Georgia, under the authority of its head of Mission, consistent with the arrangements described in paragraph 7 of the report of the Secretary-General of 9 August 1996;

2. *Requests* the Secretary-General to continue close cooperation with the Government of Georgia in determining the priorities of the programme referred to in the above-mentioned reports of the Secretary-General and close consultation in its implementation;

3. *Also requests* the Secretary-General to pursue the necessary follow-up arrangements with the Organization for Security and Cooperation in Europe.

At the same meeting, the President made the following statement on behalf of the Council:²⁷

The Security Council has considered the report of the Secretary-General of 10 October 1996 concerning the situation in Abkhazia, Georgia. It has also taken note of the letter dated 8 October 1996 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council.

The Council notes with deep concern that no significant progress has yet been achieved towards a comprehensive political settlement of the conflict, including on the political status of Abkhazia, respecting the sovereignty and territorial

integrity of Georgia within its internationally recognized borders.

The Council reaffirms its full support for an active role of the United Nations, with the assistance of the Russian Federation as facilitator, aimed at achieving a comprehensive political settlement. In the context of the recent visit to the region of the Special Envoy of the Secretary-General, the Council requests the Secretary-General to undertake further efforts and make proposals to reinvigorate the stalled peace process.

The Council stresses that the primary responsibility for achieving such reinvigoration of the peace process rests upon the parties themselves and calls upon them, in particular the Abkhaz side, to resume discussions and to reach substantive progress in the negotiations.

The Council is deeply concerned by the deterioration of the situation in the Gali region and its negative impact on the ability of the United Nations Observer Mission in Georgia to meet its mandated tasks. The Council condemns mine-laying and other threats referred to in the report of the Secretary-General against the Mission and the collective peacekeeping force of the Commonwealth of Independent States. The Council calls upon both parties to take all the necessary steps to prevent all such acts.

The Council calls upon both parties to respect the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 and expresses its concern at the violations referred to in the report of the Secretary-General, in particular the serious violations which recently occurred in the restricted weapons zone.

The Council stresses that the ability of the international community to assist depends on the full cooperation of the parties, especially the fulfilment of their obligations regarding the safety and freedom of movement of international personnel.

The Council is deeply concerned at the announcement made by the Abkhaz side that so-called parliamentary elections would be held on 23 November 1996. The holding of such elections would be possible only after the determination through negotiations of the political status of Abkhazia respecting the sovereignty and territorial integrity of Georgia within its internationally recognized borders, within the framework of a comprehensive political settlement, and with the guaranteed possibility of full participation for all refugees and displaced persons. The Council notes that conditions for holding such elections are not met at present. It calls upon the Abkhaz side to call off these elections and further calls upon both sides to refrain from any action that could heighten tension.

The Council remains deeply concerned at the continued obstruction of the return of the refugees and displaced persons by the Abkhaz authorities, which is totally unacceptable.

The Council welcomes the good cooperation between the Mission and the collective peacekeeping force and their efforts to promote stabilization of the situation in the zone of conflict.

²⁵ S/PV.3707, p. 2.

²⁶ For the vote, see S/PV.3707, p. 3.

²⁷ S/PRST/1996/43.

The Council requests the Secretary-General to continue to keep it closely informed of the situation.

Decision of 20 January 1997 (3735th meeting): resolution 1096 (1997)

On 20 January 1997, pursuant to Security Council resolution 1065 (1996), the Secretary-General submitted to the Council a report on the situation in Abkhazia and an update on the operations of UNOMIG.²⁸ In his report, the Secretary-General stated that the key issues of the peace process remained unresolved. He stated that the role of the United Nations ought to be to support the efforts of the two sides to arrive at mutually acceptable compromises that would underpin an overall settlement. He informed the Council that conditions in the Gali sector had not improved. Acts of violence continued to be committed, some of which appeared to be organized by armed groups operating from south of the Inguri river and to be beyond the control of the Government of Georgia. The situation, if allowed to continue, would make it more difficult for UNOMIG to contribute to the creation of conditions conducive to the safe and orderly return of refugees. He called on all concerned to take effective measures to end a situation that could only have negative effects for the return of peace to the region. In conclusion, the Secretary-General stated that despite the difficult circumstances UNOMIG was operating in, the presence of the Mission continued to be a stabilizing factor in the area and to provide useful support to the political process and therefore recommended that the Security Council extend the mandate of UNOMIG for an additional period of six months ending on 31 July 1997.

At its 3735th meeting, held on 20 January 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Japan), with the consent of the Council, invited the representative of Georgia, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.²⁹ The President further drew the attention of the Council to a letter dated 21 January 1997 from the

representative of Georgia addressed to the President of the Security Council,³⁰ transmitting the text of the provisions of the final document of the December 1996 Lisbon Summit of the Organization for Security and Cooperation in Europe pertaining to the situation in Georgia; and a letter dated 24 January 1997 from the representative of Georgia addressed to the Secretary-General, transmitting a copy of the letter dated 20 January 1997 from the Chairman of the Supreme Council of Abkhazia addressed to the Secretary-General.³¹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1096 (1997), which reads:

The Security Council,

Reaffirming all its relevant resolutions, in particular resolution 1065 (1996) of 12 July 1996, and recalling the statement by its President of 22 October 1996,

Having considered the report of the Secretary-General of 20 January 1997,

Acknowledging the efforts in support of the peace process of the Secretary-General and his Special Envoy, the Russian Federation as facilitator, and the Group of Friends of the Secretary-General on Georgia, as mentioned in the report,

Noting with deep concern the continued failure by the parties to resolve their differences due to the uncompromising position taken by the Abkhaz side, and underlining the necessity for the parties to intensify without delay their efforts, under the auspices of the United Nations and with the assistance of the Russian Federation as facilitator, to achieve an early and comprehensive political settlement of the conflict, including on the political status of Abkhazia within the State of Georgia, which fully respects the sovereignty and territorial integrity of Georgia,

Noting the opening of the United Nations Human Rights Office in Abkhazia, Georgia,

Reaffirming the necessity for the parties strictly to respect human rights, and expressing its support for the efforts of the Secretary-General to find ways to improve their observance as an integral part of the work towards a comprehensive political settlement,

Noting with concern recent frequent violations on both sides of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994, as well as acts of violence organized by armed groups operating from south of the Inguri river and beyond the control of the Government of Georgia,

²⁸ S/1997/47.

²⁹ S/1997/93.

³⁰ S/1997/57.

³¹ S/1997/75.

Commending the contribution that the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States have made to stabilize the situation in the zone of conflict, noting that the cooperation between the Mission and the collective peacekeeping force has developed considerably, and stressing the importance of continued close cooperation and coordination between them in the performance of their respective mandates,

Deeply concerned at the continued deterioration of the security conditions in the Gali region, with an increase in acts of violence by armed groups, and indiscriminate laying of mines, including new types of mines, and deeply concerned also at the continued deterioration of the safety and security of the local populations, of the refugees and displaced persons returning to the region and of the personnel of the Mission and of the collective peacekeeping force,

Reminding the parties that the ability of the international community to assist them depends on their political will to resolve the conflict through dialogue and mutual accommodation, as well as their full cooperation with the Mission and the collective peacekeeping force, including the fulfilment of their obligations regarding the safety and freedom of movement of international personnel,

Taking note of the decision adopted by the Council of Heads of State of the Commonwealth of Independent States on 17 October 1996 to expand the mandate of the collective peacekeeping force in the conflict zone in Abkhazia, Georgia, and to extend it until 31 January 1997,

1. *Welcomes* the report of the Secretary-General of 20 January 1997;

2. *Reiterates its deep concern* at the continued deadlock in achieving a comprehensive settlement of the conflict in Abkhazia, Georgia;

3. *Reaffirms its commitment* to the sovereignty and territorial integrity of Georgia, within its internationally recognized borders, and to the necessity of defining the status of Abkhazia in strict accordance with these principles, and underlines the unacceptability of any action by the Abkhaz leadership in contravention of these principles, in particular the holding on 23 November and 7 December 1996 of illegitimate and self-styled parliamentary elections in Abkhazia, Georgia;

4. *Reaffirms its full support* for an active role for the United Nations in the peace process, welcomes the efforts of the Secretary-General and his Special Envoy aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia within the State of Georgia, which fully respects the sovereignty and territorial integrity of Georgia, as well as the efforts that are being undertaken by the Russian Federation in its capacity as facilitator to continue to intensify the search for a peaceful settlement of the conflict, and encourages the Secretary-General to continue his efforts to that end, with the assistance of the Russian Federation as facilitator, and with the support of the Organization for Security and Cooperation in Europe;

5. *Welcomes*, in this context, the initiative of the Secretary-General, as outlined in his report, to strengthen the role of the United Nations in the peace process;

6. *Calls upon* the parties, in particular the Abkhaz side, to achieve substantive progress without further delay towards a comprehensive political settlement, and further calls upon them to cooperate fully with the efforts undertaken by the Secretary-General, with the assistance of the Russian Federation as facilitator;

7. *Welcomes* the renewal of direct dialogue at a high level between the parties, calls upon them to intensify the search for a peaceful solution by further expanding their contacts, and requests the Secretary-General to make available all appropriate support if so requested by the parties;

8. *Reaffirms* the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons of 4 April 1994, condemns the continued obstruction of that return, and stresses the unacceptability of any linkage of the return of refugees and displaced persons with the question of the political status of Abkhazia, Georgia;

9. *Recalls* the conclusions of the Lisbon summit of the Organization for Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia, and reaffirms the unacceptability of the demographic changes resulting from the conflict;

10. *Reiterates its condemnation* of killings, particularly those ethnically motivated, and other ethnically related acts of violence;

11. *Reiterates its demand* that the Abkhaz side accelerate significantly the process of voluntary return of refugees and displaced persons without delay or preconditions, in particular by accepting a timetable on the basis of that proposed by the Office of the United Nations High Commissioner for Refugees, and further demands that it guarantee the safety of spontaneous returnees already in the area and regularize their status in cooperation with the Office of the High Commissioner and in accordance with the Quadripartite Agreement, in particular in the Gali region;

12. *Welcomes*, in this context, the holding of the meeting on 23 and 24 December 1996 in Gali on the resumption of the orderly repatriation of refugees and displaced persons, in particular to the Gali region, and calls upon the parties to continue these negotiations;

13. *Calls upon* the parties to ensure the full implementation of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994;

14. *Condemns* the continued laying of mines, including new types of mines, in the Gali region, which has already caused several deaths and injuries among the civilian population and the

peacekeepers and observers of the international community, and calls upon the parties to take all measures in their power to prevent the laying of mines and intensified activities by armed groups and, to cooperate fully with the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States in order to honour their commitments to ensure the safety and the freedom of movement of all personnel of the United Nations, the collective peacekeeping force and international humanitarian organizations;

15. *Urges* the Secretary-General to take the necessary steps in response to the threat posed by the laying of mines in order to improve security conditions so as to minimize the danger to Mission personnel and to create conditions for the effective performance of the mandate of the Mission;

16. *Decides* to extend the mandate of the Mission for a new period terminating on 31 July 1997, subject to a review by the Council of the mandate of the Mission in the event of any changes that may be made in the mandate of the collective peacekeeping force;

17. *Expresses its full support* for the implementation of a concrete programme for the protection and promotion of human rights in Abkhazia, Georgia, notes, in this context, the opening on 10 December 1996 of the United Nations Human Rights Office in Abkhazia, Georgia, as part of the Mission, under the authority of the Head of Mission, and requests the Secretary-General to continue to pursue the necessary follow up arrangements with the Organization for Security and Cooperation in Europe and to continue close cooperation with the Government of Georgia;

18. *Reiterates its encouragement* to States to contribute to the voluntary fund in support of the implementation of the Moscow Agreement and/or for humanitarian aspects, including demining, as specified by donors;

19. *Requests* the Secretary-General to consider the means of providing technical and financial assistance aimed at the reconstruction of the economy of Abkhazia, Georgia, following the successful outcome of the political negotiations;

20. *Also requests* the Secretary-General to continue to keep the Council regularly informed and to submit a report after three months from the date of adoption of the present resolution on the situation in Abkhazia, Georgia, including on the operations of the Mission and to provide recommendations in that report on the nature of the United Nations presence, and in this context expresses its intention to conduct a thorough review of the operation at the end of its current mandate;

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

**Decision of 8 May 1997 (3774th meeting):
statement by the President**

On 25 April 1997, pursuant to Security Council resolution 1096 (1997), the Secretary-General

submitted to the Council a report on the situation in Abkhazia and the operations of UNOMIG.³² In his report, the Secretary-General observed that both parties to the conflict seemed determined to continue their direct contacts and to broaden their bilateral relations. The Russian Federation had also supported a strengthened involvement by the United Nations in the political process and agreed that future peacemaking efforts would be guided by a better exchange of information and improved coordination. In response to the increased demands arising from a strengthened involvement by the United Nations in the peacemaking process, the Secretary-General planned to appoint as a successor to his current Special Envoy for Georgia, a resident Special Representative who would be based in Tbilisi and Sukhumi. He also expressed his intention to strengthen the political element of UNOMIG by deploying a few additional officers specialized in political, civil and legal affairs.

At its 3774th meeting, held on 8 May 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Republic of Korea), with the consent of the Council, invited the representative of Georgia, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 1 April 1997 from the Russian Federation addressed to the Secretary-General,³³ transmitting four instruments adopted by the CIS Council of Heads of State on 28 March 1997; and a letter dated 30 April 1997 from the representatives of Azerbaijan and Georgia addressed to the Secretary-General, transmitting resolution 1119 (1997) on conflicts in Transcaucasia adopted by the Parliamentary Assembly of the Council of Europe on 22 April 1997.³⁴ The President also drew the attention of the Council to a letter dated 28 April 1997 from the representative of Georgia addressed to the President of the Security Council,³⁵ transmitting a letter from the President of Georgia of 23 April 1997 stating that, for security reasons, the return of refugees and internally displaced

³² S/1997/340.

³³ S/1997/268.

³⁴ S/1997/345.

³⁵ S/1997/339.

persons was not feasible and requesting that the role of the United Nations in the peace process be invigorated.

At the same meeting, following consultations, the President made the following statement on behalf of the Council:³⁶

The Security Council has considered the report of the Secretary-General of 25 April 1997 concerning the situation in Abkhazia, Georgia. It has also taken note of the letter dated 1 April 1997 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and of the letter dated 28 April 1997 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council.

The Council reiterates its full support for the sovereignty and territorial integrity of Georgia within its internationally recognized borders.

The Council reaffirms its full support for a more active role for the United Nations, with the assistance of the Russian Federation as facilitator, aimed at achieving a comprehensive political settlement.

The Council acknowledges the efforts in support of the peace process of the Secretary-General and his Special Envoy, with the assistance of the Russian Federation as facilitator, and of the Organization for Security and Cooperation in Europe and the Group of Friends of the Secretary-General on Georgia, as mentioned in the report of the Secretary-General of 25 April 1997.

In this context, the Council fully supports the proposals made by the Secretary-General in his report to strengthen the involvement of the United Nations in the peacemaking process. It fully supports, in particular, the intention of the Secretary-General to convene a meeting with both sides to map out the areas where concrete political progress can be made. The Council encourages the Secretary-General to explore the idea of revitalizing the Coordinating Commission and establishing expert groups on questions of mutual interest.

The Council welcomes the intention of the Secretary-General to appoint a resident Special Representative, as a successor to his current Special Envoy for Georgia, and to strengthen the political element of the United Nations Observer Mission in Georgia.

The Council further encourages the Secretary-General to take such steps as are necessary, in cooperation with the parties, in order to ensure a prompt and safe return of the refugees and displaced persons to their homes, with the assistance of all relevant international organizations. The Council takes note of the initiation of activities by the United Nations Human Rights Office in Abkhazia, Georgia.

The Council continues to stress that the primary responsibility for reinvigorating the peace process rests upon the parties themselves. It welcomes the continuation of direct dialogue between the parties. The Council calls upon them, in particular the Abkhaz side, to intensify the search for a peaceful solution by further expanding their contacts, and requests the Secretary-General to make available all appropriate support if so requested by the parties. The Council notes the appeal of the Secretary-General to both parties to pursue the current discussions on the implementation of the decisions adopted by the Council of Heads of State of the Commonwealth of Independent States on 28 March 1997.

The Council remains deeply concerned at the continued deterioration of the security conditions in the Gali region, including acts of violence by armed groups, indiscriminate laying of mines and armed robbery, and the resulting deterioration of the safety and security of the local populations, of the refugees and displaced persons returning to the region, and of the personnel of the Mission and the collective peacekeeping force of the Commonwealth of Independent States. The Council condemns the acts of violence which have led to the loss of life of members of the collective peacekeeping force. It welcomes the intention of the Secretary-General to continue to make every effort to build upon the positive results recently achieved in order to improve the safety of the military observers and the operational effectiveness of the Mission.

The Council reminds the parties of their obligation to ensure the safety and freedom of movement of the Mission and the collective peacekeeping force and, in particular, to prevent the laying of mines.

The Council welcomes the good cooperation between the Mission and the collective peacekeeping force and their efforts to promote stabilization of the situation in the zone of conflict.

The Council also welcomes the continued efforts by the United Nations agencies and humanitarian organizations to address the urgent needs of those suffering most from the consequences of the conflict in Abkhazia, Georgia, in particular internally displaced persons, and encourages further contributions to that end. It also reiterates its encouragement to States to contribute to the voluntary fund in support of the implementation of the Agreement on a Ceasefire and Separation of Forces and/or for humanitarian aspects, including demining, as specified by donors.

The Council requests the Secretary-General to continue to keep it closely informed of the situation.

**Decision of 31 July 1997 (3807th meeting):
resolution 1124 (1997)**

On 18 July 1997, pursuant to Security Council resolution 1096 (1997), the Secretary-General submitted to the Council a report on the situation in

³⁶ S/PRST/1997/25.

Abkhazia, Georgia and the operations of UNOMIG.³⁷ In his report, the Secretary-General observed that prospects for progress in the Georgian/Abkhaz peace process had improved. The efforts by the Russian Federation to resolve the situation and the declared commitment by the Secretary-General to strengthen the involvement of the United Nations in that process had set in motion a series of initiatives by the parties to the conflict. In the light of progress achieved in the political process and bearing in mind the positive effects that UNOMIG continued to have on the situation, he recommended that the Security Council extend the mandate of the Mission until 31 January 1998, subject to an early review by the Council if decisions taken by the Governments of the States that made up CIS resulted in changes in the mandate of the CIS peacekeeping force.

At its 3807th meeting, held on 31 July 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Sweden), with the consent of the Council, invited the representatives of Georgia and Germany, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 28 July 1997 from the representative of Georgia addressed to the Secretary-General, transmitting the text of a letter of the same date from the President of Georgia addressed to the Secretary-General, concerning the talks held between the Georgian and Abkhaz sides.³⁸

At the same meeting, the President drew the attention of the Council to a draft resolution.³⁹ The draft resolution was then put to the vote and adopted unanimously as resolution 1124 (1997), which reads:

The Security Council,

Recalling all its relevant resolutions, reaffirming in particular resolution 1096 (1997) of 30 January 1997 and recalling the statement by its President of 8 May 1997,

Having considered the report of the Secretary-General of 18 July 1997,

Reiterating its full support for the more active role for the United Nations, with the assistance of the Russian Federation as

facilitator, aimed at achieving a comprehensive political settlement,

Acknowledging the efforts in support of the peace process of the Secretary-General and his Special Representative, with the assistance of the Russian Federation as facilitator, as well as the Group of Friends of the Secretary-General on Georgia and the Organization for Security and Cooperation in Europe, as mentioned in the report,

Welcoming, in this context, the indication given in the report that prospects for progress in the peace process have improved, noting with deep concern the continued failure by the parties to resolve their differences, and underlining the necessity for the parties to intensify without delay their efforts to achieve an early and comprehensive political settlement of the conflict, including on the political status of Abkhazia within the State of Georgia, which fully respects the sovereignty and territorial integrity of Georgia,

Reaffirming the necessity for the parties strictly to respect human rights, expressing its support for the efforts of the Secretary-General to find ways to improve their observance as an integral part of the work towards a comprehensive political settlement, and noting developments in the work of the United Nations Human Rights Office in Abkhazia, Georgia,

Commending the contribution that the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States have made in stabilizing the situation in the zone of conflict, noting that the cooperation between the Mission and the collective peacekeeping force is good and has continued to develop, and stressing the importance of continued close cooperation and coordination between them in the performance of their respective mandates,

Deeply concerned at the continuing unstable and tense security conditions in the Gali region, characterized by acts of violence by armed groups, by armed robbery, and other common crime and, most seriously, by the laying of mines, including new types of mines, and deeply concerned also at the resulting lack of safety and security for the local populations, for the refugees and displaced persons returning to the region and for the personnel of the Mission and of the collective peacekeeping force,

Reminding the parties that the ability of the international community to assist them depends on their political will to resolve the conflict through dialogue and mutual accommodation, as well as their full cooperation with the Mission and the collective peacekeeping force, including the fulfilment of their obligations regarding the safety and freedom of movement of international personnel,

Taking note of the decision adopted by the Council of Heads of State of the Commonwealth of Independent States on 28 March 1997 to expand the mandate of the collective peacekeeping force in the conflict zone in Abkhazia, Georgia, and to extend it until 31 July 1997, but noting with concern the uncertainty surrounding its extension beyond that date,

³⁷ S/1997/558 and Add.1.

³⁸ S/1997/590.

³⁹ S/1997/594.

1. *Welcomes* the report of the Secretary-General of 18 July 1997;

2. *Reiterates its deep concern* at the continued deadlock in achieving a comprehensive settlement of the conflict in Abkhazia, Georgia;

3. *Reaffirms its commitment* to the sovereignty and territorial integrity of Georgia, within its internationally recognized borders, and to the necessity of defining the status of Abkhazia in strict accordance with these principles, and underlines the unacceptability of any action by the Abkhaz leadership in contravention of these principles;

4. *Welcomes* the efforts of the Secretary-General and his Special Representative aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia within the State of Georgia, which fully respects the sovereignty and territorial integrity of Georgia, and the efforts undertaken by the Russian Federation in its capacity as facilitator, in particular during the last round of talks between the parties held in Moscow in June 1997, to continue to intensify the search for a peaceful settlement of the conflict;

5. *Reaffirms its support* for the more active role for the United Nations in the peace process, encourages the Secretary-General to continue his efforts to that end, with the assistance of the Russian Federation as facilitator, and with the support of the Group of Friends of the Secretary-General on Georgia and the Organization for Security and Cooperation in Europe, and welcomes in this context the holding of a high-level meeting on the conflict, in Geneva from 23 to 25 July 1997, under the aegis of the United Nations, to map out the areas where concrete political progress could be made;

6. *Takes note* of the addendum to the report of the Secretary-General, supports the intention of the Special Representative of the Secretary-General to resume the meeting in September, and calls upon the Abkhaz side, in particular, to engage constructively at this resumed meeting;

7. *Stresses* that the primary responsibility for reinvigorating the peace process rests upon the parties themselves, calls upon them to achieve substantive progress without further delay towards a comprehensive political settlement, and further calls upon them to cooperate fully with the efforts undertaken by the Secretary-General and his Special Representative, with the assistance of the Russian Federation as facilitator;

8. *Welcomes* the continuation of direct dialogue between the parties, calls upon them to intensify the search for a peaceful solution by further expanding their contacts, requests the Secretary-General to make available all appropriate support if so requested by the parties, and recalls the appeal of the Secretary-General to both parties to pursue the discussions on the implementation of the above mentioned decision adopted by the Council of Heads of State of the Commonwealth of Independent States on 28 March 1997;

9. *Recalls* the conclusions of the Lisbon summit of the Organization for Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia, and reaffirms the unacceptability of the demographic changes resulting from the conflict;

10. *Reiterates its condemnation* of killings, particularly those ethnically motivated, and other ethnically related acts of violence;

11. *Reaffirms* the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons of 4 April 1994, condemns the continued obstruction of that return, and stresses the unacceptability of any linkage of the return of refugees and displaced persons with the question of the political status of Abkhazia, Georgia;

12. *Reiterates its demand* that the Abkhaz side accelerate significantly the process of voluntary return of refugees and displaced persons without delay or preconditions, in particular by accepting a timetable on the basis of that proposed by the Office of the United Nations High Commissioner for Refugees, and further demands that it guarantee the safety of spontaneous returnees already in the area and regularize their status in cooperation with the Office of the High Commissioner and in accordance with the Quadripartite Agreement, in particular in the Gali region;

13. *Calls upon* the parties to ensure the full implementation of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994;

14. *Condemns* the continued laying of mines, including new types of mines, in the Gali region, which has already caused several deaths and injuries among the civilian population and the peacekeepers and observers of the international community, and calls upon the parties to take all measures in their power to prevent the laying of mines and intensified activities by armed groups and to cooperate fully with the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States in order to honour their commitments to ensure the safety and the freedom of movement of all personnel of the United Nations, the collective peacekeeping force and international humanitarian organizations;

15. *Urges* the Secretary-General to continue to take the necessary steps in response to the threat posed by the laying of mines in order to improve security conditions so as to minimize the danger to Mission personnel and to create conditions for the effective performance of the mandate of the Mission;

16. *Decides* to extend the mandate of the Mission for a new period terminating on 31 January 1998 subject to a review by the Council of the mandate in the event of any changes that may be made in the mandate or in the presence of the collective peacekeeping force, and welcomes the intention of the

Secretary-General, as mentioned in his report, to keep the Council informed of developments in this regard;

17. *Reiterates its full support* for the implementation of a concrete programme for the protection and promotion of human rights in Abkhazia, Georgia;

18. *Welcomes* the continued efforts by the United Nations agencies and humanitarian organizations to address the urgent needs of those suffering most from the consequences of the conflict in Abkhazia, Georgia, in particular internally displaced persons, encourages further contributions to that end, and reiterates its encouragement to States to contribute to the voluntary fund in support of the implementation of the Moscow Agreement and/or for humanitarian aspects, including demining, as specified by donors;

19. *Requests* the Secretary-General to consider the means of providing technical and financial assistance aimed at the reconstruction of the economy of Abkhazia, Georgia, following the successful outcome of the political negotiations;

20. *Requests* the Secretary-General to continue to keep the Council regularly informed, to report after three months from the date of adoption of the present resolution on the situation in Abkhazia, Georgia, including on the operations of the Mission, and to provide recommendations in that report on the nature of the United Nations presence, and in this context expresses its intention to conduct a thorough review of the operation at the end of its current mandate;

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

**Decision of 6 November 1997 (3830th meeting):
statement by the President**

On 28 October 1997, pursuant to Security Council resolution 1124 (1997), the Secretary-General submitted to the Council a report on the situation in Abkhazia and the operations of UNOMIG.⁴⁰ In his report, the Secretary-General stated that, despite efforts, there continued to be no progress on the key issues, although both sides had reaffirmed their commitment to resolving the conflict by political means. He noted that the mandate of the Security Council provided for an innovative, experimental mediatory arrangement that offered the potential for productive synergy that could usefully assist the parties in their difficult challenge and that without the presence of UNOMIG and the CIS peacekeeping force, there could be little doubt that open conflict would resume. While ceasefire violations had been limited to incidents of a non-violent nature, several longstanding and significant violations of the Agreement on a

⁴⁰ S/1997/827.

Ceasefire and Separation of Forces, signed in Moscow on 14 May 1994,⁴¹ had remained. The Secretary-General, therefore, called on the parties to abide fully by the Agreement and to cooperate with the Mission in that regard. In addition, the mine threat as well as armed and criminal activities had been threatening the lives of innocent civilians and had affected the operations of aid agencies, the CIS peacekeeping force and UNOMIG. He called on both sides to do all they could to improve the security situation in the area and to end such activities.

At its 3830th meeting, held on 6 November 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (China), with the consent of the Council, invited the representative of Georgia and Germany, at their request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁴²

The Security Council has considered the report of the Secretary-General of 28 October 1997 concerning the situation in Abkhazia, Georgia.

The Council regrets that, despite strenuous efforts to reactivate the peace process, there has been no visible progress on the key issues of the settlement—the future political status of Abkhazia and the permanent return of refugees and displaced persons.

The Council attaches particular importance to the more active role for the United Nations in the peace process, and encourages the Secretary-General to continue his efforts to that end, with the assistance of the Russian Federation as facilitator, and with the support of the Group of Friends of the Secretary-General on Georgia and the Organization for Security and Cooperation in Europe. The Council calls upon the parties to cooperate fully with these efforts.

In this context, the Council regrets that the adjourned high-level meeting on the conflict, held in Geneva under the aegis of the United Nations, did not resume in October as initially planned. It welcomes the intention of the Special Representative of the Secretary-General to resume this meeting on 17 November to map out the areas where concrete political progress could be made, to take forward discussion of social and economic issues in support of a comprehensive settlement of the conflict, and to address the issue of the return of refugees. The

⁴¹ S/1994/583.

⁴² S/PRST/1997/50.

Council calls upon all concerned to do their utmost for the resumption of this meeting with the constructive engagement in particular of the Abkhaz side.

The Council commends the efforts of the Secretary-General and his Special Representative aimed at achieving a comprehensive settlement of the conflict, including on the political status of Abkhazia within the State of Georgia, which respects fully the sovereignty and territorial integrity of Georgia, and the efforts undertaken by the Russian Federation as facilitator, in particular the initiative put forward by the President of the Russian Federation on 1 August 1997 and the Georgian-Abkhaz negotiations held in Sukhumi on 9 and 10 September with the participation of the Special Representative of the Secretary-General. The Council welcomes the meeting of the President of Georgia and Mr. Vladislav Ardzinba in Tbilisi on 14 August 1997, facilitated by the Minister for Foreign Affairs of the Russian Federation, and the continuation of direct dialogue between the parties, and calls upon them to intensify the search for a peaceful solution by further expanding their contacts.

The Council further encourages the Secretary-General to take such steps as are necessary, in cooperation with the parties, to ensure a prompt and safe return of the refugees and displaced persons to their homes, with the assistance of all relevant international organizations.

The Council welcomes the decision of the Council of Heads of State of the Commonwealth of Independent States mentioned in the report of the Secretary-General to extend the mandate of the collective peacekeeping force of the Commonwealth of Independent States until 31 January 1998.

The Council welcomes the good cooperation between the United Nations Observer Mission in Georgia and the collective peacekeeping force and their efforts to promote stabilization of the situation in the zone of conflict. The Council calls upon the parties to cooperate fully with the Mission and the peacekeeping force.

The Council expresses concern at the continuing violations of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 and calls upon the parties to ensure the full implementation of this agreement.

The Council remains deeply concerned at the continuing unstable and tense security conditions in the Gali and Zugdidi sectors and in the Kodori valley. The Council strongly condemns the kidnapping of personnel of the Mission and the collective peacekeeping force.

The Council also condemns the continued laying of mines, including more sophisticated types of mines, which has already caused several deaths and injuries among the civilian population and the peacekeepers and observers of the international community. It calls upon the parties to take all measures in their power to prevent the laying of mines and intensified activities by armed groups and to cooperate fully with the Mission and the collective peacekeeping force in order to honour their commitments to ensure the safety and the

freedom of movement of all personnel of the United Nations, the collective peacekeeping force and international humanitarian organizations.

The Council supports the additional measures envisaged by the Secretary-General in the report to improve the safety of Mission personnel and to create conditions for the effective performance of the mandate of the Mission.

The Council welcomes the continued efforts by the United Nations agencies and humanitarian organizations to address the urgent needs of those suffering most from the consequences of the conflict in Abkhazia, Georgia, in particular internally displaced persons, encourages further contributions to that end, and reiterates its encouragement to States to contribute to the voluntary fund in support of the implementation of the Moscow Agreement and/or for humanitarian aspects, including demining, as specified by donors.

The Council reminds the parties that the ability of the international community to assist them depends on their political will to resolve the conflict through dialogue and mutual accommodation.

Decision of 30 January 1998 (3851st meeting): resolution 1150 (1998)

On 19 January 1998, pursuant to Security Council resolution 1124 (1997), the Secretary-General submitted to the Council a report on the situation in Abkhazia and an update on the operations of UNOMIG.⁴³ In his report, the Secretary-General informed the Council that much groundwork had been laid during the reporting period towards achieving substantive progress in the Georgian/Abkhaz peace process and that the political machinery to address the military, political and economic ramifications of the peace process was in place. Progress, therefore, depended on the determination of the two sides to negotiate in earnest and to work constructively with the Special Representative of the Secretary-General to achieve substantial results. He noted that, thanks in part to additional steps taken to ensure the security of the Mission, UNOMIG had been able to carry out the tasks entrusted to it in relative safety. Bearing in mind that the presence of UNOMIG continued to be a stabilizing factor in the area and to provide useful support for the political process, and in the light of the steps already taken to promote substantive progress in the peace process, he recommended that the Security Council extend the mandate of UNOMIG for an additional period of six months, ending on 31 July

⁴³ S/1998/51.

1998, subject to a review by the Council in the event of any changes made in the mandate of the CIS peacekeeping force.

At its 3851st meeting, held on 30 January 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (France), with the consent of the Council, invited the representatives of Georgia and Germany, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 12 January 1998 from the representative of Georgia addressed to the Secretary-General,⁴⁴ transmitting the text of a statement issued by the Ministry of Foreign Affairs of Georgia regarding acts of hostage-taking in the Gali region of Abkhazia. In the letter, the Government of Georgia expressed its belief that the Security Council, the Secretary-General, his Special Representative and the Government of the Russian Federation would make every effort to prevent the escalation of tension from creating realistic grounds for reversing the process of the return of refugees and displaced persons, and for the protection of their rights. In the implementation of the above, the Government of Georgia deemed it necessary to reinforce the mandate of the United Nations observers to include police functions, to qualitatively enhance the activities of the Human Rights Office and seriously to consider the commencement of a comprehensive international peacekeeping operation.

At the same meeting, the President drew the attention of the Council to a draft resolution.⁴⁵ The draft resolution was then put to the vote and adopted unanimously as resolution 1150 (1998), which reads:

The Security Council,

Recalling all its relevant resolutions, reaffirming in particular resolution 1124 (1997) of 31 July 1997, and recalling the statement by its President of 6 November 1997,

Having considered the report of the Secretary-General of 19 January 1998,

Supporting the vigorous efforts to move the peace process forward made by the Secretary-General and his Special Representative aimed at achieving a comprehensive political settlement of the conflict, including on the political status of

Abkhazia within the State of Georgia, respecting fully the sovereignty and territorial integrity of Georgia, with the assistance of the Russian Federation as facilitator, as well as of the Group of Friends of the Secretary-General and of the Organization for Security and Cooperation in Europe,

Stressing in this context the importance of the concluding statement adopted in Geneva on 19 November 1997 in which both sides welcomed, inter alia, the proposals of the Secretary-General to strengthen the involvement of the United Nations in the peace process, approved a programme of action and set up a mechanism for its implementation,

Reaffirming the necessity for the parties strictly to respect human rights, expressing its support for the efforts of the Secretary-General to find ways to improve their observance as an integral part of the work towards a comprehensive political settlement, and noting developments in the work of the United Nations Human Rights Office in Abkhazia, Georgia,

Deeply concerned at the continuing unsettled and tense security situation in the Gali region, characterized by the laying of mines, by a rising number of criminal activities, including kidnapping and murder, and, most seriously, by significantly increased subversive activities by armed groups which disrupt the peace process and impede a settlement of the conflict and the return of refugees, and at the resulting lack of safety and security for the local population, for the refugees and displaced persons returning to the region, for aid workers and for the personnel of the United Nations Observer Mission in Georgia and of the collective peacekeeping force of the Commonwealth of Independent States,

Welcoming in this context the contribution that the collective peacekeeping force and the Mission have made to stabilizing the situation in the zone of conflict, noting that the cooperation between the Mission and the collective peacekeeping force is good and has continued to develop, and stressing the importance of continued close cooperation and coordination between them in the performance of their respective mandates,

1. *Welcomes* the report of the Secretary-General of 19 January 1998;

2. *Notes with satisfaction* that much groundwork has now been laid towards achieving substantive progress in the peace process, but reiterates its deep concern that, as yet, no significant progress has been made on the key issues in the settlement of the conflict in Abkhazia, Georgia;

3. *Commends* the parties for the constructive approach shown at the meeting held in Geneva from 17 to 19 November 1997, welcomes in this context the establishment and the first meetings of the Coordinating Council and, within its framework, of working groups, under the chairmanship of the Special Representative of the Secretary-General, and stresses the importance of the effective working of these bodies in order to help progress towards a settlement;

⁴⁴ S/1998/25.

⁴⁵ S/1998/79.

4. *Emphasizes* the fact that the primary responsibility for reinvigorating the peace process rests upon the parties themselves, and reminds them that the ability of the international community to assist them depends on their political will to resolve the conflict through dialogue and mutual accommodation and on their taking real steps towards bringing about a comprehensive political settlement of the conflict through the speediest possible agreement on and signature of the relevant documents;

5. *Reaffirms* the particular importance it attaches to the more active role for the United Nations in the peace process, encourages the Secretary-General and his Special Representative to continue their efforts, with the assistance of the Russian Federation as facilitator, and with the support of the Group of Friends of the Secretary-General and the Organization for Security and Cooperation in Europe, and calls upon the parties to work constructively with them to achieve a comprehensive settlement;

6. *Encourages* the continuation of direct dialogue between the parties, calls upon them to intensify the search for a peaceful solution by further expanding their contacts, and requests the Secretary-General to make available all appropriate support if so requested by the parties;

7. *Recalls* the conclusions of the Lisbon summit of the Organization for Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia, reaffirms the unacceptability of the demographic changes resulting from the conflict and the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement on the Voluntary Return of Refugees and Displaced Persons, of 4 April 1994, encourages the Secretary-General to take such steps as are necessary, in cooperation with the parties, to ensure a prompt and safe return of the refugees and displaced persons to their homes, and stresses the urgent need for progress in this area, in particular from the Abkhaz side;

8. *Calls upon* the parties to ensure the full implementation of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994;

9. *Condemns* the intensified activities by armed groups, including the continued laying of mines, in the Gali region, and calls upon the parties to honour fully their commitments to take all measures in their power and to coordinate their efforts to prevent such activities, and to cooperate fully with the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States in order to ensure the safety and the freedom of movement of all personnel of the United Nations, the collective peacekeeping force and international humanitarian organizations;

10. *Welcomes* the additional steps taken in order to improve security conditions so as to minimize the danger to Mission personnel and to create conditions for the effective

performance of the mandate of the Mission, and urges the Secretary-General to continue to make further arrangements in this field;

11. *Decides* to extend the mandate of the Mission for a new period terminating on 31 July 1998, subject to a review by the Council of the mandate of the Mission in the event of any changes that may be made in the mandate or in the presence of the collective peacekeeping force;

12. *Encourages* further contributions to address the urgent needs of those suffering most from the consequences of the conflict in Abkhazia, Georgia, in particular internally displaced persons, including contributions to the voluntary fund in support of the implementation of the Moscow Agreement and/or for humanitarian aspects, including demining, as specified by donors, requests the Secretary-General to consider the means of providing technical and financial assistance aimed at the reconstruction of the economy of Abkhazia, Georgia, following the successful outcome of the political negotiations, and welcomes the planning of a needs assessment mission;

13. *Requests* the Secretary-General to continue to keep the Council regularly informed, to report after three months from the date of the adoption of the present resolution on the situation in Abkhazia, Georgia, including on the operations of the Mission, and to provide recommendations in that report on the nature of the United Nations presence, and, in this context, expresses its intention to conduct a thorough review of the operation at the end of its current mandate;

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

**Decision of 28 May 1998 (3887th meeting):
statement by the President**

On 11 May 1998, pursuant to Security Council resolution 1150 (1998), the Secretary-General submitted to the Council a report on the situation in Abkhazia and the operations of UNOMIG.⁴⁶ In his report, the Secretary-General stated that the sustained efforts to move the Georgian/Abkhaz peace process forward had been negatively affected by a new wave of tension in the area, marked by an assassination attempt on the President of Georgia and deteriorating security conditions in the UNOMIG area of operations. The personnel and property of UNOMIG had continued to be subjected to acts of violence by criminal groups, and a particularly serious incident had taken place on 19 February, when a group of 15 to 20 armed men forcibly entered the sector headquarters of UNOMIG in Zugdidi, and took four observers hostage. In view of those developments, the Secretary-General suggested

⁴⁶ S/1998/375 and Add.1.

that a possible solution would be to provide the Mission with a self-protection unit, along with the necessary civilian support personnel, whose task would be to guard each of the facilities of UNOMIG, except the one in Tbilisi. He also expressed his belief that there was much to be done by both sides and, in particular by the Government of Georgia, to improve the security situation in the area of operation of UNOMIG. If the Security Council agreed with the concept of a self-protection unit, he stated that his Special Representative would consult with the Abkhaz authorities, in close consultation with the Group of Friends of the Secretary-General, bearing in mind that the agreement of both parties would be a condition for the deployment of such a unit. If the Council preferred a different approach, he suggested three options: reducing UNOMIG to the minimal possible presence, pending a significant improvement in the security situation; redeploying UNOMIG at its authorized strength and resuming previous operations using mine and ballistic-protected vehicles; or strengthening security arrangements with the CIS peacekeeping force.

At its 3887th meeting, held on 28 May 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. The President (Kenya) then drew the attention of the Council to a letter dated 14 April 1998 from the representative of Georgia addressed to the Secretary-General;⁴⁷ and letters dated 22 and 26 May 1998, respectively, from the representative of Georgia addressed to the President of the Security Council.⁴⁸ In the letters, the Government of Georgia informed the Council of ethnic-related incidents in the Gali region and of large-scale military operations that the Abkhaz separatists had carried out in the security zone, which had prompted the exodus of more than 30,000 returnees. He expressed his country's belief that the Security Council needed to make a decision with regard to the resettlement of recently expelled returnees and their humanitarian assistance. Georgia was confident that the time had come to acknowledge that the conflict might threaten international peace and security, which would allow the Council to act in accordance with the Charter of the United Nations.

⁴⁷ S/1998/329.

⁴⁸ S/1998/423 and S/1998/432.

At the same meeting, the President also drew the attention of the Council to a letter dated 5 May 1998 from the representative of the Russian Federation addressed to the Secretary-General.⁴⁹ The President then made the following statement on behalf of the Council:⁵⁰

The Security Council has considered the report of the Secretary-General of 11 May 1998 concerning the situation in Abkhazia, Georgia.

The Council is gravely concerned by the recent outbreak of violence in the zone of conflict, which has resulted in the loss of human life and a significant outflow of refugees, and calls upon the parties to observe strictly the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 and also the ceasefire protocol signed on 25 May 1998, as well as all their obligations to refrain from the use of force and to resolve disputed issues by peaceful means only.

The Council is deeply concerned by the recent slowing of the peace process. The Council calls upon the parties to display the necessary political will to achieve substantial results on the key issues of the negotiations within the framework of the United Nations-led peace process and through direct dialogue, with full respect for the sovereignty and territorial integrity of Georgia.

The Council reaffirms the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions, calls upon both sides to fulfil their obligations in this regard, and welcomes in this context the efforts undertaken by the members of the Commonwealth of Independent States, as set out in their decision of 28 April 1998, in support of the return of refugees and of a comprehensive political settlement.

The Council is deeply concerned that the deteriorating security situation in the Gali region gravely impedes the work of aid workers, personnel of the United Nations Observer Mission in Georgia and of the collective peacekeeping force of the Commonwealth of Independent States. The Council calls upon the parties to honour fully their commitments to take all measures in their power to improve the security situation, including the creation of a joint mechanism for investigation and prevention of acts that represent violations of the Moscow Agreement and terrorist acts in the zone of conflict.

The Council requests the Secretary-General to consult both sides on the basis of paragraphs 26, 48 and 49 of his report, in particular on the concept of the self-protection unit outlined therein, and on other options as appropriate, in close cooperation

⁴⁹ Letter transmitting the decision of 28 April 1998 of the Council of the Heads of State of the CIS on additional measures for the settlement of the conflict in Abkhazia (S/1998/372).

⁵⁰ S/PRST/1998/16.

with the Group of Friends of the Secretary-General, bearing in mind the need to secure the consent of both parties to his proposal. The Council also requests the Secretary-General to report to it on the outcome of those consultations as soon as possible and no later than 12 June 1998.

**Decision of 30 July 1998 (3912th meeting):
resolution 1187 (1998)**

On 14 July 1998, pursuant to Security Council resolution 1150 (1998), the Secretary-General submitted to the Council a report on the situation in Abkhazia and the operations of UNOMIG.⁵¹ In his report, the Secretary-General stated that, during the reporting period, his Special Representative and the Russian Federation in its capacity as facilitator were forced to address one immediate crisis after another, caused by the lack of willingness on the part of both sides to renounce violence and seriously consider peaceful options for the resolution of the conflict. Some 40,000 people from the Gali district had had to seek refuge for the second time on the other side of the Inguri river, and the international community had to witness how its assistance and efforts “literally went up in flames”, when houses that had been constructed out of UNHCR funds were deliberately set on fire, with the motive apparently to expel people from their home areas. As the situation on the ground was tense and the risk of new confrontations was high, he informed the Council that he had asked his Special Representative to make demarches to both sides to prevent the resumption of hostilities. The Special Representative was also maintaining liaison with the parties in order to consider the organization of another high-level meeting in Geneva, with a view to bringing the “Geneva process” back on track. He also stated that, despite the support of the Security Council, the self-protection unit option had not been accepted by the Abkhaz side and that neither party had supported the option that UNOMIG be reduced to the minimal possible presence. He stressed that he would keep the matter under constant review, but that both sides still had to make substantial efforts to contain the threat on the ground. Activities in the Gali sector by armed groups, who operated from the Georgian side of the Inguri river, required a determined effort by the authorities of Georgia to contain them. At the same time, the Abkhaz side needed to do much more than it had done to

⁵¹ S/1998/647 and Add.1.

protect the Mission elsewhere in Abkhazia and the harassment campaign launched against UNOMIG would only exacerbate the situation on the ground. As the presence of the Mission continued to be a stabilizing factor in the area and to provide useful support for the political process, the Secretary-General recommended that the Security Council extend the mandate of the Mission for a further period of six months terminating on 31 January 1999, subject to a review by the Council of the mandate of UNOMIG in the event of any changes in the mandate or in the presence of the CIS peacekeeping force.

At its 3912th meeting, held on 30 July 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Russian Federation), with the consent of the Council, invited the representatives of Georgia and Germany, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, the Russian Federation, the United Kingdom and the United States.⁵² The President also drew the attention of the Council to two letters dated 15 July 1998 as well as to ones dated 16 and 17 July 1998, respectively, from the representative of Georgia addressed to the President of the Security Council, transmitting statements on incidents in Abkhazia and elsewhere.⁵³ Finally, he drew the attention of the Council to a letter dated 14 July 1998 from the representative of the Russian Federation addressed to the Secretary-General, transmitting a statement by the Ministry of Foreign Affairs concerning events in Gali district in Abkhazia, Georgia.⁵⁴

At the same meeting, the representative of Georgia stated that the tragic events in the Gali district had clearly shown that the peace process was at a critical point and required a new and possibly unconventional assessment of the situation. Despite the concrete proposals made by the Georgian side and because of the intransigence of the Abkhaz leadership, an agreement on the political status of Abkhazia had not yet been reached and the fate of some 250,000 refugees and displaced persons remained unsolved. He

⁵² S/1998/699.

⁵³ S/1998/649, S/1998/650, S/1998/655 and S/1998/660.

⁵⁴ S/1998/645.

stressed that, while Georgia had been hopeful when the Geneva negotiations had started under the leadership of the United Nations with the participation of the Russian Federation as facilitator, the OSCE and the members of the Group of Friends of the Secretary-General,⁵⁵ the events in the Gali district during May 1998 had called the “Geneva process” into question. Despite the negotiations, the Abkhaz separatist regime had continued to follow its policy of terror against the population of the Gali district and only the vigorous efforts of his Government had made it possible to prevent the involvement of Georgia in a full-scale war. Noting that violence still continued in the region even after the introduction of the ceasefire, he underscored the worry that the Abkhaz side continued to reject implementation of its obligations regarding the unconditional return of refugees expelled during the events of May, as stipulated in the agreement signed on 25 May 1998. He noted that the punitive operations had been carried out within the 12-kilometre security zone controlled by the peacekeeping contingent, which demonstrated the fragility of the mechanism of the ceasefire regime in the conflict zone. He also expressed regret that the proposal by Georgia on the expansion of the mandate and functions of the peacekeeping operation had been flatly rejected by the Abkhaz side, whereas the international organizations and other participants in the peace process had failed to be demanding enough during the adoption of such an important decision. While his country condemned any action directed against the civilian population and would take all possible measures against such action, he believed that without international efforts and concrete steps on the part of the United Nations, the resolution of the problem would be impossible. He expressed his country’s belief that it was necessary to create a crisis management mechanism in the conflict zone, and reiterated his country’s support for the United Nations self-protection unit. He also stressed that the effectiveness of the conflict-resolution mechanism depended on the monitoring of the human rights situation, and the Gali events had made it clear that the Human Rights Office required changes and serious reinforcement. In closing, he conveyed the appeal of the President of Georgia that the international community adopt a decision which lived up to the

⁵⁵ France, Germany, the Russian Federation, the United Kingdom and the United States.

aspirations of the Security Council, reflecting the real situation in the conflict zone and suggesting relevant assessments and findings. Such a resolution needed to differ from the previous 18 documents, contribute to the decrease of tension and give new impetus to the reinvigoration of the negotiations.⁵⁶

The representative of the Russian Federation expressed his deep concern at the continuing tense situation in the Gali region and noted that the Gagra Protocol on a Ceasefire and Withdrawal of Armed Formations of 25 May 1998 was not being implemented either by the Abkhaz or by the Georgian side. He demanded from the Abkhaz side the establishment of conditions for the speedy return of the peaceful civilians that had left that region as a result of the hostilities and stressed that, if the Abkhaz authorities posed obstacles to their return, such actions would be regarded as being aimed at the implementation of “ethnic cleansing”. He expressed his delegation’s deep concern with the problem of the security of UNOMIG personnel and his belief that the greatest responsibility lay with the Georgian and the Abkhaz sides, which needed to immediately take the measures that were needed. He informed the Council that with the mediation of the Russian Federation, the sides had been actively negotiating on preparations for a meeting between the President of Georgia and the Abkhaz leader, which would eliminate the consequences of the events of May in the Gali region and would allow for the adoption of a package of documents on key issues in order to reach a settlement. He reiterated that the Russian Federation was ready to promote comprehensively both the implementation of the agreements achieved in Geneva and the advancement of an overall settlement.⁵⁷

The representatives of the United States, the United Kingdom and Germany stressed that the events of May 1998 were a direct result of the lack of commitment by the parties and that, unless there was an improvement in the peace process and in the security situation on the ground, a reconsideration of the United Nations peacekeeping commitment could not be excluded.⁵⁸

⁵⁶ S/PV.3912, pp. 2-4.

⁵⁷ *Ibid.*, p. 14.

⁵⁸ *Ibid.*, pp. 5-6 (Germany); pp. 7-8 (United Kingdom); and pp. 13-14 (United States).

Several other speakers expressed grave concern at the resumption of hostilities in May 1998 and called on the parties to observe the relevant ceasefire agreements. They also expressed concern at the new outflow of refugees from the region and reaffirmed the right of all refugees and displaced persons to return to their homes in secure conditions. They stressed that the Abkhaz side should allow immediately and without any conditions the return of all persons displaced since the resumption of the hostilities in May. A number of speakers also pointed to the need for the Georgian authorities to curb the operation of groups from the Georgian side of the Inguri river. They condemned the acts of violence against the personnel of UNOMIG and the renewed laying of mines. Expressing grave concern at the security situation on the ground, many speakers welcomed the intention of the Secretary-General to keep that issue under constant review. Others spoke in favour of a self-protection unit in UNOMIG.⁵⁹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1187 (1998), which reads:

The Security Council,

Reaffirming all its relevant resolutions, in particular resolution 1150 (1998) of 30 January 1998, recalling the statement by its President of 28 May 1998, and recalling also the letter from its President to the Secretary-General dated 10 July 1998,

Having considered the report of the Secretary-General of 14 July 1998,

Deeply concerned at the continuing tense and confrontational situation in the Zugdidi and Gali regions and at the risk of resumed fighting,

Deeply concerned also at the unwillingness on the part of both sides to renounce violence and seriously consider peaceful options for the resolution of the conflict,

Supporting the vigorous efforts made by 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 prevent the resumption of hostilities and to give a new impetus to the negotiations within the United Nations-led peace process, and welcoming in this context the adoption by the parties of the

concluding statement of the meeting held in Geneva from 23 to 25 July 1998 and the accompanying statement of the Group of Friends of the Secretary-General,

Reaffirming the necessity for the parties strictly to respect human rights, expressing its support for the efforts of the Secretary-General to find ways to improve their observance as an integral part of the work towards a comprehensive political settlement, and noting developments in the work of the United Nations Human Rights Office in Abkhazia, Georgia,

Welcoming the role of the United Nations Observer Mission in Georgia and of the collective peacekeeping force of the Commonwealth of Independent States as stabilizing factors in the zone of conflict, noting that the cooperation between the Mission and the collective peacekeeping force is good, and stressing the importance of continued close cooperation and coordination between them in the performance of their respective mandates,

1. *Welcomes* the report of the Secretary-General of 14 July 1998;

2. *Reiterates its grave concern* at the resumption of hostilities in May 1998, and calls upon the parties to observe strictly the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 and also the ceasefire protocol signed on 25 May 1998, as well as all their obligations to refrain from the use of force and to resolve disputed issues by peaceful means only;

3. *Expresses its deep concern* at the significant outflow of refugees resulting from the recent hostilities, reaffirms the right of all refugees and displaced persons to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement on the Voluntary Return of Refugees and Displaced Persons of 4 April 1994, calls upon both sides to fulfil their obligations in this regard, and demands in particular that the Abkhaz side allow the unconditional and immediate return of all persons displaced since the resumption of hostilities in May 1998;

4. *Condemns* the deliberate destruction of houses by Abkhaz forces, with the apparent motive of expelling people from their home areas;

5. *Recalls* the conclusions of the Lisbon summit of the Organization for Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia, and reaffirms the unacceptability of the demographic changes resulting from the conflict;

6. *Expresses its deep concern* at the extremely difficult humanitarian situation of the displaced persons from the Gali region as well as of those who remained in that area, and at the serious negative impact recent developments have had on international humanitarian efforts in the Gali region;

7. *Reiterates* that the primary responsibility for achieving peace rests upon the parties themselves, and reminds them that the continued commitment of the international

⁵⁹ *Ibid.*, p. 6 (France); pp. 6-7 (Portugal); p. 8 (Japan); pp. 8-9 (China); pp. 9-10 (Costa Rica); p. 10 (Sweden); p. 10 (Gabon); pp. 10-11 (Gambia); pp. 11-12 (Brazil); p. 12 (Slovenia); and p. 12 (Bahrain).

community to assist them depends on their progress in this regard;

8. *Calls upon* the parties to display without delay the necessary political will to achieve substantial results on the key issues of the negotiations, with full respect for the sovereignty and territorial integrity of Georgia, within the framework of the United Nations-led peace process and through direct dialogue, and to cooperate fully with the efforts made by the Secretary-General and his Special Representative, with the assistance of the Russian Federation as facilitator, as well as of the Group of Friends of the Secretary-General and of the Organization for Security and Cooperation in Europe;

9. *Welcomes* the meeting of the parties held in Geneva from 23 to 25 July 1998, and calls upon them to continue and increase their active engagement in this process initiated by the Secretary-General aimed at achieving a comprehensive political settlement;

10. *Reminds* the parties of their commitments to take all measures in their power and to coordinate their efforts to ensure the security and safety of international personnel, and calls upon them to implement fully and without delay those commitments, including the creation of a joint mechanism for investigation and prevention of acts that represent violations of the Moscow Agreement and terrorist acts in the zone of conflict;

11. *Condemns* the acts of violence against the personnel of the United Nations Observer Mission in Georgia, the renewed laying of mines in the Gali region and also the attacks by armed groups, operating in the Gali region from the Georgian side of the Inguri River, against the collective peacekeeping force of the Commonwealth of Independent States, and demands that the parties, in particular the Georgian authorities, take determined measures to put a stop to such acts which subvert the peace process;

12. *Reiterates its deep concern* regarding the security of the Mission, welcomes the measures already taken to improve security conditions to minimize the danger to Mission personnel and to create conditions for the implementation of the mandated tasks of the Mission, underlines the need to continue to make further arrangements in this field, welcomes also the instruction of the Secretary-General that the security of the Mission be kept under constant review, and calls upon the two parties to facilitate the implementation of practical measures resulting from that review;

13. *Expresses its concern* at the mass media campaign launched in Abkhazia, Georgia, and the acts of harassment against the Mission, and calls upon the Abkhaz side to cease those acts;

14. *Decides* to extend the mandate of the Mission for a new period terminating on 31 January 1999, subject to a review by the Council of the mandate of the Mission in the event of any changes that may be made in the mandate or in the presence of the collective peacekeeping force;

15. *Requests* the Secretary-General to continue to keep the Council regularly informed, to report three months after the date of the adoption of the present resolution on the situation in Abkhazia, Georgia, including on the operations of the Mission, and expresses its intention to conduct a review of the Mission in the light of the report of the Secretary-General, taking into account in particular the progress made by the two parties in creating secure conditions in which the Mission can fulfil its existing mandate, and in establishing a political settlement;

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

Decision of 25 November 1998 (3948th meeting): statement by the President

On 29 October 1998, pursuant to Security Council resolution 1187 (1998), the Secretary-General submitted to the Council a report on the situation on Abkhazia and the operations of UNOMIG.⁶⁰ In his report, the Secretary-General stated that the recent meeting in Athens between the Georgian and Abkhaz sides on confidence-building measures had been an achievement, and he appealed to them to implement in good faith the measures agreed upon at the meeting. He underlined that he continued to be concerned by the security situation of UNOMIG, which was threatening the very viability of the Mission. An ambush in Sukhumi on 21 September 1998 had been a deliberate attack on the United Nations, and its intent was clearly to kill UNOMIG personnel. Prior to the attack, patrolling and other activities of UNOMIG had already been curtailed for security reasons. He stressed that, unless the parties took urgent measures to improve the security environment for the United Nations, he would be obliged to draw down the strength of the Mission and to consider relocating United Nations personnel and facilities to more secure locations. Should UNOMIG be compelled to withdraw from Abkhazia, the situation in the security and restricted weapons zones would almost certainly become more serious, and a return to open hostilities could not be excluded. Therefore, he urged Member States, and the members of the Group of Friends of the Secretary-General in particular, to use their influence with the parties to ensure that the security environment improved significantly. In the meantime, he recommended that the Security Council consider whether increasing substantially the number of internationally recruited security personnel to provide internal security to the

⁶⁰ S/1998/1012 and Add.1.

installations of the Mission might offer at least a partial solution.

At its 3948th meeting, held on 25 November 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda.

At the same meeting, the President (United States) made the following statement on behalf of the Council:⁶¹

The Security Council has considered the report of the Secretary-General of 29 October 1998 concerning the situation in Abkhazia, Georgia.

The Council remains deeply concerned at the continuing tense and unstable situation in the Gali and Zugdidi regions and at the threat of resumption of serious hostilities. The Council demands that both sides observe strictly all their obligations to refrain from the use of force and to resolve disputed issues by peaceful means only.

The Council welcomes the reinvigoration of the negotiations within the United Nations-led peace process. It particularly welcomes the meeting of both sides on confidence-building measures held in Athens from 16 to 18 October 1998, the largest and most representative meeting of the parties since the military confrontation of 1993, and the increased bilateral contacts between the two sides. The Council strongly urges the two sides to build on this momentum to widen their commitment to the United Nations-led peace process, to continue to intensify their discussion, in particular within the Coordinating Council, and to expand their relations at all levels. The Council also strongly encourages the parties to work together in order to convene a meeting between the President of Georgia and Mr. Vladislav Ardzinba and to reach agreements, in particular on the return of refugees and measures for the economic rehabilitation of Abkhazia, Georgia, as a concrete step towards easing tensions and leading to improvement in the security environment. The Council reiterates its call to both sides to display without delay the necessary will to achieve substantial results on the key issues of the negotiations, and calls upon them to implement promptly and in good faith their undertakings, so that living conditions for the population on both sides can be improved by practical confidence-building measures.

The Council strongly condemns the deliberate acts of violence against the personnel of the United Nations Observer Mission in Georgia and of the collective peacekeeping force of the Commonwealth of Independent States, including the continued laying of mines, which also endangers the civilian population and impedes the work of the humanitarian organizations. The Council demands that both sides take determined and prompt measures to put a stop to such acts,

⁶¹ S/PRST/1998/34.

which subvert the peace process, and to ensure that the security environment of all international personnel improves significantly.

The Council welcomes the efforts of the Secretary-General aimed at improving the security of the Mission, approves his proposal to increase the number of internationally recruited lightly-armed security personnel and additional local security personnel to provide internal security to the installations of the Mission, and requests the Secretary-General to keep the security of the Mission under constant review, taking into account the observations contained in his report.

The Council reminds both sides that the continued commitment of the international community to assist them depends on their progress in achieving peacefully a comprehensive political settlement.

**Decision of 28 January 1999 (3972nd meeting):
resolution 1225 (1999)**

On 20 January 1999, pursuant to Security Council resolution 1187 (1998), the Secretary-General submitted to the Council a report on the situation in Abkhazia, Georgia and an update on operations of UNOMIG.⁶² In his report, the Secretary-General stated that, while the political process towards a settlement had been slow and at times had seemed to be almost blocked, UNOMIG had continued to carry out its mandate, thus contributing to lessening tensions on the ground, preventing an exacerbation of potentially serious incidents and providing a climate in which substantive negotiations could take place on the political level. Measures taken by the Mission had resulted in a situation in which UNOMIG military observers had been able to conduct limited patrolling without serious security incidents during the last three months. He cautioned that, for a return to previous patrolling patterns to happen, the two sides needed to take substantive and tangible measures to curb criminal and terrorist activities. He also stated that the recent intensification of activities related to the peace process had highlighted the need for a strengthening of the civilian component of the Mission, particularly in the field of political and civil affairs and public information. Given that UNOMIG remained indispensable for maintaining a situation conducive to the search for a political settlement of the conflict, he recommended that the Security Council extend the mandate of the Mission for a further six months until 31 July 1999.

⁶² S/1999/60.

At its 3972nd meeting, held on 28 January 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Brazil), with the consent of the Council, invited the representatives of Georgia and Germany, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, the Russian Federation, the United Kingdom and the United States.⁶³ The President also drew the attention of the Council to a letter dated 25 January 1999 from the representative of Georgia addressed to the President of the Security Council, transmitting a letter dated 22 January 1999 from the President of Georgia addressed to the Security Council, outlining the position of Georgia and giving their recommendations on UNOMIG.⁶⁴

At the same meeting, the Minister for Foreign Affairs of Georgia stated that despite the “pretended lull”, the situation in the region was getting worse in all aspects. The political, socio-economic and criminal situations were catastrophic. Despite the efforts of Georgia, the living conditions of the refugees and displaced persons were nothing less than tragic. All of those factors increased tension in the country and threatened the peace and security of the whole Caucasus region. He informed the Council that since the events of May 1998, the extermination of the Georgian population and violence against the returnees in Abkhazia, particularly in the Gali region, had not ended and the punitive operations by the “so-called Abkhaz militia” were ongoing. Moreover, during that period, the Abkhaz side had employed all the power in its hands to stall the process of the return of the refugees and displaced persons to their homes and had violated every article of the May 1998 Protocol in that regard. He expressed his country’s belief that the time had come for the Security Council to seriously consider the question of the ethnic cleansing committed by the Abkhaz side against the Georgian population. The international community also needed to warn the Abkhaz side that further attempts to obstruct the return of refugees and displaced persons to their homes would be viewed as a continuation of the

policy of ethnic cleansing and might well prompt the Security Council to employ relevant articles of the Charter of the United Nations and bring those responsible to justice. Expressing grave concern at the security conditions in the conflict zone, he stressed that, under its current mandate, the peacekeeping operation of the CIS had exhausted itself, and the Georgian side was opposed to the extension of the mandate unless it reflected the realistic objectives provided in the decisions of the numerous summits of the CIS. He also stated that, due to the lack of proper security conditions, UNOMIG was also failing to discharge its functions fully. He reiterated that Georgia had always supported the deployment of a self-protection unit in the zone and that the realities indicated that UNOMIG could not function adequately without one. He maintained that, under the circumstances, the United Nations could not limit itself to just reaffirming the sovereignty and territorial integrity of Georgia, but needed to elaborate proposals for a comprehensive political settlement of the conflict in Abkhazia and submit them to the parties for consideration. He expressed his belief that the Security Council needed to reaffirm the rights of all refugees and displaced persons to return to their homes; take note of the decisions adopted at the December 1998 OSCE Ministerial Council meeting in Oslo, which offered principal provisions with regard to the conflict settlement in Abkhazia; welcome bilateral dialogue between parties; and express readiness to promote the region’s economic rehabilitation, in accordance with the progress reached in the peace process. He also stressed that effective monitoring of the CIS peacekeeping operation needed to become one of the most important criteria for the activities of UNOMIG.⁶⁵

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1225 (1999), which reads:

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1187 (1998) of 30 July 1998, and the statement by its President of 25 November 1998,

Having considered the report of the Secretary-General of 20 January 1999,

⁶³ S/1999/79.

⁶⁴ S/1999/71.

⁶⁵ S/PV.3972, pp. 2-4.

Noting the letter dated 22 January 1999 from the President of Georgia to the President of the Security Council,

Deeply concerned at the continuing tense and unstable situation in the conflict zone and at the risk of resumed fighting,

Deeply concerned also at the continued deadlock in achieving a comprehensive settlement of the conflict in Abkhazia, Georgia,

Welcoming, in this context, the contribution that the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States have made to stabilizing the situation in the zone of conflict, noting that the working relationship between the Mission and the collective peacekeeping force has been good at all levels, and stressing the importance of continued close cooperation and coordination between them in the performance of their respective mandates,

Recalling the conclusions of the Lisbon summit of the Organization for Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia,

Reaffirming the necessity for the parties strictly to respect human rights, expressing its support for the efforts of the Secretary-General to find ways to improve their observance as an integral part of the work towards a comprehensive political settlement, and noting developments in the work of the United Nations Human Rights Office in Abkhazia, Georgia,

1. *Welcomes* the report of the Secretary-General of 20 January 1999;

2. *Expresses its concern* at the failure of the parties to conclude, after bilateral contacts and the Athens meeting of 16 to 18 October 1998 on confidence-building measures, agreements on security and the non-use of force, the return of refugees and displaced persons and economic reconstruction, and urges the parties to resume bilateral negotiations to this end;

3. *Demands* that both sides widen their commitment to the United Nations-led peace process, continue to seek and engage in dialogue, expand their contacts at all levels and display without delay the necessary will to achieve substantial results on the key issues of the negotiations, and underlines the necessity for the parties to achieve an early and comprehensive political settlement, which includes a settlement on the political status of Abkhazia within the State of Georgia, which fully respects the sovereignty and territorial integrity of Georgia within its internationally recognized borders;

4. *Emphasizes*, in this context, that the readiness and ability of the international community to assist the parties depend on their political will to resolve the conflict through dialogue and mutual accommodation and on their acting in good faith to implement promptly concrete measures towards bringing about a comprehensive political settlement of the conflict;

5. *Strongly supports* the sustained efforts made by 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 the Organization for Security and Cooperation in Europe, to prevent hostilities and to give a new impetus to the negotiations within the United Nations-led peace process in order to achieve a comprehensive political settlement, and welcomes, in this context, the intention of the Secretary-General to propose a strengthening of the civilian component of the United Nations Observer Mission in Georgia;

6. *Demands* that both sides observe strictly the Agreement on a Ceasefire and Separation of Forces, signed in Moscow on 14 May 1994, and all their obligations to refrain from the use of force and to resolve disputed issues by peaceful means only, and calls upon them to display greater resolve and willingness to make the Joint Investigation Group functional;

7. *Expresses its continuing concern* at the situation of refugees and displaced persons, resulting most recently from the hostilities of May 1998, reaffirms the unacceptability of the demographic changes resulting from the conflict and the imprescriptible right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement on the Voluntary Return of Refugees and Displaced Persons, of 4 April 1994, and calls upon the parties to address this issue urgently by agreeing and implementing effective measures to guarantee the security of those who exercise their unconditional right to return;

8. *Welcomes*, in this context, the efforts of the Special Representative of the Secretary-General to facilitate, as a first step, the safe return of refugees and displaced persons to the Gali region, and calls upon the parties to resume and intensify their bilateral dialogue to this end;

9. *Condemns* the activities by armed groups, including the continued laying of mines, which endanger the civilian population, impede the work of the humanitarian organizations and seriously delay the normalization of the situation in the Gali region, and deplores the lack of serious efforts by the parties to bring an end to those activities;

10. *Reiterates its demand* that both sides take immediate and determined measures to put a stop to such acts and ensure that the security environment of all international personnel improves significantly, and welcomes the first steps taken in this regard;

11. *Reiterates* its deep concern regarding the security of the Mission, welcomes the implementation of measures in this regard, and requests the Secretary-General to keep the security of the Mission under constant review;

12. *Decides* to extend the mandate of the Mission for a new period terminating on 31 July 1999, subject to a review by the Council of the mandate of the Mission in the event of any changes that may be made in the mandate or in the presence of the collective peacekeeping force of the Commonwealth of Independent States;

13. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report after three months from the date of the adoption of the present resolution on the situation in Abkhazia, Georgia;

14. *Expresses its intention* to conduct a thorough review of the operation at the end of its current mandate, in the light of steps taken by the parties to achieve a comprehensive settlement;

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

**Decision of 7 May 1999 (3997th meeting):
statement by the President**

On 21 April 1999, pursuant to Security Council resolution 1225 (1999), the Secretary-General submitted to the Council a report on the situation in Abkhazia and an update on UNOMIG.⁶⁶ In his report, the Secretary-General informed the Council that a valuable opportunity to take a step forward in the peace process had been missed due to the failure to reach agreement in January 1999 on the terms for the return of refugees and measures for economic rehabilitation. Over the past three months it had taken all the diligence of the military and political staff of UNOMIG to preserve and slightly improve on the lessening of tension in the area of responsibility of the Mission that had resulted from the 21 December 1998 meeting in Gali. However, the situation was not yet such that the operational restrictions imposed on the Mission in February 1998 could be lifted or that some or all of the team bases could be reopened. The Secretary-General stressed that a further improvement of the security situation, based on tangible measures by the two sides, would be required before UNOMIG was able to return to its pre-February 1998 operational pattern and, in that way, increase its presence in all parts of its area of responsibility. Only then would UNOMIG be able to fully implement the mandate entrusted to it by the Security Council. He stated that two specific actions by the parties would significantly help to improve the situation on the ground: the full separation of forces from the ceasefire line and the establishment of a joint investigation mechanism.

At its 3997th meeting, held on 7 May 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the

⁶⁶ S/1999/460.

adoption of the agenda, the President (Gabon) then drew the attention of the Council to a letter dated 6 April 1999 from the representative of the Russian Federation addressed to the Secretary-General, transmitting the text of a decision on further measures to settle the conflict in Abkhazia, adopted in Moscow on 2 April 1999 by the Council of Heads of State of the CIS.⁶⁷

At the same meeting, the President made the following statement on behalf of the Council:⁶⁸

The Security Council has considered the report of the Secretary-General of 21 April 1999 concerning the situation in Abkhazia, Georgia.

The Council reiterates its demand that both sides widen their commitment to the United Nations-led peace process, continue to seek and engage in dialogue, expand their bilateral contacts and display without delay the necessary will to achieve substantial results on the key issues of the negotiations, and underlines the necessity for the parties to achieve an early and comprehensive political settlement, which includes a settlement on the political status of Abkhazia within the State of Georgia, which fully respects the sovereignty and territorial integrity of Georgia within its internationally recognized borders.

The Council reaffirms the unacceptability of the demographic changes resulting from the conflict and the imprescriptible right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions, and calls upon the parties to address this issue urgently by agreeing and implementing effective measures to guarantee the security of those who exercise their unconditional right to return.

The Council welcomes in this context the decision of the Council of Heads of State of the Commonwealth of Independent States of 2 April 1999 on further measures to settle the conflict in Abkhazia, Georgia. The Council notes the conclusions of the eighth session of the Coordinating Council of the Georgian and Abkhaz sides held on 29 April 1999.

The Council expresses its deep concern at the failure of the parties to reach an agreement on the terms for the return of refugees and displaced persons to the Gali region and measures for economic rehabilitation. The Council stresses the need for them to conclude urgently such an agreement, which would make it possible for the international community to participate in this effort, as well as an agreement on peace and guarantees for the prevention of armed confrontation.

The Council welcomes the improvements in the security situation, but notes that the general situation in the conflict zone still remains tense and unstable.

⁶⁷ S/1999/392.

⁶⁸ S/PRST/1999/11.

The Council urges the parties to exercise great restraint in their responses to any incidents arising on the ground and to take concrete steps to improve their cooperation in this field. The Council demands that both sides take immediate and determined measures to put a stop to the activities by armed groups, including the continued laying of mines, and to establish a climate of confidence allowing refugees and displaced persons to return. The Council further demands that both sides ensure a full separation of forces from the ceasefire line, in accordance with the ceasefire protocol signed on 25 May 1998, and establish a joint investigation mechanism without further delay.

The Council welcomes the continued contribution that the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States have made to stabilizing the situation in the zone of conflict and notes that the working relationship between the Mission and the collective peacekeeping force has remained good.

The Council reaffirms the importance it attaches to the security of the Mission and of all international personnel and recalls the obligations of both sides in this regard. The Council welcomes the steps taken to enhance the operations and security of the Mission.

The Council strongly supports the sustained efforts made by 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 the Organization for Security and Cooperation in Europe to prevent hostilities, to protect human rights and to advance a settlement.

**Decision of 30 July 1999 (4029th meeting):
resolution 1255 (1999)**

On 20 July 1999, pursuant to Security Council resolution 1225 (1999), the Secretary-General submitted to the Council a report on the situation in Abkhazia, and an update on UNOMIG.⁶⁹ In his report, the Secretary-General stated that, while achieving progress in the negotiations process aimed at the comprehensive settlement of the conflict remained difficult, contacts between the sides had continued to grow. At the same time, the key issues of the settlement process remained unresolved. He informed the Council that in the security field, the recent improvements in the security situation along the line of separation of forces and the efforts of both sides to produce those improvements were noted with approval, but the full separation of forces remained to be accomplished. Noting that UNOMIG continued to play an essential role in the stabilization of the situation in Abkhazia,

⁶⁹ S/1999/805.

Georgia, the Secretary-General recommended that the Security Council extend the mandate of UNOMIG for a further six-month period, ending on 31 January 2000.

At its 4029th meeting, held on 30 July 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Malaysia), with the consent of the Council, invited the representatives of Georgia and Germany, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁷⁰ The President also drew the attention of the Council to letters dated 19, 22 and 22 July 1999, respectively, from the representative of Georgia addressed to the President of the Security Council;⁷¹ and a letter dated 21 July 1999 from the representative of Georgia to the Secretary-General, transmitting a number of documents and statements relating to the situation in Abkhazia.⁷²

At the same meeting, the Minister for Foreign Affairs of Georgia stated that the peace process was stalled, and that despite his country's joint efforts there had been no tangible progress in the course of negotiations that could break the existing impasse. He stated that the time had come for the Security Council to clearly point to the unacceptability of the stagnation and to categorically urge the Abkhaz side to take constructive action. He maintained that the Council needed to recall the decisions of the Budapest and Lisbon summits of the Organization for Security and Cooperation in Europe and to stress that obstruction of the return of the refugees and displaced persons was nothing but a continuation of the policy of ethnic cleansing. That provision would trigger adequate action on the part of the Council, in line with the spirit and the letter of the Charter of the United Nations. He also stated that the decision of the Abkhaz authorities to hold "so-called presidential elections" in the autumn of 1999 was one more attempt to establish the demographic changes resulting from the conflict, and he expressed his belief that the Council needed to severely condemn the intention of the Abkhaz side to hold such "elections", declare it unlawful and strictly

⁷⁰ S/1999/832.

⁷¹ S/1999/801, S/1999/813 and S/1999/814.

⁷² S/1999/509.

warn the Abkhaz authorities that such action might damage the peace process. He reiterated the support of Georgia for the idea of introducing a self-protection unit into the conflict zone and stated that he thought that the Council should require the Secretary-General to resume consultations on the proposal for the unit set out in his 11 May 1998 report. He also emphasized that the future of the CIS peacekeeping operation remained a problem, and that Georgia believed that the CIS peacekeeping operation would be fully functional only after the implementation of the principal decisions adopted at the recent summits of the CIS. Unfortunately, the Abkhaz side was blocking the fulfilment of those decisions, leaving the CIS peacekeepers in the conflict zone with an expired mandate. Finally, he expressed his country's disappointment that cooperation between the United Nations and OSCE on resolving the conflict was still lagging. He suggested that the Security Council stress the importance of the decision adopted at the Oslo Ministerial meeting of OSCE in December 1998, which provided fundamental provisions with regard to the comprehensive political settlement of the conflict and which constituted a programme for the promotion of the cooperation between the United Nations and OSCE.⁷³

The representative of the Russian Federation expressed his country's concern at the lack of progress on key aspects of the settlement and noted that the most acute problem remained the return of refugees to the Gali region. He stressed that it was important that the parties demonstrate the necessary resolve and sign the document that they had "virtually agreed upon", which would open the way to resolving other settlement-related problems. He noted that the cooperation between the United Nations and CIS was taking place strictly on the basis of Chapter VIII of the Charter and that the activities of the CIS peacekeeping forces were backed by the relevant resolutions of the Security Council, which had repeatedly welcomed their important contribution in helping to stabilize the situation in the conflict zone. He pointed out that, while his delegation attached great importance to the question of security in the area of the Georgian-Abkhaz conflict, the situation in the region had improved, although it remained fragile. The representative informed the Council that his Government had taken

steps to enhance the effectiveness of the CIS peacekeeping force in order to ensure the security of the international personnel of the United Nations.⁷⁴

Several speakers made statements reiterating the necessity of a peaceful settlement based on the territorial integrity of Georgia. They expressed concern over the refugee situation and called on parties to reach a credible agreement. Regarding the security situation, some speakers called on both sides to prevent further incidents. The representatives of France and Argentina stated that the elections planned in Abkhazia needed to be regarded as illegitimate.⁷⁵

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1255 (1999), which reads:

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1225 (1999) of 28 January 1999, and the statement by its President of 7 May 1999,

Having considered the report of the Secretary-General of 20 July 1999,

Taking note of the letter dated 19 July 1999 from the President of Georgia to the Secretary-General,

Stressing that, notwithstanding positive developments on some issues, the lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,

Deeply concerned at the continuing volatile situation in the conflict zone, welcoming in this regard the important contributions that the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States continue to make in stabilizing the situation in the zone of conflict, noting that the working relationship between the Mission and the collective peacekeeping force has been good at all levels, and stressing the importance of continuing and increasing close cooperation and coordination between them in the performance of their respective mandates,

Recalling the conclusions of the Lisbon summit of the Organization for Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia,

Reaffirming the necessity for the parties strictly to respect human rights, and expressing its support for the efforts of the

⁷³ S/PV.4029, pp. 4-5.

⁷⁴ pp. 6-7.

⁷⁵ *Ibid.*, pp. 5-6 (Germany); p. 7 (United Kingdom); p. 8 (France); p. 8 (United States); p. 9 (China); and pp. 9-10 (Argentina).

Secretary-General to find ways to improve their observance as an integral part of the work towards a comprehensive political settlement,

1. *Welcomes* the report of the Secretary-General of 20 July 1999;

2. *Demands* that the parties to the conflict widen and deepen their commitment to the United Nations-led peace process, continue to expand their dialogue and contacts at all levels and display without delay the necessary will to achieve substantial results on the key issues of the negotiations;

3. *Strongly supports* 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 the Organization for Security and Cooperation in Europe to promote the stabilization of the situation and to give new impetus to the negotiations within the United Nations-led peace process in order to achieve a comprehensive political settlement, and commends the tireless efforts of the retiring Special Representative of the Secretary-General, Mr. Liviu Bota, in carrying out his mandate;

4. *Emphasizes*, in this context, that the readiness and ability of the international community to assist the parties depend on their political will to resolve the conflict through dialogue and mutual accommodation and on their acting in good faith to implement promptly concrete measures towards bringing about a comprehensive political settlement of the conflict;

5. *Underlines* the necessity for the parties to achieve an early and comprehensive political settlement, which includes a settlement on the political status of Abkhazia within the State of Georgia, which fully respects the sovereignty and territorial integrity of Georgia within its internationally recognized borders, and supports the intention of the Secretary-General and his Special Representative, in close cooperation with the Russian Federation, in its capacity as facilitator, the Organization for Security and Cooperation in Europe and the Group of Friends of the Secretary-General, to continue to submit proposals for the consideration of the parties on the distribution of constitutional competences between Tbilisi and Sukhumi as part of a comprehensive settlement;

6. *Considers* the holding of self-styled elections in Abkhazia, Georgia, unacceptable and illegitimate;

7. *Expresses* its continuing concern at the situation of refugees and displaced persons, resulting, in particular, from the hostilities of May 1998, reaffirms the unacceptability of the demographic changes resulting from the conflict and the imprescriptible right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement on the Voluntary Return of Refugees and Displaced Persons, of 4 April 1994, and calls upon the parties to address this issue urgently by agreeing and implementing effective measures to guarantee the security of those who exercise their unconditional right to return;

8. *Welcomes*, in this context, the efforts of the Special Representative of the Secretary-General to facilitate, as a first step, the safe return of refugees and displaced persons to the Gali region, and emphasizes, in this regard, that the lasting return of the refugees cannot be ensured without concrete results from the bilateral dialogue between the parties, which produce the necessary security and legal guarantees;

9. *Takes note with appreciation* of the agreements reached at the meetings of 16 to 18 October 1998 and 7 to 9 June 1999, hosted respectively by the Governments of Greece and Turkey, aimed at building confidence, improving security and developing cooperation, and calls upon the parties to enhance their efforts to implement those decisions in an effective and comprehensive manner, notably at the prospective meeting in Yalta at the invitation of the Government of Ukraine;

10. *Demands* that both sides observe strictly the Agreement on a Ceasefire and Separation of Forces, signed in Moscow on 14 May 1994, and takes note with appreciation, in this context, of the substantial progress reported towards setting up a joint investigation mechanism for violations of the Agreement, as well as of the greater restraint exercised by the parties along the line of separation of forces;

11. *Condemns* the ongoing activities by armed groups, which endanger the civilian population, impede the work of the humanitarian organizations and seriously delay the normalization of the situation in the Gali region, reiterates its concern regarding the security of the United Nations Observer Mission in Georgia, welcomes the implementation of measures in this regard, and requests the Secretary-General to keep the security of the Mission under constant review;

12. *Decides* to extend the mandate of the Mission for a new period terminating on 31 January 2000, subject to a review by the Council of the mandate of the Mission in the event of any changes that may be made in the mandate or in the presence of the collective peacekeeping force of the Commonwealth of Independent States;

13. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of the present resolution on the situation in Abkhazia, Georgia;

14. *Expresses its intention* to conduct a thorough review of the operation at the end of its current mandate, in the light of steps taken by the parties to achieve a comprehensive settlement;

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

Decision of 12 November 1999 (4065th meeting): statement by the President

On 22 October 1999, pursuant to Security Council resolution 1255 (1999), the Secretary-General

submitted to the Council a report on the situation in Abkhazia and an update on UNOMIG.⁷⁶ In his report, the Secretary-General welcomed the acceleration of bilateral contacts at all levels between the Georgian and Abkhaz sides. He reiterated that the Georgian and Abkhaz sides needed to take the first concrete step towards the full return of refugees and internally displaced persons. While the security situation had slightly improved in the Gali and Zugdidi sectors and the number of incidents had decreased, the hostage-taking incident of 13 October 1999 had once again shown the precariousness of the situation in which UNOMIG operated. He stressed that UNOMIG was keeping its security arrangement under constant review in order to ensure the highest possible level of security for its staff.

At its 4065th meeting, held on 12 November 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Slovenia), with the consent of the Council, invited the representative of Georgia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁷⁷

The Security Council has considered the report of the Secretary-General of 22 October 1999 concerning the situation in Abkhazia, Georgia.

The Council warmly welcomes the appointment of Mr. Dieter Boden as resident Special Representative of the Secretary-General, and hopes the parties will see this as an opportune moment to give renewed impetus to the search for a political settlement.

The Council welcomes the acceleration of bilateral contacts at all levels between the Georgian and Abkhaz sides and calls upon them to continue to expand their contacts.

The Council notes with grave concern that, notwithstanding positive developments on some issues, no progress has been made on the key issues of the settlement, particularly the core issue of the status of Abkhazia, Georgia. The Council therefore strongly supports the intention of the Special Representative to submit as soon as possible further

proposals to both sides on the distribution of constitutional competences between Tbilisi and Sukhumi, as part of a comprehensive settlement, with full respect for the sovereignty and territorial integrity of Georgia within its internationally recognized borders, working in close cooperation with the Russian Federation, in its capacity as facilitator, the Group of Friends of the Secretary-General, and the Organization for Security and Cooperation in Europe.

The Council reiterates its demand that the parties to the conflict widen and deepen their commitment to the United Nations-led peace process, in particular by resuming regular meetings of the Coordinating Council and of its working groups, and agrees with the Secretary-General that they must continue to meet regularly, regardless of the constraints of domestic politics. The Council calls upon the parties to agree upon and to take, in the nearest future, the first concrete steps towards the full return to Abkhazia, Georgia, of refugees and internally displaced persons in safe, secure and dignified conditions. The Council reminds the parties that this would enable the Office of the United Nations High Commissioner for Refugees to provide substantial material assistance. The Council reiterates its view on the unacceptability of any action by the Abkhaz leadership in contravention of the principles of the sovereignty and territorial integrity of Georgia.

The Council notes with satisfaction that the security situation has improved slightly, in particular in the reduction of tension along the line of separation of forces, while noting the persistent precariousness of the security of United Nations personnel. The Council reiterates its condemnation of the hostage-taking of seven United Nations personnel on 13 October 1999, welcomes the release of the hostages, and stresses that the perpetrators of this unacceptable act should be brought to justice. The Council welcomes the fact that the United Nations Observer Mission is keeping its security arrangements under constant review in order to ensure the highest possible level of security for its staff.

The Council pays tribute to Mr. Liviu Bota for his valuable work while serving as Special Representative of the Secretary-General. The Council welcomes the important contributions that the Mission and the collective peacekeeping force of the Commonwealth of Independent States continue to make in stabilizing the situation in the zone of conflict, notes that the working relationship between the Mission and the collective peacekeeping force has been good at all levels, and stresses the importance of continuing and increasing close cooperation and coordination between them in the performance of their respective mandates.

⁷⁶ S/1999/1087.

⁷⁷ S/PRST/1999/30.

29. The situation in Albania

Initial proceedings

Decision of 13 March 1997 (3751st meeting): statement by the President

By letters dated 13 March 1997 addressed to the President of the Security Council,¹ the representatives of Albania and Italy, respectively, requested the convening of an urgent meeting of the Security Council for the purpose of considering the situation in Albania.

At its 3751st meeting, held on 13 March 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the above-mentioned letters in its agenda. Following the adoption of the agenda, the President (Poland), with the consent of the Council, invited the representatives of Italy and Albania, at their request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:²

The Security Council, having considered the letter dated 13 March 1997 to the President of the Council from the Permanent Representative of Albania to the United Nations and the letter dated 12 March 1997 to the President from the Permanent Representative of Italy to the United expresses its deep concern about the deteriorating situation in Albania. It urges all concerned to refrain from hostilities and acts of violence and to cooperate with diplomatic efforts to reach a peaceful solution to the crisis.

The Council calls upon the parties involved to continue the political dialogue and to live up to the commitments undertaken on 9 March 1997 in Tirana. It urges all political forces to work together to lower tension and facilitate the stabilization of the country.

The Council calls upon the parties not to impede the provision of humanitarian assistance to the civilian population and, in this context, recalls the importance of keeping open all means of communication in the country. It encourages Member States and international organizations to help with the provision of humanitarian assistance.

The Council stresses the importance of regional stability and fully supports the diplomatic efforts of the international community, in particular those of the Organization for Security and Cooperation in Europe and the European Union, to find a peaceful solution to the crisis.

¹ S/1997/215 and S/1997/214.

² S/PRST/1997/14.

The Council requests the Secretary-General to keep it informed of developments in the situation in Albania.

The Council will remain seized of the matter.

Decision of 28 March 1997 (3758th meeting): resolution 1101 (1997)

By a letter dated 28 March 1997 addressed to the President of the Security Council,³ the representative of Albania informed the Council that, following the collapse of the pyramid investment schemes, the situation in Albania had deteriorated further and the structures of the Ministries of the Interior and Defence had proved to be incapable of dealing with the situation. Massive unrest had swept entire regions of the country resulting in many casualties, and in a national state of mind which led hundreds of thousands to break into armouries and loot weapons. This was followed by a massive wave of destruction of public, private and institutional property and further criminal activities. The complete disorder and lack of security was bound to bring about another wave of tens of thousands of refugees, sailing to and landing in neighbouring Italy and forcing the Government of Italy to proclaim an emergency as well. The situation in Albania remained serious, as law and order had yet to be achieved in a significant part of the country and the humanitarian situation was a matter of grave concern. As a result, the Organization for Security and Cooperation in Europe (OSCE) had agreed to support the willingness of some Member States to participate with a military or a police force in the protection of humanitarian activities in Albania. Albania felt that such a force also had to have the necessary support and authorization of the Security Council. With regard to a possible mandate for the deployment of the force, he noted that his country would like it to be composed of troops from a number of countries which had been addressed by the authorities of Albania and which had already expressed their willingness to join. The objective would be to provide humanitarian aid throughout Albania and to help to create an environment of durable security for the safe provision of international assistance. The force would stay until conditions on the ground made it possible for the

³ S/1997/259.

Government of Albania to ensure the safe delivery of humanitarian goods, until the coming general elections. The Parliament of Albania would decide more precisely how long the force would remain. Finally, he stressed the urgency of the matter and stated that he expected that the Security Council would be able promptly to take the right decision on Albania. Documents entitled “Updated information on the Albanian crisis” and “Decision No. 160 of the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE), adopted at the 108th plenary meeting, on 27 March 1997” were also attached.⁴

At its 3758th meeting, held on 28 March 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. The President (Poland), with the consent of the Council, invited the representatives of Albania, Austria, Belgium, Denmark, Finland, Germany, Greece, Ireland, Italy, the Netherlands, Romania, Spain, the former Yugoslav Republic of Macedonia and Turkey, at their request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of the Council to a draft resolution submitted by Albania, Austria, Belgium, France, Greece, Italy, Poland, Portugal, the Republic of Korea, Romania, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom and the United States, with Denmark, Finland, Germany, Ireland and the Netherlands joining as sponsors.⁵ The President then drew the attention of the Council to revisions to be made to the seventh preambular paragraph and the fourth operative paragraph of the draft resolution.⁶

The President also drew the attention of the Council to letters dated 14 and 17 March 1997, respectively, from the representative of the Netherlands addressed to the Secretary-General,⁷ transmitting

statements on Albania issued on 1 and 17 March, respectively, by the Presidency of the European Union; and a letter dated 24 March 1997 from the representative of the Netherlands addressed to the Secretary-General,⁸ transmitting the conclusions of the Council of the European Union of 24 March 1997 regarding the situation in Albania. He also called attention to a letter dated 27 March 1997 from the representative of Italy addressed to the Secretary-General,⁹ in which the representative noted that the decision by OSCE had established the conditions for launching an effort to assist Albania. In that regard, Italy had consulted with a number of Governments, in particular the Government of Albania, and had taken the initiative of promoting the creation of a multinational protection force, which would operate with full respect for the principles of the Charter of the United Nations and of OSCE and which, to ensure security and freedom of movement of its personnel, would act under Chapter VII of the Charter.

At the same meeting, speaking before the vote, the representative of China stated that, while his delegation was concerned by developments in Albania and supported the political and diplomatic efforts made by the international community, the situation was essentially an internal affair of Albania. He stated that the authorization by the Security Council of an action in a country because of strife resulting from the internal affairs of that country was inconsistent with the provisions of the United Nations Charter and, therefore, needed to be handled with extreme caution. He noted that his country had never been in favour of the Security Council frequently invoking Chapter VII of the Charter in authorizing such actions. However, with due regard for the relevant requests of the Government of Albania and its urgent desire for the return of stability, he affirmed that his delegation would not stand in the way of the adoption of the draft resolution.¹⁰

At the same meeting, the draft resolution as orally revised was put to the vote and adopted by 14 votes to none, with 1 abstention (China), as resolution 1101 (1997),¹¹ which reads:

The Security Council,

⁴ S/1997/259, annex I and annex II, respectively.

⁵ S/1997/260.

⁶ The last part of the seventh preambular paragraph was changed to read: “in particular those of the Organization for Security and Cooperation in Europe and of the European Union”; and part of operative paragraph 4 was changed to read: “further authorizes these Member States to ensure the security and freedom of movement of the personnel of the said multinational protection force”.

⁷ S/1997/226 and S/1997/230.

⁸ S/1997/251.

⁹ S/1997/258.

¹⁰ S/PV.3758, pp. 2-3.

¹¹ For the vote, see S/PV.3758, p. 3.

Taking note of the letter dated 28 March 1997 from the Permanent Representative of Albania to the United Nations addressed to the President of the Security Council,

Taking note also of the letter dated 27 March 1997 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General,

Taking note further of decision No. 1610 of 27 March 1997 of the Permanent Council of the Organization for Security and Cooperation in Europe, including the decision to provide the coordinating framework within which other international organizations can play their part in their respective areas of competence,

Recalling the statement by the President of the Security Council of 13 March 1997 on the situation in Albania,

Reiterating its deep concern over the deteriorating situation in Albania,

Underlining the need for all concerned to refrain from hostilities and acts of violence, and reiterating its call to the parties involved to continue the political dialogue,

Stressing the importance of regional stability, and in this context fully supporting the diplomatic efforts of the international community to find a peaceful solution to the crisis, in particular those of the Organization for Security and Cooperation in Europe and the European Union,

Affirming the sovereignty, independence and territorial integrity of the Republic of Albania,

Determining that the present situation of crisis in Albania constitutes a threat to peace and security in the region,

1. *Condemns* all acts of violence, and calls for their immediate end;

2. *Welcomes* the offer made by certain Member States to establish a temporary and limited multinational protection force to facilitate the safe and prompt delivery of humanitarian assistance and to help to create a secure environment for the missions of international organizations in Albania, including those providing humanitarian assistance;

3. *Welcomes also* the offer by a Member State, contained in its letter to take the lead in organizing and commanding the temporary multinational protection force, and takes note of all the objectives contained in that letter;

4. *Authorizes* the Member States participating in the multinational protection force to conduct the operation in a neutral and impartial way to achieve the objectives set out in paragraph 2 above, and, acting under Chapter VII of the Charter of the United Nations, further authorizes those Member States to ensure the security and freedom of movement of the personnel of the multinational protection force;

5. *Calls upon* all those concerned in Albania to cooperate with the multinational protection force and international humanitarian agencies for the safe and prompt delivery of humanitarian assistance;

6. *Decides* that the operation shall be limited to a period of three months from the adoption of the present resolution, at which time the Council will assess the situation on the basis of the reports referred to in paragraph 9 below;

7. *Also decides* that the cost of implementing this temporary operation shall be borne by the participating Member States;

8. *Encourages* the Member States participating in the multinational protection force to cooperate closely with the Government of Albania, the United Nations, the Organization for Security and Cooperation in Europe, the European Union and all international organizations involved in rendering humanitarian assistance in Albania;

9. *Requests* the Member States participating in the multinational protection force to provide periodic reports to the Council, at least every two weeks, through the Secretary-General, the first such report to be made no later than fourteen days after the adoption of the present resolution, inter alia, specifying the parameters and modalities of the operation on the basis of consultations between those Member States and the Government of Albania;

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

**Decision of 19 June 1997 (3791st meeting):
resolution 1114 (1997)**

By a letter dated 14 June 1997 addressed to the President of the Security Council,¹² the Secretary-General transmitted a letter dated 13 June 1997 from the representative of Italy transmitting the sixth biweekly report on the multinational protection force for Albania, as requested by the Security Council in resolution 1101 (1997). The report noted that the Steering Committee, consisting of the political directors of the troop-contributing countries and the Commander of the operation, had considered and acceded to several requests by the authorities of Albania that the force remain in Albania during the electoral process to help ensure a safe and secure environment for OSCE monitoring teams, within the framework of the mandate of the Security Council. The Steering Committee had also noted the indications provided by the authorities of Albania and OSCE that the electoral process would exceed the time limit of the mandate. The Committee also noted that a withdrawal of the multinational protection force by 28 June, the day before the planned elections as foreseen in paragraph 6 of resolution 1101 (1997), would not allow the force to provide a secure environment and would

¹² S/1997/460.

undermine one of the main efforts of international assistance to Albania. In fact, a limited increase in the strength of the force from that originally planned would be necessary. Noting the readiness of the contributing countries to maintain, for a limited time, their military contingents as part of the multinational protection force within the framework of the mandate given by the Security Council, the Steering Committee recommended that the mandate given to the multinational protection force by the Security Council in resolution 1101 (1997) be extended for the period necessary for the completion of the electoral process in Albania and, in any event, not longer than 45 days after the termination of the present mandate.

By a letter dated 16 June 1997 addressed to the President of the Security Council,¹³ the representative of Albania noted that, while major improvements had been noticed in the field of public order, numerous challenges still existed. In particular, a serious threat still remained for public security in certain areas in view of the upcoming parliamentary elections. He agreed that the presence of the multinational protection force had contributed to the normalization of public order and that it was necessary for it to continue. As a result, Albania requested that the presence of the force in Albania be extended for another three months.

At its 3791st meeting, held on 19 June 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the above-mentioned letters in its agenda. Following the adoption of the agenda, the President (Russian Federation), with the consent of the Council, invited the representatives of Albania, Austria, Belgium, Denmark, Finland, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Romania, Spain, the former Yugoslav Republic of Macedonia and Turkey, at their request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of members of the Council to a letter dated 17 June 1997 from the representative of Denmark addressed to the Secretary-General,¹⁴ transmitting a statement by the Ministers of the OSCE Troika issued at Copenhagen on 10 April 1997, in which they, *inter alia*, expressed their support for an OSCE presence. The President further drew the attention of the members of the Council to a draft resolution submitted by Albania, Austria, Belgium, Denmark, Finland,

France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Poland, Portugal, the Republic of Korea, Romania, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom and the United States.¹⁵

At the same meeting, the representative of Albania noted that the multinational protection force had been successful in improving the situation and that the people of Albania were in the process of taking important decisions for the stability and future of their country through parliamentary elections. He therefore invited the members of the Council to vote in favour of the draft resolution, which would authorize the force to further help in the normalization of the situation.¹⁶

The representative of Italy expressed hope that the operation would be concluded in six weeks and welcomed the decision of OSCE to support the decision of Albania to hold new parliamentary elections on 29 June 1997. He noted, however, that the achievement of that goal would not mean the end of either the economic emergency or the need for a sustained international commitment in Albania and that a ministerial conference would be convened in Rome after the elections to assess the progress in Albania and provide guidance for future international action.¹⁷

Speaking before the vote, the representative of China noted that the Charter of the United Nations clearly stipulated that the United Nations should not interfere in what were essentially the internal affairs of a State and, since the question of Albania was essentially an internal affair of Albania, the Security Council should proceed with caution. He reiterated that his delegation was not in favour of authorizing the deployment of the multinational protection force and was even less in favour of expanding its mandate. Moreover, as the situation improved, the force should terminate its mandate at an appropriate time. He stated that it was his understanding that the deployment of the force in Albania was a special measure taken under special circumstances and, taking into account the relevant request of the Government of Albania for the extension of the mandate of the multinational protection force, the Chinese delegation would not stand in the way of the adoption of the draft resolution.¹⁸

¹³ S/1997/464.

¹⁴ S/1997/471.

¹⁵ S/1997/472.

¹⁶ S/PV.3791, pp. 2-3.

¹⁷ *Ibid.*, pp. 3-4.

¹⁸ *Ibid.*, p. 4.

At the same meeting, the draft resolution was put to the vote and adopted by 14 votes to none, with 1 abstention (China), as resolution 1114 (1997),¹⁹ which reads:

The Security Council,

Recalling its resolution 1101 (1997) of 28 March 1997,

Recalling also the statement by its President of 13 March 1997 on the situation in Albania,

Taking note of the letter dated 16 June 1997 from the Permanent Representative of Albania to the United Nations addressed to the President of the Security Council,

Taking note also of the sixth report to the Council on the operation of the multinational protection force in Albania,

Taking note further of decision No. 160 of 27 March 1997 of the Permanent Council of the Organization for Security and Cooperation in Europe, including the decision to provide the coordinating framework within which other international organizations can play their part in their respective areas of competence,

Expressing its appreciation for the neutral and impartial way in which the mandate of the Council has been carried out by the multinational protection force, in close cooperation with the Albanian authorities,

Reiterating its concern over the situation in Albania,

Underlining the need for all concerned to refrain from hostilities and acts of violence, and calling on the parties involved to continue the political dialogue and facilitate the electoral process,

Stressing the importance of regional stability, and in this context fully supporting the diplomatic efforts of the international community, particularly the Organization for Security and Cooperation in Europe and the European Union, to find a peaceful solution to the crisis and assist in the electoral process in Albania, in cooperation with the Albanian authorities,

Noting the need over a short period of time, as underlined in the sixth report on the operation of the multinational protection force in Albania, for a limited increase in the contingent originally planned, for the purpose of protecting the mission of the Organization for Security and Cooperation in Europe, especially in view of the planned elections,

Reaffirming the sovereignty, independence and territorial integrity of the Republic of Albania,

Determining that the present situation in Albania constitutes a threat to peace and security in the region,

1. *Condemns* all acts of violence, and calls for their immediate end;

2. *Welcomes* the readiness of the countries contributing to the multinational protection force to maintain

their military contingents in Albania for a limited time as part of the multinational protection force, in the framework of the mandate provided by resolution 1101 (1997);

3. *Welcomes also* the intention of the countries contributing to the multinational protection force to continue, within the framework of the mandate provided by resolution 1101 (1997), to facilitate the safe and prompt delivery of humanitarian assistance and to help to create a secure environment for the missions of international organizations in Albania, including those providing humanitarian assistance, and takes note of all the elements contained in the sixth report to the Council on the operation of the multinational protection force in Albania, concerning, inter alia, the electoral monitoring mission of the Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights;

4. *Authorizes* the Member States participating in the multinational protection force to conduct the operation in a neutral and impartial way to achieve the objectives set out in paragraph 3 above, and acting under Chapter VII of the Charter of the United Nations, further authorizes those Member States to ensure the security and freedom of movement of the personnel of the multinational protection force;

5. *Calls upon* all those concerned in Albania to cooperate with the multinational protection force and with the missions of the international organizations;

6. *Decides* that the operation shall be limited to a period of forty-five days from 28 June 1997, at which time the Council will assess the situation on the basis of the reports referred to in paragraph 9 below;

7. *Also decides* that the cost of implementing this temporary operation shall be borne by the participating Member States;

8. *Encourages* the Member States participating in the multinational protection force to cooperate closely with the Government of Albania, the United Nations, the Organization for Security and Cooperation in Europe, the European Union and all international organizations involved in rendering humanitarian assistance in Albania;

9. *Requests* the Member States participating in the multinational protection force to provide periodic reports to the Council through the Secretary-General, at least every two weeks, the first such report to be made no later than fourteen days after the adoption of the present resolution, inter alia, specifying the parameters and modalities of the operation on the basis of consultations between those Member States and the Government of Albania;

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

**Decision of 14 August 1997 (3812th meeting):
statement by the President**

By a letter dated 5 August 1997 addressed to the President of the Security Council,²⁰ the representative

¹⁹ For the vote, see S/PV.3791, pp. 4-5.

²⁰ S/1997/614.

of Italy noted that on 12 August 1997, the mandate of the multinational protection force in Albania, authorized by the Security Council in resolutions 1101 (1997) and 1114 (1997) would come to an end. Italy, in its capacity as leader of the force, would present the final report on the eve of the termination of the operation. He therefore requested that an open meeting of the Council be held upon the expiration of the mandate of the force.

By a letter dated 8 August 1997 addressed to the President of the Security Council,²¹ the representative of Albania concurred with the request of the representative of Italy for an open meeting of the Council in the context of the closing of the multinational protection force operation in Albania.

By a letter dated 12 August 1997 addressed to the President of the Security Council,²² the Secretary-General transmitted a letter from the representative of Italy, which transmitted the eleventh and final biweekly report on the multinational protection force for Albania as requested in resolutions 1101 (1997) and 1114 (1997). The report noted that what had been in place in Albania for the last four and a half months was not a traditional peacekeeping or peacemaking operation but rather one of a complex nature, involving assistance from the international community within a multinational security framework provided by the multinational protection force. The presence of the force effectively blocked the risk of Albania sliding towards anarchy or even internal political conflict and allowed the various international organizations and individual States willing to provide practical help to Albania to organize assistance in a secure environment. Thus, a notable improvement in the situation in the country was brought about in a short period of time, restoring confidence in national prospects. The report stated that a new phase needed to begin without delay, focusing on the rehabilitation of State institutions and the return of the country to an orderly social, political and economic condition, with the active support of the international community.

At its 3811th meeting, held on 14 August 1997 in response to the requests of the representatives of Italy and Albania, the Security Council included the above-mentioned letters in its agenda. The President (United

Kingdom), with the consent of the Council, invited the representatives of Albania, Denmark, Germany, Greece, Italy, Luxembourg, Romania, Slovenia, Spain, the former Yugoslav Republic of Macedonia and Turkey, at their request, to participate in the discussion without the right to vote. The President, with the consent of the Council, also invited the head of the delegation of the International Committee of the Red Cross (ICRC) under rule 39 of the Council's provisional rules of procedure.

Over the course of the meeting, several representatives underlined the success of the multinational protection force in facilitating the delivery of humanitarian assistance and in creating a secure environment, and in successfully performing the tasks assigned in accordance with Council resolutions 1101 (1997) and 1114 (1997), although serious challenges remained that would require the ongoing support of the international community. Everyone noted the important contribution of OSCE and the role of regional organizations, and the importance of the successful elections, which had been supported by the extension of the mandate.²³

The representative of Japan noted that the operation constituted an important precedent of a militarily and politically coordinated multinational action under Chapter VII of the Charter, providing a comprehensive framework to deal with a humanitarian crisis in one country, which prevented the spillover of the crisis which might have affected peace and security in the broader region.²⁴

The representative of the Republic of Korea expressed his belief that the operation in Albania had set a "significant" precedent for potential future

²¹ S/1997/628.

²² S/1997/632.

²³ S/PV.3811, pp. 2-3 (Chile); pp. 4-5 (Japan); p. 5 (Egypt); pp. 5-6 (France); pp. 6-7 (Russian Federation); pp. 7-8 (Poland); p. 8 (United States); pp. 8-9 (Kenya); pp. 9-10 (Guinea-Bissau); pp. 10-11 (Republic of Korea); p. 11 (Sweden); pp. 11-12 (Portugal); pp. 12-13 (Costa Rica); p. 13 (United Kingdom); pp. 13-14 (Albania); pp. 17-18 (Turkey); pp. 18-19 (Luxembourg on behalf of the European Union and associated and aligned countries; Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia; and Cyprus); pp. 19-20 (Slovenia); pp. 20-21 (Denmark on behalf of the Chairman-in-Office of OSCE); pp. 21-22 (Greece); p. 22 (Germany); and pp. 22-23 (former Yugoslav Republic of Macedonia).

²⁴ *Ibid.*, pp. 4-5.

interventions by the international community in cases in which a State was gripped by a complex crisis with serious humanitarian implications and political repercussions for its neighbours.²⁵

The representative of Albania expressed his country's gratitude to the Security Council, the member countries of the multinational protection force, the Organization for Security and Cooperation in Europe, the European Union, the Council of Europe and the Western European Union. He stated that public order and security would be assured within a short time, and that Albania would enter the path of normal and solid development.²⁶

The representative of Italy underlined the factors that had contributed to the positive outcome of the operation in Albania. The first factor was the unity of intent shown by a group of countries to get involved immediately in a risky but necessary operation. The second factor was the decisive action by the Security Council in approving the mandate for the multinational protection force in one day. The third factor was the rapid planning and deployment of the force. Fourth, there had been intense and in-depth political consultation and coordination among the participating countries, giving the force the necessary guidance from the outset. Fifth, definite limits had been placed on the time-frame of the operation from the outset, with a sunset clause that had been fully respected. The sixth factor had been the comprehensive and ongoing integration of the political, military and humanitarian aspects of the entire operation. The final factor had been the absolute respect by the multinational protection force for its mandate regarding complete neutrality and impartiality towards the political forces in Albania, and refraining from any kind of police activities, no matter how difficult that had proved.²⁷

The representative of ICRC informed the Council that, while the dispatch of the multinational protection force had made it possible to stabilize the situation and to hold legislative elections, Albania still faced law and order problems and was still in the process of rebuilding a functioning State administration. Those tasks called for long-term assistance which went far

beyond the capacity of any humanitarian organization.²⁸

At its 3812th meeting, held on 14 August 1997, the Security Council resumed its consideration of the items from its 3811th meeting. In accordance with decisions taken at that meeting, the representatives of Denmark, Germany, Greece, Italy, Luxembourg, Romania, Slovenia, Spain, the former Yugoslav Republic of Macedonia and Turkey were invited to be present.

At the same meeting, the President made the following statement on behalf of the Council:²⁹

The Security Council has considered the eleventh and last report of the operation of the multinational protection force in Albania of 11 August 1997, submitted pursuant to the requirement set out in paragraph 9 of resolution 1114 (1997),

The Council notes with appreciation that the mandate of the multinational protection force, as set out in its resolutions 1101 (1997) and 1114 (1997), has been fulfilled successfully. The presence of the multinational protection force has contributed to the facilitation of safe and prompt delivery of humanitarian assistance in Albania. Its presence has also helped to create a secure environment for the missions of international organizations in Albania, as part of the efforts of the international community, particularly the Organization for Security and Cooperation in Europe and the European Union, to find a peaceful solution to the crisis and to assist international organizations in their role in the electoral process in close cooperation with the Albanian authorities.

The Council recognizes the role played by the multinational protection force and the Governments of the participating countries under Italian leadership in the full discharge of the mandate in assisting the Albanian authorities and the international organizations involved.

The Council is of the view that the Albanian people and their authorities bear the primary responsibility for the future of Albania and for restoring normal conditions in the country. The necessary international assistance will be conditional upon Albania's own efforts at achieving reconciliation, security, rehabilitation and economic reform.

In this respect, the Council encourages the international community to assist and support the economic, social and institutional rehabilitation of Albania and welcomes the steps that have already been taken in this direction, including the preparatory meetings for the ministerial conference to be held in Rome in autumn 1997.

²⁵ Ibid., pp. 10-11.

²⁶ Ibid., pp. 13-14.

²⁷ Ibid., pp. 14-17.

²⁸ Ibid., pp. 24-25.

²⁹ S/PRST/1997/44.

Middle East

30. The situation in the Middle East

A. Letter dated 13 April 1996 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/1996/280)

Decision of 18 April 1996 (3654th meeting): resolution 1052 (1996) and rejection of a draft resolution

By a letter dated 13 April 1996 addressed to the President of the Security Council,¹ the representative of Lebanon requested the convening of an urgent meeting of the Security Council to consider the grave situation in Lebanon resulting from the large-scale Israeli bombardment of many towns and villages in his country, including the southern suburb of Beirut, causing alarming numbers of civilian dead and wounded, thousands of displaced persons and severe damage to property. He maintained that the bombardment constituted a flagrant violation of the sovereignty and territorial integrity of Lebanon and the Charter of the United Nations and posed a great threat to international peace and security.

At its 3653rd meeting, held on 15 April 1996 in response to the request contained in a letter dated 13 April 1996 from the representative of Lebanon, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (Chile), with the consent of the Council, invited the representatives of Afghanistan, Algeria, Colombia, Cuba, the Islamic Republic of Iran, Israel, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Morocco, Pakistan, Saudi Arabia, the Syrian Arab Republic, Tunisia, Turkey and the United Arab Emirates, at their request, to participate in the discussion without the right to vote.

The representative of Lebanon stated that his delegation was before the members of the Security Council to plead for the Council to take action to stop the Israeli military aggression against Lebanon, its

people, its territorial integrity, its independence and its sovereignty. Military aggression was a flagrant violation of the Charter of the United Nations, international law and pertinent Security Council resolutions, particularly resolution 425 (1978) and the Armistice Agreement of 1949 between Lebanon and Israel. He stressed that, contrary to the claims of Israeli officials, the escalation was a result of persistent Israeli attacks and bombardments deep in Lebanese territory, killing men, women and children, and was a violation of the “so-called understanding” of July 1993 and hence attracted reaction from the Lebanese resistance. He maintained that the new cycle of violence could not be viewed apart from the overall situation in the south and in the Western Bekaa, and was not a question of who launched a rocket first, but was the result of the occupation by Israel, in flagrant violation of resolution 425 (1978). He reiterated that, while Lebanon stressed its firm condemnation of all forms of terrorism, it firmly supported the legitimate right of peoples to resist foreign occupation, and that the Lebanese were within their legitimate rights in defending themselves against occupation, human rights abuses and displacement. He asked the Council to order Israel to immediately stop its aggression against Lebanon and to withdraw all its reinforcements; to condemn the Israeli aggression against Lebanon; to force Israel to implement resolution 425 (1978); to provide, in cooperation with the Secretary-General, a massive programme of assistance to Lebanon and its people; and to remain seized of the matter as long as the Israelis did not abide by the order of the Council to halt their aggression.²

The representative of Israel noted that, since 1 February 1996, 8 Israelis had been killed and 29 more wounded by Hizbullah Islamic fundamentalist terrorists, and during the previous weeks, 36 more Israeli civilians had been injured in several waves of Katyusha rocket attacks fired by Hizbullah into northern Israel. Tens of thousands were living in shelters or had left the northern part of the State of Israel. He stressed that the primary obligation of Israel

¹ S/1996/280.

² S/PV.3653 and Corr.1, pp. 2-5.

was to protect the security of all its citizens, and that as the Government of Lebanon did not have the ability, or the will, to control Hizbullah activities, Israel needed to defend the security of its north by all necessary measures. He reiterated that Israel had no territorial claim on Lebanon and had no intention of entering into battles with either the Syrian or the Lebanese armies. He observed that two trends were emerging in the Middle East: one that sought a peaceful resolution to the conflict, and another “inspired and supported by Iran, that [was] trying to kill the prospects for peace”. He noted that the stated goal of Hizbullah was not the removal of Israeli forces from southern Lebanon, but the destruction of Israel. He stressed that operations were being conducted solely against Hizbullah terrorist targets, but that Hizbullah positions were situated throughout Lebanon and were usually located in the midst of civilian population centres.³

The representative of France reaffirmed the right of all States in the region to live in security, and stated that his delegation understood the desire of Israel to keep its people safe from acts of violence. However, France deeply regretted that the ongoing military actions of the last few days had already led to the death of several dozen Lebanese civilians and forced hundreds of thousands of others to flee their homes in a mass exodus which endangered national reconstruction efforts. He stressed that France was convinced that the crisis could not be resolved by military means, and that only the implementation of resolution 425 (1978) could ensure respect for the security of the States of the region by re-establishing the complete sovereignty of Lebanon over its territory and thereby enabling the Government of Lebanon to participate fully in the maintenance of peace. He called on all parties concerned to demonstrate responsibility and restraint, and to order a ceasefire as soon as possible.⁴

The representative of Germany noted that, while self-defence was clearly legitimate, measures of self-defence could become illegal if they did not abide by the basic rule of law prescribing proportionality. He also maintained that measures of self-defence must not be directed against innocent civilians, a principle which was laid down in Article 33 of the Fourth Geneva Convention, to which both Israel and Lebanon

were parties. Any measure of self-defence needed to be proportionate not only in size, but also in direction. He stressed that, whereas all States were responsible for complying with resolution 425 (1978), the Government of Lebanon was responsible for doing all it could to prevent its territory from being used for attacks against persons protected by the four Geneva Conventions.⁵

The representative of China called on the Israeli side to immediately cease all military actions and urged all sides to exercise restraint, to settle their disputes through dialogue and consultation and to eschew force or the threat of force so as to safeguard peace and stability in the region.⁶

The representative of the Russian Federation expressed the belief that the military operations by Israel were an inappropriate reaction to the actions of extremists. He emphasized again the inadmissibility of the infringement of the territorial integrity and the violation of the sovereignty of Lebanon and stressed that it was necessary to halt immediately the military operations by Israel in Lebanon and the armed acts initiated from Lebanese territory against Israel. He also stressed that it was absolutely inadmissible that there be firing in the area where the United Nations Interim Force in Lebanon (UNIFIL) was deployed.⁷

The representative of Italy spoke on behalf of the European Union and associated countries.⁸ He stated that the European Union expressed its grave concern at the escalation of military activity in Israel and Lebanon and about the security of UNIFIL and called on all sides to ensure that its safety was not put at risk. While reaffirming its commitment to the implementation of resolution 425 (1978), the European Union called upon all parties to show the greatest moderation and to cease military activities.⁹

The representative of the United States observed that Hizbullah attacks into northern Israel had once again compelled the Government of Israel to take steps deemed necessary to protect its people from direct threats emanating from Lebanese territory. The violence by Hizbullah had not only damaged Israel and

³ Ibid., pp. 6-7.

⁴ Ibid., pp. 7-8.

⁵ Ibid., p. 9.

⁶ Ibid., pp. 9-10.

⁷ Ibid., p. 10.

⁸ Ibid., p. 12 (Bulgaria, Czech Republic, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Slovakia).

⁹ Ibid., p. 12-13.

the prospects for a Middle East peace, it had also undermined the safety of people in Lebanon and the legitimacy of the State of Lebanon. She maintained that those who allowed the militia of Hizbullah to act with impunity in Lebanon needed to bear responsibility for the consequences, which included not only abuses to the State of Lebanon from within, but actions of self-defence by Israel in response to Hizbullah violence. She noted that the United States was engaged in an intensive diplomatic effort to restore calm and establish a more stable situation in the area which would enhance the security and well-being of the civilian population of both southern Lebanon and northern Israel. Finally she reiterated that the United States remained committed to the sovereignty, independence, territorial integrity, and national unity of Lebanon.¹⁰

The representative of the United Kingdom condemned the continuing rocket and other attacks by Hizbullah on northern Israel and expressed deep concern at the loss of life among the civilians in Lebanon and the severe humanitarian problems in the face of attacks on population centers. He called upon all parties to move to restore peace and a measure of stability in southern Lebanon and reiterated that attacks directed at civilian targets needed to end and that the 1993 arrangement needed to be respected, or a more effective arrangement should be put in its place.¹¹

The representative of Egypt stated that any armed aggression against a neighbouring State, whatever the motive, constituted prohibited aggression. However, self-defence also had rules prescribed by the United Nations and contemporary international law. First, under Article 51 of the Charter, there had to have been an “actual armed attack”. While firing Katyusha rockets across borders was indeed a proscribed act which needed to cease, the armistice agreement between Lebanon and Israel continued officially to stand, and the mechanisms provided for in the armistice should have been invoked to deal with those events. Second, the situation needed to have been put to the Security Council. Third, self-defence by States was not “a blank cheque”, but an element of proportionality was involved: the scale, duration and objective of military activity needed to be

proportionate to the reason for such activity. He also noted that Egypt could not consider that Israel had been unable to invoke other means, such as the Security Council or other channels, to find the means to obtain security. He then quoted a former Secretary of State of the United States in saying that “the right of self-defence implied the instant and overwhelming necessity for self-defence, leaving no choice of means and no time for deliberation” and stressed that, lacking those conditions, the use of military force was considered an act of reprisal prohibited by international law.¹²

The representative of the Islamic Republic of Iran referred to the statement made by the representative of Israel, and rejected the “fabrications” about his country.¹³

The representative of Turkey stated that terrorism posed the greatest threat to security and stability in the Middle East. He further held that it had been the consistent position of his Government that the fight against terrorism was vitally important for the success of the peace process. However, Turkey also believed that it should not inflict any harm on innocent civilians. He informed the Council that the positions of Turkey regarding the fight against terrorism and its concerns for the safety of innocent civilians had once again been brought to the attention of Israel.¹⁴

A number of speakers stressed that the attacks by Israel were a clear violation of the principles of the sovereignty, territorial integrity and political independence of Lebanon, and a violation of the Charter of the United Nations, international law and relevant Security Council resolutions, particularly resolution 425 (1978). They called on the Council to intervene to put an end to the Israeli aggression against Lebanon.¹⁵ Several speakers appealed to the parties to cease the fighting immediately and to enter into

¹² Ibid., pp. 14-15.

¹³ Ibid., pp. 24-25.

¹⁴ Ibid., p. 28.

¹⁵ Ibid., pp. 8-9 (Indonesia); pp. 16-17 (United Arab Emirates); pp. 17-18 (Saudi Arabia); pp. 18-19 (Syrian Arab Republic); pp. 19-20 (Cuba); pp. 20-21 (Kuwait); pp. 21-22 (Libyan Arab Jamahiriya); p. 22 (Algeria); pp. 22-23 (Afghanistan); pp. 23-24 (Morocco); pp. 25-26 (Tunisia); pp. 26-27 (Malaysia); pp. 27-28 (Jordan); p. 28 (Colombia); and pp. 28-29 (Pakistan).

¹⁰ Ibid., pp. 12-13.

¹¹ Ibid., p. 13.

negotiations for a peaceful settlement on the basis of resolution 425 (1978).¹⁶

At its 3654th meeting, held on 18 April 1996 in accordance with the understanding reached in its prior consultations, the Security Council resumed consideration of the item. Following the adoption of the agenda, the President (Chile), with the consent of the Council, invited the representatives of Afghanistan, Algeria, Bahrain, Canada, Colombia, the Comoros, Cuba, Djibouti, the Islamic Republic of Iran, Iraq, Ireland, Israel, Japan, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Norway, Oman, Pakistan, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, Turkey, the United Arab Emirates and Yemen, at their request, to participate in the discussion without the right to vote.

The President then drew the attention of the Council to a draft resolution submitted by Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen,¹⁷ with the Comoros joining as a sponsor;¹⁸ and to a draft resolution submitted by France, Germany, Honduras, Italy, Poland, the Russian Federation, the United Kingdom and the United States.¹⁹ The President also drew the attention of the Council to a letter dated 17 April 1996 from the representative of Italy addressed to the President of the Security Council, transmitting the text of the declaration by the Presidency on behalf of the European Union on the situation in the Middle East;²⁰ and to a letter dated 17 April 1996, from the President of the United Arab Emirates to the United Nations addressed to the Secretary-General transmitting the text of resolution 5573 issued on 17 April 1996 by the Council of the League of Arab States.²¹

At the same meeting, the first draft resolution submitted by Algeria, Bahrain, Djibouti, Egypt, Iraq,

Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen was put to the vote.²² The resolution would have, inter alia, called upon Israel to immediately cease its military action against the Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory, considered that Lebanon was entitled to appropriate redress for the destruction it had suffered and held Israel responsible for adequate compensation for such destruction. The resolution received four votes in favour (China, Egypt, Guinea-Bissau, Indonesia), with 11 abstaining and was not adopted because it did not obtain the required majority.

At the same meeting, the draft resolution submitted by France, Germany, Honduras, Italy, Poland, the Russian Federation, the United Kingdom and the United States was also put to the vote and adopted unanimously as resolution 1052 (1996), which reads:

The Security Council,

Recalling all its previous relevant resolutions regarding the situation in Lebanon, including resolution 425 (1978) of 19 March 1978 by which it established the United Nations Interim Force in Lebanon,

Taking note of the letters dated 13 April 1996 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council,

Bearing in mind the debate which took place at its 3653rd meeting on 15 April 1996 on the situation in the Middle East,

Gravely concerned at the consequences which the ongoing fighting could have for the peace and security of the region and for the furthering of the peace process in the Middle East, and affirming its full support for that process,

Gravely concerned also at all attacks on civilian targets, including residential areas, and at the loss of life and suffering among civilians,

Stressing the need for all concerned to respect fully the rules of international humanitarian law with regard to the protection of civilians,

Gravely concerned at actions which seriously threaten the safety of the Force and impede the implementation of its mandate, and deploring in particular the incident on 18 April 1996 in which shelling resulted in heavy loss of life among civilians at a site of the Force,

¹⁶ Ibid., pp. 10-11 (Republic of Korea); pp. 11-12 (Botswana); pp. 13-14 (Poland); p. 15 (Guinea-Bissau); and pp. 15-16 (Chile).

¹⁷ S/1996/292.

¹⁸ S/PV.3654, p. 2.

¹⁹ S/1996/304.

²⁰ S/1996/299.

²¹ S/1996/295.

²² For the vote, see S/PV.3654, p. 4.

1. *Calls for* an immediate cessation of hostilities by all parties;
2. *Supports* the ongoing diplomatic efforts to this end;
3. *Reaffirms its commitment* to the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries and to the security of all States in the region, and calls upon all concerned fully to respect those principles;
4. *Calls upon* all concerned to respect the safety and security of civilians;
5. *Also calls upon* all concerned to respect the safety, security and freedom of movement of the United Nations Interim Force in Lebanon and to allow it to fulfil its mandate without any obstacle or interference;
6. *Calls upon* Member States to offer humanitarian assistance to alleviate the suffering of the population and to assist the Government of Lebanon in the reconstruction of the country, and requests the Secretary-General to ensure that the United Nations and its agencies play their part in meeting the humanitarian needs of the civilian population;
7. *Requests* the Secretary-General to keep the Council informed of developments on a continuing basis;
8. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of Egypt commented that the manner in which the Council had dealt with the matter since the Israeli aggression began had been marked with a negativism which would have unfortunate effects on the maintenance of international peace and security, particularly in the Middle East. He noted that differences in the positions of members of the Council had led to a delay in a favourable response being made to the request for an emergency meeting by Lebanon, which had enabled the aggressor to continue its aggression, flouting the principles of international law and of the Charter of the United Nations. He maintained that the draft resolution submitted by the Arab Group showed the severity and scale of the tragedy being experienced by the Lebanese people following the Israeli aggression. He stated that Egypt found it difficult to be convinced by the positions of those that had opposed it. He also noted that, while his country had supported it, resolution 1052 (1996) did not contain all of the principles which needed to apply with regard to the situation in Lebanon. The resolution did not clearly condemn Israel, and it did not deal with the question of the compensation to which Lebanon

was entitled for the loss of human life and the destruction of property.²³

The representative of Indonesia, speaking in regards to the two draft resolutions, stated that, while cognizant of the common threads between the resolution and the draft resolution, Indonesia recognized all too well the divergent elements which had proved to be irreconcilable. For his delegation, it was quite clear where the onus of responsibility rested for bringing the current hostilities to an immediate end. He reiterated that military action in Lebanon was a violation of resolutions 242 (1967), 338 (1973) and 425 (1978), and in total contradiction of the aims and objectives of the Madrid peace process.²⁴

The representative of China expressed his delegation's profound concern at the large-scale military offensive launched by Israel in the preceding days in southern Lebanon. He stressed his Government's belief that sovereignty, independence and territorial integrity within internationally recognized borders needed to be fully respected, and that the relevant Security Council resolutions, including resolution 425 (1978), needed to be implemented. He underlined that UNIFIL should not be obstructed in the implementation of its mandate. China called upon the international community, including the United Nations and its agencies, to provide immediate humanitarian assistance to the civilians of Lebanon. On the basis of those considerations, China had voted in favour of the two draft resolutions.²⁵

The representative of Germany stated that there needed to be a political solution on the basis of all relevant Security Council resolutions, including resolution 425 (1978), and that such a political solution, in the framework of the peace process, would best be helped by a decision of the Council that addressed the principal problems and, at the same time, commanded the widest support. That was why Germany had voted for resolution 1052 (1996) and had abstained in the vote on the other resolution.²⁶

The representative of Guinea-Bissau stressed that his country would support all peace initiatives and encouraged the initiatives being taken by certain

²³ S/PV.3654, pp. 3-4.

²⁴ Ibid., pp. 4-5.

²⁵ Ibid., pp. 5-6.

²⁶ Ibid., p. 6.

countries of the region, which his delegation hoped would take into account the relevant resolutions of the Security Council, including resolution 425 (1997). He deplored the recent incidents, expressed support for all those who had been affected by the military activities in the area and made an appeal to the international community to come to the aid of the victims of the war in Lebanon. For all those reasons, he stated that Guinea-Bissau had voted in favour of both of the draft resolutions in the hope that it would make a major contribution to the immediate cessation of hostilities and to the continuation of negotiations on a just and lasting peace in the region.²⁷

The representative of the Republic of Korea stated that there was a window of opportunity which members could have utilized to promote a consensus text. However, it seemed to his delegation that the opportunity had not been fully explored. It was for that reason that the Republic of Korea had decided to abstain in the vote on the draft resolution submitted by the Arab Group.²⁸

The representative of France expressed the hope that the unanimity of the Council would give full weight and backing to the resolution and enable it to produce results; namely the cessation of hostilities by all the parties.²⁹

The representative of the Russian Federation stated that what was happening in Lebanon was unacceptable, as the actions of Israel were undermining the sovereignty of the State of Lebanon, hurting the civilian population and damaging civilian targets. It was essential to demonstrate restraint. A peaceful solution was required that provided for the cessation of the military action against Lebanon while not allowing terrorist attacks against the territory of Israel. He noted that the Security Council had faced a difficult choice. A group of Arab countries had introduced a draft resolution that had not received the requisite number of votes. In principle, the Russian delegation agreed with most of the ideas reflected in the draft resolution. But at the same time, it did not give a full picture of the very complex situation. The resolution passed over in silence such important aspects as the need to provide guarantees for the security of all States in the region

and to not allow provocative military actions by extremists from the territory of Lebanon, which undermined the peace process and ran counter to the intensive diplomatic efforts under way. Therefore, the Russian Federation had abstained. He stated that the second draft resolution had been more balanced, although his country would have preferred it to be worded more clearly and precisely and some things could have been called by their names. However, he stressed that the main point was that it did reflect support for an unconditional ceasefire and for the efforts to achieve peace.³⁰

The representative of the United Kingdom stated that his Government remained deeply concerned about the situation as it affected both Lebanon and Israel and condemned the continuing rocket and other attacks on northern Israel, which had started the crisis. While the Government of the United Kingdom deeply deplored the loss of innocent civilian lives in Lebanon, he maintained that what needed to be done was to focus on the future and to do all that could be done to prevent further such tragedies; and what was needed was an immediate cessation of hostilities.³¹

The representative of the United States informed the Council that President Clinton had called upon all parties to agree to an immediate ceasefire, which had been welcomed by the Governments of Israel and Lebanon. She stated that, unfortunately, the draft resolution put before the Council by Lebanon and others had not been one that the United States could support. She maintained that there should be no doubt that the actions taken by Israel were in response to Hizbullah strikes launched from Lebanese territory against civilian centres in Israel. The draft resolution sponsored by Lebanon and others did not mention that. She stressed that singling out Israel for condemnation would have set back negotiations towards an end to the fighting.³²

The representative of Lebanon underscored that his country deplored that the Council had not acted swiftly to put an end to the Israeli aggression, and that the Arab draft resolution had not been adopted. He noted that the draft resolution had represented the firm and constant position of Lebanon and the Arab world

²⁷ Ibid., pp. 6-7.

²⁸ Ibid., pp. 7-8.

²⁹ Ibid., p. 9.

³⁰ Ibid., pp. 10-11.

³¹ Ibid., p. 11.

³² Ibid., pp. 11-12.

in particular. He recalled that the Council of the League of Arab States, at the level of Ministers for Foreign Affairs, had adopted unanimously the same text at the end of its special meeting, which had taken place in Cairo. He reaffirmed that the only way to end the violence in Lebanon was through the full implementation of resolution 425 (1978).³³

The representative of Israel expressed regret for the loss of life among innocent people. He maintained that the tragedy that had occurred was caused because Hizbullah had launched Katyusha rockets at Israel from locations a short distance away from the United Nations position where innocent civilians had taken shelter. He noted that Israel knew Hizbullah had been using civilians as a shield and that they were also doing so with units of UNIFIL, and not for the first time. He expressed regret that Israel had not heard a word of condemnation of those who had initiated hostilities from some of the members of the Security Council who had spoken. He noted that Israel had accepted the initiative by President William Jefferson Clinton to reach a ceasefire, to be implemented as soon as the other party agreed to implement it as well.³⁴

The representative of Norway demanded, as the most important contributor of troops to UNIFIL, that Hizbullah put a stop to its practice of establishing positions close to civilian or United Nations installations, and that the Israeli authorities take every necessary step to prevent shelling of United Nations and civilian targets.³⁵

A number of speakers stated that the military actions against Lebanon constituted a violation of its territorial integrity, sovereignty and political independence within its internationally recognized borders and were also a flagrant violation of the Charter of the United Nations, international law, relevant Security Council resolutions, in particular resolution 425 (1978), and the 1949 armistice agreement between Lebanon and Israel. They called for the hostilities to end immediately.³⁶ Other speakers called for a ceasefire and expressed concern about the

security, safety and freedom of movement of UNIFIL.³⁷

B. United Nations Interim Force in Lebanon and development in the Israel-Lebanon sector

Decision of 29 January 1996 (3622nd meeting): resolution 1039 (1996) and statement by the President

On 22 January 1996, pursuant to resolution 1006 (1995), the Secretary-General submitted to the Security Council a report covering developments in Lebanon since his last report.³⁸ In his report, the Secretary-General stated that during the past six months, hostilities had continued in southern Lebanon between the Israel Defence Forces (IDF) and the local Lebanese auxiliary of IDF, the de facto forces, on the one hand, and armed elements who had proclaimed their resistance against the Israeli occupation on the other. The United Nations Interim Force in Lebanon had continued its efforts to limit the conflict and to protect the inhabitants from the fighting. Israel had maintained its occupation of parts of southern Lebanon, and the mandate of UNIFIL, contained in resolution 425 (1978), had remained unfulfilled. However, during the past six months, incidents involving the targeting of civilians had decreased. Although there had been no progress towards the implementation of the mandate of UNIFIL, the contribution by UNIFIL to stability in the area and the protection it was able to afford the inhabitants remained important. He therefore recommended that the Council accept the request of the Government of Lebanon and extend the mandate of UNIFIL for another period of six months, until 31 July 1996.

At its 3622nd meeting, held on 29 January 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. The President (United Kingdom) then drew the attention of the Council to a letter dated 17 January 1996 from the representative of Lebanon addressed to the Secretary-

³³ Ibid., p. 13.

³⁴ Ibid., p. 14.

³⁵ Ibid., pp. 14-15.

³⁶ Ibid., p. 5 (Honduras); pp. 8-9 (Botswana); pp. 16-17 (Cuba); pp. 17-18 (United Arab Emirates); p. 18 (Pakistan); and p. 19 (Islamic Republic of Iran).

³⁷ Ibid., p. 7 (Poland); pp. 9-10 (Italy); pp. 12-13 (Chile); p. 15 (Canada); pp. 15-16 (Ireland); and p. 16 (Japan).

³⁸ S/1996/45.

General, requesting the Council to extend the mandate of UNIFIL, which would expire on 31 January 1996, for a further interim period of six months.³⁹

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁰ The draft resolution was then put to the vote and adopted unanimously as resolution 1039 (1996), which reads:

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 22 January 1996 on the United Nations Interim Force in Lebanon, and taking note of the observations expressed therein,

Taking note of the letter dated 17 January 1996 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is, until 31 July 1996;

2. *Reiterates its strong support* for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. *Condemns* all acts of violence committed in particular against the Force, and urges the parties to put an end to them;

6. *Welcomes* the streamlining of the Force described in paragraph 16 of the report of the Secretary-General of 22 January 1996, to be completed by May 1996, and stresses the need to continue efforts to achieve further savings by rationalizing the administrative and support services of the Force, provided they do not affect its operational capacity;

³⁹ S/1996/34.

⁴⁰ S/1996/58.

7. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report thereon to the Security Council.

At the same meeting the President made the following statement on behalf of the Council:⁴¹

The Security Council has noted with appreciation the report of the Secretary-General of 22 January 1996 on the United Nations Interim Force in Lebanon, submitted in conformity with resolution 1006 (1995) of 28 July 1995.

The Council reaffirms its commitment to the full sovereignty, independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, the Council asserts that all States shall refrain 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.

As the Council extends the mandate of the Force for a further interim period on the basis of resolution 425 (1978), it again stresses the urgent need for the implementation of that resolution in all its aspects. It reiterates its full support for the Taif Agreement of 22 October 1989 and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The Council commends the Lebanese Government for its successful effort to extend its authority in the south of the country in full coordination with the Force.

The Council expresses its concern over the continuing violence in southern Lebanon, regrets the loss of civilian life, and urges all parties to exercise restraint.

The Council takes this opportunity to express its appreciation for the continuing efforts of the Secretary-General and his staff in this regard and commends troops of the Force and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

**Decision of 30 July 1996 (3685th meeting):
resolution 1068 (1996) and statement by
the President**

On 20 July 1996, pursuant to resolution 1039 (1996), the Secretary-General submitted to the Council a report on developments in Lebanon since his last report.⁴² In his report, the Secretary-General observed that the past six months had been marked by the serious escalation of hostilities in April, of which the population of southern Lebanon had been the primary

⁴¹ S/PRST/1996/5.

⁴² S/1996/575.

victim, and that UNIFIL had also come under fire. The Force was in the same difficult and dangerous situation in which it had been since the Israeli forces had withdrawn to their current lines in 1985. In the circumstances, UNIFIL had done its best to limit violence and to protect the civilian population, which had become its de facto mandate. In that connection, he noted that the understanding announced on 26 April 1996 had the potential of contributing to the protection of civilians and restraining the parties. It was therefore to be hoped that it would soon be put into full effect. He had instructed UNIFIL to assist the monitoring group, which was currently being set up in accordance with the understanding. In view of the importance of the contributions of UNIFIL to stability and the measure of protection it was able to afford to the civilian population, the Secretary-General recommended that the Council extend the mandate for another period of six months, until 31 January 1997.

At its 3685th meeting, held on 30 July 1996 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (France) then drew the attention of the Council to a letter dated 18 July 1996 from the representative of Lebanon addressed to the Secretary-General, requesting that the Council extend the mandate of UNIFIL.⁴³

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁴ The draft resolution was then put to the vote and adopted unanimously as resolution 1068 (1996), which reads:

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 20 July 1996 on the United Nations Interim Force in Lebanon, and taking note of the observations expressed and the commitments mentioned therein,

Taking note of the letter dated 18 July 1996 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is, until 31 January 1997;

2. *Reiterates its strong support* for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. *Condemns* all acts of violence committed in particular against the Force, and urges the parties to put an end to them;

6. *Welcomes* the completion of the streamlining of the Force described in paragraph 33 of the report of the Secretary-General, and encourages further efficiency and savings provided they do not affect the operational capacity of the Force;

7. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

At the same meeting the President made the following statement on behalf of the Council:⁴⁵

The Security Council has noted with appreciation the report of the Secretary-General of 20 July 1996 on the United Nations Interim Force in Lebanon, submitted in conformity with resolution 1039 (1996) of 29 January 1996.

The Council reaffirms its commitment to the full sovereignty, political independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, the Council asserts that all States shall refrain 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.

As the Council extends the mandate of the Force for a further interim period on the basis of resolution 425 (1978), it again stresses the urgent need for the implementation of that resolution in all its aspects. It reiterates its full support for the Taif Agreement of 22 October 1989 and for the continued efforts

⁴³ S/1996/566.

⁴⁴ S/1996/599.

⁴⁵ S/PRST/1996/33.

of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The Council commends the Lebanese Government for its successful effort to extend its authority in the south of the country in full coordination with the Force.

The Council expresses its concern over the continuing violence in southern Lebanon, regrets the loss of civilian life, and urges all parties to exercise restraint.

The Council takes this opportunity to express its appreciation for the continuing efforts of the Secretary-General and his staff in this regard and commends troops of the Force and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

**Decision of 28 January 1997 (3733rd meeting):
resolution 1095 (1997) and statement by
the President**

On 20 January 1997, pursuant to resolution 1068 (1996), the Secretary-General submitted to the Security Council a report on developments since his last report.⁴⁶ In his report, the Secretary-General noted that, while the level of hostilities had been somewhat lower than in the past, the situation in southern Lebanon had continued to be tense and volatile, as Israel had maintained its occupation of parts of the area, while Lebanese groups had continued their attacks against the occupying forces. Although UNIFIL had continued to be prevented from implementing its mandate, its contribution to stability and the protection it was able to afford the population of the area remained important and the Secretary-General therefore recommended that the Council accede to the request of the Government of Lebanon and extend the mandate of UNIFIL for another period of six months, until 31 July 1997.

At its 3733rd meeting, held on 28 January 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. The President (Japan) then drew the attention of the Council to a letter dated 17 January 1997 from the representative of Lebanon addressed to the Secretary-General, requesting that the Council extend the mandate of UNIFIL for six months.⁴⁷

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁸ The draft resolution was then put to the vote and adopted unanimously as resolution 1095 (1997), which reads:

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 20 January 1997 on the United Nations Interim Force in Lebanon: and taking note of the observations expressed and the commitments mentioned therein,

Taking note of the letter dated 17 January 1997 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General;

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is, until 31 July 1997;

2. *Reiterates its strong support* for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978); and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Condemns* all acts of violence committed in particular against the Force, and urges the parties to put an end to them;

5. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

6. *Encourages* further efficiency and savings provided they do not affect the operational capacity of the Force;

7. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

⁴⁶ S/1997/42.

⁴⁷ S/1997/4.

⁴⁸ S/1997/79.

At the same meeting the President made the following statement on behalf of the Council:⁴⁹

The Security Council has noted with appreciation the report of the Secretary-General of 20 January 1997 on the United Nations Interim Force in Lebanon, submitted in conformity with resolution 1068 (1996) of 30 July 1996.

The Council reaffirms its commitment to the full sovereignty, political independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, the Council asserts that all States shall refrain 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.

As the Council extends the mandate of the Force for a further interim period on the basis of resolution 425 (1978), the Council again stresses the urgent need for the implementation of that resolution in all its aspects. It reiterates its full support for the Taif Agreement of 22 October 1989 and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The Council commends the Lebanese Government for its successful effort to extend its authority in the south of the country in full coordination with the Force.

The Council expresses its concern over the continuing violence in southern Lebanon, regrets the loss of civilian life, and urges all parties to exercise restraint.

The Council takes this opportunity to express its appreciation for the continuing efforts of the Secretary-General and his staff in this regard and commends troops of the Force and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

**Decision of 29 July 1997 (3804th meeting):
resolution 1122 (1998) and statement by
the President**

On 16 July 1997, pursuant to resolution 1095 (1997), the Secretary-General submitted to the Security Council a report on developments since his last report.⁵⁰ In his report, the Secretary-General observed that the level of hostilities in southern Lebanon had risen somewhat during the past six months and that civilians had again been targeted or put at risk. The situation had remained volatile and continued to give cause for serious concern. Although UNIFIL had continued to be prevented from implementing its mandate, its contribution to stability and the protection

it was able to afford the population of the area remained important and the Secretary-General therefore recommended that the Council accede to the request of the Government of Lebanon and extend the mandate of UNIFIL for another period of six months, until 31 January 1998.

At its 3804th meeting, held on 29 July 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. The President (Sweden) then drew the attention of the Council to a letter dated 10 July 1997 from the representative of Lebanon addressed to the Secretary-General, requesting that the Council extend the mandate of UNIFIL for six months.⁵¹

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁵² The draft resolution was then put to the vote and adopted unanimously as resolution 1122 (1997), which reads:

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 16 July 1997 on the United Nations Interim Force in Lebanon, and taking note of the observations expressed and the commitments mentioned therein,

Taking note of the letter dated 10 July 1997 from the Charge d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is, until 31 January 1998;

2. *Reiterates its strong support* for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the *terms* of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978);

⁴⁹ S/PRST/1997/1.

⁵⁰ S/1997/550 and Corr.1.

⁵¹ S/1997/534.

⁵² S/1997/575.

and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Condemns* all acts of violence committed in particular against the Force, and urges the parties to put an end to them;

5. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

6. *Encourages* further efficiency and savings provided they do not affect the operational capacity of the Force;

7. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

At the same meeting the President made the following statement on behalf of the Council:⁵³

The Security Council has noted with appreciation the report of the Secretary-General of 16 July 1997 on the United Nations Interim Force in Lebanon, submitted in conformity with resolution 1095 (1997) of 28 January 1997.

The Council reaffirms its commitment to the full sovereignty, political independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, the Council asserts that all States shall refrain 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.

As the Council extends the mandate of the Force for a further interim period on the basis of resolution 425 (1978), the Council again stresses the urgent need for the implementation of that resolution in all its aspects. It reiterates its full support for the Taif Agreement of 22 October 1989 and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The Council commends the Lebanese Government for its successful effort to extend its authority in the south of the country in full coordination with the Force.

The Council expresses its concern over the continuing violence in southern Lebanon, regrets the loss of civilian life, and urges all parties to exercise restraint.

The Council takes this opportunity to express its appreciation for the continuing efforts of the Secretary-General and his staff in this regard. The Council notes with deep concern the high level of casualties the Force has suffered and pays a special tribute to all those who gave their life while serving in the Force. It commends the troops of the Force and troop-contributing countries for their sacrifices and commitment to the

⁵³ S/PRST/1997/40.

cause of international peace and security under difficult circumstances.

**Decision of 30 January 1998 (3852nd meeting):
resolution 1151 (1998) and statement by
the President**

On 20 January 1998, pursuant to resolution 1122 (1997), the Secretary-General submitted to the Security Council a report on developments since his last report.⁵⁴ In his report, the Secretary-General observed that during the past six months, the situation in southern Lebanon remained volatile and had continued to give cause for serious concern. The level of hostilities had risen, and the increase in the number of civilians who had been killed or injured was particularly worrisome. He also expressed concern at the harassment of United Nations personnel. However, he noted that Israel had expressed its readiness to implement resolution 425 (1978), subject to a number of conditions. Although UNIFIL had continued to be prevented from implementing its mandate, its contribution to stability and the protection it was able to afford the population of the area remained important and the Secretary-General therefore recommended that the Council accede to the request of the Government of Lebanon and extend the mandate of UNIFIL for another period of six months, until 31 January 1998.

At its 3852nd meeting, held on 30 January 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (France) drew the attention of the Council to a letter dated 6 January 1998 from the representative of Lebanon addressed to the Secretary-General, requesting that the Council extend the mandate of UNIFIL for a further period of six months.⁵⁵

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁵⁶ The draft resolution was then put to the vote and adopted unanimously as resolution 1151 (1998), which reads:

⁵⁴ S/1998/53.

⁵⁵ S/1998/7.

⁵⁶ S/1998/80.

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 20 January 1998 on the United Nations Interim Force in Lebanon, and taking note of the observations expressed and the commitments mentioned therein,

Taking note of the letter dated 6 January 1998 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is until 31 July 1998;

2. *Reiterates its strong support* for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Condemns* all acts of violence committed in particular against the Force, and urges the parties to put an end to them;

5. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

6. *Encourages* further efficiency and savings provided they do not affect the operational capacity of the Force;

7. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

At the same meeting the President made the following statement on behalf of the Council:⁵⁷

The Security Council has noted with appreciation the report of the Secretary-General of 20 January 1998 on the United Nations Interim Force in Lebanon, submitted in conformity with resolution 1122 (1997) of 29 July 1997.

The Council reaffirms its commitment to the full sovereignty, political independence, territorial integrity and national unity of Lebanon within its internationally recognized

boundaries. In this context, the Council asserts that all States shall refrain 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.

As the Council extends the mandate of the Force for a further interim period on the basis of resolution 425 (1978), it again stresses the urgent need for the implementation of that resolution in all its aspects. It reiterates its full support for the Taif Agreement of 22 October 1989 and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The Council commends the Lebanese Government for its successful effort to extend its authority in the south of the country in full coordination with the Force.

The Council expresses its concern over the continuing violence in southern Lebanon, regrets the loss of civilian life, and urges all parties to exercise restraint.

The Council takes this opportunity to express its appreciation for the continuing efforts of the Secretary-General and his staff in this regard. The Council notes with deep concern the high level of casualties the Force has suffered and pays a special tribute to all those who gave their lives while serving in the Force. It commends the troops of the Force and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

**Decision of 30 July 1998 (3913th meeting):
resolution 1188 (1998) and statement by
the President**

On 16 July 1998, pursuant to resolution 1151 (1998), the Secretary-General submitted to the Security Council a report on developments since his last report.⁵⁸ In his report, the Secretary-General observed that fighting in southern Lebanon had continued and civilians had again been put at risk, although the number of those who had been killed had decreased. The Force had continued its efforts to limit the conflict and to protect the inhabitants from the fighting. Although UNIFIL had continued to be prevented from implementing its mandate, its contribution to stability and the protection it was able to afford the population of the area remained important and the Secretary-General therefore recommended that the Council accede to the request of the Government of Lebanon and extend the mandate of UNIFIL for another period of six months, until 31 January 1999.

⁵⁷ S/PRST/1998/2.

⁵⁸ S/1998/652.

At its 3913th meeting, held on 30 July 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Russian Federation) drew the attention of the Council to a letter dated 26 June 1998 from the representative of Lebanon addressed to the Secretary-General, requesting that the Council extend the mandate of UNIFIL for a further period of six months.⁵⁹

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁶⁰ The draft resolution was then put to the vote and adopted unanimously as resolution 1188 (1998), which reads:

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 16 July 1998 on the United Nations Interim Force in Lebanon, and taking note of the observations expressed and the commitments mentioned therein,

Taking note of the letter dated 26 June 1998 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is, until 31 January 1999;

2. *Reiterates its strong support* for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Condemns* all acts of violence committed in particular against the Force, and urges the parties to put an end to them;

5. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

6. *Encourages* further efficiency and savings provided they do not affect the operational capacity of the Force;

7. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

At the same meeting the President made the following statement on behalf of the Council:⁶¹

The Security Council has noted with appreciation the report of the Secretary-General of 16 July 1998 on the United Nations Interim Force in Lebanon, submitted in conformity with resolution 1151 (1998) of 30 January 1998.

The Council reaffirms its commitment to the full sovereignty, political independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, the Council asserts that all States shall refrain 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.

As the Council extends the mandate of the Force for a further interim period on the basis of resolution 425 (1978), it again stresses the urgent need for the implementation of that resolution in all its aspects. It reiterates its full support for the Taif Agreement of 22 October 1989 and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The Council commends the Lebanese Government for its successful effort to extend its authority in the south of the country in full coordination with the Force.

The Council expresses its concern over the continuing violence in southern Lebanon, regrets the loss of civilian life, and urges all parties to exercise restraint.

The Council takes this opportunity to express its appreciation for the continuing efforts of the Secretary-General and his staff in this regard. The Council notes with deep concern the high level of casualties the Force has suffered and pays a special tribute to all those who gave their life while serving in the Force. It commends the troops of the Force and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

⁶¹ S/PRST/1998/23.

⁵⁹ S/1998/584.

⁶⁰ S/1998/682.

Decision of 28 January 1999 (3970th meeting): resolution 1223 (1999) and statement by the President

On 19 January 1999, pursuant to resolution 1188 (1998), the Secretary-General submitted to the Security Council a report on developments since his last report.⁶² In his report, the Secretary-General observed that fighting in southern Lebanon continued at an increased pace. Although UNIFIL had continued to be prevented from implementing its mandate, its contribution to stability and the protection it was able to afford the population of the area remained important and the Secretary-General therefore recommended that the Council accede to the request of the Government of Lebanon and extend the mandate of UNIFIL for another period of six months, until 13 July 1999.

At its 3970th meeting, held on 28 January 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Brazil) drew the attention of the Council to a letter dated 8 January 1999 from the representative of Lebanon addressed to the Secretary-General, requesting that the Council extend the mandate of UNIFIL for a further period of six months.⁶³

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁶⁴ The draft resolution was then put to the vote and adopted unanimously as resolution 1223 (1999), which reads:

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 19 January 1999 on the United Nations Interim Force in Lebanon, and taking note of the observations expressed and the commitments mentioned therein,

Taking note of the letter dated 8 January 1999 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is, until 31 July 1999;

2. *Reiterates its strong support* for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Condemns* all acts of violence committed in particular against the Force, and urges the parties to put an end to them;

5. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

6. *Encourages* further efficiency and savings provided they do not affect the operational capacity of the Force;

7. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

At the same meeting the President made the following statement on behalf of the Council:⁶⁵

The Security Council has noted with appreciation the report of the Secretary-General of 19 January 1999 on the United Nations Interim Force in Lebanon, submitted in conformity with resolution 1188 (1998) of 30 July 1998.

The Council reaffirms its commitment to the full sovereignty, political independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, the Council asserts that all States shall refrain 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.

As the Council extends the mandate of the Force for a further interim period on the basis of resolution 425 (1978), it again stresses the urgent need for the implementation of that resolution in all its aspects. It reiterates its full support for the Taif Agreement of 22 October 1989 and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the

⁶² S/1999/61.

⁶³ S/1999/22.

⁶⁴ S/1999/75.

⁶⁵ S/PRST/1999/4.

reconstruction process. The Council commends the Lebanese Government for its successful effort to extend its authority in the south of the country in full coordination with the Force.

The Council expresses its concern over the continuing violence in southern Lebanon, regrets the loss of civilian life and urges all parties to exercise restraint.

The Council takes this opportunity to express its appreciation for the continuing efforts of the Secretary-General and his staff in this regard. The Council notes with deep concern the high level of casualties the Force has suffered and pays a special tribute to all those who gave their lives while serving in the Force. It commends the troops of the Force and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

**Decision of 30 July 1999 (4028th meeting):
resolution 1254 (1999) and statement by
the President**

On 21 July 1999, pursuant to resolution 1223 (1999), the Secretary-General submitted to the Council a report on developments since his last report.⁶⁶ In his report, the Secretary-General observed that the situation in the area remained volatile and continued to give cause for serious concern. The level of hostilities had risen and civilians had again been targeted. Although UNIFIL had done its best to limit the violence and to protect the civilian population, its ability to do so was dependent on the parties, who had too often not honoured their commitments in that regard. He stressed that the fact that UNIFIL itself had been targeted and a member of UNIFIL killed and others injured needed to be strongly condemned. However, he noted that, despite the recent escalation of hostilities, there had been positive signs. In June, Jezzín once again came under the full control of the Government of Lebanon, and there had been new hope that the same would become possible soon for the part of Lebanon that was still under Israeli control. Although UNIFIL had continued to be prevented from implementing its mandate, its contribution to stability and the protection it was able to afford the population of the area remained important and the Secretary-General therefore recommended that the Council accede to the request of the Government of Lebanon and extend the mandate of UNIFIL for another period of six months, until 31 January 2000.

⁶⁶ S/1999/807.

At its 4028th meeting, held on 30 July 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Malaysia) drew the attention of the Council to a letter dated 25 June 1999 from the representative of Lebanon addressed to the Secretary-General, requesting that the Council extend the mandate of UNIFIL for a further period of six months.⁶⁷

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁶⁸ The draft resolution was then put to the vote and adopted unanimously as resolution 1254 (1999), which reads:

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 21 July 1999 on the United Nations Interim Force in Lebanon, and taking note of the observations expressed and the commitments mentioned therein,

Taking note of the letter dated 25 June 1999 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is, until 31 January 2000;

2. *Reiterates its strong support* for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Condemns* all acts of violence committed in particular against the Force, and urges the parties to put an end to them;

⁶⁷ S/1999/720.

⁶⁸ S/1999/826.

5. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

6. *Encourages* further efficiency and savings provided they do not affect the operational capacity of the Force;

7. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

At the same meeting, the President made the following statement on behalf of the Council:⁶⁹

The Security Council has noted with appreciation the report of the Secretary-General of 21 July 1999 on the United Nations Interim Force in Lebanon, submitted in conformity with resolution 1223 (1999) of 28 January 1999.

The Council reaffirms its commitment to the full sovereignty, political independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, the Council asserts that all States shall refrain 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.

As the Council extends the mandate of the Force for a further interim period on the basis of resolution 425 (1978), it again stresses the urgent need for the implementation of that resolution in all its aspects. It reiterates its full support for the Taif Agreement of 22 October 1989 and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The Council commends the Lebanese Government for its successful effort to extend its authority in the south of the country in full coordination with the Force.

The Council expresses its concern over the continuing violence in southern Lebanon, regrets the loss of civilian life, and urges all parties to exercise restraint.

The Council takes this opportunity to express its appreciation for the continuing efforts of the Secretary-General and his staff in this regard. The Council notes with deep concern the high level of casualties the Force has suffered and pays a special tribute to all those who gave their lives while serving in the Force. It commends the troops of the Force and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

⁶⁹ S/PRST/1999/24.

C. United Nations Disengagement Observer Force

Decision of 30 May 1996 (3669th meeting): resolution 1057 (1996) and statement by the President

On 23 May 1996, pursuant to resolution 1024 (1995), the Secretary-General submitted to the Security Council a report on the activities of the United Nations Disengagement Observer Force (UNDOF).⁷⁰ In his report, the Secretary-General stated that the ceasefire in the Israel-Syria sector had been maintained without serious incident and that the area of operation of UNDOF had remained calm. UNDOF had supervised the area of separation to ensure that no military forces had been deployed in it. Despite the current quiet in the Israel-Syria 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. In the prevailing circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential. He therefore recommended that the Council extend the mandate of UNDOF for a further period of six months, until 30 November 1996. He noted that the Governments of the Syrian Arab Republic and Israel had expressed their agreement.

At its 3669th meeting, held on 30 May 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. The President (China) then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁷¹ The draft resolution was put to the vote and adopted unanimously as resolution 1057 (1996), which reads:

The Security Council,

Having considered the report of the Secretary-General of 23 May 1996 on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;

⁷⁰ S/1996/368.

⁷¹ S/1996/363.

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1996;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement resolution 338 (1973).

At the same meeting, in connection with the resolution adopted, the President made the following statement on behalf of the Council:⁷²

As is known, the report of the Secretary-General of 23 May 1996 on the United Nations Disengagement Observer Force states, in paragraph 14: "Despite the present quiet in the Israel-Syria sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

Decision of 27 November 1996 (3715th meeting): resolution 1081 (1996)

On 18 November 1996, pursuant to resolution 1057 (1996), the Secretary-General submitted to the Security Council a report on the activities of UNDOF.⁷³ In his report, the Secretary-General stated that the situation in the Israeli-Syrian sector had remained quiet and that there had been no serious incidents. However, in the prevailing circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential and therefore recommended that the Council extend the mandate of UNDOF for a further period of six months, until 31 May 1997. He noted that the Governments of the Syrian Arab Republic and Israel had expressed their agreement.

At its 3715th meeting, held on 27 November 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. The President (Indonesia) then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁷⁴ The draft resolution was put to the vote and adopted unanimously as resolution 1081 (1996), which reads:

The Security Council,

⁷² S/PRST/1996/27.

⁷³ S/1996/959 and Corr.1.

⁷⁴ S/1996/975.

Having considered the report of the Secretary-General of 18 November 1996 on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1997;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement resolution 338 (1973).

At the same meeting, in connection with the resolution adopted, the President made the following statement on behalf of the Council:⁷⁵

As is known, the report of the Secretary-General of 18 November 1996 on the United Nations Disengagement Observer Force states, in paragraph 13: "Despite the present quiet in the Israel-Syria sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

Decision of 28 May 1997 (3782nd meeting): resolution 1109 (1997) and statement by the President

On 16 May 1997, pursuant to resolution 1081 (1996), the Secretary-General submitted to the Security Council a report on the activities of UNDOF.⁷⁶ In his report, the Secretary-General stated that the situation in the Israeli-Syrian sector had remained quiet and that there had been no serious incident. However, in the prevailing circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential. He therefore recommended that the Council extend the mandate of UNDOF for a further period of six months, until 30 November 1997. He noted that the Governments of the Syrian Arab Republic and Israel had expressed their agreement.

At its 3782nd meeting, held on 28 May 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. The President (Republic of Korea) then drew the attention of the

⁷⁵ S/PRST/1996/45.

⁷⁶ S/1997/372.

Council to a draft resolution prepared in the course of the Council's prior consultations.⁷⁷ The draft resolution was put to the vote and adopted unanimously as resolution 1109 (1997), which reads:

The Security Council,

Having considered the report of the Secretary-General of 16 May 1997 on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1997;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement resolution 338 (1973).

At the same meeting, in connection with the resolution adopted, the President made the following statement on behalf of the Council:⁷⁸

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 13: "Despite the present quiet in the Israeli-Syrian sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

Decision of 21 November 1997 (3835th meeting): resolution 1139 (1997) and statement by the President

On 14 November 1997, pursuant to resolution 1109 (1997), the Secretary-General submitted to the Security Council a report on the activities of UNDOF.⁷⁹ In his report, the Secretary-General stated that the situation in the Israeli-Syrian sector had remained quiet and that there had been no serious incident. However, in the prevailing circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential. He therefore recommended that the Council extend the mandate of UNDOF for a further period of six months, until

⁷⁷ S/1997/396.

⁷⁸ S/PRST/1997/30.

⁷⁹ S/1997/884.

31 May 1998. He noted that the Governments of the Syrian Arab Republic and Israel had expressed their agreement.

At its 3835th meeting, held on 21 November 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. The President (China) then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁸⁰ The draft resolution was put to the vote and adopted unanimously as resolution 1139 (1997), which reads:

The Security Council,

Having considered the report of the Secretary-General of 14 November 1997 on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1998;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement resolution 338 (1973).

At the same meeting, in connection with the resolution adopted, the President made the following statement on behalf of the Council:⁸¹

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 9: "Despite the present quiet in the Israeli-Syrian sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

Decision of 27 May 1998 (3885th meeting): resolution 1169 (1998) and statement by the President

On 14 May 1998, pursuant to resolution 1139 (1997), the Secretary-General submitted to the Security

⁸⁰ S/1997/904.

⁸¹ S/PRST/1997/53.

Council a report on the activities of UNDOF.⁸² In his report, the Secretary-General stated that the situation in the Israeli-Syrian sector had remained quiet and that there had been no serious incident. However, in the prevailing circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential. He therefore recommended that the Council extend the mandate of UNDOF for a further period of six months, until 30 November 1998. He noted that the Governments of the Syrian Arab Republic and Israel had expressed their agreement.

At its 3885th meeting, held on 27 May 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. The President (Kenya) then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁸³ The draft resolution was put to the vote and adopted unanimously as resolution 1169 (1998), which reads:

The Security Council,

Having considered the report of the Secretary-General of 14 May 1998 on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1998;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement resolution 338 (1973).

At the same meeting, in connection with the resolution adopted, the President made the following statement on behalf of the Council:⁸⁴

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 10: "Despite the present quiet in the Israeli-Syrian sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle

East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

Decision of 25 November 1998 (3947th meeting): resolution 1211 (1998) and statement by the President

On 14 November 1998, pursuant to resolution 1169 (1998), the Secretary-General submitted to the Council a report on the activities of UNDOF.⁸⁵ In his report, the Secretary-General stated that the situation in the Israeli-Syrian sector had remained quiet and that there had been no serious incident. However, in the prevailing circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential. He therefore recommended that the Council extend the mandate of UNDOF for a further period of six months, until 31 May 1999. He noted that the Governments of the Syrian Arab Republic and Israel had expressed their agreement.

At its 3947th meeting, held on 25 November 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. The President (United States) then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁸⁶ The draft resolution was put to the vote and adopted unanimously as resolution 1211 (1998), which reads:

The Security Council,

Having considered the report of the Secretary-General of 14 November 1998 on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1999;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement resolution 338 (1973).

⁸² S/1998/391.

⁸³ S/1998/422.

⁸⁴ S/PRST/1998/15.

⁸⁵ S/1998/1073.

⁸⁶ S/1998/1115.

At the same meeting, in connection with the resolution adopted, the President made the following statement on behalf of the Council:⁸⁷

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 8: "Despite the present quiet in the Israeli-Syrian sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

**Decision of 27 May 1999 (4009th meeting):
resolution 1243 (1999) and statement by
the President**

On 18 May 1999, pursuant to resolution 1211 (1998), the Secretary-General submitted to the Security Council a report on the activities of UNDOF.⁸⁸ In his report, the Secretary-General stated that the situation in the Israeli-Syrian sector had remained quiet and that there had been no serious incident. However, in the prevailing circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential. He therefore recommended that the Council extend the mandate of UNDOF for a further period of six months, until 30 November 1999. He noted that the Governments of the Syrian Arab Republic and Israel had expressed their agreement.

At its 4009th meeting, held on 27 May 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. The President (Gabon) then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁸⁹ The draft resolution was put to the vote and adopted unanimously as resolution 1243 (1999), which reads:

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force of 18 May 1999,

Decides:

⁸⁷ S/PRST/1998/33.

⁸⁸ S/1999/575.

⁸⁹ S/1996/609.

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1999;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement resolution 338 (1973).

At the same meeting, in connection with the resolution adopted, the President made the following statement on behalf of the Council:⁹⁰

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 11: "Despite the present quiet in the Israeli-Syrian sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

**Decision of 24 November 1999 (4071st meeting):
resolution 1276 (1999) and statement by
the President**

On 15 November 1999, pursuant to resolution 1243 (1999), the Secretary-General submitted to the Security Council a report on the activities of UNDOF.⁹¹ In his report, the Secretary-General stated that the situation in the Israeli-Syrian sector had remained quiet and that there had been no serious incident. However, in the prevailing circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential. He therefore recommended that the Council extend the mandate of UNDOF for a further period of six months, until 31 May 2000. He noted that the Governments of the Syrian Arab Republic and Israel had expressed their agreement.

At its 4071st meeting, held on 24 November 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. The President (Slovenia) then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁹² The draft resolution

⁹⁰ S/PRST/1999/15.

⁹¹ S/1999/1175.

⁹² S/1999/1189.

was put to the vote and adopted unanimously as resolution 1276 (1999), which reads:

The Security Council,

Having considered the report of the Secretary-General of 15 November 1999 on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 2000;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement resolution 338 (1973).

At the same meeting, in connection with the resolution adopted, the President made the following statement on behalf of the Council:⁹³

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 10: "Despite the present quiet in the Israeli-Syrian sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

⁹³ S/PRST/1999/33.

31. The situation in the occupied Arab territories

Deliberations of 15 April 1996 (3652nd meeting)

By a letter dated 10 April 1996 addressed to the President of the Security Council, the representative of the United Arab Emirates requested the Council to meet to consider the serious situation in the Occupied Palestinian Territory, including Jerusalem.¹

At its 3652nd meeting, held on 15 April 1996 in response to that request, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (Chile), with the consent of the Council, invited the representatives of Algeria, Colombia, Cuba, the Islamic Republic of Iran, Israel, Japan, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Morocco, Norway, Pakistan, Saudi Arabia, Senegal, the Syrian Arab Republic, Tunisia, Turkey, the United Arab Emirates and Yemen, and the Permanent Observer of Palestine, at their request, to participate in the discussion without the right to vote. The President also invited the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Permanent Observer of the Organization of the Islamic Conference under rule 39 of its provisional rules of procedure.

The President then drew the attention of the Council to a letter dated 2 April 1996 from the

Permanent Observer of Palestine addressed to the Secretary-General.² In his letter, the representative informed the Council that Israel had been taking very harsh measures against the Palestinian people in the occupied Palestinian territory, including Jerusalem. The measures included the demolition of homes, the confiscation of land and expansion of settlements and severe restrictions on the movement of persons and goods within the Palestinian territory, as well as into and out of the territory.

The representative of Palestine stated that the Palestinian people in the occupied Palestinian territory, including Jerusalem, had been enduring a very difficult time due to a set of policies adopted by Israel in several fields. Speaking on the first field, he elaborated on the points in the above letter. He stressed that it was clear that the policy represented "a siege of the Palestinian territory and the strangulation of the Palestinian people and their economy". In addition, the measures had been taken by Israel unilaterally, without consultation with the Palestinian side, and they were illegally imposed by military means. The second field involved a set of Israeli measures with multiple aspects, which began with the resumption by the occupying Power of the practice of demolishing Palestinian homes and its threats to revert to deportation, and included political assassinations and

¹ S/1996/257.

² S/1996/235.

the continued confiscation of Palestinian land. The third field concerned the non-compliance of Israel with some relevant provisions of the agreements reached between the Israeli and Palestinian sides, including the failure of Israel to implement the redeployment of its forces from the city of Hebron. He condemned all the policies and measures on the basis that some of them violated the provisions of the Fourth Geneva Convention as well as agreements reached between the Government of Israel and the Palestine Liberation Organization, and constituted a violation of the spirit of peace. He stated that his delegation had hoped that the Council would express an official position concerning the issue discussed; nevertheless, the convening of the official meeting today was a clear indication of the serious concern of the international community with regard to the existing situation and the negative impact it had on the peace process.³

The representative of Israel stated that during February and March, terrorists from the West Bank and Gaza had perpetrated four separate suicide bombings within Israel and, as a direct result, the Government of Israel had imposed a closure of Israel to residents of the West Bank and the Gaza Strip. He noted that the rationale behind the closure was to restore a sense of security to the Israeli people by preventing armed terrorists from infiltrating Israel. He stressed that the closure was not a form of collective punishment against the Palestinian population but was a measure enacted solely to ensure security. Stating that Israel was aware of the toll that the closure had taken on the residents of the West Bank and Gaza, he explained that the Government of Israel had undertaken measures to gradually ease the closure. He noted that following the elections in the Palestinian Authority, it was the belief of Israel that it was the responsibility of the Authority to root out terrorists. He also noted that the terrorists were supported by several foreign Governments. Finally, he maintained that Israel would continue to work towards enhancing the peace process and towards implementing the agreement which had been reached with the Palestinians.⁴

The representative of China maintained that the national interests of the Palestinian people needed to be respected and safeguarded, and expressed the hope that

the Government of Israel, on the basis of the overall interests of peace in the Middle East, would lift the closure as soon as possible. Noting that terrorism was a threat to international peace and security, he stated that in opposing terrorist acts as in dealing with other international problems, it was necessary to observe the norms of international relations and international law and not to violate the sovereignty, security or fundamental interests of other countries.⁵

The representative of the United States expressed regret that the discussion of closure of the West Bank and the Gaza Strip by Israel was taking place, as such a discussion could not help the peace process. He stated that the Council needed to be focusing their efforts on seeking ways to combat those who would destroy the peace process and prevent Arabs and Israelis from achieving further progress. He stressed that the United States regretted the economic hardship and suffering of Palestinians caused by the recent Hamas terrorist attacks and the measures Israel had taken to deal with the threat, and called on the international community to do all it could to alleviate those economic hardships. He maintained that the sole objective of the Council needed to be to aid and support efforts to restore momentum to the process of implementation of the agreements.⁶

The representative of the Russian Federation expressed alarm at the situation which prevailed in the autonomous Palestinian territory as a result of actions by the Israeli authorities. He stated that the dangerous turn of events threatened the further development of the peace process. He noted that experience indicated that the problems in the way of a peace settlement could not be resolved through unilateral actions which affected the most sensitive aspects of the Arab-Israeli conflict. He also stressed that the Russian Federation condemned acts of terrorism perpetrated in Israel by extremist groups.⁷

The representative of France stated that his country understood the anguish of the Israeli authorities and their firm determination to ensure the safety of the population and to reassure it after the trauma of recent months. However, it was essential that the scope and duration of the measures taken did not

³ S/PV.3652, pp. 2-6.

⁴ Ibid., pp. 6-7.

⁵ Ibid., p. 11.

⁶ Ibid., pp. 11-12.

⁷ Ibid., pp. 12-13.

penalize the Palestinians to such an extent that their confidence in rapprochement and peace might be shattered for some time to come. He also noted that some of the measures imposed by the Government of Israel disregarded the spirit and at times the letter of the Interim Agreement of 28 September 1995. The representative reiterated the conviction of France that a just and lasting peace guaranteeing the security of Israel and the sovereignty of Lebanon needed to involve the implementation of resolution 425 (1978) and that in the interim all acts of violence and retaliation needed to cease.⁸

The representative of the United Kingdom stated his country's agreement with the representative of Israel that the origin of the current setback to the situation in the West Bank and Gaza lay in the attacks carried out by Hamas terrorists in Jerusalem. He noted that the United Kingdom had always recognized and supported the right to and need for security of Israel, which had been recognized by the Council in resolution 242 (1967). While Israel had the right to protect itself, he maintained that security and economic stability in Gaza and the West Bank were two sides of the same coin. He welcomed the measures which the Government of Israel had taken, and expressed hope that those could be further amplified, particularly in respect of permitting workers to enter Israel and of easing the export and transit of goods.⁹

The representative of Italy, on behalf of the European Union and associated countries¹⁰ stated that in condemning the terrorist acts in Israel, the European Union acknowledged the need to assure the safety of the Israeli population and to prevent further terrorist acts. The European Union also recognized the hardship imposed on the Palestinian population as a result of the closure by Israel, for security reasons, of all land and sea borders with Gaza and the West Bank. The closure of the borders, which needed to be completely ended, was threatening the interdependent work of the reconstruction assistance and causing suffering through lack of food supplies to the Palestinian population. The European Union called on Israel to allow humanitarian assistance and materials for the internationally

financed reconstruction programmes to go through and to cease the imposition of collective punishment.¹¹

The representative of Lebanon reiterated that Israeli forces had been engaging in collective punishment against Palestinian inhabitants inside the occupied Palestinian territories and were also continuing to blockade the entire Lebanese coast and to bombard coastal roads. He stressed that such policies were in flagrant violation of human rights, international law and the Charter of the United Nations.¹²

The Permanent Observer of the Organization of the Islamic Conference (OIC) stated that, while OIC wanted to continue to encourage and support the peace process, that could not be accomplished without a visible change of attitudes and practices. OIC wanted to see the implementation of United Nations resolutions, particularly resolutions 242 (1967), 338 (1973) and 425 (1978), and the withdrawal of Israel from all the Palestinian and Arab territories, including Al-Quds al-Sharif, the occupied Lebanese territories and the occupied Syrian Golan, and an immediate halt to the Israeli military actions in Lebanon.¹³

A number of speakers made statements which, while condemning terrorism, stated that the Israeli measures constituted a collective punishment. They called on the Council to bring pressure to bear on the Government of Israel and on the Israelis to immediately end the measures and to abide by the commitments it had made. Several speakers noted that the measures violated the Fourth Geneva Convention and the agreements between Israel and the Palestinians.¹⁴ A number of speakers also called on Israel to cease its military actions in Lebanon.¹⁵ In

⁸ Ibid., p. 13.

⁹ Ibid., pp. 14-15.

¹⁰ Ibid., pp. 16-17 (Bulgaria, Czech Republic, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Slovakia).

¹¹ Ibid., p. 16.

¹² Ibid., pp. 22-23.

¹³ S/PV.3652 (Resumption 1), pp. 4-6.

¹⁴ S/PV.3652, pp. 7-9 (Egypt); pp. 9-10 (Botswana); pp. 15-16 (Honduras); pp. 17-18 (Indonesia); and pp. 21-22 (Kuwait); S/PV.3652 (Resumption 1): pp. 2-3 (Malaysia); p. 3 (Syrian Arab Republic); pp. 3-4 (Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People); pp. 6-7 (Saudi Arabia); p. 7 (Turkey); pp. 7-8 (Jordan); pp. 9-10 (Libyan Arab Jamahiriya); pp. 10-11 (Tunisia); pp. 12-13 (Colombia); pp. 13-14 (Cuba); pp. 14-16 (Pakistan); p. 16 (Algeria); pp. 16-17 (Yemen); and pp. 19-20 (Senegal).

¹⁵ S/PV.3652, pp. 19-20.

addition, the United Arab Emirates asked the Council to call on the Government of Israel to accede to the Treaty on the Non-Proliferation of Nuclear Weapons in a way that was in consonance with the peace process.

Other speakers expressed grave concern at the situation and, while condemning terrorism, stressed that the socio-economic problems resulting from the Israeli measures needed to be resolved as soon as possible. They called on both parties to implement the international commitments they had entered into.¹⁶

Decision of 28 September 1996 (3698th meeting): resolution 1073 (1996)

By a letter dated 26 September 1996 addressed to the President of the Security Council,¹⁷ the representative of Saudi Arabia, in his capacity as Chairman of the Arab Group, conveyed the position of the Group with regard to the action taken by the Government of Israel in opening an entrance to the tunnel extending under the Western Wall of the Al-Aqsa Mosque in occupied East Jerusalem; and to the shooting by Israeli Army forces of civilian Palestinian demonstrations protesting against that action, resulting in hundreds of dead and wounded. The Arab Group strongly condemned the Israeli action as a flagrant violation of the Fourth Geneva Convention and of the relevant Security Council resolutions and as being incompatible with the agreements concluded by the Palestine Liberation Organization and the Government of Israel. He requested the Council to meet its responsibilities with regard to the maintenance of peace and security by convening an immediate meeting and taking the necessary measures, including the closing of the tunnel, to address the situation and put an end to the Israeli violations.

By a letter dated 26 September 1996 addressed to the President of the Council,¹⁸ the representative of Egypt supported that request and called for the immediate convening of the Council.

At its 3698th meeting, held on 27 and 28 September 1996 in response to the requests

contained in the above-mentioned letters, the Security Council included the letters in its agenda. Following the adoption of the agenda, the President (Guinea-Bissau), with the consent of the Council, invited the representatives of Algeria, Canada, Djibouti, Ireland, Israel, Japan, Kuwait, Lebanon, Malaysia, Morocco, Norway, Pakistan, Senegal, Tunisia and Turkey, at their request, to participate in the discussion without the right to vote. The President also invited the Head of the Observer Delegation of Palestine to participate in the debate in accordance with the provisional rules of procedure and with previous practice in that regard.

The President then drew the attention of the Council to the following documents: letters dated 23, 24, 25 and 26 September 1996 from the Permanent Observer of Palestine addressed to the Secretary-General;¹⁹ a letter dated 26 September 1996 from the representative of Israel addressed to the Secretary-General;²⁰ and a letter dated 26 September 1996 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General.²¹

The representative of Palestine stated that for the previous three days, the Palestinian people in the occupied Palestinian territories had been assaulted by the Israeli army and police forces. He suggested that it seemed that the developments had been planned in advance with the aim of undermining the achievements of the political process. Following the declaration of its political programmes, the Government of Israel had taken many provocative actions, including the resumption of settlement activities and the building of thousands of housing units, and had confiscated more Palestinian land. It had also closed down a number of educational and cultural institutions, and had isolated the city of Jerusalem from other Palestinian territories and restricted housing development in Arab neighbourhoods. He stated that the political programme of the Government of Israel was based on a number of negative positions, including no return to

¹⁶ *Ibid.*, pp. 10-11 (Republic of Korea); pp. 13-14 (Germany); pp. 16-17 (Poland); p. 17 (Guinea-Bissau); pp. 18-19 (Chile); and pp. 23-24 (Norway); S/PV.3652 (Resumption 1); pp. 17-18 (Morocco).

¹⁷ S/1996/790.

¹⁸ S/1996/792.

¹⁹ Letters regarding the deteriorating situation in the occupied Palestinian territories (S/1996/772, S/1996/779, S/1996/786 and S/1996/791).

²⁰ Letter offering an explanation for the restoration of the Western Wall tunnel, which neither traversed nor affected the Al-Aqsa Mosque (S/1996/793).

²¹ Letter expressing concern over the escalation of violence (S/1996/795).

the 4 June 1967 border; no withdrawal from the Syrian Golan; no discussion of Jerusalem; and no establishment of an independent Palestinian State. As a result of that political programme, as soon as Israel had announced the opening of the tunnel in Jerusalem, the spark of conflagration had been touched off. He also reiterated and emphasized the commitment of the Palestinian Authority to the underpinning of the peace process, which called for the withdrawal of Israel from all occupied territories, including Jerusalem, under the resolution adopted by the Council and in keeping with the principle that rejected the acquisition by force of the territories of others.²²

The representative of Israel stated that, while the official reason for convening the meeting of the Security Council was the opening of the Western Wall tunnel, that was merely a pretence. The Western Wall tunnel was a 2,500-year-old tunnel which, in ancient times, had been used as a water system. He emphasized that the tunnel held no political or religious significance whatsoever and that it did not run beneath the Temple Mount, nor did it in any way affect the Al-Aqsa Mosque or its foundations. The sole intention in opening the exit of the tunnel was to provide greater comfort and safety to the many local visitors, tourists and pilgrims who came to the Holy City to marvel at its wonders. He also noted that the supreme Muslim religious authority in Jerusalem, the Waqf, had been informed in advance of the intention to open the tunnel to tourists and visitors. He stressed that the President of the Palestinian Authority needed to exert the authority vested in him to exercise his restraining influence and issue clear and unequivocal instructions to his forces, which were subject to his authority, and to the residents of the autonomous areas to refrain from violence lest there be any further deterioration. Regarding the closure of the autonomous areas, he noted that Israel had taken steps to ease the closure and also to assist and ease the economic hardship in the autonomous areas. He reiterated that the place for resolving differences was the negotiating table, and, for that, order, stability and security needed to be restored.²³

The representative of Egypt stated that his delegation condemned the changes made by Israel in

Jerusalem, as well as its incitation action and the challenges it had issued. He underscored that the matter went beyond the recent events, as what his country saw was Israel moving away from the basic points that had been agreed. He reiterated the decision of the Cairo summit that the peace option was a strategic Arab option, which would require a serious commitment by Israel. He argued that Arab countries would not accept a threat to peace or a threat to the legitimate national rights of the Palestinians. He stressed that the Council needed to assume its obligations and responsibilities in maintaining peace and security, and send a strong message to the Government of Israel that policies of violence against civilians, of provoking religious sentiment, of relinquishing contractual obligations and of political prevarication would not lead to a positive outcome.²⁴

The representative of the United Kingdom stated that urgent action was needed to deal both with the immediate problem and with the underlying deterioration in the peace process. He suggested that what was required was, first, a moratorium on the opening up of the tunnel to tourism; second, a meeting between the two leaders at which agreement could be reached on immediate steps to cease the fighting; third, the earliest possible engagement to bring about the implementation of outstanding issues under the Interim Agreement; and fourth, an agreement to an international commission to work out ways of dealing with the sensitive questions that arose in Jerusalem on archaeological matters.²⁵

The representative of France noted that his country had been warning the Israeli authorities about growing frustrations in the Palestinian territories, and had insisted on the urgency of concrete measures that would allow for an improvement in the daily lives of the Palestinians. He commented that the opening of a tunnel was less serious than many of the measures taken, which had directly affected the lives of Palestinians, but the latest step, taken in a highly symbolic place, showed, if not deliberate provocation, then at least a serious psychological error. He stated that France was concerned that an important provision of the agreements concluded between the Palestinian Authority and the Government of Israel had been

²² S/PV.3698, pp. 2-5.

²³ *Ibid.*, pp. 6-7.

²⁴ *Ibid.*, pp. 8-9.

²⁵ *Ibid.*, pp. 9-10.

deliberately violated, and noted the fact that the Israeli Army had entered parts of Zone A, which was under Palestinian control, contrary to the letter and spirit of the Taba Agreement.²⁶

The representative of the Russian Federation stated that it would appear that the situation was a direct result not only of reckless activity in respect of the delicate issue of religious sentiment, but also of the fact that over the past four months the peace process in the Middle East had come to a virtual standstill and that Israel had even begun to draw back from agreements it had entered into. He strongly urged all the interested parties to show maximum restraint and to avoid action that might lead to a further deterioration of the situation.²⁷

The representative of the United States stressed that the focus needed to be on how to stop the violence, in order to restore the peace process. He stated that the first objective was to restore calm, and that the second objective was to accelerate the negotiating process, which was the way to resolve key outstanding issues for implementation of the Interim Agreement. He stressed that tangible results needed to be seen, and that to be effective, both sides needed to reach out to each other as real partners. Noting that the United States was working intensively with both sides, he stated that the Council needed to focus on how to help, how to restore calm, how to encourage the peace process and how to make and consolidate real gains.²⁸

A number of speakers called on both parties to do everything possible to calm the situation and resume dialogue in the framework of respect for existing agreements and for the beliefs of the populations concerned.²⁹ Other speakers condemned the opening of the tunnel and called on Israel to close the tunnel and return it to its initial state before the crisis. Those speakers further called for the cessation of all acts

detrimental to the safety and well-being of the Palestinian people, and for negotiations to resume on the basis of previous agreements.³⁰

During the course of the debate, the meeting was suspended at 1:04 p.m. and resumed at 5 p.m. It was then suspended at 9:40 p.m. on 27 September 1996 and resumed at 9:35 p.m., on 28 September 1996. Following the second resumption, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³¹ The draft resolution was put to the vote and adopted by 14 votes to none, with one abstention (United States), as resolution 1073 (1996),³² which reads:

The Security Council,

Having considered the letter dated 26 September 1996 from the representative of Saudi Arabia, on behalf of the States members of the Group of Arab States, which referred to the action by the Government of Israel to open an entrance to a tunnel in the vicinity of Al Aqsa Mosque and its consequent results,

Expressing its deep concern about the tragic events in Jerusalem and the areas of Nablus, Ramallah, Bethlehem and the Gaza Strip, which resulted in a high number of deaths and injuries among the Palestinian civilians, and concerned also about the clashes between the Israeli army and the Palestinian police and the casualties on both sides,

Recalling its resolutions on Jerusalem and other relevant Security Council resolutions,

Having discussed the situation at its formal meeting on 27 September 1996, with the participation of Ministers for Foreign Affairs of a number of countries,

²⁶ Ibid., pp. 10-11.

²⁷ Ibid., pp. 11-12.

²⁸ S/PV.3698 (Resumption 1) and Corr.1, p. 4.

²⁹ Ibid., pp. 13-14 (Chile); pp. 14-15 (Germany); and p. 15 (Poland); S/PV.3698 (Resumption 1): pp. 2-3 (Italy); pp. 3-4 (China); pp. 4-5 (Republic of Korea); pp. 5-6 (Botswana); pp. 6-7 (Guinea-Bissau); pp. 10-11 (Senegal); pp. 13-14 (Canada); pp. 23-24 (Argentina); pp. 25-26 (Turkey); p. 26 (Norway); pp. 26-27 (Japan); pp. 28-29 (Ireland); pp. 37-38 (India); p. 38 (Costa Rica); and pp. 38-39 (Brazil).

³⁰ S/PV.3698, pp. 12-13 (Indonesia) and pp. 15-16 (Honduras); S/PV.3698 (Resumption 1): pp. 7-8 (Algeria); pp. 8-9 (Kuwait); pp. 9-10 (Malaysia); pp. 11-13 (Tunisia); p. 14 (Yemen); pp. 15-16 (Jordan); pp. 16-17 (Syrian Arab Republic); pp. 17-18 (Morocco); pp. 18-19 (Libyan Arab Jamahiriya); p. 20 (Sudan); p. 21 (Oman); pp. 21-22 (Bahrain); pp. 22-23 (Islamic Republic of Iran); p. 24 (United Arab Emirates); p. 24 (Mauritania); pp. 27-28 (Pakistan); pp. 29-30 (Saudi Arabia); p. 31 (Djibouti); pp. 32-33 (Lebanon); pp. 33-34 (Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People); pp. 34-35 (Organization of the Islamic Conference); and pp. 36-37 (Cuba).

³¹ S/1996/803.

³² For the vote, see S/PV.3698 (Resumption 2), p. 2.

Concerned about the difficulties facing the Middle East peace process and the deterioration of the situation, including its impact on the living conditions of the Palestinian people, and urging the parties to fulfil their obligations, including the agreements already reached,

Concerned about developments at the Holy Places of Jerusalem,

1. *Calls* for the immediate cessation and reversal of all acts which have resulted in the aggravation of the situation and which have negative implications for the Middle East peace process;

2. *Calls* for the safety and protection of Palestinian civilians to be ensured;

3. *Calls* for the immediate resumption of negotiations within the Middle East peace process on its agreed basis and the timely implementation of the agreements reached;

4. *Decides* to follow closely the situation and to remain seized of the matter.

**Decision of 7 March 1997 (3747th meeting):
rejection of a draft resolution**

At the 3745th meeting of the Security Council, held on 5 March 1997 at the request of Egypt under rule 2 of the provisional rules of procedure, the President (Poland), with the consent of the Council, invited the representatives of Afghanistan, Algeria, Argentina, Bahrain, Bangladesh, Brazil, Canada, Colombia, Cuba, Indonesia, the Islamic Republic of Iran, Israel, Jordan, Kuwait, Lebanon, Malaysia, Malta, Morocco, the Netherlands, Norway, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, Turkey, the United Arab Emirates and Yemen, at their request, to participate in the discussion without the right to vote. The President also invited the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Permanent Observer of the Organization of the Islamic Conference to participate, under rule 39 of the provisional rules of procedure.

The President then drew the attention of the Council to the following documents regarding, inter alia, the plans for a new settlement in East Jerusalem: letters dated 21 and 25 February 1997, respectively, from the Permanent Observer of Palestine addressed to the President;³³ a letter dated 27 February 1997 from the Permanent Observer of Palestine addressed to the

³³ S/1997/149 and S/1997/157.

President;³⁴ a letter dated 28 February 1997 from the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the President;³⁵ a letter dated 3 March 1997 from the representative of Qatar addressed to the President;³⁶ a letter dated 3 March 1997 from the representative of Israel addressed to the Secretary-General;³⁷ a letter dated 28 February 1997 from the representative of the Netherlands addressed to the Secretary-General;³⁸ and identical letters dated 3 March 1997 from the representative of Indonesia addressed to the Secretary-General and to the President of the Security Council.³⁹

The representative of Palestine informed the Council that the Government of Israel had decided to build a new settlement in the area of Jabal Abu Ghneim in the occupied Palestinian territories. That area was situated within the territory that Israel had annexed and considered part of the extended municipal boundaries of the city of Jerusalem. He maintained that the decision was illegal and in blatant violation of international humanitarian law and the relevant Council resolutions. Moreover, the decision would isolate areas of Arab Jerusalem from the southern part of the West Bank in pursuit of a long-standing Israeli plan to build settlements around those Arab neighbourhoods and completely isolate them from the rest of the West Bank, thus creating new facts on the ground. He stated that that Israeli measure followed a series of others regarding Jerusalem that constituted a clear policy aimed at the “Judaization” of the city of Jerusalem and at changing its legal status and its demographic composition. All of those actions represented flagrant violations of several Council resolutions on the question of Jerusalem. He stressed that the relevant resolutions, including resolutions 252 (1968), 271 (1969), 478 (1980) and 672 (1990), clearly affirmed that any actions or measures taken by Israel to alter the legal status and the demographic composition

³⁴ S/1997/165.

³⁵ S/1997/172.

³⁶ S/1997/175.

³⁷ S/1997/177.

³⁸ Letter transmitting the text of the statement by the Presidency on behalf of the European Union on the decision of the Government of Israel to approve construction plans for Har Homa/Jabal Abu Ghneim (S/1997/181).

³⁹ S/1997/182.

of the city were null and void and had no legal validity. The international community had categorically rejected the positions of Israel on Jerusalem and had always affirmed that East Jerusalem was part of the territories occupied since 1967. Furthermore, it had never recognized Israeli sovereignty over West Jerusalem. He called on Israel to cease construction on the settlement in Jabal Abu Ghneim and cease all settlement activities and confiscation of land, as well as any action that would change the facts on the ground. He also called on the Council to take the necessary action by adopting a clear resolution in order to guarantee respect for its relevant resolutions and for international law and to save the peace process.⁴⁰

The representative of Israel noted that Jerusalem had been the capital of the State of Israel since its rebirth in 1948 and the seat of Jewish Government since King David established it as the centre of Jewish national life some 3,000 years ago. He stated that Jerusalem, like any other modern city, had specific needs, such as development and modernization, and that municipal services needed to be extended to all its citizens. On 26 February 1997, the Government of Israel had unanimously approved construction in Har Homa and in 10 predominantly Arab neighbourhoods throughout Jerusalem. The project was an essential part of a comprehensive municipal plan to construct new housing units for the city's Jewish and Arab residents in a ratio comparable to that of the Jewish and Arab populations of the city. The purpose of the project was to alleviate the shortage of housing for both Jewish and Arab residents of Jerusalem. He noted that it was regrettable that some speakers had failed to differentiate between the issue of Jerusalem and its neighbourhoods and the issue of settlements in the West Bank and the Gaza Strip, and reiterated that both of those issues were to be negotiated separately within the context of the permanent status negotiations. He expressed regret that the Council saw fit to discuss issues of contention between Israel and the Palestinians, as the very appeal by the Palestine Liberation Organization (PLO) to the Council was inconsistent with its explicit agreement to settle all issues under dispute through negotiations. He noted that in agreeing that the issue of Jerusalem was to be part of the permanent status negotiations, the parties had recognized Jerusalem as a separate issue which did

not constitute a part of the agreed arrangement for redeployment and transfer of authorities in the West Bank and the Gaza Strip. He stressed that the status of the city remained unchanged so long as no decision to the contrary was taken in the permanent status negotiations. Therefore, the approval of building plans within Jerusalem, or the implementation of any construction work did not constitute a change in the status of Jerusalem, nor did it create a situation which could adversely affect or influence the permanent status negotiations. In any event, the existing agreements did not accord the Palestinians any standing with regard to any actions taken in Jerusalem, and Israel was under no obligation to coordinate such actions or consult with them.⁴¹

Several speakers stressed that the building of new settlements in East Jerusalem posed a danger to the peace process and was a violation of international law and the agreements with the Palestinian Authority. East Jerusalem was part of the territories occupied in 1967, which meant that it was governed by the Hague Rules of 1907 and the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, which made it necessary for the occupying Power not to undertake any change in the lands. Many speakers noted that the Council had adopted several resolutions calling on Israel to respect its obligations as an occupying Power, including 252 (1968), 271 (1969), 476 (1980) and 672 (1990). Resolution 478 (1980) also specifically stated that all legislative and administrative measures which altered, or purported to alter, the character and status of Jerusalem were null and void. Several speakers stressed that the decision also ran counter to the letter and the spirit of the Declaration of Principles on the Interim Self-Government Arrangements as well as the Interim Agreement on the West Bank and the Gaza Strip, among others. They called on the Government of Israel to cancel its decision to build settlements at Jabal Abu Ghneim and to adopt measures to accelerate the peace process as a whole.⁴²

⁴¹ Ibid., pp. 5-7.

⁴² Ibid., pp. 7-8 (Egypt); p. 12 (Sweden); pp. 12-13 (Republic of Korea); pp. 13-14 (Chile); pp. 17-18 (Guinea-Bissau); pp. 19-20 (Poland); pp. 20-21 (Norway); pp. 21-22 (Lebanon); pp. 23-24 (Yemen); and pp. 24-25 (Senegal); S/PV.3745 (Resumption 1): pp. 2-3 (Algeria); pp. 3-4 (United Arab Emirates); pp. 4-5

⁴⁰ S/PV.3745, pp. 2-5.

Other speakers expressed concern about any threats to the ongoing negotiations and urged the parties to exercise restraint and to continue to negotiate on all outstanding issues, including the permanent status of Jerusalem.⁴³

The representative of France expressed the view that the decision by the Government of Israel to authorize the establishment of a new settlement at Jabal Abu Ghneim was not a step in the right direction and ran counter to international law and to guarantees that had been given. The parties had agreed to negotiate the status of Jerusalem in the context of the peace process, and negotiations could not accommodate unilateral decisions or decisions which prejudged the outcome of the discussions or altered the status quo. Until the parties came to an agreement, East Jerusalem remained subject to the principles set out in resolution 242 (1967).⁴⁴

The representative of the United Kingdom reiterated his delegation's position on settlements, which was that all Israeli settlements in occupied territory were illegal under Article 49 of the Fourth Geneva Convention, including those in East Jerusalem, and that settlement activity damaged the peace process. He suggested that if the Government of Israel showed signs that it was willing to change its hard-line stance, the United Kingdom would be willing to consider a delay to any reaction by the Council.⁴⁵

The representative of China stated that the move was bound to place serious obstacles in the way of the

(Tunisia); pp. 5-6 (Kuwait); pp. 6-7 (Indonesia); pp. 7-10 (Syrian Arab Republic); pp. 10-11 (Saudi Arabia); pp. 11-12 (Jordan); p. 13 (Bangladesh); pp. 13-14 (Islamic Republic of Iran); pp. 14-16 (Afghanistan); pp. 16-17 (Malaysia); pp. 17-18 (Bahrain); pp. 18-19 (Pakistan); pp. 19-20 (Netherlands on behalf of the European Union and associated countries: Bulgaria, Cyprus, Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia); pp. 20-21 (Oman); and pp. 21-22 (Canada); S/PV.3745 (Resumption 2): pp. 2-3 (Morocco); pp. 3-4 (Cuba); p. 4 (Sudan); pp. 4-6 (Qatar); p. 6 (Argentina); pp. 7-8 (Organization of the Islamic Conference); pp. 8-9 (Colombia); pp. 9-10 (Philippines); and p. 10 (Malta).

⁴³ S/PV.3745, pp. 15-16 (Japan); p. 16 (Kenya); pp. 16-17 (Costa Rica); and p. 21 (Turkey); and S/PV.3745 (Resumption 2): pp. 6-7 (Brazil).

⁴⁴ S/PV.3745, pp. 8-9.

⁴⁵ *Ibid.*, pp. 9-10.

Palestinian-Israeli peace process and urged Israel to call off its plan to build the settlements. He stated that the question of Jerusalem needed to be settled by the parties concerned through negotiations on the basis of the relevant United Nations resolutions.⁴⁶

The representative of the Russian Federation stated that the steps taken by Israel ran counter to the Palestinian-Israeli agreement and that such unilateral actions, designed to change the demographic composition of East Jerusalem in favour of the Israeli population, perpetuated the policy of *fait accompli* with respect to Jerusalem and obviated a negotiated search for compromise on the problem of Jerusalem. He expressed hope that the Government of Israel would ponder all the consequences of the decision and reconsider it.⁴⁷

The representative of the United States stated that the announced decision of the Government of Israel on the proposed Har Homa settlement in East Jerusalem did not accord with the progress the parties had achieved to date. The United States was concerned by the decision announced by the Government of Israel. He underscored that his Government knew the sensitivity of the issue of Jerusalem, and that it was precisely because mutual confidence was needed to deal with the permanent status questions that his country would have preferred the decision not have been taken. He stressed that all parties needed to do everything possible to foster a supportive environment for permanent status negotiations, and be especially sensitive to any actual or implied interference in those negotiations. He stressed that such interference could only provoke mistrust and harden the positions of both sides, and that the Council had a special responsibility in that regard.⁴⁸

At its 3747th meeting, held on 7 March 1997 in accordance with the understanding reached in its prior consultations and in accordance with the decisions taken at the 3745th meeting, the President (Poland) invited the representative of Israel and the Permanent Observer of Palestine, and the representatives of Afghanistan, Algeria, Argentina, Bahrain, Bangladesh, Brazil, Canada, Colombia, Cuba, Indonesia, the Islamic Republic of Iran, Jordan, Kuwait, Lebanon,

⁴⁶ *Ibid.*, p. 11.

⁴⁷ *Ibid.*, pp. 11-12.

⁴⁸ *Ibid.*, p. 19.

Malaysia, Malta, Morocco, the Netherlands, Norway, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, Turkey, the United Arab Emirates and Yemen, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Portugal, Sweden and the United Kingdom.⁴⁹

The representative of Costa Rica stated that his delegation had lent its support to the draft text submitted by the countries of the European Union, on the understanding that the text's contents would accurately reflect what had been expressed in the formal debate. His delegation had felt that in that regard there had been no inconsistencies between the European text and what had been stated by the members of the Council, and that the substance of the consensus could be expressed accurately and with a single voice by the Council. The important point would have been to preserve the unity of that message in the content of the text, whether it was a resolution or a presidential statement. He stated that unfortunately the negotiation process had taken a different path and that the necessary consensus had not been reached. However, faced with a "de facto situation" that they truly did not want and that in their opinion was not the ideal one, the Government of Costa Rica had decided to vote with the majority in support of the draft resolution.⁵⁰

The representative of Egypt stated that the draft resolution faithfully reflected the sentiments of grave concern over the expansion of Israeli settlement activity and the recent decision by the Government of Israel on Jabal Abu Ghneim, expressed by many delegations in the previous Council meetings. Second, the feelings conveyed were overwhelmingly opposed to the Israeli position and underlined the fundamental international principle of the inadmissibility of the acquisition of land by force and reiterated the position that the settlement activity was in contravention of the legal commitments entered into by Israel with the Palestinian Authority.⁵¹

At the same meeting, the draft resolution was put to the vote. Under the preambular part of the draft

resolution, the Council would, inter alia, have confirmed that all legislative and administrative measures and actions taken by Israel which purported to alter the status of Jerusalem, including expropriation of land and properties thereon, were invalid and could not change its status. Under the operative part of the resolution, the Council would have called on Israel to refrain from acts that altered the facts on the ground, and to abide by the Fourth Geneva Convention; and would have called on both parties to continue negotiations. The resolution received 14 votes in favour and 1 against (United States) and was not adopted, owing to the negative vote of a permanent member of the Council.⁵²

The representative of the United States stated that the decision of the Government of Israel ran counter to the progress and achievement of the parties to date, and that the United States did not believe that such activity was helpful to the peace process and wished the decision had not been made. He stressed that the Israeli action undermined the trust and confidence so badly needed in creating the appropriate environment for successful negotiations. Achieving a just, lasting and comprehensive peace in the Middle East would require an honest negotiating process, one in which the parties did nothing to pre-empt, prejudice or predetermine talks over any of the issues the parties themselves had decided would be addressed in permanent status negotiations. Unfortunately, the draft resolution would not have helped that process. He noted that the United States had never believed, despite the useful role the Council could play and had played in working for Middle East peace, that it was an appropriate forum for debating the issues under negotiation between the parties. Furthermore, the draft resolution made sweeping statements concerning the legal status of Israeli settlements, which the parties themselves had agreed was to be treated as a permanent-status issue in the talks that were about to resume. He suggested that the Council needed to reiterate its support for the achievements of the partners to date and respect their commitment to working together towards their common goal without the interference of outside parties. As the resolution would not move them

⁵² For the vote, see S/PV.3747, p. 4.

⁴⁹ S/1997/199.

⁵⁰ S/PV.3747, pp. 2-3.

⁵¹ *Ibid.*, p. 3.

towards that goal, the United States had been obliged to vote against it.⁵³

The representative of Palestine maintained that the central importance of Jerusalem and the grave danger posed by the Israeli decision required the Palestinians and Arabs to insist that the Council adopt a clear draft resolution on the question. However, despite the moderation and flexible timing of the text and his delegation's response to and accommodation of certain requirements, the Council had been unable to assume its responsibilities for the maintenance of international peace and security or to adopt the draft resolution. He expressed the belief that this would complicate the peace process and would not help advance it. He also expressed the belief that the Council remained responsible for international peace and security, including in the Middle East region, and that the United Nations would have an ongoing responsibility regarding the question of Palestine until it was resolved in all its aspects.⁵⁴

The representative of Israel expressed the hope that, as the Council had decided not to take any action regarding the decision of the Government of Israel to begin construction in Har Homa and in 10 predominantly Arab neighbourhoods throughout Jerusalem, the sponsors of the draft resolution would recognize that the Council was not the appropriate forum for discussions of outstanding issues between Israel and the Palestinians. He reiterated that the adoption of unbalanced positions by outside parties could only damage the process.⁵⁵

**Decision of 21 March 1997 (3756th meeting):
rejection of a draft resolution**

By a letter dated 19 March 1997 addressed to the President of the Security Council,⁵⁶ the representative of Qatar, in his capacity as Chairman of the Arab Group for the month of March 1997 and on behalf of the members of the League of Arab States, requested that an immediate meeting of the Council be convened to consider the commencement by Israel, "the occupying Power", of the construction of a new settlement in the Jabal Abu Ghneim area to the south of occupied East Jerusalem as well as

Israeli settlement activities in general in the rest of the occupied territories.

At its 3756th meeting, held on 21 March 1997 in response to that request, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (Poland), with the consent of the Council, invited the representatives of Israel and Qatar, at their request, to participate in the discussion without the right to vote. The President also invited the Permanent Observer of Palestine to participate in the current debate in accordance with the rules of procedure and with previous practice in that regard. The President then drew the attention of the Council to a draft resolution submitted by Egypt and Qatar.⁵⁷ The President also drew the attention of the Council to a letter dated 18 March 1997 from the Permanent Observer of Palestine addressed to the Secretary-General.⁵⁸

The representative of Egypt stated that the draft resolution prepared by all the Arab States and sponsored by Egypt and Qatar called on Israel to cease using settlements as an instrument for imposing a fait accompli, which had been rejected in both form and substance. The decision to begin building settlements needed to be overturned because it ran counter to the norms of international law and to the obligations as an occupying Power, in accordance with the Fourth Geneva Convention, as well as to relevant United Nations resolutions. He stated that the silence of the Council and its failure to take up its duties would send an erroneous message likely to encourage the current Government of Israel to continue to violate international law and to disdain its contractual obligations.⁵⁹

The representative of Costa Rica reaffirmed all the reasons that had led Costa Rica to vote, on 7 March, in favour of the previous draft resolution on the subject of the building of settlements in East Jerusalem. He reiterated that the decision by the Government of Israel ran counter to international law and did serious damage to the desire for peace and faithful compliance with the Oslo agreements. However, Costa Rica had insistently maintained that

⁵³ S/PV.3747, pp. 4-5.

⁵⁴ *Ibid.*, pp. 5-6.

⁵⁵ *Ibid.*, p. 6.

⁵⁶ S/1997/235.

⁵⁷ S/1997/241.

⁵⁸ Letter informing the Secretary-General that Israel had begun work on the construction of a new settlement in the Jabal Abu Ghneim area to the south of East Jerusalem (S/1997/233).

⁵⁹ S/PV.3756, pp. 2-3.

there needed to be unity in the Council, whether it was expressed as a resolution or as a presidential statement, in order for the message to reach the Middle East clearly and unequivocally. Unfortunately, for the second time, the Council found itself lacking the necessary conditions of unity. As a result, he informed the Council that he had received instructions from his Government to abstain in the voting on the draft resolution.⁶⁰

The representative of the United States noted that, while his Government shared the concerns expressed in the Council and the General Assembly about the decision of the Government of Israel to begin construction at the site, his delegation disagreed on the best method of addressing the situation and favoured moving beyond the current controversy in a way that would support the Middle East peace process. The United States did not believe that the Council or the General Assembly should be in the business of inserting themselves into issues that the negotiating partners had decided would be addressed in their permanent status talks, as such interference could only harden the positions of both sides and make their work even more difficult.⁶¹

A number of speakers expressed their concern at the situation and calling on the Government of Israel to cease the settlement activities. They also condemned terrorism and the bombing attack that had occurred that day.⁶²

At the same meeting, the draft resolution was put to the vote. By the draft resolution, the Council would, *inter alia*, have demanded that Israel immediately cease construction of the Jabal Abu Ghneim settlement in East Jerusalem, as well as all other Israeli settlement activities in the occupied territories. The draft resolution received 13 votes in favour and 1 against (United States), with 1 abstention (Costa Rica) and was not adopted, owing to the negative vote of a permanent member of the Council.⁶³

Speaking after the vote, the Permanent Observer of Palestine stated that it was difficult to accept that the veto had been cast to protect the peace process. It was

also difficult to accept that the bilateral negotiations were the only solution, at a time when one of the two parties was imposing new facts on the ground. The reality was that the veto had been cast to shield Israel from the will of the international community and to exempt Israel from the provisions of international law and of the Charter of the United Nations. Using the veto as a matter of “principle”, regardless of the text of the draft resolution submitted, seemed to elevate to an official position the suspension of the functions and powers of the Council with regard to Israel and the situation in the Middle East. He expressed the belief that the use of the veto had seriously violated the provisions of the Charter and was definitely not in the interests of the Council and its credibility, or in the interests of the peace process and its continuity. The existence of bilateral agreements between the parties on the nature of the interim stage, as well as the postponement of negotiations on important second-stage issues, did not negate the provisions of international law or those of resolutions of the Council.⁶⁴

The representative of Israel noted that on a day when three Israeli women had been murdered by Palestinian terrorists and many more wounded, 13 members of the Security Council had “raised their hands in support of a one-sided draft resolution which single[d] out Israel”. He maintained that the Palestinians had been engaged in a concerted effort to bring international pressure to bear against Israel and to avoid addressing the outstanding issues through a mechanism established as part of the current peace process. However, the Palestinian attempts to politicize those issues and to generate international pressure could only damage the trust between the parties, be counterproductive and raise doubts over Palestinian readiness to negotiate in good faith. He stressed that the Palestinians had also committed violations of the agreements, but that whenever such violations had occurred, Israel had raised the issue directly with the Palestinians. He noted that the Palestinians had undertaken to complete the process of revising the Palestinian charter, to fight terrorism, to prevent violence and to conduct Palestinian Council activities in areas of Palestinian jurisdiction, although not in Jerusalem. However, the Palestinian side had failed to demonstrate its intention or will to comply with any of

⁶⁰ *Ibid.*, pp. 3-4.

⁶¹ *Ibid.*, pp. 5-6.

⁶² *Ibid.*, p. 4 (Japan); pp. 4-5 (China); p. 6 (France); pp. 6-7 (Russian Federation); p. 7 (Portugal); and p. 7 (Sweden).

⁶³ For the vote, see S/PV.3756, p. 6.

⁶⁴ S/PV.3756, pp. 7-9.

its commitments. He reiterated that the permanent status negotiations would resume that month and he expressed hope that the Palestinians would not “rush to the United Nations if obstacles arose”.⁶⁵

The representative of Egypt again intervened to emphasize that he could not accept the statement that bringing to the Council a matter relating to the maintenance of international peace and security in the Middle East would be a blatant misuse of the Council.⁶⁶

**Decision of 13 July 1998 (3904th meeting):
statement by the President**

By a letter dated 23 June 1998 addressed to the President of the Security Council,⁶⁷ the representative of the Sudan referred to the decision of the Government of Israel to expand the boundaries of the municipality of Jerusalem and to create “a municipal umbrella” that would include a number of Jewish settlements on the West Bank, which was in the context of annexing more occupied Palestinian territory and ensuring a greater Jewish majority in the demographic composition of occupied Jerusalem. He requested the convening of an urgent formal meeting of the Council to consider the matter and take the necessary concrete measures to oblige Israel to rescind the above-mentioned decision and to prevent it from continuing its repeated violations of resolutions of the Council and international law.

At its 3900th meeting, held on 30 June 1998 in response to that request, the Council included the letter in its agenda. Following the adoption of the agenda, the President (Portugal), with the consent of the Council, invited the representatives of Algeria, Bangladesh, Colombia, Cuba, Egypt, Indonesia, the Islamic Republic of Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Norway, Oman, Peru, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen, at their request, to participate in the discussion without the right to vote. The President then invited the Permanent Observer of Palestine to participate in the debate in accordance with the rules of procedure and previous practice in that regard. He also invited the

Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Permanent Observer for the League of Arab States and the Permanent Observer for the Organization of the Islamic Conference under rule 39 of the provisional rules of procedure.

At the same meeting, the President drew the attention of the Council to letters dated 8, 15, 18 and 22 June 1998, respectively, from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General, regarding, inter alia, the plan of the Prime Minister of Israel to expand the border of Jerusalem and extend the municipal authority over some Jewish settlements in the West Bank.⁶⁸ The President also drew the attention of the Council to a letter dated 26 June from the representative of the Sudan addressed to the President of the Council.⁶⁹

The Permanent Observer of Palestine stated that the Israeli plan would expand the municipal boundaries of the city and establish an “umbrella authority” to include a number of illegal settlements in the West Bank, which represented a concrete step towards the illegal annexation of more occupied Palestinian lands to the already illegally expanded Jerusalem municipality, in order to maintain a specific demographic composition with the aim of furthering the process of the “Judaization” of the city. He reiterated that the plan constituted a flagrant violation of international law, the Fourth Geneva Convention, several resolutions of the Council, and those of the tenth emergency special session of the General Assembly. He expressed hope that the Council would have the sufficient will to undertake the necessary measures to guarantee the rescinding of the plan and to prevent Israel from undertaking any further illegal actions in Jerusalem and the rest of the occupied territories, beginning with the adoption of the draft resolution sponsored by the Arab Group in that regard. It was ridiculous to claim that the Palestinian Authority complaining to the Council violated the existing agreements. He also stressed that the claim that the consideration by the Council of the Israeli violations

⁶⁵ Ibid., pp. 9-10.

⁶⁶ Ibid., p. 10.

⁶⁷ S/1998/558.

⁶⁸ S/1998/481, S/1998/511, S/1998/535 and S/1998/557.

⁶⁹ Letter transmitting a statement issued 25 June 1998 by the Council of the League of Arab States concerning the decision of the Government of Israel to expand the municipal borders of Jerusalem (S/1998/579).

would harm the peace process was unreasonable and unacceptable.⁷⁰

The representative of Israel recalled that fifty years ago when the Jewish quarter of the Old City of Jerusalem had surrendered, its Jewish inhabitants had been expelled and that free access of the Jewish people to their holy places, particularly the Western Wall, had been denied. Yet during all those years, from 1948 until 1967, the Council had not met once to consider the denial of Israeli rights or Jewish rights in Jerusalem. He also noted that the Jewish majority in Jerusalem was not a present-day demographic development, but had already been restored by the middle of the nineteenth century, in 1864, when Jerusalem was under the rule of the Ottoman Empire. He stressed that besides safeguarding the access of all faiths to the holy sites, Israel had carefully sought to ensure the development of Jerusalem for all its peoples and that preserving Jerusalem required planning. He underlined that the actions of Israel to preserve and protect Jerusalem were fully in accordance with the Interim Agreement between Israel and the Palestine Liberation Organization, which provided that Jerusalem remained under exclusive Israeli jurisdiction while remaining an issue for permanent status negotiations. It was for that reason that the Palestinian Authority undertook in the 1997 Note for the Record to close all of its offices in Jerusalem. He also argued that, if a decision was taken to shift the municipal boundary of Jerusalem, the Government of Israel had stated that it would strictly apply to areas westward of Jerusalem that were within the pre-1967 lines. He noted that a similar adjustment of the western municipal border of Jerusalem occurred in May 1993 without being the subject of a debate at the United Nations. He stressed that this was an internal Israeli matter on the municipal-administrative level rather than on the international level, as the “umbrella municipality” was nothing more than a coordination mechanism between Jerusalem and surrounding communities and did not entail a shift in municipal boundaries or the extension of municipal authority over any Israeli settlements. Finally, he reiterated that Israel had a long list of Palestinian Authority violations in the West Bank and around Jerusalem, but that Israel brought its complaints

⁷⁰ S/PV.3900, pp. 2-5.

directly to the negotiating table and not to the United Nations.⁷¹

The representative of the United States expressed regret at the announcement by the Government of Israel that it intended to create an “umbrella municipality” and to broaden the jurisdiction and planning boundaries of Jerusalem. The United States viewed the decision of Israel as unhelpful at the delicate stage of negotiations. He reiterated that all parties needed to refrain from any unilateral action which could prejudice the outcome of the permanent status negotiations. In that connection, he welcomed the statement by the Government of Israel that there would be no change in the political status of Jerusalem pending the outcome of the permanent status negotiations. He reiterated that the Council could not and should not interject itself into issues that the parties themselves had decided would be dealt with in face-to-face negotiations, but the Council could continue to offer the parties its unqualified support and encouragement.⁷²

The representative of the United Kingdom spoke on behalf of the European Union and associated and aligned countries.⁷³ He stated that the European Union was concerned at the endorsement by the Government of Israel of plans to extend the municipal authority of Jerusalem in a way which would alter the demographic balance in the Jerusalem area and tended to pre-empt the final status of occupied land. That concern had been heightened by statements, attributed by the media to senior Israeli spokesmen, that the new arrangements were “a basic change in Jerusalem’s status”. The European Union reaffirmed the applicability of the Fourth Geneva Convention to the occupied Palestinian territory, including Jerusalem, and to the other Arab territories occupied by Israel since 1967. The Government of Israel, by initiating, encouraging and endorsing settlement activity in the occupied territories, was in violation of that Convention. The European Union believed that the final status of Jerusalem needed to be determined in final status talks.⁷⁴

⁷¹ Ibid., pp. 5-7.

⁷² Ibid., pp. 11-12.

⁷³ Ibid., p. 12 (Czech Republic, Hungary, Lithuania, Poland, and Slovakia; and Cyprus, Iceland and Liechtenstein).

⁷⁴ Ibid., p. 12.

The representative of France stated that inasmuch as the new structure would include West Bank settlements close to Jerusalem, it would clearly alter the status quo, which would run counter to the spirit and letter of the agreements signed between the parties, be a breach of the Fourth Geneva Convention and disregard the decisions of the Council. He therefore appealed to the Israeli authorities to renounce that approach.⁷⁵

Several speakers stressed that the final, permanent status of Jerusalem needed to be determined and agreed in the manner established by the parties to the peace process, and appealed for compliance with the substance of the agreements and for the parties to fulfil all their obligations without reservations and conditions.⁷⁶

Other speakers criticized the recent endorsement by the Government of Israel of plans to extend the municipal authority of Jerusalem in a way that would alter the status quo of the city and prejudge the outcome of the final status negotiations. They maintained that the decision constituted a violation of numerous resolutions of the Council and General Assembly and contravened the terms of reference of the peace process and the spirit of the Oslo accords. They expressed concern that the move would negatively affect the peace process, and called on Israel to reconsider the decision and to honour its commitments under the Geneva Convention and under the bilateral agreements it had signed.⁷⁷

At its 3904th meeting, held on 13 July 1998, the Council resumed its consideration of the item.

⁷⁵ Ibid., pp. 15-16.

⁷⁶ Ibid., pp. 9-10 (Costa Rica); pp. 10-11 (Brazil); p. 11 (China); pp. 12-13 (Japan); and p. 14 (Gambia).

⁷⁷ Ibid., pp. 14-15 (Kenya); pp. 16-17 (Slovenia); pp. 17-18 (Sweden); p. 18 (Portugal); pp. 18-19 (Sudan); pp. 20-21 (United Arab Emirates); pp. 21-22 (Algeria); pp. 23-24 (Morocco); p. 24 (Norway); pp. 24-25 (Qatar); and pp. 25-26 (Egypt); S/PV.3900 (Resumption): pp. 2-3 (Syrian Arab Republic); pp. 4-5 (Yemen); pp. 5-6 (Lebanon); pp. 7-8 (Senegal); pp. 9-10 (Jordan); pp. 10-11 (Tunisia); pp. 11-12 (Bangladesh); pp. 12-13 (Saudi Arabia); p. 14 (Iraq); pp. 15-16 (Kuwait); pp. 16-17 (Oman); pp. 17-18 (Mauritania); pp. 18-19 (Indonesia); pp. 18-19 (Malaysia); pp. 20-21 (Islamic Republic of Iran); p. 21 (Colombia); pp. 22-23 (Cuba); pp. 23-24 (League of Arab States); pp. 24-25 (Organization of the Islamic Conference); and pp. 25-26 (Peru).

Following the adoption of the agenda, the President (Russian Federation), with the consent of the Council, invited the representative of Israel and the Permanent Observer of Palestine to participate in the discussion without the right to vote, in accordance with the decisions taken at the 3900th meeting. The President then made the following statement on behalf of the Council:⁷⁸

The Security Council has considered the letters dated 18 and 22 June 1998, as well as the letters dated 8, 9 and 15 June 1998, from the Permanent Observer of Palestine to the United Nations, and the letter dated 23 June 1998 from the Permanent Representative of the Sudan to the United Nations on behalf of the States members of the League of Arab States relating to the issue of Jerusalem.

The Council recognizes the importance and sensitivity of the issue of Jerusalem to all parties and expresses its support for the decision of the Palestine Liberation Organization and the Government of Israel, in accordance with the Declaration of Principles of 13 September 1993, that the permanent status negotiations shall cover the issue of Jerusalem. The Council therefore calls upon the parties to avoid actions which might prejudice the outcome of these negotiations.

In the context of its previous relevant resolutions, the Council considers the decision by the Government of Israel on 21 June 1998 to take steps to broaden the jurisdiction and planning boundaries of Jerusalem a serious and damaging development. The Council therefore calls upon the Government of Israel not to proceed with that decision and also not to take any other steps which would prejudice the outcome of the permanent status negotiations. Further, the Council calls upon Israel to abide scrupulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949.

The Council supports the efforts of the United States aimed at breaking the stalemate in the peace process, calls upon the parties to respond positively to these efforts, notes that the Palestinian side has already given agreement in principle to the proposals of the United States of America, and expresses the hope that the permanent status negotiations can resume and progress can be made towards the achievement of a just, lasting and comprehensive peace based on Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973.

The Council will keep Israeli actions under review.

⁷⁸ S/PRST/1998/21.

32. The situation between Iraq and Kuwait

Decision of 19 March 1996 (3642nd meeting): statement by the President

At its 3642nd meeting, held on 19 March 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the item “The situation between Iraq and Kuwait” in its agenda. The President (Botswana) then drew the attention of the Council to a letter dated 9 March 1996 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Council;¹ and a letter dated 12 March 1996 from the President of the Council addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991),² both concerning the events of 8 and 9 March during which Iraq delayed the access of a Special Commission³ inspection team to a nuclear facility. The President also drew the attention of the Council to a letter dated 17 March 1996 from the representative of Iraq addressed to the President of the Council,⁴ transmitting the text of a letter of the same date from the Deputy Prime Minister of Iraq addressed to the President of the Council.

At the same meeting, the President made the following statement on behalf of the Council:⁵

The Security Council has noted with growing concern that the incident described in the letter dated 9 March 1996 from the Executive Chairman of the Special Commission addressed to the President of the Security Council and the further incident on 11 March 1996 in which an inspection team was again not allowed immediate and unconditional access to a site designated by the Commission under Council resolution 687 (1991) were followed by other such incidents on 14 and 15 March 1996. In

all of these cases access was subsequently granted only after unacceptable delays.

The Council reiterates its full support for the Special Commission in the conduct of its inspections and the other tasks entrusted to it by the Council.

The Council takes note of the letter dated 17 March 1996 to its President from the Deputy Prime Minister of Iraq. It recalls that, under paragraph 9 (b) (i) of section C of Council resolution 687 (1991), Iraq is required to permit “immediate on-site inspection of Iraq’s biological, chemical and missile capabilities, based on Iraq’s declarations and the designation of any additional locations by the Special Commission itself”. By its resolution 707 (1991), the Council also expressly demanded that Iraq “allow the Special Commission, the International Atomic Energy Agency and their inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect”. The obligation was furthermore confirmed in the Commission’s plan for ongoing monitoring and verification which was approved by the Council in resolution 715 (1991); in this context the Council recalls the notes from the Secretary-General of 21 July and 1 December 1993.

The Council considers that Iraq’s delays in permitting the inspection team recently in Iraq access to the sites concerned constitute clear violations by Iraq of the provisions of resolutions 687 (1991), 707 (1991) and 715 (1991). The Council demands that the Government of Iraq allow the Special Commission inspection teams immediate, unconditional and unrestricted access to all sites designated by the Commission for inspection in accordance with the relevant resolutions of the Council.

Decision of 27 March 1996 (3644th meeting): resolution 1051 (1996)

By a letter dated 7 December 1995 addressed to the President of the Security Council,⁶ the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait transmitted a report prepared by the Committee, the Special Commission and the Director General of the International Atomic Energy Agency (IAEA) that contained the provisions for the mechanism for export/import monitoring under paragraph 7 of resolution 715 (1991). The report was also accompanied by the text of a letter dated 17 July 1995 from the Executive Chairman of the Special

¹ S/1996/182.

² S/1996/183.

³ The Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) will be referred to as the “Special Commission” for the purposes of this chapter.

⁴ Letter concerning the inspections carried out by the inspection team of the Special Commission from 7 to 17 March 1996 (S/1996/204).

⁵ S/PRST/1996/11.

⁶ S/1995/1017.

Commission, indicating the general principles that would be followed in implementing the export/import mechanism in Iraq. The Chairman of the Committee expressed hope that the Council would take an early decision on the report so that preparations might be pursued at the national level for the implementation of the mechanism.

At its 3644th meeting, held on 27 March 1996 in accordance with the understanding reached in its prior consultations, the Council included the item "Implementation of resolution 715 (1991)" and the letter in its agenda. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, the United Kingdom and the United States.⁷

Speaking before the vote, the representative of Italy stressed that the contents of the draft resolution were primarily technical, but that the cooperation that Iraq could offer towards its proper implementation would have a positive impact on the image of the country in international public opinion.⁸

The representative of Germany stated that the Council would approve the mechanism and give it the binding force that Chapter VII of the Charter provided for, with the aim of preventing the misuse of items legally imported into Iraq for the illegal purposes of production or acquisition of banned weapons. That aim justified the new obligations imposed on Iraq and on other States.⁹

The representative of Egypt underscored that no provision of the draft resolution should jeopardize the sovereignty and territorial integrity of Iraq. The provisions of paragraph 5 of the draft resolution should not prevent Iraq from exercising its legitimate right to import or export, for non-proscribed purposes, the technologies or materials it needed to promote its economic and social development. He noted that, although the establishment of the new mechanism amounted to a reinforcement of the current regime, the concept was unprecedented for the Council in that no specific time limits were set for the new mechanism, which was a matter of some concern for the Egyptian delegation. He stated that the mechanism approved under the draft resolution, as provided for in paragraph

3, was without prejudice to, and should not impair the operation of, existing or future non-proliferation agreements on regimes at the international or regional level. In that context, he reiterated that the arrangements were those referred to in paragraph 14 of resolution 687 (1991), which clearly stated that actions taken by Iraq in accordance with that resolution in connection with the elimination of weapons of mass destruction represented steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction.¹⁰

The representative of Indonesia expressed support for the notion that the export/import mechanism was not a regime for international licensing, nor should it undermine the legitimate right of Iraq to import or export, for non-proscribed purposes, items and technology necessary for the promotion of its economic and social development. He also stressed that every effort needed to be made to ensure that the provisions of the mechanism were systematically applied without prejudice to the operation of existing or future non-proliferation agreements or regimes on the international or regional level. He also maintained that the mechanism needed to be flexible enough to accommodate changing circumstances, and stressed the important task given to the Council, as reflected in paragraph 9, to review the mechanism in light of changing conditions and to amend it if necessary, after appropriate consultations with interested States.¹¹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1051 (1996), which reads:

The Security Council,

Reaffirming its resolution 687 (1991) of 3 April 1991, in particular section C thereof, its resolution 707 (1991) of 15 August 1991, and its resolution 715 (1991) of 11 October 1991 and the plans for ongoing monitoring and verification approved thereunder,

Recalling the request in paragraph 7 of its resolution 715 (1991) to the Security Council Committee established by resolution 661 (1990), the Special Commission and the Director General of the International Atomic Energy Agency to develop in cooperation a mechanism for monitoring any future sales or supplies by other countries to Iraq of items relevant to the implementation of section C of resolution 687 (1991) and other

⁷ S/1996/221.

⁸ S/PV.3644, p. 2.

⁹ Ibid., pp. 2-3.

¹⁰ Ibid., pp. 3-4.

¹¹ Ibid., pp. 4-5.

relevant resolutions, including resolution 715 (1991) and the plans approved thereunder,

Having considered the letter dated 7 December 1995 to the President of the Security Council from the Chairman of the Committee established by resolution 661 (1990), annex I to which contains the provisions for the mechanism for export/import monitoring called for in paragraph 7 of resolution 715 (1991),

Recognizing that the export/import monitoring mechanism is an integral part of ongoing monitoring and verification by the Special Commission and the International Atomic Energy Agency,

Recognizing that the export/import mechanism is not a regime for international licensing but rather for the timely provision of information by States in which companies are located which are contemplating sales or supplies to Iraq of items covered by the plans for ongoing monitoring and verification and will not impede Iraq's legitimate right to import or export for non-proscribed purposes, items and technology necessary for the promotion of its economic and social development,

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

1. *Approves*, pursuant to the relevant provisions of its resolutions 687 (1991) and 715 (1991), the provisions for the export/import monitoring mechanism contained in annex I to the aforementioned letter dated 7 December 1995, subject to the terms of the present resolution;

2. *Approves also* the general principles to be followed in implementing the mechanism, contained in the letter dated 17 July 1995 from the Executive Chairman of the Special Commission to the Chairman of the Security Council Committee established by resolution 661 (1990);

3. *Affirms* that the mechanism approved by the present resolution is without prejudice to and shall not impair the operation of existing or future non-proliferation agreements or regimes on the international or regional level, including arrangements referred to in resolution 687 (1991), nor shall such agreements or regimes impair the operation of the mechanism;

4. *Confirms*, until the Council decides otherwise under its relevant resolutions, that requests by other States for sales to Iraq or requests by Iraq for import of any item or technology to which the mechanism applies shall continue to be addressed to the Committee established by resolution 661 (1990) for decision by that Committee in accordance with paragraph 4 of the mechanism;

5. *Decides*, subject to paragraphs 4 and 7 of the present resolution, that all States shall:

(a) Transmit to the joint unit constituted by the Special Commission and the Director General of the International Atomic Energy Agency, under paragraph 16 of the mechanism, the notifications, with the data from potential exporters, and all

other relevant information when available to the States, as requested in the mechanism, on the intended sale or supply from their territories of any items or technologies which are subject to such notification in accordance with paragraphs 9, 11, 13, 24, 25, 27 and 28 of the mechanism;

(b) Report to the joint unit, in accordance with paragraphs 13, 24, 25, 27 and 28 of the mechanism, any information they may have at their disposal or may receive from suppliers in their territories of attempts to circumvent the mechanism or to supply Iraq with items prohibited to Iraq under the plans for ongoing monitoring and verification approved by resolution 715 (1991), or where the procedures for special exceptions laid down in paragraphs 24 and 25 of the mechanism have not been followed by Iraq;

6. *Decides* that the notifications required under paragraph 5 above shall be provided to the joint unit by Iraq, in respect of all items and technologies referred to in paragraph 12 of the mechanism, as from the date agreed upon between the Special Commission and the Director General of the International Atomic Energy Agency and Iraq, and in any event not later than sixty days after the adoption of the present resolution;

7. *Decides* that the notifications required under paragraph 5 above shall be provided to the joint unit by all other States as from the date the Secretary-General and the Director General of the International Atomic Energy Agency, after their consultations with the members of the Council and other interested States, report to the Council indicating that they are satisfied with the preparedness of States for the effective implementation of the mechanism;

8. *Decides* that the information provided through the mechanism shall be treated as confidential and restricted to the Special Commission and the International Atomic Energy Agency, to the extent that this is consistent with their respective responsibilities under resolution 715 (1991), other relevant resolutions and the plans for ongoing monitoring and verification approved under resolution 715 (1991);

9. *Affirms*, if experience over time demonstrates the need or new technologies so require, that the Council would be prepared to review the mechanism in order to determine whether any changes are required and that the annexes to the plans for ongoing monitoring and verification approved under resolution 715 (1991), which identify the items and technologies to be notified under the mechanism, may be amended in accordance with the plans, after appropriate consultations with interested States and, as laid down in the plans, after notification to the Council;

10. *Decides* that the Committee established by resolution 661 (1990) and the Special Commission shall carry out the functions assigned to them under the mechanism, until the Council decides otherwise;

11. *Requests* the Director General of the International Atomic Energy Agency to carry out, with the assistance and

cooperation of the Special Commission, the functions assigned to him under the mechanism;

12. *Calls upon* all States and international organizations to cooperate fully with the Committee established by resolution 661 (1990), the Special Commission and the Director General of the International Atomic Energy Agency in the fulfilment of their tasks in connection with the mechanism, including supplying such information as may be sought by them in implementation of the mechanism;

13. *Calls upon* all States to adopt as soon as possible such measures as may be necessary under their national procedures to implement the mechanism;

14. *Decides* that all States shall, not later than forty-five days after the adoption of the present resolution, be provided by the Special Commission and the Director General of the International Atomic Energy Agency with information necessary to make preparatory arrangements at the national level prior to the implementation of the provisions of the mechanism;

15. *Demands* that Iraq meet unconditionally all its obligations under the mechanism approved by the present resolution and cooperate fully with the Special Commission and the Director General of the International Atomic Energy Agency in the performance of their tasks under the present resolution and the mechanism by such means as they may determine in accordance with their mandates from the Council;

16. *Decides* to consolidate the periodic requirements for progress reports under its resolutions 699 (1991), 715 (1991) and the present resolution and to request the Secretary-General and the Director General of the International Atomic Energy Agency to submit such consolidated progress reports every six months to the Council, commencing on 11 April 1996;

17. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United States reiterated that, while the resolution had been a very technical step, which was a prerequisite for the lifting of sanctions, the only step that would bring the lifting of sanctions closer would be a new Iraqi attitude of cooperation with IAEA, the Special Commission and the Council, in meeting all of the obligations of Iraq.¹²

The representative of France stated that the resolution would provide an essential tool for the long-term monitoring of dual-use goods and technologies in Iraq, once the current sanctions regime had been lifted.¹³

The representative of the United Kingdom stressed that the 60-day deadline of implementation of the mechanism by Iraq needed to be scrupulously respected.¹⁴

The representative of the Russian Federation stated that his country believed that it was important to work out and finalize the system and procedure for compiling and transmitting notifications; the guarantees on preserving trade secrets in the notification process; the competences of the basic organs operating under the regime and the system whereby they would interact; and the procedure for reviewing the mechanism and the records. He also noted that his Government had serious questions about paragraph 29 of the mechanism, regarding possible differences between suppliers and the Special Commission. There was a need to avoid situations arising in which the mechanism could become the embryo of a policy of double standards.¹⁵

**Decision of 12 June 1996 (3672nd meeting):
resolution 1060 (1996)**

At its 3672nd meeting, held on 12 June 1996 in accordance with the understanding reached in its prior consultations, the President (Egypt) drew the attention of the Council to a draft resolution submitted by the United Kingdom and the United States.¹⁶ He then drew the attention of the Council to several revisions to the text of the draft resolution.

All the members of the Council spoke, expressing their concern at the incidents of 11 and 12 June in which inspectors were denied access to sites the Commission had designated, and some speakers called on Iraq to cooperate fully with the Special Commission and fulfil all its obligations under previous resolutions of the Council.¹⁷

Speaking before the vote, the representative of the Russian Federation expressed regret that an inspection team of the Special Commission had been refused access to sites it wished to inspect in violation of resolutions of the Council for the first time and

¹² Ibid., pp. 5-6.

¹³ Ibid., p. 6.

¹⁴ Ibid.

¹⁵ Ibid., pp. 6-7.

¹⁶ S/1996/426.

¹⁷ S/PV.3672, p. 3 (Italy); p. 5 (Republic of Korea); p. 5 (Chile); pp. 6-7 (France); p. 7 (Botswana); and pp. 7-8 (Egypt).

stressed that such incidents should not be repeated. At the same time, he noted that the members of the Council had been able to resist the temptation to use threatening language and an approach based on force.¹⁸

The representative of China stated that his country was of the view that the reasonable and legitimate security concerns of Iraq as a sovereign State needed to be respected by all parties, that resolution 687 (1991) needed to be implemented comprehensively and that the sovereignty, territorial integrity and political independence of Iraq needed to be safeguarded.¹⁹

The representative of the United Kingdom underscored that it was clearly unacceptable for Iraq to declare that any facilities or sites were off limits. The Special Commission had made it clear to Iraq that it was still not satisfied that the information it had obtained provided a complete picture of the weapons of mass destruction programmes in Iraq. It was also apparent that Iraq continued to withhold information. He stressed that therefore the Special Commission had no alternative but to continue with intrusive, no-notice inspections, which were fully within its mandate.²⁰

The representative of Germany stressed that the recent incidents had been particularly grave because the Iraqi leadership was trying to define a category of sites to be excluded from any inspections. He maintained that claims by Iraq that its sovereignty and independence were infringed upon by inspections by the Special Commission were obviously not valid, as Iraq had accepted resolution 687 (1991), including the role the Special Commission was given by that resolution.²¹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1060 (1996), which reads:

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 687 (1991) of 3 April 1991, 707 (1991) of 15 August 1991 and 715 (1991) of 11 October 1991,

Recalling also the letter dated 9 March 1996 from the Executive Chairman of the Special Commission to the President

of the Security Council, the letter dated 12 March 1996 from the President to the Executive Chairman, the statement made at its 3642nd meeting on 19 March 1996 by the President, and the report of the Executive Chairman of 11 April 1996 (S/1996/258),

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq,

Recalling in this context the notes by the Secretary-General of 21 July and 1 December 1993,

Noting the progress made in the work of the Special Commission towards the elimination of Iraq's programmes of weapons of mass destruction, and outstanding problems, reported by the Executive Chairman of the Special Commission,

Noting with concern the incidents on 11 and 12 June 1996, reported to members of the Council by the Executive Chairman of the Special Commission, when access by a Special Commission inspection team to sites in Iraq designated for inspection by the Commission was excluded by the Iraqi authorities,

Emphasizing the importance the Council attaches to full compliance by Iraq with its obligations under resolutions 687 (1991), 707 (1991) and 715 (1991) to permit immediate, unconditional and unrestricted access to the Special Commission to any site the Commission wishes to inspect,

Emphasizing the unacceptability of any attempts by Iraq to deny access to any such site,

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

1. *Deplores* the refusal of the Iraqi authorities to allow access to sites designated by the Special Commission, which constitutes a clear violation of the provisions of Security Council resolutions 687 (1991), 707 (1991) and 715 (1991);

2. *Demands* that Iraq cooperate fully with the Special Commission in accordance with the relevant resolutions, and that the Government of Iraq allow the Special Commission inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect;

3. *Expresses its full support* to the Special Commission in its efforts to ensure implementation of its mandate under the relevant resolutions of the Council;

4. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United States stressed that the invasion and occupation of Kuwait, the campaign against the Kurds and Shia, and the use of terrorism by Iraq were ample and incontrovertible proof that the regime still posed a serious threat to the security of the region. He maintained that blocking the inspectors of the Special Commission from an entire category of suspect sites

¹⁸ Ibid., pp. 2-3.

¹⁹ Ibid., p. 3.

²⁰ Ibid., pp. 3-4.

²¹ Ibid., pp. 4-5.

was a new situation and a matter of grave concern to the Government of the United States. If the situation persisted, as it had on occasions in the past, the Council would have no choice but to conclude that Iraq was in material breach of its obligations under resolutions 687 (1991), 701 (1991) and 715 (1991).²²

**Decision of 14 June 1996 (3674th meeting):
statement by the President**

At its 3674th meeting, held on 14 June 1996 in accordance with the understanding reached in its prior consultations, the President (Egypt) made the following statement on behalf of the Council:²³

The Security Council condemns the failure of Iraq to comply with its resolution 1060 (1996) of 12 June 1996 by refusing access to sites designated by the Special Commission on 13 June 1996. Coming after the denial of access on 11 and 12 June 1996, this new dimension of non-compliance marks a serious step backwards in Iraq's cooperation with the Special Commission. The Council considers that these events constitute a clear and flagrant violation of its resolutions 687 (1991), 707 (1991) and 715 (1991).

The Council reiterates its full support for the Special Commission in the conduct of its inspections and other tasks entrusted to it by the Council. The Council rejects attempts by Iraq to impose conditions on the conduct of inspections by the Special Commission.

The Council demands once again that Iraq comply with the relevant resolutions of the Council and, in particular, allow the inspection teams of the Special Commission immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect.

The Council requests the Executive Chairman of the Special Commission to visit Baghdad as soon as possible with a view to securing immediate, unconditional and unrestricted access to all sites which the Special Commission wishes to inspect and to engage in a forward-looking dialogue on other issues under the Commission's mandate. It further requests the Executive Chairman to report immediately afterwards on the results of his visit and on the impact of Iraqi policies on the mandate and work of the Special Commission.

**Decision of 23 August 1996 (3691st meeting):
statement by the President**

At its 3691st meeting, held on 23 August 1996 in accordance with the understanding reached in its prior

consultations, the President (Germany) made the following statement on behalf of the Council:²⁴

The Security Council, on the eve of the planned visit to Baghdad by the Executive Chairman of the Special Commission, strongly reaffirms its full support for the Special Commission in the conduct of its inspections and the other tasks entrusted to it by the Council. The Council reiterates the importance it attaches to full compliance by Iraq with the relevant resolutions of the Council. It underlines the important role of the Special Commission inspection teams and demands once again that they be given immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect, and Iraqi officials whom they wish to interview, so that the Special Commission may fully discharge its mandate.

In this context, the Council remains gravely concerned at the failure by Iraq to comply fully with its resolution 1060 (1996) of 12 June 1996 and with other resolutions of the Council dealing with the Special Commission. The denial by Iraq, on repeated occasions, of immediate, unconditional and unrestricted access to sites which they wished to inspect and the attempts made by the Government of Iraq to impose conditions on the conduct of interviews with Iraqi officials by the Special Commission constitute a gross violation of its obligations under resolutions 687 (1991), 707 (1991) and 715 (1991). The Council notes that these actions also contradict commitments made by the Government of Iraq in its joint statement of 22 June 1996 with the Special Commission, and urges the Government of Iraq to respect these commitments. The Council reminds the Government of Iraq that only full compliance with its obligations under the relevant resolutions will enable the Executive Chairman of the Special Commission to present his report in accordance with section C of resolution 687 (1991). The Council will continue to consider how best to ensure Iraq's full compliance.

The Council requests the Executive Chairman to report to it on the results of his visit.

**Decision of 30 December 1996 (3729th meeting):
statement by the President**

At its 3729th meeting, held on 30 December 1996 in accordance with the understanding reached in its prior consultations, the President (Italy) made the following statement on behalf of the Council:²⁵

The Security Council notes that the Special Commission and the Government of Iraq previously agreed that the investigation of unilateral destruction of proscribed items is a fundamental area to accelerate the verification of the Iraqi declarations. In this regard, the Council deplores the refusal by

²² Ibid., p. 6.

²³ S/PRST/1996/28.

²⁴ S/PRST/1996/36.

²⁵ S/PRST/1996/49.

Iraq to allow the Special Commission to remove approximately 130 missile engines from Iraq for analysis by a team of international experts under the Special Commission. The Council notes that such action complicates the implementation by the Special Commission of its mandate.

The Council reaffirms that a full accounting for Iraq's missiles with a range greater than 150 kilometers is a necessary prerequisite to enable the Commission to report that Iraq has complied with the requirements of section C of resolution 687 (1991). The Council fully supports the intention of the Special Commission to carry out thoroughly the examination and analysis in the missile area, either on the basis of dispatching international teams of experts to Iraq or examining the relevant items abroad.

The Council reminds the Government of Iraq of its obligation to comply with the provisions of the relevant resolutions and the need to cooperate fully with the Special Commission in order to enable it to report that the requirements of section C of resolution 687 (1991) are met. In this perspective, the Council affirms that Iraq is required to allow the Special Commission to remove the missile engines from its territory. The Council welcomes any proposal from Member States to offer their national facilities to the Special Commission in order to enable it to conduct the necessary analysis, if and when the Commission deems it necessary.

The Council strongly reaffirms its full support for the Special Commission in the conduct of its mandate under the relevant resolutions of the Council. The Council reaffirms the right and privileges of the Special Commission as stated in its previous relevant resolutions, in particular resolutions 687 (1991), 707 (1991) and 715 (1991).

**Decision of 16 April 1997 (3768th meeting):
statement by the President**

At its 3768th meeting, held on 16 April 1997 in accordance with the understanding reached in its prior consultations, the President (Portugal) made the following statement on behalf of the Council:²⁶

The Security Council has considered the case of an Iraqi aircraft which flew from Baghdad, Iraq, to Jeddah, Saudi Arabia, on 9 April 1997 and then departed.

The Government of Iraq, in a letter dated 3 February 1997, had requested clearance from the Security Council Committee established by resolution 661 (1990) for the release of 50 million dollars from the frozen Iraqi assets being held in Saudi Arabia, Bahrain and the United Arab Emirates to cover pilgrimage costs and requested the agreement of the Committee for flights by Iraqi Airways to transport those pilgrims to Jeddah, during the holy pilgrimage season.

The Committee answered in a letter dated 3 March 1997 that it would be in a better position to consider the release of the frozen Iraqi funds if a request was submitted by a country which was willing to release such funds to meet the pilgrimage costs.

The Government of Iraq proceeded with this particular flight without specific consultation with the Committee. Such consultation would have allowed the Committee to consider the matter and to determine whether the flight required Committee approval under the relevant resolutions.

The Council draws to the attention of Member States their obligations under resolutions 661 (1990), 670 (1990) and other relevant resolutions.

The Council underlines its respect for the obligation of Muslims to perform the Hajj.

**Decision of 4 June 1997 (3786th meeting):
resolution 1111 (1997)**

On 2 June 1997, pursuant to paragraph 11 of resolution 986 (1997), the Secretary-General submitted to the Security Council a report on the distribution of humanitarian supplies throughout Iraq, the work of the Secretariat in processing applications to the Security Council Committee established by resolution 661 (1990), the activities of the oil overseers and the United Nations independent inspection agents and the current status of the United Nations Iraq Account. In addition, it included the observations of the Secretary-General on the adequacy of oil revenues received under the resolution in meeting humanitarian needs in Iraq and on the capacity of Iraq to export sufficient quantities of petroleum and petroleum products to generate one billion dollars every 90 days.²⁷ In his report, the Secretary-General noted that the programme authorized by the Council in its resolution 986 (1995) was unique among all humanitarian assistance operations undertaken by the United Nations in that it sought to mitigate some of the negative effects of sanctions being imposed on the recipient country. He observed that, while the Secretariat and the various participating agencies had been able to overcome most of the problems encountered in the initial stages of implementation, he remained troubled by the persistent lags and other difficulties encountered in the processing of applications, which had resulted in major delays in the provision of several items. Bearing in mind the continuing humanitarian crisis in Iraq, he

²⁷ S/1997/419.

²⁶ S/PRST/1997/21.

recommended the renewal of the programme for a further period of six months.

By a letter dated 30 May 1997 addressed to the President of the Council,²⁸ the Chairman of the Security Council Committee established by resolution 661 (199) concerning the situation between Iraq and Kuwait transmitted the report of the Committee pursuant to paragraph 12 of resolution 986 (1995). The report noted that, while the export of oil had proceeded well, there had been delays in the supply of humanitarian goods. However, the Committee was confident that the new measures it had adopted would enable a smoother process of implementation of resolution 986 (1995).

At its 3786th meeting, held on 4 June 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General and the letter in its agenda. Following the adoption of the agenda, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.²⁹ The draft resolution was put to the vote and adopted unanimously as resolution 1111 (1997), which reads:

The Security Council,

Recalling its previous resolutions and, in particular, resolution 986 (1995) of 14 April 1995,

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until the fulfilment by Iraq of the relevant Security Council resolutions, including notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Determined to avoid any further deterioration of the current humanitarian situation,

Convinced also of the need for equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country,

Welcoming the report submitted by the Secretary-General in accordance with paragraph 11 of resolution 986 (1995), as well as the report submitted in accordance with paragraph 12 of resolution 986 (1995) by the Security Council Committee established by resolution 661 (1990),

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

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

1. *Decides* that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for another period of 180 days beginning at 0001 hours eastern daylight time on 8 June 1997;

2. *Also decides* to conduct a thorough review of all aspects of the implementation of the present resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day period, on receipt of the reports referred to in paragraphs 3 and 4 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably renewal of the provisions of the present resolution, provided that the reports referred to in paragraphs 3 and 4 below indicate that those provisions are being satisfactorily implemented;

3. *Requests* the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above, and again prior to the end of the 180-day period, on the basis of observation by United Nations personnel in Iraq, and on the basis of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986 (1995), including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 1 of resolution 986 (1995);

4. *Requests* the Security Council Committee established by resolution 661 (1990), in close coordination with the Secretary-General, to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the 180-day period on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995);

5. *Directs* the Committee established by resolution 661 (1990) to process expeditiously contract applications submitted under the present resolution as soon as the Secretary-General has approved the new plan submitted by the Government of Iraq, guaranteeing equitable distribution and including a description of the goods to be purchased with the revenues of the sale of petroleum and petroleum products authorized by the present resolution;

6. *Decides* to remain seized of the matter.

**Decision of 13 June 1997 (3789th meeting):
statement by the President**

At its 3789th meeting, held on 13 June 1997 in accordance with the understanding reached in its prior

²⁸ S/1997/417.

²⁹ S/1997/428.

consultations, the President (Russian Federation) drew the attention of the Council to the following documents: letters dated 9 and 11 June 1997, respectively, from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991) addressed to the President of the Council;³⁰ a letter dated 13 June 1997 from the representative of Iraq addressed to the President of the Council,³¹ transmitting the text of a letter dated 5 June 1997 from the Deputy Prime Minister of Iraq addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991); and a letter dated 13 June 1997 from the representative of Iraq addressed to the President of the Council,³² transmitting the text of a letter dated 6 June 1997 from the Under-Secretary of the Ministry for Foreign Affairs of Iraq addressed to the Deputy Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991).

At the same meeting, the President made the following statement on behalf of the Council:³³

The Security Council takes note of the letters dated 9 and 11 June 1997 from the Executive Chairman of the Special Commission, the letter dated 5 June 1997 from the Deputy Prime Minister of Iraq and the letter dated 6 June 1997 from the Under-Secretary of the Ministry for Foreign Affairs of Iraq. The Council expresses serious concern at the four incidents on 4, 5 and 7 June 1997 in which Iraqi personnel unacceptably interfered with helicopter flights operating in support of inspection of sites designated by the Special Commission under Council resolutions 687 (1991), 707 (1991) and 715 (1991),

³⁰ Letters reporting incidents on 4, 5 and 7 June in which the lives of the crews of the Commission's helicopters and the aircraft themselves were endangered through the actions of the Iraqi air personnel on board and through the manoeuvres of the accompanying Iraqi helicopters (S/1997/455 and S/1997/458).

³¹ Letter commenting on the incident involving the Chief Inspector of the Special Commission and Iraqi pilots and minders while they were on an inspection mission and stating that the persons concerned were being relieved from such escort duties (S/1997/456).

³² Letter explaining that the incidents were due to the insistence of the Chief Inspector of the Aerial Inspection Team that the Special Commission pilot use a flight path over a presidential site, which the Iraqi authorities could not accept for security reasons (S/1997/457).

³³ S/PRST/1997/33.

endangering the helicopters and their crews, as well as persons on the ground.

The Council deplores these incidents and underlines the fact that Iraq must immediately take effective steps to put an end to all such actions. The Council reminds Iraq of its obligations under the relevant resolutions of the Council, in particular resolution 1060 (1996). The Council affirms that Iraq is obliged to ensure the security of the personnel of the Special Commission and to permit the Commission to carry out its air operations anywhere in Iraq without interference of any kind in accordance with pertinent provisions of resolution 707 (1991). The Council recalls the commitments contained in the joint statement of the Special Commission and Iraq of 22 June 1996.

The Council reiterates its continuing support to the Special Commission in its efforts to ensure the implementation of its mandate under the relevant resolutions of the Council.

**Decision of 21 June 1997 (3792nd meeting):
resolution 1115 (1997)**

At its 3792nd meeting, held on 21 June 1997 in accordance with the understanding reached in its prior consultations, the President (Russian Federation) drew the attention of the Security Council to a draft resolution submitted by Chile, Costa Rica, Japan, Poland, Portugal, Sweden, the United Kingdom and the United States.³⁴ The President then drew the attention of the Council to the following documents: letters dated 14, 16, 18, and 20 June 1997, respectively, from the representative of Iraq addressed to the President of the Council;³⁵ and a letter dated 19 June 1997 from the Executive Chairman of the Special Commission addressed to the President of the Council.³⁶ He further drew the attention of the Council to a letter dated 12 June 1997 from the Executive Chairman of the Special Commission addressed to the President of the Council,³⁷ stating that the Government of Iraq had denied the Special Commission access to a site designated for inspection on 10 and 12 June 1997.

Speaking before the vote, the representative of the United Kingdom noted that the Executive Chairman of the Special Commission had declared that Iraq had violated the Joint Programme of Action and the sensitive site modalities drawn up by him in June

³⁴ S/1997/479.

³⁵ Letters regarding issues arising from searches by the Special Commission (S/1997/462, S/1997/465, S/1997/473 and S/1997/481).

³⁶ S/1997/475, responding to issues raised in letters from the representative of Iraq.

³⁷ S/1997/474.

1996. The investigations of the Special Commission had clearly demonstrated that the Government of Iraq had engaged in a coordinated attempt to conceal from the Special Commission the full extent of its activities, both before and after the passage of resolution 687 (1991), related to weapons of mass destruction. He stressed that the Executive Chairman had told the Council that the organizations responsible for that concealment were closely linked to those responsible for the highest levels of national security in Iraq. He called on Iraq to be completely open with the Special Commission and cease all obstruction and harassment.³⁸

The representative of Egypt stated that although the draft resolution still included certain elements with which his delegation was not totally satisfied, the message contained in the draft was that implementation of resolutions needed to be supported. He emphasized that his country had had many reservations about the original text of the draft resolution, which Egypt would have opposed. The original text had contained additional sanctions upon Iraq at a time when the regional Arab, African and Islamic organizations and those associated with the Non-Aligned Movement wished the Special Commission to end its missions so as to put an end to the suffering of the Iraqi people. Second, it had not referred to the principles of sovereignty, territorial integrity and political independence of Kuwait and Iraq. Third, although the provisions of the Charter gave the Council the main responsibility for safeguarding international peace and security, the original text would have led the Council to give up its prerogatives by handing them over to a technical commission under the Council. Fourth, it would have created an imbalance in the provisions laid down by resolution 687 (1991), the comprehensive resolution under which the sanctions system was set up in an organized, institutional, balanced framework guaranteeing political control by the Council over the work of the Special Commission. He also stressed that paragraph 2 of the resolution needed to be understood to mean that the Commission needed to implement all resolutions and written and oral agreements between the Commission and Iraq, as well as the declaration of 22 June 1996.³⁹

³⁸ S/PV.3792, pp. 2-3.

³⁹ *Ibid.*, p. 3.

The representative of Japan maintained that the Iraqi actions could not simply be considered technical violations of inspection procedures but that the authority of the Council was being challenged. Japan supported the direction the Council was moving in adopting the draft resolution.⁴⁰

The representative of the United States maintained that, since 1991, Iraq had made every effort to conceal its true weapons capabilities, to destroy evidence of its programmes and supply routes and to lie about it to the Council. In the last two years, Iraqi efforts to interfere with the Special Commission in the execution of its mandate had intensified. He stressed that the continued failure of Iraq to comply with resolutions of the Council was a serious threat to the peace and security of the region. Noting that the action by the Council suspended the reviews of sanctions scheduled for 30 June and 30 August 1997, he stated that the measures sent a strong message that lifting sanctions would be impossible until Iraq fundamentally changed its approach. Similarly, the Council had expressed its intent to impose new measures, targeted precisely at those parties most responsible for the continued concealment of the weapons programmes, if Iraq ignored the latest draft resolution and failed to comply with the substance of the authority of the Special Commission.⁴¹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1115 (1997), which reads:

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 687 (1991) of 3 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991 and 1060 (1996) of 12 June 1996,

Taking note of the letter dated 12 June 1997 from the Executive Chairman of the Special Commission to the President of the Security Council in which the Executive Chairman reported to the Council the incidents on 10 and 12 June 1997 when access by a Special Commission inspection team to sites in Iraq designated for inspection by the Commission was excluded by the Iraqi authorities,

Determined to ensure full compliance by Iraq with its obligations under all previous resolutions, in particular resolutions 687 (1991), 707 (1991), 715 (1991) and 1060 (1996), to permit immediate, unconditional and unrestricted access to

⁴⁰ *Ibid.*, pp. 3-4.

⁴¹ *Ibid.*, pp. 4-5.

the Special Commission to any site which the Commission wishes to inspect,

Stressing the unacceptability of any attempts by Iraq to deny access to any such site,

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq,

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

1. *Condemns* the repeated refusal of the Iraqi authorities to allow access to sites designated by the Special Commission, which constitutes a clear and flagrant violation of the provisions of Security Council resolutions 687 (1991), 707 (1991), 715 (1991) and 1060 (1996);

2. *Demands* that Iraq cooperate fully with the Special Commission in accordance with the relevant resolutions, and that the Government of Iraq allow the Special Commission inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect in accordance with the mandate of the Special Commission;

3. *Demands also* that the Government of Iraq give immediate, unconditional and unrestricted access to officials and other persons under the authority of the Iraqi Government whom the special Commission wishes to interview, so that the Special Commission may fully discharge its mandate;

4. *Requests* the Executive Chairman of the Special Commission to include in his consolidated progress reports under resolution 1051 (1996) an annex evaluating Iraq's compliance with paragraphs 2 and 3 above;

5. *Decides* not to conduct the reviews provided for in paragraphs 21 and 28 of resolution 687 (1991) until after the next consolidated progress report of the Special Commission, due on 11 October 1997, after which time those reviews will resume in accordance with resolution 687 (1991);

6. *Expresses its firm intention*, unless the Special Commission advises the Council in the report referred to in paragraphs 4 and 5 above that Iraq is in substantial compliance with paragraphs 2 and 3 above, to impose additional measures on those categories of Iraqi officials responsible for the non-compliance;

7. *Reaffirms its full support* to the Special Commission in its efforts to ensure the implementation of its mandate under the relevant resolutions of the Council;

8. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of China expressed concern about the recent verification problems and urged Iraq to fully implement the relevant resolutions of the Council and better cooperate with the Special Commission. At the same time, his country believed that the legitimate security concerns of a sovereign State needed to be respected by all

parties; that resolution 687 (1991) needed to be fully implemented; and that the sovereignty, territorial integrity, and political independence of Iraq needed to be respected. He maintained that the sanctions against Iraq had been in force for six years, during which time Iraq had basically maintained its cooperation with the Special Commission, and the Special Commission had made great progress in discharging the mandate entrusted to it by the Council. Under those circumstances, he suggested considering gradually lifting sanctions against Iraq in order to alleviate its humanitarian difficulties. However, the resolution had decided to suspend the review of sanctions against Iraq by the Council and threatened to impose further sanctions, which was not fair. He reiterated that Government of China had always opposed the willful imposition and threat of sanctions against a country. He also noted that considerable changes had been incorporated into the resolution, including the deletion of new sanctions and of the reference to the larger pattern of non-cooperation, and the addition of the commitment to the sovereignty, territorial integrity and political independence of Iraq. For those reasons, the Chinese delegation voted in favour.⁴²

The representative of the Russian Federation stated that the Council needed to be guided in its activities by the need to quickly achieve the objectives in the resolutions that set out the obligations of Iraq to the Special Commission. Noting that the Security Council had reached consensus on the issue, he stressed that the consensus was an appropriate response to the situation that had developed with respect to the inspections. The consensus was not based on the "logic of punishment" but formed part of the main thrust of the Council, which was to conclude the disarmament issue as quickly as possible and to achieve a lasting post-conflict settlement in the Persian Gulf on the basis of resolution 687 (1991).⁴³

Decision of 12 September 1997 (3817th meeting): resolution 1129 (1997)

On 8 September 1997, pursuant to paragraph 3 of resolution 1111 (1997), the Secretary-General submitted to the Security Council a report on the distribution of humanitarian supplies throughout Iraq.⁴⁴

⁴² Ibid., p. 6.

⁴³ Ibid., pp. 6-7.

⁴⁴ S/1997/685.

In his report, the Secretary-General stated that while not all the supplies from the first phase of the Inter-Agency Humanitarian Programme had been delivered, the availability of additional revenues from the sale of oil authorized under resolution 1111 (1997) would help address the continuing humanitarian needs in Iraq. However, the decision by the Government of Iraq to suspend the sale of oil, pending the approval of the new distribution plan, was expected to result in a significant shortfall of funds. In view of the adverse consequences for the humanitarian programme, he suggested that the Council might wish to consider an appropriate mechanism for the shortfall to be met. He continued to be concerned about the adverse impact of delays in the arrival of humanitarian goods on those whom the resolution was designed to assist, and therefore urged all parties involved in the implementation of the resolution to devote renewed effort to ensuring that the processing, approval and delivery of humanitarian goods was carried out expeditiously. Regarding the needs of vulnerable groups in Iraq, he informed the Council that, as no additional resources had been authorized under resolution 1111 (1997), their needs would need to be met outside the framework of the resolution, and that he had received the assurances from the Government of Iraq that additional resources would be available for vulnerable groups in central and southern Iraq.

By a letter dated 8 September 1997 addressed to the Secretary-General,⁴⁵ the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait transmitted the report of the Committee pursuant to paragraph 4 of resolution 1111 (1997). The Chairman informed the Council that the process of the export of petroleum from Iraq had proceeded in full compliance with the provisions of resolutions 968 (1995) and 1111 (1997). At the same time, the Committee had made repeated efforts to expedite the processing of humanitarian supplies to Iraq. Consignments of supplies approved during the initial operation also continued to arrive in Iraq steadily. However, owing to the delay in the export of petroleum in the first two months following the adoption of resolution 1111 (1997), the total revenue generated by Iraqi oil exports had not reached the objective.

⁴⁵ S/1997/692.

At its 3817th meeting, held on 12 September 1997 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General and the letter in its agenda. The President then drew the attention of the Council to a draft resolution submitted by the United Kingdom and the United States.⁴⁶ The President then drew the attention of the Council to a letter dated 4 September 1997 from the representative of Iraq addressed to the Secretary-General, transmitting a letter dated 4 September 1997 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General, stating that Iraq was fulfilling all its obligations under the provisions of the memorandum of understanding and calling on the Secretariat to expedite the contract application procedure and urge the representatives of the United States and the United Kingdom to lift the hold on procurement contracts for food, medicines and other basic humanitarian requirements.⁴⁷

Speaking before the vote, the representative of the United Kingdom stated that his country was determined to ensure that the Iraqi people received the maximum benefit from resolution 1111 (1997), which was why his delegation had taken the initiative in putting forward the draft resolution. The draft resolution would enable Iraq to make up the shortfall in oil sales and thus ensure that the full amount of revenue was available for the purchase of humanitarian supplies.⁴⁸

The representative of Egypt reiterated the position of his delegation that the shortfall in Iraqi oil exports was a technical issue to be dealt with by a procedural, technical resolution. He expressed his country's belief that the two provisions related to oil exports and the implementation of the contracts for humanitarian requirements needed to go side by side within the same time frame. His delegation would have liked the draft resolution to include a frank appeal to the sanctions Committee to redouble its efforts to facilitate the supply of humanitarian goods to Iraq in accordance with the report of the Secretary-General.⁴⁹

The representative of China noted that, although Iraq had exported oil, the delivery of humanitarian

⁴⁶ S/1997/709.

⁴⁷ S/1997/690.

⁴⁸ S/PV.3817 and Corr.1, p. 2.

⁴⁹ *Ibid.*, pp. 2-3.

goods had been delayed, which was not in keeping with the spirit of resolutions 986 (1995) and 1111 (1997). He urged all sides to accelerate the delivery process.⁵⁰

The representative of France explained that his country had supported efforts for the adoption of a technical, humanitarian text from the outset, and noted that, in such matters, the Council should show its solidarity and cohesiveness. He stated that his country realized that the obligations of all needed to be recalled, and understood the very justified appeal in the text to improve the situation. His delegation understood this appeal as an expression of encouragement to all concerned, and in particular to the Security Council Committee established by resolution 661 (1990).⁵¹

The representative of the Russian Federation stated that the oil export problem could not be considered in isolation from the delivery of humanitarian goods, and that his delegation found it unacceptable that there was a growing gap between deliveries of Iraqi oil and the provision of humanitarian supplies to Iraq under resolutions 986 (1995) and 1111 (1997). He expressed concern that for some months the sanctions Committee had seen a trend of blocking medical supplies and food contracts to meet very urgent needs. That was being done on the basis of pretexts that had nothing to do with the existing procedure in the sanctions Committee. Sometimes, in spite of the procedure agreed upon, the relevant delegations were blocking requests without even giving any reasons. He stressed that his delegation had always objected to such a practice, and he called upon all their partners in the Council to strictly abide by the agreed procedure. He stated that his country had been prepared for the draft resolution to be strictly technical and suggested that if the sponsors had wished to include explanations of the causes of the current humanitarian crisis, their explanations needed to be objective and to include an honest observation of the facts regarding how things stood in the Committee established by resolution 661 (1990). Finally, he noted that, while both sides bore responsibility for the situation, it was import to remedy the situation in the sanctions Committee as regards the delivery of

humanitarian goods to Iraq. Unfortunately, the draft resolution had not taken into account this aspect, and for that reason, his delegation would abstain from voting.⁵²

At the same meeting, the draft resolution was put to the vote and adopted by 14 votes to none, with one abstention (Russian Federation), as resolution 1129 (1997),⁵³ which reads:

The Security Council,

Recalling its previous resolutions, in particular resolutions 986 (1995) of 14 April 1995 and 1111 (1997) of 4 June 1997,

Reaffirming that the implementation period of resolution 1111 (1997) began at 0001 hours eastern daylight time, on 8 June 1997, and that the export of petroleum and petroleum products by Iraq pursuant to resolution 1111 (1997) did not require the approval by the Secretary-General of the distribution plan mentioned in paragraph 8 (a) (ii) of resolution 986 (1995),

Taking note of the decision by the Government of Iraq not to export petroleum and petroleum products permitted pursuant to resolution 1111 (1997) during the period 8 June to 13 August 1997,

Deeply concerned about the resulting humanitarian consequences for the Iraqi people, since the shortfall in the revenue from the sale of petroleum and petroleum products will delay the provision of humanitarian relief and create hardship for the Iraqi people,

Noting that, as set out in the report of the Security Council Committee established by resolution 661 (1990) Iraq will not be able to export petroleum and petroleum products worth two billion United States dollars by the end of the period set by resolution 1111 (1997) while complying with the requirement not to produce a sum exceeding one billion United States dollars every 90 days, set out in paragraph 1 of resolution 986 (1995) and renewed in resolution 1111 (1997),

Acknowledging the situation with regard to the delivery of humanitarian goods to Iraq as described in the report of the Secretary-General and encouraging the continuing efforts to improve this situation,

Stressing the importance of an equitable distribution of humanitarian goods as called for by paragraph 8 (a) (ii) of resolution 986 (1995),

Determined to avoid any further deterioration of the humanitarian situation,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

⁵⁰ *Ibid.*, p. 3.

⁵¹ *Ibid.*

⁵² *Ibid.*, pp. 3-4.

⁵³ For the vote, see S/PV.3817, p. 4.

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

1. *Decides* that the provisions of resolution 1111 (1997) shall remain in force, except that States are authorized to permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto, sufficient to produce a sum not exceeding a total of one billion United States dollars within a period of 120 days from 0001 hours eastern daylight time on 8 June 1997 and, thereafter, a sum not exceeding a total of one billion United States dollars within a period of 60 days from 0001 hours eastern daylight time on 4 October 1997;

2. *Decides also* that the provisions of paragraph 1 above shall apply only to the period of implementation of resolution 1111 (1997), and expresses its firm intention that under any future resolutions authorizing States to permit the import of petroleum and petroleum products originating in Iraq, the time limits within which imports may be permitted established in such resolutions shall be strictly enforced;

3. *Expresses its full support* for the intention of the Secretary-General, stated in his report to the Security Council, to follow up his observations concerning the needs of vulnerable groups in Iraq by monitoring the actions of the Government of Iraq in respect of these groups;

4. *Stresses* that contracts for the purchase of humanitarian supplies submitted in accordance with resolution 1111 (1997) must be limited to items which appear on the list of supplies annexed to the second distribution plan prepared by the Government of Iraq and approved by the Secretary-General pursuant to paragraph 8 (a) (ii) of resolution 986 (1995), or appropriate amendments to the plan must be requested prior to the purchase of items not on the annexed list;

5. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United States stressed that the resolution was a one-time exception intended solely to prevent unnecessary suffering among the people of Iraq and that the time limits for the sale of Iraqi petroleum under any successor resolutions would be strictly adhered to. He also stressed that the decision of the Baghdad regime to delay oil sales was not required by any of the relevant Security Council resolutions or by the memorandum of understanding with the United Nations. Instead the Government of Iraq had defied the clear conditions of United Nations resolutions and made a decision to put at risk the well-being of its people “in order to seek to score propaganda points”. While expressing regret that one delegation could not support the resolution, he maintained that the notion of introducing language blaming the United Nations for actions that were solely

the fault of the Government of Iraq into a resolution was unacceptable.⁵⁴

**Decision of 23 October 1997 (3826th meeting):
resolution 1134 (1997)**

By a note dated 6 October 1997, the Secretary-General transmitted to the Security Council the fourth report by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991).⁵⁵ In his report, the Executive Chairman noted that, while the Special Commission had registered significant achievements in the disarmament field and had been well launched in the field of monitoring, there had been continuing difficulties. The Commission was convinced of the need for the Council to insist that Iraq meet its obligations to disclose fully all of its prohibited weapons and associated programmes and demand complete cooperation by Iraq with the exercise by the Special Commission of its rights to full access to sites and persons necessary to verify compliance by Iraq with the relevant decisions of the Council.

At its 3826th meeting, held on 23 October 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the note from the Secretary-General in its agenda. The President (Chile) then drew the attention of the Council to a draft resolution submitted by Chile, Costa Rica, Japan, Poland, Portugal, the Republic of Korea, Sweden, the United Kingdom and the United States.⁵⁶

Speaking before the vote, the representative of the United Kingdom stated that his country and the other co-sponsors believed that the Council needed to react robustly to continued Iraqi flouting of resolutions of the Security Council. The draft resolution therefore contained a firm and consistent decision which built on and developed the firmly stated intention in resolution 1115 (1997) “to impose additional measures” by spelling out those measures, while providing a further opportunity over the next six months for Iraq to demonstrate by its good faith that they were unnecessary. He also noted that Iraq had still failed to

⁵⁴ S/PV.3817 and Corr.1, pp. 4-5.

⁵⁵ S/1997/774.

⁵⁶ S/1997/816.

meet its obligations on missing Kuwaiti prisoners of war, property and the national archives of Kuwait.⁵⁷

The representative of Egypt stressed that his country had drawn certain conclusions, which it would have liked to have seen included in the draft resolution. First, while the reports had indicated certain negative aspects of the conduct of Iraq, there were also some positive aspects that the draft resolution should have reflected and credited to the Government of Iraq. Second, despite his delegation's support for the mandate of the Special Commission, he stressed that the Council needed to be the only body responsible for making the right decision. Third, the reports that had been submitted and the comments made by IAEA and the Special Commission indicated that those two bodies dealt with purely technical matters and, although it was difficult from the purely technical standpoint of IAEA and the Special Commission to assert that nothing remained to be destroyed, it was important that the Council take a clear decision defining the ultimate goal of the activities of those two bodies in order to fully implement the resolution. Fourth, the difference of opinion between the Special Commission and Iraq with regard to the interpretation of those modalities and the manner of implementing them demanded that the Council take the time to study the question objectively. Iraq needed to cooperate further and the Special Commission for its part needed to make an effort to cooperate in establishing clear cut modalities. Fifth, assessing the manner in which Iraq was discharging its responsibility meant taking into consideration that the reports had indicated that Iraq had only sporadically not acted in conformity with Security Council resolutions. Sixth, Egypt was opposed in principle to the imposition of any additional sanctions against Iraq, since Iraq had made further efforts in the past six months to cooperate with the Special Commission and IAEA. Seventh, the preparation of lists of individuals who had impeded the work of the Special Commission, without specifying the person entrusted with preparing the lists or the modality of their preparation, was ambiguous. The Council ought to have mandated the sanctions Committee to determine clear criteria for the modalities of implementation of the resolution. As the sponsors of the draft resolution had insisted on its

⁵⁷ S/PV.3826, pp. 2-3.

being put to the vote without taking into consideration the proposals, Egypt would abstain in the voting.⁵⁸

The representative of Kenya stated that for the most part the reports of the Special Commission and IAEA indicated that significant progress had been made on several fronts, particularly in the missile and chemical weapons area, and that in the overall context of the work of the Commission, inspections had been conducted without hindrance. As the draft resolution did not clearly portray the balance and tone of the reports, Kenya would abstain in the voting.⁵⁹

The representative of China noted that, in most cases, Iraq had cooperated with the Special Commission. He stressed that his delegation was never in favour of imposing sanctions against any State indiscriminately or of using sanctions as a threat. He stated that in order to solve problems, the priority was to enhance the cooperation between Iraq and the Special Commission rather than further complicating the matter. As the draft resolution was not conducive to the settlement of the problems concerned, China would have to abstain in the voting.⁶⁰

The representative of the Russian Federation stated that, while it could not be said that Iraq had accounted for all the weapons components and capabilities proscribed by section C of resolution 687 (1991), the isolated incidents concerning inspections that had occurred could not justify the immediate adoption of additional sanctions against Iraq, as provided for in resolution 1115 (1997). He stated that the problems remaining in the relations between the Special Commission and Baghdad deserved serious attention on the part of the Council and needed to be rapidly resolved, inter alia, within the framework of the consultations between the Executive Chairman of the Special Commission and Baghdad. He stressed that there was a lack of balance in the draft resolution: the resolution ignored substantial elements of the fulfillment of relevant provisions of resolution 687 (1991) and omitted any mention of the International Atomic Energy Agency report. The representative noted that there was an attempt in the draft resolution to revise the provision in resolution 1115 (1997) on the need for "substantial compliance" by Iraq with the

⁵⁸ Ibid., pp. 4-5.

⁵⁹ Ibid., pp. 6-7.

⁶⁰ Ibid., p. 7.

requirements for access of the Special Commission. Since resolution 1115 (1997) continued in effect, the use of new wording in the form proposed by the sponsors of the draft resolution would confuse the criteria for Iraqi compliance with the resolution. He stressed that the proposed concept of a black list was faulty from both logical and legal standpoints, and therefore could not be acceptable, as lists of persons subject to sanctions should not be drawn up when the Council had not yet decided whether sanctions would be imposed. Taking those factors into account, the Russian Federation would abstain in the voting.⁶¹

A number of speakers made statements in favour of the draft resolution, maintaining that Iraq had repeatedly violated its obligations and stressing that nothing less than full cooperation by Iraq with the Special Commission would enable it to fulfil its task.⁶²

At the same meeting, the draft resolution was put to the vote and adopted by 10 votes to none, with 5 abstentions (China, Egypt, France, Kenya, Russian Federation), as resolution 1134 (1997),⁶³ which reads:

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 687 (1991) of 3 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 1060 (1996) of 12 June 1996 and 1115 (1997) of 21 June 1997,

Having considered the report of the Executive Chairman of the Special Commission of 6 October 1997,

Expressing grave concern at the report of additional incidents since the adoption of resolution 1115 (1997), in which access by the Special Commission inspection team to sites in Iraq designated for inspection by the Commission was again denied by the Iraqi authorities,

Stressing the unacceptability of any attempts by Iraq to deny access to such sites,

Taking note of the progress nevertheless achieved by the Special Commission, as set out in the report of the Executive Chairman, towards the elimination of Iraq's programme of weapons of mass destruction,

Reaffirming its determination to ensure full compliance by Iraq with all its obligations under all previous relevant resolutions, and reiterating its demand that Iraq allow immediate, unconditional and unrestricted access to the Special

Commission to any site which the Commission wishes to inspect and, in particular, allow the Special Commission and its inspection teams to conduct both fixed-wing and helicopter flights throughout Iraq for all relevant purposes, including inspection, surveillance, aerial surveys, transportation and logistics without interferences of any kind and upon such terms and conditions as may be determined by the Special Commission, and to make use of their own aircraft and such airfields in Iraq as they may determine are most appropriate for the work of the Commission,

Recalling that in its resolution 1115 (1997) the Council expressed its firm intention, unless the Special Commission has advised the Council that Iraq is in substantial compliance with paragraphs 2 and 3 of that resolution, to impose additional measures on those categories of Iraqi officials responsible for the non-compliance,

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq,

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

1. *Condemns* the repeated refusal of the Iraqi authorities, as detailed in the report of the Executive Chairman of the Special Commission to allow access to sites designated by the Special Commission, and especially Iraqi actions endangering the safety of Special Commission personnel, the removal and destruction of documents of interest to the Special Commission and interference with the freedom of movement of Special Commission personnel;

2. *Decides* that such refusals to cooperate constitute a flagrant violation of Security Council resolutions 687 (1991), 707 (1991), 715 (1991) and 1060 (1996), and notes that the Special Commission, in the report of the Executive Chairman, was unable to advise that Iraq was in substantial compliance with paragraphs 2 and 3 of resolution 1115 (1997);

3. *Demands* that Iraq cooperate fully with the Special Commission in accordance with the relevant resolutions, which constitute the governing standard of Iraqi compliance;

4. *Demands* in particular that Iraq without delay allow the Special Commission inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect in accordance with the mandate of the Special Commission, as well as to officials and other persons under the authority of the Iraqi Government whom the Special Commission wishes to interview so that the Special Commission may fully discharge its mandate;

5. *Requests* the Executive Chairman of the Special Commission to include in all future consolidated progress reports prepared under resolution 1051 (1996) an annex evaluating Iraq's compliance with paragraphs 2 and 3 of resolution 1115 (1997);

⁶¹ Ibid., pp. 8-9.

⁶² Ibid., p. 5 (Portugal); pp. 5-6 (Sweden); p. 6 (Poland); and pp. 7-8 (Japan).

⁶³ For the vote, see S/PV.3826, p. 9.

6. *Expresses* its firm intention — if the Special Commission reports that Iraq is not in compliance with paragraphs 2 and 3 of resolution 1115 (1997) or if the Special Commission does not advise the Council in the report of the Executive Chairman due on 11 April 1998 that Iraq is in compliance with paragraphs 2 and 3 of resolution 1115 (1997) — to adopt measures which would oblige all States to prevent without delay the entry into or transit through their territories of all Iraqi officials and members of the Iraqi armed forces who are responsible for or participate in instances of non-compliance with paragraphs 2 and 3 of resolution 1115 (1997), provided that the entry of a person into a particular State on a specified date may be authorized by the Security Council Committee established by resolution 661 (1990), and provided that nothing in this paragraph shall oblige a State to refuse entry into its own territory to its own nationals or persons carrying out bona fide diplomatic assignments or missions;

7. *Decides*, on the basis of 11 incidents related to the implementation of paragraphs 2 and 3 of resolution 1115 (1997), to begin to designate, in consultation with the Special Commission, individuals whose entry or transit would be prevented upon implementation of the measures set out in paragraph 6 above;

8. *Decides also* not to conduct the reviews provided for in paragraphs 21 and 28 of resolution 687 (1991) until after the next consolidated progress report of the Special Commission, due on 11 April 1998, after which those reviews will resume in accordance with resolution 687 (1991), beginning on 26 April 1998;

9. *Reaffirms its full support* for the authority of the Special Commission under its Executive Chairman to ensure the implementation of its mandate under the relevant resolutions of the Council;

10. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of France stated that his country had wanted the wording of the text to be such that it would not give rise to any hasty or erroneous interpretations, such as the belief that an additional sanctions process had already been set in motion, contrary to the appeal contained in the report of the Special Commission. Because progress had been made, he expressed the belief that the Executive Chairman of the Special Commission ought to have received some encouragement to continue with his efforts and further enhance the effectiveness of the cooperation with the Iraqi authorities. He also expressed the hope that the Council, in the future exercise of its prerogatives, would continue to use very precise wording in its work in order to avoid situations in which people not directly responsible for the problems encountered might find themselves facing

sanctions. In light of those considerations, his delegation had abstained in the voting.⁶⁴

The representative of the United States, referring to the suggestion that the Council ought to reward Iraq because it had cooperated with the Special Commission to a greater degree than in the past, underscored that cooperation was not a matter of degree: either Iraq was in compliance with its obligations or it was in breach of those obligations. Regarding the report of IAEA, he maintained that it was clear that Iraq had not answered all the relevant questions necessary to have a full accounting of its programmes.⁶⁵

**Decision of 29 October 1997 (3828th meeting):
statement by the President**

At its 3828th meeting, held on 29 October 1997 in accordance with the understanding reached in its prior consultations, the President (Chile) drew the attention of the Security Council to a letter dated 29 October 1997 from the representative of Iraq addressed to the President of the Council, transmitting a letter of the same date from the Deputy Prime Minister of Iraq to the President of the Council.⁶⁶ In the letter, the Deputy Prime Minister informed the Council of the decision taken by the Government of Iraq that it was ready to continue the cooperation with the Special Commission provided that no individuals of American nationality participated in any activity of the Special Commission inside Iraq.

At the same meeting the President made the following statement on behalf of the Council:⁶⁷

The Security Council has considered the letter dated 29 October 1997 from the Deputy Prime Minister of Iraq to the President of the Security Council conveying the unacceptable decision of the Government of Iraq to seek to impose conditions on its cooperation with the Special Commission, thereby preventing the Special Commission from discharging its responsibilities under resolutions 687 (1991), 699 (1991), 707 (1991), 715 (1991), 1051 (1996), 1060 (1996), 1115 (1997) and 1134 (1997).

The Council recalls its demands in resolution 1134 (1997) that Iraq cooperate fully with the Special Commission in accordance with the relevant resolutions, which constitute the governing standard of Iraqi compliance.

⁶⁴ S/PV.3826, pp. 9-10.

⁶⁵ *Ibid.*, pp. 10-12.

⁶⁶ S/1997/829.

⁶⁷ S/PRST/1997/49.

The Council condemns the decision of the Government of Iraq to try to dictate the terms of its compliance with its obligation to cooperate with the Special Commission. It demands that Iraq cooperate fully, in accordance with the relevant resolutions, without conditions or restrictions, with the Special Commission in the implementation of its mandate. The Council furthermore reminds the Government of Iraq of its responsibility for the safety and security of the Special Commission personnel and inspection teams.

The Council warns of the serious consequences of Iraq's failure to comply immediately and fully with its obligations under the relevant resolutions. The Council is determined to ensure rapid and full Iraqi compliance with the relevant resolutions and for that purpose will remain actively seized of the matter.

**Decision of 12 November 1997 (3831st meeting):
resolution 1137 (1997)**

At its 3831st meeting, held on 12 November 1997 in accordance with the understanding reached in its prior consultations, the President (China) drew the attention of the Security Council to a draft resolution submitted by the United Kingdom and the United States, with Chile, Costa Rica, Japan, Poland, Portugal, the Republic of Korea and Sweden joining as sponsors.⁶⁸ The President then drew the attention of the Council to the following documents: a letter dated 29 October 1997 from the representative of Iraq addressed to the President of the Security Council;⁶⁹ letters dated 6 and 10 November 1997 from the representative of Iraq addressed to the President of the Council and the Secretary-General,⁷⁰ respectively, transmitting letters of the same date from the Minister for Foreign Affairs of Iraq addressed to the President of the Council and to the Secretary-General, respectively; letters dated 30 October and 2, 3, 4, 5 and 7 November 1997, respectively, from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council;⁷¹ and a letter dated

31 October 1997 from the Secretary-General addressed to the President of the Security Council.⁷²

The representative of Costa Rica stressed that the core of the question was not just the issue of sanctions but the fact that the Government of Iraq was putting to the test the jurisdiction and the legal power of the Council, whose fundamental responsibility was to maintain international peace and security, as stipulated in Article 24 of the Charter.⁷³

The representative of Egypt stated that his country "[did] not see wisdom" in the insistence of Iraq on its position with regard to the Council or in its lack of responsiveness to the efforts by Egypt and others to dissuade it from insisting on that position. However, he suggested that the current crisis needed to be seen as an opportunity to extract lessons regarding the causes and ramifications of the feelings of frustration that led to the taking of unacceptable positions. The Council also needed to review the working methods of the Special Commission to ensure increased efficiency in carrying out its tasks as a subsidiary organ of the Council. He also stated that his delegation shared the conviction of many delegations regarding the necessity to comply with constitutional provisions and legal standards by not depriving any Member State of the United Nations of the right to express its view before the Council, in accordance with Articles 31 and 32 of the Charter, especially if the question related to sanctions imposed on that State under Chapter VII. He stressed that, while his country would vote in favour of the draft resolution, he would like to place on record the understanding that the travel restrictions contained in the draft resolution must not obstruct the discharge of the responsibilities of his Government as the host country of the headquarters of the League of Arab States. He also underlined that the draft resolution contained nothing that could open the way to an escalation of the situation, to the use of force or to resort to a military option.⁷⁴

⁶⁸ S/1997/872.

⁶⁹ S/1997/829; see also decision of 3 December 1997 (3838th meeting), in this section.

⁷⁰ Letters concerning responsibility for the teams of the Special Commission not performing their tasks (S/1997/855 and S/1997/867).

⁷¹ Letters concerning the prevention by Iraqi authorities of inspections to be carried out by the Special Commission, and implicitly threatening the safety of a reconnaissance

aircraft operating on behalf of the Special Commission (S/1997/830; S/1997/836; S/1997/837; S/1997/843; S/1997/848; and S/1997/851; and S/1997/864).

⁷² Letter informing the Council that IAEA would suspend the practical implementation of its ongoing monitoring activities to maintain a common approach with the Special Commission (S/1997/833).

⁷³ S/PV.3831, pp. 2-3.

⁷⁴ *Ibid.*, pp. 6-8.

The representative of Guinea-Bissau stated that the Council regarded as unacceptable the decision of the Iraqi authorities of 29 October 1997 that challenged the operational capacity of the Special Commission and certain cardinal principles of the Charter of the United Nations, particularly Article 100.⁷⁵

The representative of France stated that the travel restrictions would not worsen the situation of the Iraqi people, nor would they hamper the search for a peaceful solution. He noted that, as was stated in the French-Russian joint declaration, France continued to advocate strongly that any action with regard to Iraq be considered and conducted strictly within the framework of the Council.⁷⁶

Several speakers condemned the violations by Iraq of its obligations and called on it to cooperate fully with the Special Commission.⁷⁷

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1137 (1997), which reads:

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 687 (1991) of 3 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 1060 (1996) of 12 June 1996, 1115 (1997) of 21 June 1997 and 1134 (1997) of 23 October 1997,

Taking note with grave concern of the letter dated 29 October 1997 from the Deputy Prime Minister of Iraq to the President of the Security Council conveying the unacceptable decision of the Government of Iraq to seek to impose conditions on its cooperation with the Special Commission, of the letter dated 2 November 1997 from the Permanent Representative of Iraq to the United Nations addressed to the Executive Chairman of the Special Commission which reiterated the unacceptable demand that the reconnaissance aircraft operating on behalf of the Special Commission be withdrawn from use and which implicitly threatened the safety of such aircraft, and of the letter dated 6 November 1997 from the Minister for Foreign Affairs of Iraq to the President of the Security Council admitting that Iraq has moved dual-capable equipment which is subject to monitoring by the Special Commission,

Also taking note with grave concern of the letters dated 30 October and 2 November 1997 from the Executive Chairman

of the Special Commission to the President of the Security Council advising that the Government of Iraq had denied entry to Iraq to two Special Commission officials on 30 October and 2 November 1997 on the grounds of their nationality, and of the letters dated 3, 4, 5 and 7 November 1997 from the Executive Chairman of the Special Commission to the President of the Security Council advising that the Government of Iraq had denied entry to sites designated for inspection by the Special Commission on 3, 4, 5, 6 and 7 November 1997 to Special Commission inspectors on the grounds of their nationality, as well as of the additional information in the letter dated 5 November 1997 from the Executive Chairman of the Special Commission addressed to the President of the Security Council that the Government of Iraq has moved significant pieces of dual-capable equipment subject to monitoring by the Special Commission and that monitoring cameras appear to have been tampered with or covered,

Welcoming the diplomatic initiatives, including that of the high-level mission of the Secretary-General, which have taken place in an effort to ensure that Iraq complies unconditionally with its obligations under the relevant resolutions,

Deeply concerned at the report of the high-level mission of the Secretary-General on the results of its meetings at the highest levels of the Government of Iraq,

Recalling that in its resolution 1115 (1997) the Council expressed its firm intention, unless the Special Commission advised it that Iraq is in substantial compliance with paragraphs 2 and 3 of that resolution, to impose additional measures on those categories of Iraqi officials responsible for the non-compliance,

Recalling also that in its resolution 1134 (1997) the Council reaffirmed its firm intention, if, inter alia, the Special Commission reports that Iraq is not in compliance with paragraphs 2 and 3 of resolution 1115 (1997), to adopt measures which would oblige States to refuse the entry into or transit through their territories of all Iraqi officials and members of the Iraqi armed forces who are responsible for or participate in instances of non-compliance with paragraphs 2 and 3 of resolution 1115 (1997),

Recalling further the statement by its President of 29 October 1997, in which the Council condemned the decision of the Government of Iraq to try to dictate the terms of its compliance with its obligation to cooperate with the Special Commission and warned of the serious consequences of Iraq's failure to comply immediately and fully and without conditions or restrictions with its obligations under the relevant resolutions,

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq,

Determined to ensure immediate and full compliance without conditions or restrictions by Iraq with its obligations under the relevant resolutions,

⁷⁵ *Ibid.*, pp. 8-9.

⁷⁶ *Ibid.*, pp. 9-10.

⁷⁷ *Ibid.*, p. 3 (Sweden); pp. 3-4 (Portugal); pp. 4-5 (Japan); pp. 5-6 (Poland); p. 6 (Chile); p. 8 (Kenya); and pp. 11 (Republic of Korea).

Determining that this situation continues to constitute a threat to international peace and security,

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

1. *Condemns* the continued violations by Iraq of its obligations under the relevant resolutions to cooperate fully and unconditionally with the Special Commission in the fulfillment of its mandate, including its unacceptable decision of 29 October 1997 to seek to impose conditions on cooperation with the Special Commission, its refusal on 30 October and 2 November 1997 to allow entry to Iraq to two Special Commission officials on the grounds of their nationality, its denial of entry on 3, 4, 5, 6 and 7 November 1997 to sites designated by the Special Commission for inspection to Special Commission inspectors on the grounds of their nationality, its implicit threat to the safety of the reconnaissance aircraft operating on behalf of the Special Commission, its removal of significant pieces of dual-use equipment from their previous sites, and its tampering with monitoring cameras of the Special Commission;

2. *Demands* that the Government of Iraq rescind immediately its decision of 29 October 1997;

3. *Demands also* that Iraq cooperate fully and immediately and without conditions or restrictions with the Special Commission in accordance with the relevant resolutions, which constitute the governing standard of Iraqi compliance;

4. *Decides*, in accordance with paragraph 6 of resolution 1134 (1997), that States shall without delay prevent the entry into or transit through their territories of all Iraqi officials and members of the Iraqi armed forces who were responsible for or participated in the instances of non-compliance detailed in paragraph 1 above, provided that the entry of a person into a particular State on a specified date may be authorized by the Security Council Committee established by resolution 661 (1990) of 6 August 1990, and provided that nothing in this paragraph shall oblige a State to refuse entry into its own territory to its own nationals, or to persons carrying out bona fide diplomatic assignments, or missions approved by the Committee;

5. *Decides also*, in accordance with paragraph 7 of resolution 1134 (1997), to designate in consultation with the Special Commission a list of individuals whose entry or transit will be prevented under the provisions of paragraph 4 above, and requests the Committee established by resolution 661 (1990) to develop guidelines and procedures as appropriate for the implementation of the measures set out in paragraph 4 above and to transmit copies of those guidelines and procedures, as well as a list of the individuals designated, to all Member States;

6. *Decides further* that the provisions of paragraphs 4 and 5 above shall terminate one day after the Executive Chairman of the Special Commission reports to the Council that Iraq is allowing the Special Commission inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation

which they wish to inspect in accordance with the mandate of the Special Commission, as well as to officials and other persons under the authority of the Iraqi Government whom the Special Commission wishes to interview so that the Special Commission may fully discharge its mandate;

7. *Decides* that the reviews provided for in paragraphs 21 and 28 of resolution 687 (1991) shall resume in April 1998 in accordance with paragraph 8 of resolution 1134 (1997), provided that the Government of Iraq shall have complied with paragraph 2 above;

8. *Expresses its firm intention* to take further measures as may be required for the implementation of the present resolution;

9. *Reaffirms* the responsibility of the Government of Iraq under the relevant resolutions to ensure the safety and security of the personnel and equipment of the Special Commission and its inspection teams;

10. *Reaffirms also* its full support for the authority of the Special Commission under its Executive Chairman to ensure the implementation of its mandate under the relevant resolutions of the Council;

11. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United States maintained that in 37 previous reviews of sanctions against Iraq, the Council had concluded that Iraq had not met the simple conditions for lifting sanctions. The current crisis was not just more of the same, but was a violation of the Charter of the United Nations itself, as well as a categorical rejection of resolutions of the Council.⁷⁸

The representative of the United Kingdom reiterated that the successful completion of the work of the Special Commission was essential for maintaining regional and international peace and security.⁷⁹

The representative of the Russian Federation stated that the Council had no other way out than to adopt concrete measures on the basis of the consensus established in resolution 1115 (1997). However, his delegation was convinced that any complications that arose needed to be resolved exclusively by political means and strictly within the framework of the relevant resolutions of the Council. Any other approaches, particularly actions involving force or the threat of the use of force, could nullify all the achievements so far in reaching a post-crisis settlement in the Persian Gulf

⁷⁸ *Ibid.*, pp. 11-12.

⁷⁹ *Ibid.*, pp. 12-13.

and move the situation a long way back from the goal of eliminating the threat to peace and security in the region.⁸⁰

The representative of China stated that the causes of the current crisis were multifaceted and complex. The Council needed to hear the views of the Special Commission and Iraq on the question of inspections in order to make a fair and reasonable judgment on progress achieved in inspections. Problems that had come up in the course of inspections needed to be appropriately settled through dialogue and cooperation. He stressed that China was opposed to the use or the threat of force or any actions that might exacerbate tensions. In particular, the occurrence of armed conflict needed to be avoided. He also noted that his delegation's vote in favour did not imply a change in the position of China on sanctions.⁸¹

Decision of 13 November 1997 (3832nd meeting): statement by the President

At its 3832nd meeting, held on 13 November 1997 in accordance with the understanding reached in its prior consultations, the President (China) drew the attention of the Security Council to a letter dated 13 November 1997 from the Secretary-General addressed to the President of the Security Council,⁸² informing the Council that the Government of Iraq had taken the decision to expel all American personnel of the Special Commission and that all U-2 flights needed to cease; and a letter dated 13 November 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council, informing the Council that all Americans attached to the Special Commission had been asked to depart from Iraq and that the Chairman had decided to temporarily withdraw the majority of the personnel of the Special Commission and leave behind a skeleton staff.⁸³

At the same meeting the President made the following statement on behalf of the Council:⁸⁴

⁸⁰ Ibid., pp. 13-14.

⁸¹ Ibid., pp. 14-15.

⁸² S/1997/888.

⁸³ S/1997/883.

⁸⁴ S/PRST/1997/51.

The Security Council condemns in the strongest terms the unacceptable decision of the Government of Iraq in expelling personnel of the Special Commission of a specified nationality and thereby imposing conditions on the Special Commission in contravention of relevant Security Council resolutions which constitute the governing standard of Iraqi compliance.

The Council demands the immediate and unequivocal revocation of this action, which has prevented the Special Commission from discharging its responsibilities under the relevant resolutions. The Council recalls the statement by its President of 29 October 1997, in which the Council warned of the serious consequences of Iraq's failure to comply immediately and fully and without conditions or restrictions with its obligations under the relevant resolutions. The Council further demands, in accordance with its resolution 1137 (1997), that Iraq comply immediately and fully with its obligations under the relevant resolutions.

The Council expresses its support for the Special Commission and the International Atomic Energy Agency and stresses the importance of their ensuring the implementation of all aspects of their mandates, including their vital work in monitoring and verification in Iraq, in accordance with the relevant resolutions of the Council.

The Council stresses that the Government of Iraq has full responsibility for ensuring the safety and security of the personnel and equipment of the Special Commission and the International Atomic Energy Agency and their inspection teams.

Decision of 3 December 1997 (3838th meeting): statement by the President

By a letter dated 22 November 1997 addressed to the President of the Security Council,⁸⁵ the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991) transmitted the report on the emergency session of the Special Commission, which focused on ways to make it more effective.

At its 3838th meeting, held on 3 December 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the letter of the Secretary-General in its agenda.

At the same meeting, the President made the following statement on behalf of the Council:⁸⁶

The Security Council endorses the conclusions and recommendations of the report of the emergency session of the Special Commission aimed at full and expeditious implementation of the relevant resolutions and at increasing the

⁸⁵ S/1997/922.

⁸⁶ S/PRST/1997/54.

efficiency and effectiveness of the work of the Commission to this end.

The Council reiterates its demand that Iraq fulfil all its obligations as set out in all the relevant resolutions, including resolution 1137 (1997), and cooperate fully with the Special Commission and the International Atomic Energy Agency in the implementation of their respective mandates. The Council stresses that the effectiveness and speed with which the Special Commission may accomplish its responsibilities is, above all, determined by the degree to which the Government of Iraq cooperates in disclosing the full extent and disposition of its proscribed programmes and in granting the Commission unimpeded access to all sites, documents, records and individuals. The Council acknowledges the conclusion of the report of the emergency session of the Special Commission that the Commission respects the legitimate national security, sovereignty and dignity concerns of Iraq in the context of the need for full application of the mandate given to it by the Council.

The Council welcomes the progress achieved by the Special Commission and the International Atomic Energy Agency in various disarmament areas. The Council encourages intensified efforts, in line with the conclusions and recommendations of the emergency session of the Special Commission, in order to implement fully the mandates of the Commission and the International Atomic Energy Agency in each of their respective disarmament arm. The Council acknowledges that, as Iraq complies with its obligations under the relevant resolutions, and the Special Commission and the International Atomic Energy Agency so report and the Council agrees, the Commission and the International Atomic Energy Agency would make the transition from investigation to monitoring in their respective areas, expanding the use of the ongoing monitoring system functioning in Iraq.

The Council urges Member States to respond positively to the requests contained in the report of the emergency session of the Special Commission, in particular related to the provision of additional personnel, equipment and information required by the mission and the International Atomic Energy Agency for more efficient and effective implementation of their respective mandates.

The Council will remain seized of the matter and will consider whether additional action may be necessary.

**Decision of 4 December 1997 (3840th meeting):
resolution 1143 (1997)**

On 28 November 1997, pursuant to paragraph 3 of resolution 1111 (1997), the Secretary-General submitted to the Security Council a report on the humanitarian situation in Iraq.⁸⁷ In his report, the

Secretary-General observed that, despite the ongoing implementation of resolutions 986 (1995) and 1111 (1997), the population of Iraq continued to face a serious nutritional and health situation and that there was an urgent need to contain the risk of a further deterioration. The slow and erratic pace at which humanitarian inputs had been arriving in Iraq had been very unsatisfactory. He stated that even if all supplies arrived on time, what was being provided under resolutions 986 (1995) and 1111 (1997) would be insufficient to address, even as a temporary measure, all the humanitarian needs of the Iraqi people. Given the scale of the urgent humanitarian requirements in Iraq, he suggested that the Council re-examine the adequacy of the revenues as envisaged by resolutions 986 (1995) and 1111 (1997) and consider the possibility of increasing those revenues to meet the priority humanitarian requirements of Iraq.

By a letter dated 2 December 1997 addressed to the President of the Security Council,⁸⁸ the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait transmitted a report on the activities of the Committee.

At its 3840th meeting, held on 4 December 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General and the letter in its agenda. The President (Costa Rica) then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁸⁹

The representative of China noted that the quantity of oil sales stipulated in resolution 1111 (1997) was far from being able to satisfy the basic humanitarian needs of Iraq, and owing to the slow pace of the review and approval procedure, the majority of phase II import applications had yet to be approved. Such a situation, in which the import of humanitarian goods lagged behind the export of oil, was unacceptable. The Chinese delegation believed that, since the current quantity of oil sales could not satisfy the humanitarian needs of Iraq, the Council needed to increase the quantity of oil exports by Iraq in order to guarantee the country's essential humanitarian needs. He also urged the parties concerned to speed up the

⁸⁷ S/1997/935.

⁸⁸ S/1997/942.

⁸⁹ S/1997/951.

review and approval procedure so that humanitarian goods might be shipped to Iraq as soon as possible.⁹⁰

The representative of the Russian Federation underlined that, in referring to the reasons for inadequate supplies of humanitarian goods, the Council should not evade the question of the blocking of contracts in the sanctions Committee. He stressed that the current resolution was of an interim nature and that the amount of oil exports needed to be increased to provide adequate financing for humanitarian purchases.⁹¹

The representative of the United States reiterated that Iraq needed to stop playing politics with resolution 986 (1995) and stop submitting contracts that failed to meet the criteria and procedures agreed to. He also called on Iraq to end its threats to cease cooperation with the United Nations.⁹²

All members of the Council made statements in support of the draft resolution and expressed concern about the slow pace of the purchase of humanitarian goods. Most speakers also spoke favourably about a possible increase in the amount of oil permitted to be sold.⁹³ The representatives of Egypt and France also hoped that the draft resolution would reflect a preliminary agreement to increase the amount of oil that Iraq would be allowed to sell to deal with humanitarian needs.⁹⁴

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1143 (1997), which reads:

The Security Council,

Recalling its previous resolutions, in particular resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997 and 1129 (1997) of 12 September 1997,

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until the fulfilment by Iraq of the relevant resolutions, including notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions

referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Convinced also of the need for equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country,

Welcoming the report submitted by the Secretary-General in accordance with paragraph 3 of resolution 1111 (1997), and his intention to submit a supplementary report, as well as the report submitted in accordance with paragraph 4 of resolution 1111 (1997) by the Security Council Committee established by resolution 661 (1990),

Noting with concern that, despite the ongoing implementation of resolutions 986 (1995) and 1111 (1997), the population of Iraq continues to face a serious nutritional and health situation,

Determined to avoid any further deterioration of the current humanitarian situation,

Noting with appreciation the recommendation of the Secretary-General that the Council re-examine the adequacy of the revenues provided by resolution 986 (1995) and consider how best to meet the priority humanitarian requirements of the Iraqi people, including the possibility of increasing those revenues,

Noting also with appreciation the intention of the Secretary-General to include in his supplementary report recommendations on ways to improve the processing and supply of humanitarian goods under resolution 986 (1995),

Welcoming the efforts made by the Committee established by resolution 661 (1990) to refine and clarify its working procedures, and encouraging the Committee to go further in that direction in order to expedite the approval process,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

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

1. *Decides* that the provisions of resolution 986 (1993), except those contained in paragraphs 4, 11 and 12, shall remain in force for another period of 180 days beginning at 0001 hours Eastern Standard Time, on 5 December 1997;

2. *Also decides* that the provisions of the distribution plan in respect of goods purchased in accordance with resolution 1111 (1997) shall continue to apply to foodstuffs, medicine and health supplies purchased in accordance with the present resolution pending the approval of the Secretary-General of a new distribution plan, to be submitted by the Government of Iraq before 5 January 1998;

3. *Further decides* to conduct a thorough review of all aspects of the implementation of the present resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day period, on receipt of the reports referred to in paragraphs 4 and 5 below, and expresses its intention, prior

⁹⁰ S/PV.3840, pp. 2-3.

⁹¹ *Ibid.*, pp. 10-11.

⁹² *Ibid.*, pp. 11-12.

⁹³ *Ibid.*, pp. 3-4 (Sweden); pp. 4-5 (Republic of Korea); pp. 4-5 (Portugal); pp. 5-6 (Chile); pp. 6-7 (Kenya); pp. 7-8 (Poland); pp. 9-10 (Guinea-Bissau); and pp. 13-14 (Costa Rica).

⁹⁴ *Ibid.*, pp. 2-3 (Egypt); and pp. 8-9 (France).

to the end of the 180-day period, to consider favourably renewal of the provisions of the present resolution, provided that the reports referred to in paragraphs 4 and 5 below indicate that those provisions are being satisfactorily implemented;

4. *Requests* the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above, and again prior to the end of the 180-day period, on the basis of observation by United Nations personnel in Iraq, and on the basis of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986 (1995), including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 1 of resolution 986 (1995);

5. *Requests* the Security Council Committee established by resolution 661 (1990), in close coordination with the Secretary-General, to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the 180-day period on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995);

6. *Welcomes* the intention of the Secretary-General to submit a supplementary report, and expresses its willingness, in the light of his recommendations, to find ways of improving the implementation of the humanitarian programme and to take such action over additional resources as needed to meet priority humanitarian requirements of the Iraqi people, as well as to consider an extension of the time-frame for the implementation of the present resolution;

7. *Requests* the Secretary-General to submit his supplementary report to the Council no later than 30 January 1998;

8. *Stresses* the need to ensure respect for the security and safety of all persons appointed by the Secretary-General for the implementation of the present resolution in Iraq;

9. *Requests* the Committee established by resolution 661 (1990) to continue, in close coordination with the Secretary-General, to refine and clarify working procedures in order to expedite the approval process and to report to the Council no later than 30 January 1998;

10. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United Kingdom stressed that, with regard to food and medicines, his delegation did not believe that the bulk of the problems lay with the sanctions Committee. He reiterated that the Government of Iraq also had an essential role for which it needed to be held accountable. It needed to produce a distribution plan on

time and demonstrate its own efforts to give priority to feeding its people.⁹⁵

**Decision of 22 December 1997 (3844th meeting):
statement by the President**

By a letter dated 17 December 1997 addressed to the President of the Security Council, the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991) transmitted a report on his visit to Baghdad from 12 to 16 December 1997.⁹⁶ In his report, the Chairman informed the Security Council that, among other conditions on access to different types of sites, the Government of Iraq had decided that presidential and sovereign sites would not be allowed to be inspected under any circumstances.

At its 3844th meeting, held on 22 December 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda.

At the same meeting, the President (Costa Rica) made the following statement on behalf of the Council:⁹⁷

The Security Council has considered the report of 17 December 1997 from the Executive Chairman of the Special Commission on his discussions with officials of the Government of Iraq, which took place in Baghdad from 12 to 16 December 1997.

The Council recalls all its relevant resolutions, including resolution 1137 (1997) of 12 November 1997 and the statement by its President of 3 December 1997. The Council reiterates its demand that the Government of Iraq cooperate fully with the Special Commission in accordance with all relevant resolutions and that the Government of Iraq allow the Special Commission inspection teams immediate, unconditional access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect in accordance with the mandate of the Special Commission.

The Council stresses that failure by the Government of Iraq to provide the Special Commission with immediate, unconditional access to any site or category of sites is unacceptable and a clear violation of the relevant resolutions.

The Council expresses its full support for the Special Commission and its Executive Chairman, including in his ongoing discussions with officials of the Government of Iraq.

⁹⁵ *Ibid.*, pp. 12-13.

⁹⁶ S/1997/987.

⁹⁷ S/PRST/1997/56.

The Council acknowledges that discussions are continuing on practical arrangements for implementation of all its relevant resolutions. The Council reiterates that the effectiveness and speed with which the Special Commission may accomplish its responsibilities is, above all, determined by the degree to which the Government of Iraq cooperates in disclosing the full extent and disposition of its proscribed programmes and in granting the Special Commission unimpeded access to all sites, documents, records, and individuals. The Council calls upon the Government of Iraq to cooperate fully with the Special Commission in the implementation of its mandate.

The Council will remain actively seized of the matter.

Decision of 14 January 1998 (3848th meeting): statement by the President

By a letter dated 12 January 1998 addressed to the President of the Security Council, the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991) informed the Council of a decision by the Government of Iraq to not permit the inspection team to undertake any activities inside Iraq until such time as its composition was reviewed and made more balanced by the equal participation of the permanent members of the Council.⁹⁸

By a letter dated 13 January 1998 addressed to the President of the Council, the representative of Iraq informed the Council that the reason for the decision of his Government to halt the work of the team was not related to the nature of the sites, but was due to the fact that the composition of nationalities on the team lacked balance. He also added that the lack of balance had an essentially political significance.⁹⁹

At its 3848th meeting, held on 14 January 1998 in accordance with the understanding reached in its prior consultations, the Council included the two letters in its agenda. The President then drew the attention of the Council to a letter dated 12 January 1998 from the representative of Iraq addressed to the President of the Council, which raised concerns about transparency in the reporting of information to the Council.¹⁰⁰

At the same meeting, the President made the following statement on behalf of the Council:¹⁰¹

⁹⁸ S/1998/27.

⁹⁹ S/1998/28.

¹⁰⁰ S/1998/26.

¹⁰¹ S/PRST/1998/1.

The Security Council deplores the statement of the Iraqi official spokesman of 12 January 1998 and the subsequent failure of Iraq to fulfil its obligations to provide the Special Commission with full, unconditional and immediate access to all sites. The Council determines that this failure is unacceptable and a clear violation of the relevant resolutions.

The Council recalls the statement by its President of 29 October 1997 in which it condemned the decision of the Government of Iraq to try to dictate the terms of its compliance with its obligations to cooperate with the Special Commission.

The Council reiterates its demand, contained in resolution 1137 (1997), that Iraq cooperate fully and immediately and without conditions or restrictions with the Special Commission in accordance with the relevant resolutions, which constitute the governing standard of Iraqi compliance.

The Council expresses its full support for the Special Commission and its Executive Chairman, including in his forthcoming travel to Iraq to continue his discussions with officials of the Government of Iraq aimed at the full implementation of the relevant resolutions and at increasing the effectiveness and efficiency of the operations of the Special Commission to this end. In this context, the Council recalls the statements by its President of 3 December and 22 December 1997 and encourages the efforts reported to it by the Executive Chairman.

The Council requests a full briefing by the Executive Chairman on these discussions as soon as possible after they have taken place, so that it can decide as necessary on an appropriate response on the basis of the relevant resolutions.

The Council will remain seized of the matter.

Decision of 20 February 1998 (3855th meeting): resolution 1153 (1998)

On 1 February 1998, pursuant to paragraph 7 of resolution 1143 (1997), the Secretary-General submitted to the Security Council a report on ways to improve the implementation of the humanitarian programme for Iraq.¹⁰² In his report, the Secretary-General observed that the distribution plan remained central to the entire system, and he therefore recommended that the content and presentation of the distribution plan be significantly improved by providing indicators relating to the targeted objectives to be achieved and other factors. Regarding the programme review, he stressed that it had become increasingly apparent that the sum was inadequate to prevent further deterioration in humanitarian conditions and could not effect the improvement hoped for the health and nutritional status

¹⁰² S/1998/90.

of the Iraqi population. He therefore underlined that expanded assistance was urgently required to address the humanitarian situation in Iraq and that, within the framework of resolution 986 (1995), the provision of additional resources was the most effective way of addressing those needs.

By a letter dated 30 January 1998 addressed to the President of the Council, the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait transmitted a report pursuant to paragraph 9 of resolution 1143 (1997) on the refining and clarifying of the working procedures of the Committee.¹⁰³

At its 3855th meeting, held on 20 February 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General and the letter in its agenda. The President (Gabon) then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁰⁴ The President also drew the attention of the Council to a letter dated 15 February 1998 from the representative of Iraq addressed to the Secretary-General,¹⁰⁵ transmitting the text of a letter of the same date from the Deputy Prime Minister and Acting Minister for Foreign Affairs of Iraq, explaining the position of the Government of Iraq concerning the discussions in the Council with regard to the next phase of the oil-for-food programme.

The representative of the Russian Federation noted that the Iraqi oil infrastructure was hardly able to extract oil for export at the required levels for humanitarian purposes, and that repairs were needed. He stressed that the financing for such a project would require additional quotas for oil exports, which needed to be agreed upon by the Secretariat and the Iraqi side.¹⁰⁶

The representative of Bahrain stressed that the draft resolution needed to be implemented with the full cooperation of the Iraqi authorities. He also maintained that the measures proposed in its operative paragraphs were not characterized by flexibility or by distancing from bureaucracy. He stated that Bahrain understood

the cautious approach of the Council, which aimed at ensuring that the assistance reached its real destination, but cautioned that too much control would lead to a degree of delay in the delivery of that assistance to the Iraqi people. He also reaffirmed that the draft resolution was not in any way linked to resolution 687 (1991), related to the elimination of weapons of mass destruction.¹⁰⁷

The representative of the United States stated that the Council needed to make certain that food and medicine remained the top priorities under the new resolution; that goods imported into Iraq under the resolution were not diverted to military purposes or used for the personal benefit of the Iraqi leadership; and that the sanctions Committee acted quickly, yet responsibly, to approve contracts. Finally, he also stated that the Council needed to wait until it had more and better information before authorizing any oil infrastructure improvements.¹⁰⁸

All the members of the Council made statements expressing concern at the severe humanitarian situation in Iraq and support for the increase in the volume of oil authorized for export in order to improve the humanitarian situation. They also called on the Government of Iraq to cooperate fully with the resolutions of the Council and with all other relevant organizations. A number of speakers also urged the parties to expedite the review and approval procedures to ensure that oil export earnings were converted into humanitarian supplies without delay.¹⁰⁹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1153 (1998), which reads:

The Security Council,

Recalling its previous relevant resolutions, in particular resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997 and 1143 (1997) of 4 December 1997,

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until

¹⁰³ S/1998/92.

¹⁰⁴ S/1998/136.

¹⁰⁵ S/1998/125.

¹⁰⁶ S/PV.3855, pp. 5-6.

¹⁰⁷ *Ibid.*, pp. 9-10.

¹⁰⁸ *Ibid.*, pp. 11-12.

¹⁰⁹ *Ibid.*, pp. 2-3 (Japan); pp. 3-4 (France); pp. 4-5 (Brazil); p. 6 (Portugal); pp. 6-7 (Kenya); pp. 7-8 (Sweden); p. 8 (China); pp. 8-9 (Slovenia); pp. 10-11 (Costa Rica); pp. 12-13 (Gambia); p. 13 (United Kingdom); and pp. 13-14 (Gabon).

the fulfilment by Iraq of the relevant resolutions, including notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions, and emphasizing the temporary nature of the distribution plan envisaged by the present resolution,

Convinced also of the need for equitable distribution of humanitarian supplies to all segments of the Iraqi population throughout the country,

Welcoming the report submitted by the Secretary-General on 1 February 1998 in accordance with paragraph 7 of resolution 1143 (1997) and his recommendations, as well as the report submitted on 30 January 1998 by the Committee established by resolution 661 (1990), in accordance with paragraph 9 of resolution 1143 (1997),

Noting that the Government of Iraq did not cooperate fully in the preparation of the report of the Secretary-General,

Noting with concern that, despite the ongoing implementation of resolutions 986 (1995), 1111 (1997) and 1143 (1997), the population of Iraq continues to face a very serious nutritional and health situation,

Determined to avoid any further deterioration of the current humanitarian situation,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

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

1. *Decides* that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for a new period of 180 days beginning at 0001 hours Eastern Standard Time, on the day after the President of the Security Council has informed the members of the Council that he has received the report of the Secretary-General requested in paragraph 5 below, on which date the provisions of resolution 1143 (1997), if still in force, shall terminate, except as regards sums already produced pursuant to that resolution prior to that date;

2. *Decides also* that the authorization given to States by paragraph 1 of resolution 986 (1995) shall permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto, sufficient to produce, in the 180-day period referred to in paragraph 1 above, a sum not exceeding a total of 5.256 billion United States dollars, of which the amounts recommended by the Secretary-General for the food/nutrition and health sectors should be allocated on a priority basis, and of which between 682 million United States dollars and 788 million United States dollars shall be used for the purpose referred to in paragraph 8 (b) of resolution 986 (1995), except that if less than 5.256 billion United States dollars worth of petroleum or petroleum products is sold during the 180-day

period, particular attention will be paid to meeting the urgent humanitarian needs in the food/nutrition and health sectors and the Secretary-General may provide a proportionately smaller amount for the purpose referred to in paragraph 8 (b) of resolution 986 (1995);

3. *Directs* the Committee established by resolution 661 (1990) to authorize, on the basis of specific requests, reasonable expenses related to the Hajj, to be met by funds in the escrow account;

4. *Requests* the Secretary-General to take the actions necessary to ensure the effective and efficient implementation of the present resolution and, in particular, to enhance the United Nations observation process in Iraq in such a way as to provide the required assurance to the Council of the equitable distribution of the goods produced in accordance with the present resolution and that all supplies authorized for procurement, including dual-usage items and spare parts, are utilized for the purpose for which they have been authorized;

5. *Also requests* the Secretary-General to report to the Council when he has entered into any necessary arrangements or agreements and approved a distribution plan, submitted by the Government of Iraq, which includes a description of the goods to be purchased and effectively guarantees their equitable distribution, in accordance with his recommendations that the plan should be ongoing and should reflect the relative priorities of humanitarian supplies as well as their interrelationships within the context of projects or activities, required delivery dates, preferred points of entry and targeted objectives to be achieved;

6. *Urges* all States and, in particular, the Government of Iraq, to provide their full cooperation in the effective implementation of the present resolution;

7. *Appeals* to all States to cooperate in the timely submission of applications and the expeditious issue of export licences, facilitating the transit of humanitarian supplies authorized by the Committee established by resolution 661 (1990), and taking all other appropriate measures within their competence in order to ensure that urgently required humanitarian supplies reach the Iraqi people as rapidly as possible;

8. *Stresses* the need to ensure respect for the security and safety of all persons directly involved in the implementation of the present resolution in Iraq;

9. *Decides* to conduct an interim review of the implementation of the present resolution 90 days after the entry into force of paragraph 1 above and a thorough review of all aspects of its implementation prior to the end of the 180-day period, upon receipt of the reports referred to in paragraphs 10 and 14 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably the renewal of the provisions of the present resolution as appropriate, provided that the reports referred to in paragraphs 10 and 14 below indicate that those provisions are being satisfactorily implemented;

10. *Requests* the Secretary-General to submit an interim report to the Council 90 days after the entry into force of paragraph 1 above, and to submit a full report prior to the end of the 180-day period, on the basis of observations by United Nations personnel in Iraq, and on the basis of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986 (1995), including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 2 above;

11. *Takes note* of the observation by the Secretary-General that the situation in the electricity sector is extremely grave, and notes his intention to return to the Council with proposals for appropriate funding, requests him to submit urgently to the Council a report for this purpose prepared in consultation with the Government of Iraq, and further requests him to submit to the Council other studies, drawing upon United Nations agencies as appropriate and in consultation with the Government of Iraq, on essential humanitarian needs in Iraq, including necessary improvements to infrastructure;

12. *Requests* the Secretary-General to establish a group of experts to determine, in consultation with the Government of Iraq, whether Iraq is able to export petroleum or petroleum products sufficient to produce the total sum referred to in paragraph 2 above and to prepare an independent report on Iraqi production and transportation capacity and necessary monitoring, also requests him, in the light of that report, to make early and appropriate recommendations, and expresses its readiness to take a decision, on the basis of those recommendations and the humanitarian objectives of the present resolution, notwithstanding paragraph 3 of resolution 661 (1990), regarding authorization of the export of the necessary equipment to enable Iraq to increase the export of petroleum or petroleum products and to give the appropriate directions to the Committee established by resolution 661 (1990);

13. *Also requests* the Secretary-General to report to the Council, if Iraq is unable to export petroleum or petroleum products sufficient to produce the total sum referred to in paragraph 2 above and, following consultations with relevant United Nations agencies and the Iraqi authorities, making recommendations for the expenditure of the sum expected to be available, consistent with the distribution plan referred to in paragraph 5 above;

14. *Requests* the Committee established by resolution 661 (1990), in coordination with the Secretary-General, to report to the Council 90 days after the entry into force of paragraph 1 above, and again prior to the end of the 180-day period, on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995);

15. *Also requests* the Committee established by resolution 661 (1990) to implement the measures and take action

on the steps referred to in its report of 30 January 1998, with regard to the refining and clarifying of its working procedures, to consider the relevant observations and recommendations referred to in the report of the Secretary-General of 1 February 1998, in particular with a view to reducing to the extent possible the delay between the export of petroleum and petroleum products from Iraq and the supply of goods to Iraq in accordance with the present resolution, to report to the Council by 31 March 1998 and thereafter to continue to review its procedures whenever necessary;

16. *Decides* to remain seized of the matter.

**Decision of 2 March 1998 (3858th meeting):
resolution 1154 (1998)**

By a letter dated 25 February 1998 addressed to the President of the Security Council,¹¹⁰ the Secretary-General transmitted a copy of the memorandum of understanding that he had signed with the Deputy Prime Minister of Iraq, in which the Government of Iraq reconfirmed its acceptance of all relevant resolutions of the Council, and reiterated its undertaking to cooperate fully with the Special Commission and IAEA.

At its 3858th meeting, held on 2 March 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the letter from the Secretary-General in its agenda. Following the adoption of the agenda, the President (Gambia), with the consent of the Council, invited the representatives of Argentina, Egypt, Kuwait, Malaysia, Mexico, Pakistan and Peru, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by Japan and the United Kingdom.¹¹¹

At the same meeting, the Secretary-General stated that, as a result of his trip to Baghdad and the signing of the memorandum of understanding, the mandate of the Council had been reaffirmed and the full and unlimited access of United Nations inspectors to any and all sites had been restored. He cautioned that he was under no illusions about the inherent value of the agreement, as commitments honoured were the only commitments that counted. He stressed that only the complete fulfillment by Iraq of its obligations would make the completion of the United Nations mandated disarmament process and the lifting of

¹¹⁰ S/1998/166.

¹¹¹ S/1998/175.

sanctions possible. He also underlined that if the effort to ensure compliance through negotiation was obstructed, by evasion or deception, diplomacy might not have a second chance.¹¹²

The representative of the United Kingdom noted that the signing of the memorandum of understanding had not been a success for diplomacy alone, but a success for diplomacy firmly backed by the willingness to use force if diplomacy should fail. He stressed that, if Iraq failed to comply and to honour the agreement it had signed with the Secretary-General, the Council was determined that any violation would result in the severest consequences.¹¹³

The representative of Costa Rica reiterated his delegation's view that international law required that the memorandum of understanding be formally endorsed by the Council in order to make all its terms consistent with previous relevant resolutions and with what was established by Chapter VII of the Charter, in regard to actions "with respect to threats to the peace, breaches of the peace, and acts of aggression", as the sole and inalienable prerogative of the Council. He also stated that the draft resolution did not prejudice the actions of the Council, but simply described the scope of its competence under the Charter and warned of the consequences of a failure by the Government of Iraq to comply, in the terms of the prerogatives and competences set out in Chapter VII of the Charter. In his country's view, those prerogatives and legal competencies were exclusively of the Council and could not be delegated by it.¹¹⁴

The representative of Brazil noted that since 1991, faced with the situation originating from the invasion of Kuwait by Iraq, the United Nations and the Security Council had taken the responsibility to determine the measures necessary to maintain and restore international peace and security, under Chapter VII of the Charter. Accordingly, at the end of the Gulf War, the Council had not limited itself to taking note of a ceasefire but had rather declared that "a formal ceasefire was effective". Furthermore, in paragraph 34 of resolution 687 (1991), the Council had stated its decision "to take further steps as [might] be required for the implementation of the present resolution". Brazil

had concluded that the question of implementation of the conditions for the ceasefire with Iraq remained firmly under the wing of the United Nations and that only the Council had the authority to determine if, when, and under what conditions the formal ceasefire it declared on 3 April 1991 held or not.¹¹⁵

The representative of China, noting that his delegation's "misgivings about possible abuse of the draft resolution" had not been eliminated, reiterated that the adoption of the draft resolution would in no way mean that the Council was automatically authorizing any State to use force against Iraq. The Council could and should not prejudge whether Iraq would violate its resolutions; even less should the Council predetermine the course of future action.¹¹⁶

Several speakers welcomed the signing of the memorandum of understanding and called on Iraq to cooperate fully with the Special Commission and IAEA.¹¹⁷ A number of speakers also stressed that the responsibility of the Council for international peace and security should not be circumvented, and that the resolution did not imply any "automaticity" of action without authorization by the Council.¹¹⁸ A few speakers specifically cautioned against the use of force in Iraq.¹¹⁹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1154 (1998), which reads:

The Security Council,

Recalling all its previous relevant resolutions, which constitute the governing standard of Iraqi compliance,

Determined to ensure immediate and full compliance by Iraq without conditions or restrictions with its obligations under resolution 687 (1991) of 3 April 1991 and the other relevant resolutions,

Reaffirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of Iraq, Kuwait and the neighbouring States,

¹¹⁵ Ibid., pp. 6-7.

¹¹⁶ Ibid., pp. 13-14.

¹¹⁷ Ibid., pp. 7-8 (Bahrain); p. 9 (Gabon); pp. 11-12 (Slovenia); p. 13 (Portugal); p. 18 (Gambia); pp. 18-19 (Mexico); p. 21 (Argentina); pp. 22-23 (Peru); and pp. 23-24 (Kuwait).

¹¹⁸ Ibid., pp. 8-9 (Sweden); pp. 9-10 (Kenya); pp. 10-11 (Japan); and pp. 14-15 (France).

¹¹⁹ Ibid., p. 19 (Pakistan); and p. 20 (Malaysia).

¹¹² S/PV.3858, pp. 2-3.

¹¹³ Ibid., p. 4.

¹¹⁴ Ibid., pp. 4-5.

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

1. *Commends* the initiative by the Secretary-General to secure commitments from the Government of Iraq on compliance with its obligations under the relevant resolutions, and in this regard endorses the memorandum of understanding signed by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998, and looks forward to its early and full implementation;

2. *Requests* the Secretary-General to report to the Council as soon as possible with regard to the finalization of procedures for presidential sites in consultation with the Executive Chairman of the Special Commission and the Director General of the International Atomic Energy Agency;

3. *Stresses* that compliance by the Government of Iraq with its obligations, repeated again in the memorandum of understanding, to accord immediate, unconditional and unrestricted access to the Special Commission and the International Atomic Energy Agency in conformity with the relevant resolutions is necessary for the implementation of resolution 687 (1991), but that any violation would have severest consequences for Iraq;

4. *Reaffirms its intention* to act in accordance with the relevant provisions of resolution 687 (1991) on the duration of the prohibitions referred to in that resolution, and notes that by its failure so far to comply with its relevant obligations Iraq has delayed the moment when the Council can do so;

5. *Decides*, in accordance with its responsibility under the Charter of the United Nations, to remain actively seized of the matter, in order to ensure implementation of the present resolution and to secure peace and security in the area.

Speaking after the vote, the representative of the United States reiterated that any attempt to provide less than immediate, unrestricted and unconditional access to any site would result in the severest consequences for Iraq.¹²⁰

The representative of the Russian Federation emphasized that the resolution clearly stated that it was precisely the Council which would directly ensure its implementation. Therefore, any hint of “automaticity” with regard to the application of force had been excluded. He reiterated that no one could ignore the resolution and attempt to act by bypassing the Council.¹²¹

The representative of Egypt underscored that his country had expressed its rejection of the use of

military force as a means of settling international disputes. In general, the use of force was not only prohibited internationally under the rules of international law but also in accordance with Article 2 (4) of the Charter. There were also controls in Article 42 on when force could be resorted to, and also in Article 51, which was related to legitimate self-defence. He stressed that in all cases, those controls needed to be subjected to the discretion of the Council.¹²²

**Decision of 25 March 1998 (3865th meeting):
resolution 1158 (1998)**

On 4 March 1998, pursuant to paragraph 4 of resolution 1143 (1997), the Secretary-General submitted to the Security Council a report on whether Iraq had ensured the equitable distribution of medicine, health supplies, foodstuffs and materials, and supplies for essential civilian needs.¹²³ In his report, the Secretary-General provided information on the distribution of humanitarian supplies throughout Iraq.

At its 3865th meeting, held on 25 March 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Gambia) drew the attention of the Council to a draft resolution prepared in the course of the Council’s prior consultations.¹²⁴ The draft resolution was put to the vote and adopted unanimously as resolution 1158 (1998), which reads:

The Security Council,

Recalling its previous resolutions, in particular resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997 and 1153 (1998) of 20 February 1998,

Welcoming the report submitted by the Secretary-General on 4 March 1998 in accordance with paragraph 4 of resolution 1143 (1997), and noting with appreciation, as mentioned in the report, the commitment expressed by the Iraqi Government to cooperate with the Secretary-General in the implementation of resolution 1153 (1998),

Concerned about the resulting humanitarian consequences for the Iraqi people of the shortfall in the revenue from the sale

¹²⁰ *Ibid.*, p. 16.

¹²¹ *Ibid.*, pp. 16-17.

¹²² *Ibid.*, pp. 21-22.

¹²³ S/1998/194 and Corr.1.

¹²⁴ S/1998/267.

of petroleum and petroleum products during the first 90-day period of implementation of resolution 1143 (1997), due to the delayed resumption in the sale of petroleum by Iraq and a serious price drop since the adoption of resolution 1143 (1997),

Determined to avoid any further deterioration of the current humanitarian situation,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

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

1. *Decides* that the provisions of resolution 1143 (1997) shall remain in force, subject to the provisions of resolution 1153 (1998), except that States are authorized to permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto, sufficient to produce a sum not exceeding a total of 1.4 billion United States dollars within the period of 90 days from 0001 Eastern Standard Time, on 5 March 1998;

2. *Decides* to remain seized of the matter.

**Decision of 14 May 1998 (3880th meeting):
statement by the President**

By a letter dated 9 April 1998 addressed to the President of the Security Council,¹²⁵ the Secretary-General transmitted a communication dated 7 April 1998 from the Director General of IAEA, including the fifth consolidated report under paragraph 16 of resolution 1051 (1996). In the report, the Director General stated that the agency's ongoing monitoring and verification activities had not revealed indications of the existence in Iraq of prohibited equipment or materials, or of the conduct of prohibited activities. IAEA was focusing most of its resources on the implementation and strengthening of the technical content of its activities under the ongoing monitoring and verification plan, but would continue to exercise its right to investigate any aspect of the clandestine nuclear programme of Iraq.

By a note dated 9 April 1998,¹²⁶ the Secretary-General transmitted to the Security Council the fifth report following the adoption of resolution 1051 (1996) of 27 March 1996 by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution

¹²⁵ S/1998/312.

¹²⁶ S/1998/332.

687 (1991) of 3 April 1991. In his report, the Executive Chairman noted that due to the four-month crisis, virtually no progress in verifying disarmament could be reported.

At its 3880th meeting, held on 14 May 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the letter and the note from the Secretary-General in its agenda. Following the adoption of the agenda, the President (Kenya) drew the attention of the Council to letters dated 19 February and 8 April 1998, respectively, from the Executive Chairman of the Special Commission addressed to the President of the Council.¹²⁷

At the same meeting, the President made the following statement on behalf of the Council:¹²⁸

The Security Council has reviewed the report of 16 April 1998 from the Executive Chairman of the Special Commission and the report of 7 April 1998 from the Director General of the International Atomic Energy Agency. The Council welcomes the improved access provided to the Special Commission and the Agency by the Government of Iraq following the signature of the memorandum of understanding by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998 and the adoption of its resolution 1154 (1998) of 2 March 1998. The Council calls for continued implementation of the memorandum of understanding.

The Council expresses the hope that the agreement by the Government of Iraq to fulfil its obligation to provide immediate, unconditional, and unrestricted access to the Special Commission and the International Atomic Energy Agency will reflect a new Iraqi spirit with regard to providing accurate and detailed information in all areas of concern to the Special Commission and the Agency as required by the relevant resolutions.

The Council expresses its concern that the most recent reports of the Special Commission, including the reports of the technical evaluation meetings, indicate that Iraq has not provided full disclosure in a number of critical areas, in spite of repeated requests from the Special Commission, and calls upon Iraq to do so. The Council encourages the Special Commission to continue its efforts to improve its effectiveness and efficiency and looks forward to a technical meeting of the members of the Council with the Executive Chairman of the Special

¹²⁷ A letter transmitting reports of two technical evaluation meetings held between the Special Commission and the Government of Iraq (S/1998/176); and a letter transmitting the report of a third technical evaluation dealing with all aspects of the biological weapons programme of Iraq (S/1998/308).

¹²⁸ S/PRST/1998/11.

Commission as a follow-up to the review of sanctions held by the Council on 27 April 1998.

The Council notes that the Special Commission and the International Atomic Energy Agency must discharge their mandates as defined under resolutions 687 (1991) of 3 April 1991 and 707 (1991) of 15 August 1991 with full Iraqi cooperation in all areas, including fulfillment by Iraq of its obligation to provide full, final and complete declarations of all aspects of its prohibited programmes for weapons of mass destruction and missiles.

The Council notes that the investigations by the International Atomic Energy Agency over the past several years have yielded a technically coherent picture of Iraq's clandestine nuclear programme, although Iraq has not supplied full responses to all of the questions and concerns of the Agency, including those specified in paragraphs 24 and 27 of the report of the Director General of 7 April 1998.

The Council affirms its intention, given the progress of the International Atomic Energy Agency, and in line with paragraphs 12 and 13 of resolution 687 (1991), to agree in a resolution that the Agency dedicate its resources to implementing its ongoing monitoring and verification activities under resolution 715 (1991) of 11 October 1991, upon receipt of a report from the Director General of the International Atomic Energy Agency stating that the necessary technical and substantive clarifications have been made, including provision by Iraq of the necessary responses to all Agency questions and concerns, in order to permit full implementation of the ongoing monitoring and verification plan approved by resolution 715 (1991). In this regard, the Council requests the Director General to provide this information in his report due on 11 October 1998 and to submit a status report by the end of July 1998 for possible action at that time.

The Council acknowledges that the International Atomic Energy Agency is focusing most of its resources on the implementation and strengthening of its activities under the ongoing monitoring and verification plan. The Council notes that, within the framework of its ongoing monitoring and verification responsibilities, the Agency will continue to exercise its right to investigate any aspect of Iraq's clandestine nuclear programme, in particular through the follow-up of any new information developed by the Agency or provided by Member States and to destroy, remove or render harmless any prohibited items discovered through such investigations falling under resolutions 687 (1991) and 707 (1991) in conformity with the Agency's ongoing monitoring and verification plan approved by resolution 715 (1991).

**Decision of 19 June 1998 (3893rd meeting):
resolution 1175 (1998)**

By a letter dated 15 April 1998 addressed to the Security Council,¹²⁹ the Secretary-General submitted

¹²⁹ S/1998/330.

the executive summary of the report of the group of experts established pursuant to paragraph 12 of resolution 1153 (1998) to determine, in consultation with the Government of Iraq, whether Iraq was able to export petroleum or petroleum products sufficient to produce the total sum referred to in paragraph 2 of the resolution, not exceeding a total of 5.256 billion dollars. The overall impression of the group of experts was that the oil industry of Iraq was in a lamentable state and that the developed oilfields had had their productivity seriously reduced, some irreparably, during the previous two decades. The Secretary-General therefore recommended to the Council that it authorize the export to Iraq of the equipment and spare parts necessary to enable Iraq to increase the export of petroleum or petroleum products.

By a letter dated 29 May 1998 addressed to the President of the Council,¹³⁰ the Secretary-General informed the Council that the Government of Iraq had submitted its enhanced distribution plan for the purchase and distribution of humanitarian supplies and that he had approved it.

At its 3893rd meeting, held on 19 June 1998 in accordance with the understanding reached in its prior consultations, the Council included the letters from the Secretary-General in its agenda. Following the adoption of the agenda, the President (Portugal) drew the attention of the Council to a draft resolution submitted by Costa Rica, Japan, Portugal, Slovenia, Sweden, and the United Kingdom.¹³¹ The President also drew the attention of the Council to a letter dated 18 June 1998 from the representative of Iraq addressed to the President of the Council.¹³²

Speaking before the vote, the representative of China expressed the belief that a settlement of the question of Iraqi import of equipment and spare parts for oil production needed only a simple and technical resolution, and that certain elements contained in the draft resolution were not necessary. He also reiterated that, with the progress made in weapons verification in Iraq, the Council needed to make objective

¹³⁰ S/1998/446.

¹³¹ S/1998/537.

¹³² Letter transmitting a letter of the same date from the Minister for Foreign Affairs of Iraq concerning the temporary nature of the oil-for-food programme (S/1998/531).

assessments, close the various weapons files as soon as possible and lift the sanctions against Iraq.¹³³

The representative of Kenya noted that the mechanism for the approval of contracts for spare parts remained cumbersome and might create unnecessary complications.¹³⁴

The representatives of France and the Russian Federation expressed regret that the draft resolution did not include the recommendation of the Secretary-General that the oil overseers, rather than the sanctions Committee, approve the contracts.¹³⁵

A number of speakers expressed support for moves to allow Iraq to purchase the spare parts it needed to pump oil in sufficient quantities to meet the shortfall. Several speakers stressed that the oil-for-food programme was temporary, and was designed to mitigate the suffering of the Iraqi people only until sanctions were lifted.¹³⁶

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1175 (1998), which reads:

The Security Council,

Recalling its previous relevant resolutions, in particular resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998 and 1158 (1998) of 25 March 1998,

Welcoming the letter from the Secretary-General dated 15 April 1998, to which was annexed the summary of the report of the group of experts established pursuant to paragraph 12 of resolution 1153 (1998), and noting the assessment that under existing circumstances Iraq is unable to export petroleum or petroleum products sufficient to produce the total sum of 5.256 billion United States dollars referred to in resolution 1153 (1998),

Welcoming also the letter from the Secretary-General dated 29 May 1998 expressing his approval of the distribution plan submitted by the Government of Iraq,

Convinced of the need to continue the programme authorized by resolution 1153 (1998) as a temporary measure to provide for the humanitarian needs of the Iraqi people until

fulfillment by the Government of Iraq of the relevant resolutions, including notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Reaffirming its endorsement, in paragraph 5 of resolution 1153 (1998), of the recommendations made by the Secretary-General in his report of 1 February 1998 concerning an improved, ongoing and project-based distribution plan,

Reaffirming also the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

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

1. *Authorizes* States, subject to the provisions of paragraph 2 below, to permit, notwithstanding the provisions of paragraph 3 (c) of resolution 661 (1990), the export to Iraq of the necessary parts and equipment to enable Iraq to increase the export of petroleum and petroleum products, in quantities sufficient to produce the sum established in paragraph 2 of resolution 1153 (1998);

2. *Requests* the Committee established by resolution 661 (1990), or a panel of experts appointed by that Committee for this purpose, to approve contracts for the parts and equipment referred to in paragraph 1 above according to lists of parts and equipment approved by the Committee for each individual project;

3. *Decides* that the funds in the escrow account produced pursuant to resolution 1153 (1998) up to a total of 300 million United States dollars may be used to meet any reasonable expenses, other than expenses payable in Iraq, which follow directly from contracts approved in accordance with paragraph 2 above;

4. *Decides also* that the expenses directly related to such exports may, until the necessary funds are paid into the escrow account, and following approval of each contract, be financed by letters of credit drawn against future oil sales, the proceeds of which are to be deposited in the escrow account;

5. *Notes* that the distribution plan approved by the Secretary-General on 29 May 1998, or any new distribution plan agreed on by the Government of Iraq and the Secretary-General, will remain in effect, as required, for each subsequent periodic renewal of the temporary humanitarian arrangements for Iraq and that, for this purpose, the plan will be kept under constant review and amended as necessary through the agreement of the Secretary-General and the Government of Iraq and in a manner consistent with resolution 1153 (1998);

6. *Expresses its gratitude* to the Secretary-General for making available to the Committee established by resolution 661 (1990) a comprehensive review, with comments by the group of experts established pursuant to paragraph 12 of resolution 1153 (1998), of the list of parts and equipment presented by the Government of Iraq, and requests the Secretary-General, in

¹³³ S/PV.3893, p. 2.

¹³⁴ *Ibid.*, p. 3.

¹³⁵ *Ibid.*, pp. 4-5 (France); and pp. 5-6 (Russian Federation).

¹³⁶ *Ibid.*, pp. 2-3 (Brazil); p. 3 (Gambia); pp. 3-4 (Bahrain); and p. 5 (United States); after the vote: p. 6 (United Kingdom).

accordance with the intention expressed in his letter dated 15 April 1998, to provide for the monitoring of the parts and equipment inside Iraq;

7. *Decides* to remain seized of the matter.

**Decision of 9 September 1998 (3924th meeting):
resolution 1194 (1998)**

At the 3924th meeting, held on 9 September 1998 in accordance with the understanding reached in prior consultations, following the adoption of the agenda, the President (Sweden) drew the attention of the Council to a draft resolution submitted by Costa Rica, the United Kingdom and the United States.¹³⁷ The draft resolution was then put to the vote and adopted unanimously as resolution 1194 (1998), which reads:

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 687 (1991) of 3 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 1060 (1996) of 12 June 1996, 1115 (1997) of 21 June 1997 and 1154 (1998) of 2 March 1998,

Noting the announcement by Iraq on 5 August 1998 that it had decided to suspend cooperation with the Special Commission and the International Atomic Energy Agency on all disarmament activities and restrict ongoing monitoring and verification activities at declared sites, and/or actions implementing the above decision,

Stressing that the necessary conditions do not exist for the modification of the measures referred to in section F of resolution 687 (1991),

Recalling the letter dated 12 August 1998 from the Executive Chairman of the Special Commission to the President of the Security Council, in which the Executive Chairman reported to the Council that Iraq had halted all disarmament activities of the Special Commission and placed limitations on the rights of the Commission to conduct its monitoring operations,

Recalling also the letter dated 11 August 1998 from the Director General of the International Atomic Energy Agency to the President of the Security Council, in which the Director General reported the refusal by Iraq to cooperate in any activity involving investigation of its clandestine nuclear programme and other restrictions of access placed by Iraq on the ongoing monitoring and verification programme of the Agency,

Taking note of the letters dated 18 August 1998 from the President of the Security Council to the Executive Chairman of the Special Commission and the Director General of the

International Atomic Energy Agency, in which the Council expressed its full support for those organizations in the implementation of the full range of their mandated activities, including inspections,

Recalling the memorandum of understanding signed by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998, in which Iraq reiterated its undertaking to cooperate fully with the Special Commission and the International Atomic Energy Agency,

Noting that the announcement by Iraq of 5 August 1998 followed a period of increased cooperation and some tangible progress achieved since the signing of the memorandum of understanding,

Reiterating its intention to respond favourably to future progress made in the disarmament process, and reaffirming its commitment to comprehensive implementation of its resolutions, in particular resolution 687 (1991),

Determined to ensure full compliance by Iraq with its obligations under all previous resolutions, in particular resolutions 687 (1991), 707 (1991), 715 (1991), 1060 (1996), 1115 (1997) and 1154 (1998), to permit immediate, unconditional and unrestricted access to the Special Commission and the International Atomic Energy Agency to all sites they wish to inspect, and to provide the Special Commission and the Agency with all the cooperation necessary for them to fulfil their mandates under those resolutions,

Stressing the unacceptability of any attempts by Iraq to deny access to any sites or to refuse to provide the necessary cooperation,

Expressing its readiness to consider, in a comprehensive review, Iraq's compliance with its obligations under all relevant resolutions once Iraq has rescinded its above-mentioned decision and demonstrated that it is prepared to fulfil all its obligations, including, in particular on disarmament issues, by resuming full cooperation with the Special Commission and the International Atomic Energy Agency consistent with the memorandum of understanding, as endorsed by the Council in resolution 1154 (1998), and, to that end, welcoming the proposal of the Secretary-General for such a comprehensive review and inviting the Secretary-General to provide his views in that regard,

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq,

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

1. *Condemns* the decision by Iraq of 5 August 1998 to suspend cooperation with the Special Commission and the International Atomic Energy Agency, which constitutes a totally unacceptable contravention of its obligations under resolutions 687 (1991), 707 (1991), 715 (1991), 1060 (1996), 1115 (1997) and 1154 (1998), and the memorandum of understanding signed

¹³⁷ S/1998/841.

by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998;

2. *Demands* that Iraq rescind its above-mentioned decision and cooperate fully with the Special Commission and the International Atomic Energy Agency in accordance with its obligations under the relevant resolutions and the memorandum of understanding as well as resume dialogue with the Special Commission and the Agency immediately;

3. *Decides* not to conduct the review scheduled for October 1998 provided for in paragraphs 21 and 28 of resolution 687 (1991), and not to conduct any further such reviews until Iraq rescinds its above-mentioned decision and the Special Commission and the International Atomic Energy Agency report to the Council that they are satisfied that they have been able to exercise the full range of activities provided for in their mandates, including inspections;

4. *Reaffirms its full support* for the Special Commission and the International Atomic Energy Agency in their efforts to ensure the implementation of their mandates under the relevant resolutions of the Council;

5. *Also reaffirms its full support* for the Secretary-General in his efforts to urge Iraq to rescind its above-mentioned decision;

6. *Reaffirms its intention* to act in accordance with the relevant provisions of resolution 687 (1991) on the duration of the prohibitions referred to in that resolution, and notes that by its failure so far to comply with its relevant obligations, Iraq has delayed the moment when the Council can do so;

7. *Decides* to remain seized of the matter.

**Decision of 5 November 1998 (3939th meeting):
resolution 1205 (1998)**

By a letter dated 31 October 1998 addressed to the President of the Security Council,¹³⁸ the Deputy Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991) informed the Council that, on the evening of 31 October, the Director of the National Monitoring Directorate of Iraq had informed the Special Commission that Iraq had taken the decision to suspend, stop or cease all activities of the Special Commission, including monitoring, although IAEA would be allowed to continue its monitoring activities that were separate from the Commission.

¹³⁸ S/1998/1023.

By a letter dated 2 November 1998 addressed to the President of the Council,¹³⁹ the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991) informed the Council that the decisions of 5 August and 31 October 1998,¹⁴⁰ by the Government of Iraq made it impossible for the Special Commission to implement its disarmament and monitoring rights and responsibility.

By a letter dated 3 November 1998 addressed to the President of the Security Council,¹⁴¹ the Secretary-General transmitted a communication from the Director General of IAEA on the implications of the decision by Iraq to stop all forms of interaction with the Special Commission. The Director General noted that IAEA had been able to continue its schedule of monitoring inspections, but that the efficiency and effectiveness of the activities were dependent on the continuing availability of assistance and cooperation from the Special Commission.

At its 3939th meeting, held on 5 November 1998 in accordance with the understanding reached in its prior consultations, the Council included the three letters in its agenda. Following the adoption of the agenda, the President (United States) drew the attention of the Council to a draft resolution submitted by Japan, the United Kingdom and the United States, with Brazil, Costa Rica, Portugal, Slovenia and Sweden joining as sponsors.¹⁴²

Speaking before the vote, all members of the Council made statements in support of the draft resolution and called on Iraq to resume its cooperation with the Special Commission immediately. The representatives of Sweden and Brazil also stressed that the primary responsibility of the Council for the maintenance of international peace and security should not be circumvented.¹⁴³

The representative of the Russian Federation stated that the best way to overcome the crisis lay exclusively in political and diplomatic efforts alongside the active role of the Secretary-General. Any attempt to resolve the problem by force would have

¹³⁹ S/1998/1032.

¹⁴⁰ S/1998/718 and S/1998/1023, respectively.

¹⁴¹ S/1998/1033.

¹⁴² S/1998/1038.

¹⁴³ S/PV.3939, pp. 5-6 (Sweden) and p. 6 (Brazil).

highly unpredictable and dangerous consequences, both for the ability of the United Nations to continue to monitor proscribed military activity in Iraq, and for peace and stability in the region and in the Middle East as a whole.¹⁴⁴

The representative of China stated that there was no doubt that Iraq had to fulfil in a comprehensive manner its obligations under relevant resolutions of the Council, but that the Council also had the responsibility to make a fair and objective assessment in the light of the compliance by Iraq. His delegation was of the view that, regarding some weapon files, conditions were ripe to move to the next monitoring and verification stage.¹⁴⁵

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1205 (1998), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the situation in Iraq, in particular resolution 1154 (1998) of 2 March 1998 and 1194 (1998) of 9 September 1998,

Noting with alarm the decision of Iraq on 31 October 1998 to cease cooperation with the Special Commission, and its continued restrictions on the work of the International Atomic Energy Agency,

Taking note of the letters from the Deputy Executive Chairman of the Special Commission dated 31 October 1998 and the Executive Chairman of the Special Commission dated 2 November 1998 to the President of the Security Council, which reported to the Council the decision by Iraq and described the implications of that decision for the work of the Special Commission, and taking note also of the letter from the Director General of the International Atomic Energy Agency dated 3 November 1998, which described the implications of the decision for the work of the Agency were described,

Determined to ensure immediate and full compliance by Iraq without conditions or restrictions with its obligations under resolution 687 (1991) of 3 April 1991 and the other relevant resolutions,

Recalling that the effective operation of the Special Commission and the International Atomic Energy Agency is essential for the implementation of resolution 687 (1991),

Reaffirming its readiness to consider, in a comprehensive review, Iraq's compliance with its obligations under all relevant resolutions once Iraq has rescinded its above-mentioned decision and its decision of 5 August 1998 and demonstrated

that it is prepared to fulfil all its obligations, including in particular on disarmament issues, by resuming full cooperation with the Special Commission and the International Atomic Energy Agency consistent with the memorandum of understanding signed by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998, endorsed by the Council in resolution 1154 (1998),

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq,

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

1. *Condemns* the decision by Iraq of 31 October 1998 to cease cooperation with the Special Commission as a flagrant violation of resolution 687 (1991) and other relevant resolutions;

2. *Demands* that Iraq rescind immediately and unconditionally the decision of 31 October 1998, as well as the decision of 5 August 1998, to suspend cooperation with the Special Commission and to maintain restrictions on the work of the International Atomic Energy Agency, and that Iraq provide immediate, complete and unconditional cooperation with the Special Commission and the Agency;

3. *Reaffirms its full support* for the Special Commission and the International Atomic Energy Agency in their efforts to ensure the implementation of their mandates under the relevant resolutions of the Council;

4. *Expresses its full support* for the Secretary-General in his efforts to seek full implementation of the memorandum of understanding of 23 February 1998;

5. *Reaffirms its intention* to act in accordance with the relevant provisions of resolution 687 (1991) on the duration of the prohibitions referred to in that resolution, and notes that by its failure so far to comply with its relevant obligations Iraq has delayed the moment when the Council can do so;

6. *Decides*, in accordance with its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, to remain actively seized of the matter.

Speaking after the vote, the representative of the United Kingdom stated, regarding the possible use of force, that it was well established that the authorization to use force given by the Council in 1990 might be revived if the Council decided that there had been a sufficiently serious breach of the conditions laid down by the Council for the ceasefire.¹⁴⁶

The representative of the United States observed that the Secretary-General had expressed his own view

¹⁴⁴ Ibid., pp. 4-5.

¹⁴⁵ Ibid., pp. 9-10.

¹⁴⁶ Ibid., p. 10.

that the 31 October decision by the Government of Iraq to halt the activities of the Special Commission was a serious breach and major violation of the memorandum of understanding signed on 23 February. He stated that it was significant that the resolution cited the Iraqi decision as a flagrant violation of resolution 687 (1991) and other relevant resolutions. He also recalled that the President and the Secretary of State of the United States had emphasized that all options were on the table and that the United States had the authority to act.¹⁴⁷

Decision of 24 November 1998 (3946th meeting): resolution 1210 (1998)

On 19 November 1998, pursuant to paragraph 10 of resolution 1153 (1998), the Secretary-General submitted to the Security Council a report on the distribution of humanitarian supplies throughout Iraq.¹⁴⁸ In his report, the Secretary-General stated that, despite the increase in the volume of exports of oil, the financial target required for the implementation of the enhanced distribution plan had not been met owing to low oil prices. Bearing in mind the magnitude of the overall humanitarian situation in Iraq, he recommended that the Council extend the relevant provisions of resolution 1153 (1998) for a further 180-day period.

By a letter dated 20 November 1998 addressed to the President of the Council,¹⁴⁹ the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait transmitted a report of the Committee adopted on 20 November 1998. The Chairman informed the Council that the Committee would continue to work towards the effective implementation of all relevant arrangements.

At its 3946th meeting, held on 24 November 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General and the above-mentioned letter in its agenda. The President then drew the attention of the Council to a letter dated 19 November 1998 from the representative of Iraq addressed to the President of the Council.¹⁵⁰

The President also drew the attention of the Council to a draft resolution submitted by France, Portugal, Sweden and the United Kingdom.¹⁵¹ The draft resolution was then put to the vote and adopted unanimously as resolution 1210 (1998), which reads:

The Security Council,

Recalling its previous relevant resolutions, in particular resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998 and 1175 (1998) of 19 June 1998,

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until the fulfilment by the Government of Iraq of the relevant resolutions, including notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Convinced also of the need for equitable distribution of humanitarian supplies to all segments of the Iraqi population throughout the country,

Welcoming the positive impact of the relevant resolutions on the humanitarian situation in Iraq, as described in the report of the Secretary-General of 19 November 1998,

Determined to improve the humanitarian situation in Iraq,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

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

1. *Decides* that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for a new period of 180 days beginning at 0001 hours Eastern Standard Time, on 26 November 1998;

2. *Also decides* that paragraph 2 of resolution 1153 (1998) shall remain in force and shall apply to the 180-day period referred to in paragraph 1 above;

3. *Directs* the Committee established by resolution 661 (1990) to authorize, on the basis of specific requests, reasonable expenses related to the Hajj, to be met by funds in the escrow account;

4. *Requests* the Secretary-General to continue to take the actions necessary to ensure the effective and efficient implementation of the present resolution, and to review, by 31 December 1998, the various options to resolve the difficulties

enhanced phase IV of the "oil for food" programme by 2 months to allow Iraq to reach the target for oil sales (S/1998/1103).

¹⁵¹ S/1998/1112.

¹⁴⁷ Ibid., pp. 10-11.

¹⁴⁸ S/1998/1100.

¹⁴⁹ S/1998/1104.

¹⁵⁰ Letter concerning the request for the extension of the

encountered in the financial process, referred to in the report of the Secretary-General of 19 November 1998, and to continue to enhance as necessary the United Nations observation process in Iraq in such a way as to provide the required assurance to the Council that the goods produced in accordance with the present resolution are distributed equitably and that all supplies authorized for procurement, including dual usage items and spare parts, are utilized for the purpose for which they have been authorized;

5. *Decides* to conduct a thorough review of all aspects of the implementation of the present resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day period, upon receipt of the reports referred to in paragraphs 6 and 10 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably renewal of the provisions of the present resolution as appropriate, provided that the said reports indicate that those provisions are being satisfactorily implemented;

6. *Requests* the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above, and again prior to the end of the 180-day period, on the basis of observations of United Nations personnel in Iraq, and of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986 (1995), including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 2 of resolution 1153 (1998);

7. *Also requests* the Secretary-General to report to the Council if Iraq is unable to export petroleum and petroleum products sufficient to produce the total sum provided for in paragraph 2 of resolution 1153 (1998) and, following consultations with relevant United Nations agencies and the Iraqi authorities, make recommendations for the expenditure of the sum expected to be available, consistent with the priorities established in paragraph 2 of resolution 1153 (1998) and with the distribution plan referred to in paragraph 5 of resolution 1175 (1998);

8. *Decides* that paragraphs 1, 2, 3 and 4 of resolution 1175 (1998) shall remain in force and shall apply to the new 180-day period referred to in paragraph 1 above;

9. *Requests* the Secretary-General, in consultation with the Government of Iraq, to submit to the Council, by 31 December 1998, a detailed list of parts and equipment necessary for the purpose described in paragraph 1 of resolution 1175 (1998);

10. *Requests* the Committee established by resolution 661 (1990), in close coordination with the Secretary-General, to report to the Council 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day

period on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995);

11. *Urges* all States, and in particular the Government of Iraq, to provide their full cooperation in the effective implementation of the present resolution;

12. *Appeals* to all States to continue to cooperate in the timely submission of applications and the expeditious issue of export licences, facilitating the transit of humanitarian supplies authorized by the Committee established by resolution 661 (1990), and to take all other appropriate measures within their competence in order to ensure that urgently required humanitarian supplies reach the Iraqi people as rapidly as possible;

13. *Stresses* the need to continue to ensure respect for the security and safety of all persons directly involved in the implementation of the present resolution in Iraq;

14. *Decides* to remain seized of the matter.

Deliberations of 16 December 1998 (3955th meeting)

By a letter dated 15 December addressed to the President of the Security Council,¹⁵² the Secretary-General transmitted the report dated 14 December 1998 from the Director General of the International Atomic Energy Agency, and the report dated 15 December 1998 from the Executive Director of the Special Commission concerning their work in Iraq. The report from IAEA stated that Iraq had provided the necessary level of cooperation to enable activities to be completed efficiently and effectively. However, the report from the Special Commission presented a mixed picture and concluded that the Special Commission had not enjoyed full cooperation from Iraq.

At its 3955th meeting, held on 16 December 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the letter from the Secretary-General in its agenda. Following the adoption of the agenda, the President (Bahrain), with the consent of the Council, invited the representative of Iraq, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 15 December 1998 from the Secretary-General addressed to the President of the Council, transmitting the letter dated 14 December 1998 from the representative of Iraq addressed to the Secretary-

¹⁵² S/1998/1172 and Corr.1.

General, enclosing a full report on the activities of IAEA and the Special Commission in Iraq since 18 November 1998 as well as the comments of the Government of Iraq.¹⁵³

At the same meeting, the President further drew the attention of the Council to a letter dated 16 December 1998 from the Secretary-General addressed to the President of the Council,¹⁵⁴ transmitting a letter dated 16 December 1998 from the Director General of IAEA addressed to the President of the Security Council, informing the President that he had decided to temporarily relocate to Bahrain all IAEA personnel in Baghdad at that time after the decision by the Special Commission to withdraw all of its personnel from Iraq and out of concern for the safety and security of personnel. The President then drew the attention of the Council to letters dated 16 December 1998 from the representatives of the United States and the United Kingdom, respectively, addressed to the President of the Council.¹⁵⁵

In his letter, the representative of the United States informed the Council that the armed forces of the United States and United Kingdom had begun substantial military operations against military targets in Iraq. They were attacking the weapons of mass destruction programmes of Iraq and its ability to threaten its neighbours. He stressed that coalition forces were acting under the authority provided by the resolutions of the Council. Following the liberation of Kuwait from Iraqi occupation in 1991, the Council, in its resolution 687 (1991) of 3 April 1991, mandated a ceasefire, but also imposed a number of essential conditions on Iraq, including the destruction of Iraqi weapons of mass destruction and acceptance by Iraq of United Nations inspections. Noting that in subsequent resolutions, the Council had elaborated and reiterated those conditions, the representative underscored that Iraqi compliance with all requirements was a fundamental element of international peace and security in the region. Nevertheless, Iraq had repeatedly taken actions that constituted flagrant material breaches of the provisions, and the Council, on a number of occasions, had affirmed that similar Iraqi actions constituted breaches as well as a threat to international peace and security. He stated that it was

his country's view that the Council did not need to state those conclusions on each occasion. On 14 November 1998, the Government of Iraq had committed itself to providing full and unconditional cooperation to the Special Commission, although Iraq had offered those assurances only in the face of a credible threat of force. However, as the report of the Special Commission of 15 December 1998 made clear, Iraq had failed to provide the full cooperation it had promised, and left the Special Commission unable to conduct the substantive disarmament work mandated to it by the Council. Following the repeated, flagrant and material breaches of the obligations by Iraq under resolutions 687 (1991), 707 (1991), 715 (1991), 1154 (1998), 1205 (1998) and others, the coalition had exercised the authority given by the Council in its resolution 678 (1990) of 29 November 1990 for Member States to employ all necessary means to secure Iraqi compliance with the resolutions of the Council and to restore international peace and security in the area.¹⁵⁶

In his letter, the representative of the United Kingdom stressed that his country had, acted on the basis of the relevant resolutions of the Council.¹⁵⁷

At the same meeting, the representative of Iraq stated that, at a time when the Council had been discussing reports submitted by IAEA and the Special Commission on the status of compliance by Iraq, and before the Council had reached any conclusion on the subject, the United States and the United Kingdom had launched their attack against Iraq. Basing their aggression on the report of the Special Commission, he maintained that the United States had once again arrogated to itself the authority of the Council and flouted international law and the Charter of the United Nations. He stated that the conduct of the Executive Chairman of the Special Commission had provided additional evidence of his partiality, lack of integrity and lack of objectivity when he singled out only five incidents out of a total of 300 inspection operations. The representative underscored that the "exaggerated uproar about Iraqi weapons of mass destruction [was] nothing but a great lie; the other lie [was] the allegation that Iraq pose[d] a threat to its neighbours". He stated that with regard to weapons of mass

¹⁵³ S/1998/1173.

¹⁵⁴ S/1998/1175.

¹⁵⁵ S/1998/1181 and S/1998/1182.

¹⁵⁶ S/1998/1181.

¹⁵⁷ S/1998/1182.

destruction, the Special Commission and IAEA had been operating since April 1991, with cooperation from the Iraqi side, and had completed their essential work in the area of disarmament. He challenged the Special Commission to provide physical evidence that Iraq possessed a prohibited weapon or its components to the Council. Finally, he called on the Council to fulfil its responsibilities as set forth in the Charter of the United Nations and requested an immediate and unconditional cessation of the aggression that was under way against Iraq.¹⁵⁸

The representative of the Russian Federation stated that the massive missile and bomb strikes by the armed forces of the United States and the United Kingdom had created a threat to peace and security in the region and beyond. Grave harm had been done to the efforts to effect a post-crisis settlement in the Gulf region and to dismantle the capability of Iraq for weapons of mass destruction and their delivery systems. He stressed that, in carrying out the unprovoked act of force, the United States and the United Kingdom had violated the Charter of the United Nations, the principles of international law and the generally recognized norms and rules of responsible behaviour on the part of States in the international arena. Reiterating that the Council alone had the right to determine what steps needed to be taken in order to maintain or restore international peace and security, his country rejected outright the attempts made in the letters from the United States and the United Kingdom to justify the use of force on the basis of a mandate that had been previously issued by the Council, which provided no grounds for such actions. He maintained that the potential for a political and diplomatic resolution of the Iraqi crisis had not been exhausted and that the crisis had been created artificially, partly as a result of the irresponsible acts of the Executive Chairman of the Special Commission in presenting a report that “gave a distorted picture of the real state of affairs”, and who had then evacuated the entire Special Commission staff from Iraq without any consultations with the Council. He appealed for an immediate end to the use of military force. Finally, he expressed the belief that the Council had a part to play in accordance with the Charter of the United Nations, including

¹⁵⁸ S/PV.3955, pp. 2-3.

giving an assessment, in principle, of the unilateral military action.¹⁵⁹

The representative of China reiterated that his country had always advocated peaceful settlement of international disputes and was against the use or the threat of use of force in international relations. The differences that existed between the Special Commission and Iraq on the verification issue could properly be settled through dialogue and consultation. He noted that the leader of the Special Commission had played a “dishonorable role” in the crisis as the reports submitted by the Special Commission had been one-sided and evasive regarding the facts. Finally, he called for the immediate cessation of all military actions against Iraq.¹⁶⁰

The representative of the United Kingdom maintained that the continuing history of concealment and deceit had been the reason why the coalition had reached the point of military action. He reiterated that there was a clear legal basis for military action in the resolutions adopted by the Council. Resolution 1154 (1998) had made it clear that any violation by Iraq of its obligations to allow the Special Commission and IAEA unrestricted access would have had the severest consequences. Resolution 1205 (1998) had established that the decision of the Government of Iraq of 31 October 1998 to cease cooperation with the Special Commission was a flagrant violation of resolution 687 (1991), which had laid down the conditions for the 1991 ceasefire. By that resolution, therefore, the Council had implicitly revived the authorization to use force given in resolution 678 (1990). And the report of the Special Commission had made clear that, despite its undertakings to rescind the decision of 31 October, Iraq had not only failed to resume full cooperation with the Special Commission but had imposed new restrictions on its work.¹⁶¹

The representative of Costa Rica stated that his country had actively supported the use, in all cases, of the means for the pacific settlement of disputes provided for in Article 33 of the Charter. Moreover, Costa Rica had reaffirmed that recourse to the use of force, envisaged as an exceptional measure in Chapter VII, Article 42, of the Charter fell within the sole and

¹⁵⁹ *Ibid.*, pp. 4-5.

¹⁶⁰ *Ibid.*, p. 5.

¹⁶¹ *Ibid.*, pp. 5-7.

exclusive purview of the Council, and that only the Council could authorize collective action of that kind.¹⁶²

The representative of the United States reiterated the points made in the letter of 16 December 1998 that, as a result of the material breaches by Iraq of its obligations under Council resolutions and its own commitments, the coalition had exercised the authority given by resolution 678 (1990). Stressing that the policy of Iraq of unremitting defiance and non-compliance necessitated the resort to military force, he stated that the coalition looked to the highest level of the Iraqi leadership for an immediate demonstration of unconditional compliance with the terms of the Council resolution.¹⁶³

A number of speakers expressed concern about the situation characterized by military action against Iraq, and urged Iraq to comply with all its obligations under the relevant resolutions of the Council.¹⁶⁴ Other speakers deplored the use of military force against Iraq and stressed that, the use of force needed to take place within a multilateral framework and that the Council remained the sole body with legal authority to mandate actions aimed at enforcing compliance with its own resolutions.¹⁶⁵

**Decision of 21 May 1999 (4008th meeting):
resolution 1242 (1999)**

On 28 April 1999, the Secretary-General submitted to the Security Council the review and assessment of the implementation of the humanitarian programme established pursuant to resolution 986 (1995), covering the period from December 1996 to November 1998.¹⁶⁶ The Secretary-General concluded that, regardless of the improvements that might be brought about in the scope and implementation of the programme, in terms of both approval procedures and funding levels, the magnitude of the humanitarian needs was such that they could not be met within the parameters set in resolution 986 (1995) and succeeding

resolutions, in particular resolution 1153 (1998). The very substantial degradation of infrastructure and the magnitude of the funds required for its rehabilitation was far beyond the funding level available under the programme. There was, therefore, a need for the Council to consider arrangements to allow additional funding through either bilateral or multilateral sources, over and above those made under the programme, still subject to existing financial controls established by relevant decisions of the Council.

On 18 May 1999, pursuant to paragraph 6 of resolution 1210 (1998), the Secretary-General submitted to the Council a report on the distribution of humanitarian supplies throughout Iraq.¹⁶⁷ In the report, the Secretary-General reiterated the observations and recommendations contained in his report dated 28 April 1999 on the review and assessment of the implementation of the humanitarian programme.¹⁶⁸

By a letter dated 19 May 1999 addressed to the President of the Security Council,¹⁶⁹ the Acting Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait transmitted the report of the Committee pursuant to paragraph 10 of resolution 1210 (1998) on 18 May 1999. The Acting Chairman informed the Council that the Committee would continue to work to ensure the effective implementation of all relevant arrangements under the oil-for-food programme.

At its 4008th meeting, held on 21 May 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the assessment and report of the Secretary-General as well as the letter in its agenda. Following the adoption of the agenda, the President (Gabon) drew the attention of the Council to a draft resolution submitted by Argentina, the United Kingdom and the United States.¹⁷⁰ The President also drew the attention of the Council to the following documents: letters dated 2 and 12 May 1999, respectively, from the representative of Iraq addressed to the Secretary-General;¹⁷¹ a letter

¹⁶² *Ibid.*, p. 7.

¹⁶³ *Ibid.*, pp. 9-10.

¹⁶⁴ *Ibid.*, pp. 7-8 (Slovenia); p. 8 (Portugal); p. 11 (Japan); pp. 11-12 (Gambia); pp. 12-13 (France); and p. 13 (Gabon).

¹⁶⁵ *Ibid.*, p. 10 (Sweden); pp. 10-11 (Brazil); and p. 12 (Kenya).

¹⁶⁶ S/1999/481.

¹⁶⁷ S/1999/573 and Corr.2.

¹⁶⁸ S/1999/481.

¹⁶⁹ S/1999/582.

¹⁷⁰ S/1998/588.

¹⁷¹ Letters calling for the lifting of the embargo as the urgent humanitarian needs of the people of Iraq were not being met (S/1999/500 and S/1999/549).

dated 13 May 1999 from the Secretary-General addressed to the President of the Council;¹⁷² and a letter dated 17 May 1999 from the representative of Iraq addressed to the Secretary-General.¹⁷³

The representative of the Russian Federation stated that the problem of the humanitarian crisis in Iraq could not be resolved as long as the sanctions regime remained in force, and that his delegation firmly supported the lifting of the sanctions in connection with the establishment of a new monitoring mechanism in Iraq. Although the Russian Federation was aware of the flaws of the United Nations humanitarian operation, his country would agree to extend it only because it offered some hope of easing, to some extent, the sufferings of the Iraqi people. He condemned the continuing aerial bombing of Iraq civilian and military facilities by the United States and the United Kingdom under the illegal pretext of the no-fly zones, which were created unilaterally, in circumvention of the Council.¹⁷⁴

The representative of the United Kingdom called on the Government of Iraq to cooperate constructively in the implementation of the humanitarian programme to ensure that the full potential of the programme was realized. Regarding the activity in the no-fly zones, he called on Iraq to cease targeting coalition aircraft. He stated that the operations of his country were purely reactive: they did not initiate aggressive action and targeted relevant military facilities only. He stressed that the no-fly zones were necessary in order to limit the capacity of Iraq to oppress its own people and in order to monitor its compliance with its obligations under resolution 688 (1991).¹⁷⁵

The representative of the United States observed that, while the primary responsibility for meeting civilian needs continued to reside with the Government of Iraq, it was entirely appropriate that the United Nations acted to ensure that the benefits of the oil

revenues of Iraq be directed to civilian needs. Regarding the no-fly zones, he associated the United States completely with the statement of the United Kingdom.¹⁷⁶

The representative of China reiterated that due to the limitations of the oil-for-food programme, only with the necessary political will on the part of the parties concerned and with the lifting of economic sanctions against Iraq could there be any fundamental easing of the humanitarian situation and difficulties in Iraq. He expressed regret that the United States and the United Kingdom were still bombing civilian targets in the so-called no-fly zone, which had aggravated the humanitarian crisis in Iraq. China demanded that the United States and the United Kingdom halt their bombing missions in the so-called no-fly zone. However, based on the consideration of maintaining basic humanitarian supplies to meet the needs of the Iraqi people, China accepted the present technical roll-over of the programme.¹⁷⁷

The representative of France, noting that the current humanitarian programme was only a partial and temporary response to the problem, expressed hope that the Council would quickly reach an agreement that would make it possible to restore the unity of the Council, resolve the humanitarian crisis, ensure the resumption of normal relations between the United Nations and Iraq and ensure regional security.¹⁷⁸

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1242 (1999), which reads:

The Security Council,

Recalling its previous relevant resolutions, in particular resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998 and 1210 (1998) of 24 November 1998,

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until the fulfilment by the Government of Iraq of the relevant resolutions, including notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions,

¹⁷² Letter informing the Council of the Secretary-General's approval of the revised part 7 of the executive summary of the distribution plan concerning telecommunications submitted by Iraq (S/1999/559).

¹⁷³ Letter responding to the statement made by the Executive Director of the Office of the Iraq Programme concerning medicines and medical supplies and equipment (S/1999/572).

¹⁷⁴ S/PV.4008, pp. 2-3.

¹⁷⁵ *Ibid.*, p. 3.

¹⁷⁶ *Ibid.*, p. 5.

¹⁷⁷ *Ibid.*, p. 4.

¹⁷⁸ *Ibid.*

Convinced also of the need for equitable distribution of humanitarian supplies to all segments of the Iraqi population throughout the country,

Determined to improve the humanitarian situation in Iraq,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

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

1. *Decides* that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for a new period of 180 days beginning at 0001 hours Eastern Standard Time on 25 May 1999;

2. *Also decides* that paragraph 2 of resolution 1153 (1998) shall remain in force and shall apply to the 180-day period referred to in paragraph 1 above;

3. *Requests* the Secretary-General to continue to take the actions necessary to ensure the effective and efficient implementation of the present resolution, and to continue to enhance as necessary the United Nations observation process in Iraq in such a way as to provide the required assurance to the Council that the goods produced in accordance with the present resolution are distributed equitably and that all supplies authorized for procurement, including dual-use items and spare parts, are utilized for the purpose for which they have been authorized;

4. *Notes* that the Security Council Committee established by resolution 661 (1990) is reviewing various options, in particular the proposal made by the Secretary-General, as requested by paragraph 4 of resolution 1210 (1998), to resolve the difficulties encountered in the financial process, referred to in his report of 19 November 1998;

5. *Decides* to conduct a thorough review of all aspects of the implementation of the present resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day period, upon receipt of the reports referred to in paragraphs 6 and 10 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably renewal of the provisions of the present resolution as appropriate, provided that the said reports indicate that those provisions are being satisfactorily implemented;

6. *Requests* the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the 180-day period, on the basis of observations of United Nations personnel in Iraq, and of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986 (1995), including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient

quantities of petroleum and petroleum products to produce the sum referred to in paragraph 2 of resolution 1153 (1998);

7. *Also requests* the Secretary-General to report to the Council if Iraq is unable to export petroleum and petroleum products sufficient to produce the total sum provided for by paragraph 2 above and, following consultations with relevant United Nations agencies and the Iraqi authorities, make recommendations for the expenditure of the sum expected to be available, consistent with the priorities established in paragraph 2 of resolution 1153 (1998) and with the distribution plan referred to in paragraph 5 of resolution 1175 (1998);

8. *Decides* that paragraphs 1, 2, 3 and 4 of resolution 1175 (1998) shall remain in force and shall apply to the new 180-day period referred to in paragraph 1 above;

9. *Requests* the Secretary-General, in consultation with the Government of Iraq, to submit to the Council, by 30 June 1999, a detailed list of parts and equipment necessary for the purpose described in paragraph 1 of resolution 1175 (1998);

10. *Requests* the Committee established by resolution 661 (1990), in close coordination with the Secretary-General, to report to the Council 90 days after the entry into force of paragraph 1 above, and again prior to the end of the 180-day period, on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995);

11. *Urges* all States, and in particular the Government of Iraq, to provide their full cooperation in the effective implementation of the present resolution;

12. *Appeals* to all States to continue to cooperate in the timely submission of applications and the expeditious issue of export licences, facilitating the transit of humanitarian supplies authorized by the Committee established by resolution 661 (1990), and to take all other appropriate measures within their competence in order to ensure that urgently required humanitarian supplies reach the Iraqi people as rapidly as possible;

13. *Stresses* the need to continue to ensure respect for the security and safety of all persons directly involved in the implementation of the present resolution in Iraq;

14. *Decides* to keep these arrangements under review, including, in particular, those in paragraph 2 above, to ensure the uninterrupted flow of humanitarian supplies into Iraq, and expresses its willingness to review the relevant recommendations of the report of the panel established to review humanitarian issues as appropriate with regard to the 180-day period referred to in paragraph 1 above;

15. *Decides* to remain seized of the matter.

**Decision of 4 October 1999 (4050th meeting):
resolution 1266 (1999)**

At the 4050th meeting, held on 4 October 1999 in accordance with the understanding reached in prior consultations, the President (Russian Federation) drew

the attention of the Council to a draft resolution submitted by the Netherlands.¹⁷⁹ The draft resolution was put to the vote and adopted unanimously as resolution 1266 (1999), which reads:

The Security Council,

Recalling its previous relevant resolutions, in particular resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998 and 1242 (1999) of 21 May 1999,

Recalling also the report of the Secretary-General of 19 August 1999, in particular paragraphs 4 and 94 thereof,

Determined to improve the humanitarian situation in Iraq,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

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

1. *Decides* that paragraph 2 of resolution 1153 (1998), as extended by resolution 1242 (1999), shall be modified to the extent necessary to authorize States to permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly related thereto, sufficient to produce an additional sum, beyond that provided for by resolution 1242 (1999), equivalent to the total shortfall of revenues authorized but not generated under resolutions 1153 (1998) and 1210 (1998), 3.04 billion United States dollars, within the period of 180 days from 0001 hours Eastern Standard Time on 25 May 1999;

2. *Decides* to remain seized of the matter.

Decision of 19 November 1999 (4070th meeting): resolution 1275 (1999)

On 12 November 1999, pursuant to paragraph 6 of resolution 1242 (1999), the Secretary-General submitted to the Security Council a report on the distribution of humanitarian supplies throughout Iraq, which described developments in the implementation of the oil-for-food programme.¹⁸⁰ In his report, the Secretary-General observed that at the current stage in its implementations, there was a need to strike a balance between initiatives designed to improve the day-to-day workings of the oil-for-food programme and more wide-ranging innovations required to meet its aims more effectively. By a letter dated 17 November 1999 addressed to the President of the

¹⁷⁹ S/1999/1020.

¹⁸⁰ S/1999/1162 and Corr.1.

Council,¹⁸¹ the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait transmitted the report of the Committee approved on 17 November 1999.

At its 4070th meeting, held on 19 November 1999 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General and the above letter in its agenda. The President (Slovenia) then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁸²

All speakers expressed support for extending the sixth phase of the humanitarian programme for a period of 15 days, but some speakers stressed the need for a comprehensive omnibus resolution dealing with the situation.¹⁸³ A number of speakers emphasized that the technical extension of the resolution was not linked to the consideration of the new omnibus resolution, and that, therefore, the technical extension should not at all determine the timetable for the conclusion on the omnibus resolution.¹⁸⁴

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1275 (1999), which reads:

The Security Council,

Recalling its resolutions 1242 (1999) of 21 May 1999 and 1266 (1999) of 4 October 1999,

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

1. *Decides* to extend the period referred to in paragraphs 1, 2 and 8 of resolution 1242 (1999) and in paragraph 1 of resolution 1266 (1999) until 4 December 1999;

2. *Decides* to remain seized of the matter.

Decision of 3 December 1999 (4077th meeting): resolution 1280 (1999)

At its 4077th meeting, held on 3 December 1999 in accordance with the understanding reached in its

¹⁸¹ S/1999/1177.

¹⁸² S/1999/1180.

¹⁸³ S/PV.4070, p. 3 (France); p. 3 (United Kingdom); pp. 3-4 (Canada); p. 4 (United States); p. 4 (Argentina); p. 4 (Netherlands); p. 4 (Gambia); pp. 4-5 (Brazil); and pp. 5-6 (Slovenia).

¹⁸⁴ *Ibid.*, p. 2 (Russian Federation), p. 3 (China); and p. 5 (Malaysia).

prior consultations, the Security Council included in its agenda the report of the Secretary-General pursuant to paragraph 6 of resolution 1242 (1999), and a letter dated 17 November 1999 from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait.¹⁸⁵ Following the adoption of the agenda, the President (United Kingdom) then drew the attention of the Council to a draft resolution submitted by the United States.¹⁸⁶

Speaking before the vote, the representative of France noted that the draft resolution related to the renewal of resolution 986 (1995), commonly known as the “oil-for-food” resolution, which had been regularly renewed by the Council for six-month periods until a recent decision to extend its provisions for 15 days, which had proven impracticable. He stated that the draft resolution would extend the provisions of the resolution for seven days, which was so short that it would make it technically impossible to sell oil and, therefore, to fully implement resolution 986 (1995). The draft resolution therefore seemed to be drafted in such a way as to deliberately render incapable of realization, the measure that it proposed. He maintained that it was true that his delegation had been told that the issue was not about adopting a humanitarian text, but about using the vote to bring pressure to bear on the members of the Council with regard to another exercise and another resolution. He stated that for France, it was inconceivable that the Council take a decision on a text that could not be implemented in practice and which owed its existence to considerations that were alien to its purpose. That was why, given the exceptional and extremely unusual process, France saw non-participation in the voting as the only reasonable position to take.¹⁸⁷

The representative of Malaysia reiterated that his country had supported resolution 1275 (1999) on the clear understanding that there would not be any linkage between its adoption and the negotiations on the draft omnibus resolution on Iraq. Nevertheless, the Council was being asked to vote on another draft resolution extending the oil-for-food programme for one week,

¹⁸⁵ S/1999/1162 and Corr.1 and S/1999/1177, respectively; see also decision of 19 November 1999 (4070th meeting) in the present section.

¹⁸⁶ S/1999/1215.

¹⁸⁷ S/PV.4077 and Corr.1, p. 2.

which clearly established a linkage as the one-week time frame was arbitrary and was based on three assumptions. The first assumption was that the negotiations among the permanent members of the Council on the omnibus draft resolution on Iraq would lead to an agreement within a week. The second was that, once there was agreement among the permanent members of the Council, the Council would immediately act on that draft resolution. His delegation could not share that assumption as one would expect a full and detailed consideration and negotiation of the draft resolution among all 15 members of the Council before action could be taken. The third assumption was that once the Council reached agreement on the omnibus draft resolution, its implementation could be effected immediately, which was too optimistic a scenario. That was why his delegation considered a one-week extension as an arbitrary and artificial time frame and a transparent attempt to stamp the process of reaching an agreement on the larger issues relating to Iraq. Regarding the omnibus draft resolution, he stated that his delegation believed that it needed to be comprehensive, incorporating a sanctions-lifting plan as the Council strove to ensure that Iraq met its remaining disarmament requirement. Any consideration of the Iraq sanctions regime could not be artificially forced or hurried.¹⁸⁸

At the same meeting, the draft resolution was put to the vote and adopted by 11 votes to none, with 3 abstentions (China, Malaysia, Russian Federation) and 1 Council member (France) not participating in the voting, as resolution 1280 (1999),¹⁸⁹ which reads:

The Security Council,

Recalling its resolutions 1242 (1999) of 21 May 1999, 1266 (1999) of 4 October 1999 and 1275 (1999) of 19 November 1999,

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

1. *Decides* to extend the period referred to in paragraphs 1, 2 and 8 of resolution 1242 (1999) and in paragraph 1 of resolution 1266 (1999) until 11 December 1999;

2. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United States stated that despite the unjustified

¹⁸⁸ *Ibid.*, pp. 2-3.

¹⁸⁹ For the vote, see S/PV.4077, p. 4.

decision of the Government of Iraq to curtail authorized oil production and exports, large quantities of humanitarian supplies continued arriving in the country, and that there had been no disruption in the oil-for-food programme, which was a matter of the utmost importance. The resolution ensured that essential humanitarian assistance could continue while the Council prepared for adoption of a comprehensive resolution on Iraq. Authorization of that resolution would clear the way for action on a full six-month extension of the programme. He called upon the Government of Iraq to resume authorized oil production and exports without delay and to cooperate fully with the programme in the future. In closing, he recalled that the oil-for-food programme was a temporary measure, which was never intended to usurp the primary responsibility for meeting civilian needs in Iraq, which continued to reside with the Government of Iraq.¹⁹⁰

The representative of the Russian Federation reiterated that the very serious humanitarian situation in Iraq dictated the urgent need for the adoption of speedy measures to relieve the Iraqi people. Goods and equipment crucial to civilian life were not being delivered within the framework of the humanitarian programme, and those problems were aggravated by the blocking of a significant number of contracts within the sanctions Committee. In connection with the need for carrying out urgent measures to correct the situation, the Russian Federation had proposed the adoption of a draft resolution extending the United Nations humanitarian operations, which reflected the recommendations of the Secretary-General and the conclusions of the humanitarian panel regarding the improvement of the programme, but the approach had not been taken into account by a number of delegations. He stated that the resolution providing a one-week extension of phase VI of humanitarian operations was not in keeping with the realities of the grave humanitarian situation in Iraq. The practical implementation of such an artificial decision was fraught with many obvious difficulties of a technical nature, which would lead to serious interruptions in the entire humanitarian operation. Bearing in mind the fact that the authors of the draft resolution did not find it possible to take into account even the simple, but extremely logical, amendment proposed by France for

a longer “technical” roll-over — which would have allowed the humanitarian programme to remain in operation — the Russian Federation had not been able to support the resolution. In that connection, he stated that the Russian Federation in no way linked consideration of priority humanitarian issues with continuing work on the comprehensive resolution on Iraq. He emphasized that the decision adopted by the Council in no way established the timetable for concluding work on an omnibus resolution. In order to find a way out of the Iraqi deadlock, an agreement needed to be reached on the remaining serious problems and attempts to establish any kind of artificial time limits in that regard were totally inappropriate.¹⁹¹

The representative of Canada stated that his delegation would have preferred to adopt a 180-day roll-over into phase VII. However, Canada was able to support the seven-day extension in order to allow time for negotiations among the permanent members on a comprehensive resolution. He stressed that the temporary, technical roll-overs could not continue indefinitely and if one week proved insufficient, he hoped that serious consideration would be given by all members to a 180-day roll-over the next time.¹⁹²

The representative of the Netherlands stated that normally his delegation would have supported a regular roll-over for a new phase of 180 days; however, the circumstances were not normal. Noting that the issue had been entrusted to the five permanent members half a year previously, he observed that the permanent members were now under pressure from the elected members to hammer out a consensus. Given the circumstances, the Netherlands believed that a one-week extension of phase VI maintained that pressure. A longer extension would remove the pressure, and his country was strongly in favour of maintaining it in the hope that the five permanent members would interpret the signal correctly and bring the comprehensive resolution back to the Council before 11 December. The representative also noted that, unlike the permanent five members, elected members could not afford to not take part in the vote on such an important

¹⁹¹ Ibid., pp. 4-5.

¹⁹² Ibid., p. 5.

¹⁹⁰ S/PV.4077, p. 4.

issue, as they could not explain such behaviour to the delegations that had elected them.¹⁹³

The representative of China noted that the deadlock on Iraq had lasted for almost a year without resolution and with long delays, which was extremely disappointing. However, to attribute the situation indiscriminately to the slow progress in the consultations among the five permanent members was inappropriate. He maintained that the unilateral military strike against Iraq the previous December had been the main reason why the United Nations arms verification programme in Iraq had been suspended. He stressed that the countries that had launched the military strike needed to show flexibility. While China hoped to see an early completion of consultations among the five permanent members and the adoption of a resolution, he stressed that China could not accept one week as the deadline for consultations. He underlined that the Council needed to adopt a responsible attitude and try to elaborate a programme that would truly solve the problem. He expressed the belief that the resolution extending the programme for one week did not help improve the humanitarian situation in Iraq nor advance the consultations among the permanent five on the omnibus text on Iraq, which was why China had abstained in the voting.¹⁹⁴

The representative of Namibia expressed his country's frustration that the continued existence of the oil-for-food programme was threatened by the very same political differences which had created the previous impasse, and urged the five permanent members to speed up their consultations so that the omnibus resolution might be brought back to the Council.¹⁹⁵

The representative of France then responded to the representative of the Netherlands who had stated that he could not understand how one could fail to take a position on such a resolution. He noted that the representative of the Netherlands had faced a dilemma between, on one hand, his interest in humanitarian considerations and in obtaining a six-month extension, and on the other hand, supporting the pressure being exerted by other members of the Council. It was precisely in order to avoid such dilemmas, which gave

rise to unreasonable solutions, that France believed such a resolution should not have been put to the vote.¹⁹⁶

The representative of the Netherlands responded by pointing out that non-participation in the voting was extremely rare and that few non-permanent members had ever resorted to that extraordinary measure. He noted that his Minister for Foreign Affairs, in the General Assembly, had suggested that it might be useful to start looking for a way in which permanent members might express their absolutely negative attitude without being obliged to cast a veto. He stated that he had hoped that the Council was seeing an example of that procedure, in which a permanent member said no without casting a veto.¹⁹⁷

**Decision of 10 December 1999 (4079th meeting):
resolution 1281 (1999)**

At its 4079th meeting, held on 10 December 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General pursuant to paragraph 6 of resolution 1242 (1999) and a letter dated 17 November 1999 from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait.¹⁹⁸ Following the adoption of the agenda, the President (United Kingdom) then drew the attention of the Council to a draft resolution submitted by the United States.¹⁹⁹ The draft resolution was put to the vote and adopted unanimously as resolution 1281 (1999), which reads:

The Security Council,

Recalling its previous relevant resolutions, in particular resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998, 1242 (1999) of 21 May 1999, 1266 (1999) of 4 October 1999, 1275 (1999) of 19 November 1999 and 1280 (1999) of 3 December 1999,

¹⁹⁶ Ibid., pp. 6-7.

¹⁹⁷ Ibid., p. 7.

¹⁹⁸ S/1999/1162 and Corr.1 and S/1999/1177, respectively; see also the decision of 19 November 1999 (4070th meeting) in this section.

¹⁹⁹ S/1999/1230.

¹⁹³ Ibid., p. 5.

¹⁹⁴ Ibid., p. 6.

¹⁹⁵ Ibid., p. 6.

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until the fulfilment by the Government of Iraq of the relevant resolutions, including notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Convinced also of the need for equitable distribution of humanitarian supplies to all segments of the Iraqi population throughout the country,

Determined to improve the humanitarian situation in Iraq,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

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

1. *Decides* that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for a new period of 180 days beginning at 0001 hours Eastern Standard Time on 12 December 1999;

2. *Also decides* that paragraph 2 of resolution 1153 (1998) shall remain in force and shall apply to the 180-day period referred to in paragraph 1 above;

3. *Requests* the Secretary-General to continue to take the actions necessary to ensure the effective and efficient implementation of the present resolution and to continue to enhance as necessary the United Nations observation process in Iraq in such a way as to provide the required assurance to the Council that the goods produced in accordance with the present resolution are distributed equitably and that all supplies authorized for procurement, including dual-usage items and spare parts, are utilized for the purpose for which they have been authorized;

4. *Decides* to conduct a thorough review of all aspects of the implementation of the present resolution 90 days after the entry into force of paragraph 1 above, and again prior to the end of the 180-day period, upon receipt of the reports referred to in paragraphs 5 and 10 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably renewal of the provisions of the present resolution, as appropriate, provided that the said reports indicate that those provisions are being satisfactorily implemented;

5. *Requests* the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the 180-day period, on the basis of observations of United Nations personnel in Iraq, and of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986 (1995), including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs and on Iraq's capacity to export sufficient

quantities of petroleum and petroleum products to produce the sum referred to in paragraph 2 of resolution 1153 (1998);

6. *Requests* the Secretary-General to report to the Council if Iraq is unable to export petroleum and petroleum products sufficient to produce the total sum provided for by paragraph 2 above and, following consultations with the relevant United Nations agencies and the Iraqi authorities, make recommendations for the expenditure of sums expected to be available, consistent with the priorities established in paragraph 2 of resolution 1153 (1998) and with the distribution plan referred to in paragraph 5 of resolution 1175 (1998);

7. *Decides* that paragraph 3 of resolution 1210 (1998) shall apply to the new 180-day period referred to in paragraph 1 above;

8. *Also decides* that paragraphs 1, 2, 3 and 4 of resolution 1175 (1998) shall remain in force and shall apply to the new 180-day period referred to in paragraph 1 above;

9. *Requests* the Secretary-General, in consultation with the Government of Iraq, to submit to the Council no later than 15 January 2000 a detailed list of parts and equipment necessary for the purpose described in paragraph 1 of resolution 1175 (1998);

10. *Requests* the Security Council Committee established by resolution 661 (1990), in close coordination with the Secretary-General, to report to the Council 90 days after the entry into force of paragraph 1 above, and again prior to the end of the 180-day period, on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995);

11. *Urges* all States, and in particular the Government of Iraq, to provide their full cooperation in the effective implementation of the present resolution;

12. *Appeals* to all States to continue to cooperate in the timely submission of applications and the expeditious issue of export licences, facilitating the transit of humanitarian supplies authorized by the Committee established by resolution 661 (1990), and to take all other appropriate measures within their competence in order to ensure that urgently needed humanitarian supplies reach the Iraqi people as rapidly as possible;

13. *Stresses* the need to continue to ensure respect for the security and safety of all persons directly involved in the implementation of the present resolution in Iraq;

14. *Decides* to keep these arrangements under review, including in particular those in paragraph 2 above, to ensure the uninterrupted flow of humanitarian supplies into Iraq, and expresses its determination to act without delay to address the recommendations of the report of the panel established to review humanitarian and other issues in Iraq in a further, comprehensive resolution;

15. *Decides* to remain seized of the matter.

Decision of 17 December 1999 (4084th meeting): resolution 1284 (1999)

At its 4084th meeting, held on 17 December 1999 in accordance with the understanding reached in its prior consultations, following the adoption of the agenda, the President (United Kingdom), with the consent of the Council, invited the representative of Kuwait, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by the United Kingdom.²⁰⁰

The representative of Kuwait stated that his country fully endorsed the content of paragraphs 13 and 14 of part B of the draft resolution, which addressed the Kuwaiti prisoners of war and detainees, and third-country nationals held in Iraqi prisons. He stressed that the Government of Iraq had exploited the preoccupations of the Council with the issues of disarmament and the suffering of the Iraqi people by procrastinating and failing to cooperate with the Tripartite Commission and its Technical Subcommittee. Second, Kuwait attached great importance to the restitution of Kuwaiti property stolen by the Iraqi regime during its occupation of Kuwait. Third, the possession of weapons of mass destruction by Iraq added to his country's concerns, because Kuwait suspected and feared that the intentions of Iraq were not peaceful and because Iraq had not disclosed its stockpiles of such weapons. The impact of those weapons on the peoples of the region increased the risks faced and posed a threat to security and stability. Fourth, Kuwait fully supported the provisions of part C of the draft resolution relating to the humanitarian situation in Iraq. Fifth, Kuwait hoped that the Government of Iraq would respond positively to the draft resolution and cooperate with the United Nations in implementing it. He stressed that failure to carry out the draft resolution would undermine security and peace in the entire region.²⁰¹

The representative of the Russian Federation noted that the blame for the fact that the work of the Council on Iraq had been deadlocked for a year lay with the force used by the United States and the United Kingdom against Baghdad, circumventing the Council. At that time, the Russian Federation and many

members of the United Nations had given their principled assessment of the illegal action and advocated an essentially new approach to the Iraqi issue based on strict compliance with the resolutions adopted by the Council and the Charter of the United Nations. He stated that the chance to prepare such a comprehensive approach appeared after the work of the three panels chaired by Ambassador Celso L. N. Amorim, who had submitted to the Council carefully weighed and realistic recommendations. He stated that his country had advocated the adoption of a draft resolution that would have approved those recommendations. However, the initiative had been blocked by those who wanted to do things "in the old way" and to continue using the burden of anti-Iraq sanctions in order to attain their own unilateral goals, which went beyond the scope of the decisions of the United Nations on post-crisis settlement in the Gulf region. Another very important criterion contained in the recommendations was the need to ensure that the resolution on the new monitoring system be acceptable to Iraq because without cooperation from Iraq any plans or projects would just remain on paper. As a result of lengthy discussions, there was agreement on the establishment of a new monitoring body, which, unlike the former Special Commission, would be based on the norms contained in the Charter of the United Nations and on collegial methods of work and would be answerable to the Council. There had also been agreement on radical improvements in the humanitarian programme for Iraq in the period up to the suspension of sanctions. Additional measures had been prepared with a view to speeding up the solution of problems relating to missing persons and Kuwaiti property. The representative noted that, at the same time, the draft resolution submitted by the United Kingdom remained ambiguous on crucial issues, primarily on the criteria for suspending sanctions. He cautioned that vague wordings on that matter in the draft provided certain members of the Council an opportunity to interpret the draft in such a way as to require virtually full completion of the key disarmament tasks by Iraq and then, on that pretext, to postpone suspension endlessly. However, to be in strict alignment with the earlier decisions of the Council, the completion of such disarmament tasks should entail the final lifting of sanctions, while to suspend sanctions, it should be sufficient simply to note progress being made in the remaining disarmament areas. He also stressed that it was unacceptable to have a provision in

²⁰⁰ S/1999/1232.

²⁰¹ S/PV.4084 and Corr.1, pp. 3-4.

the draft about the need for Iraq to demonstrate full cooperation with the new monitoring body. He reiterated that the wording “full cooperation” was extremely dangerous as it was under the pretext of an absence of full cooperation from Iraq that the former Special Commission provoked large-scale strikes by the United States and the United Kingdom against Iraq in December the previous year, circumventing the Council. Therefore, the discredited argument about full cooperation had been removed. A clarification was then introduced to the effect that progress on the remaining disarmament tasks, and not their virtual completion, would be grounds for assessing the conditions necessary to the suspension of sanctions. The reference to Chapter VII of the Charter had also been spelled out more clearly so as not to provide any legal grounds for unilateral actions of force against Iraq contrary to positions held in the Council. However, he maintained that not all of the deficiencies of the draft resolution had been removed and that some hidden dangers remained. He noted that the Council had never authorized the establishment of no-fly zones, nor had it authorized subversive acts against the Government of Iraq. He stressed that if the Council sought new approaches to a long-term settlement in the Gulf, such illegal unilateral actions needed to end. In those circumstances, the Russian Federation could not support the draft resolution, but would not hinder its adoption. He cautioned that the fact that his country was not blocking the adoption of the draft resolution could not be taken to indicate that it had to go along with attempts to impose its forcible implementation.²⁰²

The representative of Malaysia stated that the draft resolution did not go far enough to incorporate the concerns that had been expressed, was not comprehensive enough, and had left out the important issues of financial modalities. He reiterated the view that a consensus approach would contribute enormously to the success of the exercise. He underlined that the resolution was unclear in respect of the triggering of the suspensions of sanctions, and did not establish a definite benchmark or time frame for the final lifting of the sanctions. He stressed that in his country’s view it was reasonable in the absence of such a benchmark or time frame for there to be an element of certainty and predictability in the renewals of the suspensions based on the positive reports of the new

²⁰² Ibid., pp. 4-6.

commission. He maintained that the indefinite continuation of sanctions violated the “very spirit and purposes of the United Nations enshrined in its Charter”. He noted that while there was consensus on the crucial need for the return of a new monitoring, verification and inspection system to Iraq, any reinforced system needed to take into account the dignity of Iraq as an independent and sovereign State, as well as the religious and cultural sensitivities of its people. He also expressed regret that the draft resolution persisted in effecting stringent controls that could not but impact negatively on innocent civilians. In conclusion, he reiterated that the draft resolution did not have the right balance, was driven by political, rather than humanitarian, considerations and was aimed at keeping Iraq under continued isolation. Moreover, the language of the draft resolution was ambiguous in some important parts, so that it might lend itself to unilateral interpretation and/or action in its implementation, which needed to be avoided. Finally, the text incorporated only some of the recommendations of the Amorim panels. For those reasons, he stated that Malaysia was unable to support the draft resolution.²⁰³

The representative of China stated that his delegation believed that in the formulation of new comprehensive policies on Iraq, at least three core issues needed to be addressed through a comprehensive resolution that could be implemented: a new inspection commission needed to be established; the remaining Iraqi disarmament issues needed to be defined clearly and precisely and resolved gradually and effectively; and there was an urgent need to relieve the Iraqi people of their tremendous suffering. However, the implementation of the draft resolution was highly questionable. He reiterated the belief that Iraq was under the obligation to implement the relevant resolutions, but that the Council was also under the obligation to implement its own resolutions honourably, give an objective assessment of implementation by Iraq, and gradually lift or at least suspend the sanctions accordingly. Therefore, China was of the view that in the draft resolution, the reinstatement of disarmament inspections and the suspension of sanctions needed to be linked. He suggested that as long as the new commission submitted positive reports to the Council on the

²⁰³ Ibid., pp. 6-8.

continued cooperation by Iraq in addressing the key remaining tasks, the suspension of sanctions should be extended automatically. He stated that, in a situation where no consensus had been reached, putting a draft resolution to the vote would not help to resolve the longstanding issue of Iraq, and China would therefore abstain in the voting. Finally, he reiterated that it was very clear that the use of force or any other means could not substitute for the role of the Council in the maintenance of international peace and security. He also noted that the “no-fly zone” in Iraq had never been authorized or approved by the Council, and that members concerned needed to immediately cease such actions.²⁰⁴

The representative of France stated that there were two regrettable matters in the draft resolution: the refusal to break the isolation of the Iraqi population and, in that connection, to permit the resumption of civil aviation; and the lack of a real exception to the sanctions for religious activities, such as the Hajj and the Omra pilgrimages, because everything remained in the hands of the sanctions Committee, which was subject to veto by any country. He also stressed that the draft resolution entailed one ambiguous element that needed to be resolved, which was the fact that the details for the financial mechanism had not yet been specified. Iraq had been called upon to accept the return of the inspectors without knowing what arrangement would exist in the period after suspension. In future work, therefore, France would insist that monitoring be based on the reasonable proposal that his country had formulated in writing at the end of July 1999. Resolution 986 (1995) also needed to be suspended and different modalities worked out to allow for freedom of trade and civilian activity in conjunction with the retention of prohibitions on arms and dual-use goods. However, he underscored that the criteria for the suspension and then the lifting of sanctions gave rise to difficulties of interpretation. Paragraph 7 of the draft resolution meant that, once the work programme was completed, it would be possible to lift the sanctions outright. Suspension, a partial and interim measure, was in accordance with the spirit of paragraph 21 of resolution 687 (1991) and needed to come into play, once progress was reported in the implementation of the programme, and not be held up until the work programme was completed. Such

²⁰⁴ Ibid., pp. 10-12.

progress, in keeping with paragraph 34 of the draft resolution needed to be the criterion for cooperation. Cooperation, in keeping with paragraph 33, was itself the criterion for suspension. A different interpretation of the text made any suspension of the sanctions uncertain. His delegation felt that the text needed to be clarified. He stressed that the draft resolution therefore remained imperfect, which was why France would abstain.²⁰⁵

Several other speakers supported the creation of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and calling on Iraq to cooperate with the United Nations so that sanctions could be suspended and eventually lifted. A number of speakers expressed regret that the Council had been unable to produce a draft resolution that reflected a consensus.²⁰⁶

At the same meeting, the draft resolution was put to the vote and adopted by 11 votes to none, with 4 abstentions (China, France, Malaysia, Russian Federation), as resolution 1284 (1999),²⁰⁷ which reads:

The Security Council,

Recalling its previous relevant resolutions, including resolutions 661 (1990) of 6 August 1990, 687 (1991) of 3 April 1991, 699 (1991) of 17 June 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 986 (1995) of 14 April 1995, 1051 (1996) of 27 March 1996, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1242 (1999) of 21 May 1999 and 1266 (1999) of 4 October 1999,

Recalling the approval by the Council in its resolution 715 (1991) of the plans for future ongoing monitoring and verification submitted by the Secretary-General and the Director General of the International Atomic Energy Agency in pursuance of paragraphs 10 and 13 of resolution 687 (1991),

Welcoming the reports of the three panels on Iraq, and having undertaken a comprehensive consideration of those reports and the recommendations contained in them,

Stressing the importance of a comprehensive approach to the full implementation of all relevant Security Council resolutions regarding Iraq and the need for Iraqi compliance with those resolutions,

²⁰⁵ Ibid., pp. 16-17.

²⁰⁶ Ibid., pp. 8-9 (Gabon); pp. 9-10 (Argentina); pp. 12-13 (Brazil); pp. 13-15 (Gambia); pp. 21-22 (Bahrain); pp. 22-23 (Slovenia); pp. 23-25 (Canada); and p. 25 (Namibia).

²⁰⁷ For the vote, see S/PV.4084 and Corr.1, p.17.

Recalling the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons as referred to in paragraph 14 of resolution 687 (1991),

Concerned at the humanitarian situation in Iraq, and determined to improve that situation,

Recalling with concern that the repatriation and return of all Kuwaiti and third-country nationals or their remains, present in Iraq on or after 2 August 1990, pursuant to paragraph 2 (c) of resolution 686 (1991) of 2 March 1991 and paragraph 30 of resolution 687 (1991), have not yet been fully carried out by Iraq,

Recalling that in its resolutions 686 (1991) and 687 (1991) the Council demanded that Iraq return in the shortest possible time all Kuwaiti property it had seized, and noting with regret that Iraq has still not complied fully with that demand,

Acknowledging the progress made by Iraq towards compliance with the provisions of resolution 687 (1991), but noting that, as a result of its failure to implement the relevant Council resolutions fully, the conditions do not exist which would enable the Council to take a decision pursuant to resolution 687 (1991) to lift the prohibitions referred to in that resolution,

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait, Iraq and the neighbouring States,

Acting under Chapter VII of the Charter of the United Nations, and taking into account the fact that operative provisions of the present resolution relate to previous resolutions adopted under Chapter VII of the Charter,

A

1. *Decides* to establish, as a subsidiary body of the Council, the United Nations Monitoring, Verification and Inspection Commission, which replaces the Special Commission established pursuant to paragraph 9 (b) of resolution 687 (1991);

2. *Decides also* that the Monitoring, Verification and Inspection Commission will undertake the responsibilities mandated to the Special Commission by the Council with regard to the verification of compliance by Iraq with its obligations under paragraphs 8, 9 and 10 of resolution 687 (1991) and other related resolutions, that the Commission will establish and operate, as was recommended by the panel on disarmament and current and future ongoing monitoring and verification issues, a reinforced system of ongoing monitoring and verification, which will implement the plan approved by the Council in resolution 715 (1991) and address unresolved disarmament issues, and that the Commission will identify, as necessary in accordance with its mandate, additional sites in Iraq to be covered by the reinforced system of ongoing monitoring and verification;

3. *Reaffirms* the provisions of the relevant resolutions with regard to the role of the International Atomic Energy Agency in addressing compliance by Iraq with paragraphs 12

and 13 of resolution 687 (1991) and with other related resolutions, and requests the Director General of the International Atomic Energy Agency to maintain this role with the assistance and cooperation of the Monitoring, Verification and Inspection Commission;

4. *Reaffirms* its resolutions 687 (1991), 699 (1991), 707 (1991), 715 (1991), 1051 (1996), 1154 (1998) of 2 March 1998, and all other relevant resolutions and statements by its President, which establish the criteria for Iraqi compliance, affirms that the obligations of Iraq referred to in those resolutions and statements with regard to cooperation with the Special Commission, unrestricted access and provision of information will apply in respect of the Monitoring, Verification and Inspection Commission, and decides in particular that Iraq shall allow Mission teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transport which they wish to inspect in accordance with the mandate of the Commission, as well as to all officials and other persons under the authority of the Iraqi Government whom the Commission wishes to interview so that it may fully discharge its mandate;

5. *Requests* the Secretary-General, within 30 days of the adoption of the present resolution, to appoint, after consultation with and subject to the approval of the Council, an Executive Chairman of the Monitoring, Verification and Inspection Commission who will take up his mandated tasks as soon as possible and, in consultation with the Executive Chairman and the Council members, to appoint suitably qualified experts as a College of Commissioners for the Commission, which will meet regularly to review the implementation of the present and other relevant resolutions and provide professional advice and guidance to the Executive Chairman, including on significant policy decisions and on written reports to be submitted to the Council through the Secretary-General;

6. *Requests* the Executive Chairman of the Monitoring, Verification and Inspection Commission, within 45 days of his appointment, in consultation with and through the Secretary-General, to submit to the Council for its approval an organizational plan for the Commission, including its structure, staffing requirements, management guidelines, recruitment and training procedures, incorporating as appropriate the recommendations of the panel on disarmament and current and future ongoing monitoring and verification issues, and recognizing in particular the need for an effective, cooperative management structure for the new organization, for staffing with suitably qualified and experienced personnel, who would be regarded as international civil servants subject to Article 100 of the Charter of the United Nations, drawn from the broadest possible geographical base, including as he deems necessary from international arms control organizations, and for the provision of high quality technical and cultural training;

7. *Decides* that the Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency, not later than 60 days after they have both started work

in Iraq, will each draw up, for approval by the Council, a work programme for the discharge of their mandates, which will include both the implementation of the reinforced system of ongoing monitoring and verification, and the key remaining disarmament tasks to be completed by Iraq pursuant to its obligations to comply with the disarmament requirements of resolution 687 (1991) and other related resolutions, which constitute the governing standard of Iraqi compliance, and further decides that what is required of Iraq for the implementation of each task shall be clearly defined and precise;

8. *Requests* the Executive Chairman of the Monitoring, Verification and Inspection Commission and the Director General of the International Atomic Energy Agency, drawing on the expertise of other international organizations as appropriate, to establish a unit which will have the responsibilities of the joint unit constituted by the Special Commission and the Director General under paragraph 16 of the export/import mechanism approved by resolution 1051 (1996), and also requests the Executive Chairman, in consultation with the Director General, to resume the revision and updating of the lists of items and technology to which the mechanism applies;

9. *Decides* that the Government of Iraq shall be liable for the full costs of the Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency related to their work under the present and other related resolutions on Iraq;

10. *Requests* Member States to give full cooperation to the Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency in the discharge of their mandates;

11. *Decides* that the Monitoring, Verification and Inspection Commission shall take over all assets, liabilities and archives of the Special Commission, and that it shall assume the part of the Special Commission in agreements existing between the Special Commission and Iraq and between the United Nations and Iraq, and affirms that the Executive Chairman, the Commissioners and the personnel serving with the Monitoring, Verification and Inspection Commission shall have the rights, privileges, facilities and immunities of the Special Commission;

12. *Requests* the Executive Chairman of the Monitoring, Verification and Inspection Commission to report every three months, through the Secretary-General, to the Council, following consultation with the Commissioners, on the work of the Commission, pending submission of the first reports referred to in paragraph 33 below, and to report immediately when the reinforced system of ongoing monitoring and verification is fully operational in Iraq;

B

13. *Reiterates* the obligation of Iraq, in furtherance of its commitment to facilitate the repatriation of all Kuwaiti and third-country nationals referred to in paragraph 30 of resolution 687 (1991), to extend all necessary cooperation to the International Committee of the Red Cross, and calls upon the Government of Iraq to resume cooperation with the Tripartite

Commission and the Technical Subcommittee established to facilitate work on this issue;

14. *Requests* the Secretary-General to report to the Council every four months on compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains, to report every six months on the return of all Kuwaiti property, including archives, seized by Iraq, and to appoint a high-level coordinator for these issues;

C

15. *Authorizes* States, notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990) and subsequent relevant resolutions, to permit the import of any volume of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto, as required for the purposes and on the conditions set out in paragraphs 1 (a) and 1 (b) and subsequent provisions of resolution 986 (1995) and related resolutions;

16. *Underlines*, in this context, its intention to take further action, including permitting the use of additional export routes for petroleum and petroleum products, under appropriate conditions otherwise consistent with the purposes and provisions of resolution 986 (1995) and related resolutions;

17. *Directs* the Security Council Committee established by resolution 661 (1990) to approve, on the basis of proposals from the Secretary-General, lists of humanitarian items, including foodstuffs, pharmaceutical and medical supplies, as well as basic or standard medical and agricultural equipment and basic or standard educational items, decides, notwithstanding paragraph 3 of resolution 661 (1990) and paragraph 20 of resolution 687 (1991), that supplies of these items will not be submitted for the approval of that Committee, except for items subject to the provisions of resolution 1051 (1996), and that they will be notified to the Secretary-General and financed in accordance with the provisions of paragraphs 8 (a) and 8 (b) of resolution 986 (1995), and requests the Secretary-General to inform the Committee in a timely manner of all such notifications received and actions taken;

18. *Requests* the Committee established by resolution 661 (1990) to appoint, in accordance with resolutions 1175 (1998) and 1210 (1998) of 24 November 1998, a group of experts, including independent inspection agents appointed by the Secretary-General in accordance with paragraph 6 of resolution 986 (1995), decides that this group will be mandated to approve speedily contracts for the parts and equipment necessary to enable Iraq to increase its exports of petroleum and petroleum products, according to lists of parts and equipment approved by that Committee for each individual project, and requests the Secretary-General to continue to provide for the monitoring of these parts and equipment inside Iraq;

19. *Encourages* Member States and international organizations to provide supplementary humanitarian assistance to Iraq and published material of an educational character to Iraq;

20. *Decides* to suspend, for an initial period of six months from the date of the adoption of the present resolution and subject to review, the implementation of paragraph 8 (g) of resolution 986 (1995);

21. *Requests* the Secretary-General to take steps to maximize, drawing as necessary on the advice of specialists, including representatives of international humanitarian organizations, the effectiveness of the arrangements set out in resolution 986 (1995) and related resolutions, including the humanitarian benefit to the Iraqi population in all areas of the country, and further requests the Secretary-General to continue to enhance as necessary the United Nations observation process in Iraq, ensuring that all supplies under the humanitarian programme are utilized as authorized, to bring to the attention of the Council any circumstances preventing or impeding effective and equitable distribution and to keep the Council informed of the steps taken towards the implementation of this paragraph;

22. *Also requests* the Secretary-General to minimize the cost of the United Nations activities associated with the implementation of resolution 986 (1995) as well as the cost of the independent inspection agents and the certified public accountants appointed by him, in accordance with paragraphs 6 and 7 of resolution 986 (1995);

23. *Further requests* the Secretary-General to provide Iraq and the Committee established by resolution 661 (1990) with a daily statement of the status of the escrow account established by paragraph 7 of resolution 986 (1995);

24. *Requests* the Secretary-General to make the necessary arrangements, subject to Security Council approval, to allow funds deposited in the escrow account established by resolution 986 (1995) to be used for the purchase of locally produced goods and to meet the local cost for essential civilian needs which have been funded in accordance with the provisions of resolution 986 (1995) and related resolutions, including, where appropriate, the cost of installation and training services;

25. *Directs* the Committee established by resolution 661 (1990) to take a decision on all applications in respect of humanitarian and essential civilian needs within two working days of receipt of these applications from the Secretary-General, and to ensure that all approval and notification letters issued by the Committee stipulate delivery within a specified time, according to the nature of the items to be supplied, and requests the Secretary-General to notify the Committee of all applications for humanitarian items which are included in the list to which the export/import mechanism approved by resolution 1051 (1996) applies;

26. *Decides* that Hajj flights which do not transport cargo into or out of Iraq are exempt from the provisions of paragraph 3 of resolution 661 (1990) and resolution 670 (1990), provided timely notification of each flight is made to the Committee established by resolution 661 (1990), and requests the Secretary-General to make the necessary arrangements, for approval by the Security Council, to provide for reasonable

expenses related to the Hajj to be met by funds in the escrow account established by resolution 986 (1995);

27. *Calls upon* the Government of Iraq:

(a) To take all steps to ensure the timely and equitable distribution of all humanitarian goods, in particular medical supplies, and to remove and avoid delays at its warehouses;

(b) To address effectively the needs of vulnerable groups, including children, pregnant women, the disabled, the elderly and the mentally ill among others, and to allow freer access, without any discrimination, including on the basis of religion or nationality, by United Nations agencies and humanitarian organizations to all areas and sections of the population for evaluation of their nutritional and humanitarian condition;

(c) To prioritize applications for humanitarian goods under the arrangements set out in resolution 986 (1995) and related resolutions;

(d) To ensure that those involuntarily displaced receive humanitarian assistance without the need to demonstrate that they have resided for six months in their places of temporary residence;

(e) To extend full cooperation to the mine-clearance programme of the United Nations Office for Project Services in the three northern governorates of Iraq and to consider the initiation of the demining efforts in other governorates;

28. *Requests* the Secretary-General to report on the progress made in meeting the humanitarian needs of the Iraqi people and on the revenues necessary to meet those needs, including recommendations on necessary additions to the current allocation for oil spare parts and equipment, on the basis of a comprehensive survey of the condition of the Iraqi oil-production sector, not later than 60 days from the date of the adoption of the present resolution, and updated thereafter as necessary;

29. *Expresses its readiness* to authorize additions to the current allocation for oil spare parts and equipment, on the basis of the report and recommendations requested in paragraph 28 above, in order to meet the humanitarian purposes set out in resolution 986 (1995) and related resolutions;

30. *Requests* the Secretary-General to establish a group of experts, including oil industry experts, to report within 100 days of the date of adoption of the present resolution on Iraq's existing petroleum production and export capacity and to make recommendations, to be updated as necessary, on alternatives for increasing Iraq's petroleum production and export capacity in a manner consistent with the purposes of relevant resolutions, and on the options for involving foreign oil companies in Iraq's oil sector, including investments, subject to appropriate monitoring and controls;

31. *Notes* that in the event of the Council acting as provided for in paragraph 33 below to suspend the prohibitions referred to in that paragraph, appropriate arrangements and

procedures will need, subject to paragraph 35 below, to be agreed upon by the Council in good time beforehand, including suspension of provisions of resolution 986 (1995) and related resolutions;

32. *Requests* the Secretary-General to report to the Council on the implementation of paragraphs 15 to 30 of the present resolution within 30 days of the adoption of this resolution;

D

33. *Expresses its intention*, upon receipt of reports from the Executive Chairman of the Monitoring, Verification and Inspection Commission and from the Director General of the International Atomic Energy Agency that Iraq has cooperated in all respects with the Commission and the Agency in particular in fulfilling the work programmes in all the aspects referred to in paragraph 7 above, for a period of 120 days after the date on which the Council is in receipt of reports from both the Commission and the agency that the reinforced system of ongoing monitoring and verification is fully operational, to suspend with the fundamental objective of improving the humanitarian situation in Iraq and securing the implementation of the Council's resolutions, for a period of 120 days renewable by the Council, and subject to the elaboration of effective financial and other operational measures to ensure that Iraq does not acquire prohibited items, prohibitions against the import of commodities and products originating in Iraq, and prohibitions against the sale, supply and delivery to Iraq of civilian commodities and products other than those referred to in paragraph 24 of resolution 687 (1991) or those to which the mechanism established by resolution 1051 (1996) applies;

34. *Decides* that in reporting to the Council for the purposes of paragraph 33 above, the Executive Chairman of the Monitoring, Verification and Inspection Commission will include as a basis for his assessment the progress made in completing the tasks referred to in paragraph 7 above;

35. *Decides* that if at any time the Executive Chairman of the Monitoring, Verification and Inspection Commission or the Director General of the International Atomic Energy Agency reports that Iraq is not cooperating in all respects with the Commission or the Agency or if Iraq is in the process of acquiring any prohibited items, the suspension of the prohibitions referred to in paragraph 33 above shall terminate on the fifth working day following the report, unless the Council decides to the contrary;

36. *Expresses its intention* to approve arrangements for effective financial and other operational measures, including on the delivery of and payment for authorized civilian commodities and products to be sold or supplied to Iraq, in order to ensure that Iraq does not acquire prohibited items in the event of suspension of the prohibitions referred to in paragraph 33 above, to begin the elaboration of such measures not later than the date of receipt of the initial reports referred to in paragraph 33 above, and to approve such arrangements before the Council decision in accordance with that paragraph;

37. *Also expresses its intention* to take steps, based on the report and recommendations requested in paragraph 30 above, and consistent with the purpose of resolution 986 (1995) and related resolutions, to enable Iraq to increase its petroleum production and export capacity, upon receipt of the reports relating to the cooperation in all respects with the Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency referred to in paragraph 33 above;

38. *Reaffirms its intention* to act in accordance with the relevant provisions of resolution 687 (1991) on the termination of prohibitions referred to in that resolution;

39. *Decides* to remain actively seized of the matter, and expresses its intention to consider action in accordance with paragraph 33 above no later than 12 months from the date of the adoption of the present resolution provided the conditions set out in paragraph 33 above have been satisfied by Iraq.

Speaking after the vote, the representative of the United States stated that the resolution represented a reaffirmation by the Council of its fundamental consensus on Iraq. The vote had not been unanimous but no member had asserted that Iraq had met its obligations under the resolutions of the Council, argued that Iraq had disarmed as required, or said that Iraq had met its obligations to Kuwait or to the families of the missing. He noted that overall the United States supported the resolution because of the provisions regarding three main areas: arms controls, humanitarian assistance and the issues relating to Kuwait. Regarding humanitarian considerations, he noted that the Council had never put any prohibition on the religious practices of the Iraqi people and fully supported the provisions in the resolution to exempt from sanctions air travel by Hajj pilgrims. Still he stressed that no measure in the resolution could be seen as a step towards any broader relaxation of the air embargo imposed under resolutions 661 (1990) and 670 (1990). Regarding UNMOVIC, he stated that the United States expected UNMOVIC to employ objective and fully qualified experts in relevant fields, without undue reference to nationality or past organizational affiliation. As in the past, he expected UNMOVIC to act on behalf of the Council in providing a strong and independent voice requiring punctilious cooperation and compliance. Stating the basic position of the United States, he stressed that, if Iraq fulfilled the key remaining tasks and met the requirements set forth in the resolution, then the Council, including the United States, could decide whether to recognize that cooperation and compliance by suspending sanctions. Similarly, if Iraq met the full range of obligations mandated in the resolutions of the Council, the Council could make a decision regarding the lifting of sanctions. He reiterated that the United States was not seeking an excuse to use force. Before considering suspension, the Council would also need to set guidelines on the means of delivering civilian imports during

suspension. The United States attached the utmost importance to the requirement for effective control measures, and would work to ensure that what was eventually adopted would be rigorous. He also stressed that the Council had decided that suspension would be temporary and would require an affirmative decision of the Council for renewal, which would thus not be automatic. Furthermore, if Iraqi cooperation with UNMOVIC or IAEA ceased during suspension, then suspension would automatically end.²⁰⁸

The representative of the Netherlands noted that it had become clear that a consensus was not possible if the Council wished to remain faithful to the objective of establishing a genuine and credible reinforced ongoing monitoring and verification system. He stated that the current argument for holding out for a consensus was that Iraq would be ready to cooperate only if all members of the Council voted for the resolution. However, in the statements made by the Iraqi authorities, his delegation had found no indication at all that Iraq would be prepared to cooperate with the Council other than on the basis of an unconditional lifting of the sanctions, and no member of the Council had shown any readiness to meet that condition. Therefore, it did not make a great deal of

difference that the resolution was not adopted by consensus. Article 27 of the Charter of the United Nations described how decisions of the Council were made, and Article 25 stipulated that every Member State of the United Nations was obliged to accept and carry out such decisions. Nothing in the Charter allotted a higher degree of legitimacy to a resolution adopted by consensus.²⁰⁹

The representative of the United Kingdom strongly endorsed the concept of the suspension of sanctions, and saw it as a valuable step towards the lifting of sanctions. He stated that the criteria for suspension were clear and were rooted in the obligations of Iraq under existing resolutions, which gave the international community the necessary reassurance that suspension could occur only if Iraq at last began to act according to the rules of international law. He noted that some had argued that the resolution ought to have been designed to ensure that Iraq accept it, which would have meant abandoning all the previous resolutions and which was not a credible approach for the Council. He stated that the resolution had been adopted, explicitly, by the Council as a whole, in the recognition that relief of sanctions and performance on disarmament had to go hand in hand.²¹⁰

²⁰⁸ S/PV.4084 and Corr.1, pp. 17-21.

²⁰⁹ Ibid., pp. 25-26.

²¹⁰ Ibid., pp. 27-28.

Thematic issues

33. Security of United Nations operations

Decision of 12 March 1997 (3750th meeting): resolution 1189 (1998)

At its 3750th meeting, held on 12 March 1997 in accordance with the understanding reached in its prior consultations, the President (Poland), made the following statement on behalf of the Council:¹ The statement reads:

The Security Council recalls its resolution 868 (1993) and expresses its grave concern at the recent increase in attacks and the use of force against United Nations and other personnel associated with United Nations operations, as well as personnel of international humanitarian organizations, including murder, physical and psychological threats, hostage-taking, shooting at vehicles and aircraft, mine-laying, looting of assets and other hostile acts. The Council is also gravely concerned at attacks on

and violations of United Nations premises. The Council is concerned that these attacks and the use of force have in some instances been carried out by certain groups with the deliberate goal of disrupting negotiating processes and international peacekeeping activities and hampering humanitarian access.

The Council reiterates its condemnation of such acts. It emphasizes the unacceptability of any acts endangering the safety and security of United Nations and associated personnel, as well as personnel of international humanitarian organizations. The Council urges all Member States and others concerned to prevent and bring to an end all such acts. It stresses that the perpetrators of such acts bear responsibility for their actions and should be prosecuted.

The Council reaffirms the importance of ensuring the safety and security of United Nations and associated personnel as well as the inviolability of United Nations premises, which are essential to the continuation and successful implementation of United Nations operations. In this context, it emphasizes that the host country and others concerned must take all appropriate

¹ S/PRST/1997/13.

steps to ensure the safety and security of United Nations personnel and premises. It reiterates that the cooperation of all Member States and others concerned is indispensable for the mandates of United Nations operations to be carried out and demands that they respect fully the status of United Nations and associated personnel.

The Council supports all efforts effectively to promote and protect the safety and security of United Nations and associated personnel. In this context, the Council recalls the

Convention on the Safety of United Nations and Associated Personnel, adopted by the General Assembly on 9 December 1994.

The Council pays tribute to all military, police and civilian staff of the United Nations and other personnel associated with United Nations operations, as well as personnel of international humanitarian organizations, for their courageous efforts to achieve peace and to alleviate the suffering of the people living in conflict areas.

34. Items relating to peacekeeping operations

A. An Agenda for Peace: peacekeeping

Decision of 28 March 1996 (3645th meeting): statement by the President

At its 3645th meeting, held on 28 March 1996 in accordance with the understanding reached in its prior consultations, the President (Botswana) drew the attention of the Council to a letter dated 27 March 1996 from the representative of Chile addressed to the President of the Security Council,¹ which reiterated its position that troop-contributing countries had a right to be heard by the Security Council and stated that Chile would join in the consensus to adopt the statement by the President outlining arrangements for consultation and exchange of information between troop-contributing countries, the Secretariat and members of the Council.

At the same meeting, the President made the following statement on behalf of the Council:²

The Security Council has reviewed the arrangements for consultation and exchange of information with troop-contributing countries, which were established by the statement by its President made on behalf of the Council on 4 November 1994. The Council has given careful consideration to the views expressed on this question in its debate under the item entitled "An Agenda for Peace: peacekeeping" at its 3611th meeting on 20 December 1995, as well as to the views expressed in debates in the General Assembly.

The Council has noted the wish expressed in these debates that arrangements for consultation and exchange of information with troop-contributing countries should be improved. The Council shares this wish. It considers it essential for troop-contributing countries to be heard. It notes that many of the

concerns expressed would be met if the arrangements set out in the statement by its President of 4 November 1994 were fully implemented. It is also of the view that those arrangements can be strengthened further as set forth below.

The Council will therefore follow in future the procedures here set out:

(a) Meetings will be held as a matter of course between members of the Council, troop-contributing countries and the Secretariat for the purpose of consultations and the exchange of information and views; the meetings will be chaired by the Presidency of the Council supported by a representative of the Secretariat;

(b) The meetings will be held as soon as practicable and in good time before the Council takes decisions on the extension or termination of, or significant changes in, the mandate of a particular peacekeeping operation;

(c) When the Council considers establishing a new peacekeeping operation, meetings will be held, unless it proves to be impracticable, with any prospective troop contributors who have already been approached by the Secretariat and who have indicated that they may be willing to contribute to the operation;

(d) The President of the Council will, in the course of informal consultations with members of the Council, report the views expressed by participants at each meeting with troop-contributing or prospective troop-contributing countries;

(e) The existing practice of inviting to these meetings Member States which make special contributions to peacekeeping operations other than troops, that is, contributions to trust funds, logistics and equipment, will continue;

(f) The monthly tentative forecast of work of the Council made available to Member States will include an indication of the expected schedule of such meetings for the month;

(g) Ad hoc meetings may be convened in the event of unforeseen developments in a particular peacekeeping operation which could require action by the Council;

(h) These meetings will be in addition to those convened and chaired by the Secretariat for troop contributors to

¹ S/1996/224.

² S/PRST/1996/13.

meet with special representatives of the Secretary-General or force commanders, or to discuss operational matters concerning particular peacekeeping operations, to which members of the Council will also be invited;

(i) Background information and an agenda will be circulated by the Secretariat to the participants well in advance of each of the various meetings referred to above; members of the Council may also circulate information as appropriate;

(j) Interpretation services in all the official languages of the Organization will continue to be available; translation of written documents will continue to be available, if possible in advance of the meetings;

(k) The time and venue of each meeting should, where possible, appear in advance in the *Journal of the United Nations*;

(l) The Council will append to its annual report to the General Assembly information about these meetings.

The Council recalls that the arrangements described above are not exhaustive. They do not preclude consultations in a variety of forms, including informal communication between the President of the Council or the members of the Council and troop-contributing countries and, as appropriate, other countries especially affected, for example, countries from the region concerned.

The Council will continue to keep arrangements for consultations and the exchange of information and views with troop contributors and prospective contributors under review and stands ready to consider further measures and new mechanisms to enhance further the arrangements in the light of experience.

B. Demining in the context of United Nations peacekeeping

Initial proceedings

Decision of 30 August 1996 (3693rd meeting): statement by the President

At its 3689th meeting, held on 15 August 1996 in accordance with the understanding reached in its prior consultations, the Council included the item entitled “Demining in the context of United Nations peacekeeping” in its agenda. After the adoption of the agenda, the President (Germany) invited the representatives of Argentina, Australia, Bosnia and Herzegovina, Canada, Colombia, Croatia, Hungary, India, the Islamic Republic of Iran, Ireland, Japan, Malaysia, New Zealand, Nicaragua, Norway, Pakistan, Panama, Ukraine and Uruguay, at their request, to participate in the discussion without the right to vote. In accordance with the understanding reached in the

Council’s prior consultations, he also extended invitations to the Permanent Observer of Switzerland and, under rule 39 of the Council’s provisional rules of procedure, to Mr. Peter Küng, the head of the delegation of the International Committee of the Red Cross to the United Nations.

The President then drew the attention of members of the Council to a letter dated 24 July 1996 from the representative of Germany addressed to the Secretary-General, transmitting the text of a seven-point action programme on anti-personnel mines, presented by the Federal Minister for Foreign Affairs of Germany, on 18 July 1996.³

At the outset, the representative of Italy underlined the need for the United Nations to have more sophisticated equipment as well as better training focused on detection, recognition and reporting of mines.⁴

The representative of the United States stated that his Government was committed to initiating international negotiations towards a global anti-personnel landmine ban and was consulting with other States on what would be the best forum for negotiations. He stressed that the United States was dedicated to eliminating these weapons, “while taking into account [its] global responsibilities and concern for the safety of [its] soldiers”.⁵

The representative of Indonesia maintained that, under the Charter, demining remained within the purview of the General Assembly, and, thus, the involvement of peacekeeping forces in mine clearance did not in itself warrant a shift of responsibility from the General Assembly to the Security Council.⁶

The representative of the Russian Federation observed that, to an increasing extent, demining was becoming an essential part of peacekeeping operations, and argued that, when necessary, it should be included in the mandate of future operations.⁷

The representative of Botswana expressed the belief that demining should always be given top priority in every peacekeeping operation, and stated

³ S/1996/621.

⁴ S/PV.3689, pp. 2-3.

⁵ Ibid., pp. 3-6.

⁶ Ibid., pp. 6-8.

⁷ Ibid., pp. 10-12.

that it was important that the demobilization of the combatants and the promotion of national reconciliation should go hand in hand with demining in order to facilitate the early return of civilians to their homes.⁸

The representative of France stated that the action of the Council on the subject needed to be seen against the background of the efforts of the international community to eliminate landmines and humanitarian interventions to alleviate the scourge caused by them, and underlined the importance of better integrating questions linked to mines with all stages of the definition and implementation of the mandates of peacekeeping missions.⁹

The representative of Chile expressed particular concern with the proliferation of anti-personnel landmines, noting that 110 million such mines lay planted and that 2 million to 5 million new mines were laid annually and only 100,000 were removed.¹⁰

The representative of the United Kingdom maintained that the United Nations must draw a clear distinction between mine clearance for the operational needs of peacekeeping operations, which was the responsibility of the Department of Peacekeeping Operations, and other humanitarian demining requirements, which fell under the responsibility of the Department of Humanitarian Affairs. "The difficulties encountered in establishing viable national solutions to mine pollution in countries such as Angola and Cambodia resulted, in part, from the ambiguities in mandates between peacekeepers and humanitarian agencies", he stated.¹¹

The representative of Germany called for a rational delineation of mine-clearing responsibilities and clear hierarchies in decision-making within the United Nations system. However, he added that demining in peacekeeping should not "dogmatically" have to limit itself to the concerns of mission personnel. He stated that the welfare of the local people and their protection from the danger of landmines should also be seen as a possible element of

conflict resolution and, thus, a task of peacekeeping in a wider sense.¹²

The representative of Canada expressed the hope that all Member States would be able to take practical steps to demonstrate a commitment to achieving a global ban on anti-personnel mines, and announced his delegation's plan to convene an international conference in Ottawa in order to integrate the efforts of various international actors in developing a comprehensive approach to the landmine issue.¹³

The representative of Ireland, speaking on behalf of the European Union and associated and aligned countries, stressed the need to ensure that when a peacekeeping mandate was being considered, the mine-clearance responsibilities were clearly defined among the Department of Peacekeeping Operations, the Department of Humanitarian Affairs and the parties to the conflict. It was also important that a cost estimate for demining was taken into account at the start of the operation.¹⁴

The representative of Uruguay noted with appreciation that, in the framework of peacekeeping operations, the United Nations had carried out an extensive programme of assistance covering not only demining tasks but also the training of local personnel, the dissemination of information on the danger of mines and activities to abate the effects of mines.¹⁵

The representative of Pakistan argued that the linkage between a peacekeeping operation and a humanitarian programme was of critical importance, and, therefore, future peacekeeping operations should include resources for the early establishment of an integrated demining programme. He also underscored the importance of linking the peacekeeping mine-clearing activities closely to the humanitarian activities from the very beginning.¹⁶

The representative of the Islamic Republic of Iran noted with satisfaction the inclusion in the mandates of several peacekeeping operations of provisions relating to mine clearance work. He stated that the Security

⁸ Ibid, pp. 12-13.

⁹ Ibid., pp. 13-14.

¹⁰ Ibid., pp. 17-18.

¹¹ Ibid., pp. 18-20.

¹² Ibid., pp. 21-23.

¹³ Ibid., pp. 23-25.

¹⁴ Ibid., pp. 27-29 (Bulgaria, Cyprus, Czech Republic, Hungary, Lithuania, Malta, Poland, Romania, Slovak Republic and Slovenia; and Iceland).

¹⁵ Ibid., pp. 34-35.

¹⁶ Ibid., pp. 35-36.

Council might consider, when necessary, including mine clearance as part of the functions of peacekeeping operations in the future.¹⁷

The representative of India emphasized “intrinsic and structural differences” between peacekeeping operations and peacebuilding activities, pointing to the constraints of mine clearance by the military, such as limited availability of time and resources and possible duplication with specialized agencies. He maintained that the impact of landmines on the economic and social activities of an affected area made demining an integral part of the post-conflict peacebuilding of a nation.¹⁸

A number of other speakers acknowledged that the negative effects of mines often obstructed reconciliation, peace processes, reconstruction and the reintegration of refugees. In particular, speakers shared the concern that the proliferation of land mines constituted a major problem to United Nations peacekeeping operations in terms of the safety of peacekeepers and their freedom of movement. This was the reason why, in their view, mine clearing had already been part of the mandates of many peacekeeping missions, and that, as appropriate, future peacekeeping operations should play a role in demining activities, including demining training and mine-awareness programmes.¹⁹

At its 3693rd meeting, held on 30 August 1996 in accordance with the understanding reached in its prior consultations, the Council resumed its consideration of the item on the agenda.

At the same meeting, the President made the following statement on behalf of the Council:²⁰

The Security Council has reviewed the issue of demining in the context of United Nations peacekeeping and has given

careful consideration to the views expressed in the open debate under the item entitled “Demining in the context of United Nations peacekeeping” at its 3689th meeting on 15 August 1996.

The Council, bearing in mind its responsibilities with regard to United Nations peacekeeping, notes that the widespread indiscriminate use of anti-personnel mines in areas of United Nations peacekeeping operations poses serious impediments to such operations and to the safety of United Nations and other international personnel. Against this background, the Council states the following:

1. Operational demining should be, wherever appropriate, an important element and an integral part of peacekeeping mandates. This will facilitate the implementation of those mandates and better enable the Secretary-General to allocate appropriate resources towards achieving their objectives.

2. The early deployment of mine clearance units will often be important to the effectiveness of a peacekeeping operation. The Council encourages the Special Committee on Peacekeeping Operations to examine options for achieving such early deployment. It also encourages Member States to examine whether and in what form they might be able to help in this respect.

3. The tasks of, on the one hand, operational mine clearance during peacekeeping operations, which is the responsibility of the Department of Peacekeeping Operations, and, on the other hand, longer-term humanitarian mine-clearance activities, which fall under the responsibility of the Department of Humanitarian Affairs, are different. The Council is, however, aware of linkages and complementarities between different elements of conflict resolution as well as of the need to ensure a smooth transition from demining as a peacekeeping requirement to demining as part of peacebuilding in a follow-up phase.

The Council, thus, is of the opinion that coordination and a clear delineation of responsibilities between the two Departments as well as with regard to other United Nations agencies dealing with demining could be further improved so as to avoid duplication of effort and to guarantee a coherent and integrated approach towards the whole range of short- and long-term demining needs. With particular reference to paragraph 51 of the report of the Special Committee on Peacekeeping Operations of 7 May 1996, the Council requests the Secretary-General to intensify his efforts aiming in this direction.

The Council emphasizes the importance of coordination by the United Nations of activities related to mine clearance in the context of United Nations peacekeeping, including those by regional organizations, in particular in the areas of information and training.

4. The primary responsibility for demining in the context of United Nations peacekeeping lies with parties responsible for the laying of mines. Parties to a conflict must desist from further mine laying once a peacekeeping operation is established. They are also obliged to facilitate humanitarian and military demining efforts by providing detailed maps and other

¹⁷ Ibid., pp. 43-44.

¹⁸ Ibid., pp. 44-45.

¹⁹ Ibid., p. 6 (China); pp. 8-9 (Republic of Korea); p.10 (Honduras); pp. 15-17 (Egypt); pp. 17-18 (Chile); pp. 20-21 (Guinea-Bissau); pp. 25-27 (New Zealand); pp. 29-31 (Nicaragua); pp. 32-34 (Norway); pp. 36-37 (Ukraine); pp. 37-39 (Australia); pp. 39-40 (Croatia); pp. 40-41 (Colombia); pp. 41-43 (Hungary); pp. 45-46 (Malaysia); pp. 46-47 (Switzerland); pp. 47-49 (International Committee of the Red Cross); pp. 49-50 (Argentina); pp. 50-53 (Bosnia and Herzegovina); and pp. 52-53 (Panama).

²⁰ S/PRST/1996/37.

relevant information on those mines that have already been laid by them and by contributing financially or otherwise to their removal.

5. The international community should intensify, multilaterally or bilaterally, its efforts in assisting those parties to a conflict which have shown their readiness to cooperate with mine clearance, mine awareness and training programmes in the context of United Nations peacekeeping operations. In this connection, the Council welcomes the establishment by the Secretary-General of a United Nations Voluntary Trust Fund for Demining as a necessary and timely mechanism to channel funding to humanitarian demining operations.

The Council appeals to all States to contribute to this Fund as well as to other voluntary funds set up by the Secretary-General for certain peacekeeping operations which contain demining elements.

6. Demining activities should, as much as possible, make use of the appropriate modern mine-clearance technologies and specialized equipment and focus on the creation and strengthening of local demining capabilities; training programmes should attach particular importance to this aspect. Where this would be of benefit to the operational effectiveness of a peacekeeping operation, consideration should also be given to including provision for the training of a local demining capability in mandates of peacekeeping operations.

The Council encourages the Special Committee on Peacekeeping Operations, given its responsibility for a comprehensive review of the whole question of peacekeeping operations, to continue and intensify its consideration of the operational demining aspects of peacekeeping operations. These considerations might include an analysis of mine-clearance experience in previous peacekeeping operations.

The Council is of the view that the elements outlined in this statement are not exhaustive. The Council will thus keep this issue under review in the context of the establishment of peacekeeping operations and the consideration of specific mandates.

C. Civilian police in peacekeeping operations

Initial proceedings

Decision of 14 July 1997 (3801st meeting): statement by the President

At its 3801st meeting, held on 14 July 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the item "Civilian police in peacekeeping operations" in its agenda.

At the same meeting, the President made the following statement on behalf of the Council:²¹

The Security Council has established or authorized a growing number of peacekeeping operations which contain both civilian and military components. It takes particular note of the increasing role and special functions of civilian police in such operations.

The Council notes the efforts by the General Assembly and its Special Committee on Peacekeeping Operations in carrying out their task to review all aspects of peacekeeping operations, including enhancing the capacity of the United Nations system to accommodate the growing demand for civilian police in peacekeeping operations. It furthermore commends the efforts of the Secretary-General in this regard. The Council encourages States to look for further means to enhance the ways in which civilian police components of peacekeeping operations are set up and supported.

The Council considers that in operations mandated by the Security Council or the General Assembly the civilian police perform indispensable functions in monitoring and training national police forces and can play a major role, through assistance to local police forces, in restoring civil order, supporting the rule of law and fostering civil reconciliation. It sees an increasingly important role for civilian police, among others, in contributing to the building of confidence and security between parties and among local populations, in order to prevent conflict, to contain conflict or to build peace in the aftermath of conflict

The Council encourages States to make available to the United Nations at short notice appropriately trained civilian police, if possible through the United Nations standby arrangements. It welcomes the role of United Nations selection assistance teams in this regard.

The Council underlines the importance of the recruitment of qualified civilian police from the widest possible geographic range to serve in United Nations operations. It also expresses the importance of the recruitment of female police officers to United Nations operations.

The Council encourages States individually or collectively to provide appropriate training of civilian police for international service. It encourages the Secretary-General to provide assistance and guidance to Member States in order to promote a standardized approach to the training and recruitment of civilian police.

The Council underlines the necessity for United Nations civilian police, in accordance with their mandates, to be trained as required, inter alia, to render assistance and support in the reorganization, training and monitoring of national police and to help to defuse tension on the ground through negotiations. The

²¹ S/PRST/1997/38.

Council furthermore considers it essential that United Nations civilian police contingents contain adequate legal expertise.

The Council underlines the need for close coordination between civilian police and the military, humanitarian and other civilian components of United Nations operations. It encourages efforts by Member States to organize joint training between civilian and military components designated for United Nations operations in order to improve coordination and security for personnel in the field.

The Council expresses its gratitude to those countries which have contributed civilian police to the peacekeeping operations of the United Nations.

D. United Nations peacekeeping: Dag Hammarskjöld Medal

Initial proceedings

Decision of 22 July 1997 (3802nd meeting): resolution 1121 (1997)

At its 3802nd meeting, held on 22 July 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the item “United Nations peacekeeping: Dag Hammarskjöld Medal” in its agenda. The President (Sweden) then drew the attention of the Council to a draft resolution prepared in the course of the Council’s prior consultations.²²

The Secretary-General stated that the draft resolution provided a clear way of honouring the memory of those women and men, military and civilian, including United Nations volunteers, who had lost their lives in the service of peace on United Nations peacekeeping operations.²³

²² S/1997/569.

²³ S/PV.3802, pp. 2-3.

The President then made a statement on behalf of the Council expressing gratitude to those who had served the United Nations in the cause of peace and honouring those who had lost their lives.²⁴ The draft resolution was then put to the vote and adopted unanimously as resolution 1121 (1997), which reads:

The Security Council,

Recalling that maintenance of international peace and security is one of the purposes of the United Nations as set forth in the Charter of the United Nations,

Noting the essential role of United Nations peacekeeping operations in the maintenance of international peace and security,

Recalling the presentation in 1988 of the Nobel Peace Prize to the United Nations peacekeeping forces,

Recognizing the sacrifice of those who have lost their life in the service of United Nations peacekeeping operations,

Remembering the more than 1,500 individuals from 85 countries who have died in United Nations peacekeeping operations,

1. *Decides* to establish the Dag Hammarskjöld Medal as a tribute to the sacrifice of those who have lost their life as a result of service in peacekeeping operations under the operational control and authority of the United Nations;

2. *Requests* the Secretary-General to establish, in consultation with the Security Council, criteria and procedures for bestowing and administering the Medal;

3. *Requests* Member States to cooperate, as appropriate, with the presentation of the Medal.

²⁴ *Ibid.*, pp. 2-3.

35. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for such Violations Committed in the Territory of Neighbouring States

**Decision of 29 February 1996 (3637th meeting):
resolution 1047 (1996)**

At its 3637th meeting, held on 29 February 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the item “International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia; International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for such Violations Committed in the Territory of Neighbouring States: appointment of the Prosecutor” in its agenda.

At the same meeting, the President (United States) drew the attention of the Council to a draft resolution prepared in the course of the Council’s prior consultations.¹ The draft resolution was put to the vote and adopted unanimously as resolution 1047 (1996), which reads:

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993, 827 (1993) of 25 May 1993, 936 (1994) of 8 July 1994 and 955 (1994) of 8 November 1994,

Noting with regret the resignation of Mr. Richard J. Goldstone taking effect 1 October 1996,

Having regard to article 16, paragraph 4, of the statute 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 and article 15 of the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for

¹ S/1996/139.

Such Violations Committed in the Territory of Neighbouring States,

Having considered the nomination by the Secretary-General of Mrs. Louise Arbour for the position of Prosecutor of the above-mentioned Tribunals,

Appoints Mrs. Louise Arbour as 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 and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Such Violations Committed in the Territory of Neighbouring States with effect from the date on which the resignation of Mr. Goldstone takes effect.

**Decision of 11 August 1999 (4033rd meeting):
resolution 1259 (1999)**

At its 4033rd meeting, held on 11 August 1999 in accordance with the understanding reached in its prior consultations, the Security Council resumed consideration of the item. The President (Namibia) drew the attention of the Council to a draft resolution prepared in the course of the Council’s prior consultations.² The draft resolution was put to the vote and adopted unanimously as resolution 1259 (1999), which reads:

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993, 827 (1993) of 25 May 1993, 936 (1994) of 8 July 1994, 955 (1994) of 8 November 1994 and 1047 (1996) of 29 February 1996,

Noting with regret the resignation of Mrs. Louise Arbour taking effect on 15 September 1999,

Having regard to article 16, paragraph 4, of the statute of the International Tribunal for the Prosecution of Persons

² S/1999/863.

Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and article 15 of the statute of the International Tribunal for Rwanda,

Having considered the nomination by the Secretary-General of Ms. Carla Del Ponte for the position of Prosecutor of the above-mentioned Tribunals,

Appoints Ms. Carla Del Ponte as 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 and the International Tribunal for Rwanda with effect from the date on which the resignation of Mrs. Louise Arbour takes effect.

Deliberations of 10 November 1999 (4063rd meeting)

At its 4063rd meeting, held on 10 November 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the items “International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia” and “International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for such Violations Committed in the Territory of Neighbouring States” in its agenda. The President (Slovenia), with the consent of the Council, invited the representative of Rwanda, at his request, to participate in the discussion without the right to vote. The Security Council also extended an invitation, under rule 39 of the provisional rules of procedure of the Council, to the Prosecutor of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda.

The Prosecutor of the Tribunals stated that in creating the two Tribunals, the Council had designed a powerful enforcement mechanism of international humanitarian law and that the Tribunals would turn to the Council from time to time when its full weight needed to be brought to bear on those who refused to honour the international obligations imposed on them by Chapter VII of the Charter of the United Nations. In that regard, the International Tribunal for the Former Yugoslavia had already reported to the Security Council the “total defiance” on the part of the Federal Republic of Yugoslavia in surrendering people who had been indicted, as well as the recent decision by the

Republic of Croatia to withhold its cooperation because of its unilateral decision that the Tribunal had no jurisdiction to investigate the actions of its armed forces in Operation Storm and Operation Flash. In Bosnia and Herzegovina, there were accused who were beyond the reach of the Stabilization Force (SFOR) in Bosnia and Herzegovina. She stated that she therefore needed the Council’s help, as well as the support of national Governments and all other key international institutions. She stressed that it was essential for the success of the Tribunal that States not be permitted to dictate to the independent Prosecutor what events should and should not be investigated, as the power to initiate investigations bestowed upon the Prosecutor by the Council was fundamental. Noting that much of their effort that year had concerned Kosovo,³ she gave an update on the preliminary analysis of the first findings.⁴

All members of the Council made statements expressing appreciation for the work of the Tribunals and the Prosecutor. Most speakers stressed the importance of all States cooperating fully with the Tribunals and that States could not unilaterally suspend their cooperation for any reason whatsoever. Several representatives noted that in creating the two Tribunals, the United Nations had contributed significantly to the development of international criminal law, including the first conviction for genocide and crimes against humanity in Rwanda. A few representatives expressed concern at the delays in the administration of justice as accused persons had been in custody awaiting trial for long periods.⁵

The representative of France stated that in creating the two Tribunals, the United Nations had established the foundations for a genuine international criminal system. He stressed that the cooperation of States with the Tribunals was a legal obligation of every State Member of the United Nations, and States

³ For purposes of this Supplement, the term “Kosovo” is used as the abbreviation for “Kosovo, Federal Republic of Yugoslavia”, without prejudice to issues of status. In other instances, the terminology originally used in official documents has been preserved to the extent possible.

⁴ S/PV.4063, pp. 2-5.

⁵ *Ibid.*, pp. 6-7 (Argentina); pp. 6-7 (Canada); pp. 9-11 (Malaysia); p. 12 (Netherlands); pp. 12-13 (Brazil); p. 13 (Gambia); pp. 13-14 (Bahrain); p. 14 (Gabon); and p. 14 (Namibia).

did not have the luxury of suspending their cooperation with the Tribunals. Finally, he noted that the success of the Tribunals and of the Prosecutor also depended upon the soundness of the legal framework within which they carried out their missions. In that connection, France was pleased at the effort made by the Tribunals to improve procedures by drawing from various legal systems for inspiration.⁶

The representative of the United Kingdom reiterated that it was the duty of States to hand over to the Tribunals' custody all those indictees residing in their territory, in accordance with their obligations under the relevant Security Council resolutions. They remained particularly concerned that indictees remained at large in Republika Srpska⁷ and in the Federal Republic of Yugoslavia. He stated that the Serbian performance had been the least satisfactory of all. Croatia had also been at times dilatory, though at times also responsive about compliance with the court, and noted that the court wanted them to remain in direct communication with Croatia to make sure that it responded. The United Kingdom was particularly insistent that Croatia extradite the indictee Mladen Naletilic to The Hague and make progress on handing over documents on Operation Storm and Operation Flash without delay. He suggested that they had to pay more attention to the fact that the Security Council had a responsibility to ensure that States lived up to their obligations. In the expectation that there would soon be an international criminal court, he also suggested that they ought to discuss further the obligation of the Security Council to make sure that the Statutes were implemented.⁸

The representative of China noted that there was still room for improvement in the work of the Tribunals, inter alia, the disputes between the States and the Tribunals in the field of cooperation. He reiterated that both Tribunals were established by Security Council resolutions and the countries concerned needed to cooperate with them, in accordance with the relevant Security Council resolutions, the Statutes of the Tribunals, and their

national laws. He also stated that the Tribunals, in requesting cooperation from the States concerned, also needed to take into consideration the public interests and security of those countries, and respect the national laws of those States. Failing that, the Tribunals would continue to face daunting tasks in the future. He expressed the hope that the Tribunal's work would be professional, objective, impartial and free from any political interference.⁹

The representative of the Russian Federation stated that his country supported the demands made on all States to comply with international commitments to cooperate with the Tribunals. In regard to the International Tribunal for the Former Yugoslavia, however, all problems relating thereto needed to be resolved through direct cooperation between the parties and the Tribunal, as set forth in Security Council resolutions and in the Statute of the Tribunal. He stressed that indictees should not be detained without the consent of the State in whose territory they were found, nor should it result from the undue coercion of those States. Russia was categorically opposed to sealed indictments. That practice had occurred in connection with the Stabilization Force in Bosnia and went beyond the mandate of such forces. He expressed serious doubts about the propriety of the "so-called sealed lists of indictees" as such practices were contrary to the Statute of the Tribunal and to its rules of procedure. He maintained that the authorities of the States concerned and the indictees themselves were thereby deprived of the opportunity to demonstrate that they were willing to cooperate with the Tribunal. He underscored that every action taken to detain a person accused of war crimes needed to be considered primarily from the point of view of how it might affect international efforts to stabilize the situation in the region and move the peace process forward. He noted that in the recent work of the Tribunal there had been serious instances in which that principle had been allowed to slide, including the indictment of the leader of Serbia and the Federal Republic of Yugoslavia. Such decisions destabilized the situation in Bosnia, the Federal Republic of Yugoslavia and the entire region and were an additional hindrance to moving the Bosnia and Kosovo settlement process forward. As for the activities of the International Criminal Tribunal for the Former Yugoslavia in Kosovo, they needed to be

⁶ Ibid., p. 6.

⁷ Under the General Framework Agreement for Peace in Bosnia and Herzegovina, Republika Srpska is one of two entities, along with the Federation of Bosnia and Herzegovina, that make up Bosnia and Herzegovina.

⁸ Ibid., pp. 7-8.

⁹ Ibid., p. 8.

objective and strictly in accordance with the decisions of the Council, including resolution 1244 (1999), and with the Statute of the Tribunal. He noted that the Tribunal had clearly not been able to achieve objectivity, as to date it had focused primarily on investigating crimes committed against Albanians. Therefore, the International Criminal Tribunal needed to actively investigate the scale of the atrocities committed by Kosovo Albanian extremists against Serbs and other non-Albanian peoples in Kosovo, because otherwise there would be grounds for accusing the International Criminal Tribunal for the Former Yugoslavia of double standards, which would not enhance the effectiveness of its work.¹⁰

The representative of the United States maintained that one of the greatest challenges confronting the Tribunal for the Former Yugoslavia was obtaining custody of indictees still at large. Serbia had made this difficult to achieve by offering de facto sanctuary to indicted fugitives. He stated that the Security Council needed to stand firm in its insistence that Serbia transfer indictees, including the “Vukovar Three”, General Ratko Mladic, “Arkan” and ultimately, Slobodan Milosevic and his co-indictees. The United States also believed that it was imperative that Radovan Karadzic face justice before the International Criminal Tribunal for the Former Yugoslavia. He stressed that those indictees not yet in custody needed to understand that there was no “safe haven” for them, and the United States thus did not agree with some of the points made by the Russian representative. While welcoming recent cooperation on one important case, he also urged the Government of Croatia to comply promptly with the Tribunal’s request for cooperation on Operations Storm and Flash. In conclusion, he stated that his delegation would support measures in the Council that would be effective in improving compliance with the orders of the Tribunals.¹¹

¹⁰ Ibid., pp. 8-9.

¹¹ Ibid., pp. 11-12.

The representative of Slovenia stated that the real question before the Council was whether and what kind of additional decisions by the Council might be necessary. In the opinion of his delegation, it would be important for the Council to start a process of further, more detailed consideration of which steps were to be taken next. He stressed that the Security Council had the responsibility to provide support and strengthen the effectiveness of the judicial bodies it had created.¹²

The Prosecutor of the International Tribunals intervened a second time to respond to points raised by the members of the Council. She refuted the assertion that a one-sided investigations was being carried out in Kosovo. She assured members of the Council that her Office was undertaking investigation in which the accused were not only Serbs, but also Muslims and members of the Kosovo Liberation Army (KLA). In that regard, she noted that the difficulty in investigating KLA suspects arose from the attitude of the Federal Republic of Yugoslavia and Serbia. Many Serbian victims involved in their investigations had taken refuge in Serbia, where the International Tribunal had no access, having had to close their office in Belgrade. Regarding the sealed indictments, it was true that they were indictments that were not made public. She maintained that in national systems no indictments were published on the Internet or in the press before they were executed, and the International Tribunal for the Former Yugoslavia was working along the same lines. She also stated that her predecessor had found that investigative method very important and had received the blessing of the Trial Chamber and the Appeals Chambers. Juridically and judicially it was provided for in the rules and their Statutes. She stated that she was ready to discuss the sealed indictments with the States concerned, but only after those States had arrested all the individuals still at large.¹³

¹² Ibid., pp. 14-15.

¹³ Ibid., pp. 15-16.

36. Signature of the African Nuclear-Weapon-Free Zone Treaty (The Treaty of Pelindaba)

Initial proceedings

Decision of 12 April 1996 (3651st meeting): statement by the President

At its 3651st meeting, held on 12 April 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the item “Signature of the African Nuclear-Weapon-Free Zone Treaty (The Treaty of Pelindaba)” in its agenda. The President (Chile) then drew the attention of the Council to a letter dated 12 April 1996 from the representative of Egypt addressed to the Secretary-General,¹ which transmitted the text of the Cairo Declaration, adopted on the occasion of the signature of the African Nuclear-Weapon-Free Zone Treaty (The Treaty of Pelindaba) by the Ministers for Foreign Affairs and heads of delegation attending the ceremony held in Cairo, Egypt, on 11 April 1996, on the occasion of the signing of the Treaty.

At the same meeting the President made the following statement on behalf of the Council:²

The Security Council notes with deep satisfaction the signature of the African Nuclear-Weapon-Free Zone Treaty (The Treaty of Pelindaba) on 11 April 1996 in Cairo and notes further the adoption of the Cairo Declaration on that occasion.

This historic event marks a successful formalization of the commitment undertaken thirty-two years ago when the leaders of Africa adopted in July 1964 in Cairo the pioneering resolution of the first ordinary session of the Assembly of the Heads of State and Government of the Organization of African Unity, which declared Africa a denuclearized zone.

The Council considers that the signing of the Treaty by more than forty African countries, as well as the signing of the relevant protocols to the Treaty by the majority of the nuclear-weapon States, constitute important steps towards the effective and early implementation of the Treaty. To that end it emphasizes the importance of early ratification of the Treaty with a view to securing its rapid entry into force.

The Council, reaffirming the statement made by its President on behalf of members of the Council at the meeting held at the level of heads of State and Government on 31 January 1992 that the proliferation of all weapons of mass destruction constitutes a threat to international peace and security, considers that the signature of the Treaty of Pelindaba constitutes an important contribution by the African countries to the maintenance of international peace and security.

The Council seizes this occasion to encourage such regional efforts, and stands ready to support efforts on the international and regional level aimed at achieving the universality of the nuclear non-proliferation regime.

¹ S/1996/276.

² S/PRST/1996/17.

37. Protection for humanitarian assistance to refugees and others in conflict situations

Initial proceedings

Deliberations of 21 May 1997 (3778th meeting)

At its 3778th meeting, held on 21 May 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the item entitled “Protection for humanitarian assistance to refugees and others in conflict situations” in its agenda. Following the adoption of the agenda, the President (Republic of Korea), with the consent of the Council,

invited the representatives of Albania, Argentina, Armenia, Azerbaijan, Bosnia and Herzegovina, Brazil, Burundi, Canada, Cuba, Germany, India, Iraq, Italy, Malaysia, the Netherlands, Norway, Pakistan, Rwanda, Solomon Islands, Slovenia, Ukraine and Zimbabwe, at their request, to participate in the discussion without the right to vote. The Council also invited the Director of the Liaison Office of the United Nations High

Commissioner for Refugees (UNHCR), the Deputy Executive Director of the United Nations Children's Fund (UNICEF), the head of the delegation of the International Committee of the Red Cross (ICRC), and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, under rule 39 of its provisional rules of procedure.

In their statements, participants covered a number of general topics, including, *inter alia*, the changing character of armed conflicts; international security, humanitarian law and human rights; and the interrelationship between political and humanitarian action. Most delegations stressed that humanitarian crises could be solved only if the underlying political crises were also addressed. They noted the increasing number of intra-State conflicts, which generated large numbers of refugees and humanitarian issues, often as a result of deliberate actions. Speakers further stressed the importance of coordination between the political, military and humanitarian aspects of any intervention in a crisis and between different international agencies. Several delegations pointed out that the Council should insist on strict compliance with the international legal instruments regulating the issues of human rights and international humanitarian law. The Council should also ensure that the parties found in violation of their obligations under those instruments bore full responsibility for their acts. In that connection, many speakers pointed out that United Nations peacekeeping operations, which might be required to protect humanitarian assistance, needed to have a clear and appropriate mandate, under Chapter VII of the Charter, if needed, as well as the adequate resources for its fulfillment.¹ A number of speakers expressed the view that the 1994 International Convention on the Safety of United Nations and Associated Personnel should be expanded so as to cover all relief workers; otherwise additional international instruments to that effect should be adopted.²

¹ S/PV.3778, pp. 10-12 (Egypt); pp. 12-14 (France); pp. 14-15 (United Kingdom); pp. 16-18 (Poland); S/PV.3778 (Resumption 1) and Corr.1 and 2, pp. 5-7 (Portugal); pp. 8-9 (Ukraine); and pp. 10-11 (Norway).

² S/PV.3778, pp. 3-5 (Under-Secretary-General for Humanitarian Affairs); pp. 5-7 (Director of the New York Liaison Office of UNHCR); pp. 7-9 (Deputy Director of UNICEF); pp. 10-12 (Egypt); pp. 12-14 (France); pp. 15-16 (Russian Federation); pp. 18-19

Several delegations noted that invocation of Chapter VII or the use of armed forces often made the maintenance of political neutrality and impartiality very difficult.³

Several delegations, while noting the importance of sanctions, stressed that they should be clearly aimed at ending the conflicts and be well-coordinated, respected and monitored.⁴

The representative of China expressed the view that the invocation of Chapter VII or the authorization of the use of force would more often complicate problems in peacekeeping and humanitarian assistance. He also expressed the view, also repeated by Cuba, that the Council should be mainly involved with political and security-related issues and that humanitarian operations were outside its purview.⁵

Decision of 19 June 1997 (3790th meeting): statement by the President

At its 3790th meeting, held on 19 June 1997 in accordance with the understanding reached in its prior consultations, the President (Russian Federation) made the following statement on behalf of the Council:⁶

The Security Council has considered the matter of protection for humanitarian assistance to refugees and others in conflict situations and has given careful consideration to the views expressed in the debate on the matter at its 3778th meeting on 21 May 1997.

(Sweden); pp. 19-21 (Republic of Korea); pp. 21-22 (Chile); pp. 25-27 (Japan); S/PV.3778 (Resumption 1) and Corr.1 and 2, pp. 2-4 (Costa Rica); pp. 9-10 (Armenia); pp. 12-13 (Canada); pp. 13-16 (Slovenia); pp. 16-18 (Netherlands); pp. 18-20 (Germany); pp. 20-22 (Pakistan); pp. 23-24 (Malaysia); pp. 25-26 (Italy); pp. 26-28 (Bosnia and Herzegovina); pp. 31-33 (Argentina); pp. 34-37 (Rwanda); p. 37 (Solomon Islands); pp. 37-38 (Albania); pp. 38-39 (Zimbabwe); and pp. 39-41 (Azerbaijan).

³ S/PV.3778, pp. 9-10 (Head of the delegation of ICRC); pp. 14-15 (United Kingdom); pp. 27-29 (United States); S/PV.3778 (Resumption 1) and Corr.1 and 2, pp. 29-31 (Brazil).

⁴ *Ibid.*, pp. 24-25 (Kenya); S/PV.3778 (Resumption 1) and Corr.1 and 2, pp. 28-29 (Iraq); and pp. 33-34 (India).

⁵ S/PV.3778, pp. 23-24 (China); S/PV.3778 (Resumption 1) and Corr.1 and 2, pp. 22-23 (Cuba).

⁶ S/PRST/1997/34.

The Council notes that massive displacement of civilian populations in conflict situations may pose a serious challenge to international peace and security. The Council, in seeking protection for humanitarian assistance to refugees and others in conflict situations, underlines the importance of pursuing a coordinated and comprehensive approach in accordance with the purposes and principles of the Charter of the United Nations.

The Council expresses its grave concern at the recent increase in attacks or use of force in conflict situations against refugees and other civilians, in violation of the relevant rules of international law, including those of international humanitarian law. The Council reiterates its condemnation of such acts and once again calls upon all those concerned to comply strictly with the relevant rules of international law. In particular, it calls upon all parties concerned to ensure the safety of refugees, displaced persons and other civilians, and guarantee the unimpeded and safe access of United Nations and other humanitarian personnel to those in need.

The Council also expresses its grave concern at all attacks or use of force against United Nations and other personnel associated with United Nations operations, as well as personnel of humanitarian organizations, in violation of the relevant rules of international law, including those of international humanitarian law. In this context, the Council recalls its resolution 868 (1993) and the statement by its President of 12 March 1997. It also recalls the Convention on the Safety of United Nations and Associated Personnel adopted by the General Assembly on 9 December 1994. In this context, it calls upon all parties concerned to ensure the safety and security of these personnel as well as personnel of humanitarian organizations, and encourages all States to consider ways and means to strengthen the protection of such personnel.

The Council reminds all States and others concerned of the need to bring to justice those who violate international humanitarian law. In this context, it recalls the resolution on the establishment of an international criminal court adopted by the General Assembly on 17 December 1996.

The Council supports further exploration of ways and means by which the international community may enhance the compliance by parties concerned with the relevant rules of international law, including those of international humanitarian law.

The Council encourages States to consider acceding to the relevant international conventions designed to address the problems of refugees.

The Council underlines the importance of ensuring clear, appropriate and realistic mandates to be implemented in an impartial manner as well as adequate resources for United Nations peacekeeping operations. In this context, the Council, in establishing or authorizing an operation to protect humanitarian assistance to refugees and others in conflict situations, reaffirms the principles of full respect for the sovereignty, independence and territorial integrity of the States concerned. The Council

also underlines the importance of ensuring the proper discharge of the mandates conferred upon peacekeeping operations.

The Council stresses the importance of ensuring closer coordination between the relevant United Nations bodies and other international agencies, acting in accordance with their own mandates and status, with a view to effectively providing or protecting humanitarian assistance to those in need. In this context, the Council encourages an enhanced role for the Special Representatives of the Secretary-General in coordination to this end.

The Council stresses the importance of the activities of the relevant United Nations bodies, agencies and other international humanitarian organizations and the need for these activities to continue to be carried out in accordance with the principles of humanity, neutrality and impartiality of humanitarian assistance.

The Council also stresses the importance of crisis prevention, including by addressing the root causes of such crises. It therefore encourages the Secretary-General and all States to look further into practical ways to enhance the United Nations capacity and capability in this regard.

The Council encourages the Secretary-General to study further how to improve the protection for humanitarian assistance to refugees and others in conflict situations.

Decision of 29 September 1998 (3933rd meeting): statement by the President

On 22 September 1998, in response to the statement by the President of 19 June 1997, the Secretary-General submitted to the Council a report on protection for humanitarian assistance to refugees and others in conflict situations.⁷ In his report, the Secretary-General made recommendations on accession to international law instruments; dissemination and advocacy of humanitarian principles; mechanisms to ensure compliance with international law; international solidarity and support for host States; measures to improve security and access; safety of humanitarian personnel; Security Council involvement; and effective coordination.

At its 3932nd meeting, held on 29 September 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Sweden), with the consent of the Council, invited the representatives of Argentina, Austria, Azerbaijan,

⁷ S/1998/883.

Canada, Indonesia, Norway, Pakistan and the Republic of Korea, at their request, to participate in the discussion without the right to vote.⁸ The Council also invited the Deputy Executive Director of the United Nations Children's Fund, the Director of the Liaison Office of the United Nations High Commissioner for Refugees and the head of the delegation of the International Committee of the Red Cross, under rule 39 of its provisional rules of procedure.

Introducing the report of the Secretary-General, the Deputy Secretary-General noted that the phenomenon of the direct targeting of civilians and the use of scorched-earth policies were not new, but the scale of those atrocities and of human suffering had reached unprecedented levels. Citing the cases of Afghanistan, Kosovo⁸ and the Democratic Republic of the Congo, she underscored the fact that the effectiveness of humanitarian work was minimized when civilians were targeted and access to humanitarian assistance was denied. In that regard, the Deputy Secretary-General stated there was a dramatic need to rethink what was meant by humanitarian action in today's war zones and to reformulate what was required to protect the well-being of the civilian population. It was the responsibility of the Security Council, she said, to be "bold, committed and determined" when confronted by such crises. The best support the Council could lend to humanitarian agencies was through its own role of securing peace — there was no substitute for ending conflict, stopping the abuses and generating the conditions for lasting peace. The disrespect for basic humanitarian norms also imperiled relief workers, as was clear by the number of deaths this year of United Nations humanitarian peacekeepers. She drew attention to two of the recommendations suggested in the report of the Secretary-General to enhance protection of refugees and relief workers: holding perpetrators of crimes against humanity accountable, and in that regard the rapid establishment of the International Criminal Court; and holding combatants financially responsible when civilians were deliberately targeted, through a trust fund created for that purpose.⁹

⁸ For purposes of this Supplement, the term "Kosovo" is used as the abbreviation for "Kosovo, Federal Republic of Yugoslavia", without prejudice to issues of status.

⁹ S/PV.3932, pp. 2-3.

A number of speakers made statements generally supporting the recommendations of the Secretary-General. Most speakers stressed the importance of respect by all parties of international humanitarian law and the need to facilitate the provision of humanitarian assistance and to ensure the safety of those providing it. Regarding United Nations peacekeeping forces, many speakers stressed that the mandate needed to be clearly defined and appropriate to the situation and the operation equipped with the necessary resources to accomplish the mission. Several representatives also stressed the importance of better coordination between United Nations instruments.¹⁰

The representative of Brazil urged the application of Article 65 of the Charter, which established a basis for further cooperation between the Economic and Social Council and the Security Council.¹¹

At its 3933rd meeting, held on 29 September 1998 in accordance with the understanding reached in its prior consultations, the Security Council again included the report of the Secretary-General in its agenda.¹² Following the adoption of the agenda, the President (Sweden), with the consent of the Council, invited the representatives of Argentina, Austria, Azerbaijan, Canada, Indonesia, Norway, Pakistan and the Republic of Korea, at their request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:¹³

The Security Council recalls the statement by its President of 19 June 1997 concerning protection for humanitarian assistance to refugees and others in conflict situations.

¹⁰ Ibid., pp. 4-5 (China); pp. 5-6 (Russian Federation); pp. 8-9 (Portugal); pp. 9-11 (Slovenia); pp. 11-12 (United Kingdom); p. 12 (Kenya); pp. 12-14 (Gambia); pp. 14-15 (Costa Rica); pp. 15-17 (Japan); pp. 17-19 (France); p. 19 (Gabon); p. 20 (Bahrain); pp. 20-21 (Sweden); pp. 21-23 (Republic of Korea); pp. 23-25 (Austria); pp. 25-26 (Argentina); pp. 26-28 (Canada); pp. 28-29 (Pakistan); pp. 29-30 (Indonesia); pp. 30-31 (Norway); pp. 31-33 (Deputy Director of UNICEF); head of the delegation of ICRC (pp. 33-35); and pp. 35-36 (Director of the Liaison Office of UNHCR).

¹¹ Ibid., pp. 6-8.

¹² S/1998/883.

¹³ S/PRST/1998/30.

The Council welcomes the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations and notes the recommendations contained therein.

The Council notes that several of the recommendations contained in the report coincide with recommendations made in the report entitled 'The causes of conflict and the promotion of durable peace and sustainable development in Africa.

The Council reaffirms the importance of pursuing a coordinated and comprehensive approach, in accordance with the purposes and principles of the Charter of the United Nations and principles and provisions of international law, in improving protection for humanitarian assistance to refugees and others in conflict situations.

The Council condemns the attacks or use of force in conflict situations against refugees and other civilians, in violation of the relevant rules of international law, including those of international humanitarian law.

The Council likewise condemns all attacks or use of force against United Nations and other personnel associated with United Nations operations, as well as personnel of humanitarian organizations, in violation of international law, including international humanitarian law. In this context, the Council recalls the statement by its President of 12 March 1997 as well as other relevant statements and decisions. It also recalls the Convention on the Safety of United Nations and Associated Personnel adopted by the General Assembly on 9 December 1994.

The Council affirms its intention to review thoroughly and promptly the recommendations of the Secretary-General with a view to taking steps consistent with its responsibilities under the Charter and, in this context, notes the views expressed in the debate on the matter at its 3932nd meeting on 29 September 1998.

Deliberations of 10 November 1998 (3942nd meeting)

At its 3942nd meeting, held on 10 November 1998 in accordance with the understanding reached in its prior consultations, the President (United States) extended an invitation to the United Nations High Commissioner for Refugees under rule 39 of the Council's provisional rules of procedure.

The United Nations High Commissioner for Refugees highlighted the importance of political support for humanitarian action. On Africa, she expressed the view that given the complex interrelated

nature of the problems, the search for solutions must have a strong regional approach and address the issue of forced population movement. Outlining the areas on which joint efforts on conflict resolution and humanitarian action could be focused, she stressed that when dealing with potential conflicts, human displacement should not be overlooked; focus needed to be kept on the relation between security problems and humanitarian situations; and more attention needed to be paid to post-conflict situations.¹⁴

The representative of the Russian Federation noted that statements had been made that the humanitarian crisis in a given country in itself was already sufficient grounds for unilateral armed intervention. While stressing that this was a "totally unacceptable approach", he asked what the consequences might be for the humanitarian situation and for operations of humanitarian agencies.¹⁵

The representative of China stressed the need to take care not to politicize the question of refugees, which would hinder the settlement of the question.¹⁶

Other members of the Council made statements and asked questions, which included, inter alia, on how to bridge the gap between the traditional UNHCR mandate and the Council's responsibility for peace and security; whether there were sufficient assurances for the protection of humanitarian agencies as they delivered humanitarian assistance to refugees; and what measures were being taken to ensure that assistance meant for bona fide refugees benefited them and not armed elements.¹⁷

The United Nations High Commissioner for Refugees then responded to questions and points raised by the members of the Council.¹⁸

¹⁴ S/PV.3942, pp. 2-6.

¹⁵ Ibid., p. 7.

¹⁶ Ibid., pp. 8-9.

¹⁷ Ibid., pp. 7-8 (Brazil); p. 9 (Sweden); pp. 9-11 (Portugal); p. 11 (Bahrain); pp. 11-12 (Costa Rica); pp. 12-13 (Gambia); p. 13 (United Kingdom); pp. 13-14 (Slovenia); pp. 14-15 (Kenya); pp. 15-16 (France); and p. 16 (Gabon).

¹⁸ Ibid., pp. 17-20.

38. The responsibility of the Security Council in the maintenance of international peace and security

Initial proceedings

Decision of 14 May 1998 (3881st meeting): statement by the President

At its 3881st meeting, held on 14 May 1998 in accordance with the understanding reached in its prior consultations, the Council included in its agenda the item “The responsibility of the Security Council in the maintenance of international peace and security”.

At the same meeting, the President (Kenya), made the following statement on behalf of the Council:¹

The Security Council strongly deplores the three underground nuclear tests that India conducted on 11 May 1998, and the two further tests conducted on 13 May 1998 despite overwhelming international concern and protests. The Council strongly urges India to refrain from any further tests. It is of the view that such testing is contrary to the de facto moratorium on the testing of nuclear weapons or other nuclear explosive devices and to global efforts towards nuclear non-proliferation and nuclear disarmament. The Council also expresses its concern at the effects of this development on peace and stability in the region.

The Council affirms the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty. The Council appeals to India, and all other States which have not yet done so, to become parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear-Test-Ban Treaty without delay and without conditions. The Council also encourages India to participate, in a positive spirit, in the proposed negotiations with other States for a fissile-material cut-off treaty in Geneva with a view to reaching early agreement.

With a view to preventing an escalation in the arms race, in particular with regard to nuclear weapons and their delivery systems, and to preserving peace in the region, the Council urges States to exercise maximum restraint. The Council underlines the fact that the sources of tension in South Asia should be eliminated only through dialogue and not by military build-up.

The Council reiterates the statement by its President of 31 January 1992, in which it was stated, inter alia, that the proliferation of all weapons of mass destruction constituted a threat to international peace and security.

¹ S/PRST/1998/12.

Decision of 29 May 1998 (3888th meeting): statement by the President

At its 3888th meeting, held on 29 May 1998 in accordance with the understanding reached in its prior consultations, the President (Kenya) made the following statement on behalf of the Council:²

The Security Council strongly deplores the underground nuclear tests that Pakistan conducted on 28 May 1998, despite overwhelming international concern and calls for restraint. Reaffirming the statement by its President of 14 May 1998, on Indian nuclear tests of 11 and 13 May, the Council strongly urges India and Pakistan to refrain from any further tests. It is of the view that testing by India and then by Pakistan is contrary to the de facto moratorium on the testing of nuclear weapons or other nuclear explosive devices, and to global efforts towards nuclear non-proliferation and nuclear disarmament. The Council also expresses its concern at the effects of this development on peace and stability in the region.

The Council reaffirms the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test -Ban Treaty. The Council appeals to India and Pakistan, and all other States which have not yet done so, to become parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear-Test-Ban Treaty, without delay and without conditions. The Council also encourages India and Pakistan to participate, in a positive spirit, in the proposed negotiations with other States for a fissile-material cut-off treaty in Geneva with a view to reaching early agreement.

The Council calls upon all parties to exercise maximum restraint and to take immediate steps to reduce and remove tensions between them. The Council reaffirms that the sources of tension in South Asia should be reduced and eliminated only through peaceful dialogue and not by the use of force or other military means.

The Council urges India and Pakistan to resume the dialogue between them on all outstanding issues, including all those that the parties have already discussed, especially matters concerning peace and security, in order to remove the tensions between them and to enhance their economic and political cooperation. The Council calls upon India and Pakistan to avoid any steps or statements that could lead to further instability or impede their bilateral dialogue.

² S/PRST/1998/17.

The Council will remain seized of the matter.

**Decision of 6 June 1998 (3890th meeting):
resolution 1172 (1998)**

At its 3890th meeting, held on 6 June 1998 in accordance with the understanding reached in its prior consultations, the President (Portugal), with the consent of the Council, invited the representatives of Argentina, Australia, Canada, Egypt, the Islamic Republic of Iran, Mexico, New Zealand, Norway, Pakistan, the Republic of Korea, Ukraine and the United Arab Emirates, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by Costa Rica, Japan, Slovenia and Sweden.³

At the same meeting, the President also drew the attention of the Council to a letter dated 1 June 1998 from the representative of the United Arab Emirates addressed to the Secretary-General;⁴ a letter dated 2 June 1998 from the representative of the United Kingdom addressed to the Secretary-General;⁵ a letter dated 2 June 1998 from the representative of the Philippines addressed to the Secretary-General;⁶ a letter dated 3 June 1998 from the representative of Belarus addressed to the Secretary-General;⁷ and a letter dated 5 June 1998 from the representatives of China, France, the Russian Federation, the United Kingdom and the United States addressed to the President of the Security Council.⁸

³ S/1998/476.

⁴ Letter transmitting a statement by the Ministry of Foreign Affairs of the United Arab Emirates concerning the underground nuclear tests recently conducted by India and Pakistan (S/1998/450).

⁵ Letter transmitting a statement by the Presidency of the European Union concerning the nuclear tests conducted by Pakistan, which urged both India and Pakistan to sign the Comprehensive Nuclear-Test-Ban Treaty (S/1998/458).

⁶ Letter transmitting a statement issued by the Chairman of the Association of South-East Asian Nations Regional Forum, concerning the recent nuclear tests conducted by India (S/1998/463).

⁷ Letter transmitting a statement issued 1 June by the Ministry of Foreign Affairs in connection with the nuclear tests conducted by India and Pakistan in May 1998 (S/1998/468).

⁸ Letter transmitting a joint communiqué adopted during the meeting of their respective Ministers for Foreign Affairs, which condemned the nuclear tests that were

At the same meeting, the President further drew attention to a letter dated 4 June 1998 from the representative of India addressed to the President of the Council,⁹ stating that the tests conducted by India were not directed against any country, nor had India broken any treaty obligation by conducting the tests. By that letter, the representative of India also asked several questions regarding the draft resolution, including, inter alia, on what basis the Council reserved its readiness to consider further action, contingent on the implementation of the resolution, when no Charter provision or treaty obligation had been breached by those to whom it was addressed. The letter also stated that the tests conducted by India were not directed against any country and were a defensive measure and noted that the right to take measures in self-defence was an inherent right of Member States under the Charter.

The representative of Japan stated that there was a serious danger that the tensions in South Asia could heighten further and escalate to a nuclear confrontation. There was also a danger that the nuclear non-proliferation regime itself was being threatened and that the international community could drift into an uncontrollable world of nuclear proliferation. He stressed that the Council, which was entrusted with the primary responsibility to maintain international peace and security, was duty-bound to take action to fulfil its responsibility under the Charter. He maintained that the international regime for nuclear non-proliferation, with the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty regimes, needed to be maintained at all costs, for that was the only guarantee that could prevent nuclear weapons from spreading on the globe. It was out of that conviction that Japan had lodged strong protests with both India and Pakistan and had frozen its economic assistance for new projects. The representative of Japan further stated that his delegation was firmly convinced that through the draft resolution the Council needed to demonstrate its grave concern about the challenge that the nuclear tests conducted by India and Pakistan constituted to

carried out by India and Pakistan and asked the parties to refrain from further testing and deployment of nuclear weapons and to put a hold on provocative statements (S/1998/473).

⁹ S/1998/464.

international efforts aimed at strengthening the global regime of the non-proliferation of nuclear weapons, and needed to urge them to become parties to the Nuclear Non-Proliferation Treaty and the Comprehensive Nuclear-Test-Ban Treaty without delay or conditions. It was also the considered view of Japan that in parallel with efforts to promote the international regime for non-proliferation, steady progress for nuclear disarmament was essential for a safer world.¹⁰

The Russian Federation informed the Council of the results of the meeting of the Ministers for Foreign Affairs of the United Kingdom, China, the Russian Federation, the United States and France, held in Geneva on 4 June, which had then been endorsed by the Council. Having condemned the nuclear tests carried out by India and Pakistan, the five permanent members of the Council had firmly stated that no threat to stability should come out of South Asia and the conflict between India and Pakistan should not develop into a nuclear scenario. The five Ministers had called on both countries to refrain from carrying out new nuclear tests, from the deployment of nuclear weapons and nuclear-capable missiles and from the production of fissile material. They had also appealed to Delhi and Islamabad to adhere to the Comprehensive Nuclear-Test-Ban Treaty and to the Nuclear Non-Proliferation Treaty, based on the fact that India and Pakistan, in accordance with those treaties, did not have the status of nuclear-weapon States. Stating that the Russian Federation was convinced that points of contact could be found in the approaches of Delhi and Islamabad to resolve their conflicts, the representative of the Russian Federation noted that his country viewed the adoption of any type of sanctions against those States as unjustified from the international legal, political and humanitarian points of view.¹¹

The representative of the United States stated that nuclear tests conducted by India and Pakistan represented a profound blow not only to the stability and security of the region but also to the international non-proliferation regime. Referring to the meeting of China, France, the Russian Federation, the United Kingdom and the United States on 4 June 1998, he noted that all five States would be engaging additional concerned States in a shared effort to bring peace and

stability in South Asia, and that adoption of the draft resolution was an important step along the path. He informed the Council that the United States had called upon India and Pakistan to take steps to avert an arms race and reduce tensions. Both nations needed to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty immediately and without conditions; refrain from deploying missiles of all types; cease production of fissile material and enter into negotiations on a fissile material cut-off treaty; formalize their pledge not to export dangerous weapons and technologies; and refrain from missile testing of any sort. He also stressed that India and Pakistan needed to understand that their tests and subsequent declarations did not make them nuclear-weapon States. The United States would not support amendment of the Nuclear Non-Proliferation Treaty to permit their accession as nuclear-weapon States, because to do so would completely undermine its very purpose and the international non-proliferation regime. He noted that the Kashmir region had the potential to be the spark that ignited a conflict no one might be able to stop. He also expressed the belief that there were a number of steps they could take to reduce the chances that a miscalculation or misunderstanding would lead to a situation neither side wanted. These steps included avoiding threatening movements near the line of control, any crossing of the line by military or security forces, cross-border infiltrations or other provocative acts in the area.¹²

The representative of the Gambia stated that continued adherence to the international regime on the non-proliferation of nuclear weapons would depend to a large extent on the equal treatment of all States. Having one set of rules for some and another for others could not be justified and was therefore unhelpful and untenable.¹³

The representative of France condemned the tests and stressed that it was a matter of priority to preserve and strengthen the non-proliferation regime established under the Nuclear Non-Proliferation Treaty. France called on India and Pakistan as well as the other States that had not yet done so, to accede to the Nuclear Non-Proliferation Treaty without delay or conditions. Noting that the disputes between the two countries,

¹⁰ S/PV.3890, pp. 2-4.

¹¹ *Ibid.*, p. 5.

¹² *Ibid.*, pp. 8-9.

¹³ *Ibid.*, p. 10.

particularly on Kashmir, were at the root of the problems, he stated that it was essential that a solution be sought through direct bilateral dialogue, as well as through the establishment of confidence-building measures. He stated if they were to attain all those objectives, France felt that it would be desirable to continue to promote dialogue and cooperation with India and Pakistan and to avoid coercive measures. However, those two countries needed to display restraint and demonstrate, by acting in accordance with the requests of the Council, their willingness to commit themselves to that path.¹⁴

The representative of Gabon stated that in similar circumstances, the ideal would be for the Council to adopt a consistent attitude of firmness and disapproval, regardless of who stood accused. He noted that in certain cases, however, the Council's assessments were subject to equivocation and some subjectivism, which was why Gabon would have preferred, *inter alia*, that paragraph 1 of the draft resolution under consideration be worded in the same terms as the statements adopted by the Council in similar circumstances.¹⁵

The representative of China stated that the serious development of events had posed grave challenges to international peace and security in the post-cold-war era and had aroused the concern of the whole international community. He noted that to prevent an arms race in South Asia, halt the further escalation of tensions in the region and safeguard the international non-proliferation regime, the Ministers for Foreign Affairs of the five permanent members of the Council had issued a joint communiqué on 4 June. In order to defuse the tensions in the region, China called upon India and Pakistan to be calm and restrained, to resume talks between them, to halt any statements or movements that might further escalate the tensions and to refrain from engaging in an arms race. In Kashmir, they needed to respect and adhere to the control line, and should under no circumstances step across the control line or seek to change the state of affairs in the region unilaterally. In conclusion, he noted that in the light of the nature of the dispute in the subcontinent, the Council needed to play a major and pivotal role.¹⁶

¹⁴ *Ibid.*, pp. 10-11.

¹⁵ *Ibid.*, p. 11.

¹⁶ *Ibid.*, pp. 11-12.

A number of other speakers made statements condemning the nuclear tests by India and Pakistan and maintaining that the proliferation of weapons of mass destruction was a threat to international peace and security. Speakers expressed strong support for the Comprehensive Nuclear-Test-Ban Treaty and the Nuclear Non-Proliferation Treaty. Many speakers stressed that the acquisition of nuclear weapons would not give them the status of nuclear-weapon States. A number of representatives called on India and Pakistan to exercise restraint and to refrain from carrying out further tests.¹⁷ Canada, New Zealand and Ukraine drew attention to the fact that United Nations Member States that were not members of the Council had not been given the option of expressing their positions in the open debate before the resolution had been adopted.¹⁸ Several speakers also called for the establishment of a nuclear-weapon-free zone in the Middle East or called on Israel to accede to the Nuclear Non-Proliferation Treaty and rid itself of nuclear weapons.¹⁹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1172 (1998), which reads:

The Security Council,

Reaffirming the statements by its President of 14 May and 29 May 1998,

Reiterating the statement by its President of 31 January 1992, in which it was stated, *inter alia*, that the proliferation of all weapons of mass destruction constituted a threat to international peace and security,

Gravely concerned at the challenge that the nuclear tests conducted by India and then by Pakistan constitute to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and also gravely concerned at the danger to peace and stability in the region,

Deeply concerned at the risk of a nuclear arms race in South Asia, and determined to prevent such a race,

¹⁷ *Ibid.*, p. 4 (Sweden); pp. 5-6 (Slovenia); pp. 6-7 (Costa Rica); pp. 7-8 (Kenya); and pp. 9-10 (Brazil); after the vote: pp. 12-13 (the Secretary-General); pp. 17-18 (Republic of Korea); pp. 18-19 (Canada); p. 23 (New Zealand); pp. 24-25 (Mexico); pp. 25-26 (Ukraine); pp. 26-27 (Argentina); p. 27 (Norway); and p. 28 (Kazakhstan).

¹⁸ *Ibid.*, pp. 18-19 (Canada); p. 23 (New Zealand); and pp. 25-26 (Ukraine).

¹⁹ *Ibid.*, p. 11 (Bahrain); and pp. 22-23 (United Arab Emirates).

Reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty for global efforts towards nuclear non-proliferation and nuclear disarmament,

Recalling the principles and objectives for nuclear non-proliferation and disarmament adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and the successful outcome of the Conference,

Affirming the need to continue to move with determination towards the full realization and effective implementation of all the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, and welcoming the determination of the five nuclear-weapon States to fulfil their commitments relating to nuclear disarmament under article VI of the Treaty,

Mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

1. *Condemns* the nuclear tests conducted by India on 11 and 13 May 1998 and by Pakistan on 28 and 30 May 1998;

2. *Endorses* the joint communiqué issued by the Ministers for Foreign Affairs of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America at their meeting in Geneva on 4 June 1998;

3. *Demands* that India and Pakistan refrain from further nuclear tests, and in this context calls upon all States not to carry out any nuclear weapon test explosion or any other nuclear explosion in accordance with the provisions of the Comprehensive Nuclear-Test-Ban Treaty;

4. *Urges* India and Pakistan to exercise maximum restraint and to avoid threatening military movements, cross-border violations, or other provocations in order to prevent an aggravation of the situation;

5. *Also urges* India and Pakistan to resume the dialogue between them on all outstanding issues, particularly on all matters pertaining to peace and security, in order to remove the tensions between them, and encourages them to find mutually acceptable solutions that address the root causes of those tensions, including Kashmir;

6. *Welcomes* the efforts of the Secretary-General to encourage India and Pakistan to enter into dialogue;

7. *Calls upon* India and Pakistan immediately to stop their nuclear weapon development programmes, to refrain from weaponization or from the deployment of nuclear weapons, to cease development of ballistic missiles capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons, to confirm their policies not to export equipment, materials or technology that could contribute to weapons of mass destruction or missiles capable of delivering them and to undertake appropriate commitments in that regard;

8. *Encourages* all States to prevent the export of equipment, materials or technology that could in any way assist programmes in India or Pakistan for nuclear weapons or for ballistic missiles capable of delivering such weapons, and welcomes national policies adopted and declared in this respect;

9. *Expresses its grave concern* at the negative effect of the nuclear tests conducted by India and Pakistan on peace and stability in South Asia and beyond;

10. *Reaffirms its full commitment* to and the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty as the cornerstones of the international regime on the non-proliferation of nuclear weapons and as essential foundations for the pursuit of nuclear disarmament;

11. *Expresses its firm conviction* that the international regime on the non-proliferation of nuclear weapons should be maintained and consolidated, and recalls that in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons neither India nor Pakistan can have the status of a nuclear-weapon State;

12. *Recognizes* that the tests conducted by India and Pakistan constitute a serious threat to global efforts towards nuclear non-proliferation and disarmament;

13. *Urges* India and Pakistan, and all other States that have not yet done so, to become parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear-Test-Ban Treaty without delay and without conditions;

14. *Also urges* India and Pakistan to participate, in a positive spirit and on the basis of the agreed mandate, in negotiations at the Conference on Disarmament in Geneva on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, with a view to reaching early agreement;

15. *Requests* the Secretary-General to report urgently to the Council on the steps taken by India and Pakistan to implement the present resolution;

16. *Expresses its readiness* to consider further how best to ensure the implementation of the present resolution;

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

Speaking after the vote, the representative of the United Kingdom made a statement on behalf of the European Union and associated and aligned countries.²⁰ The European Union condemned the nuclear tests, which ran counter to the will expressed by the 149 signatories of the Comprehensive Nuclear-

²⁰ *Ibid.*, p. 13 (Estonia, Hungary, Lithuania, Poland, Romania, and Slovakia; and Cyprus and Iceland).

Test-Ban Treaty to cease nuclear testing and to efforts to strengthen the global non-proliferation regime. The European Union remained fully committed to the Nuclear Non-Proliferation Treaty as the essential foundation for the pursuit of nuclear disarmament, and called on all States which had not yet done so to become parties to it. The European Union also had remained committed to the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty. He stated that the European Union urged India and Pakistan to take early steps to demonstrate their commitment to international efforts on non-proliferation and nuclear disarmament by signing the Comprehensive Nuclear-Test-Ban Treaty and moving to ratify it; by contributing actively and without conditions towards the opening of negotiations at the Conference on Disarmament in Geneva for a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices; by exerting stringent controls over the export of material, equipment and technology controlled under the Nuclear Suppliers' Group trigger and dual use lists and the Missile Technology Control Regime annex; and by committing themselves neither to assemble nuclear devices nor to deploy such devices on delivery vehicles, and to cease development and deployment of ballistic missiles capable of delivering nuclear warheads. He stressed that the European Union would follow the situation and take appropriate action should India and Pakistan not sign and move to ratify the relevant international non-proliferation agreements, in particular the Comprehensive Nuclear-Test-Ban Treaty, without conditions. The European Union also urged India and Pakistan to engage in a dialogue that addressed the root causes of the tension between them, and to try to build confidence rather than seek confrontation.²¹

The representative of the Islamic Republic of Iran stated that inadequate attention and the failure to adopt concrete actions on global nuclear disarmament, the unpopular insistence on the part of the nuclear-weapon States to remain on the same course, particularly after the indefinite extension of the Nuclear Non-Proliferation Treaty and despite the wish of the international community to make progress on the basis of the near universal consensus on the illegality of the threat or use of nuclear weapons, and the selective approach to the implementation of the Treaty's

provisions were among the reasons that were said to have contributed to the existing situation. He expressed the belief that the resolution would have been more effective and representative of the views of the international community had it reflected the broader concerns of non-nuclear-weapon States. Those concerns include the fulfillment of the commitment of nuclear-weapon States to nuclear disarmament by agreeing to commence international negotiations on nuclear disarmament within a time-bound framework, the necessity of ensuring the universality of the Nuclear Non-Proliferation Treaty in an expeditious manner through urging all States to join the Treaty without exception and a speedy commencement of negotiations at the Conference on Disarmament on a treaty banning the stockpiling and production of fissile material for nuclear weapons or other nuclear explosive devices. Despite the setback in international efforts to prevent nuclear proliferation in the region, the representative stressed that his country, as a party to the Nuclear Non-Proliferation Treaty and a signatory of the Comprehensive Nuclear-Test-Ban Treaty, remained fully committed to its international obligations under those regimes. He also noted that the developments in India and Pakistan had highlighted the imperative of ensuring the universality of the Nuclear Non-Proliferation Treaty. That imperative also applied to the Middle East, where Israeli intransigence in refusing to accede to the Nuclear Non-Proliferation Treaty and to accept International Atomic Energy Agency safeguards had endangered the entire region. It was therefore necessary to develop a non-discriminatory approach at the international level to the issue of non-proliferation and to exert pressure on Israel to heed the call of the international community and, by joining the Nuclear Non-Proliferation Treaty, to allow for the establishment of the Middle East as a nuclear-weapon-free zone.²²

The representative of Australia stated that nuclear proliferation constituted the worst possible threat to international peace and security and it was therefore essential that the Council, with its primary responsibility for the maintenance of international peace and security under Article 24 of the Charter, take

²² Ibid., pp. 14-15.

²¹ Ibid., p. 13.

action on the issue and remain seized of it until it was resolved.²³

The representative of Egypt underscored that it was urgent to establish an effective regime of active and passive safeguards by which the Council would unequivocally decide that the use or threat of use of nuclear weapons constituted a threat to international peace and security in accordance with Article 39 of the Charter. Such a threat would require the intervention of the Council to deter it within the framework of the collective security regime laid out in Chapter VII of the Charter. In that respect, the responsibility of the Council for providing urgent and comprehensive assistance to States subject to such a threat needed to be clear and indisputable. He also stressed that the Council should in no circumstances be subject to the veto, since the destructive power of nuclear weapons required that the effectiveness and credibility of the Council's measures be preserved. The voting rules laid out in paragraph 3 of Article 27 of the Charter should not be in force in cases of the use or threat of use of nuclear weapons. He also expressed his country's concern vis-à-vis the consequences of the failure to realize the universality of the Nuclear Non-Proliferation Treaty, and reiterated their deep conviction that if Israel were to remain outside the framework of the Treaty that would lead to grave consequences not only for stability and security in the region but also for international peace and security and for the credibility and continuity of the non-proliferation regime. He stated that under the current circumstances Egypt had expected the Council to single out Israel by name and urge it to adhere to the Treaty instead of merely introducing a general reference in paragraph 13 of the resolution.²⁴

The representative of Pakistan stated that his country had kept the Secretary-General and the Council fully informed of the developments pertaining to the security crisis in South Asia. He suggested that to some extent, it had been the dereliction of its responsibilities by the Council that had emboldened India to implement its "hegemonic and aggressive designs" by crossing the nuclear threshold, threatening the use of nuclear weapons against Pakistan and resorting to nuclear blackmail to impose a military

solution on Kashmir. Faced with the ominous developments resulting from India's deliberate and calculated actions to alter the strategic equation, Pakistan had been left with no choice but to exercise its nuclear option in its supreme national interest to restore the strategic balance and to preserve peace. The representative of Pakistan further maintained that non-proliferation could not be pursued by creating or acquiescing in a situation of a security void, which continued to be a major failure on the part of all those who had sought to promote the goal of non-proliferation. He stated that non-proliferation was no longer an issue in South Asia, as it had been nuclearized thanks to the encouragement and acquiescence of major Powers. He also stressed that Pakistan was convinced that a comprehensive approach to the issues of peace, security, confidence-building, conventional imbalance, and conventional and nuclear arms control was the only realistic way whereby the Council and the international community could contribute to defusing the security crisis in South Asia, which had endangered global peace and stability. Regarding the resolution, he stated that the resolution was deficient in several aspects. Regarding procedural points, he noted that under Article 31 of the Charter, any Member of the United Nations which was not a member of the Council might participate in the discussion of any question brought before the Security Council, without a vote, whenever the latter considered that the interests of that Member were specially affected. He expressed deep regret that the Council had disregarded that Charter provision by not giving Pakistan an opportunity to participate in the discussions on this resolution. He stated that the adoption of this resolution would "further marginalize the role of the Security Council, not only in dealing effectively with the security crisis in South Asia but on global security issues as a whole," and that the approach that the Security Council had adopted was "devoid not only of realism but also of legality and morality". The resolution was not an expression of global concern about the failure of non-proliferation but a "transparent exercise in self-assurance by the official nuclear Five to seek legitimacy for their possession of lethal arsenals of weapons of mass destruction". Reiterating that Pakistan had acquired its nuclear capability only in reaction to India's steady development of its nuclear weapons programme, he stated that Pakistan reserved the right to maintain the

²³ Ibid., pp. 15-17.

²⁴ Ibid., pp. 20-21.

ability to deter aggression by conventional or non-conventional means.²⁵

Decision of 19 October 1999 (4053rd meeting): resolution 1269 (1999)

At its 4053rd meeting, held on 19 October 1999 in accordance with the understanding reached in its prior consultations, the President (Russian Federation) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.²⁶

All members of the Council expressed their abhorrence of acts of terrorism, and lamented the death, injuries, fear and destruction of property that resulted from such acts. They called for cooperation and determination in the fight against terrorism in all its forms, whatever their justification. Speakers highlighted, *inter alia*, the complex roots of terrorism; the idea of a comprehensive convention on international terrorism by the General Assembly; the need for the Council to identify those situations involving acts of terrorism that amounted to threats to international peace and security and act accordingly; the criminal nature of terrorism; the need for Member States to become party to existing international conventions against terrorism; and the role of the Council in creating durable safeguards against the threats to peace and security emanating from terrorism.²⁷

The representative of Slovenia stated that when terrorist acts reached proportions, or had effects, that made them comparable with the use of force prohibited by the Charter, the question of lawful countermeasures might arise. In such situations, available options needed to be considered on the basis of the criteria established in international law, including those of necessity and proportionality of response.²⁸

The representative of the Netherlands noted that when the use of violence was indispensable to respond to terrorism, it needed to be proportionate and limited

to the requirements of the maintenance of public order.²⁹

The representative of Malaysia stated that it was pertinent that in defining the term "terrorism", it needed to be differentiated from the legitimate struggle of peoples under colonial or alien domination and foreign occupation for self-determination and national liberation, although this did not justify the use of terrorist methods by any group.³⁰

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1269 (1999), which reads:

The Security Council,

Deeply concerned by the increase in acts of international terrorism which endangers the lives and well-being of individuals worldwide as well as the peace and security of all States,

Condemning all acts of terrorism, irrespective of motive, wherever and by whomever committed,

Mindful of all relevant resolutions of the General Assembly, including resolution 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to Eliminate International Terrorism,

Emphasizing the necessity to intensify the fight against terrorism at the national level and to strengthen, under the auspices of the United Nations, effective international cooperation in this field, on the basis of the principles of the Charter of the United Nations and norms of international law, including respect for international humanitarian law and human rights,

Supporting the efforts to promote universal participation in, and implementation of, the existing international anti-terrorist conventions, as well as to develop new international instruments to counter the terrorist threat,

Commending the work done by the General Assembly, relevant United Nations organs and specialized agencies and regional and other organizations to combat international terrorism,

Determined to contribute, in accordance with the Charter, to the efforts to combat terrorism in all its forms,

Reaffirming that the suppression of acts of international terrorism, including those in which States are involved, is an essential contribution to the maintenance of international peace and security,

²⁵ *Ibid.*, pp. 28-32.

²⁶ S/1999/1071.

²⁷ S/PV.4053, pp. 2-3 (Brazil); pp. 3-4 (Argentina); pp. 4-5 (Slovenia); pp. 5-6 (Canada); p. 7 (United States); p. 8 (France); pp. 8-9 (United Kingdom); pp. 9-10 (China); pp. 11-12 (Gabon); pp. 12-13 (Bahrain); p. 13 (Namibia); and pp. 13-14 (Russian Federation).

²⁸ *Ibid.*, pp. 4-5.

²⁹ *Ibid.*, pp. 6-7.

³⁰ *Ibid.*, pp. 10-11.

1. *Unequivocally condemns* all acts, methods and practices of terrorism as criminal and unjustifiable, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed, in particular those which could threaten international peace and security;

2. *Calls upon* all States to implement fully the international anti-terrorist conventions to which they are parties, encourages all States to consider as a matter of priority adhering to those to which they are not parties, and encourages also the speedy adoption of the pending conventions;

3. *Stresses* the vital role of the United Nations in strengthening international cooperation in combating terrorism, and emphasizes the importance of enhanced coordination among States, international and regional organizations;

4. *Calls upon* all States to take, inter alia, in the context of such cooperation and coordination, appropriate steps:

- To cooperate with each other, particularly through bilateral and multilateral agreements and arrangements, to prevent and suppress terrorist acts, protect their nationals and other persons against terrorist attacks and bring to justice the perpetrators of such acts;
- To prevent and suppress in their territories through all lawful means the preparation and financing of any acts of terrorism;
- To deny those who plan, finance or commit terrorist acts safe havens by ensuring their apprehension and prosecution or extradition;

– To take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not participated in terrorist acts;

– To exchange information in accordance with international and domestic law, and cooperate on administrative and judicial matters in order to prevent the commission of terrorist acts;

5. *Requests* the Secretary-General, in his reports to the General Assembly, in particular those submitted in accordance with its resolution 50/53 of 11 December 1995 on measures to eliminate international terrorism, to pay special attention to the need to prevent and fight the threat to international peace and security as a result of terrorist activities;

6. *Expresses its readiness* to consider relevant provisions of the reports mentioned in paragraph 5 above and to take necessary steps in accordance with its responsibilities under the Charter of the United Nations in order to counter terrorist threats to international peace and security;

7. *Decides* to remain seized of this matter.

39. Children and armed conflict

Initial proceedings

Decision of 29 June 1998 (3897th meeting): statement by the President

At its 3896th meeting, held on 29 June 1998 in accordance with the understanding reached in its prior consultations, the Council included the item “Children and armed conflict” in its agenda. The Council invited the representatives of Argentina, Burundi, Canada, the Czech Republic, El Salvador, Germany, Indonesia, Italy, Latvia, Morocco, Mozambique, Namibia, Norway, Romania, Slovakia and Ukraine, at their request, to participate in the discussion without the right to vote. The Council also extended an invitation, under rule 39 of its provisional rules of procedure, to the Special Representative of the Secretary-General for Children and Armed Conflict.

Speaking before the Council, the Special Representative described the suffering of children from

the impact of armed conflict around the world. He gave data on numbers related to children killed, orphaned, injured, disabled and displaced, and proposed that the Council lead the way by sending forth a clear message that the targeting, use and abuse of children were unacceptable. He also recommended several initiatives to mitigate and prevent the suffering of children caught up in the midst of ongoing conflicts. He requested that whenever the Council considered the imposition of sanctions, to take into account the needs of children, the impact of sanctions on children and how best to protect children in those circumstances. He requested that whenever the Council considered peacemaking efforts, peacekeeping mandates and peacebuilding

plans, the central needs of children be there from the outset and inform the plans and the action taken.¹

The representative of China stated that China was in favour of the Council issuing a presidential statement on the question of children affected by armed conflict, so as to demonstrate the importance that the Council attached to this matter. He, however, highlighted that since the protection of children involved a wide range of issues, the General Assembly and the Economic and Social Council were the appropriate forums to carry out more comprehensive, fuller and more in-depth deliberations on that question.²

All speakers commended the report of the Special Representative. A number of other speakers endorsed the idea of preparing an additional protocol to the Convention on the Rights of the Child to raise the minimum age of recruitment and participation in military activities to 18. In addition, other representatives also welcomed efforts to address the unintended adverse consequences of sanctions on the civilian population, especially on its most vulnerable sectors, such as children. Many representatives suggested that sanctions be elaborated in such way as to focus specifically on the targeted regimes without producing negative effects on the civilian population, including innocent children. A number of representatives gave special consideration to the disarmament and demobilization of child soldiers, and to the reintegration of children traumatized as a result of armed conflicts.³

¹ S/PV.3896 and Corr.1, pp. 2-5.

² *Ibid.*, p. 15.

³ *Ibid.*, pp. 5-7 (United Kingdom on behalf of the European Union and associated and aligned countries: Bulgaria, Czech Republic, Estonia, Hungary, Poland, Romania and Slovakia; and Cyprus, Iceland and Liechtenstein); pp. 7-9 (Slovenia); pp. 9-10 (Sweden); pp. 10-11 (France); pp. 11-12 (Russian Federation); pp. 12-14 (Japan); pp. 14-15 (Brazil); pp. 15-16 (Gambia); pp. 16-18 (Costa Rica); pp. 18-19 (United States); pp. 19-20 (Bahrain); p. 20 (Gabon); pp. 20-22 (Italy); pp. 22-23 (Norway); pp. 25-27 (Canada); pp. 27-28 (Indonesia); pp. 28-29 (Morocco); pp. 29-30 (Slovakia); pp. 30-32 (Mozambique); pp. 32-33 (Namibia); pp. 33-35 (Burundi); pp. 35-36 (Argentina); pp. 36-37 (Czech Republic); pp. 37-38 (Ukraine); pp. 38-39 (Latvia); pp. 39-40 (Romania); pp. 40-41 (El Salvador); pp. 41-42 (Liberia); pp. 42-43 (Azerbaijan); and pp. 43-46 (Portugal).

At its 3897th meeting, held on 29 June 1998 in accordance with the understanding reached in its prior consultations, the Council resumed consideration of the item. In accordance with the decision taken at the 3896th meeting, the President (Portugal) invited the Special Representative of the Secretary-General for Children and Armed Conflict to take a seat at the table.

At the same meeting the President made the following statement on behalf of the Council:⁴

The Security Council expresses its grave concern at the harmful impact of armed conflict on children.

The Council strongly condemns the targeting of children in armed conflicts, including their humiliation, brutalization, sexual abuse, abduction and forced displacement, as well as their recruitment and use in hostilities in violation of international law, and calls upon all parties concerned to put an end to such activities.

The Council calls upon all parties concerned to comply strictly with their obligations under international law, in particular their obligations under the Geneva Conventions of 1949, the Additional Protocols thereto, of 1977 and the Convention on the Rights of the Child of 1989. The Council stresses the obligation of all States to prosecute those responsible for grave breaches of international humanitarian law.

The Council recognizes the importance of the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict, supports his activities and welcomes his cooperation with all relevant programmes, funds and agencies of the United Nations system, which he deems appropriate.

The Council expresses its intention to pay serious attention to the situation of children affected by armed conflicts and, to this end, to maintain contact, as appropriate, with the Special Representative of the Secretary-General and with the relevant programmes, funds and agencies of the United Nations system.

The Council, while dealing with situations of armed conflict, expresses its readiness to consider, when appropriate, means to assist with the effective provision and protection of humanitarian aid and assistance to civilian populations in distress, in particular women and children; to consider appropriate responses whenever buildings or sites that usually have a significant presence of children, such as schools, playgrounds and hospitals, are specifically targeted; to support efforts aimed at obtaining commitments to put to an end the recruitment and use of children in armed conflicts in violation of international law; to give special consideration to the disarmament and demobilization of child soldiers and to the reintegration into society of children maimed or otherwise traumatized as a result of an armed conflict; and to support or promote child-focused mine-clearance and mine-awareness

⁴ S/PRST/1998/18.

programmes, as well as child-centred physical and social rehabilitation programmes.

The Council recognizes the importance of special training of personnel involved in peacemaking, peacekeeping and peace-building activities in respect of the needs, interests and rights of children, as well as their treatment and protection.

The Council further recognizes that, whenever measures are adopted under Article 41 of the Charter of the United Nations, consideration should be given to their impact on the civilian population, bearing in mind the needs of children, in order to consider appropriate humanitarian exemptions.

**Decision of 25 August 1999 (4037th meeting):
resolution 1261 (1999)**

At its 4037th meeting, held on 25 August 1999 in accordance with the understanding reached in its prior consultations, the President (Namibia), with the consent of the Council, invited the representatives of Afghanistan, Algeria, Angola, Bangladesh, Belarus, Bosnia and Herzegovina, Costa Rica, Egypt, Finland, Guyana, India, Indonesia, Iraq, Japan, Kenya, Monaco, Mongolia, Mozambique, New Zealand, Norway, the Philippines, Portugal, the Republic of Korea, Rwanda, Slovakia, South Africa, the Sudan, Uganda, Ukraine, the United Republic of Tanzania and Zambia, at their request, to participate in the discussion without the right to vote. The Council also extended an invitation, under rule 39 of its provisional rules of procedure, to the Special Representative of the Secretary-General for Children and Armed Conflict.

The Special Representative of the Secretary-General for Children and Armed Conflict noted a qualitative shift in the nature and conduct of warfare towards civil wars, which was marked by social breakdown and lawlessness and the proliferation of small arms and light weapons. He urged delegations to (1) apply international norms and standards; (2) reinforce traditional value systems; (3) undertake concrete initiatives to prevent or mitigate the suffering of children caught up in the midst of continuing conflict; (4) bring together countries in a subregional setting where cross-border activities affected children; (5) encourage the business community to refrain from trading with parties to a conflict who had a record of abuse against children; (6) place children's protection and welfare on the peace agenda; (7) address the needs of children in the aftermath of conflict; (8) pay attention to the protection and welfare of children in peace operations; (9) report to the Council on the fate of children; (10) review the effects of sanctions on children; (11) encourage forms of information and

entertainment for children in situations of conflict and its aftermath; (12) stem the recruitment and use of children in armed conflict; (13) sign and ratify new international instruments; (14) provide for children; and (15) prevent occurrence and recurrence of conflict.⁵

China was of the view that the General Assembly and the Economic and Social Council were more appropriate forums where more comprehensive, adequate and in-depth deliberations on the question of the protection of children could be conducted.⁶

The representative of Iraq noted that under United States pressure, the Council had insisted on the continued enforcement of comprehensive sanctions against Iraq, which had caused the deaths of 500,000 Iraqi children. That situation made sanctions effectively equal to threats emanating from armed conflict.⁷

Members condemned the targeting of children as an immoral act that violated the principles of international law, pointing out that ensuring respect for children's rights was a collective obligation. They stressed that the United Nations, through the Council, should call on States involved in armed conflict to protect children, using the measures available to it. Many delegations stressed the need for a holistic approach to taking children out of armed conflict. They urged that there be a concerted, systematic and organized effort from all actors in the regional and international community. A number of delegations noted that land mines and small arms were imperative issues in the protection of children from the impact of armed conflict. Several delegations called for greater cooperation between the various United Nations agencies on the issue of protection of children from armed conflict.⁸ Several delegates called attention to

⁵ S/PV.4037 and Corr.1, pp. 2-6.

⁶ *Ibid.*, p. 13.

⁷ S/PV.4037 (Resumption 1), pp. 26-27.

⁸ S/PV.4037 and Corr.1, pp. 9-11 (United States); pp. 11-12 (Slovenia); pp. 13-15 (Malaysia); pp. 15-17 (Russian Federation); pp. 17-18 (Gabon); pp. 18-19 (Brazil); pp. 19-20 (Argentina); pp. 20 (Bahrain); and pp. 21-22 (Gambia); S/PV.4037 (Resumption 1), and pp. 2-3 (Netherlands); pp. 3-5 (Canada); pp. 7-11 (Algeria); pp. 11-12 (Norway); pp. 12-14 (Finland); pp. 14-16 (Bangladesh); pp. 16-17 (Japan); pp. 17-18 (Switzerland); pp. 18-20 (Costa Rica); pp. 20-21 (Republic of Korea); pp. 21-23 (India); pp. 24-26 (Portugal); pp. 28-29 (Slovakia); pp. 29-32 (Afghanistan); pp. 33-35 (Monaco); pp. 37-38 (South

the importance of the Convention on the Rights of the Child concerning the age of participation in conflicts, and expressed hope that the age limit would be raised to 18.⁹

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁰ The draft resolution was put to the vote and adopted unanimously as resolution 1261 (1999), which reads:

The Security Council,

Recalling the statements by its President of 29 June 1998, 12 February 1999 and 8 July 1999,

Noting recent efforts to bring to an end the use of children as soldiers in violation of international law, in International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits forced or compulsory labour, including the forced or compulsory recruitment of children for use in armed conflict, and in the Rome Statute of the International Criminal Court, in which conscripting or enlisting children under the age of fifteen into national armed forces or using them to participate actively in hostilities is characterized as a war crime,

1. *Expresses its grave concern* at the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development;

2. *Strongly condemns* the targeting of children in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement, recruitment and use of children in armed conflict in violation of international law, and attacks on objects protected under international law, including places that usually have a significant presence of children, such as schools and hospitals, and calls upon all parties concerned to put an end to such practices;

3. *Calls upon* all parties concerned to comply strictly with their obligations under international law, in particular the Geneva Conventions of 12 August 1949 and the obligations

Africa); pp. 40-41 (Sudan); p. 42 (Kenya); pp. 43-44 (Egypt); pp. 44-46 (Indonesia); pp. 46-47 (Angola); pp. 47-48 (United Republic of Tanzania); pp. 48-49 (Uganda); pp. 50-51 (Mozambique); pp. 51-53 (Guyana); pp. 54-55 (Rwanda); p. 55-56 (Belarus); and pp. 56-57 (Colombia).

⁹ S/PV.4037 and Corr.1, pp. 7-8 (United Kingdom); and p. 8 (France); S/PV.4037 (Resumption 1), pp. 5-7 (Namibia); pp. 32-33 (Zambia); pp. 35-37 (Ukraine); pp. 38-40 (Mongolia); p. 51 (New Zealand); and pp. 53-54 (Philippines).

¹⁰ S/1999/911.

applicable to them under the Additional Protocols thereto, of 1977 and the United Nations Convention on the Rights of the Child of 1989, and stresses the responsibility of all States to bring an end to impunity, as well as their obligation to prosecute those responsible for grave breaches of the Geneva Conventions of 12 August 1949;

4. *Expresses its support* for the ongoing work of the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, other parts of the United Nations system and other relevant international organizations dealing with children affected by armed conflict, and requests the Secretary-General to continue to develop coordination and coherence among them;

5. *Welcomes and encourages* efforts by all relevant actors at the national and international level to develop more coherent and effective approaches to the issue of children and armed conflict;

6. *Supports* the work of the open-ended intersessional working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, and expresses the hope that it will make further progress with a view to finalizing its work;

7. *Urges* all parties to armed conflicts to ensure that the protection, welfare and rights of children are taken into account during peace negotiations and throughout the process of consolidating peace in the aftermath of conflict;

8. *Calls upon* parties to armed conflicts to undertake feasible measures during armed conflicts to minimize the harm suffered by children, such as "days of tranquillity", to allow the delivery of basic necessary services, and further calls upon all parties to armed conflicts to promote, implement and respect such measures;

9. *Urges* all parties to armed conflicts to abide by concrete commitments made to ensure the protection of children in situations of armed conflict;

10. *Also urges* all parties to armed conflicts to take special measures to protect children, in particular girls, from rape and other forms of sexual abuse and gender-based violence in situations of armed conflict and to take into account the special needs of the girl child throughout armed conflicts and their aftermath, including in the delivery of humanitarian assistance;

11. *Calls upon* all parties to armed conflicts to ensure the full, safe and unhindered access of humanitarian personnel and the delivery of humanitarian assistance to all children affected by armed conflict;

12. *Underscores* the importance of the safety, security and freedom of movement of United Nations and associated personnel to the alleviation of the impact of armed conflict on

children, and urges all parties to armed conflicts to respect fully the status of United Nations and associated personnel;

13. *Urges* States and all relevant parts of the United Nations system to intensify their efforts to ensure an end to the recruitment and use of children in armed conflict in violation of international law, through political and other efforts, including promotion of the availability of alternatives for children to their participation in armed conflict;

14. *Recognizes* the deleterious impact of the proliferation of arms, in particular small arms, on the security of civilians, including refugees and other vulnerable populations, particularly children, and in this regard recalls resolution 1209 (1998) of 19 November 1998, in which, inter alia, the Council stresses the importance of all Member States, and in particular States involved in manufacturing and marketing of weapons, restricting arms transfers which could provoke or prolong armed conflicts or aggravate existing tensions or armed conflicts, and in which it urges international collaboration in combating illegal arms flows;

15. *Urges* States and the United Nations system to facilitate the disarmament, demobilization, rehabilitation and reintegration of children used as soldiers in violation of international law, and calls upon in particular the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Children's Fund and the Office of the United Nations High Commissioner for Refugees and other relevant agencies of the United Nations system to intensify their efforts in this regard;

16. *Undertakes*, when taking action aimed at promoting peace and security, to give special attention to the protection, welfare and rights of children, and requests the Secretary-General to include in his reports recommendations in this regard;

17. *Reaffirms its readiness* when dealing with situations of armed conflict:

(a) To continue to support the provision of humanitarian assistance to civilian populations in distress, taking into account the particular needs of children, including the provision and rehabilitation of medical and educational services to respond to the needs of children, the rehabilitation of children who have been maimed or psychologically traumatized, and child-focused mine-clearance and mine-awareness programmes;

(b) To continue to support the protection of displaced children, including their resettlement by the Office of the High Commissioner and others as appropriate;

(c) Whenever adopting measures under Article 41 of the Charter of the United Nations, to give consideration to their impact on children, in order to consider appropriate humanitarian exemptions;

18. *Also reaffirms its readiness* to consider appropriate responses whenever buildings or sites which usually have a significant presence of children are specifically targeted in situations of armed conflict, in violation of international law;

19. *Requests* the Secretary-General to ensure that personnel involved in United Nations peacemaking, peacekeeping and peacebuilding activities have appropriate training in respect of the protection, rights and welfare of children, and urges States and relevant international and regional organizations to ensure that appropriate training is included in their programmes for personnel involved in similar activities;

20. *Also requests* the Secretary-General to submit to the Council by 31 July 2000 a report on the implementation of the present resolution, consulting all relevant parts of the United Nations system and taking into account other relevant work;

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

Speaking after the vote, the representative of the United States stated that the leadership in Iraq was the only party responsible for the inadequacies of the conditions inside the territory it controlled.¹¹

The representative of Iraq also intervened second time and reiterated that the report of the United Nations Children's Fund had stated that the sanctions had led to the deaths of half a million Iraqi children under the age of five.¹²

¹¹ Ibid., pp. 58-59.

¹² Ibid., p. 59.

40. Threats to peace and security caused by international terrorist acts

Initial proceedings

Decision of 13 August 1998 (3915th meeting): resolution 1189 (1998)

At its 3915th meeting, held on 13 August 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the item

“Threats to peace and security caused by international terrorist acts” in its agenda. Following the adoption of the agenda, the President (Slovenia), with the consent of the Council, invited the representative of the United Republic of Tanzania, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council’s prior consultations.¹ The draft resolution was put to the vote and adopted unanimously as resolution 1189 (1998), which reads:

The Security Council,

Deeply disturbed by the indiscriminate and outrageous acts of international terrorism that took place on 7 August 1998 in Nairobi and Dar-es-Salaam,

Condemning such acts which have a damaging effect on international relations and jeopardize the security of States,

Convinced that the suppression of acts of international terrorism is essential for the maintenance of international peace and security, and reaffirming the determination of the international community to eliminate international terrorism in all its forms and manifestations,

Reaffirming the obligations of Member States under the Charter of the United Nations,

Stressing that every Member State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts,

Mindful of General Assembly resolution 52/164 of 15 December 1997 on the International Convention for the Suppression of Terrorist Bombings,

Recalling that, in the statement issued on 31 January 1992 on the occasion of the meeting of the Security Council at the level of heads of State and Government, the Council expressed its deep concern over acts of international terrorism, and emphasized the need for the international community to deal effectively with all such criminal acts,

Stressing the need to strengthen international cooperation between States in order to adopt practical and effective measures to prevent, combat and eliminate all forms of terrorism affecting the international community as a whole,

Commending the responses of the Governments of Kenya, the United Republic of Tanzania and the United States of America to the terrorist bomb attacks in Kenya and the United Republic of Tanzania,

Determined to eliminate international terrorism,

1. *Strongly condemns* the terrorist bomb attacks in Nairobi and Dar-es-Salaam on 7 August 1998, which claimed hundreds of innocent lives, injured thousands of people and caused massive destruction to property;

2. *Expresses* to the families of the innocent victims of the terrorist bomb attacks during this difficult time its deep sorrow, sympathy and condolences;

3. *Calls upon* all States and international institutions to cooperate with and provide support and assistance to the ongoing investigations in Kenya, the United Republic of Tanzania and the United States of America to apprehend the perpetrators of these cowardly criminal acts and to bring them swiftly to justice;

4. *Expresses its sincere gratitude* to all States, international institutions and voluntary organizations for their encouragement and timely response to the requests for assistance from the Governments of Kenya and the United Republic of Tanzania, and urges them to assist the affected countries, especially in the reconstruction of infrastructure and disaster preparedness;

5. *Calls upon* all States to adopt, in accordance with international law and as a matter of priority, effective and practical measures for security cooperation, for the prevention of such acts of terrorism, and for the prosecution and punishment of their perpetrators;

6. *Decides* to remain seized of the matter.

Speaking after the vote, the representatives of Kenya, the United Republic of Tanzania and the United States made statements condemning the simultaneous terrorist bombings in Nairobi and Dar-es-Salaam on 7 August 1998. They stressed that the meeting of the Council was a demonstration by the international community that such acts could not be tolerated. They called on Member States to support the ongoing investigations and to apprehend the perpetrators if found on their territory.²

² S/PV.3915, pp. 2-3, (Kenya); p. 3 (United Republic of Tanzania); and pp. 3-4 (United States).

¹ S/1998/748.

41. Maintenance of peace and security and post-conflict peacebuilding

Initial proceedings

Decision of 29 December 1998 (3961st meeting): statement by the President

At its 3954th meeting, held on 16 December 1998 in accordance with the understanding reached in its prior consultations, the Council included the item entitled "Maintenance of peace and security and post-conflict peacebuilding" in its agenda. After the adoption of the agenda, the President (Bahrain) invited the representatives of Algeria, Argentina, Australia, Austria, Bangladesh, Bosnia and Herzegovina, Canada, Croatia, Egypt, India, Indonesia, Jamaica, Malaysia, Mongolia, Mozambique, Nigeria, Norway, Pakistan, the Republic of Korea, Slovakia, the Sudan, Tunisia and Ukraine, at their request, to participate in the discussion without the right to vote.

The representative of China maintained that in the peace consolidation process in post-conflict regions, international efforts should be attuned to the will of the country concerned and the way of development chosen by the people of the country concerned should be respected.¹

The representative of the Russian Federation maintained that, for the most part, peacebuilding fell within the sphere of competence of the Economic and Social Council and the specialized agencies of the United Nations system, and called for the "reactivation" of Article 65 of the Charter with regard to the provision of information and assistance to the Security Council by the Economic and Social Council.²

The representative of the United States argued that peacekeeping mandates should include some short-term activities that would enhance the activities of peacekeepers, including demobilization, disarmament and reintegration of former combatants and demining. He stated that long-term activities like the restructuring of security institutions, such as police, prisons and the judiciary, fell beyond the scope of peacekeeping.³

The representative of Costa Rica maintained that peacebuilding, as an integral and integrating concept, required broad, multidisciplinary involvement by the international community.⁴

The representative of Gambia stated that in addition to short-term programmes, there should be a sustained effort to support medium- and long-term programmes as well, such as the strengthening of national institutions, monitoring elections, the protection of human rights and good governance.⁵

The representative of France called for assistance in organizing free and democratic elections and in the reconstruction and strengthening of State structures, in particular in such areas as justice and the police.⁶

The representative of Brazil stressed the need to develop approaches that would permit a gradual disengagement of the Council and a progressive engagement of other bodies with appropriate and substantive competence.⁷

The representative of Kenya held that peacebuilding was within the proper scope and mandate of the Council, and urged it to rise to the occasion and support such efforts to the extent possible.⁸ The representative of Sweden agreed that peacebuilding elements should be explicitly and clearly integrated into the mandates of peacekeeping operations.⁹ The representative of the United Kingdom acknowledged that peacebuilding did not start where peacekeeping stopped, and that peacekeeping would work best if it incorporated elements of post-conflict peacebuilding.¹⁰

A number of other speakers made statements sharing the view that peacekeeping operations should include peacebuilding aspects so as to prevent

¹ S/PV.3954, pp. 2-3.

² Ibid., pp. 3-5.

³ Ibid., pp. 5-6.

⁴ Ibid., pp. 6-8.

⁵ Ibid., pp. 12-13.

⁶ Ibid., pp. 9-10.

⁷ Ibid., pp. 14-16.

⁸ Ibid., p. 19.

⁹ Ibid., pp. 21-22.

¹⁰ Ibid., pp. 22-24.

countries in the post-conflict phase from relapsing into chaos. Speakers underlined the need for the United Nations to help address the root causes of conflicts, and maintained that the Council should play its role in promoting post-conflict peacebuilding.¹¹

The President then suspended the meeting, and resumed it on 23 December 1998. At the resumed meeting, the representative of Canada maintained that the Council had a crucial role in ensuring that peacekeeping mandates anticipated, to the extent possible, the requirement of peacebuilding and reconstruction, adding that peacebuilding activities must address the security of individuals, including that of women and children.¹²

The representative of Norway considered it important to address the need for post-conflict peacebuilding measures in the very early stages of conflict resolution efforts, and to include such measures in the negotiations on peace accords.¹³

The representative of Egypt maintained that peacebuilding should be carried out in full respect for the purposes and principles of the Charter of the United Nations, in particular the principles of sovereign equality, political independence, and non-intervention in matters that were essentially within the domestic jurisdiction of any State.¹⁴

The representative of Austria made a statement on behalf of the European Union and associated and aligned countries, welcoming the Council's continued efforts in responding to the challenges of combining peacekeeping and peacebuilding, in particular with regard to the new peacekeeping operations.¹⁵

The representative of the Republic of Korea emphasized that one of the main focuses should be on exploring practical ways and means to cultivate local capacity to sustain peace in the fragile conditions of the post-conflict period.¹⁶

The representative of Mongolia stated that the reform of the United Nations system should address the question of the roles of appropriate United Nations bodies in more effectively addressing the questions of development, expressing the view that the emerging concept of human security provided the opportunity to address the question in a comprehensive manner.¹⁷

The representative of Slovakia stated that peacebuilding efforts should address various factors of conflict and contribute to the creation of conditions for reconciliation, reconstruction and recovery.¹⁸

The representative of Indonesia argued that for any peace efforts, the request for, or at least acquiescence in, action by regional or international organizations was a *conditio sine qua non* from the legal as well as the political perspective.¹⁹

The representative of India cautioned against the "creeping misuse" of the Council for purposes not part of its mandate, pointing out that the Council was a purely political body and its decisions reflected a balance of interests and power which was not constant.²⁰

Several other speakers made statements and acknowledged the increasing linkage between peacekeeping and peacebuilding activities. They underlined the need to enhance coordination between the Council and other relevant United Nations bodies in promoting peacebuilding activities.²¹

At its 3961st meeting, held on 29 December 1998 in accordance with the understanding reached in its prior consultations, the Council resumed its consideration of the item on the agenda.

At the same meeting, the President (Bahrain) made the following statement on behalf of the Council:²²

The Security Council recalls the open debate held at its 3954th meeting on 16 and 23 December 1998 on the

¹¹ Ibid., pp. 10-12 (Portugal); pp. 13-14 (Gabon); pp. 16-19 (Slovenia); pp. 20-21 (Japan); and pp. 24-25 (Bahrain).

¹² S/PV.3954 (Resumption), p. 2-3.

¹³ Ibid., pp. 3-4.

¹⁴ Ibid., pp. 4-5.

¹⁵ Ibid., pp. 6-8 (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus, Iceland and Liechtenstein).

¹⁶ Ibid., pp. 12-14.

¹⁷ Ibid., pp. 14-15.

¹⁸ Ibid., pp. 20-21.

¹⁹ Ibid., pp. 21-23.

²⁰ Ibid., pp. 24-26.

²¹ Ibid., pp. 8-9 (Pakistan); pp. 10-11 (Tunisia); pp. 11-12 (Argentina); pp. 15-16 (Croatia); pp. 16-17 (Nigeria); pp. 19-20 (Bangladesh); pp. 21-23 (Ukraine); and pp. 23-24 (Australia).

²² S/PRST/1998/38.

maintenance of peace and security and post-conflict peacebuilding. It recalls also the report of the Secretary-General of 13 April 1998 entitled "The causes of conflict and the promotion of durable peace and sustainable development in Africa", which was submitted to the General Assembly and to the Security Council, as well as the report of the Secretary-General of 27 August 1998 on the work of the Organization, submitted to the General Assembly at its fifty-third session. In this context, it welcomes the recommendations of the Secretary-General concerning the role of the Council in the aftermath of conflict, in particular in ensuring a smooth transition from peacekeeping to post-conflict peacebuilding. The Council recalls further the statement by its President of 30 April 1993 on the report of the Secretary-General entitled "An Agenda for Peace", including the subject of post-conflict peacebuilding.

The Council reaffirms its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security. It stresses the need to prevent the resurgence or escalation of conflict. The Council recognizes the importance of the post-conflict peacebuilding efforts of the United Nations to this end in all regions of the world and with due involvement of all United Nations bodies. In particular, it welcomes the role played by the Secretary-General in this field. It recognizes the timeliness of exploring further means to prevent and settle conflicts, which are based on the Charter and generally recognized principles of peacekeeping, and which would incorporate post-conflict peacebuilding as an important component.

The Council recalls the statement by its President of 24 September 1998, which affirmed that the quest for peace in Africa requires a comprehensive, concerted and determined approach, encompassing the eradication of poverty, the promotion of democracy, sustainable development and respect for human rights, as well as conflict prevention and resolution, including peacekeeping and humanitarian assistance. The Council underlines the fact that efforts to ensure lasting solutions to conflicts require sustained political will and a long-term approach in the decision-making of the United Nations, including by the Council itself. It affirms its commitment to the principles of the political independence, sovereignty and territorial integrity of all States in conducting peacebuilding activities, and the need for States to comply with their obligations under the Charter and the principles of international law.

The Council underlines the fact that economic rehabilitation and reconstruction often constitute the major tasks facing societies emerging from conflict and that significant international assistance becomes indispensable to promote sustainable development in such cases. In that context, it recalls that Article 65 of the Charter provides that the Economic and Social Council may furnish information to the Security Council and shall assist the Council upon its request.

The Council, conscious of the emphasis placed by the Secretary-General on the issue of post-conflict peacebuilding, in particular in the context of the reform of the United Nations,

encourages him to explore the possibility of establishing post-conflict peacebuilding structures as part of efforts by the United Nations system to achieve a lasting peaceful solution to conflicts, including in order to ensure a smooth transition from peacekeeping to peacebuilding and lasting peace.

The Council recognizes the value of including, as appropriate, peacebuilding elements in the mandates of peacekeeping operations. It agrees with the Secretary-General that relevant post-conflict peacebuilding elements should be explicitly and clearly identified and could be integrated into the mandates of peacekeeping operations. It notes that peacekeeping operations may include military, police, humanitarian and other civilian components. It requests the Secretary-General to make recommendations to the Council to this effect whenever appropriate.

The Council also requests the Secretary-General to make recommendations to the appropriate United Nations bodies concerning the period during the transition to the post-conflict peacebuilding phase when recommending the final drawdown of a peacekeeping operation.

The Council recognizes the need for close cooperation and dialogue between the bodies of the United Nations system, in particular those directly concerned in the field of post-conflict peacebuilding, in accordance with their respective responsibilities, and expresses its willingness to consider ways to improve such cooperation. It also emphasizes the need to improve the exchange of information between all relevant actors in the field of post-conflict peacebuilding, including United Nations agencies and bodies, international financial institutions, regional and subregional organizations, troop contributors and the donor community. In this context, it notes with appreciation the Secretary-General's plans for strategic frameworks to ensure increased coherence and effectiveness in the entire range of United Nations activities in States in and recovering from crisis.

The Council will remain seized of the matter.

**Decision of 8 July 1999 (4021st meeting):
statement by the President**

At its 4020th meeting, held on 8 July 1999 in accordance with the understanding reached in its prior consultations, the Council included the item "Maintenance of peace and security and post-conflict peacebuilding: disarmament, demobilization and reintegration of ex-combatants in a peacekeeping environment" in its agenda. The President (Malaysia) invited the representatives of Australia, Bangladesh, Croatia, El Salvador, Finland, Guatemala, Indonesia, Japan, Mozambique, New Zealand, the Republic of Korea and South Africa, at their request, to participate in the discussion without the right to vote.

Opening the debate, the Deputy Secretary-General underlined the importance of the role that

disarmament, demobilization and reintegration played in United Nations peacekeeping. She maintained that success of those activities would be determined to no small extent by how well the international community prepared the following points: first, terms dealing with the disposal of arms and ammunition should be included within peace agreements when they were first negotiated, so that the issue did not become an obstacle to peace at a later stage; second, predictable financing was critical, and starting a programme without the funding to complete it might raise expectations on the part of ex-combatants that could not be fulfilled; third, the special needs of child soldiers, including girl soldiers, should be seen as a crucial element in a peacekeeping operation's mandate; fourth, the deployment of a follow-on political mission after the termination or withdrawal of a peacekeeping operation could be a useful means to avoid setbacks and relapses into insecurity; and fifth, a rigorous media and publicity campaign to educate and mobilize popular support for disarmament, demobilization and reintegration efforts must be built into the operation from the start.²³

The representative of the United Kingdom stressed that the Council and the General Assembly must ensure that a United Nations peacekeeping operation had an appropriate mandate and sufficient budgetary and human resources for the disarmament, demobilization and reintegration tasks assigned to it, adding that half measures did little to contribute to lasting peace.²⁴

The representative of the Russian Federation reaffirmed the relevance of disarmament, demobilization and reintegration of ex-combatants as an essential part of peacekeeping operations and post-conflict peacebuilding, and stated that, in many cases, the disarmament of ex-combatants and the collection and the destruction of their weapons were important conditions for normalizing regional crisis situations.²⁵

The representative of France held that the collection of weapons must go hand in hand with demobilization and the reintegration into civil life of those who bore arms.²⁶

The representative of the United States stated that, while disarmament and demobilization were generally viewed to be under the purview of the Council, reintegration of former combatants into their societies fell into a "grey area" between the two areas of international relief and development.²⁷

The representative of Malaysia was of the view that the Council must be able, from time to time, to discuss thematic issues or receive orientation briefings on cross-cutting issues, which could help it in making decisions that would ultimately bring about positive results.²⁸

Several other speakers reaffirmed the importance of disarmament, demobilization and reintegration, and stressed that it needed to be an integral part of peacekeeping operations. They also underlined the importance of coordination between the Council and other relevant United Nations bodies in promoting activities in this field.²⁹

The representative of China argued that United Nations activities in this field needed to always follow the principles of non-interference in internal affairs of Member States and respect for their sovereignty and territorial integrity.³⁰

The representative of Canada believed that the three elements of disarmament, demobilization and reintegration had to be in place at the beginning of a mission, continue throughout the peacekeeping mandate and remain even after the peacekeepers had left.³¹

The representative of South Africa called for strict control over the transfer of small arms and light weapons as well as their surplus stockpiles, and maintained that the mandates of future peacekeeping operations, as appropriate in specific post-conflict situations, should include weapons collection, disposal and destruction.³²

²³ S/PV.4020, pp. 2-4.

²⁴ *Ibid.*, pp. 6-7.

²⁵ *Ibid.*, pp. 7-8.

²⁶ *Ibid.*, pp. 13-15.

²⁷ *Ibid.*, pp. 15-16.

²⁸ *Ibid.*, pp. 18-20.

²⁹ *Ibid.*, pp. 4-6 (Bahrain); pp. 8-10 (Slovenia); pp. 10-11 (Argentina); pp. 11-12 (Brazil); pp. 12-13 (Gabon); pp. 16-17 (Gambia); and pp. 17-18 (Netherlands).

³⁰ S/PV.4020 (Resumption 1), pp. 3-4.

³¹ *Ibid.*, pp. 4-5.

³² *Ibid.*, pp. 9-10.

The representative of Namibia maintained that reintegration of ex-combatants could not be left to the countries involved alone, and called on the international community to assist them.³³

Several other speakers expressed appreciation that an open debate, which they considered timely and significant, had been conducted on the subject. They agreed on the importance of disarmament, demobilization and reintegration of ex-combatants, as it would be impossible to accomplish lasting peace without addressing their problems.³⁴

At its 4021st meeting, held on 8 July 1999 in accordance with the understanding reached in its prior consultations, the Council resumed its consideration of the item on the agenda.

At the same meeting, the President made the following statement on behalf of the Council:³⁵

The Security Council recalls its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security. The Council also recalls the statements made by its President in relation to activities of the United Nations in preventive diplomacy, peacemaking, peacekeeping and post-conflict peacebuilding.

The Council has considered the matter of disarmament, demobilization and reintegration of ex-combatants in a peacekeeping environment as part of its overall and continuing effort to contribute to enhancing the effectiveness of United Nations peacekeeping and peacebuilding activities in conflict situations around the world.

The Council is seriously concerned that in a number of conflicts, armed fighting among various parties or factions continues despite the conclusion of peace agreements by the warring parties and the presence of United Nations peacekeeping missions on the ground. It recognizes that a major contributory factor to such a situation has been the continued availability of large amounts of armaments, in particular small arms and light weapons, to conflicting parties. The Council emphasizes that in order to achieve settlement, parties to a conflict must work towards the successful disarmament, demobilization and reintegration of ex-combatants, including child soldiers whose special needs should be seriously addressed.

The Council recognizes that disarmament, demobilization and reintegration cannot be seen in isolation, but rather as a continuous process which is rooted in and feeds into a broader search for peace, stability and development. Effective disarmament of ex-combatants represents an important indicator of progress towards post-conflict peacebuilding and normalization of the situation. The demobilization effort is only possible when there is some level of disarmament and its success can only be achieved when there is effective rehabilitation and reintegration into society of ex-combatants. Disarmament and demobilization must take place in a secure and safe environment, which will give ex-combatants the confidence to lay down their arms. Taking into account the fact that the process is closely linked to economic and social issues, the question must be addressed comprehensively so as to facilitate a smooth transition from peacekeeping to peacebuilding.

The Council emphasizes that for disarmament, demobilization and reintegration to be successful, there must be political will and a clear commitment by the parties concerned to achieve peace and stability. At the same time, it is vital that such commitment by the parties be reinforced by political will and consistent, effective and determined support from the international community to guarantee the achievement of sustainable peace, including through its contributions of long-term assistance for development and trade.

The Council affirms its commitment to the principles of the political independence, sovereignty and territorial integrity of all States in conducting peacebuilding activities, and the need for States to comply with their obligations under international law. Bearing this in mind, the Council stresses the need for the implementation, with the consent of the parties, of practical measures to promote the success of the process which, inter alia, may include the following:

(a) The inclusion, as appropriate, within specific peace agreements and, on a case-by-case basis, within United Nations peacekeeping mandates, of clear terms for disarmament, demobilization and reintegration of ex-combatants, including the safe and timely disposal of arms and ammunition;

(b) The establishment by Governments contributing to peacekeeping operations of databases of experts on disarmament, demobilization and reintegration of ex-combatants. In this context, training in disarmament and demobilization could be a useful component of national programmes for the preparation of peacekeeping troops;

(c) The prevention and reduction of the excessive and destabilizing flow, accumulation and illegitimate use of small arms and light weapons. In this context, the relevant Council resolutions and existing United Nations arms embargoes should be strictly implemented.

The Council is of the view that techniques for executing and coordinating programmes related to the process of disarmament, demobilization and reintegration of ex-combatants and the problems associated with it should be given in-depth consideration. It takes note with appreciation of the efforts by

³³ Ibid., pp. 2-3.

³⁴ Ibid., pp. 6-8 (Finland); pp. 8-9 (Guatemala); pp. 10-12 (Bangladesh); pp. 12-13 (Republic of Korea); pp. 13-14 (Japan); pp. 14-16 (Mozambique); pp. 16-17 (Australia); pp. 17-18 (Indonesia); pp. 18-19 (New Zealand); pp. 20-21 (Croatia); and pp. 21-24 (El Salvador).

³⁵ S/PRST/1999/21.

the Secretary-General, United Nations bodies, Member States and international and regional organizations aimed at developing general principles and practical guidelines for disarmament, demobilization and reintegration of ex-combatants in a peacekeeping environment.

The Council underlines the need to address this issue on a regular basis and, in this regard, requests the Secretary-General to submit to the Council, within a period of six months, a report

containing his analysis, observations and recommendations, in particular those relating to principles and guidelines as well as practices, experiences and lessons learned to facilitate its further consideration of the matter. The report should pay special attention to the problems of disarmament and demobilization of child soldiers and their reintegration into society.

The Council will remain seized of the matter.

42. Items relating to promoting peace and security

A. Promoting peace and security: humanitarian activities relevant to the Security Council

Initial proceedings

Deliberations of 21 January 1999 (3968th meeting)

At its 3968th meeting, held on 21 January 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the item "Promoting peace and security: humanitarian activities relevant to the Security Council" in its agenda. The President (Brazil), with the consent of the Council, then invited the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, under rule 39 of its provisional rules of procedure.

The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator suggested that the Council might consider taking specific action in assisting humanitarian agencies, such as ensuring access to populations in need (in that connection, he recalled the responsibility of States to take care of victims of emergencies occurring on their own territories). He pointed out that, as experience had shown, peacekeeping operations and political action could be used to avert or contain humanitarian crises, strengthen national forces to separate the combatants from the victims and counter hate propaganda. He expressed the belief that the Council could also use well-targeted sanctions to encourage the upholding of international law, combat impunity and help avert or reduce humanitarian crises. On the issue of ensuring the security of humanitarian personnel, he expressed the view that ways of extending the Convention on the Safety of United Nations Personnel of 1994 and

ensuring compliance by non-State actors needed to be further explored.¹

All members of the Council made statements noting, *inter alia*, the importance of humanitarian activities in the context of the maintenance of international peace and security; appreciation for the work of humanitarian personnel and the importance of ensuring their security and safety. A number of speakers expressed the view that the Council should attach particular attention to such humanitarian issues as the protection of refugees and the impact of armed conflict on children. Several representatives highlighted the importance of ensuring compliance with international humanitarian law and stressed that all violators of those norms should be brought to justice. A number of speakers underscored the importance of preventive action and post-conflict peacebuilding in the context of meeting humanitarian needs. They observed that humanitarian activities in peacekeeping should be foreseen and, when necessary, "built into" the mandate of some peacekeeping operations. Several representatives also noted the need to ensure the impartiality and neutrality of humanitarian activities.²

The representative of the United States stressed that the Council should consider addressing situations where violations of international humanitarian law and human rights posed a threat to international peace and

¹ S/PV.3968, pp. 2-5.

² *Ibid.*, pp. 8-9 (Argentina); pp. 9-10 (Bahrain); pp. 11-13 (the Netherlands); pp. 13-14 (Canada); p. 14 (Namibia); pp. 15-16 (Slovenia); pp. 16-17 (United Kingdom); pp. 17-18 (Gambia); pp. 18-19 (Malaysia); pp. 19-21 (France); p. 21 (Gabon); and pp. 21-23 (Brazil).

security, with due regard to the roles and responsibilities of other bodies.³

The representative of China noted that there was a tendency to politicize humanitarian questions and to use them as a pretext to interfere in the internal affairs of sovereign countries. He stated that without regard to the specific causes of humanitarian crises, frequent recourse to the threat or use of force would not help to solve the problems, but would serve merely to further complicate efforts to solve them. He expressed hope that the countries and organizations concerned would strictly adhere to the provisions of international law and the Charter of the United Nations and respect the sovereignty, territorial integrity and political independence of all countries.⁴

The representative of the Russian Federation, noting that the Council was being increasingly asked for active political support for the work of humanitarian organizations, stated that the Council was responsible for the maintenance of international peace and security, while humanitarian agencies had their own mandates and needed to deal with specific tasks that were different from the functions of peacekeeping contingents. Therefore, when a peacekeeping operation had a humanitarian element, the humanitarian tasks needed to be clearly defined in the mandates, and be feasible and supported by the appropriate human and financial resources. He also stressed that humanitarian assistance could not be used as an instrument for bringing political pressure to bear on any party to a conflict or for supporting just one side to the detriment of the other.⁵

The representative of Brazil expressed the belief that it was important for the Members of the Organization and especially for the members of the Council, to arrive at an understanding among themselves on the limits of action by the Council in the humanitarian area, with the Council reserving its attention and energy for those cases that truly threatened regional or international stability while other bodies, such as the Economic and Social Council and its strengthened humanitarian segment, dealt with other issues. He noted that the President of the Economic and Social Council had indicated that he intended to take up the invitation that had been issued

to the Economic and Social Council with a view to dealing with situations of post-conflict reconstruction and rehabilitation, including the implementation of Article 65 of the Charter. The representative of Brazil recalled that the humanitarian organizations themselves were often afraid that the use of military force with humanitarian goals, especially in the context of Chapter VII of the Charter, could compromise their impartiality and neutrality and have a negative impact on their ability to assist the victims of all the parties to the conflict and might increase violence against the personnel of the United Nations and other humanitarian organizations. While not excluding the possibility that there might be cases in which force might be truly indispensable as a last resort, he stressed that it was clear that the approval of the Council was essential. He underscored that Article 51 of the Charter set forth a single exception for the use of force without prior authorization of the Council: legitimate self-defence. Otherwise, accepting unilateral military action in humanitarian emergencies would imply the recognition in some form of one nation or a group of nations not only wielding greater power, but having a certain moral superiority of which they could take advantage in such situations.⁶

The representative of the United States intervened a second time stating that it was his Government's view that there were circumstances in which the international community needed to act to protect civilians against the depredations of their own Governments.⁷

The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator then responded to questions and statements from members of the Council.⁸

B. Promoting peace and security: humanitarian assistance to refugees in Africa

Initial proceedings

Deliberations of 26 July 1999 (4025th meeting)

At its 4025th meeting, held on 26 July 1999 in accordance with the understanding reached in its prior

³ Ibid., pp. 6-7.

⁴ Ibid., pp. 7-8.

⁵ Ibid., pp. 10-11.

⁶ S/PV.3968, pp. 21-23.

⁷ Ibid., pp. 23-24.

⁸ Ibid., pp. 24-27.

consultations, the Security Council included the item “Promoting peace and security: humanitarian assistance to refugees in Africa” in its agenda. The President (Malaysia), with the consent of the Council, then extended an invitation to the United Nations High Commissioner for Refugees, under rule 39 of the Council’s provisional rules of procedure.

The United Nations High Commissioner for Refugees gave a briefing on humanitarian assistance in Africa and touched on situations relating to refugees in Angola, Burundi, the Central African Republic, Côte d’Ivoire, the Democratic Republic of the Congo, Guinea, Liberia, the Republic of the Congo, Rwanda, Sierra Leone, the United Republic of Tanzania and others. She also touched on the humanitarian situation in Kosovo,⁹ and on the perception of disparity in the assistance given to displaced persons from, for example, Kosovo, as opposed to that given to African refugees.¹⁰

⁹ For purposes of this Supplement, the term “Kosovo” is used as the abbreviation for “Kosovo, Federal Republic of Yugoslavia”, without prejudice to issues of status. In other instances, the terminology originally used in official documents has been preserved to the extent possible.

¹⁰ S/PV.4025, pp. 2-7.

All members of the Council made statements, which, inter alia, expressed concern over the situation of refugees in Africa; welcomed the signing of peace agreements in Sierra Leone and the Democratic Republic of the Congo; stressed the need for the international community to support relief efforts; and stressed the role of the Council in helping African States prevent and contain humanitarian disasters in Africa. Several representatives also noted the disparity in levels of aid received in different areas and appealed to the international community to abide by the principles of humanitarianism, neutrality and fairness in providing assistance. Several representatives also asked questions about specific situations in different areas of Africa, including Sierra Leone, the Democratic Republic of the Congo and the United Republic of Tanzania.¹¹

The United Nations High Commissioner for Refugees then responded to questions from members of the Council.¹²

¹¹ Ibid., pp. 7-8 (Namibia); pp. 8-9 (Gabon); pp. 9-10 (China); pp. 10-12 (France); pp. 12-13 (Bahrain); pp. 13-14 (Brazil); pp. 14-15 (Slovenia); pp. 15-16 (Gambia); pp. 16-18 (Canada); pp. 18-20 (United States); pp. 20-21 (Russian Federation); pp. 21-22 (the Netherlands); p. 22 (United Kingdom); pp. 22-23 (Argentina); and pp. 23-24 (Malaysia).

¹² Ibid., pp. 24-27.

43. Protection of civilians in armed conflict

Initial proceedings

Decision of 12 February 1999 (3978th meeting): statement by the President

At its 3977th meeting, held on 12 February 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the item “Protection of civilians in armed conflict”. The President (Canada) then extended an invitation to the President of the International Committee of the Red Cross (ICRC), the Executive Director of the United Nations Children’s Fund (UNICEF) and the Special Representative of the Secretary-General for Children and Armed Conflict, under rule 39 of the Council’s provisional rules of procedure.

The International Committee of the Red Cross, the Executive Director of UNICEF and the Special Representative of the Secretary-General for Children and Armed Conflict made statements stressing the importance of protecting civilians, particularly children, in armed conflict.¹

All members of the Council made statements which noted, inter alia, the increasing problem of the deliberate targeting of civilian populations; the

¹ S/PV.3977, pp. 2-5 (President of ICRC); pp. 5-8 (Executive Director of UNICEF); and pp. 8-11 (Special Representative of the Secretary-General for Children and Armed Conflict).

importance of the prevention of conflict and ensuring respect for international law; the need to ensure effective and unconditional protection of children in armed conflict and an end to attacks against humanitarian workers and unimpeded access to the population in need; the danger posed by the manufacturing and marketing of weapons, particularly small arms; the danger of landmines to civilians; and the need for clear mandates incorporating protection of civilians for United Nations peacekeeping missions. Several speakers also called for the Secretary-General to report on the issue. Several speakers emphasized the importance of bringing to justice the perpetrators of crimes against civilians and other violations against humanitarian and human rights law. In that regard, a number of speakers also mentioned the importance of the International Tribunals for Rwanda and the former Yugoslavia.² Several speakers also mentioned the need to ensure that sanctions were targeted so they did not negatively affect the civilian population.³

The representative of the Russian Federation stated that, while it was clear that the Council was obliged to take measures to support the activities of international humanitarian organizations, his delegation was convinced that such support needed to be implemented in strict compliance with the Charter and needed first to take the form of political support. Only when all political and diplomatic methods had been exhausted could consideration be given to the question of using force to protect the civilian population and the personnel of the humanitarian organizations, and then only on the basis of the Charter. He noted that attempts to use humanitarian concerns to justify the unilateral use of force ran counter to the Charter.⁴

The representative of Brazil also noted that all peaceful and diplomatic efforts needed to be exhausted before the military option was contemplated.⁵

The representative of the Netherlands noted that the problem became more intractable when the

recognized sovereign State was itself the terrorizing party. The Netherlands disagreed with those who believed that even then Article 2 (7), of the Charter of the United Nations provided the ultimate answer. He maintained that Article 2 (7) could never be read in isolation. He noted that the opening words of the Charter did not refer to sovereign States but to the peoples of the United Nations and that nothing contained in the Charter authorized a State to terrorize its own citizens.⁶

The representative of China expressed concern at the tendency in international relations to politicize humanitarian issues and interfere in a country's internal affairs under the guise of humanitarianism. In a humanitarian crisis, the willful invocation of Chapter VII of the Charter to use force, or even the unilateral use or threat of use of force, against a sovereign State without the authorization of the Council, with no consideration given to the specific causes of the crisis, would only complicate matters and further intensify the conflict. He also stated that in the light of the nature and scope of the matter, it was appropriate that the question of the protection of civilians in armed conflict be placed on the agenda of the General Assembly and the Economic and Social Council for more thorough and comprehensive discussions.⁷

The Director of the International Committee of the Red Cross, the Executive Director of UNICEF and the Special Representative of the Secretary-General for Children and Armed Conflict intervened a second time to respond to comments by members of the Council.⁸

At its 3978th meeting, held on 12 February 1999 in accordance with the understanding reached in its prior consultations, the Council resumed its consideration of the item.

At the same meeting, the President (Canada) made the following statement on behalf of the Council:⁹

² Ibid., pp. 13-14 (United Kingdom); pp. 21-22 (Argentina); pp. 22-23 (Namibia); pp. 26-27 (Bahrain); p. 27 (Gabon); and pp. 27-28 (United States).

³ Ibid., pp. 11-13 (Slovenia); pp. 17-20 (France); pp. 23-26 (Malaysia); pp. 28-29 (Gambia); and pp. 29-33 (Canada).

⁴ Ibid., pp. 14-15.

⁵ Ibid., pp. 15-17.

⁶ Ibid., pp. 20-21.

⁷ Ibid., pp. 29-30.

⁸ Ibid., pp. 33-34 (President of ICRC); p. 34 (Executive Director of UNICEF); pp. 34-35 (Special Representative of the Secretary-General for Children and Armed Conflict).

⁹ S/PRST/1999/6.

The Security Council has considered the matter of protection of civilians in armed conflict.

The Council expresses its grave concern at the growing civilian toll of armed conflict and notes with distress that civilians now account for the vast majority of casualties in armed conflict and are increasingly directly targeted by combatants and armed elements. The Council condemns attacks or acts of violence in situations of armed conflict directed against civilians, especially women, children and other vulnerable groups, including also refugees and internally displaced persons, in violation of the relevant rules of international law, including those of international humanitarian and human rights law.

The Council is especially concerned about attacks on humanitarian workers, in violation of the rules of international law.

The Council notes that large-scale human suffering is a consequence of and sometimes a contributing factor to instability and further conflict, whether due to displacement, violent assault or other atrocities. Bearing in mind its primary responsibility for the maintenance of international peace and security, the Council affirms the need for the international community to assist and protect civilian populations affected by armed conflict. The Council calls upon all parties concerned to ensure the safety of civilians and guarantee the unimpeded and safe access of United Nations and other humanitarian personnel to those in need. In this regard, the Council recalls the statement by its President of 19 June 1997 and also recalls its resolution 1208 (1998) of 19 November 1998 on the status and treatment of refugees.

The Council expresses particular concern at the harmful impact of armed conflict on children and, in this regard, recalls the statement by its President of 29 June 1998.

The Council calls upon all parties concerned to comply strictly with their obligations under international law, in particular their relevant obligations under the Hague Conventions, the Geneva Conventions of 1949 and the Additional Protocols thereto, of 1977, and the United Nations Convention on the Rights of the Child of 1989, as well as with all decisions of the Council.

The Council strongly condemns the deliberate targeting by combatants of civilians in armed conflict and demands that all concerned put an end to such violations of international humanitarian and human rights law. The Council expresses its willingness to respond, in accordance with the Charter of the United Nations, to situations in which civilians, as such, have been targeted or humanitarian assistance to civilians has been deliberately obstructed.

The Council also condemns all attempts to incite violence against civilians in situations of armed conflict and calls upon States to fulfil their obligations to take action at the national level. The Council affirms the need to bring to justice, in an appropriate manner, individuals who incite or cause violence against civilians in situations of armed conflict or who otherwise

violate international humanitarian and human rights law. In this regard, the Council reaffirms the importance of the work being done by the ad hoc Tribunals for the former Yugoslavia and Rwanda and calls upon all States to cooperate with the Tribunals, in accordance with the relevant Council resolutions. The Council acknowledges the historic significance of the adoption of the Rome Statute of the International Criminal Court.

The Council notes the deleterious impact of the proliferation of arms, in particular small arms, on the security of civilians, including refugees and other vulnerable populations. In this regard, it recalls its resolution 1209 (1998) of 19 November 1998 which, inter alia, stressed the importance of all Member States, and in particular States involved in manufacturing and marketing of weapons, restricting arms transfers which could provoke or prolong armed conflicts or aggravate existing tensions or armed conflicts in Africa, and which urged international collaboration in combating illegal arms flows in Africa.

The Council expresses concern over the widening gap between the rules of international humanitarian law and their application. The Council welcomes the commemorative events planned to mark the fiftieth anniversary of the Geneva Conventions and the centenary of the first International Peace Conference, held at The Hague in 1899. These occasions provide an opportunity for a further exploration of ways and means by which the international community may enhance the compliance of parties to an armed conflict with the relevant rules of international law, including those of international humanitarian law.

The Council welcomes the continuing contribution to the implementation of international humanitarian law of the International Committee of the Red Cross.

The Council considers that a comprehensive and coordinated approach by Member States and international organizations and agencies is required in order to address the problem of the protection of civilians in situations of armed conflicts. To this end, the Council requests the Secretary-General to submit a report containing concrete recommendations to the Council by September 1999 on ways the Council, acting within its sphere of responsibility, could improve the physical and legal protection of civilians in situations of armed conflict. The report should also identify contributions the Council could make towards effective implementation of existing humanitarian law. The report should examine whether there are any significant gaps in existing legal norms, through the review of recent reports in this regard. The Council encourages the Secretary-General to consult the Inter-Agency Standing Committee in formulating his recommendations.

The Council affirms its intention to review the recommendations of the Secretary-General in accordance with its responsibilities under the Charter.

**Deliberations of 22 February 1999
(3980th meeting)**

At its 3980th meeting, held on 22 February 1999 in accordance with the understanding reached in its prior consultations, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (Canada), with the consent of the Council, invited the representatives of Australia, Azerbaijan, Bangladesh, Burkina Faso, Costa Rica, the Dominican Republic, Egypt, El Salvador, Germany, Guatemala, Haiti, India, Indonesia, Jamaica, Japan, New Zealand, Norway, Pakistan, the Republic of Korea, Togo, Ukraine, Uruguay and Zambia, at their request, to participate in the discussion without the right to vote. The Council also invited the Permanent Observers of Switzerland and Palestine in accordance with the rules of procedure and the previous practice in that regard.

A number of speakers made statements, which stressed the importance, *inter alia*, of: (1) bridging the gap between existing international norms and their full respect and compliance (the importance of dissemination of knowledge of human rights and international humanitarian law among security forces and other participants in armed conflicts was highlighted); (2) ensuring unimpeded access of humanitarian workers to those in need; (3) enhancing the safety of humanitarian personnel; (4) the consideration of more effective measures to protect children in armed conflict, including raising the age limit for military recruitment to 18 years, and ensuring that children were always identified as a priority in all efforts to build peace and resolve conflicts; (5) dealing with the problem of anti-personnel land mines and small arms proliferation; (6) careful targeting of sanctions, so as to minimize their negative humanitarian impact and strict implementation of arms embargoes; (7) ending impunity from war crimes and crimes against humanity; (8) preventing the use of the news media, to the extent possible, as a tool of conflict; (9) seeking conflict prevention through the Council as a matter of priority; and (10) complementing coherent diplomatic, political and military measures with measures related to economic, humanitarian and development aspects of conflict management.¹⁰

¹⁰ S/PV.3980, pp. 3-4 (Germany on behalf of the European

The representative of New Zealand welcomed what he believed was the growing acceptance of the notion that the protection of individuals transcended the domestic affairs of States, and that national sovereignty was not an absolute in that context.¹¹

The representative of India maintained that there was no automatic right of access for humanitarian agencies, and that to press for it would violate both international humanitarian law and the sovereignty of States. He noted that weakening State authority, particularly that of Governments already under violent internal stress, through claims of a right of intervention not only violated international law, but also worked against the objective of ensuring that civilians under threat were protected as much as possible. Noting the recommendations that targeted sanctions be used both to ensure the protection of civilians and to punish those who violated their rights, he stressed that targeted sanction had two ends: to streamline the process for countries and agencies that imposed sanctions, and to try to limit, not human suffering, but the effects on the economic interests of those imposing sanctions.¹²

The representative of the Republic of Korea stated that the primary responsibility of the Council for the maintenance of international peace and security should not be limited to its involvement in the issues related to the traditional concept of States' security. Therefore, the Council should be encouraged to take a proactive approach to enhance its active engagement in the issue of human security by providing assistance and protection to civilians in armed conflict.¹³

Union and associated and aligned countries: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia; and Cyprus, Iceland and Liechtenstein); pp. 5-6 (Burkina Faso); pp. 6-7 (Australia); pp. 7-8 (Norway); pp. 8-9 (Pakistan); pp. 10-11 (Japan); pp. 11-12 (Bangladesh); pp. 12-14 (Costa Rica); pp. 19-20 (Ukraine); pp. 22-23 (Indonesia); pp. 23-24 (Togo); pp. 24-26 (Dominican Republic); pp. 26-27 (Guatemala); pp. 27-29 (El Salvador); and pp. 29-30 (Haiti); and S/PV.3980 (Resumption 1): pp. 2-3 (Azerbaijan); pp. 3-6 (Egypt); pp. 6-7 (Uruguay); pp. 8-9 (Zambia); pp. 9-11 (Iraq); pp. 11-12 (Israel); pp. 12-14 (Palestine); and pp. 14-16 (Switzerland).

¹¹ S/PV.3980, pp. 14-16.

¹² *Ibid.*, pp. 16-19.

¹³ *Ibid.*, pp. 20-22.

The representative of Indonesia noted that, in this context, international law did not take precedence over national law so a balance needed to be sought so as not to violate national sovereignty or the purposes and principles of the Charter.¹⁴

The representative of Iraq expressed the view that any action to protect civilians should strictly observe Article 2 (7) of the Charter. He expressed the belief that bridging that Article would “throw the door wide open” to intervention into the internal affairs of States, especially at times of “rampant selectivity and double standards” in the Council.¹⁵

The representative of Israel stated that, to ensure respect for the Fourth Geneva Convention, it was necessary to advance education on humanitarian law, to utilize the legal process and to ensure the principle of freedom of access. On the freedom of access, he noted that States should risk unfair criticism rather than compromise it, as visible protection was the only protection for many civilians in times of war.¹⁶

The Permanent Observer of Palestine noted that on 4 December 1975, at the 1859th meeting of the Security Council, the Council had considered a request for participation of the Palestine Liberation Organization (PLO), which had not been made under rule 37 and 39. The Council had decided on that date, by a vote, that an invitation would confer upon it the same rights of participation as were conferred upon a Member State when it was invited under rule 37. However, at the current meeting that practice had not been adhered to. He asked the Council to take another look into that procedural issue and he trusted that the aberration would be without prejudice to the established practice of the Council with regard to the future participation of Palestine.¹⁷

The President indicated that he would formally ask the Secretariat to look into the precedents cited by the Permanent Observer of Palestine.¹⁸

The representative of the United States, United Kingdom, the Russian Federation and Iraq took second

interventions to respond to comments regarding the sanctions and no-fly zones in Iraq.¹⁹

Decision of 17 September 1999 (4046th meeting): resolution 1265 (1999)

On 8 September 1999, pursuant to the request in the statement by the President of the Council of 12 February 1999, the Secretary-General submitted to the Council a report on how the Council could act to improve both the physical and legal protection of civilians in situations of armed conflict.²⁰ In his report the Secretary-General provided concrete recommendations to the Council covering a wide range of initiatives. He drew particular attention to nine proposals of particular importance. He began with two recommendations intended to strengthen permanently the capacity of the Council and the Organization to protect civilians in armed conflict: to take steps to strengthen the Organization’s capacity to plan and deploy rapidly; and to establish a permanent technical review mechanism of United Nations and regional sanctions which could ascertain the probable impact of sanctions on civilians. Next, there were four recommendations which could be employed by the Council upon receipt of information indicating that the outbreak of violence aimed at civilians might be imminent. The Secretary-General recommended that the Council impose arms embargoes in situations where civilians and protected persons were targeted by the parties to the conflict, or where the parties were known to commit systematic and widespread violations of international humanitarian and human rights law, including the recruitment of child soldiers. He also recommended that the Council make greater use of targeted sanctions to deter and contain those who commit egregious violations of international humanitarian and human rights law. Additionally, the Council should deploy international military observers to monitor the situation in camps for internally displaced persons and refugees when the presence of arms, combatants and armed elements was suspected; and deploy regional or international military forces prepared to take effective measures to compel disarmament of the combatants or armed elements.

¹⁴ Ibid., pp. 22-23.

¹⁵ S/PV.3980 (Resumption 1), pp. 9-11.

¹⁶ Ibid., pp. 11-12.

¹⁷ Ibid., pp. 12-14.

¹⁸ Ibid., p. 14.

¹⁹ Ibid., pp. 16-17 (United States); p. 17 (United Kingdom); p. 17 (Russian Federation); and pp. 17-18 (Iraq).

²⁰ S/1999/957.

Finally, he put forward three recommendations intended to alleviate the suffering of civilians where conflict had already broken out and where civilians were being targeted. He recommended that the Council, at the onset of a conflict, underscore in its resolutions the imperative for civilian populations to have unimpeded access to humanitarian assistance and for concerned parties, including non-State actors, to guarantee the security of humanitarian organizations, in accordance with the principles of humanity, neutrality and impartiality. The Council also needed to insist that failure to comply would result in the imposition of targeted sanctions. He also recommended that the Council ensure that, wherever required, peacekeeping and peace enforcement operations were authorized and equipped to control or close down hate media assets; and, in the face of massive and ongoing abuses, to consider the imposition of appropriate enforcement action with attention to repercussions upon civilian populations and the environment. When considering the imposition of enforcement actions, the Secretary-General stressed the importance of keeping in mind the following variables: the scope of the breaches of human rights and international humanitarian law, the inability of local authorities to uphold legal order or a pattern of complicity by local authorities, the exhaustion of peaceful or consent-based efforts to address the situation, the ability of the Council to monitor actions undertaken, and the applicability of limited and proportionate use of force.

At its 4046th meeting, held on 16 September 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Netherlands), with the consent of the Council, invited the representatives of Botswana, Egypt, Finland, India, Iraq, Japan, Mongolia, Norway, Pakistan, the Republic of Korea, Rwanda, Slovakia, South Africa, the former Yugoslav Republic of Macedonia, Tunisia, and Ukraine, at their request, to participate in the discussion without the right to vote. The Council also invited the Permanent Observers of Palestine and Switzerland in accordance with the rules of procedure and the previous practice in that regard. The Council further invited the head of the delegation of the International Committee of the Red Cross, under rule 39 of its provisional rules of procedure.

At the same meeting, the Secretary-General made a brief statement presenting his report.²¹

Speakers highlighted a variety of issues, including the culture of impunity and accountability for breaches of international humanitarian and human rights law. Speakers' statements addressed, inter alia, compliance of non-State actors with international law; the need to develop targeted sanctions; raising the legal age for military recruitment; and humanitarian access. A number of speakers called for States to ratify the additional protocols of the Geneva Conventions. All speakers expressed their concern over the seriousness of the issue of civilians in armed conflict and welcomed the action-oriented recommendations contained in the report of the Secretary-General.²²

The representative of Malaysia stated that the imposition of Article 41 of the Charter and the use of coercive action under Chapter VII needed to be adopted only as a mechanism of last resort.²³

The representative of Norway noted that the Council had consistently reaffirmed its primary responsibility for the maintenance of international peace and security, and on several occasions had recognized that massive and systematic breaches of

²¹ S/PV.4046, pp. 3-4.

²² *Ibid.*, pp. 4-6 (United Nations High Commissioner for Human Rights); pp. 6-9 (Canada); pp. 9-11 (Slovenia); pp. 11-12 (Brazil); pp. 12-14 (United States); pp. 14-15 (Namibia); pp. 15-16 (Argentina); pp. 16-17 (United Kingdom); pp. 17-18 (France); pp. 18-20 (Malaysia); pp. 20-21 (Gambia); pp. 21-22 (China); pp. 22-23 (Russian Federation); and pp. 23-25 (Bahrain); S/PV.4046 (Resumption 1) and Corr.2, pp. 2-4 (South Africa); pp. 4-5 (Japan); pp. 5-7 (Switzerland); pp. 7-9 (Finland on behalf of the European Union and associated and aligned countries: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; Cyprus, Malta, Iceland and Liechtenstein); pp. 9-11 (Mongolia); pp. 11-12 (Palestine); pp. 12-13 (Norway); pp. 15-17 (Republic of Korea); pp. 17-19 (Ukraine); pp. 19-21 (Egypt); pp. 21-22 (Slovakia); pp. 23-24 (Rwanda); pp. 2-3 (Botswana); pp. 3-4 (Israel); pp. 5-6 (Head of the delegation of ICRC); pp. 8-9 (Netherlands); and pp. 9-10 (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator).

²³ S/PV.4046, pp. 18-20.

international humanitarian and human rights law represent a threat to international peace and security.²⁴

The representative of the former Yugoslav Republic of Macedonia stated that the best things for the Council to do to prevent the spread of the non-observance of international humanitarian law would be for the Council to take immediate action to freeze or to stop a conflict and to undertake measures aimed at finding solutions. The Council needed to be resolute, inventive and innovative and act under Article 24 (2), of the Charter. He also stressed that permanent members needed to avoid acting under Article 27 (3), as under Article 24 (1), the Council was requested to act on behalf of Member States.²⁵

The representative of Egypt stated that Article 24 of the Charter defined the role of the Council, which was its responsibility for the maintenance of international peace and security. In carrying out that task, it was duty-bound to respect the purposes and principles of the Charter. The mandate of the Council was to decide whether the continuation of a conflict might threaten international peace and security and to submit a report in that connection containing recommendations on ways to resolve the conflict pursuant to Chapter VI. The Council might also act within the framework of Chapter VII if it felt that peace was threatened or violated or if it believed that incidents constituted aggression pursuant to Article 39 of the Charter. He stressed that the legal framework for Council action was defined by respect for the purposes and principles of the Charter: the non-use of force except in the implementation of Council resolutions adopted pursuant to Chapter VII. That meant that a conflict must threaten or violate international peace or be deemed aggressive. The Council should not intervene in the internal affairs of States pursuant to Article 2 (7) of the Charter. The representative noted that a great deal of the report of the Secretary-General was devoted to humanitarian action and his country found that preponderance reflected neither in law nor in the common endeavours of States embodied in the agreements and resolutions of international organizations. He stated that Egypt questioned the

logic of the report, which was to give the Council a role beyond that mandated by the Charter.²⁶

The representative of India stated that the recommendations in the report of the Secretary-General were far-reaching but required much deeper consideration. He recalled that Article 24 of the Charter set out the functions and powers of the Council, and Article 24 (2), noted that the specific powers granted to it were laid down in Chapters VI to VIII and Chapter XII. In each Chapter, the powers of the Council were narrowly defined by the Charter. Where it was given a role in an area not within its specified competence, as in Chapter XII, the Charter specified the limits of the authority of the Council. The representative maintained that the Council had no direct role in any of the other areas listed in Article 83 (3) and that was a principle that applied generally to the place of the Council in the United Nations system. That being the case, India found it odd that the bulk of the recommendations in the report invited the Council to take actions in areas not within its competence. The representative then provided an individual critique for each of the forty recommendations in the report of the Secretary-General.²⁷

The representative of Pakistan noted that at times one needed to “stretch one’s imagination considerably” to find the tenuous linkage between some of the recommendations and the mandate of the Council. He suggested that the Council might consider requesting the General Assembly to undertake the task of inviting the view of Member States on the report itself and its recommendations. Pending that, he suggested that the Council might call for the scrupulous application of the considerable body of existing international law to protect civilians in armed conflict.²⁸

The representative of Iraq stated that his country expected the Council to take into account the views put forward by States that were not members of the Council in the open debate held previously that year on the question of the protection of children and civilians in armed conflict. Those views needed to be integrated into the programme of work of the Council, in accordance with the functions of the Council, as contained in Article 24 of the Charter, under which it

²⁴ S/PV.4046 (Resumption 1) and Corr.2, pp. 12-13.

²⁵ Ibid., pp. 13-15.

²⁶ Ibid., 19-21.

²⁷ Ibid., pp. 24-28.

²⁸ S/PV.4046 (Resumption 2), pp. 4-5.

was to act as a representative of the States Members of the United Nations in the fulfillment of its duties, thereby complementing the work of the General Assembly, the Economic and Social Council, United Nations agencies and the international community in general.²⁹

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³⁰ The draft resolution was put to the vote and adopted unanimously as resolution 1265 (1999), which reads:

The Security Council,

Recalling the statement by its President of 12 February 1999,

Having considered the report of the Secretary-General of 8 September 1999, submitted to the Security Council in accordance with the above-mentioned statement,

Taking note of the reports of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa and on the protection for humanitarian assistance to refugees and others in conflict situations, of 13 April and 22 September 1998, respectively, in particular their analysis related to the protection of civilians,

Noting that civilians account for the vast majority of casualties in armed conflicts and are increasingly targeted by combatants and armed elements, gravely concerned by the hardships borne by civilians during armed conflict, in particular as a result of acts of violence directed against them, especially women, children and other vulnerable groups, including refugees and internally displaced persons, and recognizing the consequent impact this will have on durable peace, reconciliation and development,

Bearing in mind its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, and underlining the importance of taking measures aimed at conflict prevention and resolution,

Stressing the need to address the causes of armed conflict in a comprehensive manner in order to enhance the protection of civilians on a long-term basis, including by promoting economic growth, poverty eradication, sustainable development, national reconciliation, good governance, democracy, the rule of law and respect for and protection of human rights,

Expressing its deep concern at the erosion in respect for international humanitarian, human rights and refugee law and principles during armed conflict, in particular by deliberate acts of violence against all those protected under such law, and

expressing its concern also at the denial of safe and unimpeded access to people in need,

Underlining the importance of the widest possible dissemination of international humanitarian, human rights and refugee law and of relevant training for, inter alia, civilian police, armed forces, members of the judicial and legal professions, civil society and personnel of international and regional organizations,

Recalling the statement by its President of 8 July 1999, and emphasizing its call for the inclusion, as appropriate, within specific peace agreements and, on a case-by-case basis, within United Nations peacekeeping mandates, of clear terms for the disarmament, demobilization and reintegration of ex-combatants, including the safe and timely disposal of arms and ammunition,

Mindful of the particular vulnerability of refugees and internally displaced persons, and reaffirming the primary responsibility of States to ensure their protection, in particular by maintaining the security and civilian character of camps for refugees and internally displaced persons,

Underlining the special rights and needs of children in situations of armed conflict, including those of the girl child,

Recognizing the direct and particular impact of armed conflict on women as referred to in paragraph 18 of the report of the Secretary-General, and in this regard welcoming the ongoing work within the United Nations system on the implementation of a gender perspective in humanitarian assistance and on violence against women,

1. *Welcomes* the report of the Secretary-General of 8 September 1999, and takes note of the comprehensive recommendations contained therein;

2. *Strongly condemns* the deliberate targeting of civilians in situations of armed conflict as well as attacks on objects protected under international law, and calls upon all parties to put an end to such practices;

3. *Emphasizes* the importance of preventing conflicts which could endanger international peace and security, and, in this context, highlights the importance of implementing appropriate preventive measures to resolve conflicts, including the use of United Nations and other dispute-settlement mechanisms and of preventive military and civilian deployments, in accordance with the relevant provisions of the Charter of the United Nations, resolutions of the Security Council and relevant international instruments;

4. *Urges* all parties concerned to comply strictly with their obligations under international humanitarian, human rights and refugee law, in particular those contained in the Hague Conventions of 1899 and 1907 and in the Geneva Conventions of 1949 and the Additional Protocols thereto, of 1977, as well as with the decisions of the Security Council;

5. *Calls upon* States which have not already done so to consider ratifying the major instruments of international

²⁹ Ibid., pp. 7-8.

³⁰ S/1991/981.

humanitarian, human rights and refugee law, and to take appropriate legislative, judicial and administrative measures to implement those instruments domestically, drawing on technical assistance, as appropriate, from relevant international organizations, including the International Committee of the Red Cross and United Nations bodies;

6. *Emphasizes* the responsibility of States to end impunity and to prosecute those responsible for genocide, crimes against humanity and serious violations of international humanitarian law, affirms the possibility, to this end, of using the International Fact-Finding Commission established by article 90 of Additional Protocol I to the Geneva Conventions, reaffirms the importance of the work being done by the ad hoc Tribunals for the former Yugoslavia and Rwanda, stresses the obligation of all States to cooperate fully with the Tribunals, and acknowledges the historic significance of the adoption of the Rome Statute of the International Criminal Court which is open for signature and ratification by States;

7. *Underlines* the importance of safe and unhindered access of humanitarian personnel to civilians in armed conflict, including refugees and internally displaced persons, and the protection of humanitarian assistance to them, and recalls in this regard the statements by its President of 19 June 1997 and 29 September 1998;

8. *Emphasizes* the need for combatants to ensure the safety, security and freedom of movement of United Nations and associated personnel, as well as personnel of international humanitarian organizations, and recalls in this regard the statements by its President of 12 March 1997 and 29 September 1998;

9. *Takes note* of the entry into force of the Convention on the Safety of United Nations and Associated Personnel of 1994, recalls the relevant principles contained therein, urges all parties to armed conflicts to respect fully the status of United Nations and associated personnel, and in this regard condemns attacks and the use of force against United Nations and associated personnel, as well as personnel of international humanitarian organizations, and affirms the need to hold accountable those who commit such acts;

10. *Expresses its willingness* to respond to situations of armed conflict where civilians are being targeted or humanitarian assistance to civilians is being deliberately obstructed, including through the consideration of appropriate measures at the disposal of the Council in accordance with the Charter, and notes, in that regard, the relevant recommendations contained in the report of the Secretary-General;

11. *Also expresses its willingness* to consider how peacekeeping mandates might better address the negative impact of armed conflict on civilians;

12. *Expresses its support* for the inclusion, where appropriate, in peace agreements and mandates of United Nations peacekeeping missions, of specific and adequate measures for the disarmament, demobilization and reintegration of ex-combatants, with special attention given to the

demobilization and reintegration of child soldiers, as well as clear and detailed arrangements for the destruction of surplus arms and ammunition, and in this regard recalls the statement by its President of 8 July 1999;

13. *Notes* the importance of including in the mandates of peacemaking, peacekeeping and peacebuilding operations special protection and assistance provisions for groups requiring particular attention, including women and children;

14. *Requests* the Secretary-General to ensure that United Nations personnel involved in peacemaking, peacekeeping and peace-building activities have appropriate training in international humanitarian, human rights and refugee law, including child and gender-related provisions, negotiation and communication skills, cultural awareness and civilian-military coordination, and urges States and relevant international and regional organizations to ensure that appropriate training is included in their programmes for personnel involved in similar activities;

15. *Underlines* the importance of civilian police as a component of peacekeeping operations, recognizes the role of police in assuring the safety and well-being of civilians, and in this regard acknowledges the need to enhance the capacity of the United Nations for the rapid deployment of qualified and well-trained civilian police;

16. *Reaffirms its readiness*, whenever measures are adopted under Article 41 of the Charter, to give consideration to their impact on the civilian population, bearing in mind the needs of children, in order to consider appropriate humanitarian exemptions;

17. *Notes* that the excessive accumulation and destabilizing effect of small arms and light weapons pose a considerable impediment to the provision of humanitarian assistance and have a potential to exacerbate and prolong conflicts, endanger the lives of civilians and undermine security and the confidence required for a return to peace and stability;

18. *Takes note* of the entry into force of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, of 1997 and the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, of 1980, recalls the relevant provisions contained therein, and notes the beneficial effect that their implementation will have on the safety of civilians;

19. *Reiterates its grave concern* at the harmful and widespread impact of armed conflict on children, recalls its resolution 1261 (1999) of 25 August 1999, and reaffirms the recommendations contained therein;

20. *Stresses* the importance of consultation and cooperation between the United Nations, the International Committee of the Red Cross and other relevant organizations,

including regional organizations, on follow-up to the report of the Secretary-General, and encourages the Secretary-General to continue consultations on this subject and to take concrete actions aimed at enhancing the capacity of the United Nations to improve the protection of civilians in armed conflict;

21. *Expresses its willingness* to work in cooperation with regional organizations to examine how these bodies might better enhance the protection of civilians in armed conflict;

22. *Decides* to establish immediately an appropriate mechanism to review further the recommendations contained in the report of the Secretary-General and to consider appropriate steps by April 2000 in accordance with its responsibilities under the Charter;

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

44. Small arms

Initial proceedings

Decision of 24 September 1999 (4048th meeting): statement by the President

At its 4048th meeting, held on 24 September 1999 in accordance with the understanding reached in its prior consultations, the Council included the item entitled “Small arms” in its agenda. Following the adoption of the agenda, the President (the Netherlands) noted that the Council was holding a ministerial meeting on the question of small arms in the context of the challenges facing the international community in this regard.¹

At the outset, the Secretary-General acknowledged the importance of addressing the problem of small arms and light weapons, which posed one of the key challenges in preventing conflict in the next century. He stated that small arms were not only primary tools of violence in many conflicts, but also aggravated the violence associated with terrorism and organized crime. In his view, there was probably no single tool of conflict so widespread, so easily available and so difficult to restrict as small arms. Citing the General Assembly’s decision to convene a conference on all aspects of illicit arms trafficking no later than 2001, the Secretary-General urged the international community to seize the opportunity provided by that conference to demonstrate its political will and its commitment to reversing the global proliferation of small arms. The larger efforts to promote peace and security, he stressed, depended to a greater extent on how the smaller, more specific

challenges of limiting the tools of war and violence were tackled.²

The representative of France pointed to the “proliferation of internal conflicts” in which the distinction between combatants and civilians was blurred, and noted that this type of conflict lent itself best to small arms and light weapons. He called for a multifaceted, integrated approach to address the problem.³

The representative of the United Kingdom noted that most of the conflicts had taken place in the developing world, but most of the firearms were made in the industrialized world.⁴

The representative of Malaysia maintained that the United Nations, particularly the Council, could and should play a critical role in checking the proliferation of small arms. The challenge before the Council was to define the problem, which had many complexities — political, legal, technical, economic and social — and formulate appropriate and effective approaches to deal with it.⁵

The representative of Canada highlighted the devastating impact of small arms by pointing out that civilians constituted over 80 per cent of casualties in armed conflict and more than a million people died each year as a result of those conflicts, with 90 per cent of those deaths caused by small arms.⁶

¹ S/PV.4048, p. 2.

² *Ibid.*, pp. 2-3.

³ *Ibid.*, pp. 3-4.

⁴ *Ibid.*, pp. 4-5.

⁵ *Ibid.*, pp. 7-8.

⁶ *Ibid.*, pp. 8-10.

The representative of Namibia stressed that the effort to rid Africa of its superfluous small arms was a shared responsibility for the region's leaders as well as for the international community as a whole.⁷

The representative of Gabon underlined the urgent need to adopt or strengthen measures, on the national, regional and international levels, to regulate the proliferation of small arms and light weapons,⁸ while the representative of Gambia called on the Council to make constructive efforts to ensure the effectiveness of arms embargoes.⁹

The representative of the United States maintained that it was time to address the economy of war that supported illicit arms flows, as, in many instances, these transactions were fuelled by sales of gemstones, precious metals and narcotics.¹⁰

A number of other speakers made statements sharing the concern at the proliferation of small arms and light weapons, and calling for a coherent approach in addressing the question taking into account all aspects of it. Most speakers agreed that the Council had its own distinctive role to play, including improving the effectiveness of arms embargoes and strengthening disarmament, demobilization and reintegration efforts.¹¹

At the same meeting, the President made the following statement on behalf of the Council:¹²

The Security Council recalls its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, in view of which its attention is drawn inevitably to small arms and light weapons as the most frequently used weapons in the majority of recent armed conflicts.

The Council notes with grave concern that the destabilizing accumulation of small arms has contributed to the intensity and duration of armed conflicts. The Council also notes that the easy availability of small arms can be a contributing factor to undermining peace agreements, complicating peace-building efforts and impeding political, economic and social

development. In this regard, the Council acknowledges that the challenge posed by small arms is multifaceted and involves security, humanitarian and development dimensions.

The Council is deeply concerned that countries involved in, emerging from, or close to protracted armed conflicts are particularly vulnerable to violence resulting from the indiscriminate use of small arms in armed conflict. In this regard, the Council recalls the report of the Secretary-General of 8 September 1999 on the protection of civilians in armed conflict and its resolution 1265 (1999) of 17 September 1999.

The Council emphasizes that the right of individual and collective self-defence recognized in Article 51 of the Charter and the legitimate security demands of all countries should be fully taken into account. The Council recognizes that small arms are traded globally for legitimate security and commercial considerations. Bearing in mind the considerable volume of this trade, the Council underlines the vital importance of effective national regulations and controls on small arms transfers. The Council also encourages the Governments of arms-exporting countries to exercise the highest degree of responsibility in these transactions.

The Council emphasizes that the prevention of illicit trafficking is of immediate concern in the global search for ways and means to curb the wrongful use of small arms, including their use by terrorists.

The Council welcomes the various initiatives that are currently under way, globally and regionally, to address the issue. These initiatives at the regional level include the moratorium of the Economic Community of West African States on the production and trade in small arms, the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, the European Union Joint Action on Small Arms, and the European Union Code of Conduct on Arms Exports. At the global level, the Council welcomes the negotiation process on the elaboration of an international convention against transnational organized crime, including a draft protocol against the illicit manufacturing of and trafficking in firearms, ammunition and other related materials.

The Council emphasizes the importance of regional cooperation in tackling the issue of illicit trafficking in small arms. Initiatives, such as the work done by the Southern African Development Community and the Southern African Regional Police Commissioners Coordinating Organization, illustrate how regional cooperation can be harnessed to tackle small arms proliferation. The Council recognizes that while regions may sometimes benefit from the experiences of others, one region's experience cannot be extended to others without taking into account their different characteristics.

The Council also welcomes and encourages efforts to prevent and combat the excessive and destabilizing accumulation of and illicit trafficking in small arms, and invites Member States to involve civil society in these efforts.

⁷ Ibid., p. 16.

⁸ Ibid., p. 17.

⁹ Ibid., pp. 18-19.

¹⁰ Ibid., pp. 19-20.

¹¹ Ibid., pp. 6-7 (Slovenia); pp. 10-12 (the Russian Federation); pp. 12-13 (Argentina); pp. 13-14 (Brazil); pp. 14-15 (China); pp. 15-16 (Bahrain); and pp. 20-21 (the Netherlands).

¹² S/PRST/1999/28.

The Council notes with satisfaction the growing attention paid within the United Nations system to the problems associated with the destabilizing accumulation of small arms. The Council welcomes the initiative by the Secretary-General for Coordinated Action on Small Arms, designed to ensure a coherent and coordinated approach to the small arms issue within the United Nations system.

The Council notes that although the humanitarian impact of small arms in a conflict situation is verifiably serious, a detailed analysis is not available. The Council therefore requests the Secretary-General to include specifically the humanitarian and socio-economic implications of the excessive and destabilizing accumulation and transfer of small arms and light weapons, including their illicit production and trade, in relevant studies he is currently undertaking.

The Council calls for effective implementation of arms embargoes, imposed by the Council in its relevant resolutions. The Council encourages Member States to provide the sanctions committees with available information on alleged violations of arms embargoes and recommends that the chairmen of the sanctions committees invite relevant persons from organs, organizations and committees of the United Nations system, as well as other intergovernmental and regional organizations and other parties concerned, to provide information on issues relating to the implementation and enforcement of arms embargoes.

The Council also calls for measures to discourage arms flows to countries or regions engaged in or emerging from armed conflicts. The Council encourages Member States to establish and abide by voluntary national or regional moratoria on arms transfers with a view to facilitating the process of

reconciliation in these countries or regions. The Council recalls the precedents for such moratoria and the international support extended for their implementation. The Council recognizes the importance of incorporating, as appropriate, within specific peace agreements, with the consent of the parties, and on a case-by-case basis within United Nations peacekeeping mandates, clear terms for the disarmament, demobilization and reintegration of ex-combatants, including the safe and timely disposal of arms and ammunition. The Council requests the Secretary-General to provide the negotiators of peace accords with a record of best practice based upon experience in the field.

The Council requests the Secretary-General to develop a reference manual for use in the field on ecologically safe methods of weapons destruction in order better to enable Member States to ensure the disposal of weapons voluntarily surrendered by civilians or retrieved from former combatants. The Council invites Member States to facilitate the preparation of such a manual.

The Council welcomes the recommendations of the Group of Governmental Experts on Small Arms, including the convening of an international conference on the illicit arms trade in all its aspects no later than 2001, noting the offer by Switzerland to host the conference. The Council encourages Member States to participate actively and constructively in the conference and any preparatory meetings, taking into account the recommendations contained in this statement, with a view to ensuring that the conference makes a meaningful and lasting contribution to reducing the incidence of illicit arms trafficking.

45. Role of the Security Council in the prevention of armed conflicts

Initial proceedings

Decision of 30 November 1999 (4073rd meeting): statement by the President

At its 4072nd meeting, held on 29 November 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the item "Role of the Security Council in the prevention of armed conflicts" in its agenda. The President (Slovenia), with the consent of the Council, then invited the representatives of Australia, Bangladesh, Belarus, Croatia, Egypt, Finland, the Islamic Republic of Iran, Iraq, Japan, the Libyan Arab Jamahiriya, Liechtenstein, New Zealand, Nigeria, Norway, Pakistan, the Republic of Korea, Senegal, South Africa, the Sudan, Ukraine, the United Arab

Emirates and Zambia, at their request, to participate in the discussion, without the right to vote.

The Secretary-General stated that it was clear that the prevention of armed conflicts was one of the main tasks of the Organization, and yet the United Nations found itself dealing with the effects of conflict rather than its roots. He noted that the case for prevention was that it was cost-effective, in financial as well as in human terms. He informed the Council that he had tried to strengthen the capacity of the United Nations for preventive diplomacy, preventive disarmament, preventive deployment and both pre-conflict and post-conflict peacebuilding. However, efforts would fall short unless they were complemented by a renewed

commitment to effective prevention on the part of the Council and of all Member States. He suggested several steps that the Council could take, including: the greater use of fact-finding missions in accordance with the Council's Charter responsibility to "investigate any dispute, or any situation which might lead to international friction or give rise to a dispute" and "endanger the maintenance of international peace and security"; encouraging States which had become aware of potential conflict within or among their neighbours to bring the issue promptly to the Council's attention; giving urgent attention to the problems of States which suffered acute economic, environmental and security strains; establishing an informal working group or a subsidiary organ, to study early warning and prevention issues and report back; and instituting regular meetings on prevention, at which the Council would identify areas that would require urgent preventive action. The Secretary-General maintained that in the longer term it was even more important to address the deep-rooted causes of conflicts, which often lay in the social and economic sphere. Noting that deterrence also had an important role to play in maintaining international order, he stressed that nothing would be more effective in deterring States and other parties from resorting to the extreme measures that characterize too many present-day conflicts than a clear demonstration that the Council was indeed prepared to take decisive action when faced with crimes against humanity.¹

The representative of the United States expressed hope that the Council would increasingly address conflict prevention by dealing with causes. He stated that there was a need for a comprehensive approach to conflict prevention. The promotion of democracy, human rights, the rule of law, equal economic opportunity and market-based economic systems provided the surest path to long-term global stability and development. He noted that the Secretary-General played an important role in identifying and mitigating potential conflicts and also suggested that the Council needed to become more deeply engaged. However, both the complexity and volume of recent crises demonstrated the need for coordinated and broader responses through better coordination with regional and subregional organizations and international development and financial institutions. He also noted

¹ S/PV.4072, pp. 2-4.

the need to enhance the capability of the United Nations to recruit, train and deploy international civilian police and the importance of effective measures to combat the illicit trade in commodities.²

The representative of France welcomed the contribution of the Secretary-General and noted that it was Article 99 of the Charter that gave the Secretary-General the power and the right to contribute to the maintenance of international peace and security. The Charter also gave the Council a role in the prevention of armed conflict. Chapter VI of the Charter, which related to the pacific settlement of disputes, set out the role the Council could play in assisting the parties, in determining whether the persistence of a dispute seemed to threaten the maintenance of international peace and security, and in recommending procedures or methods of adjustment, or even the terms of a settlement. Chapter VII of the Charter dealt with actions in the event of a threat to the peace. He noted that even there it was still in the preventive stage, and the Council had a range of resources that could go as far as the use of enforcement measures. He stated that preventive action often required discretion and tenacity, virtues that were not well adapted to the constraints of an "ultra-media-oriented world". He suggested that while sometimes it could be useful for the Council to deal openly and publicly with an issue so as to mobilize attention and put pressure on the parties, in other cases it could be preferable to act with discretion. He further noted that, as most recent conflicts were internal, their prevention could be seen as an infringement of the principle of State sovereignty. However, if action was not taken soon enough, an internal crisis could rapidly degenerate into an armed conflict which often had international repercussions. It was therefore necessary to find a balance between those "apparently contradictory preoccupations" in such a way that the Council could be called upon early enough to prevent a spiral of violence. He noted that in this respect the text of the Charter did not exclude the Council from debating an internal situation if, according to Article 34 the continuance of the situation was "likely to endanger the maintenance of international peace and security" or, as in Article 39, if the Security Council should determine the existence of any threat to the peace". However, he stressed that one must not confuse debate

² Ibid., pp. 4-7.

with having recourse to force, which came under other provisions that were precise and limiting. The Council could take up an issue and take preventive measures without necessarily envisaging the use of force.³

The representative of the United Kingdom stated that his Government shared the Secretary-General's belief that there was a joint responsibility to act when confronted by genocide, mass displacement of people or major breaches of international humanitarian law. He maintained that preventive actions could take many forms, and military action would not always be desirable or feasible. But when the international community did use force in response to humanitarian crises, it needed a framework for that response: a common understanding within the Council and wider United Nations membership of the circumstances and conditions of action. Force needed to be used as a last resort, be limited in scope, and be proportionate to the humanitarian objective of preventing major loss of civilian life.⁴

The representative of China stated that there was often debate on intervention and even invocation of Chapter VII of the Charter, while neither the issue of prevention nor serious study into the root causes of conflicts was given adequate attention. He noted that there were various kinds of measures that could be taken. However, they had to abide by the general principle that actions needed to be taken in accordance with the purposes and principles of the Charter of the United Nations. The Chinese delegation maintained that all preventive measures needed to be taken only under the prerequisite of respect for the political independence, sovereignty and territorial integrity of all countries and the will of the Government and people of the country concerned. He underscored that the principle of non-interference in internal affairs was the primary principle guiding United Nations actions in conflict prevention. He recommended that to prevent armed conflicts from occurring in the first place, the Council needed to take a long-term view and take meaningful steps to help developing countries in their economic development. In conclusion, he noted that the Council needed to treat all regions of the world

³ *Ibid.*, pp. 7-9.

⁴ *Ibid.*, pp. 12-14.

equally, especially in the case of Africa. There could be no preferential treatment for one or neglect of another.⁵

The Russian Federation stated that a key role in preventive diplomacy rightly belonged to the United Nations, and the main issues of preventive strategy as well as political monitoring of their implementation needed to remain exclusively within the purview of the Council. He maintained that in fulfilling its Charter role as the body that bore major responsibility for the maintenance of international peace and security, the Council had the right to use a broad set of instruments established within the framework of the United Nations to prevent disputes from erupting into armed conflicts. However, his delegation was convinced that preventive services to Member States needed to be provided only with their consent and with respect for the principle of non-interference in internal affairs. Only the unequivocally expressed agreement of the host country to preventive actions could serve as a legal and political basis for the adoption of relevant measures and also serve as a guarantee for their effectiveness. In that connection, the Russian Federation proceeded from the premise that any United Nations response, including in situations of a humanitarian nature, needed to be undertaken pursuant to the Charter and through a decision of the Security Council.⁶

The representative of the Netherlands observed that all Council members subscribed to the purposes and principles of the Charter. These were contained in Chapter I of the Charter and included Article 2 (7), which stipulated that nothing shall authorize the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any State. He pointed out that everything the Charter said with regard to the prevention of armed conflict in Chapters VI and VII and in Article 99 appeared to have been drafted with conflicts between States in mind, while the overwhelming majority of conflicts on the Council's agenda were of an internal, domestic nature. Against that background, a rigid interpretation of Article 2 (7), would preclude adaptation to that reality and, in effect, make all the Charter's provisions on the prevention of armed conflict ineffectual. However, he noted that the Council should not feel restricted to the measures for preventing armed conflict found in Chapters VI and

⁵ *Ibid.*, pp. 14-15.

⁶ *Ibid.*, pp. 15-16.

VII as peacekeeping operations had not been mentioned in the Charter, but had become a major tool in the Council's hands.⁷

The representative of the Libyan Arab Jamahiriya stated that the principles governing the work of the United Nations and its organs were set forth in Article 2 of the Charter, which provided for, *inter alia*, the sovereign equality of all its Members, settlement of disputes by peaceful means, Members' refraining from the threat or use of force in their international relations and non-interference in the internal affairs of States. Under Article 11 (1), the General Assembly might consider the general principles of cooperation in the maintenance of international peace and security, and make recommendations with regard to such principles to its Members, to the Council or to both. Under Article 24 of the Charter, Members of the United Nations had entrusted the Council with the primary responsibility for the maintenance of international peace and security, and Member States agreed that the Council, in carrying out its duties under this responsibility, act on their behalf. In discharging these duties, the Council should act in accordance with the purposes and principles of the United Nations and the powers vested in the Council. Hence, the mandate for the maintenance of international peace and security was a joint responsibility of the General Assembly and the Security Council and, therefore, the primary responsibility for the maintenance of international peace and security was not an exclusive function of the Council. He continued that the Council's work and resolutions could not be respected or complied with by Member States unless they reflected the will of the majority of Member States, which was embodied in Article 25 of the Charter. He suggested that the majority of States represented in the General Assembly therefore needed to participate in the open debates held by the Council from time to time before the adoption of any important decisions by the Council, and should form the basis of any resolution adopted by the Council. He also suggested that the Council should not deal with subjects such as the illicit arms trade, human rights and drugs, because there were other competent organs in the United Nations system that could adequately deal with such subjects. He also stressed that his country expected the Council to respond to genuine potential threats anywhere in the world, in the

⁷ *Ibid.*, pp. 28-29.

real interest of world peace and security. Finally, he noted that regarding "humanitarian intervention" it was not difficult to cite problems in a given country in order to "justify and provide cover for an intervention" that had implicit and predetermined purposes that affected the interests of those who would intervene. Therefore, the Libyan Arab Jamahiriya was not prepared to accept any resolution that would contravene paragraph 7 of Article 2 of the Charter, conveying the right to intervene in the domestic affairs of any State, even under the pretext of humanitarian considerations.⁸

The representatives of South Africa and the Sudan noted that the Council would be unable to assume its full role in the maintenance of international peace and security, particularly in the prevention of conflicts until it was transformed into a more representative body.⁹

A number of speakers made statements that stressed the importance of the Council's role in the prevention of armed conflicts in the context of its maintenance of international peace and security as set out in Articles 1 and 24 of the Charter. They noted, *inter alia*, the need for better information-gathering and analysis and for enhancing its early-warning capacity; the importance of coordination between different parts of the United Nations system; and the importance of coordination with regional organizations on the basis of Chapter VIII of the Charter. A number of speakers stressed the particular importance of the Council involvement in Africa in regard to prevention of conflicts. Several representatives stressed the importance of the use of provisions of Chapter VI of the Charter, in particular Article 33, in prevention of conflicts and the use of Chapter VII when appropriate. A number of speakers spoke in favor of the development of an early-warning system to identify potential conflicts. A number of delegations noted the particular importance of the role of the Secretary-General in providing information to the Council and other tasks in conformity with Article 99 of the Charter.¹⁰ Several delegations noted that before

⁸ *Ibid.*, pp. 29-32.

⁹ *Ibid.*, pp. 36-38 (South Africa); and pp. 41-43 (Sudan).

¹⁰ *Ibid.*, pp. 9-10 (Argentina); pp. 10-12 (Canada); pp. 16-19 (Bahrain); pp. 21-22 (Brazil); pp. 22-24 (Gabon); pp. 24-26 (Gambia); pp. 32-34 (Finland on behalf of the European Union and associated countries: Bulgaria,

sanctions were imposed their scope and purpose needed to be defined and their duration clearly specified.¹¹

At the resumption of the meeting on 30 November 1999, the representative of Egypt stated that in implementing Chapter VI of the Charter, the Council had a mandate to take measures to prevent disputes and situations that were likely to endanger international peace and security. Yet, its means to do so were voluntary and fell within the framework of the peaceful resolution of conflicts. That required absolute respect for the sovereignty and territorial integrity of States and non-intervention in their internal affairs by attempting to obtain their approval before adopting or implementing such measures. Chapter VII also enabled the Council to assume a preventive role by calling on the parties to a conflict to take interim measures until the dispute was settled peacefully. Problems arose when the Council was either called upon or acted on its own to intervene and deal with situations within its mandate under Chapter VI by using the means provided by Chapter VII. Those Chapter VII provisions pertained to coercive and punitive measures and ranged from interim measures to the use of force. However, the use of Chapter VII to deal with situations that fell under Chapter VI transcended the authority of the edifice that was set up by the Charter, which was based on a careful and clear respect for the dividing line between those two Chapters. It was, therefore, absolutely important that any preventive intervention by the Council not cause collateral damage to the parties directly involved or to third parties whose interests were linked to one of the parties to the dispute. The Council needed to give the parties directly involved an opportunity to present their points of view to it before it made recommendations or implemented specific measures. He also called upon the Council to

permit States that were not members of the Council and that might believe that their interests might be harmed by the Council's action to discuss the measures under consideration, in accordance with Article 31 of the Charter. He suggested that if the Council failed to fulfil its functions, then the only option was to resort to the General Assembly on the basis of the resolution "Uniting for Peace".¹² He expressed the belief that in its work the Council should not take up concepts that did not enjoy full acceptance by Member States, particularly those which remained controversial. Concepts such as "humanitarian intervention and humanitarian security" could prove to be more harmful than useful. He also stated that the Council should only adopt measures when it determined that a threat to peace existed or that an internal conflict might threaten international peace and security. It needed to do this in accordance with the provisions of Article 39 and with a full awareness of the serious implications of its actions if it decided to intervene by using force.¹³

The representative of the Islamic Republic of Iran cited the use of the veto and a "lack of transparency" in the work of the Council, and noted that that had been at the core of the Council's inaction in the face of the Kosovo tragedy and had prompted the use of force without the authorization of the Council. He called for better management of the mechanism of the veto.¹⁴

The representative of Pakistan stated that his country saw the concept of preventive disarmament as a possible means to militate against the inherent right to self-defence, which, would most likely be applied against the small and the weak. He also urged the Council to resist the temptation to seek to assume jurisdiction over some of the tasks assigned to other bodies of the United Nations.¹⁵

The representative of Iraq expressed the view that the Council should have been guided by the principle of the prevention of conflicts by using peaceful means and by avoidance of coercive measures, such as the resort to force, and punitive measures, such as full-scale sanctions. However, he continued that the Council's record in fulfilling that goal was very

Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus, Malta and Iceland); p. 35 (United Arab Emirates); pp. 38-40 (Australia); pp. 43-44 (Republic of Korea); pp. 45-46 (Belarus); and pp. 46-47 (Japan); S/PV.4072 (Resumption 1), pp. 6-8 (Zambia); pp. 8-9 (Nigeria); pp. 9-11 (New Zealand); pp. 11-13 (Bangladesh); pp. 13-14 (Senegal); pp. 15-16 (Norway); pp. 22-24 (Ukraine); and pp. 26-28 (Croatia).

¹¹ S/PV.4072 and Corr.1, pp. 19-21 (Malaysia); and pp. 26-28 (Namibia); S/PV.4072 (Resumption 1), pp. 5-7 (Liechtenstein).

¹² General Assembly resolution 377 A of 3 November 1950.

¹³ S/PV.4072 (Resumption 1), pp. 2-5.

¹⁴ *Ibid.*, pp. 17-19.

¹⁵ *Ibid.*, pp. 19-22.

unsatisfactory for two main reasons: the manipulation by the United States of the mechanisms of the Council to enforce its policies and the use of force without specific authorization by the Council in order to intervene in the internal affairs of States. As an example, he cited the use of force by the United States and the United Kingdom against Iraq since 1991 in the “illegal no-fly-zones”.¹⁶

The representative of Slovenia stated that the powers of the Council should be used in situations of imminent armed conflicts, which at times meant situations of particular sensitivity and risk. In such circumstances, he noted, the States and others involved could be reluctant to accept the Council’s intervention. In his view, the argument of preservation of sovereignty could be used irrationally, even to the extent of actually endangering sovereignty in a potential armed conflict, which could be prevented by timely action by the Council.¹⁷

At its 4073rd meeting, held on 30 November 1999, the Security Council continued its consideration of the item. At the same meeting, the President (Slovenia) made the following statement on behalf of the Council:¹⁸

The Security Council has considered, within its primary responsibility for the maintenance of international peace and security, its role in the prevention of armed conflicts. The Council emphasizes the need fully to respect and implement the principles and provisions of the Charter of the United Nations and norms of international law, in particular, in this context, those related to prevention of armed conflicts and settlement of disputes by peaceful means. It affirms its commitment to the principles of the political independence, sovereign equality and territorial integrity of all States. The Council also affirms the need for respect for human rights and the rule of law. It will give special attention to the humanitarian consequences of armed conflicts. The Council recognizes the importance of building a culture of prevention of armed conflicts and the need for a contribution from all principal organs of the United Nations in that regard.

The Council stresses the importance of a coordinated international response to economic, social, cultural or humanitarian problems, which are often the root causes of armed conflicts. Recognizing the need for the development of effective long-term strategies, it emphasizes the need for all United Nations organs and agencies to pursue preventive strategies and

to take action within their respective areas of competence to assist Member States to eradicate poverty, strengthen development cooperation and assistance and promote respect for human rights and fundamental freedoms.

The Council recognizes that early warning, preventive diplomacy, preventive deployment, preventive disarmament and post-conflict peace-building are interdependent and complementary components of a comprehensive conflict-prevention strategy. The Council emphasizes its continuing commitment to addressing the prevention of armed conflicts in all regions of the world.

The Council is aware of the importance of its early consideration of situations which might deteriorate into armed conflicts. In this context it underlines the importance of the settlement of disputes by peaceful means, in accordance with Chapter VI of the Charter of the United Nations. The Council recalls that parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, have an obligation to seek peaceful means of settlement.

The Council reaffirms its responsibility under the Charter to take action on its own initiative in order to maintain international peace and security. The results of the Council’s mission to Jakarta and Dili from 6 to 12 September 1999 demonstrate that such missions undertaken with the consent of the host country and with clear goals can be useful if dispatched in a timely and appropriate manner. The Council expresses its intention to support, with appropriate follow-up action, efforts by the Secretary-General to prevent conflict through such areas as fact-finding missions, good offices and other activities requiring action by his envoys and Special Representatives.

The Council emphasizes the important role of the Secretary-General in the prevention of armed conflicts. The Council expresses its readiness to consider appropriate preventive action in response to the matters brought to its attention by States or the Secretary-General and which it deems likely to threaten international peace and security. It invites the Secretary-General to present to the members of the Council periodic reports on such disputes, including, as appropriate, early warnings and proposals for preventive measures. In this regard the Council encourages the Secretary-General to improve further his capacity to identify potential threats to international peace and security and invites him to indicate any requirements to fulfil that capacity, including the development of the expertise and resources of the Secretariat.

The Council recalls that the United Nations Preventive Deployment Force, as the first United Nations preventive deployment mission, has prevented the spillover of conflict and tensions from the region to the host country. The Council will continue to consider the establishment of such preventive missions in appropriate circumstances.

The Council will also consider other preventive measures such as the establishment of demilitarized zones and preventive disarmament. While fully conscious of the responsibilities of

¹⁶ Ibid., pp. 24-26.

¹⁷ Ibid., pp. 28-29.

¹⁸ S/PRST/1999/34.

other United Nations organs, it emphasizes the crucial importance of disarmament and the non-proliferation of weapons of mass destruction and the means of their delivery for the maintenance of international peace and security. In particular, progress in preventing and combating the excessive and destabilizing accumulation of and illicit trafficking in small arms and light weapons is of vital importance to the prevention of armed conflicts. The Council will also take appropriate measures in situations of post-conflict peace-building aimed at preventing the recurrence of armed conflicts, including through adequate programmes for the disarmament, demobilization and reintegration of ex-combatants. The Council acknowledges the increasingly important role of the civilian components of multifunctional peacekeeping operations and will look towards their playing a greater role in wider preventive efforts.

The Council recalls the provisions of Article 39 of the Charter concerning measures to prevent armed conflicts. Such measures may include targeted sanctions, in particular arms embargoes and other enforcement measures. In imposing such measures the Council will pay special attention to their likely effectiveness in achieving clearly defined objectives, while avoiding negative humanitarian consequences as much as possible.

The Council recognizes the link between the prevention of armed conflicts, the facilitation of the peaceful settlement of disputes and the promotion of security for the civilian population, in particular the protection of human life. Furthermore, the Council underlines the fact that the existing international criminal tribunals represent useful instruments to

combat impunity and can, by helping to deter crimes against humanity, contribute to the prevention of armed conflicts. In this context, the Council acknowledges the historic significance of the adoption of the Rome Statute of the International Criminal Court.

The Council recognizes the important role that regional organizations and arrangements are playing in the prevention of armed conflicts, including through the development of confidence- and security-building measures. The Council also emphasizes the importance of supporting and improving regional capacities for early warning. It emphasizes the importance of cooperation between the United Nations and regional organizations in preventive activities in accordance with Chapter VIII of the Charter. The Council welcomes meetings between the United Nations, including the Security Council, and regional organizations, and encourages participants to continue to keep those meetings focused on issues related to prevention of armed conflicts.

The Council will continue to review its activities and strategies for the prevention of armed conflicts. It will consider the possibility of holding further orientation debates and strengthening its cooperation with the Economic and Social Council. The Council will also consider the possibility of a meeting at the level of Ministers for Foreign Affairs on the issue of prevention of armed conflicts during the Millennium Assembly.

The Council will remain seized of the matter.

Chapter IX

Decisions taken by the Security Council in the exercise 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 has been 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 the admission 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 in relation to the peaceful settlement of disputes within the framework of Articles 33 to 38 of Chapter VI and Articles 11 and 99 of the Charter. The period under review was marked by a considerably expanded scope of Council action within the framework of Chapter VI of the Charter, the aim of which is to promote and institute appropriate methods for the peaceful settlement of disputes.

As chapter VIII of this volume sets out a full account of Council proceedings with regard to the peaceful settlement of disputes, the present Chapter will not consider in a comprehensive manner the practice of the Security Council aimed at the peaceful settlement of disputes. Instead, it will focus on selected material which may best serve to highlight how the provisions of Chapter VI of the Charter were interpreted in deliberations and applied in the relevant decisions of the Council.

The manner of presenting and classifying the relevant material has been devised to set forth the practices and procedures to which the Council has had recourse in a readily accessible form. As in the previous volume of the *Repertoire*, covering the period 1993-1995, 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 such Article.

Thus, part I illustrates how, under Article 35, Member States and non-Member States have brought new disputes and situations to the attention of the Security Council. This part also includes the practice of the General Assembly in calling the attention of the Security Council under Article 11, paragraph 3, to situations which are likely to endanger international peace and security, and the Secretary-General's practice in bringing to the attention of the Security Council matters which may threaten the maintenance of international peace and security, as ascribed under Article 99. Part II sets out investigative and fact-finding activities performed and initiated by the Security Council that may be deemed to fall under the scope of Article 34. Part III provides, under the relevant Articles of the Charter, an overview of Council recommendations and decisions with regard to the peaceful settlement of disputes. Specifically, it illustrates Council recommendations to the parties to a conflict and the Council's support for the endeavours of the Secretary-General in the peaceful settlement of disputes. Finally, 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, paragraph 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, paragraph 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.

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

Note

Within the framework of the Charter, Articles 35, 37 (1) and 38 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. During the period under review, disputes and situations were exclusively referred to the Council by communications from Member States. While Article 35 was expressly referred to in a small number of communications,¹ most communications did not cite any specific Article as the basis on which they were submitted. Also considered are referrals of such situations by the Secretary-General under Article 99 and the General Assembly under Article 11 (3).

¹ See the following communications addressed to the President of the Security Council: letter dated 9 January 1996 from the representative of Ethiopia (S/1996/10), concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia; letter dated 8 June 1996 from the representative of Zaire (S/1996/413), concerning an alleged military attack by Uganda against Zaire; letter dated 30 July 1996 from the representative of the Libyan Arab Jamahiriya (S/1996/609), concerning alleged terrorist activities against the Libyan Arab Jamahiriya; letter dated 25 August 1996 from the representative of Burundi (S/1996/690), concerning “an illegal economic blockade imposed by the States of the Great Lakes region”; letter dated 25 September from the representative of Afghanistan, concerning “an aggravated and alarming situation in Afghanistan” (S/1996/781); letter dated 3 February 1997 from the representative of Zaire (S/1997/98), concerning an alleged aggression by the armed forces of Uganda, Rwanda and Burundi; letter dated 12 March 1997 from the representative of Italy (S/1997/214), concerning the situation in Albania; letter dated 13 March 1997 from the representative of Albania (S/1997/215), concerning the situation in Albania; letter dated 5 July 1997 from the representative of Eritrea (S/1997/517), concerning “an aborted assassination plot by the National Islamic Front regime of the Sudan on Mr. Isaias Afwerki, President of Eritrea”; and letter dated 31 August 1998 from the representative of the Democratic Republic of the Congo (S/1998/827), concerning an alleged armed aggression by the Rwandan-Ugandan coalition against the Democratic Republic of the Congo.

In a note by the President,² the Security Council considered the simplification of the list of matters of which the Security Council is seized. As part of their efforts to improve the documentation of the Security Council, the President noted that the members of the Council had reviewed the list of matters of which it was seized. In that regard, he stated that the Council had decided that matters which had not been considered by the Council in the preceding five years would be automatically deleted from the list of matters of which the Security Council was seized. Furthermore, the Council noted that the removal of a matter from the list of matters of which the Security Council was seized had no implication for the substance of the matter and did not affect the exercise by Member States of their right to bring matters to the attention of the Security Council in conformity with Article 35 of the Charter of the United Nations.

Referrals by States

While Article 35 (2) provides that a State which is not a member of the United Nations may bring a dispute to the Security Council, no dispute or situation was submitted by a State other than a member of the United Nations during the period under review. For the most part, situations were referred to the Security Council by directly affected States, either exclusively³

² S/1996/603.

³ See, for example, the following letters addressed to the President of the Security Council: letter dated 9 January 1996 from the representative of Ethiopia (S/1996/10), requesting an urgent meeting of the Council to consider the Sudan’s refusal to comply with repeated demands for extradition to Ethiopia of the terrorists sought for their role in the assassination attempt against President Mubarak; letter dated 26 February 1996 from the representative of the United States (S/1996/130), requesting an urgent meeting to consider the situation created by the shooting down of two civil aircraft by Cuban forces; letter dated 8 June 1996 from the representative of Zaire (S/1996/413), requesting an urgent meeting of the Council, to consider a situation arisen at the borders between Zaire and Uganda; letter dated 25 September 1996 from the representative of Afghanistan (S/1996/781), requesting an emergency meeting to consider “an aggravated and alarming

or simultaneously with communications from third States.⁴ For example, the situation in Albania was brought to the Council's attention in a letter dated 12 March 1997 from the representative of Italy addressed to the President of the Security Council requesting the Council to convene a meeting.⁵ A similar request was made in a letter dated 13 March 1997 from the representative of Albania addressed to the President of the Security Council.⁶ Following both requests, the Council held its 3751st meeting to consider the situation in Albania, during which it issued a statement explicitly referring to the letters from the representatives of Italy and Albania,⁷ and requested the Secretary-General to keep it informed of any developments. In another instance, the situation in the Federal Republic of Yugoslavia was brought to the Council's attention in a letter dated 24 March 1999 from the representative of the Russian Federation addressed to the President of the Security Council requesting a meeting.⁸ Following the request, the Council convened a meeting,⁹ and drew attention to letters from the representatives of the Federal Republic

situation in Afghanistan emanating from an open and widespread incursion and aggression into the Afghan territory by Pakistani militia forces in support of the Taliban"; letter dated 31 August 1998 from the representative of the Democratic Republic of the Congo (S/1998/827), transmitting a memorandum on the "armed aggression by the Rwandan-Ugandan coalition against the Democratic Republic of Congo"; letter dated 30 November 1998 from the representative of Iraq (S/1998/1130), requesting a meeting of the Council, to consider the "acts of aggression" committed by the United States; and letter dated 7 May 1999 from the representative of China (S/1999/523), requesting an urgent meeting to discuss the North Atlantic Treaty Organization (NATO) attack at the Chinese Embassy in Belgrade.

⁴ For instance, the situation in Somalia was brought to the Council's attention by a letter dated 17 May 1999 from the representative of Ethiopia addressed to the President of the Council (S/1999/563). The situation in Somalia was also brought to the Council's attention by a letter dated 24 May 1999 from the representative of Djibouti addressed to the President of the Council (S/1999/600).

⁵ S/1997/214.

⁶ S/1997/215.

⁷ S/PRST/1997/14.

⁸ S/1999/320.

⁹ The Council held its 3988th meeting on 24 March 1999.

of Yugoslavia and Belarus requesting a similar meeting.¹⁰

Referrals by the Secretary-General

While Article 99 stipulates that the Secretary-General may bring any matter to the attention of the Security Council, he did not invoke Article 99, either expressly or by implication, during the period under review. However, he drew the attention of the Security Council to a deteriorating situation which was already on the Council's agenda, and requested the Council to consider taking appropriate action. In connection with the situation in the Great Lakes region, by a letter dated 14 October 1996 addressed to the President of the Security Council, the Secretary-General referred to developments in eastern Zaire,¹¹ and especially in South Kivu Province, where the situation had been deteriorating.¹² In a subsequent letter, the Secretary-General informed the Council that the situation had further deteriorated.¹³ In response, the Council convened a meeting to consider both letters of the Secretary-General.¹⁴

In addition to the above-mentioned communications, the Secretary-General, as part of his general reporting obligations, informed the Security Council of relevant developments on matters of which the Council was seized.

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

¹⁰ See letter dated 24 March 1999 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Council (S/1999/322), requesting an urgent meeting to consider an extremely dangerous situation caused by the unilateral military action of NATO against his country. A similar concern was brought to the attention of the Council in a letter dated 24 March 1999 from the representative of Belarus addressed to the President of the Council (S/1999/323).

¹¹ By a communication dated 20 May 1997, the Secretariat was informed by the Member State known formerly as "Zaire" that the name of the State had been changed on 17 May to "Democratic Republic of the Congo".

¹² S/1996/875.

¹³ S/1996/878.

¹⁴ See S/PV.3708.

under review, the General Assembly did not refer any matters to the Security Council under this Article.¹⁵

Nature of matters referred to the Security Council

According to Article 35, 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 "any situation" which might lead to international friction or give rise to a "dispute". During the period under review, several new items were brought to the Council's attention, which were mostly referred to as "situation[s]".¹⁶ In other instances, the subject matter of the relevant communication was referred to by a different term, such as "conflict", or described in a narrative form.¹⁷

It should also be noted that, while the provisions of the Charter setting out the basis on which States may bring matters concerning international peace and security to the attention of the Council form part of 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 by the scope of that Chapter. During the period under

review, several communications submitted to the Council described situations as threatening¹⁸ or endangering regional or international peace and security, or as acts of aggression.¹⁹ For example, in connection with the situation concerning the Democratic Republic of Congo, by a letter dated 31 August 1998 addressed to the President of the Security Council, the representative of the Democratic Republic of the Congo drew the attention of the Council to the aggression by the regular armies of Rwanda and Uganda against his country and stated that it posed a serious "threat to peace and security in the Central African region in general and in the Great Lakes region in particular".²⁰ By a statement of the President dated 31 August 1998, Council members expressed their deep concern about the conflict in the Democratic Republic of the Congo, which posed a serious threat to regional peace and security.²¹ Situations in which the Council did indeed determine the existence of a threat to the peace, a breach of the

¹⁵ See chap. VI, part I, section B for additional details.

¹⁶ In connection with "The shooting down of two civil aircraft on 24 February 1996", see the letter dated 26 February 1996 from the representative of the United States addressed to the President of the Council (S/1996/130). In connection with the situation in Albania, see the letter dated 12 March 1997 from the representative of Italy addressed to the President of the Security Council (S/1997/214) and the letter dated 13 March 1997 from the representative of Albania addressed to the President of the Security Council (S/1997/215). In connection with the situation in the Federal Republic of Yugoslavia, see the letter dated 24 March 1999 from the representative of the Russian Federation addressed to the President of the Security Council (S/1999/320) and letter dated 24 March 1999 addressed to the President of the Security Council from the representative of Belarus (S/1999/323).

¹⁷ See, for instance, the letter dated 9 January 1996 from the representative of Ethiopia addressed to the President of the Security Council (S/1996/10); and the letter dated 4 March 1999 from the representative of the Democratic Republic of the Congo addressed to the President of the Security Council (S/1999/278).

¹⁸ See the letter dated 23 September 1996 from the representative of the Republic of Korea addressed to the President of the Security Council (S/1996/774), stating his belief that the incident involving submarine of the Democratic People's Republic of Korea on 18 September 1996 posed a serious threat "to peace and security on and around the Korean peninsula". In connection with the situation between Eritrea and Ethiopia, see the letter dated 9 June 1998 from the representative of Eritrea addressed to the President of the Security Council (S/1998/492), stating that the actions of Ethiopia were creating a grave threat to international security. In connection with the situation between Eritrea and Ethiopia, see the letter dated 17 May 1999 from the representative of Ethiopia addressed to the President of the Security Council (S/1999/563), stating that the activities carried out by Eritrea constituted a threat to the peace of the subregion.

¹⁹ See, for example, the letter dated 30 November 1998 from the representative of Iraq addressed to the President of the Security Council (S/1998/1130), in which the representative of Iraq referred to "the acts of aggression" committed by the United States against Iraq; and the letter dated 24 March 1999 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council (S/1999/322), stating that the armed forces of NATO had committed "an act of aggression" on the territory of the Federal Republic of Yugoslavia.

²⁰ S/1998/827.

²¹ S/PRST/1998/26.

peace or an act of aggression are considered in chapter XI of this volume.

Action requested of the Security Council

In their communications to the Security Council, States for the most part requested the Council to convene a meeting of the Council (see table). In several instances, more concrete actions requested of the Council were specified. For example, in connection with the agenda item entitled "Letter dated 9 January 1996 from the representative of Ethiopia to the United Nations addressed to the President of the Security Council, concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, on 26 June 1995", the representative of Ethiopia called on the Council to adopt a resolution commensurate with the gravity of the crime.²² Furthermore, in connection with the situation relating to the Federal Republic of Yugoslavia, following the air strikes by the North Atlantic Treaty Organization, the representative of the Federal Republic of Yugoslavia requested the Council to convene, "on the basis of Chapter VII of the Charter", an urgent meeting of the Security Council so that the Council might take immediate action to condemn and to stop the NATO aggression against his country and to protect its sovereignty and territorial integrity.²³

Communications

Disputes and situations were generally submitted to the Security Council by means of a communication to the President of the Security Council. In one instance, a Member State, by asserting that a dispute or situation did not pose a threat to international peace and security, also challenged the Council's general competence, under Chapter VI, to consider certain matters or make recommendations in relation thereto. Such instances may therefore be illustrated in this section even though the expression "threat to the peace" usually indicates the consideration of a situation before the Council under Chapter VII of the Charter.

In a letter dated 24 May 1996 addressed to the President of the Security Council, the representative of

Rwanda drew to the attention of the Security Council the fate of 3,000 Rwandan and Zairian families who were under siege by former Rwandan Government forces "responsible for the massacre of more than one million Tutsis and moderate Hutus in Rwanda" two years earlier. For that reason, he called for an emergency meeting of the Security Council "to take immediate action to prevent genocide in eastern Zaire".²⁴

In response, by a letter dated 3 June 1996 addressed to the President of the Security Council, the representative of Zaire raised objections to the content of the above-mentioned letter and rejected the action by the representative of Rwanda which, in his opinion, was taken "in complete ignorance" of all the texts that governed the functioning of the Security Council. He stated that the unrest that had been occurring for some time in the Massisi region was a completely internal situation which the Zairian authorities were taking steps to resolve. Consequently, he argued that the situation referred to by that Rwanda was not one of the situations described in Article 33 of the Charter of the United Nations, as a dispute between parties which was "likely to endanger the maintenance of international peace and security". Moreover, he maintained that Rwanda was not involved in the unrest in Massisi and therefore could not invoke Article 35 of the Charter.

In several instances, however, matters were brought to the Council's attention through communications addressed to the Secretary-General.²⁵ For instance, by a letter dated 14 April 1998 addressed to the Secretary-General, the representative of Georgia made a complaint, concerning an alleged "ethnic-related massacre of Georgian civilians in the Gali region" by Abkhaz separatists, and requested that the letter be circulated as a document of the Council.²⁶

²⁴ S/1996/374.

²⁵ See, for example, the letter dated 25 February 1999 from the representative of Sierra Leone addressed to the Secretary-General (S/1999/73); and the letter dated 25 February 1999 from the representative of Liberia addressed to the Secretary-General (S/1999/213). In accordance with rule 6 of the Council's provisional rules of procedure, the Secretary-General is obliged immediately to bring such communications to the attention of the Security Council.

²⁶ S/1998/329.

²² S/1996/10.

²³ S/1999/322.

Communications by which new disputes or situations were referred to the Council and on the basis of which the Council convened meetings under new agenda items during the period under review are listed in the table in this section entitled "Communications bringing disputes or situations to the attention of the Security Council during the period 1996-1999". It should be borne in mind that the designation of a 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 the item on the agenda which has been before the Council. 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 cannot be considered as referrals under Article 35. Furthermore, as in the previous Supplement, the table does not include communications referring to disputes or situations considered under the then-existing agenda items by the Council, so as not to codify or classify new developments and deterioration of situations in the ongoing conflicts. The above-mentioned delimitation criteria have been used only for the purpose of the table.

Communications bringing disputes or situations to the attention of the Security Council during the period 1996-1999

<i>Communications^a</i>	<i>Article invoked in communication</i>	<i>Action requested of the Security Council</i>	<i>Meeting and date</i>
Shooting down of two civilian aircraft on 24 February 1996			
Letter dated 26 February 1996 from the representative of the United States (S/1996/130)		An urgent meeting in view of the seriousness of the situation created by the shooting down of two civil aircraft by Cuban forces.	3634th meeting 27 February 1996
Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995			
Letter dated 9 January 1996 from the representative of Ethiopia (S/1996/10)	Article 35	An urgent meeting in view of the refusal by the Government of the Sudan to comply with repeated demands for extradition to Ethiopia of the terrorists sought for their role in the assassination attempt against President Mubarak of Egypt and the serious implications of such non-compliance.	3627th meeting 31 January 1996
The situation in Albania			
Letter dated 12 March 1997 from the representative of Italy (S/1997/214)	Article 35	An urgent meeting to consider the situation in Albania.	3751st meeting 13 March 1997
Letter dated 13 March 1997 from the representative of Albania (S/1997/215)	Article 35	An urgent meeting to consider the situation in Albania.	

<i>Communications^a</i>	<i>Article invoked in communication</i>	<i>Action requested of the Security Council</i>	<i>Meeting and date</i>
Letter dated 24 March 1999 from the Permanent Representative of the Russian Federation addressed to the President of the Security Council			
Letter dated 24 March 1999 from the representative of the Russian Federation (S/1999/320)		An urgent meeting to consider an “extremely dangerous situation” caused by the unilateral military action of the North Atlantic Treaty Organization (NATO) against the Federal Republic of Yugoslavia.	3988th meeting 24 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			
Letter dated 7 May 1999 from the representative of China (S/1999/523)		An urgent meeting to discuss the NATO attack at the Chinese Embassy in Belgrade.	4000th meeting 8 May 1999

^a Unless otherwise specified, all letters listed were addressed to the President of the Security Council.

Part II

Investigation of disputes and fact-finding

Note

Article 34 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 to dispatching a fact-finding mission.

During the period under review, the Council performed and initiated 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. In one instance, the Council dispatched a mission consisting of Council members to Jakarta and Dili, which was specifically mandated to discuss with the Government of Indonesia concrete steps to allow the peaceful implementation of the 5 May 1999 agreement on the question of East Timor.²⁷ The Council mission was not expressly charged with concrete investigative tasks, but did serve, *inter alia*, to form an impression of the respective situation on the ground. Further details of the mission are laid out in case 1. References to the Security Council mission were also made in connection with mechanisms used for conflict prevention during the Council's consideration of the agenda item entitled "Role of the Security Council in the prevention of armed conflicts" as set out in case 2.

During the period under consideration, the Security Council adopted several decisions containing an explicit request to the Secretary-General to initiate or perform fact-finding or investigative functions. By resolution 1193 (1998) of 28 August 1998, the Council requested the Secretary-General to continue investigations into alleged mass killings of prisoners of war and civilians as well as the forced displacement of

large groups of the population based on their ethnic origin and other forms of mass persecution in Afghanistan.²⁸ In connection with the situation concerning Rwanda, by resolution 1161 (1998) of 9 April 1998, the Security Council requested the Secretary-General to reactivate the International Commission of Inquiry to collect information and investigate reports relating to the sale, supply and shipment of arms and related materiel to former Rwandan government forces and militias in the Great Lakes region of central Africa, in violation of Security Council resolutions 918 (1994), 997 (1995) and 1011 (1995).²⁹

In another instance, in connection with the situation in Burundi, by a letter dated 25 July 1996 addressed to the President of the Security Council,³⁰ the Secretary-General referred to resolution 1012 (1995) in which the Council had requested him to establish the International Commission of Inquiry concerning the assassination of the President of Burundi and the massacres that followed. In that regard, he enclosed a copy of the final report of the Commission. In the report, the Commission concluded that with the evidence at hand, it was not in a position to identify the persons that should be brought to justice for the crime. In response, by a letter dated 24 September 1996 addressed to the Secretary-General,³¹ the President noted that the members of the Council took note of the recommendations made by the Commission, and also noted its conclusion that its recommendations could not be implemented under the current conditions in Burundi.

In other instances, the Security Council, through letters, resolutions and statements by its President, welcomed, supported, encouraged or noted with satisfaction the dispatch by the Secretary-General of fact-finding missions to areas in conflict. For example, in connection with the agenda item entitled

²⁸ Resolution 1193 (1998), para. 13.

²⁹ Resolution 1161 (1998), para. 1.

³⁰ S/1996/682.

³¹ S/1996/780.

²⁷ S/1999/972.

“Communications concerning relations between the Republic of Cameroon and the Federal Republic of Nigeria”, the members of the Security Council by a letter dated 29 February 1996 addressed to the President of the Republic of Cameroon and the Head of State and Commander-in-Chief of the armed forces of the Federal Republic of Nigeria,³² welcomed the Secretary-General’s proposal to the parties that he should send a fact-finding mission to the Bakassi peninsula, and also requested the Secretary-General, in consultation with the Secretary-General, of the Organization of African Unity, to continue to monitor the matter closely and to report to the Council on the results of the fact-finding mission and any other significant developments.

In connection with the situation in Afghanistan, by a statement of the President dated 16 December 1997,³³ the Council noted with deep concern the reports about mass killings of prisoners of war and civilians in Afghanistan and supported the Secretary-General’s intention to continue to investigate fully such reports. By two subsequent statements of the President dated 6 April 1998,³⁴ and 14 July 1998,³⁵ respectively, the Council expressed support for the Secretary-General to launch an investigation into alleged mass killings of prisoners of war and civilians in Afghanistan, the outcome of which was to be submitted to the General Assembly and the Security Council. By resolution 1214 (1998) of 8 December 1998, the Security Council expressly encouraged the Secretary-General to continue his efforts to dispatch a mission to Afghanistan to investigate numerous reports of grave breaches and serious violations of international humanitarian law in that country, in particular mass killings and mass graves of prisoners of war and civilians and the destruction of religious sites.³⁶

On one occasion, Member States and regional organizations requested the Security Council to carry out an investigation or a fact-finding mission to the Sudan, following the strike on the Al-Shifa Pharmaceutical Factory in the north of Khartoum.³⁷

21 August 1998 addressed to the President of the Security Council, the representative of the Sudan requested the Council to send a technical mission of inquiry to establish the facts of the United States’ allegations and to take whatever steps were necessary to ensure that there was no recurrence, and to preserve the security and peace of his country (S/1998/786). By a subsequent letter dated 21 August 1998 addressed to the President of the Security Council, the representative of Qatar, Chairman of the Group of Islamic States, endorsed that request and called upon the Security Council to send a fact-finding mission to the Sudan (S/1998/790). By a letter dated 21 August 1998 addressed to the President of the Council, the representative of Kuwait, acting in his capacity as Chairman of the Arab Group, noted that the Group had decided to support the request of the Sudan that the Security Council consider the matter of the United States’ attack on a pharmaceutical plant in Khartoum (S/1998/791). That request was reiterated again in a letter dated 22 August 1998 from the representative of the Sudan addressed to the President of the Security Council, requesting the Council to send a fact-finding and verification team to visit the Sudan (S/1998/792). By a letter dated 24 August 1998 addressed to the President of the Security Council, the representative of Kuwait, in his capacity as Chairman of the Arab Group and on behalf of the States members of the League of Arab States, reiterated his request that the Council send a fact-finding mission to establish the nature of the products manufactured by the Al-Shifa Pharmaceutical Factory in Khartoum and to satisfy itself that the factory is not producing chemical weapons (S/1998/800). By a letter dated 25 August 1998 addressed to the President of the Security Council, the representative of Namibia, Chairman of the African Group, requested the Council to dispatch a fact-finding mission to the Sudan to establish the facts surrounding the activities of the said pharmaceutical plant (S/1998/802). By a subsequent letter dated 25 August 1998 addressed to the President of the Security Council, the representative of Colombia, acting in his capacity as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries again called for the Council to examine the situation and send a fact-finding mission to the Sudan (S/1998/804). By a letter dated 22 September 1998 addressed to the President of the Security Council, the representative of the Sudan transmitted a statement made on 21 September 1998 by the Chairman of the Organization of African Unity on the Sudan, during which the latter stated that Africa supported the request made by the Sudan to the Security Council to send a fact-finding mission to the Sudan (S/1998/886). At its 3931st meeting, on 24 September 1998, the Council met to consider the agenda item entitled “The situation in Africa”. During the

³² S/1996/150.

³³ S/PRST/1997/55.

³⁴ S/PRST/1998/9.

³⁵ S/PRST/1998/22.

³⁶ Resolution 1214 (1998), para. 6.

³⁷ Following the strike on the Al-Shifa pharmaceutical plant in the north of Khartoum, by a letter dated

Those requests for investigations did not result in the establishment or dispatch of an investigative body or fact-finding mission, neither did the Security Council adopt a decision referring to the matter nor meet to discuss the issue.

The following case studies set out details of the decision-making process involved in the Security Council mission to East Timor and Indonesia (case 1); and the “Role of the Security Council in the prevention of armed conflicts” (case 2).

Case 1

*The situation in East Timor*³⁸

In connection with the situation in East Timor, by resolution 1236 (1999) of 7 May 1999, the Security Council welcomed the concluding of the Agreement between Indonesia and Portugal on 5 May 1999 on the question of East Timor.³⁹ It further welcomed the intention of the Secretary-General to establish as soon as practicable a United Nations presence in East Timor, with a view to assisting in the implementation of the Agreement.⁴⁰

meeting, the representative of Burkina Faso, speaking in his capacity as Chairman of the Organization of African Unity, referred to the bombing of the pharmaceutical factory in the Sudan, and reiterated that the Non-Aligned Movement, the States of the Arab League, and the Organization of African Unity supported the dispatch of an international commission of inquiry, as requested by the Sudan, to clarify fully the matter (S/PV.3931, p. 4). By a letter dated 25 November 1998 addressed to the President of the Security Council, the representative of Yemen, acting in his capacity as Chairman of the Arab Group and on behalf of States members of the League of Arab States, transmitted a draft resolution prepared by the Arab Group. The text contained a request to the Secretary-General to dispatch a fact-finding mission to the Sudan “to verify the facts about the said factory, including its production and ownership” (S/1998/1120).

³⁸ As from the 4041st meeting, on 3 September 1999, the agenda item “The situation in Timor” was reformulated to read “The situation in East Timor”.

³⁹ In accordance with the Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor signed on 5 May 1999, the United Nations would be required to play a substantive role in East Timor in the implementation of either possible result of the consultation (A/53/951-S/1999/513, annex I) in the post-ballot period.

⁴⁰ Resolution 1236 (1999), paras. 1 and 3.

At its 4041st meeting, on 3 September 1999, the Council met to consider the situation in East Timor. During the debate, the Secretary-General made a statement announcing the result of the popular consultation conducted on 30 August 1999. In fulfilling the task entrusted to him by the Agreement, the Secretary-General announced that the result of the vote was 94,388 or 21.5 per cent, in favour and 344,580 or 78.5 per cent, against the proposal for special autonomy. By that result, the people of East Timor had thus rejected the proposed special autonomy and expressed their will to begin a process of transition towards independence.⁴¹

By a statement of the President dated 3 September 1999,⁴² the Council welcomed the successful popular consultation of the East Timorese people on 30 August 1999 and the letter dated 3 September 1999 from the Secretary-General to the President of the Council announcing the ballot result.⁴³ In the same statement, it recognized that the Agreement of 5 May 1999 which led to the popular consultation of the East Timorese people would not have been possible without the timely initiative of the Government of Indonesia and the constructive attitude of the Government of Portugal. Furthermore, it commended the sustained efforts of the Governments of Indonesia and Portugal, through the good offices of the Secretary-General, to find a just, comprehensive and internationally acceptable solution to the question of East Timor, and expressed its appreciation to the Government of Indonesia for its cooperation with the United Nations in the process.

By a letter dated 5 September 1999 addressed to the Secretary-General, the President of the Council informed the Secretary-General that it had agreed to dispatch a Security Council mission to discuss with the Government of Indonesia concrete steps to allow the peaceful implementation of the ballot result in East Timor.⁴⁴ The mandate of the mission was to welcome the undertaking by the Government of Indonesia to fulfil its obligations under the Agreement but also to note that the Government’s efforts so far had not been able to prevent an intensification of violence in the Territory. It was to state its particular concern at the

⁴¹ S/PV.4041, pp. 2-3.

⁴² S/PRST/1999/27.

⁴³ S/1999/944.

⁴⁴ S/1999/946.

recent campaign of violence against the United Nations Mission in East Timor (UNAMET) and urge the Government to ensure security and to allow UNAMET to implement its mandate without hindrance. The mission was asked to stress that the people of East Timor had made a clear choice in favour of independence, that their will must be respected and that the international community looked forward to working with the Government of Indonesia in bringing East Timor to independence.⁴⁵

In a letter dated 6 September 1999 from the President of the Council addressed to the Secretary-General,⁴⁶ the President informed him that its members had agreed on the terms of reference of the mission. He also stated that it was the intention of the mission to depart for Indonesia on 6 September 1999. The terms of reference for the presentation of the Security Council mission to the Government of Indonesia were the following:⁴⁷

1. The Security Council commends the sustained efforts of the Government of Indonesia through the good offices of the Secretary-General to find a just, comprehensive and internationally acceptable solution to the question of East Timor. It expresses its appreciation to the Government of Indonesia for its cooperation with the United Nations in this process.

2. The Council is nevertheless seriously concerned about the deteriorating security situation in East Timor, particularly since the popular consultation. The Council welcomes the undertaking by the Government of Indonesia that it will fulfil its obligations under the Agreement of 5 May 1999. But the Government's effort so far have not been able to prevent an intensification of violence in the territory.

3. The Council is particularly concerned at the campaign of violence against the United Nations Mission in East Timor in recent days. This has meant the closure of all but four of the Mission's regional offices; the Mission's headquarters is now under a virtual state of siege. The Council deplors the murders of local staff members of the Mission and the attack on 4 September 1999 which left an international staff member seriously wounded.

4. Reflecting the will of the international community, the Council is determined to see the Agreements of 5 May 1999 implemented fully. The people of East Timor have made a clear choice in favour of independence; their will must be respected.

5. For its part, the United Nations is bringing forward planning for phase III of the transition process. This will be done in consultation with the Government of Indonesia.

6. The International community is looking forward to working with the Government of Indonesia in bringing East Timor to independence. The Council urges the Government of Indonesia to ensure security and allow the Mission to implement its mandate without hindrance.

The Security Council mission to Jakarta and Dili transmitted its report⁴⁸ on 14 September 1999 to the Council. As one of its recommendations, the mission suggested that the Security Council should welcome the decision of the President of Indonesia to invite an international peacekeeping force to cooperate with Indonesia in restoring peace and security in East Timor, and should adopt a resolution without delay to provide a framework for the implementation of that proposal.

By resolution 1264 (1999) of 15 September 1999, the Council, welcoming the statement by the President of Indonesia of 12 September 1999 in which he expressed the readiness of Indonesia to accept an international peacekeeping force through the United Nations in East Timor, endorsed the report of the Security Council mission to Jakarta and Dili.⁴⁹

By resolution 1272 (1999) of 25 October 1999, the Security Council decided to establish, in accordance with the report of the Secretary-General,⁵⁰ a United Nations Transitional Administration in East Timor, which would be endowed with overall responsibility for the administration of East Timor and would be empowered to exercise all legislative and executive authority, including the administration of justice.⁵¹

By a statement of the President dated 30 November 1999 in connection with the agenda item entitled "Role of the Security Council in the prevention of armed conflicts", the Council reaffirmed its responsibility under the Charter to take action on its own initiative in order to maintain international peace and security. In that regard, it noted that the results of the Council's mission to Jakarta and Dili from 6 to

⁴⁵ S/1999/976 and Corr.1.

⁴⁶ S/1999/972.

⁴⁷ *Ibid.*, annex.

⁴⁸ S/1999/976 and Corr.1.

⁴⁹ Resolution 1264 (1999), ninth and tenth preambular paras.

⁵⁰ S/1999/1024.

⁵¹ Resolution 1272 (1999), para. 1.

12 September 1999 demonstrated that such missions undertaken with the consent of the host country and with clear goals could be useful if dispatched in a timely and appropriate manner.⁵²

Case 2

Role of the Security Council in the prevention of armed conflicts

At its 4072nd meeting, on 29 November 1999, the Council met to consider its role in the prevention of armed conflicts. During the debate, the Secretary-General stated that the Council should use the meeting to examine how it could make prevention a tangible part of its day-to-day work. In that regard, he suggested, *inter alia*, that the Council could make greater use of fact-finding missions, either by the Secretary-General or by the Council itself, at much earlier stages of a dispute in accordance with the Council's Charter responsibility to "investigate any dispute, or any situation which might lead to international friction or give rise to a dispute" and "endanger the maintenance of international peace and security"; and encourage States which became aware of potential conflict to bring the issue promptly to the Council's attention.⁵³

Speakers drew attention to the usefulness of the Security Council mission sent to Jakarta and Dili, noting that it had made international intervention possible following the popular consultation in East Timor in August 1999.⁵⁴

The representative of Canada stressed that the Council was served by the Office of the Secretary-General with the ability to mediate, investigate disputes, promote dialogue and send peace envoys. In that connection, he stated that the Council should take full advantage of this preventive capacity by backing the Secretary-General in those efforts. He further stated that the Council should make greater use of the provisions for the peaceful settlement of disputes under Chapter VI of the Charter, in particular by launching its own investigations into potential conflicts and encouraging Member States to bring such matters to

the Council's attention. He noted that the practice of dispatching delegations of Council members to conflict situations to bring the will and commitment of the Council should be used sparingly as a preventive measure.⁵⁵ Similarly, the representative of Brazil said that in discussing the means to prevent armed conflict, there should be clarity about which tools were available to the Security Council in that endeavour. He emphasized that, guided by the provisions of Chapter VI of the Charter, the Security Council was in a unique position to promote, through negotiation and persuasion, "the ascendancy of reason where intolerance and misunderstanding prevail". In that regard, missions by Security Council members, based on the model of that to Timor and to Indonesia, should also perhaps become common practice.⁵⁶

The representative of Malaysia emphasized that there should be greater recourse to the use of preventive diplomacy, and that the positive outcome of the Council's mission to Jakarta and Dili would argue for greater utilization of this mechanism by the Council in respect of future conflict situations, before they got out of hand. He stated that it was perhaps timely to dispatch such a mission to Africa, as had been proposed by the Council.⁵⁷ Similarly, the representative of Finland, speaking on behalf of the European Union and associated and aligned countries,⁵⁸ stated that the Council's mission to East Timor and Indonesia was a good example of its success in using some of the tools at its disposal in a swift and decisive manner.⁵⁹

The representative of Japan pointed out that the mission had been effective not only in ensuring that the Council's debate was based on first-hand information but also in gaining the cooperation of the Government of Indonesia.⁶⁰ The representative of France described the mission as an example of the value of preventive Council action carried out publicly, but noted that in other cases it was preferable to act with discretion.⁶¹

⁵² S/PRST/1999/34.

⁵³ S/PV.4072 and Corr.1, p. 3.

⁵⁴ *Ibid.*, p. 5 (United States); pp. 7-9 (France); pp. 10-12 (Canada); pp. 12-14 (United Kingdom); pp. 19-21 (Malaysia); pp. 21-22 (Brazil); and pp. 26-27 (Namibia).

⁵⁵ *Ibid.*, p. 11.

⁵⁶ *Ibid.*, p. 21.

⁵⁷ *Ibid.*, p. 19.

⁵⁸ *Ibid.*, p. 32 (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus, Malta and Iceland).

⁵⁹ *Ibid.*, pp. 32-34.

⁶⁰ *Ibid.*, p. 46.

⁶¹ *Ibid.*, p. 7.

The representative of Australia reiterated that the Council should be ready more often to deal directly with the parties to a dispute. She stated that such dialogue might take place in New York or through special missions, such as the highly successful Council mission to Indonesia to discuss the situation in East Timor. She believed that such missions could help ease tensions, could provide a very important circuit-breaker for a dispute or could clearly inform both sides of the risks of escalation and of the possible responses of the Council and of the international community should conflict ensue.⁶²

The representative of Argentina stated that the power to adopt preventive measures resided mainly with the Security Council, and that the Council should intensify its use of all options available under the Charter to establish conflict prevention. In that regard, he noted that the Charter provided a series of measures whose timely use could resolve situations of potential danger: for example, prompt investigation, in accordance with Article 34.⁶³

Reiterating the provisions contained in Article 34, the representative of New Zealand argued that there had also been some very positive developments in the Council's recent handling of its conflict prevention responsibilities. He noted that perhaps the highlight was the rapid dispatch of a mission of the Security Council to Indonesia and to East Timor in response to the violence following the popular consultation.⁶⁴

In contrast, the representative of the Sudan noted that in many of the issues the Council considered, and particularly those dealing with aggression, the Council had undertaken a policy of double standards. In his view the Council sometimes ignored cases of threats that actually endangered international peace and security. Referring to the bombing of the Al-Shifa pharmaceutical plant in Khartoum by the United States, he stated that although the issue had been on the Council's agenda for over a year, his country's request for the dispatch of a fact-finding mission had been ignored. He considered this to be "a clear indication of the injustice wrought towards the Sudan by the Council by not even sending a fact-finding mission to the Sudan".⁶⁵

By a statement of the President dated 30 November 1999 in connection with the role of the Security Council in the prevention of armed conflicts, the Council noted that it was aware of the importance of its early consideration of situations which could deteriorate into armed conflicts. In that context, it underlined the importance of the settlement of disputes by peaceful means, in accordance with Chapter VI of the Charter of the United Nations. The Council recalled that parties to any dispute, the continuance of which was likely to endanger the maintenance of international peace and security, had an obligation to seek peaceful means of settlement. Moreover, the Security Council reaffirmed its responsibility under the Charter of the United Nations to take action on its own initiative in order to maintain international peace and security.⁶⁶

⁶² Ibid., p. 40.

⁶³ Ibid., p. 10.

⁶⁴ S/PV.4072 (Resumption 1), pp. 9-11.

⁶⁵ S/PV.4072, pp. 41-43.

⁶⁶ S/PRST/1999/34.

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 pacific settlement of disputes 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,⁶⁷ political settlement or

dialogue aimed at achieving national reconciliation,⁶⁸ such democratic means as elections⁶⁹ or the establishment of a representative government.⁷⁰ In several instances, the Council made recommendations with regard to good offices, mediation or conciliation efforts to be undertaken by the Secretary-General, or with regard to such efforts undertaken by Governments of neighbouring countries or regional leaders,⁷¹ or

⁶⁷ For instance, in connection with the situation in Burundi, by resolution 1049 (1996), the Security Council called upon all concerned in Burundi to engage, as a matter of urgency, in serious negotiations. In connection with the situation in Tajikistan and along the Tajik-Afghan border, by a statement of the President (S/PRST/1997/6), the Council urged the parties to make further substantive progress at the next rounds of the inter-Tajik talks. In connection with the situation in Afghanistan, by a statement of the President (S/PRST/1997/20), the Council called upon the Afghan parties to enter into sustained negotiations. By a subsequent statement of the President (S/PRST/1997/35), the Council expressed the belief that peace and stability in Afghanistan could best be attained through intra-Afghan political negotiations under United Nations auspices with the active and coordinated assistance of all countries concerned. In connection with the situation in Croatia, by resolution 1147 (1998), the Security Council urged the parties to take concrete steps towards a negotiated solution of the disputed issue of Prevlaka in good faith and without delay.

⁶⁸ For example, in connection with the situation in Burundi, by resolution 1049 (1996), the Security Council reiterated the urgent need for all concerned in Burundi to commit themselves to a dialogue aimed at establishing a permanent political settlement and the creation of conditions conducive to national reconciliation. In connection with the situation concerning the Democratic Republic of the Congo, by a statement of the President (S/PRST/1998/26), the Council called for the initiation of a peaceful process of political dialogue with a view to national reconciliation. In connection with the situation in Afghanistan, by a statement of the President (S/PRST/1996/40), the Council called upon the leaders of the Afghan parties to engage in a political dialogue aimed at achieving national reconciliation.

⁶⁹ To illustrate, in connection with the situation in Liberia, by resolution 1100 (1997), the Security Council emphasized that the holding of free and fair elections as scheduled was an essential phase of the peace process in Liberia. In connection with the situation concerning the Democratic Republic of the Congo, by a statement of the President (S/PRST/1997/31), the Council reiterated its call for rapid agreement on peaceful transitional arrangements leading to the holding of democratic and free elections with the participation of all parties.

⁷⁰ For instance, in connection with the situation in Somalia, by a statement of the President (S/PRST/1996/4), the Council called upon all Somali political leaders and parties to return to an inclusive process of consultation and negotiation aimed at national reconciliation leading to the establishment of a broad-based national government.

⁷¹ To illustrate, in connection with the situation in the Republic of the Congo, by a statement of the President (S/PRST/1997/43), the Council called upon the two parties to resolve the crisis on the basis of the proposal submitted by the President of Gabon, including agreement on an interim government of national unity. In connection with the situation in Sierra Leone, by a statement of the President (S/PRST/1999/1), the Council

undertaken under regional arrangements,⁷² by expressing its support and calling upon the parties to a conflict to cooperate with such efforts.⁷³

A useful example is the letter dated 31 March 1998 from the representative of Papua New Guinea addressed to the President of the Security Council,⁷⁴ which demonstrates how new practices of Member States can contribute to the evolving interpretation of Chapter VI and, in particular, to the role of the Security Council in the pacific settlement of disputes. In the aforementioned communication, the representative of Papua New Guinea requested that the Security Council deal with the conflict in Bougainville by endorsing a peace agreement and sending a peace monitoring group, whereas the Charter leaves such decisions to the Council's discretion. In response, the Council issued a

welcomed the offers made by leaders in the region, aimed at resolving the conflict and in that context urged them to facilitate the peace process. In connection with the situation in Sierra Leone, by a statement of the President (S/PRST/1999/13), the Council underlined its strong support for the mediation efforts and for the key role being played by the President of Togo.

⁷² In connection with the situation in Somalia, for example, by a statement of the President (S/PRST/1996/4), the Council welcomed with appreciation the efforts of the Organization of African Unity, the Organization of the Islamic Conference, the League of Arab States, the European Union and the neighbouring States in promoting national dialogue in search for a solution to the crisis in Somalia. (see chapter XII, part III, section B, for further details on the manner in which the Security Council has encouraged efforts undertaken by regional arrangements in the pacific settlement of disputes).

⁷³ For example, in connection with the situation in Georgia, by resolution 1036 (1996), the Council stressed the need for the parties to intensify efforts, under the auspices of the United Nations and with the assistance of the Russian Federation as facilitator, to achieve an early and comprehensive political settlement of the conflict. In connection with the situation in Cyprus, by resolution 1250 (1999) the Council requested the two sides in Cyprus, including military authorities on both sides, to work constructively with the Secretary-General and his Special Representative to create a positive climate on the island that would pave the way for negotiations (see chapter VI, part V, section A for further details on functions entrusted to the Secretary-General by the Security Council).

⁷⁴ S/1998/287.

presidential statement dated 22 April 1998,⁷⁵ expressing support for the Agreement on Peace, Security and Development on Bougainville of January 1996 (Lincoln Agreement).⁷⁶

During the period under review, the Council dealt with a growing number of intra-State conflicts characterized by inter-ethnic and/or interreligious violence, collapse of central State authority, humanitarian crisis and regional implications threatening the stability of the whole subregion. For example, in connection with the situation in the Democratic Republic of the Congo, by a statement of the President dated 11 December 1998,⁷⁷ the Council members called for a peaceful solution to the conflict in the Democratic Republic of the Congo, including an immediate ceasefire, the orderly withdrawal of all foreign forces, arrangements for security along the country's international borders, the re-establishment of the authority of the Government of the Democratic Republic of the Congo over the whole territory of the country and the initiation of an all-inclusive national reconciliation process which fully respected the equality and rights of all, irrespective of ethnic origin.

In setting out the parameters for a peaceful settlement in order for a peace process to achieve its objective and to prevent a relapse into conflict, the Council often made precise recommendations. For instance, in connection with the situation in Liberia, the Council emphasized that the holding of free and fair elections as scheduled was an essential phase of the peace process.⁷⁸ In addition, in connection with the situation in the Republic of the Congo, by a statement of the President dated 13 August 1997,⁷⁹ the Council called upon the two parties to the conflict to resolve the crisis on the basis of the proposals submitted by the President of Gabon, including agreement on an interim government of national unity and a timetable for the holding of presidential elections. Furthermore, in connection with the situation in Cyprus, the Council continued to reaffirm its position that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial

⁷⁵ S/PRST/1998/10.

⁷⁶ S/1998/287.

⁷⁷ S/PRST/1998/36.

⁷⁸ Resolution 1100 (1997), fourth preambular para.

⁷⁹ S/PRST/1997/43.

integrity safeguarded, and comprising two politically equal communities in a bicomunal and bizonal federation, and that such a settlement had to exclude union in whole or in part with any other country or any form of partition or secession.⁸⁰

A. Recommendations relating to terms, methods or procedures of settlement

The objective of this section is to provide an overview of the Council's practices aimed at the pacific settlement of disputes in application of Chapter VI of the Charter. It lists Council decisions containing recommendations made in relation to terms, methods or procedures of pacific settlement. Relevant decisions are set out in a systematic order, without ascribing them to any specific Articles of the Charter. While Council decisions related to investigation and fact-finding missions have been already covered in part II of this chapter, this section provides in regional and chronological order examples of instances in which the Council proposed or endorsed, welcomed or supported terms of settlement; requested or called upon parties to settle their disputes by peaceful means; or recommended procedures or methods of settlement.

Africa

The situation in Angola

By three subsequent resolutions, the Security Council stressed the urgent need for the Government of Angola and in particular the União Nacional para a Independência Total de Angola (UNITA) to complete, in accordance with the timetable approved by the Joint Commission on 9 January 1998,⁸¹ the implementation of their obligations under the Lusaka Protocol⁸² as well as to complete the implementation of their obligations under the "Acordos de Paz"⁸³ and relevant Security Council resolutions.⁸⁴

By resolution 1164 (1998) of 29 April 1998, the Security Council called upon the Government of Unity

⁸⁰ Resolution 1179 (1998), para. 2.

⁸¹ S/1998/56, annex.

⁸² S/1994/1441.

⁸³ S/22609, annex.

⁸⁴ Resolutions 1127 (1997), third preambular para.; 1135 (1997), third preambular para.; 1149 (1998), para. 1; and 1157 (1998), para. 1.

and National Reconciliation and in particular UNITA to complete all remaining obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions.⁸⁵

By resolution 1195 (1998) of 15 September 1998, the Security Council strongly urged the Government of Angola, UNITA and States in the region to reject military action, to pursue dialogue to resolve the crisis and to refrain from any steps which could exacerbate the current situation, and urged the Government of Angola and UNITA to cooperate fully with the Special Representative of the Secretary-General and with other relevant initiatives by Member States to seek a peaceful resolution of the crisis.⁸⁶

By a series of resolutions, the Security Council reiterated the validity of the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions as the fundamental basis of the peace process.⁸⁷ In addition, by resolution 1202 (1998) of 15 October 1998, the Security Council stressed that there could be no military solution to the conflict in Angola, and called upon the Government of Angola and in particular UNITA to seek a political settlement, and to cooperate fully with the Special Representative of the Secretary-General, including by facilitating his contact with all those key to the peace process in order to convey, inter alia, the demands reiterated in the resolution.⁸⁸

The situation in Sierra Leone

By a statement of the President dated 4 December 1996,⁸⁹ the Council warmly welcomed the Peace Agreement signed by the Government of Sierra Leone and the Revolutionary United Front in Abidjan on 30 November 1996.

By several subsequent decisions, the Council underlined the necessity of implementing the Abidjan Agreement,⁹⁰ which continued to serve as a viable

⁸⁵ Resolution 1164 (1998), para. 1.

⁸⁶ Resolution 1195 (1998), paras. 6 and 7.

⁸⁷ Resolutions 1202 (1998), third preambular para.; 1229 (1999), sixth preambular para.; and 1268 (1999), fifth preambular para.

⁸⁸ Resolution 1202 (1998), paras. 3 and 8.

⁸⁹ S/PRST/1996/46.

⁹⁰ S/1996/1034, annex.

framework for peace, stability and reconciliation in Sierra Leone.⁹¹

By a statement of the President dated 14 November 1997,⁹² expressing its full support and appreciation for the continued efforts of the Committee of Five on Sierra Leone of the Economic Community of West African States to seek a peaceful settlement of the crisis and the restoration of the democratically elected Government and constitutional order, the Council welcomed the peace plan agreed in Conakry on 23 October 1997 between the Committee and representatives of the junta as set out in the documents issued after the meeting.⁹³ In the statement, it called upon the junta to fulfil its obligations under the peace plan, and in particular the ongoing maintenance of the ceasefire. In addition, it called upon all parties concerned to work for the early and effective implementation of the peace plan.

By a statement of the President dated 26 February 1998,⁹⁴ the Council expressed the view that the Conakry Agreement⁹⁵ and the Abidjan Agreement provided important elements for a framework for peace, stability and national reconciliation in Sierra Leone. The Council also called upon all parties in Sierra Leone to work towards those objectives through peaceful means and political dialogue.

By a statement of the President dated 7 January 1999,⁹⁶ the Council stressed the importance of dialogue and national reconciliation for the restoration of lasting peace and stability to Sierra Leone. It welcomed the offers made by leaders in the region aimed at resolving the conflict and, in that context urged them, including the Committee of Six on Sierra Leone of the Economic Community of West African States, to facilitate the peace process.

By a statement of the President dated 15 May 1999,⁹⁷ the Council called upon all concerned to remain committed to the process of negotiation and to demonstrate flexibility in their approach to the process.

In that context, the Council underlined its strong support for the mediation efforts of the United Nations within the Lomé process, in particular the work of the Special Representative of the Secretary-General to facilitate dialogue, and for the key role being played by the President of Togo. Furthermore, the Council urged both parties to commit themselves to a cessation of hostilities for the duration of the Lomé talks, to ensure that this was fully respected on the ground and to work constructively and in good faith for a ceasefire agreement. It called upon both sides to refrain from any hostile or aggressive act which could undermine “the talks process”.

By resolution 1260 (1999) of 20 August 1999, the Security Council welcomed the signing of the Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone in Lomé on 7 July 1999. Furthermore, the Council called upon both sides to ensure that the provisions of the Peace Agreement were fully implemented.⁹⁸

The situation in the Central African Republic

By a statement of the President dated 18 February 1999,⁹⁹ the Council took note with satisfaction of the commitment expressed by the President of the Central African Republic to maintain peace in the Central African Republic through dialogue and consultation. In that context, it strongly reaffirmed that the complete implementation of the Bangui Agreements¹⁰⁰ and of the National Reconciliation Pact¹⁰¹ was essential to peace and national reconciliation in the Central African Republic. Furthermore, the Council emphasized the importance of continuing efforts in the Central African Republic to settle outstanding contentious issues peacefully and democratically in accordance with the Bangui Agreements, and stressed the need for both the “mouvance présidentielle” and the opposition parties to cooperate closely and work actively with the aim of achieving the political consensus indispensable to stability in the Central African Republic.

⁹¹ S/PRST/1997/29, S/PRST/1997/36 and S/PRST/1997/42 and resolution 1132 (1997); sixth preambular para.

⁹² S/PRST/1997/52.

⁹³ S/1997/824, annexes I and II.

⁹⁴ S/PRST/1998/5.

⁹⁵ S/1996/1034, annex.

⁹⁶ S/PRST/1999/1.

⁹⁷ S/PRST/1999/13.

⁹⁸ Resolution 1260 (1999), para. 1.

⁹⁹ S/PRST/1999/7.

¹⁰⁰ S/1997/561, appendices III and IV.

¹⁰¹ S/1998/219, appendix.

The situation in Liberia

Following the agreement between the Council of States and the Economic Community of West African States (ECOWAS) on a basic framework for the holding of elections in Liberia scheduled for 30 May 1997, by resolution 1100 (1997) of 27 March 1997, the Security Council emphasized that the holding of free and fair elections as scheduled was an essential phase in the peace process in Liberia and urged all Liberian parties to cooperate with the peace process.¹⁰²

By resolution 1116 (1997) of 27 June 1997, noting the decision of ECOWAS to postpone the election date to 19 July 1997, the Security Council called upon the Liberian parties to implement fully all the agreements and commitments they had entered into, and urged all Liberians to participate peacefully in the electoral process.¹⁰³

By a statement of the President dated 30 July 1997,¹⁰⁴ the Council welcomed the successful holding of presidential and legislative elections in Liberia on 19 July 1997.

The situation in Burundi

By a statement of the President dated 5 January 1996,¹⁰⁵ the Council reaffirmed its support for the Convention of Governance of 10 September 1994, which constituted the institutional framework for national reconciliation in Burundi and for the institutions of Government established in line with it.

By resolution 1040 (1996) of 29 January 1996, the Security Council stressing the paramount importance and imperative need for all concerned in Burundi to pursue dialogue and national reconciliation, called upon all concerned in Burundi to participate in a positive spirit and without delay in a comprehensive political dialogue and to support the efforts of the Special Representative of the Secretary-General and others seeking to facilitate such dialogue.¹⁰⁶

By resolution 1049 (1996) of 5 March 1996, the Security Council, reiterating the urgent need for all concerned in Burundi, including extremists inside and outside the country, to make concerted efforts to defuse the crisis and to commit themselves to a dialogue aimed at establishing a permanent political settlement and the creation of conditions conducive to national reconciliation, called upon all concerned in Burundi to engage, as a matter of urgency, in serious negotiations and mutual accommodation within the framework of the national debate agreed upon by the signatories to the Convention on Governance and to increase efforts towards national reconciliation.¹⁰⁷

By a statement of the President dated 25 April 1996,¹⁰⁸ the Council extended its full support for and confidence in the efforts of the Special Representative of the Secretary-General and those of former President Julius Nyerere and other envoys to facilitate negotiations to resolve the crisis.

By a statement of the President dated 15 May 1996,¹⁰⁹ the Council reiterated its full support for the ongoing efforts of former President Nyerere to facilitate negotiations and political dialogue to resolve the crisis in Burundi and looked forward to a successful outcome of the meeting in Mwanza, United Republic of Tanzania, on 22 May 1996. The Council also called upon the parties to make full use of the meeting to achieve progress towards national reconciliation. In a subsequent presidential statement dated 24 July 1996,¹¹⁰ the Council again stressed its full support for the efforts of former President Nyerere, including the agreements of the Arusha Regional Summit of 25 May 1996. In that regard, the Council encouraged all parties to work in a constructive manner with former President Nyerere.

By resolution 1072 (1996) of 30 August 1996, the Security Council reiterating its support for the immediate resumption of dialogue and negotiations under the auspices of the Mwanza peace process facilitated by former President Nyerere and the joint communiqué of the Second Arusha Regional Summit on Burundi of 31 July 1996, demanded that all of

¹⁰² Resolution 1100 (1997), fourth preambular para. and para. 6.

¹⁰³ Resolution 1116 (1997), third preambular para. and para. 2.

¹⁰⁴ S/PRST/1997/41.

¹⁰⁵ S/PRST/1996/1.

¹⁰⁶ Resolution 1040 (1996), eighth preambular para and para. 3.

¹⁰⁷ Resolution 1049 (1996), ninth preambular para. and para. 4.

¹⁰⁸ S/PRST/1996/21.

¹⁰⁹ S/PRST/1996/24.

¹¹⁰ S/PRST/1996/31.

Burundi's political parties and factions without exception, whether inside or outside the country and including representatives of civil society, initiate unconditional negotiations immediately, with a view to reaching a comprehensive political settlement.¹¹¹

By a statement of the President dated 30 May 1997,¹¹² the Council welcomed the fact that the talks held in Rome were complementary to the Arusha process. It also welcomed the commitment of the Government of Burundi to the comprehensive political dialogue among all the parties within the framework of the Arusha process. Furthermore, it urged all the parties in Burundi to continue to pursue a negotiated settlement and to refrain from actions which were detrimental to such dialogue. In the same statement, the Council expressed its support and appreciation to former President Nyerere as well as to the Special Representative of the Secretary-General of the United Nations and the Organization of African Unity in their efforts to find a peaceful solution to the crisis in Burundi.

By a statement of the President dated 12 November 1999,¹¹³ the Council, noting with concern the outbreak of violence in Burundi and the delays in the peace process, called on all the parties to put an end to the violence and pursue negotiations towards the peaceful resolution of Burundi's ongoing crisis. In the same statement, the Council reiterated its support for the Arusha peace process and expressed its firm belief that the process chaired by former President Nyerere offered the best hope for peace in Burundi, and should be the foundation for all-party talks leading to the conclusion of a peace agreement. In addition, the Council commended those Burundian parties, including the Government, that had demonstrated their commitment to continue negotiations and called on those parties that remained outside the process to cease hostilities, and to participate fully in Burundi's inclusive peace process.

The situation in the Republic of the Congo

Following the outbreak of factional fighting in Brazzaville on 5 June 1997, by a statement of the

President dated 13 August 1997,¹¹⁴ the Council expressed its full support for the efforts of the International Mediation Committee, under the chairmanship of the President of Gabon, and the National Mediation Committee, under the chairmanship of the Mayor of Brazzaville, to persuade the parties involved to reach an agreement on a ceasefire and a peaceful settlement of the crisis. Furthermore, it called upon the two parties to resolve the crisis on the basis of the proposals submitted by the President of Gabon which were under discussion in Libreville, including agreement on an interim government of national unity and a timetable for the holding of presidential elections.

By a statement of the President dated 16 October 1997,¹¹⁵ the Council reiterated the importance of a political settlement and national reconciliation, and called upon the parties to cooperate with the International Mediation Committee and the joint United Nations/Organization of African Unity Special Envoy in reaching rapid agreement on peaceful transitional arrangements leading to the holding of democratic free and fair elections with the participation of all parties.

The situation in Guinea-Bissau

By a statement of the President dated 6 November 1998,¹¹⁶ the Council welcomed the agreement reached on 1 November 1998, in Abuja, between the Government of Guinea-Bissau and the Self-Proclaimed Military Junta. The Council considered the agreement to be a positive step towards national reconciliation and lasting peace in Guinea-Bissau. Also, it called upon the Government and the Self-Proclaimed Military Junta to respect fully their obligations under the Abuja Agreement and the Praia Agreement of 26 August 1998.¹¹⁷

By resolution 1216 (1998) of 21 December 1998, the Security Council welcomed the agreements between the Government of Guinea-Bissau and the Self-Proclaimed Military Junta signed in Praia on 26 August 1998,¹¹⁸ and in Abuja on 1 November

¹¹¹ Resolution 1072 (1996), eleventh preambular para. and para. 6.

¹¹² S/PRST/1997/32.

¹¹³ S/PRST/1999/32.

¹¹⁴ S/PRST/1997/43.

¹¹⁵ S/PRST/1997/47.

¹¹⁶ S/PRST/1998/31.

¹¹⁷ S/1998/825, annex I.

¹¹⁸ Ibid.

1998¹¹⁹ and the Additional Protocol signed in Lomé on 15 December 1998.¹²⁰ Furthermore, it called upon the Government and the Self-Proclaimed Military Junta to implement fully all the provisions of the agreements.¹²¹

The situation in the Great Lakes region

By resolution 1097 (1997) of 18 February 1997, welcoming the letter dated 18 February 1997 from the Secretary-General addressed to the President of the Security Council¹²² regarding progress in the efforts to resolve the crisis in the Great Lakes region, the Security Council endorsed the five-point peace plan for eastern Zaire, as set out in the letter from the Secretary-General of 18 February 1997.¹²³

The situation concerning the Democratic Republic of the Congo

Expressing its support for the people of the Democratic Republic of the Congo as they began a new period in their history, by a statement of the President dated 29 May 1997,¹²⁴ the Council, in accordance with the United Nations five-point peace plan, called for the rapid and peaceful settlement of the crisis through dialogue and the convening of an international conference on peace, security and development in the Great Lakes region.

By a statement of the President dated 31 August 1998,¹²⁵ the Council called for a peaceful solution to the conflict in the Democratic Republic of the Congo, including an immediate ceasefire, the withdrawal of all foreign forces, and the initiation of a peaceful process of political dialogue with a view to national reconciliation. Furthermore, it expressed its view that the problems of the Democratic Republic of the Congo must be solved on the basis of a process of all-inclusive national reconciliation which fully respected the equality and harmony of all ethnic groups and which led to the holding of democratic, free and fair elections, as soon as possible.

By a statement of the President dated 11 December 1998,¹²⁶ the Council, expressing concern about the continuing conflict in the Democratic Republic of the Congo, called for a peaceful solution to the conflict in the Democratic Republic of the Congo, including an immediate ceasefire, the orderly withdrawal of all foreign forces, arrangements for security along the international borders of the Democratic Republic of the Congo, the re-establishment of the authority of the Government of the Democratic Republic of the Congo over the whole territory of the country, and the initiation of an all-inclusive national reconciliation process in the Democratic Republic of the Congo. Furthermore, the Council welcomed the public commitments made in Paris by the Presidents of the Democratic Republic of the Congo, Uganda and Rwanda and the Presidents and heads of delegation of Namibia, Zimbabwe, Angola and Chad, and strongly urged them to give effect to these commitments.

By resolution 1234 (1999) of 9 April 1999, the Security Council urged all parties to the conflict to continue to work constructively through the regional mediation process towards the signing of a ceasefire agreement and settlement of the conflict in the Democratic Republic of the Congo.¹²⁷

By a statement of the President dated 24 June 1999,¹²⁸ the Council called upon all parties to demonstrate commitment to the peace process and to participate with a constructive and flexible spirit in the summit in Lusaka scheduled for 26 June 1999. In that context, it further called upon the parties to sign immediately a ceasefire agreement which included the appropriate modalities and mechanisms for its implementation. Also, the Council emphasized the need for a peaceful settlement of the conflict in the Democratic Republic of the Congo in order to permit the economic reconstruction of the country, so as to enhance development and foster national reconciliation.

By resolution 1258 (1999) of 6 August 1999, the Security Council welcomed the signing of the Ceasefire Agreement on the conflict in the Democratic Republic of the Congo by the States concerned in

¹¹⁹ S/1998/1028, annex.

¹²⁰ S/1998/1178, annex II.

¹²¹ Resolution 1216 (1998), paras. 1 and 2.

¹²² S/1997/136.

¹²³ Resolution 1097 (1997), second preambular para. and para. 1.

¹²⁴ S/PRST/1997/31.

¹²⁵ S/PRST/1998/26.

¹²⁶ S/PRST/1998/36.

¹²⁷ Resolution 1234 (1999), para. 12.

¹²⁸ S/PRST/1999/17.

Lusaka on 10 July 1999 which represented a viable basis for a resolution of the conflict in the Democratic Republic of the Congo. It also welcomed the signing of the Ceasefire Agreement on 1 August 1999 by the Movement for the Liberation of the Congo and called upon the Congolese Rally for Democracy to sign the Agreement without delay in order to bring about national reconciliation and lasting peace in the Democratic Republic of the Congo. By the same resolution, the Security Council called upon all parties to the conflict, in particular the rebel movements, to cease hostilities, to implement fully and without delay the provisions of the Ceasefire Agreement, to cooperate fully with the Organization of African Unity and the United Nations in the implementation of the Ceasefire Agreement and to desist from any act that may further exacerbate the situation. Furthermore, it stressed the need for a continuing process of genuine national reconciliation, and encouraged all Congolese to participate in the national debate to be organized in accordance with the provisions of the Ceasefire Agreement.¹²⁹

By resolution 1279 (1999) of 30 November 1999, the Security Council reaffirmed that the Ceasefire Agreement signed at Lusaka on 10 July 1999¹³⁰ represented the most viable basis for a resolution of the conflict in the Democratic Republic of the Congo. In addition, it expressed its concern at the alleged violations of the Ceasefire Agreement, and urged all parties to refrain from any declarations or action that could jeopardize the peace process. Furthermore, the Council stressed the need for a continuing process of genuine national reconciliation, encouraged all Congolese to participate in the national dialogue, and called upon all Congolese parties to finalize agreement on the facilitator for the national dialogue.¹³¹

The situation in Somalia

By a statement of the President dated 24 January 1996,¹³² the Council deeply concerned about the absence of any credible progress towards national reconciliation, called upon all Somali political leaders and parties to return to an inclusive process of

consultation and negotiation aimed at national reconciliation leading to the establishment of a broad-based national government.

By a statement of the President dated 20 December 1996,¹³³ the Council fully supported the efforts of the countries in the region, as well as of international and regional organizations, in particular the Organization of African Unity (OAU) and the League of Arab States (LAS), to facilitate a political settlement of the crisis in Somalia. It appealed to all Somali factions to join in such efforts and to start a process of national reconciliation aimed at the establishment of a broad-based national Government.

By a statement of the President dated 27 February 1997,¹³⁴ the Council called upon all Somali factions to cease immediately all hostilities and to cooperate with the regional and other efforts for peace and national reconciliation in Somalia, including the initiatives taken at Sodere, Ethiopia, and Nairobi.

By a statement of the President dated 23 December 1997,¹³⁵ the Council welcomed the outcome of meetings between the Somali leaders held in Cairo, which concluded on 22 December 1997, in particular their decision to adopt a federal system with regional autonomy and their agreement to form a transitional government of national unity and to hold an inclusive conference of national reconciliation in Baidoa, Somalia, through which a presidential council and a Prime Minister would be elected. Furthermore, it welcomed the signing of the Cairo Declaration on Somalia¹³⁶ and other important agreements attached thereto, particularly on the creation of an elected Constituent Assembly, the establishment of an independent judicial system and the preparation of a transitional charter. Finally, the Council called upon all Somali leaders to contribute positively to the current momentum for peace and reconciliation created by the significant progress achieved in Cairo and by the other previous initiatives of Sodere, Nairobi and Sanaa, through the widest possible participation in the planned conference, and to cease immediately all acts of violence and to observe the ceasefire.

¹²⁹ Resolution 1258 (1999), paras. 1, 2, 4 and 5.

¹³⁰ S/1999/815, annex.

¹³¹ Resolution 1279 (1999), fourth and fifth preambular paras. and para. 2.

¹³² S/PRST/1996/4.

¹³³ S/PRST/1996/47.

¹³⁴ S/PRST/1997/8.

¹³⁵ S/PRST/1997/57.

¹³⁶ S/1997/1000, annex.

Expressing its support for the activities of the Standing Committee on Somalia, by a statement of the President dated 27 May 1999,¹³⁷ the Council called upon all Somali factions to cease immediately all hostilities and to cooperate with the regional and other efforts to achieve peace and reconciliation.

By a statement of the President dated 12 November 1999,¹³⁸ the Council expressed its full support for the efforts exerted by the Intergovernmental Authority on Development to find a political solution to the crisis in Somalia. In that context, it welcomed the initiative of the President of Djibouti aimed at restoring peace and stability in Somalia.¹³⁹ In the same statement, the Council endorsed the call made by the President of Djibouti to the warlords to recognize fully and accept the principle that the Somali people are free to exercise their democratic right to choose their own regional and national leaders. Furthermore, the Council called upon the leaders of the Somali factions and all others concerned to cooperate constructively and in good faith in the efforts to resolve the crisis.

The situation between Eritrea and Ethiopia

By resolution 1177 (1998) of 26 June 1998, the Security Council, welcoming the official statements by the Government of Ethiopia and the Government of Eritrea that they shared the ultimate goal of delimiting and demarcating their common border on the basis of a mutually agreeable and binding arrangement, taking into account the charter of OAU, colonial treaties and international law applicable to such treaties, called upon the parties to avoid any steps which would aggravate tensions such as provocative actions or statements, and to take steps to build confidence between them including by guaranteeing the rights and safety of each other's nationals.¹⁴⁰

By resolution 1226 (1999) of 29 January 1999, the Security Council expressed its strong support for the mediation efforts of OAU and for the Framework Agreement as approved on 17 December 1998 by the Summit of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of

OAU,¹⁴¹ and affirmed that the Framework Agreement provided the best hope for peace between the two parties. The Council stressed that it was of primary importance that the Framework Agreement be accepted. In addition, the Council welcomed the acceptance by Ethiopia of the Framework Agreement. It also welcomed Eritrea's engagement in the process undertaken by OAU, and strongly urged Eritrea to accept the Framework Agreement as the basis for a peaceful resolution of the border dispute between Ethiopia and Eritrea without delay. Furthermore, the Council strongly urged Ethiopia and Eritrea to maintain their commitment to a peaceful resolution of the border dispute and called upon them in the strongest terms to exercise maximum restraint and to refrain from taking any military action.¹⁴²

Asia

Letters dated 23 September and 3 and 11 October 1996 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council

Letters dated 23 September 1996 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council and 27 September 1996 addressed to the Secretary-General

Following the incident involving a submarine of the Democratic People's Republic of Korea on 18 September 1996, by a statement of the President dated 15 October 1996,¹⁴³ the Council urged that the Korean Armistice Agreement¹⁴⁴ should be fully observed and that no action should be taken that might increase tension or undermine peace and stability on the Korean peninsula. The Council stressed that the Armistice Agreement should remain in force until it was replaced by a new peace mechanism. Furthermore, the Council encouraged both sides of the Korean peninsula to settle their outstanding issues by peaceful means through dialogue, so that peace and security on the peninsula would be strengthened.

¹³⁷ S/PRST/1999/16.

¹³⁸ S/PRST/1999/31.

¹³⁹ See S/1999/1007.

¹⁴⁰ Resolution 1177 (1998), sixth preambular para. and para. 6.

¹⁴¹ S/1998/1223, annex.

¹⁴² Resolution 1226 (1999), paras. 1, 3, 5 and 7.

¹⁴³ S/PRST/1996/42.

¹⁴⁴ S/3079.

The responsibility of the Security Council in the maintenance of international peace and security

Following the nuclear tests conducted by India on 11 and 13 May 1998 and by Pakistan on 28 and 30 May 1998, by resolution 1172 (1998) of 6 June 1998, the Security Council urged India and Pakistan to resume the dialogue between them on all outstanding issues, particularly on all matters pertaining to peace and security, in order to remove the tensions between them, and encouraged them to find mutually acceptable solutions that addressed the root causes of those tensions, including Kashmir.¹⁴⁵

The situation in Timor

By resolution 1236 (1999) of 7 May 1999, the Security Council welcomed the progress made at the last round of talks between the Governments of Portugal and Indonesia,¹⁴⁶ under the auspices of the Secretary-General, which led to the conclusion of a series of agreements in New York on 5 May 1999. By the same resolution, it welcomed the concluding of the Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor on 5 May 1999.¹⁴⁷

The situation in Tajikistan and along the Tajik-Afghan border

By a statement of the President dated 7 February 1997,¹⁴⁸ the Council welcomed the signing in Moscow on 23 December 1996 by the President of Tajikistan and the leader of the United Tajik Opposition of the Agreement,¹⁴⁹ including the Protocol on the Commission on National Reconciliation,¹⁵⁰ and noted the progress made in the inter-Tajik talks in Tehran. The Council believed that those agreements, provided that they were carried out as written, represented a qualitative change for the better and gave a new impetus to efforts aimed at achieving national reconciliation. Furthermore, the Council urged the parties to honor and implement consistently and in good faith the agreements already reached, in

particular in the course of negotiating future agreements. It also urged them to make further substantive progress at the next rounds of the inter-Tajik talks.

Letter dated 31 March 1998 from the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council

By a statement of the President dated 22 April 1998,¹⁵¹ the Council expressed support for the Agreement on Peace, Security and Development on Bougainville, signed at Lincoln University, New Zealand, on 23 January 1998,¹⁵² achieved by the Government of Papua New Guinea, the Bougainville Transitional Government, the Bougainville Resistance Force, the Bougainville Interim Government, the Bougainville Revolutionary Army and the Bougainville leaders, with regard to a ceasefire among conflicting parties. In that context, it encouraged all parties to cooperate in promoting reconciliation, so that the objectives of the Lincoln Agreement could be met, and urged all parties to continue to cooperate in accordance with the Lincoln Agreement in order to achieve and maintain peace, to renounce the use of armed force and violence, to resolve any differences by consultation, both now and in the future, and to confirm their respect for human rights and the rule of law.

The situation in Afghanistan

By resolution 1076 (1996) of 22 October 1996, the Security Council urged all Afghan parties to resolve their differences through peaceful means and achieve national reconciliation through political dialogue.¹⁵³ By the same decision and in a prior statement,¹⁵⁴ the Council called upon all Afghan parties immediately to cease all armed hostilities, to renounce the use of force, to put aside their differences, and to engage in a political dialogue aimed at achieving national reconciliation and a lasting political settlement of the conflict and establishing a fully representative and broad-based transitional government of national unity.

¹⁴⁵ Resolution 1172 (1998), para. 5.

¹⁴⁶ Resolution 1236 (1999), fourth preambular para. and para. 1.

¹⁴⁷ S/1999/513, annex I.

¹⁴⁸ S/PRST/1997/6.

¹⁴⁹ S/1996/1070, annex I.

¹⁵⁰ S/1996/1070, annex II.

¹⁵¹ S/PRST/1998/10.

¹⁵² S/1998/287.

¹⁵³ Resolution 1076 (1996), eighth preambular para.

¹⁵⁴ *Ibid.*, para. 1, and S/PRST/1996/40.

By a statement of the President dated 16 April 1997,¹⁵⁵ the Council called upon the Afghan parties to cease all hostile actions and to enter into sustained negotiations. It strongly believed that a negotiated settlement was the only solution to the long-standing conflict in that country.

By a statement of the President dated 9 July 1997,¹⁵⁶ the Council called upon all Afghan parties to return to the negotiating table immediately and to work together towards the formation of a broad-based, fully representative government that would protect the rights of all Afghans and abide by Afghanistan's international obligations. In the same statement, the Council, taking into account risks of regional destabilization, expressed its belief that peace and stability in Afghanistan could best be attained through intra-Afghan political negotiations under United Nations auspices with the active and coordinated assistance of all countries concerned.

By a statement of the President dated 16 December 1997,¹⁵⁷ the Council stressed that the Afghan conflict had no military solution and that the primary responsibility for finding a peaceful settlement rested with the Afghan parties themselves. It also urged all Afghan parties to take genuine confidence-building measures, to agree immediately on a ceasefire, and to engage without preconditions in a political dialogue aimed at achieving national reconciliation, a lasting political settlement of the conflict and the formation of a broad-based, fully representative government that would protect the rights of all Afghans and abide by Afghanistan's international obligations.

By a statement of the President dated 6 August 1998,¹⁵⁸ the Council called upon all Afghan parties to return to the negotiating table without delay and preconditions and to cooperate with the aim of creating a broad-based and fully representative government, which would protect the rights of all Afghans and observe the international obligations of Afghanistan.

In two subsequent decisions,¹⁵⁹ the Council reiterated that the Afghan crisis could be settled only by peaceful means, through direct negotiations

between the Afghan factions under United Nations auspices, aimed at achieving mutually acceptable solutions accommodating the rights and interests of all ethnic, religious and political groups of Afghan society.

By a statement of the President dated 15 September 1998,¹⁶⁰ the Council called upon the parties, in particular the Taliban, to take action in response to the strong concerns expressed by the international community, to stop fighting and resume negotiations aimed at achieving a peaceful settlement of the conflict on the basis of the relevant resolutions of the General Assembly and of the Council.

By resolution 1214 (1998) of 8 December 1998, the Security Council demanded that the Taliban, as well as other Afghan factions, stop fighting, conclude a ceasefire and resume negotiations without delay and preconditions under United Nations auspices, and cooperate with the aim of creating a broad-based and fully representative government, which would protect the rights of all Afghans and observe the international obligations of Afghanistan.¹⁶¹

By a statement of the President dated 22 October 1999,¹⁶² the Council reiterated that there was no military solution to the conflict in Afghanistan and that only a negotiated political settlement aimed at the establishment of a broad-based, multi-ethnic and fully representative government acceptable to all Afghans could lead to peace and reconciliation. It recalled its demand that the parties to the conflict, especially the Taliban, resume negotiations under United Nations auspices without delay and preconditions in full compliance with the relevant resolutions of the General Assembly and the Council.

Europe

(a) The situation in Croatia

By resolution 1093 (1997) of 14 January 1997, commending the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, signed in Belgrade on 23 August 1996¹⁶³ and committing the parties to resolve peacefully the disputed issue of Prevlaka by

¹⁵⁵ S/PRST/1997/20

¹⁵⁶ S/PRST/1997/35.

¹⁵⁷ S/PRST/1997/55.

¹⁵⁸ S/PRST/1998/24.

¹⁵⁹ S/PRST/1998/24 and resolution 1193 (1998), para. 1.

¹⁶⁰ S/PRST/1998/27.

¹⁶¹ Resolution 1214 (1998), para. 1.

¹⁶² S/PRST/1999/29.

¹⁶³ S/1996/706 and S/1996/744.

negotiations in the spirit of the Charter of the United Nations and good neighbourly relations, the Security Council urged the parties to abide by their mutual commitments and to implement fully the Agreement on Normalization of Relations and stressed that those were critical for the establishment of peace and security throughout the region.¹⁶⁴

By a statement of the President dated 25 April 1997,¹⁶⁵ the Council called upon the Republic of Croatia and the Federal Republic of Yugoslavia to resolve the disputed issue of Prevlaka through bilateral negotiations pursuant to the Agreement on Normalization of Relations and in the spirit of the Charter of the United Nations and good neighborly relations.

By resolution 1119 (1997) of 14 July 1997, the Security Council renewed its calls upon the parties to abide by their mutual commitments, implement fully the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, adopt the practical options proposed by the United Nations military observers for the improvement of safety and security in the area, cease all violations of the demilitarization regime and military or other activities which may increase tension, and cooperate fully with the United Nations military observers and ensure their safety and freedom of movement, including through the removal of landmines.¹⁶⁶

By resolution 1147 (1998) of 13 January 1997, the Security Council urged the parties to take concrete steps towards a negotiated resolution of the disputed issue of Prevlaka in good faith and without delay.¹⁶⁷

By resolution 1222 (1999) of 15 January 1999, the Security Council, noting with approval the continuing bilateral negotiations between the parties pursuant to the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, expressed serious concern that such negotiations had not yet resulted in

any substantive progress towards a settlement of the disputed issue of Prevlaka.¹⁶⁸

By several subsequent resolutions,¹⁶⁹ the Security Council continued to urge the parties to abide by their mutual commitments and to implement fully the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia.

Items relating to the situation in Kosovo, Federal Republic of Yugoslavia

By a statement of the President dated 19 January 1999,¹⁷⁰ the Council called upon all parties to respect fully their commitments under the relevant resolutions and affirmed once again its full support for international efforts to facilitate a peaceful settlement on the basis of equality for all citizens and ethnic communities in Kosovo.

By a statement of the President dated 29 January 1999,¹⁷¹ the Council welcomed and supported the decisions of the Contact Group, following their meeting in London on 29 January 1999,¹⁷² aimed at reaching a political settlement between the parties and establishing a framework and timetable for that purpose.

The situation in Albania

By a statement of the President dated 13 March 1997,¹⁷³ expressing its deep concern about the deteriorating situation in Albania, the Council urged all concerned to refrain from hostilities and acts of violence and to cooperate with diplomatic efforts to reach a peaceful solution to the crisis. In addition, the Council called upon the parties involved to continue the political dialogue and to live up to the commitments undertaken on 9 March 1997 in Tirana. It further urged all political forces to work together to lower tension and facilitate the stabilization of the country.

¹⁶⁴ Resolution 1093 (1997), seventh preambular para. and para. 2.

¹⁶⁵ S/PRST/1997/23.

¹⁶⁶ Resolution 1119 (1997), para. 2.

¹⁶⁷ Resolution 1147 (1997), para. 6.

¹⁶⁸ Resolution 1222 (1999), ninth preambular para.

¹⁶⁹ See resolutions 1093 (1997), para. 2; 1147 (1998), para. 4; 1183 (1998), para. 4; 1222 (1999), para. 5; and 1252 (1999), para. 4.

¹⁷⁰ S/PRST/1999/2.

¹⁷¹ S/PRST/1999/5.

¹⁷² S/1996/96, annex.

¹⁷³ S/PRST/1997/14.

The situation in Georgia

By resolutions 1036 (1996) of 12 January 1996 and 1065 (1996) of 12 July 1996, the Council stressed the need for the parties to intensify efforts, under the auspices of the United Nations and with the assistance of the Russian Federation as facilitator, to achieve an early and comprehensive political settlement of the conflict, including on the political status of Abkhazia, fully respecting the sovereignty and territorial integrity of Georgia.¹⁷⁴ Furthermore, the Council called upon the parties, in particular the Abkhaz side, to achieve substantive progress without further delay towards a comprehensive political settlement, and also called upon them to cooperate fully with the efforts undertaken by the Secretary-General with the assistance of the Russian Federation as facilitator.¹⁷⁵

By several subsequent decisions, the Council continued to express concern that no significant progress had yet been achieved towards a comprehensive political settlement of the conflict. It also continued to call upon the parties, in particular the Abkhaz side, to achieve substantive progress without further delay.¹⁷⁶

By resolutions 1096 (1997) of 30 January 1997 and 1124 (1997) of 31 July 1997, as well as by two presidential statements dated 8 May 1997¹⁷⁷ and 6 November 1997¹⁷⁸, the Security Council recalled its position with regard to a comprehensive political settlement in Georgia, as contained in previous resolutions.¹⁷⁹ In the above-mentioned decisions, the Security Council continued to welcome the renewal of direct dialogue at a high level between the parties, and called upon them to intensify the search for a peaceful solution by further expanding their contacts, and requested the Secretary-General to make available all appropriate support if so requested by the parties.¹⁸⁰

¹⁷⁴ Resolution 1036 (1996), third preambular para., and resolution 1065 (1996), third preambular para.

¹⁷⁵ Resolution 1036 (1996), para. 4.

¹⁷⁶ S/PRST/1996/20, resolution 1065 (1996), third preambular and para. 5; S/PRST/1996/43; and resolution 1096 (1997), fourth preambular para. and para. 6.

¹⁷⁷ S/PRST/1997/25.

¹⁷⁸ S/PRST/1997/50.

¹⁷⁹ See resolutions 1036 (1996) and 1065 (1996).

¹⁸⁰ Resolution 1096 (1997), para. 7; S/PRST/1997/25; resolution 1124 (1997), para. 8; S/PRST/1997/50; and resolution 1150 (1998), para. 6.

By a statement of the President dated 28 May 1998,¹⁸¹ the Council expressed its deep concern at the slowing of the peace process. It called upon the parties to display the necessary political will to achieve substantial results on the key issues of the negotiations within the framework of the United Nations-led peace process and through direct dialogue, with full respect for the sovereignty and territorial integrity of Georgia.

By resolution 1225 (1999) of 28 January 1999, the Security Council demanded that both sides widen their commitment to the United Nations-led peace process, continue to seek and engage in dialogue, expand their contacts at all levels and display without delay the necessary will to achieve substantial results on the key issues of the negotiations, and underlined the necessity for the parties to achieve an early and comprehensive political settlement, which included a settlement on the political status of Abkhazia within the State of Georgia, which fully respected the sovereignty and territorial integrity of Georgia within its internationally recognized borders.¹⁸²

By two subsequent decisions,¹⁸³ the Council reiterated its demand that both sides widen their commitment to the United Nations-led peace process, continue to seek and engage in dialogue, expand their bilateral contacts and display without delay the necessary will to achieve substantial results on the key issues of the negotiations, and underline the necessity for the parties to achieve an early and comprehensive political settlement, which included a settlement on the political status of Abkhazia within the State of Georgia.

The situation in Cyprus

By resolution 1062 (1996) of 28 June 1996, the Security Council reiterated its concern that there had been no progress towards a final political solution, and agreed with the assessment of the Secretary-General that the negotiations had been at an impasse for too long.¹⁸⁴ It also reiterated that the status quo was unacceptable, and called upon the parties to demonstrate concretely their commitment to an overall political settlement.¹⁸⁵ It urged the leaders of the two

¹⁸¹ S/PRST/1998/16.

¹⁸² Resolution 1225 (1999), para. 3.

¹⁸³ S/PRST/1999/11 and resolution 1255 (1999), para. 2.

¹⁸⁴ Resolution 1062 (1996), sixth preambular para.

¹⁸⁵ *Ibid.*, para. 10.

communities to respond positively and urgently to the Secretary-General's call upon them to work with him and with the many countries who supported his mission of good offices to break the present impasse and establish common ground on which direct negotiations could be resumed.¹⁸⁶

In several subsequent resolutions,¹⁸⁷ the Security Council reiterated that the status quo was unacceptable, and stressed its support for the Secretary-General's mission of good offices and the importance of the concerted efforts to work with the Secretary-General towards an overall comprehensive settlement.

By resolution 1179 (1998) of 29 June 1998, the Security Council reiterated its growing concern that negotiations on a comprehensive political solution had yet to make progress, despite the efforts of the Secretary-General and his Special Adviser and others in support of the United Nations efforts to promote a comprehensive settlement.¹⁸⁸

By resolution 1217 (1998) of 22 December 1998, the Security Council reaffirmed that the status quo was unacceptable and that negotiations on a final political situation of the Cyprus problem had been at an impasse for too long. The Council also reaffirmed its position that a Cyprus settlement was to be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicomunal and bizonal federation, and that such a settlement was to exclude union in whole or in part with any other country or any form of partition or secession. Furthermore, it called once again upon the leaders of the two communities to commit themselves to this process of negotiations, to cooperate actively and constructively with the Secretary-General, his Special Adviser and Deputy Special Representative and to resume when appropriate the direct dialogue.¹⁸⁹

By resolution 1250 (1999) of 29 June 1999, the Security Council expressed the view that both sides had legitimate concerns that should be addressed through

comprehensive negotiations covering all relevant issues. In that regard, it called upon the two leaders to give their full support to such a comprehensive negotiation, under the auspices of the Secretary-General, and to commit themselves to the following principles: no preconditions; all issues on the table; commitment in good faith to continue to negotiate until a settlement was reached; and full consideration of relevant United Nations resolutions and treaties.¹⁹⁰

By resolution 1251 (1999) of 29 June 1999, the Security Council reiterated the need to make progress on a comprehensive political solution.¹⁹¹

Middle East

The situation in the occupied Arab Territories

Expressing concern about the clashes between the Israeli army and the Palestinian police and the casualties on both sides, by resolution 1073 (1996) of 28 September 1996, the Security Council called for an immediate resumption of negotiations within the Middle East peace process on its agreed basis and the timely implementation of the agreements reached.¹⁹²

B. 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.

Nevertheless, Security Council efforts aimed at the peaceful settlement of disputes frequently require the involvement of the Secretary-General, who, in coordination with the Council or at its request, facilitates peace efforts in various ways. With regard to the situation in the Great Lakes, the Secretary-General informed the Council, by a letter dated 18 February 1997 addressed to the President of the Security Council,¹⁹³ that the joint

¹⁸⁶ Ibid., para. 12.

¹⁸⁷ See resolutions 1092 (1996), para. 10; 1117 (1997), para. 7; and 1146 (1997), para. 8.

¹⁸⁸ Resolution 1179 (1998), fourth preambular para.

¹⁸⁹ Resolution 1217 (1998), para. 6, 7 and 9.

¹⁹⁰ Resolution 1250 (1999), para. 5 and 7.

¹⁹¹ Resolution 1251 (1999), seventh preambular para.

¹⁹² Resolution 1073 (1999), para. 3.

¹⁹³ S/1997/136.

United Nations/Organization of African Unity Special Representative for the Great Lakes region, Mr. Mohammed Sahnoun, was working on a five-point peace plan,¹⁹⁴ which was based on the Council's statement¹⁹⁵ of 7 February 1997, and that Mr. Sahnoun hoped it would be accepted by all parties. In light of the numerous peace initiatives undertaken to restore peace in eastern Zaire, the Secretary-General asked for immediate Council acknowledgement and support for Mr. Sahnoun's initiative. In response, by resolution 1097 (1997) of 18 February 1997, the Security Council welcomed the letter addressed to the President¹⁹⁶ regarding progress in the efforts to resolve the crisis in the Great Lakes region.¹⁹⁷ It also endorsed the five-point peace plan for eastern Zaire, as set out in the letter from the Secretary-General of 18 February 1997.¹⁹⁸

During the period under review, 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 initiative of the Secretary-General within the framework of his mission of good offices.

The following overview sets out examples of decisions by which the Security Council specifically requested, supported, endorsed, encouraged or welcomed the Secretary-General's endeavors in the peaceful settlement of disputes.

¹⁹⁴ The plan called for the immediate cessation of hostilities; withdrawal of all external forces, including mercenaries; reaffirmation of respect for the national sovereignty and territorial integrity of Zaire and other States of the Great Lakes region; protection and security for all refugees and displaced persons and facilitation of access to humanitarian assistance; and rapid and peaceful settlement of the crisis through dialogue, the electoral process and the convening of an international conference on peace, security and development in the Great Lakes region.

¹⁹⁵ In its presidential statement, the Council had expressed full support for the Special Representative and had urged the parties to cooperate fully with his mission (S/PRST/1997/5).

¹⁹⁶ S/1997/136.

¹⁹⁷ Resolution 1097 (1997), second preambular para.

¹⁹⁸ *Ibid.*, para. 1.

The situation in Angola

By resolution 1195 (1998) of 15 September 1998, the Security Council reiterated its support to the Secretary-General for his personal engagement in the peace process, and urged the Government of Angola and UNITA to cooperate fully with the Special Representative of the Secretary-General and with other relevant initiatives by Member States to seek a peaceful resolution of the crisis.¹⁹⁹ By resolution 1202 (1998) of 15 October 1998, the Security Council encouraged the Special Representative of the Secretary-General to coordinate his efforts with regional and subregional organizations in order to bring about a solution within the framework of the Lusaka Protocol.²⁰⁰

The situation in Sierra Leone

While welcoming the offers made by leaders in the region aimed at resolving the conflict and in that context urged them, including the Economic Community of West African States (ECOWAS) Committee of Six, to facilitate the peace process, by a statement of the President dated 7 January 1999,²⁰¹ the Council called on the Secretary-General to do all he could to assist in those efforts, including through his Special Representative. By resolution 1231 (1999) of 11 March 1999, the Security Council expressed its support for all efforts, in particular by States members of ECOWAS, aimed at peacefully resolving the conflict and restoring lasting peace and stability to Sierra Leone, and encouraged the Secretary-General, through his Special Representative for Sierra Leone, to facilitate dialogue to those ends.²⁰²

The situation in the Republic of the Congo

By a statement of the President dated 13 August 1997,²⁰³ while expressing its full support for the efforts of the International Mediation Committee, under the chairmanship of the President of Gabon, and the National Mediation Committee, under the Chairmanship of the Mayor of Brazzaville, to persuade the parties involved to reach agreement on a ceasefire and a peaceful settlement of the crisis, the Council affirmed its support for the important and constructive role of the Joint United

¹⁹⁹ Resolution 1195 (1998), para. 7.

²⁰⁰ Resolution 1202 (1998), para. 9.

²⁰¹ S/PRST/1999/1.

²⁰² Resolution 1231 (1999), para. 9.

²⁰³ S/PRST/1997/43.

Nations/Organization of African Unity Special Representative for the Great Lakes region in those negotiations.

The situation concerning the Democratic Republic of the Congo

By a statement of the President dated 11 December 1998,²⁰⁴ the Council welcomed in particular the initiative taken by the Secretary-General at the Twentieth Conference of Heads of State of Africa and France, held in Paris from 26 to 28 November 1998, to bring about an end to the conflict and reach an immediate, unconditional ceasefire. By a statement of the President dated 24 June 1999,²⁰⁵ the Council expressed its appreciation and full support for the continuing efforts of the Secretary-General and his Special Envoy for the peace process in the Democratic Republic of the Congo.

The situation in Cyprus

By resolution 1179 (1998) of 29 June 1998, the Security Council stressed its full support for the Secretary-General's mission of good offices and for the efforts of his Special Adviser on Cyprus to resume a sustained process of direct negotiations aimed at achieving a comprehensive settlement on the basis of the relevant Security Council resolutions, and stressed also the importance of concerted efforts to work with the Secretary-General to that end.²⁰⁶

By resolution 1218 (1998) of 22 December 1998, the Security Council endorsed the initiative of the Secretary-General announced on 30 September 1998 within the framework of his mission of good offices, with the goal of reducing tensions and promoting progress towards a just and lasting settlement in Cyprus. The Council also requested the Secretary-General, in view of the objectives of promoting progress towards a just and lasting settlement and of reducing tension, set out in his initiative of 30 September 1998, and building on the serious engagement already demonstrated by the two sides, to continue to make progress towards these two objectives, on the basis of relevant Security Council resolutions. Furthermore, taking into account resolution 1178 (1998) of 29 June 1998, it requested

the Secretary-General, in particular, to work intensively with the two sides on the following: (a) an undertaking to refrain from the threat or use of force or violence as a means to resolve the Cyprus problem; (b) a staged process aimed at limiting and then substantially reducing the level of all troops and armaments on Cyprus; (c) implementation of the package of measures of the United Nations Peacekeeping Force in Cyprus (UNFICYP) aimed at reducing tensions along the ceasefire lines, and a commitment to enter into discussions with the Force with a view to early agreement on further specific and related tension-reducing steps, including demining along the buffer zone; (d) further progress in the area of tension-reduction; (e) efforts to achieve substantive progress on the core aspects of a comprehensive Cyprus settlement; and other measures that will build trust and cooperation between the two sides.²⁰⁷

By resolution 1250 (1999) of 29 June 1999 the Council reiterated its endorsement of the initiative of the Secretary-General announced on 30 September 1998, within the framework of his mission of good offices, with the goal of reducing tensions and promoting progress towards a just and lasting settlement in Cyprus.²⁰⁸

C. Decisions involving regional arrangements or agencies

During the period under review, the Security 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. Council decisions 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.

²⁰⁴ S/PRST/1998/36.

²⁰⁵ S/PRST/1999/17.

²⁰⁶ Resolution 1179 (1998), para. 3.

²⁰⁷ Resolution 1218 (1998), para. 2, 4 and 5.

²⁰⁸ Resolution 1250 (1999), para. 3.

Part IV

Constitutional discussion bearing on the interpretation or application of the provisions of Chapter VI of the Charter

Note

Part IV highlights the most important arguments raised in the deliberations of the Council with regard to the interpretation of specific provisions of the Charter concerning the Council's role in the peaceful settlement of disputes. It includes in particular discussions concerning 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 conditions under which it is appropriate for Member States and non-Member States to bring any dispute or situation to the attention of the Security Council.

In accordance with the relevant provisions of Chapter VI, the Council shall, when it deems necessary, make recommendations in relation to disputes or situations which are likely to endanger international peace and security. Accordingly, this part will focus on discussions concerning the existence of a dispute or situation within the meaning of Chapter VI of the Charter. When making recommendations to the parties, the Council is also required, pursuant to Article 36 of the Charter, to take into consideration (a) procedures for settlement which have already been adopted by the parties, and (b) the general rule that disputes of a legal nature ought to be referred to the International Court of Justice. Instances in which the requirements stipulated by Article 36 (2) and (3) became the subject of deliberations will, therefore, also be considered below.

Part IV is divided into seven thematic subheadings in accordance with the relevant provisions of Chapter VI, with the inclusion of Article 99 dealing with matters brought to the attention of the Security Council by the Secretary-General. The thematic subheadings that include more than one item are organized by agenda item of the Council. Further, those agenda 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 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 peaceful settlement of disputes. Since the referral of a situation or dispute to the Council was challenged by Member States on the basis of distinct arguments, some items are considered under several subheadings.

Assertion that peaceful means of settlement were not exhausted in the light of Article 33 (1) of the Charter

During the Council's deliberations, Article 33 was explicitly invoked to underline that the imposition of measures against the Libyan Arab Jamahiriya had taken place without exhausting the provisions and arrangements for the peaceful settlement of disputes set forth in Article 33.

*Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America*²⁰⁹

At its 3864th meeting, on 20 March 1998, the representative of the Libyan Arab Jamahiriya argued that resolutions 731 (1992), 748 (1992) and 883 (1993) had been adopted in clear violation of Article 33 of the Charter, thus challenging the relevance of the Council's procedures. He argued that his country had applied the provisions contained in Article 33 of the Charter, resorting to regional and international organizations to seek a solution by negotiation, enquiry, mediation, conciliation, arbitration or judicial settlement. He stated that his Government had submitted the issue to the League of Arab States, the Organization of African

²⁰⁹ (S/23306, S/23307, S/23308, S/23309 and S/23317).

Unity, the Organization of the Islamic Conference and the Non-Aligned Movement. Those organizations established committees which contacted the parties concerned in search of a solution that would satisfy all parties. However, their noble endeavours had been aborted through rejection, disregard and worse. He further stated that those organizations, once their efforts of mediation or conciliation had failed, submitted proposals aimed at the judicial settlement of the question through one of three options.²¹⁰ Three options were proposed for the trial of the two Libyan nationals suspected in the Lockerbie bombing: they could be tried in a neutral country chosen by the Council; at the World Court in the Hague by Scottish judges; or in a special tribunal to be created at The Hague.

Several speakers²¹¹ supported the view of the Libyan Arab Jamahiriya. In that connection, referring to the provisions in Article 33 stating that disputes between States must be resolved, the representative of Pakistan questioned whether all those options had been exhausted before sanctions were imposed on the Libyan Arab Jamahiriya. He argued that the Security Council should reconsider whether it can remain seized of an issue which was now sub judice in the ICJ.²¹²

The representatives of the Organization of African Unity and the Organization of the Islamic Conference explicitly referred to the provisions under Article 33 of the Charter calling on the parties to any dispute to 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.²¹³ The representative of the Organization of African Unity considered that the dispute between the Libyan Arab Jamahiriya and two permanent members of the Security Council fell under Article 33 of the Charter of the United Nations.²¹⁴

Speaking on behalf of the Group of African States, the representative of Mali referred to the resolutions of the Organization of African Unity inviting all the parties to begin negotiations with a view to arriving at a negotiated solution to the dispute, in accordance with Article 33 of the Charter, which calls for the solution of disputes by negotiation, mediation and judicial settlement, in accordance with the norms of international law.²¹⁵

The representative of the Sudan echoed the belief of his Government that the peaceful settlement of disputes in accordance with the provisions of the Charter was a necessity in the context of the maintenance of international peace and security, as reflected in the provisions contained in Article 33 (1). For this reason, the Sudan believed that the Security Council was, first and foremost, duty-bound to compel the parties to the conflict to settle their dispute by peaceful means.²¹⁶

No action was taken at the end of the deliberations at the 3864th meeting.

Relevance of recommendations for the settlement of disputes by the Security Council, in the light of Article 33 (2) of the Charter

Whereas Article 33 (1) gives primary responsibility in resolving a dispute to the parties concerned, the Security Council is vested, under Article 33 (2), with discretionary power to request the parties to settle their dispute by peaceful means.

Article 33 (2) provides that “the Security Council shall, when it deems necessary, call upon the parties to settle their disputes by such means”, as referred to in Article 33 (1), namely, negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of the choice by the parties to a dispute or situation. The importance placed on the parties’ efforts to reach a settlement is also reflected in Article 36 (2), which provides that “the Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted between

²¹⁰ S/PV.3864 and Corr.1, pp. 4-9.

²¹¹ Ibid., p. 37 (Organization of African Unity); p. 38 (Organization of the Islamic Conference); p. 50 (Kuwait); pp. 59-60 (Pakistan); pp. 65-66 (Sudan); and p. 76 (Lebanon).

²¹² Ibid., pp. 59-60.

²¹³ Ibid., pp. 36-37 (Organization of African Unity) and pp. 38-39 (Organization of the Islamic Conference).

²¹⁴ Ibid., p. 36.

²¹⁵ Ibid., pp. 40-42.

²¹⁶ Ibid., p. 66.

the parties”. In the following instance, the Security Council called upon the parties to resolve their dispute through dialogue and negotiation.

The responsibility of the Security Council in the maintenance of international peace and security

For example, following the nuclear tests conducted by India and Pakistan, by resolution 1172 (1998), adopted at its 3890th meeting held on 6 June 1998, the Security Council demanded that those countries refrain from further nuclear tests, and called upon them immediately to stop their nuclear weapon development programmes, to refrain from weaponization or from the deployment of nuclear weapons, to cease development of ballistic missiles capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons, to confirm their policies not to export equipment, materials or technology that could contribute to weapons of mass destruction or missiles capable of delivering them and to undertake appropriate commitments in that regard. Furthermore, the Council urged them to become parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear-Test-Ban Treaty without delay and without conditions.²¹⁷

At the same meeting, speakers unanimously expressed concern about the threat posed to the peace and stability of the South Asia region, and called upon India and Pakistan to resolve their disputes by peaceful means, through dialogue and negotiation. Expressing grave concern at the negative effect of the nuclear tests on peace and stability in South Asia and beyond, speakers unanimously urged India and Pakistan to exercise maximum restraint and to avoid threatening military movements. They were also urged to resume their dialogue on all outstanding issues, particularly on all matters pertaining to peace and security, in order to remove the tensions between them. Several speakers²¹⁸ emphasized the need to address the root causes of the tension between them, and to try to build confidence rather than seek confrontation.

The representative of Sweden encouraged India and Pakistan to resume and strengthen a political dialogue on all outstanding issues, including Kashmir. In that regard, he stated that the international community should stand ready to facilitate such dialogue, at the request of the parties, in order to reduce tension and build confidence and security between them.²¹⁹

The representative of the Russian Federation stressed his delegation’s readiness to help India and Pakistan in their search for reconciliation and cooperation through direct dialogue.²²⁰

Speaking after the adoption of resolution 1172 (1998), the Secretary-General said that he particularly welcomed the call by the Council on India and Pakistan to resume their bilateral talks on the issues that divided them. He stated that he would continue with his own efforts to encourage dialogue in the hope that it would reduce tensions and the danger of an escalation into a nuclear arms race.²²¹ Responding to this, the representative of the Islamic Republic of Iran noted that the situation at hand was a good example of an area where the good offices of the Secretary-General could be best utilized.²²²

The representative of the United Arab Emirates appealed to the international community, which was represented by the Security Council whose mission was to preserve international peace and security, to follow that peaceful path and use its good offices as a preventive measure so as to contain any escalation of tensions between the two countries.²²³

Commenting on statements made by other speakers, the representative of Pakistan considered the approach of giving responsibility in resolving the dispute to the parties involved erroneous, given the failure of the two parties to find a peaceful solution. He argued that the Council had failed to address the root causes of tensions between India and Pakistan, by merely “deal[ing] with the non-proliferation aspects”. He asserted that non-proliferation was no longer an issue in South Asia, which was nuclearized “thanks to the encouragement and acquiescence of major

²¹⁷ Resolution 1172 (1998), para. 3, 7 and 13.

²¹⁸ S/PV.3890, p. 3 (Japan); p. 4 (Sweden); p. 10 (France); p. 11 (China); p. 13 (United Kingdom, on behalf of the European Union and associated and aligned countries); p. 15 (Islamic Republic of Iran); and pp. 15-16 (Australia).

²¹⁹ Ibid., p. 4.

²²⁰ Ibid., p. 5.

²²¹ Ibid., p. 13.

²²² Ibid., p. 15.

²²³ Ibid., p. 22.

Powers”. Furthermore, he maintained that the resolution calling upon India and Pakistan to settle by themselves the issues bedeviling their relations was irrelevant given the failure of the two States to find a negotiated solution. He added that if Pakistan and India could have sorted out those problems themselves, South Asia would not be nuclearized. In conclusion, the representative of Pakistan emphasized that his country was ready to enter into talks with India on all matters of mutual concern, including a non-aggression pact, on the basis of a just, equitable and expeditious settlement of the Jammu and Kashmir dispute.²²⁴

At the end of deliberations, the Council adopted resolution 1172 (1998), by which it urged India and Pakistan to resume the dialogue between them on all outstanding issues, particularly on all matters pertaining to peace and security, in order to remove the tensions between them, and encouraged them to find mutually acceptable solutions that addressed the root causes of those tensions, including Kashmir.

Role of the Security Council in the prevention of armed conflicts

During the period under review, in thematic debates of the Security Council speakers suggested new ideas and new approaches to the role of the Security Council as defined under Chapter VI. The idea of early-warning mechanisms, likely to enable the Council to take early action with regard to emerging disputes, was the most outstanding example of the evolving interpretation of Chapter VI. In his report²²⁵ entitled “The causes of conflict and the promotion of durable peace and sustainable development in Africa”, the Secretary-General suggested that a better response to rising conflicts could be given by the Council if it were informed at the earliest stage possible. He noted that early warning mechanisms were widely regarded as serving an important role in conflict prevention but, without early action, early warning was of little use. He argued that the critical concern today was no longer lack of early warning of impending crisis, but rather the need to follow up early warning with early and effective action.

At its 3875th meeting, on 24 April 1998, the Council considered the report of the Secretary-General.

²²⁴ Ibid., pp. 28-32.

²²⁵ S/1998/318.

During the debate, speakers discussed ways to detect the early signs of a conflict, with regard to the referral of the Council about any situation or any dispute likely to endanger the maintenance of international peace and security. The representative of Guyana affirmed that stronger regional bodies which were closer to the local situation and therefore better able to understand and respond to them could help stem the tide of conflict through the early initiation of the procedures for peaceful settlement set out in Article 33 of the Charter.²²⁶ At its 4081st meeting, on 15 December 1999, one of the several themes of discussion included the identification of additional instruments that the Council could bring to bear to help solve and, where possible, prevent conflicts in Africa. Noting that the United Nations Charter provided a number of tools which could and should be used in conflict prevention, the representative of Finland, speaking on behalf of the European Union and the associated and aligned countries,²²⁷ emphasized that existing methods, such as those enumerated in Article 33 of the Charter, should be strengthened and complemented.²²⁸

In connection with the agenda item entitled “Role of the Security Council in the prevention of armed conflicts”, at its 4072nd meeting, on 29 November 1999, several speakers highlighted the importance and effectiveness of the provisions enshrined in Article 33, and how they could play an important role in settling many disputes and preventing armed conflicts. The representative of Bahrain underlined that there were many important tools available for the settlement of disputes under Article 33 of the Charter: negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement and other peaceful means.²²⁹ The representative of Gabon noted that the provisions stipulated in Article 33, calling on the parties to settle their disputes through the use of peaceful means, gave a mandate to the Council in the field of prevention of armed conflict.²³⁰ Referring to the tools that could and should be used in conflict prevention, the representative of Finland, speaking on behalf of the European Union and the associated and aligned

²²⁶ S/PV.3875 (Resumption 1), p. 62.

²²⁷ S/PV.4081, pp. 27-28.

²²⁸ Ibid., p. 27 (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Iceland and Liechtenstein).

²²⁹ S/PV.4072 and Corr.1, p. 17.

²³⁰ Ibid., p. 23.

countries,²³¹ called on such methods enumerated in Article 33 to be strengthened and complemented.²³² The representative of Norway noted that early consideration and preventive action by the Security Council in disputes or potential conflict situations should remain the primary instrument of the international community's conflict prevention efforts. He stated that the higher the readiness of the Council for preventive action, the more likely it was that disputes could be settled peacefully, in accordance with Article 33 of the Charter.²³³

Recourse to investigation by the Security Council in the light of Article 34

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 continuance of the dispute or situation is likely to endanger the maintenance of international peace and security. In the instance described below, the Article was explicitly invoked during the consideration of measures whose timely use could resolve situations of conflict.

On 8 September 1999, the Secretary-General submitted his report entitled "Protection of civilians in armed conflict",²³⁴ in which he noted that while causes of conflict were complex and needed to be addressed in a comprehensive manner, there were a number of steps which the Council could take, acting within its sphere of responsibility, to identify potential conflict situations much sooner. In that regard, he recommended, inter alia, that the Security Council increase its use of relevant provisions in the Charter, including Article 34, by investigating disputes at an early stage, inviting Member States to bring disputes to the Security Council's attention, and recommending appropriate procedures for dealing with disputes.²³⁵

²³¹ Ibid., p. 32 (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus, Malta and Iceland).

²³² Ibid., p. 32-34.

²³³ S/PV.4072 (Resumption 1), p. 15.

²³⁴ S/1999/957.

²³⁵ Ibid., para. 13.

At its 4046th meeting, on 16 September 1999, the Council met to discuss the above-mentioned report of the Secretary-General. During the course of the debate, speakers unanimously expressed their concern over the seriousness of the issue of civilians in armed conflict and welcomed the action-oriented recommendations contained in the report of the Secretary-General. The representative of Canada expressed support for the suggestion in the Secretary-General's report that the Council should make greater use of, inter alia, Article 34 of the Charter, which allows the Council to investigate any situation.²³⁶

Appropriateness of bringing 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 instance described below reflects the action by a party to a dispute to seek a peaceful settlement through a regional organization.

Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995

In a letter dated 9 January 1999 addressed to the President of the Security Council,²³⁷ the representative of Ethiopia referred to the refusal of the Government of the Sudan to comply with repeated demands for extradition to Ethiopia of the terrorists sought for their role in the assassination attempt against President Mubarak of Egypt. In that connection, he requested, in accordance with Article 35 of the Charter of the United Nations, an urgent meeting of the Council to consider the matter.

At its 3627th meeting, on 31 January 1996, which was held in response to the above-mentioned letter, discussions revolved around the possibility of parallel

²³⁶ S/PV.4046, p. 7.

²³⁷ S/1996/10.

implementation by Member States of their power of initiative under Article 35 (1) of the Charter and their obligations within regional arrangements under Article 52 (2) of the Charter.

The representative of Ethiopia expressed regret that his delegation had brought before the Council the matter regarding the extradition of suspects to his country, and stated that it had been the intention of his Government to resolve the issue at the bilateral level with the Government of the Sudan. He presented arguments for the referral of the issue of extradition to the Council, asserting that his Government had, first, sought to resolve the issue at the bilateral level and, after the Sudan had failed to reciprocate, brought the matter to the attention of the Organization of Africa Unity. Referring to the fact that the Sudan opposed the efforts of OAU and refused to implement its resolution, he argued that his Government felt compelled to bring the matter to the Council.²³⁸ On a similar note, the representative of Egypt asserted that when Ethiopia resorted to the Security Council, it did so using its rights under the Charter, as ascribed under Article 35. He stated that the provisions enshrined in the article made it clear that any Member of the United Nations might bring to the Security Council's attention any dispute which could threaten international peace and security.²³⁹

Nevertheless, the representative of the Sudan questioned the haste with which Ethiopia had taken the matter to the Council and asked why some Council members had refused to await the outcome of the efforts of OAU on the matter. He expressed the view that resolution 1044 (1996) was imbalanced, and stated that it did not take into consideration the repeated position of the Sudan to cooperate fully and unconditionally. He declared his country's readiness to cooperate fully and unconditionally with all the parties concerned and pledged its "tireless help" to the Secretaries-General of OAU and the United Nations in accordance with the provisions of the resolution.²⁴⁰

The representative of Botswana held that it pained his delegation to discuss the issue before the Council, because it was an African problem that deserved an African solution. In that regard, he would

have preferred the issue to be resolved without reference to the Council.²⁴¹

The representative of the Russian Federation stated that given that the Organization of African Unity had adopted a number of important decisions designed to help solve the problem of the extradition of the suspects, his delegation was convinced that the greatest possible involvement by the regional machinery, OAU, was the best way to go. While welcoming constructive cooperation between the United Nations and regional organizations, he believed that there was no justification for the Council taking their place on the issue in question.²⁴²

At the end of the deliberations, the Council adopted resolution 1044 (1996), by which it commended the efforts of the Government of Ethiopia to resolve the issue through bilateral and regional arrangements. It also called upon the Government of the Sudan to comply with the requests of OAU.

The legal nature of disputes, in the light of Article 36 (3) of the Charter

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 following instance, Member States debated the question of whether the Security Council was competent to decide on a matter of which the International Court of Justice was seized.

*Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America*²⁴³

The Council, at its 3864th meeting, on 20 March 1998, considered the Lockerbie dispute in the light of the two judgments of the International Court of Justice

²³⁸ S/PV.3627, p. 3.

²³⁹ Ibid., p. 16.

²⁴⁰ Ibid., pp. 4-7.

²⁴¹ Ibid., p. 8.

²⁴² Ibid., p. 17.

²⁴³ S/23306, S/23307, S/23308, S/23309 and S/23317.

and in the context of the review of the sanctions.²⁴⁴ The representative of the Libyan Arab Jamahiriya²⁴⁵ affirmed that resolutions 731 (1992), 748 (1992) and 883 (1993) were adopted in clear violation of Article 36 of the Charter. Rejecting those resolutions as an attempt to politicize a legal question, the representative of the Libyan Arab Jamahiriya referred to the judgments of the International Court of Justice rendered on 27 February 1998. In that regard, the representative of the Libyan Arab Jamahiriya concluded that the Lockerbie matter was a legal dispute between his country, on the one hand, and the United States and the United Kingdom, on the other. Hence, the sanctions provided for in Security Council resolutions 748 (1992) and 883 (1993) became irrelevant since the Court accepted jurisdiction in the matter on which the resolutions were based. Referring to the imposition of sanctions since 1992, he emphasized that his Government's point of view had been that the disputes between it and the United States and the United Kingdom were legal disputes, and that application of the provisions of Article 36, paragraph 3, of the Charter made it incumbent on the Council in making its recommendations, as in resolution 731 (1992), to take into consideration the fact that legal disputes should be referred by the parties to the Court.²⁴⁶

Several speakers²⁴⁷ supported the position of the representative of the Libyan Arab Jamahiriya, maintaining that the dispute was legal and not political in nature, and that in the light of the judgments of the Court, it was clearly in the Court's authority to decide on the case. They argued that by confirming its jurisdiction, the Court deprived the Security Council's decisions on the imposing of sanctions of their legal basis. The representative of Ghana asserted that the judgments of the Court appeared to weaken the foundations of the Council's resolutions 748 (1992),

and 883 (1993), which imposed sanctions on one of the parties.²⁴⁸

The representative of the Sudan maintained that sanctions gave "hegemonic forces" a pretext to use double standards by imposing sanctions on weaker countries without the necessary objective and legal conditions being met, which constituted a violation of the principles and values of justice enshrined in the Charter. He further stated that the judgments of the Court regarding its competence in this case demonstrated beyond any doubt that the conflict was of a legal nature. It was therefore incumbent upon the Council to assume the sacred duty bestowed upon it by the Charter of the United Nations and refer the case to the International Court of Justice in accordance with Article 36, paragraph 3 of the Charter, which was clear and unequivocal in this regard.²⁴⁹

Similarly, the representative of the League of Arab States asserted that the Libyan Arab Jamahiriya had, from the beginning, followed the correct path as it resorted to the Court, in accordance with Articles 33 and 36 of the Charter. He noted that this had taken place before the United States and United Kingdom resorted to the Council and before the renewal of the imposition of sanctions. In his delegation's view, the Council should have taken into account the nature of the dispute in accordance with Article 36 of the Charter.²⁵⁰

On the contrary, the representatives of France,²⁵¹ the United Kingdom of Great Britain and Northern Ireland²⁵² and the United States of America²⁵³ considered that the judgments of the Court were procedural in nature, and thus did not affect the relevant resolutions of the Security Council. The representative of the United States affirmed that the rulings of the Court in no way questioned the legality of the Security Council's actions affecting the Libyan Arab Jamahiriya or the merits of the criminal cases against the two accused suspects. He stated that the rulings of the Court involved technical, procedural issues and, contrary to the assertions of the

²⁴⁴ S/1998/179.

²⁴⁵ S/PV.3864 and Corr.1, pp. 5-6.

²⁴⁶ *Ibid.*, pp. 4-9.

²⁴⁷ *Ibid.*, pp. 21-22 (Bahrain); p. 36 (League of Arab States); pp. 41-42 (Mali); p. 47 (Syrian Arab Republic); p. 49 (United Arab Emirates); p. 51 (Yemen); pp. 53-54 (Egypt); p. 56 (Ghana); p. 58 (Iraq); p. 60 (Pakistan); pp. 65-66 (Sudan); p. 67 (Nigeria); and p. 74 (Malaysia).

²⁴⁸ *Ibid.*, p. 56.

²⁴⁹ *Ibid.*, pp. 65-66.

²⁵⁰ *Ibid.*, p. 35.

²⁵¹ *Ibid.*, p. 29.

²⁵² *Ibid.*, p. 32.

²⁵³ *Ibid.*, p. 12.

Government of the Libyan Arab Jamahiriya, was not calling for the review or suspension of Security Council resolutions.²⁵⁴ Other speakers expressed similar views with regard to the validity of relevant resolutions of the Security Council.²⁵⁵ The representative of Japan pointed out that the judgments of the Court concerned exclusively the jurisdictional phase of the case and did not deal with the merits of the case regarding the destruction of Pan Am flight 103. In the light of the legal nature of those decisions, it was the view of his Government that they could not prejudice the power of the Security Council on an issue of which the Council had been legitimately seized.²⁵⁶

The representative of Slovenia expressed a view divergent from the aforementioned positions. He argued that situations in which the Security Council on the one hand and the Court on the other hand were both engaged in dealing with different aspects of a given situation, occurred as a result of the fact that international issues often had both political and legal aspects.²⁵⁷ He stated that in most situations in which the Council and the Court addressed the same events, the approach was different. In that regard, he gave the example of the judgment concerning military and paramilitary activities in and against Nicaragua. In that instance, he recalled that the Court explained that “the Charter confers primary and not exclusive responsibility upon the Security Council for the purpose of the maintenance of international peace and security”. The Court then noted that the Council has functions of a political nature assigned to it whereas the Court exercises purely judicial functions. Both organs can therefore perform their separate but complementary functions with respect to the same events.²⁵⁸ The representative of Slovenia drew the conclusion that those examples demonstrated that situations of parallel pursuit of the separate but complementary functions of the Court and the Security Council were not new, and that there was no conflict of jurisdiction involved.²⁵⁹

No action was taken at the end of the deliberations at the 3864th meeting.

Utilization of Article 99 by the Secretary-General for the peaceful settlement of disputes

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 discussions below, Member States welcomed the recommendation made by the Secretary-General to strengthen the relevance of Article 99, and some underlined the importance of the role of the Secretary-General to this effect.

Protection of civilians in armed conflict

In his report of 8 September 1999 entitled “The protection of civilians in armed conflict”,²⁶⁰ the Secretary-General offered recommendations on measures that the Security Council could adopt within its sphere of responsibility to protect civilians. One of several recommendations was that the Council should strengthen the relevance of Article 99 of the Charter by taking concrete action in response to threats against peace and security as these were identified by the Secretariat.²⁶¹ Among them, the Secretary-General recommended that the Security Council “urge neighbouring Member States to ensure access for humanitarian assistance and call on them to bring any issues that might threaten the right of civilians to assistance to the attention of the Security Council as a matter affecting peace and security.”²⁶²

At its 4046th meeting, on 16 September 1999, the Council met to consider the above-mentioned report of the Secretary-General. During the debate, the representative of Canada welcomed the recommendation of the Secretary-General to strengthen the relevance of Article 99, as it would allow him to bring to the attention of the Council any matter which

²⁵⁴ Ibid.

²⁵⁵ Ibid., pp. 17-19 (Portugal); pp. 22-24 (Japan) and pp. 39-40 (United Kingdom, on behalf of the European Union and associated and aligned countries).

²⁵⁶ Ibid., p. 23.

²⁵⁷ Ibid., p. 24.

²⁵⁸ ICJ Reports 1986, p. 434

²⁵⁹ S/PV.3864, pp. 24-25.

²⁶⁰ S/1999/957.

²⁶¹ Ibid., para. 13.

²⁶² Ibid., para. 19.

in his opinion might threaten the maintenance of international peace and security.²⁶³

The representative of India disagreed with recommendation 19 of the report of the Secretary-General, and expressed concern about the possibility that neighbouring countries might bring to the Council's notice, as a matter affecting peace and security, any issue that might threaten the right of civilians to assistance. He asserted that it meant that even if there was no threat to peace and security, such a threat could be manufactured in the complaint, or that the complaint in itself would be considered proof that such a threat existed. In that regard, this would automatically sow dissension between neighbours, and undermine regional peace. The representative stated that as a matter of procedure, it would call into question the sovereign right of nation States to make decisions on matters which they considered to be a threat to peace and security in their region, by laying down parameters which were arbitrary and ill-defined.²⁶⁴

Role of the Security Council in the prevention of armed conflicts

At its 4072nd meeting, on 29 November 1999, a number of speakers explicitly invoked Article 99, and emphasized the importance of the role of the Secretary-General under Article 99 of the Charter.²⁶⁵ The representative of Australia encouraged the Secretary-General to make greater use of his authority under Article 99 of the Charter to bring to the attention of the Council any matter which in his opinion might threaten the maintenance of international peace and security.²⁶⁶

²⁶³ S/PV.4046, p. 7.

²⁶⁴ S/PV.4046 (Resumption 1 and Corr.2), pp. 26-27.

²⁶⁵ S/PV.4072 and Corr.1, p. 7 (France); p. 14 (China); pp. 19-20 (Malaysia); p. 21 (Brazil); p. 25 (Gambia); p. 29 (Netherlands); p. 33 (Finland); p. 40 (Australia); and p. 41 (Sudan); S/PV.4072 (Resumption 1), pp. 5-6 (Liechtenstein); p. 10 (New Zealand); and p. 16 (Norway).

²⁶⁶ *Ibid.*, p. 40.

The representative of Liechtenstein noted that an enhanced role for the Secretary-General was a further key element of successful United Nations action in the area of prevention. She further noted that Article 99 of the Charter gave a legally and politically sound basis for such an enhanced role.²⁶⁷

The representative of New Zealand noted that the Secretary-General had been given a particular role under Article 99, a role that would seem quite relevant to the idea of "early warning" so often mentioned in discussions of preventive diplomacy. In that regard, he was able to bring any matter that in his opinion might threaten international peace and security to the attention of the Council.²⁶⁸ The representative of Norway called for the enhancement of the role of the Secretary-General through the allocation of human and financial resources to enable him to fulfil his obligations under the Charter to bring threats to the attention of the Council.²⁶⁹

The situation in Africa

At its 4081st meeting, on 15 December 1999, the representative of Finland, speaking on behalf of the European Union, stated that the possibilities of the Secretary-General and his Secretariat were not fully utilized, and recalled the provisions contained in Article 99 of the Charter. For that purpose, the European Union considered that the Secretariat's capacity needed to be enhanced to enable the Security Council to conduct regular surveys of potential conflict areas.²⁷⁰

The representative of New Zealand emphasized that there should be a greater focus on prevention, especially through the Secretary-General exercising his early-warning role, as provided for in Article 99 of the Charter.²⁷¹

²⁶⁷ S/PV.4072 (Resumption 1), pp. 5-6.

²⁶⁸ *Ibid.*, p. 10.

²⁶⁹ *Ibid.*, p. 16.

²⁷⁰ S/PV.4081, p. 27.

²⁷¹ S/PV.4081 (Resumption 1), p. 14.

Chapter XI

Consideration of the provisions of Chapter VII of the Charter

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Introductory note

Chapter XI deals with action taken by the Security Council with respect to threats to the peace, breaches of the peace and acts of aggression, within the framework of Chapter VII of the Charter.

During the period under review Chapter VII of the Charter was invoked by the Security Council in a greater number of its decisions than in the previous period. While most of those decisions related to the situations in Afghanistan, Angola, the Central African Republic, East Timor, the former Yugoslavia and Sierra Leone, the Council also adopted measures under Chapter VII of the Charter in connection with the situations in Albania, the Democratic Republic of the Congo, East Timor, the Great Lakes region, Iraq and Kuwait, and Liberia; in connection with the Libyan Arab Jamahiriya, to ensure the Government's full cooperation in surrendering the suspects in the terrorist attacks against Pan Am flight 103 and Union de Transports Aeriens flight 772; and in connection with the extradition of the suspects wanted in the assassination attempt of the President of Egypt.

This chapter will focus 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 increase in 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. Thus parts I to IV of this chapter focus on the practice of the Council in accordance with Articles 39 to 42; part V focuses on Articles 43 to 47; part VI deals with Articles 48; part VII addresses the obligations of Member States under Article 49; and parts VIII and IX deal, respectively, with the practice of the Council with respect to Articles 50 and 51. In addition, each part contains a section that focuses on the decisions of the Council which illustrate its practice with respect to the Article(s) considered and, where relevant, a section that highlights excerpts of the Council's deliberations in respect to those Articles. Each section treats the different aspects of the Council's consideration of the Article in focus under different subheadings.

Part I

Determination of a threat to the peace, breach of the peace, or act of aggression under 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. The Council did, however, adopt several resolutions that determined or expressed concern at the “existence of a threat to the peace”, for example, in connection with the situations in Albania, Afghanistan, the Central African Republic, East Timor, Sierra Leone, and the Great Lakes region. The Council also determined that there existed a continued threat to the peace in the following situations: in Angola; in the former Yugoslavia; and between Iraq and Kuwait. In some instances, the Council regarded widespread violations of international humanitarian law and human rights, terrorist activities by external State actors and the staging of a military coup d'état as threats to international peace and security.

During the period under consideration, the Council also identified certain generic threats to peace and security. For instance, in the deliberations¹ held in connection with the item entitled “The responsibility of the Security Council in the maintenance of international peace and security”, members of the Council expressed the view that the proliferation of weapons of mass destruction constituted a threat to international peace and security.

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 constitutional discussion in the meetings of the Council

¹ S/PV.3890.

arising in connection with the adoption of some of these resolutions.

A. Decisions of the Security Council relating to Article 39

Africa

Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995.

By resolutions 1054 (1996) of 26 April 1996 and 1070 (1996) of 16 August 1996, the Council expressed alarm at the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia on 26 June 1995, convinced that those responsible for the act should be brought to justice. By the same resolution, the Council determined that the non-compliance of the Government of Sudan with the requests set out in paragraph 4 of resolution 1044 (1996) constituted a threat to international peace and security.

The situation in the Great Lakes region

By a statement of the President dated 1 November 1996,² the Council members agreed with the Secretary-General that the situation in eastern Zaire³ constituted a serious threat to the stability of the Great Lakes region.⁴ By resolution 1078 (1996) of

² S/PRST/1996/44.

³ By a communication dated 20 May 1999, the Secretariat was informed by the member State known formerly as “Zaire” that the name of the State had been changed on 17 May to “Democratic Republic of the Congo”.

⁴ By a letter dated 14 October 1996 addressed to the President, the Secretary-General informed the Council that he had concluded that the deteriorating situation in eastern Zaire presented a threat to peace and security in the region (S/1996/875).

9 November 1996, the Council particularly expressed concern at the humanitarian situation and the large-scale movements of refugees and internally displaced persons, and determined that the magnitude of the humanitarian crisis in eastern Zaire constituted a threat to peace and security in the region. By resolution 1080 (1996) of 15 November 1996, the Council expressed grave concern at the continued deteriorating situation in the Great Lakes region in particular eastern Zaire, and determined that the situation in eastern Zaire constituted a threat to international peace and security in the region.

The situation in Sierra Leone

By a statement of the President dated 11 July 1997,⁵ the Council expressed concern about the grave crisis in Sierra Leone, which endangered the peace, security and stability of the whole region, and in particular, about its negative impact on the peace process in neighbouring Liberia. By resolution 1132 (1997) of 8 October 1997, the Council expressed concern at the continuing violence, loss of life and the deteriorating humanitarian conditions in Sierra Leone following the military coup of 25 May 1997. The Council determined that the situation in Sierra Leone constituted a threat to international peace and security in the region. By resolution 1270 (1999) of 22 October 1999, the Council recalled its resolutions 1171 (1998) of 5 June 1998, 1181 (1998) of 13 July 1998, 1231 (1999) of 11 March 1999, 1260 (1999) of 20 August 1999 and other relevant resolutions, and by the statement by its President of 15 May 1999,⁶ thereby determining that the situation in Sierra Leone continued to constitute a threat to international peace and security in the region.

The situation in the Central African Republic

By resolution 1125 (1997) of 6 August 1997, the Council expressed concern at the fact that, in the Central African Republic, former mutineers, members of militias and other persons continued to bear arms in contravention of the Bangui Agreements, and determined that the situation in the Central African Republic continued to constitute a threat to international peace and security in the region. By

⁵ S/PRST/1997/36.

⁶ S/PRST/1999/13.

resolutions 1136 (1997) of 6 November 1997, 1152 (1998) of 5 February 1998, 1155 (1998) of 16 March 1998, and 1159 (1998) of 27 March 1998, the Council reaffirmed its resolution 1125 (1997), and determined that the situation in the Central African Republic continued to constitute a threat to international peace and security in the region.

The situation in Angola

By resolution 1127 (1997) of 28 August 1997, the Council expressed its grave concern at the serious difficulties in the peace process, which were mainly the result of delays by the União Nacional para a Independência Total de Angola (UNITA) in the implementation of its obligations under the Lusaka Protocol, and determined that the situation in Angola constituted a threat to international peace and security in the region. By resolution 1135 (1997) of 29 October 1997, the Council strongly deplored the failure by UNITA to comply fully with its obligations under the “Acordos de Paz”, the Lusaka Protocol and with relevant Security Council resolutions, in particular resolution 1127 (1997) of 28 August 1997. As a result of this, the Council determined that the situation constituted a threat to international peace and security in the region. By resolution 1173 (1998) of 12 June 1998, the Council expressed its grave concern at the critical situation in the peace process, which had been the result of the failure by UNITA to implement its obligations under the “Acordos de Paz”, the Lusaka Protocol, and relevant Security Council resolutions. The Council, thereby, determined that the situation in Angola constituted a threat to international peace and security in the region. By resolutions 1176 (1998) of 24 June 1998 and 1237 (1999) of 7 May 1999, the Council reaffirmed its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolution 1173 (1998) of 12 June 1998, and determined that the situation in Angola constituted a threat to international peace and security in the region.

Asia

The situation in Afghanistan

By resolution 1267 (1999) of 15 October 1999, the Council reiterated its deep concern over violations of international humanitarian law and of human rights, and determined that the failure of the Taliban authorities to respond to the demands in resolution

1214 (1998) constituted a threat to international peace and security.⁷

The situation in East Timor

By resolution 1264 (1999) of 15 September 1999 and resolution 1272 (1999) of 25 October 1999, the Council expressed deep concern at the deterioration in the security situation in East Timor, and, in particular by the violence against and large-scale displacement and relocation of East Timorese civilians, thereby, determining that the situation in East Timor constituted a threat to peace and security.

Europe

Items relating to the situation in the former Yugoslavia

The situation in Croatia

By resolutions 1037 (1996) and 1038 (1996) of 15 January 1996, the Council recalled all of its relevant resolutions, in particular resolutions 1023 (1995) of 22 November 1995 and 1025 (1995) of 30 November 1995, and determined that the situation in Croatia continued to constitute a threat to international peace and security. By resolution 1066 (1996) of 15 July 1996, the Council determined that the situation in Croatia continued to constitute a threat to international peace and security, and authorized United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula. By resolution 1079 (1996) of 15 November 1996, the Council determined that the situation in Croatia continued to constitute a threat to international peace and security and welcomed the report of the Secretary-General.⁸ The Council noted in particular the recommendations of the Secretary-General that the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium should be extended by six months. By resolution 1093 (1997) of 14 January 1997, the Council noted with concern the violations in the zones designated by the United Nations in the region and other activities, including restrictions on the freedom

⁷ By resolution 1214 (1998), the Council expressed its grave concern at the Afghan conflict, which had escalated as a result of the offensive by the Taliban forces.

⁸ S/1996/883.

of movement of United Nations military observers, and determined that the situation in Croatia continued to constitute a threat to international peace and security. By resolution 1119 (1997) of 14 July 1997, the Council noted with concern that the parties had failed to make any progress in adopting the practical options proposed by the United Nations military observers in May 1996, and determined that the situation in Croatia continued to constitute a threat to international peace and security. By resolution 1120 (1997) of 14 July 1997, the Council expressed its grave concern over the lack of improvement in respect to human rights and strongly deplored incidents of ethnically motivated violence in Hrvatska Kostajnica. By the same resolution, the Council determined that the situation in Croatia continued to constitute a threat to international peace and security.

The situation in Bosnia and Herzegovina

By resolutions 1088 (1996) of 12 December 1996 and 1174 (1998) of 15 June 1998, having considered the report of the Secretary-General,⁹ the Council determined that the situation in the region continued to constitute a threat to international peace and security. By resolution 1247 (1999) of 18 June 1999, the Council emphasized that a comprehensive and coordinated return of refugees and displaced persons throughout the region continued to be crucial to lasting peace, and determined that the situation in the region continued to constitute a threat to international peace and security.

*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*¹⁰

*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*¹¹

By resolution 1199 (1998) of 23 September 1998, the Council was deeply concerned by the flow of refugees into northern Albania, Bosnia and

⁹ S/1996/1017.

¹⁰ S/1998/223.

¹¹ S/1998/272.

Herzegovina and other European countries as a result of the use of force in Kosovo. Moreover, the Council was concerned by the deterioration in the humanitarian situation throughout Kosovo and by reports of increasing violations of human rights and of international humanitarian law. It thereby affirmed that the deterioration of the situation in Kosovo, Federal Republic of Yugoslavia, constituted a threat to peace and security in the region. By resolution 1203 (1998) of 24 October 1998, the Council was deeply alarmed and concerned at the grave humanitarian situation throughout Kosovo, and affirmed that the unresolved situation there constituted a threat to peace and security in the region. By resolution 1244 (1999) of 10 June 1999, the Council condemned all acts of violence against the Kosovo population as well as all terrorists acts by any party, and determined that the situation in the region continued to constitute a threat to international peace and security.

The situation in Albania

By resolutions 1101 (1997) of 28 March 1997 and 1114 (1997) of 19 June 1997, the Council determined that the situation in Albania constituted a threat to peace and security in the region. By the same resolutions, the Council underlined the need for all concerned to refrain from hostilities and acts of violence, and reiterated its call to the parties involved to continue the political dialogue.

Middle East

The situation between Iraq and Kuwait

By resolution 1137 (1997) of 12 November 1997, the Council condemned the continuous violations by Iraq of its obligations under the relevant resolutions to cooperate fully and unconditionally with the Special Commission in the fulfilment of its mandate, and determined that the situation continued to constitute a threat to international peace and security.

B. Constitutional discussion relating to Article 39

During the period under review, the Council, in the course of its deliberations relating to a number of salient issues, determined the existence of a threat to the peace. The following overview of those cases will shed light on the interpretation and application of

Article 39. In some instances, during the deliberations of the Council,¹² no substantive issues relating to the provision of Article 39 were raised.

Case 1

Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995

In response to a request in a letter addressed to the President of the Security Council from the representative of Ethiopia,¹³ the Council, at its 3660th meeting on 26 April 1996, considered the situation concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt. At the same meeting, the Council adopted resolution 1054 (1996), by which it stated that should the Sudan fail to comply with the demands set out in resolution 1044 (1996) of 31 January 1996,¹⁴ it would impose measures against the country. During the debate, in response to resolution 1044 (1996) which called upon the Government of the Sudan to extradite the suspects, the representative of the Sudan denied that his Government had any connection with any terrorist act. He stated that his Government had no knowledge about the suspects, including information that would help them to determine their location.¹⁵ The representative of Uganda stated that in spite of his Government's efforts to maintain a "policy of good neighbourliness" with all its neighbours, the Government of Sudan had continued its activities of assisting, supporting, facilitating and giving shelter to rebel movements based on its soil. He recalled that on 13 April 1995, his Government had severed diplomatic relations with the Government of the Sudan, over incidents aimed at

¹² In connection with the situation in East Timor, see resolutions 1264 (1999) and 1272 (1999); in connection with the situation in Albania, see resolutions 1101 (1997) and 1114 (1997).

¹³ S/1996/10.

¹⁴ Resolution 1044 (1996) was adopted at the 3627th meeting of the Council.

¹⁵ S/PV.3660, pp. 2-10.

destabilizing Uganda and compromising its security and stability.¹⁶

The Council members unanimously viewed the assassination attempt on the life of President Hosni Mubarak as an act of international terrorism. The representative of the Republic of Korea stated that his Government viewed international terrorism as a major threat to international peace and security. His delegation deeply regretted that the Security Council had come to where it stood in the implementation of its resolution 1044 (1996). In the case at hand, however, it saw no alternative but to resort to Chapter VII as the ultimate means of ensuring the implementation of resolution 1044 (1996).¹⁷ The representative of the United States noted that the Sudan's complicity in, and efforts to cover up, the attack on President Mubarak were only part of a broader pattern of Sudanese support for terrorism, which demanded action by the international community. He also noted that under the policy of the National Islamic Front, the Sudan welcomed a long list of terrorist organizations, providing a meeting point and training centre for their violent activities outside of the Sudan. Those terrorist organizations threatened Governments in Egypt, Algeria, Israel and elsewhere. Furthermore, he emphasized that the Sudan's actions in fostering terrorism around the globe were indeed a threat to international peace and security.¹⁸

The representative of Egypt recalled that the Organization of African Unity (OAU) considered the assassination attempt against the life of President Mubarak to be an attack on the whole of Africa, threatening regional stability and international peace and security. He stated that by the adoption of resolution 1054 (1996), the Council reaffirmed that the dangers of international terrorism represented a grave threat to international peace and security and that concerted efforts by countries to eliminate that threat and to deter those who assisted in its perpetration were a basic requirement for the maintenance of international peace and security.¹⁹

While condemning the assassination attempt, the representatives of the Russian Federation and China

opposed imposing sanctions on the Sudan. The representative of the Russian Federation, who abstained from voting on resolution 1054 (1996), condemned the attempted assassination of the President of Egypt and reiterated his Government's stance on the imposition of sanctions. The representative of China, who also abstained from voting, stated that his Government opposed and condemned all forms of terrorism. His Government believed that terrorist activities not only wreaked havoc on life, property and social stability, but also threatened international peace and security.²⁰

Case 2

The situation in the Great Lakes region

At its 3713th meeting, on 15 November 1996, the Council considered a letter dated 15 November 1996 from the representative of Zaire addressed to the President of the Security Council.²¹ The text of the letter stated that since the Council planned to deploy a multinational force in eastern Zaire in order to deal with the vast humanitarian crisis, which constituted a threat to peace and security in the region, his Government should be formally consulted on the composition and mandate of that force and on the measures needed to implement the decision of the Council.²²

During the debate, the Council members expressed concern about the displacement of millions of refugees in eastern Zaire, which had a humanitarian impact in the Great Lakes region. The representative of France stated that the countries of the Great Lakes region were threatened by a humanitarian catastrophe, resulting from the disturbances which had taken place in eastern Zaire and the exodus of 1.2 million refugees and displaced persons.²³ The representative of Botswana emphasized that the refugee camps had become recruitment grounds for those determined to train and equip an army to fight against the Government of Rwanda. Therefore, the prolonged stay of the refugees in camps in Zaire had been a source of insecurity and instability to the country of asylum, which was a serious threat to the sovereignty and

¹⁶ Ibid., p. 12.

¹⁷ Ibid., p. 18.

¹⁸ Ibid., p. 21.

¹⁹ Ibid., pp. 22-24.

²⁰ Ibid., p. 19.

²¹ S/1996/942.

²² Ibid., pp. 2-3.

²³ S/PV.3713, p. 10.

territorial integrity of Zaire.²⁴ The representative of the Republic of Korea stated that the humanitarian catastrophe, unless tackled properly by the international community, was bound to have serious consequences, which would threaten peace and security in the entire Great Lakes region.²⁵ The representative of Honduras expressed his delegation's deep concern at the events unfolding in eastern Zaire, which had caused more than a million refugees to abandon their camps, thereby threatening peace and security in the Great Lakes region.²⁶ The representative of the Russian Federation also expressed deep concern about the loss of human life and displacement of over one million Rwandese and Burundian refugees and thousands of Zairians who had found themselves cut off from external aid. He believed that the situation threatened to grow into a regional military conflict that would doom all hopes for the restoration of peace and stability in the Great Lakes region.²⁷

At the same meeting, the Council unanimously adopted resolution 1080 (1996), which authorized the establishment of a temporary multinational force to facilitate the delivery of humanitarian aid to alleviate the suffering of the displaced persons and refugees.

Case 3

The situation in the Central African Republic

At its 3808th meeting, on 6 August 1997, the Council considered a letter dated 22 July 1997 from the representative of the Central African Republic addressed to the President of the Council,²⁸ transmitting a letter from President Ange-Félix Patassé, who had requested that the Council authorize the member States of the Inter-African Mission to monitor the Implementation of the Bangui Agreements (MISAB) to carry out the necessary operations to attain the objectives defined by its mandate. At the same meeting, the Council adopted resolution 1125 (1997), and authorized the Member States participating in MISAB and those States providing logistical support to ensure the security and freedom of movement of their personnel.

²⁴ Ibid., p. 14.

²⁵ Ibid., p. 16.

²⁶ Ibid., p. 20.

²⁷ Ibid., p. 24.

²⁸ S/1997/561.

The Council members unanimously supported resolution 1125 (1997), and similarly viewed the situation of the armed conflict in the Central African Republic as posing a threat to regional stability. The representative of Kenya stated that the conflict in the Central African Republic had plunged the country into a political crisis and "economic catastrophe", which had affected every aspect of civil life in that country and could destabilize the whole region. He expressed concern that the situation in the Central African Republic posed a threat to international peace and security.²⁹ The representative of Guinea-Bissau noted that the Government of the Central African Republic had been unable to bring about respect for public order, and the lack of security had been worsening and threatened to spread throughout the country. Those serious tensions were likely to affect regional stability and thus posed a threat to international peace and security.³⁰ The representative of the Republic of Korea expressed concern about the crisis in the Central African Republic and its implications for the whole Central African region. He also shared the view of the regional countries in the Central African region that the crisis in that region posed a serious threat to regional peace and stability.³¹ The representative of Poland noted that his delegation had voted in favour of resolution 1125 (1997), because in his view, despite regional efforts, the situation in the Central African Republic constituted a threat to international peace and security.

Case 4

The situation in Angola

The Council held its 3814th meeting on 28 August 1997, during the course of which it adopted resolution 1127 (1997) expressing concern at the difficulties in the peace process.

The meeting was welcomed by the representative of Angola who supported the measures set fourth in paragraph 4 of resolution 1127 (1997).³² He expressed the hope that the resolution would contribute to the

²⁹ S/PV.3808, p. 2.

³⁰ Ibid., p. 3.

³¹ Ibid., p. 4.

³² By paragraph 4 of resolution 1127 (1997), the Council imposed additional measures against UNITA.

acceleration of the peacekeeping process in Angola.³³ Similar views were expressed by the other representatives of the Southern African Development Community: the representative of Malawi expressed grave concern over the developments in Angola and condemned the acts of the União Nacional para a Independência Total de Angola which threatened the peace process;³⁴ the representative of Lesotho was particularly concerned that tensions in northern Angola were rapidly spreading to the central and southern provinces, thus posing a threat to the peace process;³⁵ the representative of Zimbabwe also expressed concern about the developments in Angola. In his view, UNITA actions had threatened the peace process;³⁶ and the representative of South Africa stated that for the States members of the Southern African Development Community, the normalization of State administration and peace in Angola was a priority concern, because it would serve as a vital contribution to the extension of the frontiers of stability to the whole subregion.³⁷

On the same note, the representative of Luxembourg, speaking on behalf of the European Union and the associated and aligned countries,³⁸ expressed concern at the tension throughout the country, which threatened to jeopardize the peace process. He stated that the future of the peace process depended on the Government of Angola and UNITA, both of which had to refrain from any action liable to lead to a resumption of the fighting.³⁹ The representative of the Republic of Korea emphasized that despite numerous warnings by the Council, UNITA had yet to fulfil its obligations under the Lusaka Protocol and those repeatedly called for in the relevant Council resolutions. The delay in the peace process in its final stage was not only inflicting unbearable suffering on the Angolan people themselves, it was also posing a greater threat to the region.⁴⁰ The representative of China stated that by implementing in real earnest the measures set forth in the Lusaka

Protocol and the agreements reached by the Government of Angola and UNITA, peace and stability could be truly achieved in Angola.⁴¹ The representative of the United States expressed grave concern that, since UNITA had failed to fulfil some key commitments, the peace process was not moving forward and the possibility of renewed fighting threatened the people of Angola. He stated that the international community could not sit idly by hoping that the parties would somehow put the peace process back on track. He emphasized that there was too much at the stake for Angola and for peace in the southern African region.⁴²

Case 5

The situation in Sierra Leone

Following the military coup d'état in Sierra Leone, which took place on 25 May 1997,⁴³ the Security Council held its 3822nd meeting on 8 October 1997, during the course of which it adopted resolution 1132 (1997) expressing full support for the mediation efforts of the Economic Community of West African States (ECOWAS). By the same resolution, the Council determined that the situation in Sierra Leone constituted a threat to international peace and security in the region and imposed mandatory measures against the military junta and their families.

During the debate, the Council unanimously condemned the coup d'état and welcomed the regional initiatives undertaken by ECOWAS to restore constitutional order in Sierra Leone. The representative of Nigeria emphasized that in view of its potential to destabilize the subregion, the situation in Sierra Leone was a clear threat to international peace and security.⁴⁴ The representative of the United Kingdom recalled a previous meeting between Council members and the Chairman and the Secretary-General of the Organization of African Unity, which focused on regional initiatives that dealt with the threats to peace and security in the region.⁴⁵ The representative of the Russian Federation stated that a new threat had emerged affecting the stability in the region. He noted

³³ S/PV.3814, pp. 2-5.

³⁴ Ibid., p. 6.

³⁵ Ibid., p. 9.

³⁶ Ibid., pp. 11-12.

³⁷ Ibid., p. 13.

³⁸ Ibid., p. 8 (Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Poland, Slovakia and Slovenia; and Iceland).

³⁹ Ibid., pp. 8-9.

⁴⁰ Ibid., p. 18.

⁴¹ Ibid., p. 21.

⁴² Ibid., p. 25.

⁴³ See resolution 1132 (1997), para. 9.

⁴⁴ S/PV.3822, p. 4.

⁴⁵ Ibid., p. 7.

that the coup had interrupted Sierra Leone's progress on the path to democratic development and had derailed the peace process that had been established.⁴⁶ The representative of Japan similarly condemned the coup and expressed grave concern about the threat to international peace and security in the region.⁴⁷

Case 6

The situation concerning the Democratic Republic of Congo

In response to a request contained in a letter dated 4 March 1999 from the representative of the Democratic Republic of Congo addressed to the President of the Security Council,⁴⁸ the Council considered the situation in the Democratic Republic of Congo at its 3987th meeting on 19 March 1999.

The representative of the Democratic Republic of Congo stated that his Government had requested the meeting, with the legitimate goal of drawing the Council's attention to the danger posed by the conflict in his country. He stated that in view of the Council's powers in the area of international peace and security, and until the international community took additional steps to bring peace to the Great Lakes region, his Government expected the Council, *inter alia*, to make use of the provisions of Articles 39 to 42 of the Charter of the United Nations.⁴⁹

Similar views were expressed by other countries sharing borders with the Democratic Republic of Congo, notably Gabon and Namibia. The representative of Gabon stated that the ongoing crisis in the Democratic Republic of Congo was of grave concern. It had inflicted untold suffering on the Congolese people, was thwarting the efforts of the Government to reconstruct the country and threatened peace and stability in the region.⁵⁰ The representative of Namibia noted that the events that were unfolding in the Democratic Republic of Congo could destabilize the region.⁵¹

The representative of Canada stressed that all forces involved in the conflict had to participate in a ceasefire, which had to be accompanied by a timetable for withdrawal of all foreign forces involved in the conflict. In his view, that was an essential condition for the restoration of peace and stability in central Africa.⁵² The representative of France noted that his delegation was aware of the effects of the crisis, particularly the risks of political destabilization in the States of the region and the humanitarian consequences.⁵³ The representative of the United States stated that the ongoing conflict in the Democratic Republic of Congo represented one of the gravest threats to peace, stability and development in sub-Saharan Africa in decades. He emphasized that conflict in the Democratic Republic of Congo had led to a deepening humanitarian crisis, exacerbated the plight of refugees and internally displaced persons, impeded the delivery of critical food and medical assistance, and in general hampered international and domestic efforts towards development and democracy. He stated that if the crisis widened the implications for the region and the subcontinent could be catastrophic.⁵⁴ The representative of Bahrain expressed concern that, due to the great number of parties involved, the continuing conflict posed a threat not only to the peace, security and stability of the Great Lakes region, but also to the entire African continent.⁵⁵ The representative of Germany, speaking on behalf of the European Union and associated and aligned countries,⁵⁶ expressed his deep concern about the crisis in the Democratic Republic of Congo, which had escalated into a large-scale regional war. He stated that the involvement of several countries of the region had not led to the intended stabilization, but had instead led to a dangerous escalation, which threatened the stability of the region as a whole.⁵⁷

⁴⁶ *Ibid.*, p. 9.

⁴⁷ *Ibid.*, p. 11.

⁴⁸ S/1999/278.

⁴⁹ S/PV.3987, pp. 2-5.

⁵⁰ *Ibid.*, pp. 14-15.

⁵¹ *Ibid.*, pp. 9-10.

⁵² *Ibid.*, p. 6.

⁵³ *Ibid.*, p. 12.

⁵⁴ *Ibid.*, p. 13.

⁵⁵ *Ibid.*, pp. 18-19.

⁵⁶ *Ibid.*, p. 25. (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus).

⁵⁷ *Ibid.*, pp. 25-27.

Case 7

The situation in Afghanistan

As its 4051st meeting, on 15 October 1999, the Council adopted resolution 1267 (1999), which determined that the failure of the Taliban authorities to respond to the demands in resolution 1214 (1998) constituted a threat to international peace and security.

During the deliberations, the representative of Afghanistan expressed support for the set of measures imposed against the Taliban. He stated that his Government viewed the set of measures contained in the resolution as “an adequate signal to the Taliban and to their Pakistani mentors” that the international community was extremely concerned about the “adventurist policy” of Pakistan and the Taliban, which had become a major threat to international peace and security.⁵⁸ The representative of the United States expressed concern over the violations of international humanitarian law and of human rights carried out by the Taliban. She also expressed her Government’s concern about the significant rise in illicit opium production under areas of Taliban control and the “deplorable” treatment of diplomatic personnel and journalists of the Islamic Republic of Iran. She emphasized that the actions of the Taliban posed a threat to their neighbours and to the international community at large. Furthermore, she underlined that the Security Council had sent a strong message to the Taliban stating that their continued harbouring of Osama bin Laden posed a threat to international peace and security.⁵⁹ Other Council members expressed their opposition to terrorism, and to States harbouring individual terrorists.⁶⁰

⁵⁸ S/PV.4051, p.2.

⁵⁹ Ibid., pp. 2-3.

⁶⁰ Ibid., pp. 3-4 (Malaysia); pp. 4-5 (Bahrain); p. 5 (China); and p. 5 (Canada).

Items relating to the situation in the former Yugoslavia

Case 8

*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*⁶¹

*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*⁶²

At its 3868th meeting, on 31 March 1998, the Council considered, inter alia, a letter dated 30 March 1998 from Mr. Vladislav Jovanovic⁶³ of the Federal Republic of Yugoslavia addressed to the President of the Security Council,⁶⁴ expressing his Government’s concern about the inclusion of Kosovo and Metohija on the agenda of the Security Council. He stated that the situation in Kosovo and Metohija was being deliberately dramatized and the contention about an alleged threat to international peace and security was “aggressively propounded” so as to obtain a pretext for invoking Chapter VII of the Charter of the United Nations.⁶⁵

During the debate of the Council, the representative of Japan expressed deep concern about the deterioration of the situation in Kosovo and condemned the use of excessive force by the Serbian police against civilians in Kosovo. His delegation recognized that the current situation in Kosovo posed a threat to international peace and security in the region, and that the further spread of violence there could lead to the destabilization of the entire Balkans.⁶⁶ The representative of Costa Rica emphasized that the use of force by the Serbian police forces against peaceful demonstrators and other acts of violence, in the context of the very sensitive political and security balance in the Balkans, constituted a clear threat to international peace and security, which obligated the Council to take

⁶¹ S/1998/223.

⁶² S/1998/272.

⁶³ For a full discussion of Mr. Jovanovic’s title and status, see chapter III.

⁶⁴ S/1998/285.

⁶⁵ S/PV.3868 and Corr.1 and Corr.2, p. 2.

⁶⁶ Ibid., p. 3.

firm and decisive action. In the same vein, he expressed concern about human rights violations in Kosovo and stated that the violation of fundamental rights had been so serious that it constituted a threat to international peace and security, and therefore fully justified the Security Council's invoking the powers granted to it under Chapter VII of the Charter.⁶⁷

The representative of Sweden emphasized that peace and stability in Balkans were necessary prerequisites for European security and, therefore, welcomed the imposition of an arms embargo on the Federal Republic of Yugoslavia including Kosovo. He stated that the situation in Kosovo remained serious and clearly constituted a threat to international peace and security.⁶⁸ The representative of Slovenia stated that the situation in Kosovo in the Federal Republic of Yugoslavia had the potential for serious destabilization in the region. Nevertheless, if managed towards a genuine political solution it could represent an important building block in the structure of security and political stability in Balkans. He recalled that in the past, the unilateral dismantling of Kosovo's autonomy and the use of force against the Albanians of Kosovo represented one of the major sources of political deterioration and instability in the region. Consequently, efforts had to be directed towards the elimination of that threat.⁶⁹ The representative of the United Kingdom stated that by adopting the resolution, which imposed an arms embargo on the Federal Republic of Yugoslavia, the Security Council sent an unmistakable message: that by acting under Chapter VII of the Charter, the Council considered that the situation in Kosovo constituted a threat to international peace and security in the Balkans region.⁷⁰ Speaking on behalf of the European Union and associated and aligned countries,⁷¹ the representative of the United Kingdom emphasized that the international community had to send a clear message to the Federal Republic of Yugoslavia and the Serbian authorities that the excessive violence by military police units, involving deaths and injury among the civilian population, was unacceptable.⁷² The representative of Poland reported

⁶⁷ *Ibid.*, p. 4.

⁶⁸ *Ibid.*, p. 5.

⁶⁹ *Ibid.*, p. 7.

⁷⁰ *Ibid.*, p. 12.

⁷¹ *Ibid.*, p. 14 (The Czech Republic, Hungary, Poland and Romania; and Norway).

⁷² *Ibid.*, pp. 14-15.

that the Head of the Organization for Security and Cooperation in Europe (OSCE), together with other members of that Organization's Troika, visited Albania, the former Yugoslav Republic of Macedonia and Federal Republic of Yugoslavia. The main conclusion drawn from the extensive talks with leaders of those countries bordering the Federal Republic of Yugoslavia was that they perceived the situation in Kosovo as a real threat to the stability of the whole area and, consequently, that they expected the international community to play a role in resolving the crisis.⁷³

On the other hand, the representative of the Russian Federation stated that his Government viewed the events in Kosovo as an internal affair of the Federal Republic of Yugoslavia. He stated that the situation in Kosovo, despite its complexity, did not constitute a threat to regional, much less international peace and security.⁷⁴ The representative of China similarly viewed the situation as an internal matter of the Federal Republic of Yugoslavia and noted that it should be resolved properly through negotiations between both parties concerned on the basis of the principle of respect for the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. He further noted that the Government of the Federal Republic of Yugoslavia had taken a series of positive measures in that regard and that the situation on the ground was moving towards stability. Therefore, he did not think that the situation to Kosovo endangered regional and international peace and security.⁷⁵ In the subsequent vote in connection with the adoption of resolution 1160 (1998), China abstained.

By a letter dated 30 March 1998 addressed to the President of the Council, Mr Jovanovic informed the Council that the situation in Kosovo and Metohija was stable and under full control.⁷⁶ Hence, there had not been any danger of a spillover into neighbouring countries, there had been no threat to peace and security, and there had been no basis for invoking Chapter VII of the Charter.

The representative of Egypt pointed out that the Council candidly referred to the fact that the resolution had been "adopted under the provisions of Chapter VII

⁷³ *Ibid.*, p. 24.

⁷⁴ *Ibid.*, p. 10.

⁷⁵ *Ibid.*, pp. 11-12.

⁷⁶ S/1998/285.

of the Charter without a prior reference to a determination by the Security Council that there exist[ed] a threat to international peace and security as required by the provisions of Article 39 of the Charter". He noted that the Council was the master of its own procedures. However, in principle, the constitutional requirements in the Charter should be scrupulously followed and respected.⁷⁷

Following a rapid determination in the humanitarian situation throughout Kosovo,⁷⁸ the Security Council held its 3930th meeting, on 23 September 1998, to consider the situation. At the same meeting, the Council adopted resolution 1199 (1998), with one abstention (China). During the debate, the representative of China was of the view that the situation in Kosovo had stabilized and there was no large-scale armed conflict. He believed that the international community should evaluate the positive efforts by the Government of the Federal Republic of Yugoslavia in an objective and just manner. Therefore, he did not see the situation in Kosovo as being a threat to international peace and security.⁷⁹

In contrast, the representative of the United Kingdom emphasized that by acting under Chapter VII of the United Nations Charter and by explicitly characterizing the deterioration of the situation in Kosovo as a threat to peace and security in the region, the Security Council was putting President Slobodan Milosevic on notice that he would be held accountable for his actions.⁸⁰ The representative of the United States stated that his Government supported resolution 1199 (1998), because it increased pressure on Belgrade to negotiate with the Kosovo Albanians to achieve a political settlement that provided for a democratic self-government for the people of Kosovo and avoided the consequences of continued conflict. He also affirmed that the situation constituted a serious threat to peace and security in the region.⁸¹

⁷⁷ S/PV.3868, p. 29.

⁷⁸ See resolution 1199 (1998), para. 11.

⁷⁹ S/PV.3930, p. 3.

⁸⁰ *Ibid.*, p. 4.

⁸¹ *Ibid.*, pp. 4-5.

Case 9

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

At its 4011th meeting on 10 June 1998, the Council adopted resolution 1244 (1999). During the debate, Mr. Jovanovic stated that in order to achieve lasting and stable peace in the region and to reaffirm the roles of the United Nations and the Security Council as the highest bodies for the maintenance of international peace and security, it was necessary to deploy a United Nations peacekeeping mission in Kosovo and Metohija. He further argued that the deployment should be based on decisions of the Council and Chapter VI of the Charter of the United Nations and with the prior and full agreement of the Government of the Federal Republic of Yugoslavia. He noted that resolution 1244 (1999) should contain a condemnation of North Atlantic Treaty Organization (NATO) aggression against the Federal Republic of Yugoslavia as an act in violation of the Charter of the United Nations and a threat to international peace and security.⁸²

The representative of the Russian Federation stated that his Government supported and took an active part in efforts to find a comprehensive approach to the social and economic reconstruction, stabilization and development of the Balkan region. He was convinced that the effectiveness of those efforts depended directly on full, constructive involvement by all States of the region, including the Federal Republic of Yugoslavia.⁸³ The representative of Slovenia believed that resolution 1244 (1999) was a timely and necessary resolution that contained all the necessary elements with which the Security Council had to address the situation in Kosovo. He emphasized that with resolution 1244 (1999) the Security Council realistically recognized the existence of the threat to international peace and security and, acting under Chapter VII, provided the legitimacy for the necessary measures of implementation of the resolution. The representative of Slovenia further emphasized that it was equally clear that State sovereignty was not absolute and that it could not be used as a tool of denial of humanity resulting in threats to peace. While the situation in Kosovo in the prior year had escalated

⁸² S/PV.4011, pp. 3-6.

⁸³ *Ibid.*, pp. 7-9.

to a serious threat to peace, there was a genuine opportunity to reverse the situation and to create the balance necessary for political stability and durable peace for the future.⁸⁴ Other Council members also expressed support for the adoption of the resolution and believed that it was geared towards ending the humanitarian tragedy in Kosovo.⁸⁵ The representative of France similarly considered that the adoption of the resolution was a decisive step towards settling the crisis in Kosovo.⁸⁶ The representative of Canada noted that from Rwanda to Kosovo, there was mounting historical evidence which showed how internal conflicts had threatened human security, spilled over borders and destabilized entire regions.⁸⁷

The representative of China, who abstained from the vote, stated that NATO had waged an unprecedented and indiscriminate bombing campaign against the Federal Republic of Yugoslavia, killing over 1,000 civilians, injuring thousands and leaving nearly 1 million displaced persons and refugees. He further stated that the war had produced the greatest humanitarian catastrophe in post-Second World War Europe and had seriously undermined peace and stability in the Balkans.⁸⁸

Case 10

The situation between Iraq and Kuwait

Following the refusal of Iraq fully to cooperate with the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) and its weapon inspectors,⁸⁹ the Council held its 3831st meeting on 12 November 1997, at which it considered a letter dated 29 October 1997 from the Deputy Prime Minister of Iraq, Mr. Tariq Aziz, addressed to the President of the Security Council,⁹⁰ in which the former announced, inter alia, that Iraq would not “deal with Americans working with the Special Commission”. The Council also considered a letter from the Minister for Foreign

Affairs of Iraq addressed to the Secretary-General,⁹¹ concerning the violation of Iraq’s airspace by a United States U-2 spy plane and several formations of United States warplanes. In the latter, the Minister stated that the United States had violated, by military threat, the sovereignty of an independent State and a founding Member of the United Nations.

During the debate, the representative of the United States noted that Iraq had to understand that only through full compliance with the relevant Security Council resolutions could its objectives be reached. He recalled that on 29 October 1997 Iraq had sought to bar inspectors of the Special Commission with American citizenship, out of more than 20 nations represented in the Special Commission. Then it blocked inspections by the Special Commission, interfered with monitoring operations and menaced the Special Commission’s reconnaissance aircraft. He stated that, therefore, all of those actions were gross violations of Iraq’s obligations under Security Council resolutions, and as stated in resolution 1137 (1997), threatened international peace and security. He further stated that Iraq had failed in other areas mandated by the Council and it had given no sign that it would cease activities and policies intended to threaten its neighbours.⁹²

The representative of the United Kingdom stated that the successful completion of the work of the Special Commission was essential for maintaining regional and international peace and security. He further stated that the report of the Special Commission made clear that there still remained much work to be done, especially in the chemical and biological weapons areas, before it could report that it had accomplished its task and the world was free from the threat posed by Iraqi weapons of mass destruction.⁹³ The representative of Sweden recalled the initiative taken by the Secretary-General in which he had sent a high-level mission a month prior to Baghdad, to avert a potentially serious threat to international peace and security.⁹⁴ The Council unanimously expressed support for resolution 1137 (1997) and called on Iraq to cooperate fully with the relevant Security Council resolutions with the Special Commission.

⁸⁴ Ibid., pp. 9-11.

⁸⁵ Ibid., pp. 11-12. (France); pp. 14-15 (United States); p. 17 (Brazil); and p.19 (United Kingdom).

⁸⁶ Ibid., pp. 11-12.

⁸⁷ Ibid., p. 14.

⁸⁸ Ibid., pp. 8-9.

⁸⁹ See resolution 1137 (1997), para. 1.

⁹⁰ S/1997/829.

⁹¹ S/1997/867.

⁹² S/PV.3831, p. 12.

⁹³ Ibid., p. 13.

⁹⁴ Ibid., p. 3.

Part II

Provisional measures to prevent the aggravation of a situation under Article 40 of the Charter

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendation 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 review, the Security Council various measures that might be considered of a provisional nature to prevent aggravation of a situation, although they did not contain specific reference to Article 40. This part focuses on decisions adopted under Chapter VII and also contain a prior determination of a threat to the peace in accordance with Article 39 of the Charter.

In a number of resolutions, the Council called upon the parties to comply with certain provisional measures in order to prevent an aggravation of the situation concerned. The type of measures called for included the following: (a) calls for the fulfilment of a peace agreement; (b) the creation of conditions necessary for the unimpeded delivery of humanitarian assistance; (c) the cessation of hostilities; (d) the demand to turn over an alleged terrorist; (e) the call for demilitarization; and (f) the call to end all offensive actions.

A number of the 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. Those warnings, which might be considered as having a bearing on the provisions contained in Article 40, were expressed in various ways. In several instances,⁹⁵ the Council

⁹⁵ See, for example, the following resolutions and presidential statements: in connection with the situation

warned that it would consider further action and additional measures should the measures demanded in its decision not be implemented. During the Council's deliberations, an explicit reference to Article 40 was invoked in order to support a specific demand relating to the question under consideration.⁹⁶

The decisions that might be interpreted as bearing implicit references to Article 40 are set out below.

A. Decisions of the Security Council relating to Article 40

Africa

Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995

By resolution 1054 (1996) of 26 April 1996, the Council demanded that the Government of the Sudan

in Afghanistan, S/PRST/1999/29; in connection with the situation in Angola, resolutions 1127 (1997), para. 9, 1135 (1997), para. 6 and 1173 (1998), para. 16; and in connection with the items relating to the situation in the former Yugoslavia, resolution 1199 (1998), para. 16.

⁹⁶ In connection with the item entitled "Role of the Security Council in the prevention of armed conflicts", the representative of Malaysia maintained that in the context of the changing nature of the conflicts, the Council had to re-examine past and present approaches and strategies and formulate new ones in keeping with the demands of the times. In that regard, he stated that the Charter provided the Council with options, including the invoking of certain provisional measures not involving the use of force, in order to defuse such situations. One such option came under Article 40, which provided an avenue for Council action, including the imposition of arms embargoes and targeted sanctions. However, in contemplating such actions, every effort should be made to ensure that they would not lead to any undesirable humanitarian impact on the general population (S/PV.4072, p. 20).

take immediate action to ensure extradition to Ethiopia for prosecution of the three suspects sheltered in the Sudan and wanted in connection with the assassination attempt of 26 June 1995 on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia. In addition, the Council demanded that the Sudan desist from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuary to terrorist elements.

The situation in the Great Lakes region

Having determined that the magnitude of the humanitarian crisis in eastern Zaire constituted a threat to peace and security in the region, by resolution 1078 (1996) of 9 November 1996, the Council called upon all States in the region to create the conditions necessary for the speedy and peaceful resolution of the crisis and to desist from any act that may further exacerbate the situation, and urged all parties to engage in a process of political dialogue and negotiation without delay.

By resolution 1080 (1996) of 15 November 1996, the Council reiterated its condemnation of all acts of violence, and its call for an immediate ceasefire and a complete cessation of all hostilities in the region.

The situation in Angola

By resolution 1127 (1997) of 28 August 1997, the Council expressed its grave concern at the serious difficulties in the peace process, which were mainly the result of delays by the União Nacional para a Independência Total de Angola (UNITA) in the implementation of its obligations under the Lusaka Protocol. The Council demanded that the Government of Angola and in particular UNITA complete fully and without further delay the remaining aspects of the peace process and refrain from any action which might lead to renewed hostilities. It also demanded that UNITA implement immediately its obligations under the Lusaka Protocol, including demilitarization of all its forces, transformation of its radio station Vorgan into a non-partisan broadcasting facility and full cooperation in the process of the normalization of State administration throughout Angola. The Council further demanded that UNITA provide immediately to the Joint Commission, as established under the Lusaka Protocol, accurate and complete information with regard to the strength of all armed personnel under its control, including the security detachment of the leader

of UNITA, the so-called “mining police”, armed UNITA personnel returning from outside the national boundaries, and any of its other armed UNITA personnel not previously reported to the United Nations, in order for them to be verified, disarmed and demobilized in accordance with the Lusaka Protocol and agreements between the parties in the context of the Joint Commission, and condemned any attempts by UNITA to restore its military capabilities. By the same resolution, the Council expressed its readiness to consider the imposition of additional measures, such as trade and financial restrictions, if UNITA did not fully comply with its obligations under the Lusaka Protocol and all relevant Security Council resolutions.

By resolution 1135 (1997) of 29 October 1997, the Council deplored the failure by UNITA to comply fully with its obligations under the “Acordos de Paz” and the Lusaka Protocol and with the relevant Security Council resolutions, in particular resolution 1127 (1997). The Council reiterated these calls and demanded that the Government of Angola and in particular UNITA cooperate fully with the United Nations Observer Mission in Angola, including by providing full access for its verification activities, and reiterated its call on the Government of Angola to notify the Mission in a timely manner of its troop movements, in accordance with the provisions of the Lusaka Protocol and established procedures. It further demanded that UNITA comply immediately and without any conditions with the obligations set out in resolution 1127 (1997), including full cooperation in the normalization of State administration throughout Angola, including in Andulo and Bailundo. The Council noted that the measures specified in paragraph 4 of resolution 1127 (1997) would come into force on 30 October 1997 in accordance with paragraph 2 of resolution 1130 (1997), and reaffirmed its readiness to review those measures or to consider the imposition of additional measures in accordance with paragraphs 8 and 9 of resolution 1127 (1997).

Recognizing the steps taken by the Government of Unity and National Reconciliation to fulfil its obligations in the Lusaka Protocol and condemning UNITA for its failure to implement fully its obligations contained in the Lusaka Protocol, by resolution 1173 (1998) of 12 June 1998 the Council demanded that UNITA fully cooperate without conditions in the immediate extension of State administration throughout the national territory, including in particular

in Andulo, Bailundo, Mungo and Nharea, and stop any attempts to reverse this process. The Council reiterated its demand that UNITA complete its demilitarization and stop any attempts to restore its military capabilities. It further demanded that UNITA stop any attacks by its members on the personnel of the Observer Mission, international personnel, the authorities of the Government of Unity and National Reconciliation, including the police, and the civilian population. By the same resolution, the Council expressed its readiness to consider the imposition of further additional measures if UNITA did not fully comply with its obligations under the “Acordos de Paz”, the Lusaka Protocol and relevant Security Council resolutions.

Throughout the remainder of 1998 and 1999, the Council reiterated its demand that UNITA comply fully and unconditionally with the obligations referred to in resolution 1173 (1998).⁹⁷ By a statement of the President dated 24 August 1999,⁹⁸ the Council members reiterated that the primary cause of the crisis in Angola was the failure by the leadership of UNITA to comply with its obligations under the Lusaka Protocol, and again demanded that UNITA comply immediately and without conditions with its obligations to demilitarize and permit the extension of State administration to areas under its control.

The situation in Sierra Leone

By resolution 1132 (1997) of 8 October 1997, the Council determined that the situation in Sierra Leone constituted a threat to international peace and security in the region. It demanded that the military junta take immediate steps to relinquish power in Sierra Leone and make way for the restoration of the democratically elected Government and a return to constitutional order. The Council reiterated its call upon the junta to end all acts of violence and to cease all interference with the delivery of humanitarian assistance to the people of Sierra Leone.

Having determined that the situation in Sierra Leone continued to constitute a threat to international peace and security in the region, the Council adopted resolution 1270 (1999) of 22 October 1999, by which it

called upon the parties to fulfil all their commitments under the Peace Agreement to facilitate the restoration of peace, stability, national reconciliation and development in Sierra Leone. The Council also called upon the Revolutionary United Front, the Civil Defence Forces, former Sierra Leone Armed Forces/Armed Forces Revolutionary Council and all other armed groups in Sierra Leone to begin immediately to disband and give up their arms in accordance with the provisions of the Peace Agreement, and to participate fully in the disarmament, demobilization and reintegration programme. Moreover, in the same resolution, the Council called upon all parties to ensure safe and unhindered access for humanitarian assistance to those in need in Sierra Leone, to guarantee the safety and security of humanitarian personnel and to respect strictly the relevant provisions of international humanitarian and human rights law.

By a statement of the President dated 14 November 1997,⁹⁹ the Council called upon the junta to fulfil its obligations under the peace plan, and in particular the ongoing maintenance of the ceasefire. It also called upon all parties concerned to work for the early and effective implementation of the peace plan. It further reiterated the need for the provision and distribution of humanitarian assistance in response to local needs, and called upon the junta to ensure its safe delivery to its intended recipients.

Asia

The situation in Afghanistan

By resolution 1267 (1999) of 15 October 1999, the Council determined that the failure of the Taliban authorities to respond to the demands in paragraph 13 of resolution 1214 (1998) constituted a threat to international peace and security. It insisted that the Afghan faction known as the Taliban comply promptly with its previous resolutions and in particular cease the provision of sanctuary and training for international terrorists and their organizations, take appropriate effective measures to ensure that the territory under its control would not be used for terrorist installations and camps, or for the preparation or organization of terrorist acts against other States or their citizens, and cooperate with efforts to bring indicted terrorists to

⁹⁷ See resolutions 1176 (1998), 1219 (1998), 1221 (1999) and 1229 (1999).

⁹⁸ S/PRST/1999/26.

⁹⁹ S/PRST/1997/52.

justice. It demanded that the Taliban turn over Osama bin Laden without further delay to appropriate authorities in a country where he had been indicted, or to appropriate authorities in a country where he would be returned to such a country, or to appropriate authorities in a country where he would be arrested and effectively brought to justice.

By a statement of the President dated 22 October 1999,¹⁰⁰ the Council expressed its grave concern at the seriously deteriorating humanitarian situation in Afghanistan, and called upon all Afghan parties, and in particular the Taliban, to take the necessary steps to secure the uninterrupted supply of humanitarian aid to all in need of it and, in that connection, not to create impediments to the activities of the United Nations humanitarian agencies and international humanitarian organizations. The Council urged all Afghan factions to cooperate fully with the United Nations Special Mission in Afghanistan and international humanitarian organizations, and called upon them, in particular the Taliban, to take the necessary steps to ensure the safety and freedom of movement of such personnel. In addition, the Council demanded once again that the Taliban turn over indicted terrorist Osama bin Laden to appropriate authorities as set out in its resolution 1267 (1999) of 15 October 1999. Further, the Council reaffirmed its decision to implement on 14 November 1999 the measures contained in that resolution, unless the Secretary-General reported that the Taliban had fully complied with the obligation set out in paragraph 2 of that resolution.

Europe

The situation in Albania

By a statement of the President dated 13 March 1997,¹⁰¹ the Council expressed its deep concern about the deteriorating situation in Albania. It urged all concerned to refrain from hostilities and acts of violence and to cooperate with diplomatic efforts to reach a peaceful solution to the crisis. It called upon the parties involved to continue the political dialogue and to live up to the commitments undertaken on 9 March 1997 in Tirana. It urged all political forces to work together to lower tension and facilitate the stabilization of the country. Furthermore, the Council

¹⁰⁰ S/PRST/1999/29.

¹⁰¹ S/PRST/1997/14.

called upon the parties not to impede the provision of humanitarian assistance to the civilian population and, in that context, recalled the importance of keeping open all means of communication in the country.

By resolution 1101 (1997) of 28 March 1997, determining that the situation in Albania constituted a threat to peace and security in the region, the Council called upon all those concerned in Albania to cooperate with the multinational protection force and international humanitarian agencies for the safe and prompt delivery of humanitarian assistance.

By resolution 1114 (1997) of 19 June 1997, the Council underlined the need for all concerned to refrain from hostilities and acts of violence, and called on the parties involved to continue the political dialogue and facilitate the electoral process.

Items relating to the situation in the former Yugoslavia

The situation in Croatia

By resolution 1037 (1996) of 15 January 1996, the Council strongly urged the parties to refrain from any unilateral actions which could hinder the handover from the United Nations Confidence Restoration Operation in Croatia (UNCRO) to the Transitional Administration or the implementation of the Basic Agreement, and encouraged them to continue to adopt confidence-building measures to promote an environment of mutual trust. It called upon the parties to comply strictly with their obligations under the Basic Agreement and to cooperate fully with the Transitional Administration. By the same resolution, the Council also called upon the parties to the Basic Agreement to cooperate with all agencies and organizations assisting in the activities related to the implementation of the Basic Agreement, consistent with the mandate of the Transitional Administration.

Reminding the Government of Croatia that the promotion of respect for the rights of persons belonging to the Serb minority was relevant to the successful implementation of the Basic Agreement, the Security Council, in a presidential statement issued on 23 February 1996,¹⁰² expressed deep concern at the situation of those refugees from the Republic of Croatia who wished to return. It condemned the fact

¹⁰² S/PRST/1996/8.

that effective measures had so far not been taken in that respect. It called upon the Croatian Government to ensure the expeditious processing of all requests from refugees. It underlined the fact that the exercise by members of the local Serb population of their rights, including their right to remain, leave or return to their homes in safety and dignity, and reclaim possession of their property, could not be made conditional upon an agreement on the normalization of relations between the Republic of Croatia and the Federal Republic of Yugoslavia. The Council demanded that the Croatian Government take measures forthwith to ensure that those concerned might fully exercise those rights. The Council also called upon the Croatian Government to rescind its earlier decision to suspend articles of the constitutional law affecting the rights of national minorities and to proceed with the establishment of a provisional human rights court.

By a statement of the president dated 20 September 1996,¹⁰³ the Council recognized the steps taken by the Government of Croatia to reintegrate refugees and displaced persons into Croatia. By resolution 1079 (1996) of 15 November 1996, the Council called upon the Government of the Republic of Croatia and the local Serb community to cooperate with the Transitional Administration in creating the conditions and in taking the other steps necessary for holding local elections in the region, in accordance with the Basic Agreement. The Council reaffirmed the importance of full compliance by the parties with their commitments, as specified in the Basic Agreement, to respect the highest standards of human rights and fundamental freedoms and to promote an atmosphere of confidence among all local residents irrespective of their ethnic origin, and in that context, urged the Government of the Republic of Croatia to ensure respect for the rights of all national ethnic groups.

The situation in the former Yugoslavia

By resolution 1074 (1996) of 1 October 1996, the Council called upon all parties to comply strictly with all their commitments under the Peace Agreement and stated its intention to consider the imposition of measures if any party failed significantly to meet its obligations under the Peace Agreement.

¹⁰³ S/PRST/1996/39.

*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*¹⁰⁴

*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*¹⁰⁵

By resolution 1199 (1998) of 23 September 1998, the Council demanded that all parties, groups and individuals immediately cease hostilities and maintain a ceasefire in Kosovo, Federal Republic of Yugoslavia, which would enhance the prospects for a meaningful dialogue between the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership and reduce the risks of a humanitarian catastrophe. It further demanded that the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership take immediate steps to improve the humanitarian situation and to avert the impending humanitarian catastrophe. Furthermore, the Council decided, should the concrete measures demanded in resolution 1199 (1998) and 1160 (1998) were not taken, to consider further action and additional measures to maintain or restore peace and stability in the region.

By resolution 1244 (1999) of 10 June 1999, the Council demanded in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin and complete a verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo would be synchronized. It also demanded that the Kosovo Liberation Army and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General.

¹⁰⁴ S/1998/22.

¹⁰⁵ S/1998/272.

Part III

Measures not involving the use of armed force under 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 adopted two resolutions¹⁰⁶ in which Article 41 was explicitly invoked, in connection with the items of which the Council is seized “Children and armed conflict” and “Protection of civilians in armed conflict”.¹⁰⁷

The Council took measures under Chapter VII of the type provided for in Article 41 in connection with the following, having determined that each situation constituted a threat to the peace: the União Nacional para a Independência Total de Angola (UNITA) in Angola, the Revolutionary United Front (RUF) in Sierra Leone and the Taliban in Afghanistan; and, the Sudan, Iraq and the Federal Republic of Yugoslavia including Kosovo. The Council also terminated the sanctions previously imposed under Article 41 against the former Yugoslavia and the Libyan Arab Jamahiriya

During the period under consideration, by a statement of the President dated 29 June 1998,¹⁰⁸ in connection with the item entitled “Children and armed conflict”, the Council recognized that, whenever

measures were adopted under Article 41, consideration should be given to their impact on the civilian population, bearing in mind the needs of children, in order to consider appropriate humanitarian exemptions.

The decisions of the Security Council by which measures based on the principles of Article 41 were imposed set out in A; section B reflects salient issues that were raised in the deliberations of the Council.

A. Decisions of the Security Council relating to Article 41

Measures taken in connection with União Nacional para a Independência Total de Angola

By resolution 1127 (1997) of 28 August 1997, the Council decided that all States should prevent the entry into or transit through their territories of all senior officials to the União Nacional para a Independência Total de Angola and of adult members of their immediate families. The Council also decided that all States should suspend or cancel all travel documents, visas or residence permits issued to senior UNITA officials and adult members of their immediate families, and required the immediate and complete closure of all offices of UNITA in their territories. By the same resolution, it also requested the sanctions Committee established pursuant to resolution 864 (1993) to monitor the implementation of the measures.

By resolution 1173 (1998) of 12 June 1998, the Council decided that all States, except Angola, in which there were funds and financial resources, including any funds derived or generated from property of UNITA as an organization or of senior officials of UNITA or adult members of their immediate families designated pursuant to resolution 1127 (1997) should require all persons and entities within their own territories holding such funds and financial resources to freeze them and ensure that they were not made available directly or indirectly to or for the benefit of UNITA. By the same resolution, the Council decided that all States should take the necessary measures to prevent all official contacts with the leadership of UNITA in areas of Angola to which State

¹⁰⁶ Resolutions 1261 (1999) and 1265 (1999), respectively.

¹⁰⁷ Although these references were made in the context of thematic debates (not a country-specific situation) and were not adopted under Chapter VII of the Charter, they shed light on the Council’s application and interpretation of Article 41.

¹⁰⁸ S/PRST/1998/18.

administration has not been extended. The Council also prohibited the direct or indirect import from Angola to their territory of all diamonds not controlled through the certificate of origin issued by the Government of Angola. The imposition of a diamond embargo was the first of its kind.

Measures taken in connection with the Revolutionary United Front (Sierra Leone)

By resolution 1132 (1997) of 8 October 1997, the Council decided that all States should prevent the entry into or transit through their territories of members of the military junta and adult members of their families, as designated in accordance with paragraph 10 of the resolution, unless the entry into or transit through a particular State of any such person was authorized by the sanctions Committee. Moreover, the Council also decided that all States should prevent the sale or supply to Sierra Leone, by their nationals or from their territories, or using their flag vessels or aircraft, of petroleum and petroleum products and arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts. By the same resolution, the Council decided to establish a Committee of the Security Council consisting of all Council members to monitor its implementation and report on its work to the Council with its observations and recommendations.

By resolution 1156 (1998) of 16 March 1998, the Council decided to terminate, with immediate effect, the prohibitions on the sale or supply to Sierra Leone of petroleum and petroleum products referred to in paragraph 6 of resolution 1132 (1997).

By resolution 1171 (1998) of 5 June 1998, the Council decided that the restrictions mentioned in resolution 1132 (1997) should not apply to the sale or supply of arms and related materiel for the sole use in Sierra Leone of the Military Observer Group of the Economic Community of West African States (ECOMOG) or the United Nations.

Measures taken in connection with the Taliban (Afghanistan)

By resolution 1267 (1999) of 15 October 1999, the Council decided that on 14 November 1999 all States should deny permission for any aircraft to take off from or land in their territory if it was owned, leased or operated by or on behalf of the Taliban as

designated by the sanctions Committee established by the same resolution to monitor its implementation. The Council also decided that all States should freeze funds and other financial resources, including funds derived or generated from property owned or controlled directly or indirectly by the Taliban, as designated by the sanctions Committee.

Measure taken in connection with the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995

By resolution 1054 (1996) of 26 April 1996, the Council decided that all States should significantly reduce the number and the level of the staff at diplomatic missions and consular posts in the Sudan and restrict or control the movement within their territory of all such staff who remain. In addition, it called on all States to take steps to restrict the entry into or transit through their territory of members of the Government of the Sudan, officials of that Government and members of the Sudanese armed forces.

By resolution 1070 (1996) of 16 August 1996, the Council decided that all States should deny aircraft permission to take off from, land in, or overfly their territories if the aircraft was registered in the Sudan, or owned, leased or operated by or on behalf of Sudan Airways or by any undertaking, wherever located or organized, which was substantially owned or controlled by Sudan Airways, or owned, leased or operated by the Government or public authorities of the Sudan.

Measures taken in connection with Iraq

By resolution 1137 (1997) of 12 November 1997, the Council condemned the continued violations by Iraq of its obligations under the relevant resolutions to cooperate fully with the Special Commission in the fulfilment of its mandate, including its unacceptable decision to seek to impose conditions on cooperation with the Special Commission. By the same resolution, the Council decided, in accordance with paragraph 6 of resolution 1134 (1997) that States should without delay prevent the entry into or transit through their territories of all Iraqi officials and members of the Iraqi armed forces who were responsible for or participated in the instances of non-compliance detailed in paragraph 1 of the resolution.

Measures taken in connection with the Federal Republic of Yugoslavia, including Kosovo

By resolution 1160 (1998) of 31 March 1998, the Council decided that all States should, for the purposes of fostering peace and stability in Kosovo, prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, by their nationals or from their territories or using their flag vessels and aircraft, of arms and related materiel of all types, such as weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, and should prevent arming and training for terrorist activities there. By the same resolution, the Council decided to establish a committee of the Security Council to monitor its implementation.

Measures taken in connection with the former Yugoslavia

By resolution 1074 (1996) of 1 October 1996, the Council noted with satisfaction that the elections called for in the Peace Agreement took place on 14 September 1996 in Bosnia and Herzegovina, and stated that their holding constituted an essential step towards achieving the objectives of the Peace Agreement. By the same resolution, the Council decided in accordance with paragraph 4 of its resolution 1022 (1995), to terminate, with immediate effect, the measures referred to in paragraph 1 of that resolution.

Measures taken in connection with the Libyan Arab Jamahiriya

By resolution 1192 (1998) of 27 August 1998, the Council reaffirmed that the measures set forth in its resolutions 748 (1992) and 883 (1993) remained in effect and binding on all Member States, and in that context reaffirmed the provisions of paragraph 16 of resolution 883 (1993), and decided that the aforementioned measures would be suspended if the Secretary-General reported to the Council that the two accused had arrived in the Netherlands for the purpose of trial before the court, and that the Government of the Libyan Arab Jamahiriya had satisfied the French judicial authorities with regard to the bombing of UTA 772.

By a letter dated 5 April 1999 addressed to the President of the Council,¹⁰⁹ the Secretary-General reported that the conditions set forth in resolution 1192 (1998) had been met. By a statement of the President dated 8 April 1999,¹¹⁰ the Council noted that the conditions for suspending the wide range of aerial, arms-related and diplomatic measures against the Libyan Arab Jamahiriya had been fulfilled as of 5 April 1999. In a subsequent statement, the Council recalled that the measures set forth in resolutions 748 (1992) and 883 (1993) had been suspended, and reaffirmed its intention to lift those measures, in conformity with the relevant resolutions.¹¹¹

Children and armed conflict

By resolution 1261 (1999) of 25 August 1999, the Council reaffirmed its readiness when dealing with situations of armed conflict, whenever adopting measures under Article 41 of the Charter, to give consideration to their impact on children, in order to consider appropriate humanitarian exemptions.

Protection of civilians in armed conflict

By resolution 1265 (1999) of 17 September 1999, the Council reaffirmed its readiness, whenever measures under Article 41 of the Charter are adopted, to give consideration to their impact on the civilian population, bearing in mind the needs of children, in order to consider appropriate humanitarian exemptions.

B. Constitutional discussion relating to Article 41

This section outlines the practice of the Council, which may be viewed as illustrating its interpretation of the principles set out in Article 41. This section sets out in case studies the arguments raised relating to the Council's practice concerning the measures taken in connection with UNITA in Angola, RUF in Sierra Leone and the Taliban regime in Afghanistan; with the Sudan and Iraq; and with the Federal Republic of Yugoslavia, including Kosovo, and the Libyan Arab Jamahiriya. In addition, case 18 addresses the impact of sanctions on children in armed conflict, and case 19

¹⁰⁹ S/1999/378.

¹¹⁰ S/PRST/1999/10.

¹¹¹ S/PRST/1999/22.

deals with the impact of sanctions on civilians in armed conflict.

Case 11

Measures taken in connection with the União Nacional para a Independência Total de Angola (Angola)

At its 3814th meeting, on 28 August 1997, the Council adopted resolution 1127 (1997), which provided for additional measures to be imposed against UNITA in the event that it failed to implement its obligations under the Lusaka Protocol. During the debate, the representative of Angola noted that the time had come to apply the second package of sanctions, as provided in resolution 864 (1993). In that regard, his Government fully supported the measures set forth in resolution 1127 (1997) because it firmly believed that it was an effective instrument that would help prevent war and speed up the peace process. He stated that they would underscore in a fair manner the distinction that should be made between those who complied with the Lusaka Protocol and those who would rather treat it as a dead letter. His Government had complied with its obligations, acting in good faith and with a spirit of great flexibility.¹¹²

The representatives of the Southern African Development Community supported the imposition of additional measures if UNITA did not comply with provisions in the Lusaka Protocol.¹¹³ The representative of Lesotho urged all Member States to implement the measures envisaged in resolution 1127 (1997), to adopt measures necessary to restrict the movements of UNITA personnel, and to comply with earlier measures imposed by the Council.¹¹⁴

The representative of Brazil reiterated his Government's position on sanctions, stating that sanctions were a serious expedient, reserved for situations of extreme gravity. He stated that the imposition of sanctions could result in deleterious effects on innocent populations and neighbouring countries, and that utmost restraint must be exercised when it came to contemplating any action under

Chapter VII of the Charter. He further stated that sanctions had to be regarded as an instrument of last resort when the prospects for diplomatic efforts yielding results no longer seemed viable. However, it had become apparent that in Angola, the Council was faced with such a situation.¹¹⁵

The representative of the Russian Federation, a member of the observer troika regarding a settlement in Angola, emphasized that the imposition of additional sanctions on UNITA was precisely targeted, and concrete, and would not affect those representatives of UNITA who were members of Parliament or the Government or who were cooperating with the Joint Commission. Provisions were made for deferring the imposition of the sanctions and for the possibility of their being lifted, as well as for the adoption of further sanctions against UNITA if it failed fully and expeditiously to fulfil its obligations under the Lusaka Protocol. It was his Government's belief that this sent a tough but necessary and clear signal that the patience of the international community was at an end, and that it would no longer accept either the obstacles placed in the way of the implementation of the peace process in Angola or the disregard of the international community's decisions.¹¹⁶ The representative of Japan noted the importance of the implementation of those measures, for which cooperation from the neighbouring States was essential. He stated that UNITA should bear in mind the Security Council's readiness to consider still further measures in the event that UNITA persisted in its refusal to meet its obligations.¹¹⁷

The representative of Kenya stated that his Government had been associated with the peace process in Angola since 1975, and was disappointed at the situation. His delegation believed that the international community was running out of patience and that the time had come to take measures against UNITA for delaying the implementation of its obligations under the peace process.¹¹⁸

The representative of Egypt, while voting in favour of the resolution, held a different view with regard to all States denying the families of UNITA's leaders entry into or transit through their territories: he

¹¹² S/PV.3814, p.4.

¹¹³ Ibid., pp. 5-6 (Malawi); pp. 9-10 (Lesotho); pp. 10-11 (Mozambique); pp. 11-12 (Zimbabwe); and pp. 13-14 (South Africa).

¹¹⁴ Ibid., pp. 9-10.

¹¹⁵ Ibid., p. 7.

¹¹⁶ Ibid., p. 15.

¹¹⁷ Ibid., p. 16.

¹¹⁸ Ibid., p. 19.

contended that those measures constituted a breach of a legal norm: no punishment without a crime. It was inadmissible to punish families whose only crime was their relationship to those leaders. In addition, those measures constituted a form of collective punishment, which Egypt strongly rejected in principle. This view was also shared by the representative of Costa Rica, who expressed reservations about the references made to the immediate families of UNITA officials, as such reference would imply the imposition of responsibility simply by virtue of being a family member. He stated that any sanctions regime must be solely a temporary means of exercising pressure on those Governments or entities that threaten international peace and security. In his view, sanctions were a means of legitimate, collective defence for international society in the framework of the legal system established under the Charter of the United Nations. For that reason, sanctions should not become a more or less covert method of conducting war or intervening in matters that were essentially under the domestic jurisdiction of States, but should be carefully designed so that they could achieve the objective of altering the illegal policies of the Government or entity in question. For that reason, sanctions must not become a method of punishment for an innocent population, and they must always be interpreted restrictively. In this context, he pointed out the positive aspects of the resolution: the sanctions would enter into force only after a reasonable time, which would make it possible for UNITA to stop in its tracks and reverse its illegal policies before implementation; and the sanctions were designed to operate against the leadership of UNITA and its functioning as a political entity, so as to avoid suffering in the civilian population that would result from economic sanctions.¹¹⁹

The representative of Portugal, while condemning the tactics of UNITA, stated that UNITA had to understand that its behaviour had left the Security Council without other options besides the one of imposing additional sanctions, which was designed to stimulate UNITA to move in the right direction. The representative of the United States believed that the sanctions were strong, practical and enforceable, and was ready to examine further measures by the Council should UNITA fail to respond.¹²⁰ This view was shared

by the representative of France, who reiterated his Government's position that the sanctions should be time-bound, with a set duration and the question of their extension decided by the Security Council.¹²¹

At its 3891st meeting, on 12 June 1998, the Council adopted resolution 1173 (1998). During the deliberations in connection with the adoption of the resolution, the majority of the Council members, regretting the continued lack of progress in the peace process, again called on UNITA to implement fully its obligation under the Lusaka Protocol.¹²² The representative of Angola supported the contents of the resolution, with the hope that it would promote tangible action allowing for the preservation of progress already made in the course of the peace process.¹²³ The representative of the United Kingdom, speaking on behalf of the European Union, expressed support for further Security Council action against UNITA. He stated that the existing sanctions had a positive impact. Moreover, he stated that further sanctions were not intended to punish, but to encourage UNITA to finalize the implementation of the peace process.¹²⁴

The representative of Brazil stated that if the Security Council was given no choice but to impose additional sanctions on UNITA, the responsibility for those measures lay exclusively with UNITA's own short-sighted leadership.¹²⁵ The representative of Costa Rica noted that the sanctions established by the resolution were precisely targeted. For the first time they focused on UNITA's real interests and sought only to ensure that that group fulfilled its commitments. Moreover, the Security Council had gone further by giving UNITA the benefit of an additional grace period, until 23 June 1998, to do what it must do. Thus, it had a temporary warning before the sanctions were enacted.¹²⁶ The representative of Sweden stated that the scope of the measures in the resolution, backed by a unanimous Council, would send a clear message to

¹¹⁹ Ibid., pp. 22-23.

¹²⁰ Ibid., p. 26.

¹²¹ Ibid., p. 26.

¹²² S/PV.3891, p. 3 (United Kingdom); pp. 4-5 (Brazil); p. 5 (Russian Federation); p. 6 (China); p. 6 (Sweden); pp. 6-7 (Gambia); p. 7 (Japan); p. 8 (Bahrain); pp. 9-10 (United States); pp. 10-11 (Portugal).

¹²³ Ibid., p. 2.

¹²⁴ Ibid., p. 3.

¹²⁵ Ibid., p. 4.

¹²⁶ Ibid., p. 5.

Mr. Savimbi that the international community would not accept UNITA's continued obstruction of the peace process. At the same time, he believed that the delayed entry into force of those measures would serve as a useful incentive for UNITA to fulfil its obligations.¹²⁷

The representative of Japan emphasized that if the UNITA leaders contemplated the impact which the sanctions called for in the resolution would have on their very political survival, they would realize that they had no recourse but to cooperate, fully and without delay, in completing the tasks remaining under the Lusaka Protocol.¹²⁸ The representative of Slovenia drew on the experience from previous months, which had shown that targeted sanctions could have a positive effect. He observed that "targeted sanctions bite", and stated that they could modify the behaviour of UNITA and the option of sanctions must be available to ensure the implementation by UNITA of the remaining tasks of the Lusaka Protocol.¹²⁹

The representative of the United States stated that the sanctions contained in the resolution were targeted and strong, and that there were clear criteria for their imposition as well as for their lifting.¹³⁰ The representative of Kenya believed that the imposition of additional measures would force UNITA to proceed with the peace process and would further re-establish the authority of the Security Council. There was therefore a need for the Security Council to take additional measures, and, in his opinion, the resolution contained such measures.¹³¹

The representative of Portugal noted that the Security Council was about to take a decision imposing a third package of mandatory measures on UNITA. He stated that it was regrettable but a necessary decision in view of the persistent pattern of non-compliance by UNITA with the provisions of the Angolan peace process, namely the Lusaka Protocol, the relevant Security Council resolutions and the plan approved by the Joint Commission on 19 May 1998. He further stated that those additional measures were not being imposed for their own sake; they had a clear goal: the successful completion of the peace process, which was

in the interest, above all, of the Angolan people themselves, including UNITA.¹³²

Case 12

Measures taken in connection with the Revolutionary United Front (Sierra Leone)

Following the military coup d'état staged by the Revolutionary United Front on 25 May 1997, the Council adopted resolution 1132 (1997) at its 3822nd meeting, on 8 October 1997. By that resolution, the Council imposed arms and petroleum embargoes and restrictions on the travel of members of the military junta and their families.

During the debate, the Council members unanimously condemned the military coup and supported the measures contained in the resolution. The representative of Nigeria welcomed the provisions contained in the resolution, and stated that ECOWAS had wanted additional and stronger measures to be included in the resolution. However, his Government regarded the resolution as a positive development and believed that what was important was that the message of the international resolve to restore constitutional order and peace in Sierra Leone be heard loud and clear by all concerned, especially the junta. In his Government's view, the draft resolution adequately conveyed that unambiguous message.¹³³ The representative of Kenya stated that by imposing sanctions on the military junta, the international community was reaffirming its commitment to democracy. The sanctions would be lifted as soon as the junta relinquished power and President Kabbah's Government was reinstated. He expressed concern about the added impact of those sanctions, but his delegation believed that that was a necessary and "well thought-out push by the international community to dislodge the illegal junta in Freetown".¹³⁴

The representative of France stated that the resolution provided for the imposition of sanctions. Those measures had the same goal as the regional efforts, the speedy restoration of democratic government and constitutional order. The sanctions were defined so as to limit the humanitarian effects on the population. He further stated that they covered only

¹²⁷ Ibid., p. 6.

¹²⁸ Ibid., p. 7.

¹²⁹ Ibid., p. 8.

¹³⁰ Ibid., pp. 9-10.

¹³¹ Ibid., p. 10.

¹³² Ibid., pp. 10-11.

¹³³ S/PV.3822, p. 4.

¹³⁴ Ibid., p. 5.

the travel of members of the military junta and their families, as well as the supply of weapons and petroleum. There was provision for exemptions, in particular for humanitarian purposes. It would be up to the Committee established by the resolution to ensure that those exemptions protected the people of the country from being seriously affected by the embargo.¹³⁵

The representative of the United Kingdom noted that by establishing an international arms and oil embargo, and visa restrictions on members of the junta, the Security Council would be making clear to the illegal regime in Freetown that the entire international community was committed to reversing the military coup and restoring the democratically elected Government.¹³⁶

While expressing support for the imposition of sanctions, the representative of Poland stated that his Government was aware of the potential risks related to the use of such measures, especially with regard to their possible adverse effects on the humanitarian situation in Sierra Leone. He further stated that in this context, it was essential that the proposed sanctions regime be equipped, *inter alia*, with a mechanism for humanitarian exemptions with regard to petroleum and petroleum products, subject to effective monitoring of delivery. He stressed that the measures envisioned in the resolution, including the comprehensive arms embargo, to which his delegation attached the utmost importance, were strictly targeted on the military junta and its representatives.¹³⁷ The representative of the Republic of Korea believed that imposing sanctions as provided for in the resolution was an inevitable choice to help restore the constitutional Government.¹³⁸ The representative of the Russian Federation stated that the powerful means of pressure on the junta brought into play by the Council, which included the embargo on the delivery of arms, military equipment, petroleum and petroleum products and visa restrictions on the leaders of the coup, had been fine-tuned and were aimed at specific targets. He was pleased that the Security Council had taken additional precautionary measures to try to minimize any unintended side effects of the sanctions, in particular, any negative

impact on the humanitarian situation. His delegation was convinced that the point of sanctions was not to punish the party that had threatened international peace and security, but to change the conduct of that party. The logic and practice of indefinite sanctions regimes could not, in principle, do that, and in his view they were counterproductive.¹³⁹ The representative of Portugal observed that the resolution sought the restoration of the democratically elected Government of Sierra Leone by peaceful means. His delegation understood that sanctions as a political tool were designed to make the junta realize that its unlawful actions had not been received with indifference by the international community. Those sanctions were tailored to penalize those who had consistently refused to abide by the rules of democracy, and were not addressed against the people of Sierra Leone.¹⁴⁰

The representative of the United States noted that the sanctions had been carefully targeted: prohibitions against the supply of arms and petroleum products, and restrictions on the travel of members of the junta and their families. The resolution called upon all States to cooperate with those measures and authorized ECOWAS, as necessary and in conformity with applicable international standards, to inspect incoming ships to ensure compliance. The resolution did not limit shipments of food or medicines or other basic necessities. It contained provisions for regular review of the implementation and impact of the sanctions. The sanctions were designed to have maximum impact against the illegal junta of Sierra Leone, while imposing a minimum burden on the civilian population. He further stated that the resolution made clear how the junta could end the sanctions: by restoring the legitimate Government of Sierra Leone.¹⁴¹ The representative of Chile emphasized that the Security Council was increasingly moving towards imposing sanctions on leaders, not on innocent populations. At the same time, the resolution contained the concept of periodic review of the humanitarian situation in Sierra Leone, including the impact of sanctions.¹⁴²

¹³⁵ *Ibid.*, p. 6.

¹³⁶ *Ibid.*, p. 7.

¹³⁷ *Ibid.*, p. 8.

¹³⁸ *Ibid.*, p. 9.

¹³⁹ *Ibid.*, p. 10.

¹⁴⁰ *Ibid.*, p. 13.

¹⁴¹ *Ibid.*, pp. 16-17.

¹⁴² *Ibid.*, p. 17.

Case 13

Measures taken in connection with the Taliban (Afghanistan)

Following the failure of the Taliban to respond to the demands in paragraph 13 of resolution 1214 (1998),¹⁴³ the Council held its 4051st meeting in connection with the adoption of resolution 1267 (1999). During the debate, the representative of Afghanistan expressed support for the resolution, and stated that it was his Government's view that the set of measures contained in the resolution provided an adequate signal to the Taliban and to their "Pakistani mentors" that the international community was extremely concerned about the "adventurist policy" of Pakistan and the Taliban, which was a major threat to international peace and security. He further stated that resolution 1267 (1999) affected the financial resources of the Taliban, which came mainly from the proceeds of drug trafficking and had no effect on the Afghan nation itself. He recalled the provisions contained in the resolution on humanitarian exceptions, which assured the delivery of humanitarian assistance to the Afghan people. His Government expected the Security Council to use every mechanism at its disposal for a meticulous and strict application of the sanctions by all Member States and international agencies.¹⁴⁴

The representative of the United States stated that if the Taliban did not turn over Osama bin Laden in 30 days, the sanctions would take effect. She recalled that measures in the resolution would restrict foreign landing rights on aircraft operated by the Taliban, freeze Taliban accounts around the world and prohibit investment in any undertaking owned or controlled by the Taliban. She emphasized that it was important to remember that those sanctions were limited and that they were targeted very specifically to limit the resources of the Taliban authorities. Those sanctions did not harm the people of Afghanistan, and her Government would work with the sanctions review Committee to implement them in a way that did not

hinder the provision of humanitarian assistance to the Afghan people.¹⁴⁵

Nonetheless, the representative of Malaysia expressed concern about the effect and impact of the measures contained in the resolution on the people of Afghanistan. It was his Government's conviction that sanctions against a country and a people should be resorted to only when all other peaceful measures had been utilized and had failed. He stated that as an instrument of coercion they should be used with great caution because of their unintended grave consequences to the innocent population. He further stated that his delegation had reservations on the use of sanctions to effect the desired changes on a targeted regime. Experience had shown that they rarely worked on the intended target or targets, but instead brought suffering to ordinary people. He noted that sanctions directed at the Taliban would have a direct and indirect effect on the general population of Afghanistan in virtually every aspect of their lives. His delegation would have preferred a phased approach in handling the situation. The Council should have adopted, as a first step, a strong resolution signalling the serious intention of the Council to institute measures to impose sanctions on the Taliban if certain stipulated actions in respect of its support for terrorism were not taken by the Taliban. He believed that the sanctions intended for the Taliban would affect the Afghan people in a punitive way since they were in effective control of most parts of the country and administered virtually every aspect of life in the parts of Afghanistan under their control. His delegation had nevertheless voted in favour of the resolution but with a request to the Taliban to comply with the requirements of the resolution so as to spare the people of Afghanistan from further suffering.¹⁴⁶ Those views were shared by the representative of China, who believed that sanctions would only exacerbate the suffering and hardships of the Afghan people, who had been the victims of perennial warfare. In his view, sanctions could be used only as a means of last resort and must be well targeted.¹⁴⁷

¹⁴³ By resolution 1214 (1998), para. 13, the Council demanded that the Taliban stop providing sanctuary and training for international terrorists and their organizations, and that all Afghan factions cooperate with efforts to bring indicted terrorists to justice.

¹⁴⁴ S/PV.4051, p. 2.

¹⁴⁵ *Ibid.*, p. 3.

¹⁴⁶ *Ibid.*, pp. 3-4.

¹⁴⁷ *Ibid.*, p. 5.

Case 14

*Measures taken in connection with the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995*¹⁴⁸

At its 3660th meeting, on 26 April 1996, the Council considered the Secretary-General's report on the implementation of resolution 1044 (1996),¹⁴⁹ which called on the Government of the Sudan to extradite to Ethiopia the three suspects wanted in connection with the attempted assassination of the Egyptian President. At the same meeting, the Council adopted resolution 1054 (1996).

During the deliberations of the Council, the representative of the Sudan refuted the allegations levelled against it and stated that the imposition of any sanctions against the Sudan would undermine all regional initiatives and set back progress towards cooperation and development.¹⁵⁰

The representative of Ethiopia recalled the Secretary-General's report, which made clear that the Sudan had not complied with the Council's demands contained in resolution 1044 (1996). He stated that it was precisely for that reason an arms embargo would have been one of the most appropriate steps that the Council could have taken to secure the compliance by the Sudan with its demands. He further stated that all arguments against such a step by the Council were "patently hollow, extremely unconvincing and lacking in transparency". While insisting that the Sudan abide by the demands of resolution 1044 (1996), the representative of Egypt underlined the deep links between the peoples of the two countries, and stressed that the sanctions provided by the draft resolution were not intended to harm the people of the Sudan, but were a "message of warning".¹⁵¹

Expressing disappointment at the resolution, the representative of Uganda stated that it did not send the strong signal he had hoped for. He called on the Council to take any measures necessary, including an arms embargo against the Sudan, to ensure that it

desisted from engaging in activities that were destabilizing Uganda and plunging the entire subregion into chaos.¹⁵² Similarly, the representative of the United States said his Government supported the resolution, albeit with reservations. His Government did not believe that the sanctions outlined in the resolution were sufficient to convince the Government of the Sudan to cease its sponsorship of international terrorism and return to the fold of responsible, law-abiding nations. He welcomed the Council's concern to combat terrorism. However, in failing to impose more meaningful sanctions against the Sudan, it risked further insecurity and instability for the people of Eastern Africa, the Middle East and the Sudan.¹⁵³

Some speakers also acknowledged that measures contained in the resolution did not have economic implications that could adversely affect the civilian population of the Sudan.¹⁵⁴ Speaking in the same vein, the representative of Germany expressed appreciation for the effort to target the sanctions in such a way that they did not target the population but only those who were in a position to take the required measures. He appealed to the Government to use the 60-day period provided by the text to avoid further measures and to allow for an early lifting of the measures being imposed.¹⁵⁵ The representative of France underlined that the Council had chosen not to impose sanctions on the Sudan that would have had a noticeable economic impact on the population of one of the poorest countries in Africa.¹⁵⁶

In contrast, the representatives of the Russian Federation and China, who abstained from voting on the resolution, believed that such measures would not help to settle the question. The representative of Russia emphasized the need for precise and objective criteria in the imposition of sanctions and for lifting them. He stated that his country was opposed to the use of sanctions to punish certain regimes or attain the political goals of one or more Member States. In an explanation, he noted that his delegation was not able to prevent the adoption of the resolution, only because implementation of the measures it specified depended

¹⁴⁸ S/1996/10.

¹⁴⁹ S/1996/179.

¹⁵⁰ S/PV.3660, pp. 2-10.

¹⁵¹ Ibid., pp. 22-24.

¹⁵² Ibid., pp. 12-14.

¹⁵³ Ibid., pp. 20-22.

¹⁵⁴ Ibid., pp. 17-18 (Guinea-Bissau), pp. 18-19 (Republic of Korea).

¹⁵⁵ Ibid., p. 19.

¹⁵⁶ Ibid., p. 20.

on the actions of individual States.¹⁵⁷ The representative of China stated that his Government opposed in principle the frequent recourse to sanctions under Chapter VII. He further stated that no matter how complex the question might be, dialogue and mediation should be insisted upon, with the aim of reaching a peaceful solution. He noted that it was necessary that the resolution be based on facts.¹⁵⁸

Along the same lines, the representative of Indonesia contended that the Government of the Sudan had not yet fully fulfilled all its obligations to the efforts undertaken by OAU. However, the Sudan had taken some steps and continued its efforts to fulfil its obligations under Council resolution 1044 (1996). He stated that if, however, after all avenues had been explored and all efforts exhausted, the Council ultimately assessed that the Government of the Sudan had still not yet fully complied with its requests, only then should the Council consider adopting further measures to ensure implementation of resolution 1044 (1996).¹⁵⁹

Case 15

Measures taken in connection with Iraq

At its 3831st meeting, on 12 November 1997, the Council adopted resolution 1137 (1997). During the deliberations of the Council, members unanimously expressed concern at Iraq's failure to fully cooperate with the Special Commission and supported the imposition of additional measures. Several speakers emphasized that the only way sanctions could be lifted was through Iraq's full compliance with its obligations in connection with the Special Commission.¹⁶⁰ Other Council members recalled previous resolutions by which the Council had expressed its readiness to impose additional measures against Iraq if it did not cooperate with the Special Commission.¹⁶¹

The representative of Costa Rica noted that the sole purpose of the sanctions was to impress upon the

political and military authorities of Iraq that they had to comply with their international commitments, and it was not to affect the capacity for economic, social and political development of the Iraqi people. His country took the view that the sanctions must be carefully designed so as to fulfil a single objective, that of changing the unlawful policies of the Government of Iraq and securing its full reintegration into the international community's legal framework.¹⁶² The representative of Sweden stated that the resolution underscored that full cooperation with the Special Commission and implementation of the relevant resolutions was the only way forward towards having the sanctions lifted.¹⁶³ The representative of Portugal recalled resolution 1115 (1997) and stated that the additional sanctions foreseen were sharply targeted in order not to impose further suffering on the Iraqi population.¹⁶⁴ They were designed to affect those Iraqi officials and members of the Iraqi armed forces who were responsible for Iraq's non-compliance with its obligations.¹⁶⁵

The representative of Egypt stated that it found itself in a very sensitive position of voting on a resolution that imposed any kind of sanctions on an Arab State. He further stated that despite his country's difficult position, Iraq's lack of responsiveness left it with no choice but to vote in favour of the resolution in the hope that Iraq would alter its position and resume its cooperation with the Special Commission in a manner that would ensure the lifting of the sanctions and an end to the suffering of the Iraqi people. On the other hand, he stated that it was his understanding that the travel restrictions in resolution 1137 (1997) should not obstruct Egypt's discharge of its responsibilities as the host country of the headquarters of the League of Arab States. This involved facilitating the participation

¹⁵⁷ Ibid., pp. 14-15.

¹⁵⁸ Ibid., pp. 19-20.

¹⁵⁹ Ibid., pp. 16-17.

¹⁶⁰ S/PV.3831, p. 3 (Sweden); pp. 3-4 (Portugal); pp. 6-8 (Egypt); p.10 (France); pp. 11-12 (United States); pp. 12-13 (United Kingdom).

¹⁶¹ Ibid., pp. 6-8 (Egypt); p.5 (Poland); pp. 8-9 (Guinea-Bissau); pp. 9-10(France); p.13 (Russian Federation).

¹⁶² Ibid., pp. 2-3.

¹⁶³ Ibid., p.3.

¹⁶⁴ By resolutions 1115 (1997) of 21 June 1997 and 1134 (1997) of 23 October, the Council condemned the repeated refusal of the Iraqi authorities to allow the inspection teams access to sites, and demanded that they cooperate fully with the Special Commission. The Council also suspended the sanctions and arms embargo reviews (paras. 21 and 28 of resolution 687 (1991)) until the next Special Commission report and threatened to impose additional measures on those categories of Iraqi officials responsible for non-compliance.

¹⁶⁵ S/PV.3831, p.4.

of the States members of the League in its meetings held in Cairo. He added that this was a responsibility, which Egypt had the honour to undertake in its capacity as the host country, under the Charter of the League of Arab States.¹⁶⁶

The representative of France stated that travel restrictions would not worsen the situation of the Iraqi people, who were already sorely tried by seven years of economic embargo. The search for a peaceful solution to end the crisis would in no way be hampered by the travel bans covered in the resolution.¹⁶⁷ The representative of the United States emphasized that the lifting of sanctions had to be followed by compliance, and not precede it. He stated that because Iraq's obstructionist actions had been taken under orders of the highest authorities in Baghdad, the new sanctions targeted only Iraq's leaders, not its people. He further stated that resolution 1137 (1997) was a clear call for Iraqi compliance and a reaffirmation that the Council was willing to use the tools of the Charter to ensure compliance.¹⁶⁸

Case 16

*Measures taken in connection with the Federal Republic of Yugoslavia, including Kosovo*¹⁶⁹

At its 3868th meeting, on 31 March 1998, the Council adopted resolution 1160 (1998), by which it decided to ban the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, of arms and related materiel of all types, including weapons and munitions, military vehicles and equipment and spare parts for them.

During the debate, the majority of the Council members indicated their support for the measures contained in the resolution, with the exception of the representative of China who abstained from the vote. The representative of Japan stated that the situation in Kosovo posed a threat to international and regional peace and security, with the further spread of violence raising the spectre of destabilizing the entire Balkan region. He further stated that the resolution, which imposed an arms embargo against the Federal Republic of Yugoslavia, including Kosovo, would be an effective

instrument in preventing such destabilization.¹⁷⁰ The representative of France noted that the measures stipulated in the resolution would be seen as a means to achieve a negotiated settlement of the crisis. The text provided that the Council would review the prohibitions that had been decided on and would be able to lift them as soon as the Government of the Federal Republic of Yugoslavia had met the conditions set out in the resolution.¹⁷¹ The representative of Sweden welcomed the adoption of the resolution, and stated that the arms embargo imposed by the Council had to be strictly implemented by all States. He further stated that as a member of the European Union, his country had already decided to implement the arms embargo and the other sanctions recommended by the Contact Group, including the refusal to supply equipment that could be used for internal repression or for terrorism, the denial of visas to officials responsible for the repression and a moratorium on government-financed export credits.¹⁷²

While supporting the imposition of an arms embargo, the representative of Brazil stressed that it would not yield the desired effect if it were not accompanied by parallel diplomatic efforts to promote a safer and more harmonious environment for those who had been most directly affected by the unrest.¹⁷³

The representative of the Russian Federation emphasized that it was difficult for his country to agree to impose an arms embargo on the Federal Republic of Yugoslavia, including Kosovo. He noted that the resolution contained measures that would prevent mounting tensions and lead to a political settlement. His Government would continue to advocate the need to limit the arms embargo by calling for a clear time frame. Furthermore, he noted that the resolution had been able to define strict criteria that would cause the Council to lift the embargo.¹⁷⁴

The representative of the United States emphasized that by imposing an arms embargo on the Federal Republic of Yugoslavia, the Council would send an unambiguous message that the international community would not tolerate violence and "ethnic

¹⁶⁶ Ibid., pp. 6-8.

¹⁶⁷ Ibid., p.10.

¹⁶⁸ Ibid., pp. 11-12.

¹⁶⁹ See S/1998/223 and S/1998/272.

¹⁷⁰ S/PV.3868 and Corr.1 and 2, p. 3.

¹⁷¹ Ibid., p. 4.

¹⁷² Ibid., p. 5.

¹⁷³ Ibid., p. 6.

¹⁷⁴ Ibid., pp. 10-11.

cleansing” in the region of the former Yugoslavia.¹⁷⁵ Speaking in the same vein, the representative of Gambia added that the lack of access by the parties to military materiel would reduce their capability to fight, and hence, the incidence of violence. In that context, his delegation welcomed the establishment of a Committee to monitor the implementation of the measures contained in the resolution and urged all States to respect them.¹⁷⁶ Similarly, the representative of Germany emphasized that the arms embargo represented an attempt to prevent an arms build-up by the opposing sides. It was also a political measure, which illustrated that the resort to violence and a refusal to enter into meaningful dialogue would bring those responsible farther away from the beneficial normalizing of their relations with the outside world.¹⁷⁷

The representative of the United Kingdom, making a statement on behalf of the European Union and the associated and aligned countries,¹⁷⁸ stated that the European Union already had a comprehensive arms embargo in place against the countries of the former Yugoslavia. He further stated that resolution 1160 (1998) sent a powerful signal to the authorities in Belgrade that the international community was united in its desire to see real progress in Kosovo and was monitoring events there closely.¹⁷⁹

The representative of China, however, who abstained from the vote, expressed the view that the situation in Kosovo did not endanger regional and international peace and security. He believed that the resolution would not help move the parties to negotiations and that it was not appropriate to bring into the Council the differences between the Organization for Security and Cooperation in Europe and the Federal Republic of Yugoslavia, as well as the human rights issue in Kosovo.¹⁸⁰

Mr. Jovanovic stressed that the meeting of the Security Council and the proposal to adopt a resolution were not acceptable to the Government of the Federal Republic of Yugoslavia since that internal question

could not be a subject of deliberation of any international forum without the consent of the Federal Republic of Yugoslavia authorities. He further asserted that there was not and had never been any armed conflict in Kosovo and Metohija; thus there was no danger of a spillover, no threat to peace and security and no basis for invocation of Chapter VII of the Charter.¹⁸¹

Case 17

*Measures taken in connection with the Libyan Arab Jamahiriya*¹⁸²

At its 3864th meeting, on 20 March 1998, the Council held an open debate to discuss the operation of sanctions imposed on the Libyan Arab Jamahiriya. On the issue of sanctions, the representative of the Libyan Arab Jamahiriya stated that the International Court of Justice had confirmed that the dispute was a legal one in which the court had jurisdiction. He further stated that the Council must take the necessary measures to give effect to the Judgments rendered by the Court on 27 February 1998 and, inter alia, should promptly and urgently refrain from renewing the sanctions imposed on the Libyan Arab Jamahiriya pursuant to resolutions 748 (1992) and 883 (1993).¹⁸³

The representative of the United States, however, expressed the view that the ruling of the International Court of Justice in no way questioned the legality of the Security Council’s actions affecting the Libyan Arab Jamahiriya or the merits of the criminal cases against the two accused suspects. He stated that contrary to the assertions of the Government of the Libyan Arab Jamahiriya, the Court was not calling for the review or suspension of the Security Council resolutions.¹⁸⁴ The representatives of the United States and the United Kingdom contended that the sanctions were carefully targeted to minimize their impact on the Libyan population. Moreover, they asserted that if the Libyan Arab Jamahiriya wanted the sanctions lifted, it should surrender the two suspects so that they could receive a fair trial in the appropriate criminal court.¹⁸⁵

¹⁷⁵ Ibid., p. 13.

¹⁷⁶ Ibid., p. 14.

¹⁷⁷ Ibid., p. 20.

¹⁷⁸ Ibid., p. 14 (Czech Republic, Hungary, Lithuania, Poland and Romania; and Norway).

¹⁷⁹ Ibid., pp. 14-15.

¹⁸⁰ Ibid., pp. 11-12.

¹⁸¹ Ibid., pp. 15-19.

¹⁸² S/23306, S/23307, S/23308, S/23309 and S/23317.

¹⁸³ S/PV.3864 and Corr.1, p. 11.

¹⁸⁴ Ibid., p. 13.

¹⁸⁵ Ibid., p. 13 (United States); and p. 30 (United Kingdom).

Several Council members called on the Committee to continue to respond promptly to requests for humanitarian exemptions.¹⁸⁶ The representative of the Russian Federation emphasized that sanctions were not a weapon to punish “unpalatable regimes”, but a means to support political efforts towards the settlement of a given conflict. He stated that the process of imposing, implementing, easing and tightening sanctions should be closely and flexibly linked to the political process.¹⁸⁷

Several speakers expressed the belief that the relevant decision of the International Court of Justice provided a good basis for an agreement as to the conduct of a fair trial and for the suspension and early lifting of the sanctions against the Libyan Arab Jamahiriya.¹⁸⁸ The representative of Bahrain added that the judgment of the Court, which confirmed its competence in this connection, logically required that the Security Council consider the suspension of sanctions, at least until the Court took a decision on the substance of the matter. He further stated that the harmful effects of those sanctions in the long term had begun to be felt by the Libyan people in spite of the Libyan Arab Jamahiriya’s oil riches.¹⁸⁹ The representative of the Organization of African Unity emphasized that it wanted to see a speedy resolution of the dispute and the immediate lifting of the harsh

measures imposed against the people of the Libyan Arab Jamahiriya.¹⁹⁰

In that connection, several speakers called for a thorough examination of the issue of sanctions,¹⁹¹ the criteria for their application and lifting, their effect on third countries and their humanitarian impact on the population of the affected States. The representative of Malta stated that as a neighbouring country to a country hit by sanctions, an open debate should be launched to explore alternative measures for the application of sanctions and on measures that offered built-in incentives that encouraged changes in the behaviour of targeted countries. He noted that such sanctions must be a mechanism for the promotion of peace and not for the indiscriminate mass punishment of whole populations. He further noted that sanctions had profound consequences, not only for the target countries, but also for the neighbouring ones. In his view, the sanctions imposed against the Libyan Arab Jamahiriya were not achieving their desired objective.¹⁹²

Case 18

Children and armed conflict

At its 4037th meeting, on 25 August 1999, the Council adopted resolution 1261 (1999). During the debate, the Special Representative of the Secretary-General for Children and Armed Conflict, Mr. Olara Otunnu, while highlighting the suffering of children during armed conflict, stated that there was the need to review the effects of sanctions on children. He stated that all efforts should be made to relieve the suffering of children living under sanctions regimes. Whenever the Security Council adopted measures under Article 41, it was critical to give consideration to their impact on children and to provide appropriate humanitarian exemptions.¹⁹³

Several speakers emphasized that it was important for the Council to take into account the impact of sanctions on children in those situations in which sanctions were imposed.¹⁹⁴ The representative

¹⁸⁶ Ibid., pp. 14-15 (Costa Rica); pp. 22-24 (Japan); pp. 24-25 (Slovenia); pp. 25-26 (Sweden); pp. 26-28 (Brazil); pp. 28-30 (France); pp. 39-40 (the United Kingdom, speaking on behalf of the European Union and the associated and aligned countries).

¹⁸⁷ Ibid., p. 16.

¹⁸⁸ Ibid., p. 17 (China); pp. 20-22 (Bahrain); pp. 34-36 (League of Arab States); pp. 36-38 (Organization of African Unity); pp. 38-40 (Organization of the Islamic Conference); pp. 40-42 (Mali, on behalf of the Group of African States); pp. 46-47 (Indonesia); pp. 47-48 (Syrian Arab Republic); pp. 48-49 (United Arab Emirates); p. 51 (Yemen); pp. 51-53 (Jordan); pp. 55-56 (Ghana); pp. 56-57 (Democratic People’s Republic of Republic of Korea); pp. 57-59 (Iraq); pp. 59-60 (Pakistan); p. 61 (Zimbabwe); pp. 61-62 (Namibia); pp. 62-63 (Morocco); pp. 64-65 (Guinea-Bissau); pp. 66-67 (Nigeria); pp. 67-69 (India); pp. 69-70 (United Republic of Tanzania); pp. 70-71 (Cuba); pp. 71-72 (Oman); pp. 72-73 (Islamic Republic of Iran); pp. 73-74 (Malaysia).

¹⁸⁹ Ibid., p. 21.

¹⁹⁰ Ibid., p. 37.

¹⁹¹ Ibid., pp. 14-15 (Costa Rica); pp. 43-45 (Malta); and p. 45 (Algeria).

¹⁹² Ibid., p. 43.

¹⁹³ S/PV.4037 and Corr.1, p. 5.

¹⁹⁴ Ibid., p.8 (France); and pp. 19-20 (Argentina);

of Argentina noted that the Council had to improve the design of sanctions so that they would not have an impact on innocent civilians and on children in particular.¹⁹⁵ The representative of Finland, speaking on behalf of the European Union and the associated and aligned countries¹⁹⁶ recommended that whenever sanctions were adopted in the handling of crises, their impact on children be assessed and monitored, and that humanitarian exceptions be child-focused.¹⁹⁷

The representative of Costa Rica stated that in the context of the work of the Security Council, studies had to be conducted on possible impacts on the vulnerable population, especially on children, before any sanctions regime was adopted.¹⁹⁸

The representative of India recalled the statement that was made by the Executive Director of the United Nations Children's Fund (UNICEF) to the Security Council on 12 February 1999, in which she had stated that sanctions should not be imposed without obligatory, immediate and enforceable humanitarian exemptions. He stated that the extreme impact on child malnutrition and on child and maternal mortality and illiteracy in countries subjected to comprehensive sanctions had to be addressed. This was something within the competence of the Security Council and would go a long way towards alleviating the suffering of children, many of whom had spent their entire childhood in situations of conflict.¹⁹⁹

The representative of Iraq stated that the enforcement of sanctions against his country had caused the deaths of 500,000 Iraqi children under 5 years of age, as indicated in the UNICEF report published on 12 August 1999. He stated that sanctions had also been the cause of death of more than a million Iraqi citizens from the other groups, particularly women and the elderly. In his view, that situation made sanctions effectively equal to threats emanating from armed conflict. He further stated that the imposition of sanctions on Iraq in 1990 was a form of collective punishment imposed on the people of Iraq. It was his

view that sanctions moved Iraq from a state of relative prosperity into full poverty.²⁰⁰

The representative of Slovakia emphasized that economic sanctions should prevent war criminals from "enjoying the fruits of their evil without harming innocent women and children". He stated that well-targeted sanctions could have a real impact without necessarily leading to unbearable humanitarian consequences for the most vulnerable group of the population, the children.²⁰¹

Case 19

Protection of civilians in armed conflict

At its 4046th meeting, on 17 September 1999, the Council adopted resolution 1265 (1999). In the beginning of the debate, the Council considered the report of the Secretary-General on the protection of civilians in armed conflict,²⁰² in which he stated that experience had shown that sanctions could have a highly negative impact on civilian populations, especially on vulnerable groups. He also expressed concern about regional sanctions and embargoes that were hastily imposed by neighbouring countries and lacked clear guidelines regarding the minimization of their humanitarian impact. The Secretary-General recommended that the Security Council underscore in its resolutions, at the onset of a conflict, the imperative for civilian populations to have unimpeded access to humanitarian assistance and for concerned parties, including non-State actors, to cooperate fully with the United Nations humanitarian coordinator in providing such access, as well as to guarantee the security of humanitarian organizations, in accordance with the principles of humanity, neutrality and impartiality, and insist that failure to comply will result in the imposition of targeted sanctions.²⁰³ He described the concept of targeted sanctions as constituting a potentially valuable means for pressuring targeted elites, while minimizing the negative humanitarian impact on vulnerable civilian populations that had been a characteristic of comprehensive economic sanctions. In this regard, he recommended that the Council make greater use of targeted sanctions; establish a permanent technical review mechanism of the United Nations and regional sanctions regimes; further develop standards and rules to minimize the humanitarian impact of

S/PV.4037 (Resumption 1), pp. 14-16 (Bangladesh).

¹⁹⁵ S/PV.4037 and Corr.1, pp. 19-20.

¹⁹⁶ S/PV.4037 (Resumption 1), p. 12 (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus and Malta).

¹⁹⁷ Ibid., pp. 12-14.

¹⁹⁸ Ibid., pp. 18-20.

¹⁹⁹ Ibid., pp. 21-23.

²⁰⁰ Ibid., pp. 26-27.

²⁰¹ Ibid., p. 29.

²⁰² S/1999/957.

²⁰³ Ibid., paras. 25, 26 and 51.

sanctions on the basis of proposals made by the President of the Council to the sanctions committees; and request regional organizations or groups of countries to submit complete information regarding the establishment of proper humanitarian exemption mechanisms and clearance procedures prior to authorizing the imposition of regional sanctions.²⁰⁴

During the debate, several speakers supported the recommendations of the Secretary-General in making greater use of targeted sanctions,²⁰⁵ so as to penalize the wrongdoers, rather than aggravating the suffering of the civilian populations. The representative of Brazil stated that, together with the assessment of the impact of sanctions regimes, the Security Council had to consider applying humanitarian exemptions, as appropriate, to measures adopted under Article 41. Secondly, priority should be given to the development of so-called targeted or smart sanctions, so as to penalize those directly responsible for wrongdoing rather than aggravating the hardship facing the population as a whole.²⁰⁶ The representative of the United States highlighted that it was imperative for concerned parties to cooperate fully with the United Nations humanitarian coordinator in providing access to civilian populations, and that failure to do so should result in the imposition of targeted sanctions. Secondly, his Government supported using sanctions as a possible method to deter and contain those who committed violations of international humanitarian and human rights law, as well as those parties to conflicts, which continually defied Security Council resolutions. He further stated that the sanctions committees should convene periodic meetings and the Council should monitor the humanitarian impact of sanctions on vulnerable groups and make required adjustments of the exemption mechanisms to facilitate the delivery of humanitarian assistance.²⁰⁷

The representative of France emphasized that the Security Council had all the tools of the Charter to pursue the guilty and to cause them to change their behaviour, including through the use of sanctions, which however, had to be carefully targeted and proportionate, so that they would not harm civilian populations.²⁰⁸ The representative of Malaysia noted that when the Security Council took decisions to resort

to the use of sanctions and, ultimately, military force for the protection of civilian populations, there was a need to give careful thought to their effectiveness and their negative consequences on the civilian population. The imposition of Article 41 of the Charter and the use of coercive action under Chapter VII should be adopted as a mechanism of last resort.²⁰⁹

The representative of the Republic of Korea stated that the Security Council had made consistent efforts to refine the use of sanctions. While his Government recognized the difficulty of achieving “smart sanctions” in the real world, it also believed that there was a need to minimize collateral, unintended humanitarian suffering through the imposition of more specifically targeted sanctions and mechanisms for periodic substantive reviews. He stated that the Security Council should also devise a more reliable mechanism to better implement the arms embargoes, which had already been imposed by the Council in some conflict areas but which had been deemed ineffective.²¹⁰

The representative of Ukraine stated that the Security Council should examine practical ways to avoid, or at least greatly minimize, a negative impact on the civilian population. His delegation felt that further thinking had to be done in the area of the impact of sanctions on third States. For this purpose, the Security Council should, in his opinion, give careful consideration to the potential social, economic and humanitarian impact of sanctions on the population of the target State and those of third countries prior to the imposition of sanctions. Following the imposition of sanctions, the possible options should be envisaged so that appropriate adjustments could be promptly introduced to sanctions regimes in order to mitigate their adverse collateral effects.²¹¹ The representative of Botswana, while endorsing the recommendations of the Secretary-General, stated that there should be no hesitation over imposing an arms embargo or other targeted sanctions where evidence existed that a party or parties to an armed conflict were deliberately targeting civilians.²¹²

²⁰⁴ *Ibid.*, para. 54.

²⁰⁵ S/PV.4046, p. 8 (Canada); pp. 15-16 (Argentina); p. 23 (Bahrain); S/PV.4046 (Resumption 1 and Corr.2), p. 4 (Japan); p. 7 (Switzerland); pp. 7-9 (Finland).

²⁰⁶ S/PV.4046, pp. 11-12.

²⁰⁷ *Ibid.*, p. 13.

²⁰⁸ *Ibid.*, p. 18.

²⁰⁹ *Ibid.*, p. 20.

²¹⁰ S/PV.4046 (Resumption 1), pp. 15-17.

²¹¹ *Ibid.*, p. 17-19.

²¹² S/PV.4046 (Resumption 2), p. 2.

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, the Security Council did not invoke Article 42 explicitly in any of its decisions. The Council did, however, adopt several resolutions by which it called upon States to use all “necessary measures” or “necessary means” to enforce its demands related to the maintenance or restoration of peace and security, which are therefore relevant to the interpretation of Article 42. In all the resolutions, determination under Article 39 of a threat to the peace provided the basis for the application of measures contained in Article 42.

This section will briefly examine four case studies relating to the Council’s authorization of enforcement action under Chapter VII of the Charter, for the maintenance of peace and security. The first case study (case 20) relates to the decision of the Council authorizing a temporary multinational force in eastern Zaire, to conduct a humanitarian operation, by using “all necessary means”. In the second case study (case 21), the Council authorized the United Nations Mission in Sierra Leone (UNAMSIL) to “take the necessary action” in the context of a specific aspect of its peacekeeping operations. The third case study (case 22) relates to the decision of the Council authorizing a multinational force to use of “all necessary measures” to restore peace and security, and to facilitate the delivery of humanitarian assistance in East Timor. In case 23, the Council authorized the deployment of the Stabilization Force (SFOR), led by NATO, to achieve, by using “all necessary means”, the objectives set out in its decision. In the last case study (case 24), the

Council authorized the International Security Force in Kosovo (KFOR), also led by NATO, to establish an international security presence in Kosovo, with “all necessary means” to fulfil its responsibilities.

The decisions of the Security Council by which measures enshrined in Article 42 were authorized are set out in section A. Section B reflects constitutional discussions in the meetings of the Council arising in connection with the adoption of those resolutions.

A. Decisions of the Security Council relating to Article 42

Africa

The situation in the Great Lakes region

By resolution 1080 (1996) of 15 November 1996, acting under Chapter VII of the Charter, the Council welcomed the offers made by Member States, in consultation with the concerned States in the region, in respect of the establishment of a temporary multinational force to facilitate the immediate return of humanitarian organizations and the effective delivery by civilian relief organizations of humanitarian aid to alleviate the immediate suffering of displaced persons, refugees and civilians at risk in eastern Zaire. By the same resolution, the Council authorized the Member States cooperating with the Secretary-General to conduct the above-mentioned operation to achieve, by using “all necessary means”, the humanitarian objectives set out therein.

The situation in Sierra Leone

By resolution 1270 (1999) of 22 October 1999, the Security Council decided to establish the United Nations Mission in Sierra Leone, and acting under Chapter VII of the Charter, decided that in the discharge of its mandate UNAMSIL might “take the necessary action” to ensure the security and freedom of movement of its personnel and, within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence.

Asia

The situation in East Timor

By resolution 1264 (1999) of 15 September 1999, the Security Council, acting under Chapter VII of the Charter, authorized the establishment of a multinational force, the International Force for East Timor (INTERFET), under a unified command structure, with the following tasks: to restore peace and security in East Timor; to protect and support the United Nations Mission in East Timor in carrying out its tasks; and to facilitate humanitarian assistance operations. It also authorized the States participating in the multinational force to take “all necessary measures” to fulfil this mandate.

Europe

The situation in Bosnia and Herzegovina

By resolution 1088 (1996) of 12 December 1996, acting under Chapter VII of the Charter, the Council authorized Member States to establish a multinational Stabilization Force as the legal successor to the Implementation Force, under unified command and control, in order to fulfil the role specified in annexes 1-A and 2 of the Peace Agreement. Moreover, it also authorized Member States to take “all necessary measures”, at the request of the Stabilization Force, either in defence of the Force 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 attack or threat of attack. By the same resolution, the Council authorized the Member States acting under paragraph 18,²¹³ in accordance with annex 1-A of the Peace Agreement, to take “all necessary measures” to ensure compliance with the rules and procedures, to be established by the Commander of the Stabilization Force, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic.

²¹³ In para. 18 of resolution 1088 (1996), the Council authorized the Member States acting through or in cooperation with the North Atlantic Treaty Organization to establish for a planned period of 18 months a multinational Stabilization Force.

The situation in Kosovo, Federal Republic of Yugoslavia

By resolution 1244 (1999) of 10 June 1999, acting under Chapter VII of the Charter, the Security Council decided on the deployment in Kosovo, under United Nations auspices, of international civil and security presences, with appropriate equipment and personnel as required, and welcomed the agreement of the Federal Republic of Yugoslavia to such presence. It authorized Member States and relevant organizations to establish the International Security Force in Kosovo, with all necessary means to fulfil its responsibilities.²¹⁴ The Force’s assigned tasks included deterring hostilities, demilitarizing the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups; and establishing a secure environment in which refugees and displaced persons could return home in safety, the international civil presence could operate, a transitional administration could be established and humanitarian aid could be delivered. By the same resolution, the Council authorized the Secretary-General with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo.

B. Constitutional discussion relating to Article 42

Case 20

The situation in the Great Lakes region

Following the deterioration of the humanitarian situation in the Great Lakes region caused by the military activities within and across borders, by a letter dated 7 November 1996 addressed to the President of the Security Council,²¹⁵ the Secretary-General informed the Council that more than 1.2 million Burundian and Rwandan refugees and tens of thousands of Zairians had been displaced by the fighting, in particular in eastern Zaire. He stated that he

²¹⁴ Resolution 1244 (1999), annex 2, item 4: the international security presence with substantial participation was to be deployed under unified command and control and authorized to establish a safe environment for all people in Kosovo and to facilitate the safe return to their homes of all displaced persons and refugees.

²¹⁵ S/1999/916.

had been considering various options for the establishment and deployment of a multinational force and believed that the best response to the crisis would be for Member States with the necessary capacity to take the lead in putting together a multinational force, in consultation with the Secretary-General of the Organization of African Unity and the regional States concerned, and the authorization of the Security Council to deploy it.

By a letter dated 14 November 1996 addressed to the president of the Security Council,²¹⁶ the Secretary-General transmitted a letter from the representative of Canada stating that his Government was prepared to work without delay with other Governments to enable the deployment of a temporary humanitarian operation for eastern Zaire, had secured the agreement of a number of Member States to participate in such an operation, and were in contact with the Organization of African Unity. He further stated that the Government of Canada would be ready to take the lead in organizing and commanding such an operation. The objectives assigned to that operation would be consistent with the ones outlined in resolution 1078 (1996).

By resolution 1080 (1996), the Security Council, acting under Chapter VII of the Charter welcomed the offers made by Member States, in consultation with the States concerned in the region, the establishment of a temporary multinational force to facilitate the immediate return of humanitarian organizations and the effective delivery by civilian relief organizations of humanitarian aid to alleviate the immediate suffering of displaced persons, refugees and civilians at risk in eastern Zaire. By the same resolution, the Council authorized Member States cooperating with the Secretary-General to use "all necessary means", to achieve the humanitarian objectives set out therein.

At its 3713th meeting, on 15 November 1996, the Council adopted resolution 1080 (1996). During the debate, the representative of Zaire expressed support for the measures envisaged in the resolution and believed that it would serve its humanitarian purposes.²¹⁷ The representative of Burundi highlighted the causes of the overall problem that existed in the region of the Great Lakes, and emphasized that the

primary task of the multinational force should be to disarm the former Rwandan troops and quarter them in the areas remote from the Burundi-Rwanda-Zaire borders.²¹⁸ The representative of Canada noted that his Government had decided to take the lead role in mounting a multinational humanitarian intervention force, which would make possible the safe delivery of humanitarian aid and facilitate the voluntary repatriation of refugees. He stated that the multinational force would facilitate the immediate return of humanitarian organizations and the effective delivery of humanitarian aid to alleviate the suffering of displaced persons, refugees and civilians at risk in eastern Zaire. His Government, however, did not envisage disarmament as part of the force's mandate. He explained that if soldiers engaged in disarmament, they could not undertake their primary mission, which was to make possible the delivery of humanitarian assistance.²¹⁹

The representative of France recalled the principal objective of the force, which was solely humanitarian. He stated that the multinational force would be in place for a maximum period of four months, which could be reduced if the Council so decided. He further stated that the force would be followed by another operation, most likely a United Nations operation, whose mandate would be specifically to pursue the humanitarian work. He hoped that all of those efforts would provide such help as was necessary to stabilize the region.²²⁰ The representative of the United Kingdom stated that the deployment of a multinational force was the only feasible option and that it was "an immediate response to an immediate crisis".²²¹ Botswana believed that the deployment of the force would certainly avert what was likely to become a human tragedy of immense proportions.²²²

The representative of Rwanda, however, opposed the deployment of the proposed multinational force. He emphasized that conditions were in place for the return of refugees, and that majority of them had already crossed the border from Zaire into Rwanda. He stated that the local and Government machinery had been mobilized throughout the country in order to prepare

²¹⁶ S/1996/941.

²¹⁷ S/PV.3713 and Corr.1, p. 4.

²¹⁸ *Ibid.*, pp. 6-8.

²¹⁹ *Ibid.*, pp. 8-10.

²²⁰ *Ibid.*, pp. 10-11.

²²¹ *Ibid.*, p. 11.

²²² *Ibid.*, p. 13.

the welcome centres for refugees, where they would be received before returning to their respective homes. In the light of those new developments, it was the view of the Government of Rwanda that the proposed multinational force was no longer relevant, at least as far as rescuing the Rwandan refugees in eastern Zaire was concerned. In his view, as the situation in eastern Zaire had changed, the plans for the proposed multinational force should also be changed to adapt to the changing situation on the ground. In that regard, he stated that the multinational force should be smaller, the location of its troops should be reconsidered, and a new mandate should be sought. For those reasons, he stated that the mandate of the multinational force should be for a limited period of two to three months at the most.²²³

Following the return of the majority of the refugees to Rwanda and the increasing access of international humanitarian agencies to the refugees, the representative of Canada, by a letter dated 13 December 1996 addressed to the Secretary-General,²²⁴ emphasized that after consulting with its partners in the Steering Group, Canada had concluded that the multinational force had very little utility. Therefore, Canada would withdraw its command and Canadian elements of the multinational force by 31 December 1996. Furthermore, he stated that his Government recommended that the Council terminate the mandate of the multinational force, effective 31 December 1996.

Case 21

The situation in Sierra Leone

At its 4054th meeting, on 22 October 1999, the Council adopted resolution 1270 (1999) establishing the United Nations Mission in Sierra Leone, and decided that in the discharge of its mandate UNAMSIL could “take the necessary action” to fulfil that mandate. During the debate, the Council members unanimously welcomed the establishment of UNAMSIL, and believed that it was an important step in the implementation of the provisions in the Lomé Peace Agreement. The representative of Sierra Leone, who expressed support for the provisions in the resolution, stated that his Government approved of the

establishment and deployment of a peacekeeping operation. He highlighted paragraph 14 of the resolution, which stated that, acting under Chapter VII of the Charter, UNAMSIL could take the necessary measures to ensure the safety and freedom of movement of the United Nations personnel and, circumstances permitting, to afford protection to civilians under imminent threat of physical violence. In the view of his delegation, this was an insurance policy for both international peacekeepers and innocent civilians. He believed that it also sent a clear message to any potential violator of human rights on a gross scale: the international community would not turn a blind eye if and when innocent civilians were under threat of physical violence.²²⁵ The representative of the United Kingdom stated that the establishment of UNAMSIL provided a clear opportunity for the Security Council and the United Nations membership generally to demonstrate that their commitment to conflict resolution applied as much to Africa as to other trouble spots around the world. The fact that the Council was ready to authorize a major operation in Africa, with an ambitious and wide-ranging mandate, showed clearly that the readiness to act in Africa was there.²²⁶ The representative of the United States stated that by adopting resolution 1270 (1999), the Council would be doing much more than merely deploying another United Nations peacekeeping force. The Council would be acknowledging the end of one of the most brutal civil wars and the beginning of one of the most well-deserved transitions to peace.²²⁷

In an explanation of his vote, the representative of France stated that his delegation was in favour of the recommendations of the Secretary-General calling for the establishment of UNAMSIL, with significant levels of military personnel and robust rules of engagement so that it could defend itself and be able to guarantee the protection of threatened civilian populations.²²⁸

The representative of Argentina highlighted paragraph 14 of the resolution, authorizing UNAMSIL to act under Chapter VII, towards “ensuring the security and freedom of movement of its personnel and to afford protection to civilians under imminent threat of physical violence”. He noted that the protection of

²²³ Ibid., p. 5.

²²⁴ S/1996/1046.

²²⁵ S/PV.4054, pp. 5-7.

²²⁶ Ibid., pp. 8-9.

²²⁷ Ibid., pp. 9-10.

²²⁸ Ibid., pp. 11-12.

civilians under Chapter VII was a pertinent development in the context of the mandate of a peacekeeping operation. Resolution 1270 (1999) was significant in that it introduced a new, fundamental, political, legal and moral dimension.²²⁹

Case 22

The situation in East Timor

Following the deterioration in the security situation in East Timor, and in particular the continued violence against and large-scale displacement and relocation of East Timorese civilians,²³⁰ on 12 September 1999, the Government of Indonesia agreed to accept an international peacekeeping force through the United Nations in East Timor.²³¹

At its 4045th meeting, the Council adopted resolution 1264 (1999), authorizing the establishment of International Force for East Timor, “to take all necessary measures” to fulfil its mandate. During the debate, the representative of Portugal stated that his delegation saw the deployment of the multinational force as the first step towards restoring a security environment which would allow the East Timorese to begin to rebuild their lives free from any fear and interference. He further stated that the sole precondition for the structure and composition of the multinational force was its capacity to respond to the shocking situation on the ground.²³²

The representative of Indonesia expressed concern about the situation and noted that his Government was ready to accept the United Nations peacekeeping forces in order to restore peace and security in East Timor. He stated that his Government’s main objective throughout the whole process remained, as stated by President Habibie, to enhance the effectiveness of common efforts and restore peace and security in East Timor.²³³

The representative of Australia stated that his Government welcomed the decision of the Government of Indonesia to invite a multinational force to assist in

restoring peace and security in East Timor, and, at the Secretary-General’s request, Australia was willing to accept the leadership of the multinational force.²³⁴

Endorsing the objectives of resolution 1264 (1999), the representative of Finland, speaking on behalf of the European Union and associated and aligned countries,²³⁵ welcomed President Habibie’s announcement that Indonesia would be ready to accept an international force to help to create peace in East Timor, protect the population of the territory and implement the outcome of the popular consultation.²³⁶

The representative of Japan stated that his delegation welcomed the decision taken by the Council in authorizing the establishment of a multinational force to restore peace and security in East Timor. He stated that it was clear that resolution 1272 (1999) was the first step in restoring peace and order in East Timor. He further stated that the international community had to cooperate in organizing and deploying the necessary forces.²³⁷

By resolution 1272 (1999) of 25 October 1999, acting under Chapter VII of the Charter, the Security Council established the Transitional Administration in East Timor (UNTAET), and endowed it with the overall responsibility for the administration of East Timor, including executive, legislative and judicial duties.

Case 23

The situation in Bosnia and Herzegovina

Following the expiry of the mandate for the Multinational Military Implementation Force (IFOR), by a letter dated 9 December 1996 addressed to the President of the Security Council,²³⁸ the Secretary-General transmitted a letter from the Secretary-General of the North Atlantic Treaty Organization in which the Secretary-General of the NATO stated that NATO was proceeding with preparations for a follow-up force, which would be named the Stabilization Force in

²²⁹ Ibid., pp. 15-16.

²³⁰ Resolution 1264 (1999) of 15 September 1999, fourth preambular paragraph.

²³¹ Ibid., tenth preambular paragraph.

²³² S/PV.4045, p. 3.

²³³ Ibid., p. 4.

²³⁴ Ibid., p. 5.

²³⁵ Ibid., pp. 5-6 (Bulgaria, Czech Republic, Estonia, Latvia, Lithuania, Poland, Romania and Slovakia; Cyprus and Malta; and Iceland, Liechtenstein and Norway).

²³⁶ Ibid., pp. 5-6.

²³⁷ Ibid., pp. 6-8.

²³⁸ S/1996/1025.

Bosnia and Herzegovina. The Stabilization Force would be organized and led by NATO, and would become the legal successor to IFOR, which had played an important role in the implementation of the military aspects of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Accords).²³⁹

At its 3723rd meeting, on 12 December 1996, the Council adopted resolution 1088 (1996), authorizing Member States to establish a multinational stabilization force in order to fulfil the role specified in annexes 1-A and 2 of the Peace Agreement. During its deliberations, the Council members unanimously supported the provisions in the resolution, and agreed that the presence of a multinational force was required in Bosnia and Herzegovina to assist in the implementation of the Peace Agreement. The representative of Bosnia and Herzegovina expressed support for the resolution and welcomed the provisions contained in the implementation of the Dayton Peace Accords.²⁴⁰ The representative of Ireland, speaking on behalf of the European Union and associated and aligned countries²⁴¹ stated that the resolution marked a reaffirmation by the international community that it was willing to support the consolidation of peace and democracy in Bosnia and Herzegovina, by continuing to provide the necessary stable and secure environment within which the important objectives of the Peace Agreement could be achieved. He also stated that many members of the European Union would participate in the follow-on multinational stabilization force, and welcomed the decision to authorize the establishment of the force.²⁴² The representative of Canada noted that an ongoing military presence was an important and necessary part of this international engagement. He stated that the stabilization force would help to ensure a stable security environment for the consolidation period, provide support for municipal elections next year, contribute to the achievement of arms-control objectives, support civilian implementation of the Peace Agreement and deter outbreaks of fighting.²⁴³ The representative of Germany agreed that peace was

still fragile and that there was a compelling need to safeguard the progress achieved so far and to stabilize peace in the region by a further and substantial commitment on the part of Member States. He stated that the commitment authorized by the Council included a continued military presence in the field, which was tasked to secure the environment for consolidation, stabilization and, in the end, for political reconciliation and economic reconstruction.²⁴⁴ The representative of Indonesia emphasized that the continued deployment of international military forces would be necessary, not only to reflect the commitment of the global community to facilitate the transition to a lasting peace, but also to prevent the resumption of conflict, with its attendant consequences. In that regard, his delegation was of the view that the creation of SFOR to replace IFOR was imperative to keeping the momentum of the peace process going.²⁴⁵

The representative of China, while welcoming the positive developments that had occurred in Bosnia and Herzegovina and voting in favour of the resolution stated that with regard to the invocation of Chapter VII of the Charter in the resolution, authorizing the use of force, his Government continued to have reservations. It was his Government's view that SFOR had to maintain strict neutrality and fairness and not misuse force in its operations and that it should steadfastly promote peace and stability in Bosnia and Herzegovina.²⁴⁶

Case 24

The situation in Kosovo, Federal Republic of Yugoslavia

At its 4011th meeting, on 10 June 1999, the Council adopted resolution 1244 (1999) by which it decided on the deployment in Kosovo, under the auspices of the United Nations, of international civil and security presences. During the debate, Mr. Jovanovic, stating the position of the Government of Federal Republic of Yugoslavia, emphasized that NATO was responsible for the unauthorized and brutal bombing of the Federal Republic of Yugoslavia, which had resulted in a massive humanitarian catastrophe, and the destruction of the civilian infrastructure and

²³⁹ S/1995/999 and annexes.

²⁴⁰ S/PV.3723, pp. 2-5.

²⁴¹ *Ibid.*, p. 5 (Bulgaria, Cyprus, Czech Republic, Hungary, Lithuania, Poland, Romania, Slovakia and Slovenia; and Iceland).

²⁴² *Ibid.*, pp. 5-7.

²⁴³ *Ibid.*, p. 7.

²⁴⁴ *Ibid.*, p. 19.

²⁴⁵ *Ibid.*, p. 23.

²⁴⁶ *Ibid.*, p. 15.

the economy of the country.²⁴⁷ On the same note, the representative of the Russian Federation condemned NATO aggression against Kosovo. He pointed out that the humanitarian crisis in the former Yugoslavia was transformed by the NATO bombing into a most serious humanitarian catastrophe. He further stated that the reference to Chapter VII of the Charter in resolution 1244 (1999) related exclusively to ensuring the safety and security of international personnel and compliance with the provisions of the draft resolution. It did not hint at the possibility of any use of force beyond the limits of the tasks clearly set out by the Security Council.²⁴⁸ Similarly, the representative of China, who abstained from voting, stated that the military campaign against the former Yugoslavia by NATO violated the Charter. He further stated that his Government opposed NATO military action against the former Yugoslavia. He also made reference to the resolution, which failed fully to reflect China's principled stand and justified concerns. In particular, it made no mention of the disaster caused by NATO bombing in the Federal Republic of Yugoslavia and it had failed to impose necessary restrictions on the invoking of Chapter VII of the Charter.²⁴⁹

The representative of Slovenia, who voted in favour of the resolution, emphasized that the Security Council recognized the existence of the threat to international peace and security and, acting under Chapter VII, provided the legitimacy for the necessary

measures of implementation of the resolution. He further noted that the resolution provided for a credible military force and authorized it to use all necessary means to fulfil its mandate. This was a prerequisite for the force to establish a safe and secure environment for the return of refugees and internally displaced persons.²⁵⁰ The representative of France stated that the continued and worsening repression of the civilian population compelled the members of the Atlantic alliance to resort to military means in order to put an end to a senseless and unacceptable policy of destruction and deportation.²⁵¹

The representative of the United States emphasized that the resolution established an international security force in Kosovo, which would create a safe and secure environment in which the people of Kosovo could return to their homes and rebuild their lives. He stated that NATO had signed a military-technical agreement with the authorities of the Federal Republic of Yugoslavia that specified the details for the rapid withdrawal of all forces of the Federal Republic of Yugoslavia from Kosovo and the details of the role and authorities of the international security force (KFOR). He further stated that the authorities of the Federal Republic of Yugoslavia had accepted that KFOR would operate with a unified NATO chain of command, under the political direction of the North Atlantic Council, in consultation with non-NATO force contributors.²⁵²

²⁴⁷ S/PV.4011, pp. 3-6.

²⁴⁸ Ibid., pp. 7-8.

²⁴⁹ Ibid., pp. 8-9.

²⁵⁰ Ibid., pp. 9-11.

²⁵¹ Ibid., pp. 11-12.

²⁵² Ibid., p. 14.

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 fulfillment 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 set out arrangements intended to govern the relationship between the Security Council and Member States contributing troops for the purpose of the maintenance of international peace and security. The Council, in its deliberations during the period under review, considered the relevance of the provisions contained in Articles 43 and 44, in particular as they related to the command and control of the military forces acting pursuant to an authorization by the Security Council, including in the adoption of decisions related to the Central African Republic, East Timor, Kosovo, Liberia and the Great Lakes region, as well as the item entitled "An Agenda for Peace: peacekeeping".

During the same period, the Council did not explicitly refer to Articles 43 to 47 in any of its decisions. The Council, however, adopted decisions by which it called upon States to enforce demands related to the maintenance of peace and security, and which are therefore believed to be of relevance to the interpretation of Articles 43 and 44.

The following overview is divided into four sections: section A contains decisions of the Council by which measures based on the principles of Article 43 were imposed, and section B attempts to draw out the salient issues raised in the Council's deliberations relevant to Article 43. Section C provides an overview of the Council's decisions that may be interpreted as having reference to the principles contained in Article 44, while section D outlines the relevant discussion in this connection which has taken place in the Council's deliberations,

During the period under review, the Council did not adopt any resolutions referring to Articles 45, 46 and 47 of the Charter, nor were there any constitutional discussions regarding the application and interpretation of these articles.

A. Decisions of the Security Council relating to Article 43

Africa

The situation in the Great Lakes region

By resolution 1080 (1996) of 15 November 1996, the Council welcomed the offers made by Member States, in consultation with the States concerned in the region, concerning the establishment for humanitarian purposes of a temporary multinational force to facilitate the immediate return of humanitarian organizations and the effective delivery by civilian relief organizations of humanitarian aid to alleviate the immediate suffering of displaced persons, refugees and civilians at risk in eastern Zaire. The Council also welcomed the offer by a Member State to take the lead in organizing and commanding this temporary multinational force. The Council called upon all concerned in the region to cooperate fully with the multinational force and humanitarian agencies and to ensure the security and freedom of movement of their personnel. The Council further requested the Member States participating in the multinational force to provide periodic reports at least twice monthly to the Council, through the Secretary-General.

The situation in the Central African Republic

By resolutions 1125 (1997) of 6 August 1997 and 1136 (1997) of 6 November 1997, the Council, acting under Chapter VII, authorized the Member States participating in the Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB), and those States providing logistical support to ensure the security and freedom of movement of their personnel. The Council stressed that the expenses and logistical support for the force would be borne on a voluntary basis in accordance with Article 11 of the mandate of the Inter-African Mission. The Council also requested the Member States participating in the Inter-African Mission to provide periodic reports at least every two weeks through the Secretary-General, the

first report to be made within 14 days after the adoption of the resolution.

Asia

The situation in East Timor

By resolution 1264 (1999) of 15 September 1999, acting under Chapter VII, the Council authorized the establishment of a multinational force under a unified command structure, pursuant to the request of the Government of Indonesia conveyed to the Secretary-General on 12 September 1999, with the following tasks: to restore peace and security in East Timor; to protect and support the United Nations Mission in East Timor in carrying out its tasks; and, within force capabilities, to facilitate humanitarian assistance operations; and authorized the States participating in the multinational force to take all necessary measures to fulfil that mandate. The Council welcomed the offers made by Member States to organize, lead and contribute to the multinational force in East Timor, called upon Member States to make further contributions of personnel, equipment and other resources and invited Member States in a position to contribute to inform the leadership of the multinational force and the Secretary-General. The Council further requested the leadership of the multinational force in East Timor to provide periodic reports on progress towards the implementation of its mandate.

Europe

The situation in Kosovo, Federal Republic of Yugoslavia

By resolution 1244 (1999) of 10 June 1999, acting under Chapter VII, the Council decided on the deployment in Kosovo, under the auspices of the United Nations, of international civil and security presences, with appropriate equipment and personnel as required, and welcomed the agreement of the Federal Republic of Yugoslavia to such presences. The Council also authorized Member States and relevant international organizations to establish the international security force in Kosovo as set out in item 4 of annex 2 with all necessary means to fulfil its responsibilities. The Council further affirmed the need for the rapid early deployment of effective international civil and security presences to Kosovo, and demanded that the parties cooperate fully in their deployment. Moreover, the Council decided that the

international civil and security presences would be established for an initial period of 12 months, to continue thereafter unless the Security Council decided otherwise.

B. Constitutional discussion relating to Article 43

Case 25

The situation in the Great Lakes region

At its 3713th meeting, on 15 November 1996, held in connection with the adoption of resolution 1080 (1996), the Council authorized the establishment of a “temporary” multinational force to facilitate the immediate return of humanitarian organizations and the effective delivery by civilian relief organizations of humanitarian aid to alleviate the immediate suffering of displaced persons, refugees and civilians at risk in eastern Zaire. During the debate, speakers unanimously paid tribute to the Government of Canada for having offered to organize and command the proposed multinational force, as well as to the States that had offered troops for the operation.

The representative of Canada noted that countries were responding generously to the Secretary-General’s call to action in eastern Zaire. In this regard, he reported that over 20 countries had already committed over 10,000 troops to the proposed multinational force, while African participation, which was vital to the force’s legitimacy and effectiveness, was represented by the firm offer of battalions from Ethiopia, Malawi and Senegal. He stated that his Government had firm offers from Europe, North America, Africa and Latin America, as well as expression of interest from Asia. However, he stressed the need for additional elements if the force was to have the proper balance and the maximum desired impact on the ground. He welcomed the role that regional leaders and the Organization of African Unity had played in responding to the crises in Central Africa, and their advice and support in launching this effort. He emphasized that such participation was expensive, and urged other countries to assist African countries to bear those costs and, in addition, to provide the strategic transport and equipment that would be required by African partners in this venture. He added that a few countries were truly capable in the field of strategic transport, and the

multinational force would be relying heavily on their generosity and commitment.²⁵³

The representative of the United Kingdom, whose Government was involved in the contingency planning, noted that a British military reconnaissance team had gone to the region to assess the conditions on the ground.²⁵⁴ The representative of the United States noted that some outstanding questions concerning the organization and operation of the mission remained to be worked out. In addition, she noted that planning for an appropriate operation to follow the temporary multinational force must also begin right away, due to its complexity.²⁵⁵

Some speakers informed the Council that their respective Governments would participate in the multinational operation. The representative of Korea stated that his Government stood ready to contribute to the cause of the multinational force.²⁵⁶ The representative of Guinea-Bissau also expressed his Government’s readiness to participate in the multinational force under the conditions and terms set out in the resolution.²⁵⁷ The representative of Italy informed the Council that Italian airplanes were ready to fly to the airports in the region to transport the relief supplies as urgently needed. On the composition of the force, he emphasized that the multinational force should be balanced in composition in order to represent the international community as a whole. No country should be predominant. He stated that the force should reflect the commitment of the international community as a whole, and in particular of a wide range of European and African countries as well as the United States. He concluded by stating that Italy would participate in the force as a troop contributor.²⁵⁸

The representative of Chile thanked all the countries that had shown interest in contributing to the mission, some of which had operational capabilities not possessed by all Member States. He highlighted the countries from Latin America and the Caribbean, such as Argentina and Brazil, that had indicated their desire to participate in the mission. He recalled the provisions

²⁵³ S/PV.3713 and Corr.1, pp. 8-10.

²⁵⁴ *Ibid.*, p. 11.

²⁵⁵ *Ibid.*, p. 25.

²⁵⁶ *Ibid.*, p. 16.

²⁵⁷ *Ibid.*, p. 19.

²⁵⁸ *Ibid.*, pp. 21-22.

in resolution 1078 (1996), which called upon the Secretary-General, in consultation with his Special Envoy, to draw up a conceptual framework of the operations and structure of a humanitarian task force with the objective, among others, of assisting the Office of the United Nations High Commissioner for Refugees (UNHCR) in the voluntary repatriation of refugees to their countries of origin, including through the establishment of humanitarian corridors.²⁵⁹

Case 26

The situation in the Central African Republic

At its 3808th meeting, held in connection with the adoption of resolution 1125 (1997), the Council welcomed the efforts of the Member States which had participated in the Inter-African Mission to Monitor the Implementation of the Bangui Agreement, and of the States supporting them in their endeavours to ensure the return to peace and security in the Central African Republic. The representatives of Japan and the Republic of Korea noted that, acting under Chapter VII of the Charter, the Council would authorize the Member States participating in MISAB and those States providing logistical support to ensure the security and the freedom of movement of their personnel.²⁶⁰ The representative of the United States took note of the financial and other contributions of France, Kenya and other States that had contributed towards assisting MISAB in carrying out its mandate. In that regard, he stated that the resolution showed that the expenses and logistical support for the force would continue to be borne on a voluntary basis.²⁶¹ The representative of the United Kingdom welcomed the contribution of those countries that had provided troops to MISAB, and the French commitment to support the operation.²⁶²

Case 27

The situation in East Timor

At its 4045th meeting, held in connection with the adoption of resolution 1264 (1999), the Council considered a letter dated 14 September 1999 from the Minister for Foreign Affairs of Australia addressed to

the Secretary-General,²⁶³ in which he informed the Secretary-General that Australia would be willing to accept the leadership of a proposed multinational force in East Timor and was prepared to make a substantial contribution to the force itself.

During the debate, several speakers expressed their readiness to participate in the multinational force, and welcomed the decision of the Council in authorizing a multinational force.²⁶⁴ The representative of Portugal stated that his country stood ready to participate in the multinational force, and was prepared to deploy a significant aid operation, in coordination with the United Nations.²⁶⁵ The representative of Indonesia noted that several details had been worked out between his Government and the United Nations, which included concerns regarding the deployment of the multinational force, including its composition and its command structure, as well as the modalities of cooperation defining the respective duties and responsibilities of the Indonesian defence forces and the multinational force. He assured the Council that adequate measures would be taken for the safety and security of those rendering humanitarian aid.²⁶⁶

The representative of Australia stated that his country was working with other contributors to ensure the earliest possible arrival of the force.²⁶⁷ The representative of Japan stressed that the international community had to cooperate in organizing and deploying the necessary forces as quickly as possible. He called upon the Indonesian authorities concerned to cooperate fully with the multinational force to facilitate the process of its deployment and the implementation of its mandate. The representative of Japan reaffirmed that his country would continue to provide support and assistance to the political and humanitarian process of restoring peace.²⁶⁸

The representative of New Zealand noted that his country would be among the earliest participants, with others from the region, in the deployment of a multinational force to East Timor. Speed was of the

²⁵⁹ Ibid., pp. 22-23.

²⁶⁰ S/PV.3808, p. 4 (Japan); and p. 4 (Republic of Korea).

²⁶¹ Ibid., p. 8.

²⁶² Ibid., p. 9.

²⁶³ S/1999/975.

²⁶⁴ S/PV.4045, pp. 2-3 (Portugal); p. 4 (Indonesia); p. 5 (Australia); p. 7 (Japan); and p. 8 (New Zealand).

²⁶⁵ Ibid., pp. 2-3.

²⁶⁶ Ibid., p. 4.

²⁶⁷ Ibid., p. 5.

²⁶⁸ Ibid., p. 7.

essence in view of the gravity of the humanitarian situation there.²⁶⁹

Case 28

The situation in Kosovo, Federal Republic of Yugoslavia

At its 4011th meeting, held in connection with the adoption of resolution 1244 (1999), the Council met to discuss the establishment of international civil and security presences in Kosovo under the auspices of the United Nations.

Stating the position of the Government of the Federal Republic of Yugoslavia, Mr. Jovanovic noted that the United Nations mission in Kosovo, which would include military and civil components, should have the mandate of and be under the command of the Security Council, which would supervise implementation of the resolution and provide protection to all who needed it. He emphasized that the mission should reflect equal, regional and political representation, which included participation by countries such as China, India, the Russian Federation and non-aligned and developing countries from various regions of the world. He stated that the Federal Republic of Yugoslavia requested that the Commander of the military part be appointed by the Secretary-General on the basis of consultations with the Council and the Federal Republic of Yugoslavia.²⁷⁰

A similar view was expressed by the representative of the Russian Federation, who noted that the presence of the international civil and military contingents in Kosovo should be carried out under the political control of the Council, to which the Secretary-General would regularly submit reports on the course of the entire operation.²⁷¹ The representative of France emphasized that it was the Council authorizing Member States and international organizations concerned to establish the international security presence in Kosovo. He also noted that it was the Council that would remain in control of the implementation of the peace plan for Kosovo because

it requested the Secretary-General to report to it regularly on the implementation of the resolution.²⁷²

With regard to the contribution of troops, several speakers expressed their readiness in this matter. The representative of Canada stated that his Government was committed to the effort, and would contribute actively. It was currently deploying a substantial number of Canadian Forces personnel to participate in the international security force for Kosovo.²⁷³ The representative of Norway stated that his country stood ready to contribute troops for the deployment of the international security force and resources for humanitarian needs, demining operations and the rehabilitation of war-torn infrastructure. In addition, as Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), the Minister for Foreign Affairs of Norway welcomed the decision to place the overall responsibility for the civilian presence with the United Nations.²⁷⁴ The representative of Ukraine reaffirmed his country's readiness to contribute military units to the international force in Kosovo mandated by the Security Council, as well as its civilian police officers to the United Nations Civilian Police operation.²⁷⁵ The representative of Croatia stated that his country stood ready to share its extensive experience and contribute to the success of the efforts of the international community in the implementation of the resolution.²⁷⁶

While embracing the role of the United Nations in the operation, the representatives of the United States and the United Kingdom believed that the operation should be under the control of NATO. The representative of the United States stated that the authorities of the Federal Republic of Yugoslavia had accepted that the international security force would operate with a unified NATO chain of command, under the political direction of the North Atlantic Council, in consultation with non-NATO force contributors.²⁷⁷ Similarly, the representative of the United Kingdom stated that the resolution provided for the deployment of an international civil presence, led by the United Nations, and for an effective international security

²⁶⁹ Ibid., p. 8.

²⁷⁰ S/PV.4011, pp. 3-6.

²⁷¹ Ibid., pp. 7-8.

²⁷² Ibid., pp. 11-12.

²⁷³ Ibid., p. 13.

²⁷⁴ S/PV.4011 (Resumption 1), pp. 3-4.

²⁷⁵ Ibid., pp. 10-11.

²⁷⁶ Ibid., pp. 11-12.

²⁷⁷ S/PV.4011, p. 14.

presence to re-establish a safe environment in Kosovo. He further stated that the force should command the confidence of the refugees, if they were to return home. That was why NATO had made clear that it would be essential to have a unified NATO chain of command under the political direction of the North Atlantic Council, in consultation with non-NATO force contributors. With NATO at its core, the force would be commanded by a British General and the United Kingdom would provide the leading contribution, at least 13,000 troops.²⁷⁸

C. Decisions of the Security Council relating to Article 44

An Agenda for Peace: peacekeeping

By a statement of the President, dated 28 March 1996,²⁷⁹ the Council acknowledged the views expressed at its 3611th meeting, held in consideration of the item entitled “An Agenda for Peace: peacekeeping”.²⁸⁰ In the text, the Council outlined a series of procedures that it would follow, aimed at improving its consultations with troop-contributing countries, including the holding of regular meetings with them. It decided not only to hold regular meetings with the representatives of troop-contributing countries and the Secretariat, but also to convene ad hoc meetings with them in the event of unforeseen developments in a particular peacekeeping operation, which could require Council action. The statement further noted that regular meetings should be held as soon as practicable and in good time before the Council took decisions on the extension or termination of, or significant changes in, the mandate of a particular peacekeeping operation. The statement

underlined that if possible, the Council would hold meetings with prospective troop-contributors when it considered establishing a new peacekeeping operation. Furthermore, the President of the Council would chair all meetings with troop contributors and report their views to the Council during its informal consultations. Moreover, the statement noted that the meetings envisaged would be in addition to those convened by the Secretariat for troop contributors to meet with special representatives of the Secretary-General or force commanders, or to discuss operational matters. In the light of the above, the Council would consider further measures and mechanisms to enhance further the arrangements.

D. Constitutional discussion relating to Article 44

The situation in Liberia

At its 3621st meeting, on 25 January 1996, in connection with the situation in Liberia, the Council had before it the report of the Secretary-General,²⁸¹ recommending the extension of the mandate of the United Nations Observer Mission in Liberia (UNOMIL). During the debate, the representative of the Czech Republic stated that the interests of the Czech Republic were “specially affected” by the situation in Liberia and referred to Article 44 of the Charter, which provided his country with grounds to participate, inasmuch as the employment of contingents of the Czech armed forces was involved. He stressed that the Czech Republic was the only European country that was participating in UNOMIL. He further stated that his remarks would have been addressed to the troop-contributors meeting, but he was grateful for the opportunity to put them on record.²⁸²

²⁷⁸ Ibid., p. 18.

²⁷⁹ S/PRST/1996/13.

²⁸⁰ At its 3611th meeting, on 20 December 1995, the Security Council held an open debate on the subject of consultations between troop contributors, members of the Council and the Secretariat. The item was entitled “An Agenda for Peace: peacekeeping” (S/PV.3611 and Corr.1).

²⁸¹ S/1996/47.

²⁸² S/PV.3621, pp. 29-30.

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 adopt any decisions referring expressly to Article 48. The Council, however, did adopt several decisions that underlined the mandatory nature of measures imposed under Chapter VII and contained provisions that might be construed as implicit references to the principles enshrined in Article 48.²⁸³

The Council's decisions calling upon States to take measures necessary to ensure the strict implementation of measures not involving the use of force, in accordance with the provisions of Article 41 of the Charter, are set out in section A. Section B focuses on decisions by the Council imposing measures involving the use of force, in accordance with Article 42 of the Charter.

A. Decisions of the Security Council imposing measures not involving the use of force

In its decisions imposing measures not involving the use of force, in accordance with the provisions of Article 41 of the Charter, the Security Council

²⁸³ In connection with Afghanistan, Angola, Bosnia and Herzegovina, Croatia, East Timor, Kosovo, Sierra Leone and the Sudan; and with the International Tribunal for the former Yugoslavia and the International Tribunal for Rwanda.

consistently called upon "all States" to comply with relevant provisions in the resolution.

When imposing measures against Afghanistan, the União Nacional para a Independência Total de Angola in Angola, Kosovo, the Revolutionary United Front in Sierra Leone, and the Sudan, the Security Council in each case expressly stated in its decision that States were to act strictly in conformity with the resolution "notwithstanding the existence of any rights granted or obligations conferred 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 provisions set out in the resolution.²⁸⁴ By those resolutions, the Council required that "all States" report to the Committee specifically mandated to monitor the implementation of sanctions on those States' compliance with relevant measures imposed against the parties to the conflict.²⁸⁵ In other decisions,

²⁸⁴ In connection with the measures imposed against Afghanistan, see resolution 1267 (1999), para. 7. In connection with the situation in Angola, see resolution 1127 (1997), para. 10, and 1173 (1998), para. 17. In connection with the situation in Kosovo, see resolution 1160 (1998), para. 10. In connection with the measures imposed against RUF in Sierra Leone, see resolution 1132 (1997), para. 11. In connection with sanctions against the Sudan, see resolution 1054 (1996), para. 5.

²⁸⁵ In connection with the measures imposed against Afghanistan, by resolution 1267 (1999), para. 10, the Council requested "all States" to report to the Committee within 30 days of the coming into force of the measures imposed on the steps they had taken, with a view to implementing them effectively. In connection with the measures imposed against UNITA, by resolution 1127 (1997), para. 13, the Council requested Member States to provide to the Committee established pursuant to resolution 864 (1993), no later than 1 November 1997, information on the measures they had adopted to implement the provisions of para. 4 of that resolution. By resolution 1173 (1998), para. 21, the Council requested Member States to provide to the Committee, no later than 15 July 1998, information on the measures they had adopted to implement the provisions of paras. 11 and 12 of that resolution; and by resolution 1176 (1998), para. 4, the Council requested Member States to provide to the Committee information on the measures they had adopted to implement the provisions

the Council requested States to report to the Secretary-General on the steps they had taken to give effect to the provisions set out in the resolution.²⁸⁶

In connection with the measures imposed against Afghanistan, the Council decided that “all States” should impose the measures set out in its resolution, unless the party to the conflict fully complied with the obligations set out in its decisions.²⁸⁷ In addition, the Security Council urged “all States” to cooperate with efforts to fulfil the demand that the Taliban turn over Osama bin Laden, and to consider further measures against him and his associates.²⁸⁸ The same resolution contained a reference calling upon States to bring proceedings against persons and entities within their jurisdiction that violated the measures imposed by the relevant provisions of the Council and to impose appropriate penalties.²⁸⁹

In connection with the discussion of sanctions against Libyan Arab Jamahiriya,²⁹⁰ by resolution 1192 (1998) of 27 August 1998, the Council called upon “the Government of the Netherlands and the Government of the United Kingdom” to take such steps as are necessary to implement the initiative, including the conclusion of arrangements with a view to enabling the

of resolution 1173 (1998). In connection with the measures imposed against Kosovo, by resolution 1160 (1998), para. 12, the Council requested States to report to the Committee established under that resolution within 30 days of its adoption on the steps they had taken to give effect to the prohibitions imposed. In connection with the measures imposed against Sierra Leone, by resolution 1132 (1997), para. 10 (a), the Council sought from “all States” further information regarding the action taken by them with a view to implementing effectively the measures in the resolution.

²⁸⁶ In connection with the measures imposed against RUF in Sierra Leone, by resolution 1132 (1997), the Council requested “all States” to report to the Secretary-General within 30 days of the date of adoption of the resolution on the steps they had taken to give effect to the provisions set out in the resolution. In connection with sanctions against the Sudan, see resolution 1054 (1996), para. 6.

²⁸⁷ Resolution 1267 (1999), para. 3.

²⁸⁸ *Ibid.*, para. 5.

²⁸⁹ *Ibid.*, para. 8.

²⁹⁰ Letters dated 20 and 23 December 1991, from the representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the Secretary-General (S/23306, S/23307, S/23308, S/23309 and S/23317).

court to exercise jurisdiction in the terms of the intended Agreement between the two Governments. By the same resolution, the Council decided that “all States” should cooperate to that end, and “in particular that the Libyan Government” should ensure the appearance in the Netherlands of the two accused for the purpose of trial.

In order to ensure full compliance with relevant measures, the Security Council called on “all States” to take “the necessary measures” to enforce the sanctions regime imposed against UNITA.²⁹¹ By the same decision, the Council also called upon “all States” to implement strictly the measures imposed in the resolution.²⁹²

In its resolutions and decisions establishing the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, the Council decided that “all States” should cooperate fully with the respective Tribunal and its organs in accordance with the relevant resolution,²⁹³ and statutes of the Tribunal, and that consequently “all States” should take any measures necessary under their domestic law to implement the provisions of the resolution and the statute.²⁹⁴ In addition, the Council called upon “all States” and “others concerned” to comply fully with their obligations with respect to cooperation with the Tribunal, and in particular their obligation to execute arrest warrants transmitted to them by the Tribunal.²⁹⁵

In accordance with Article 48 (2), action required to carry out the Council’s decisions should be taken by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members. In connection with the measures imposed on UNITA in Angola, on RUF in Sierra Leone and on the Sudan, the Council expressly included “international organizations” among

²⁹¹ See resolution 1173 (1998), para. 12, relating to the enforcement of measures imposed on UNITA.

²⁹² *Ibid.*, para. 18.

²⁹³ In connection with the International Tribunal for the Former Yugoslavia, see S/PRST/1996/23, para. 2; and resolutions 1145 (1997), para. 11; 1166 (1998), para. 3; and 1207 (1998), para. 1. In connection with the International Tribunal for Rwanda, see resolution 1165 (1998), para. 4.

²⁹⁴ S/PRST/1996/23, para. 2; and resolutions 1166 (1998), para. 3, and 1207 (1998), para. 1.

²⁹⁵ S/PRST/1996/23, para. 4.

the addressees of its decisions,²⁹⁶ and urged States to provide support to assist the international organizations in the implementation of the resolution.²⁹⁷

In connection with the situation in Angola, the Council urged “all States” and “international and regional organizations” to stop travel by their officials and official delegations to the central headquarters of UNITA, except for the purposes of travel to promote the peace process and humanitarian assistance.²⁹⁸

In connection with the situation in Sierra Leone, the Council urged “all States”, “international organizations” and “financial institutions” to assist States in the region in addressing the economic and social consequences of the influx of refugees from Sierra Leone.²⁹⁹ It also urged “all States” to provide technical and logistical support to assist the Economic Community of West African States in carrying out its responsibilities in the implementation of the resolution.³⁰⁰ In addition, the Council explicitly authorized ECOWAS, in cooperation with the democratically elected Government of Sierra Leone, to ensure strict implementation of the provisions of the resolution. In that regard, the Council called upon “all States” to “cooperate with ECOWAS”,³⁰¹ and

requested that ECOWAS report every 30 days to the Committee on all activities.³⁰²

B. Measures involving the use of force

In general, while the decisions referred to in section A were formulated so as to achieve universal compliance and create binding obligations for all States, decisions providing for the use of “all necessary measures” to enforce previous resolutions of the Council sometimes took the form of authorizations or calls on States willing and in a position to take such action. In this regard, four decisions authorizing the use of “all necessary measures” expressly envisaged possible action through regional agencies or arrangements.³⁰³ In its decisions adopted in connection with the situations in Bosnia and Herzegovina, Croatia and East Timor, the Council authorized Member States participating in the respective multinational forces to take “all necessary measures” to fulfil their mandate.³⁰⁴ In connection with the situation in Bosnia and Herzegovina, the Council requested the Member States acting through or in cooperation with the North Atlantic Treaty Organization to report to the Council, through the appropriate channels and at least at monthly intervals.³⁰⁵

²⁹⁶ In connection with the measures imposed on UNITA, by resolution 1127 (1997), para. 6, the Council urged “all States” and “international and regional organizations” to stop travel by their officials and official delegations to the central headquarters of UNITA, except for the purposes of travel to promote the peace process and humanitarian assistance. In connection with the measures imposed on RUF in Sierra Leone, by resolution 1132 (1997), para. 14, the Council requested all those concerned, including the Economic Community of West African States, the United Nations and other international humanitarian agencies, to establish appropriate arrangements for the provision of humanitarian assistance and to endeavour to ensure that such assistance responded to local needs and was safely delivered to, and used by, its intended recipients. In connection with sanctions against the Sudan, by resolution 1054 (1996), para. 4, the Council called upon all international and regional organizations not to convene any conference in the Sudan.

²⁹⁷ In connection with the measures imposed on RUF in Sierra Leone, see resolution 1132 (1997), para. 18.

²⁹⁸ Resolution 1127 (1997), para. 6.

²⁹⁹ Resolution 1132 (1997), para. 15.

³⁰⁰ *Ibid.*, para. 18.

³⁰¹ *Ibid.*, para. 8.

³⁰² *Ibid.*, para. 9.

³⁰³ In connection with the situation in Bosnia and Herzegovina, by resolution 1088 (1996), para. 19, the Council authorized the Member States acting through or in cooperation with NATO “to take all necessary measures” to effect the implementation of and to ensure compliance with annex 1-A of the Peace Agreement. By resolution 1174 (1998), para. 10, the Council 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 12 months the multinational Stabilization Force (SFOR). By resolution 1247 (1999), para. 11, the Council authorized the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to take all necessary measures to effect the implementation of and to ensure compliance with annex 1-A of the Peace Agreement. In connection with the situation in Kosovo, by resolution 1244 (1999), para. 7, the Council authorized Member States and relevant international organizations to establish the international security presence in Kosovo with “all necessary means” to fulfil its responsibilities.

³⁰⁴ In connection with the situation in East Timor, see

In connection with the situation in Croatia,³⁰⁶ the Council decided that Member States, acting nationally or through regional organizations or arrangements, could, at the request of the Transitional Administration and on the basis of procedures communicated to the United Nations, take “all necessary measures”, including close air support, in defence of the Transitional Administration and, as appropriate, to assist in the withdrawal of the Transitional Administration. The Council also called upon States and international financial institutions to support and cooperate with efforts to promote the development and economic reconstruction of the region.³⁰⁷

resolution 1264 (1999), para. 3. In connection with the situation in Bosnia and Herzegovina, see resolutions 1088 (1996), para. 19; 1174 (1998), paras. 11, 12 and 13; and 1247 (1999), para. 12.

³⁰⁵ In connection with the situation in Bosnia and Herzegovina, see resolutions 1088 (1996), para. 26 and 1247 (1999), para. 18.

³⁰⁶ In connection with the situation in Croatia, see resolution 1037 (1996), para. 14.

³⁰⁷ *Ibid.*, para. 18.

In connection with the situation in East Timor,³⁰⁸ the Council encouraged Member States and “international agencies” and organizations to provide personnel, equipment and other resources to the United Nations Transitional Administration in East Timor, as requested by the Secretary-General, including for the building of basic institutions and capacity, and stressed the need for the closest possible coordination of these efforts.

The discussions leading to the adoption of the above-mentioned resolutions did not give rise to constitutional arguments regarding the interpretation or application of Article 48.

³⁰⁸ In connection with the situation in East Timor, see resolution 1272 (1999), 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 all necessary measures to enforce its decisions, even though they contained no explicit references to Article 49. It should be noted, however, that in connection with the situations in Albania, Bosnia and Herzegovina, East Timor, the Federal Republic of Yugoslavia, including Kosovo, and Sierra Leone, the Council adopted a number of resolutions, certain

provisions of which might be considered as falling implicitly within the scope of Article 49.

While such authorizations or calls under Article 49 were primarily addressed to States willing and in a position to take relevant enforcement action, the Council regularly requested “all States” to provide appropriate support and assistance to those States. Such requests were made in the context of measures adopted in accordance with Articles 40, 41 and 42.

An overview of decisions of the Council calling for mutual assistance in connection with measures adopted under Article 40 is set out in part A. Section B focuses on measures adopted under Article 41, and section C deals with measures adopted under Article 42.

A. Calls for mutual assistance in connection with measures adopted under Article 40

The situation in Sierra Leone

By a statement of the President dated 6 August 1997,³⁰⁹ the Council expressed its concern at the effects of the continuing influx of refugees into neighbouring countries, in particular Guinea, due to the crisis in Sierra Leone. The Council called upon all States and relevant international organizations to provide help to those countries in dealing with this problem.

By resolution 1132 (1997) of 8 October 1997, the Council requested all those concerned, including ECOWAS, the United Nations and other international humanitarian agencies, to establish appropriate arrangements for the provision of humanitarian assistance and to endeavor to ensure that such assistance responded to local needs and was safely delivered to, and used by, its intended recipients.

B. Calls for mutual assistance in connection with measures adopted under Article 41

*Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America*³¹⁰

By resolution 1192 (1998) of 27 August 1998, the Council called upon the Government of the Netherlands and the Government of the United Kingdom to take such steps as were necessary to implement the initiative for the trial of the two persons charged with the bombing of Pan Am flight 103, including the conclusion of arrangements with a view to enabling the court to exercise jurisdiction in the terms of the intended Agreement between the two Governments. By the same resolution, the Council decided that "all States" should cooperate to that end, and in particular that the Government of the Libyan Arab Jamahiriya should ensure the appearance in the Netherlands of the two accused for the purpose of trial.

³⁰⁹ S/PRST/1997/42.

³¹⁰ S/23306, S/23307, S/23308, S/23309 and S/23317.

C. Calls for mutual assistance in connection with measures adopted under Article 42

The situation in Bosnia and Herzegovina

By resolution 1088 (1996) of 12 December 1996, the Council welcomed the willingness of Member States to assist the parties to the Peace Agreement by continuing to deploy a multinational implementation force. In addition, the Council authorized Member States acting through or in cooperation with NATO to establish a multinational Stabilization Force as the legal successor to the Multinational Military Implementation Force, and to continue to provide appropriate support and facilities, including transit facilities. By resolution 1174 (1998) of 15 June 1998, 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 the Stabilization Force.

The situation in East Timor

By resolution 1264 (1999) of 15 September 1999, the Council welcomed the offers by Member States to organize, lead and contribute to the multinational force in East Timor; called upon Member States to make full contributions of personnel, equipment and other resources; and invited Member States in a position to contribute to inform the leadership of the multinational force and the Secretary-General.

The situation in Kosovo, Federal Republic of Yugoslavia

By resolution 1244 (1999) of 10 June 1999, the Council authorized Member States and relevant international organizations to establish the international security presence in Kosovo with all necessary means to fulfil its responsibilities. None of the preceding implicit references in the decision of the Council leading to the adoption of the above-mentioned resolutions gave rise to constitutional arguments regarding the interpretation or application of Article 49.

None of the preceding implicit references in the decision of the Council leading to the adoption of the above-mentioned resolutions gave rise to

constitutional arguments regarding the interpretation or application of Article 49.

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.

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.

During the period under review, the Security Council did not adopt any decisions containing explicit or implicit references to Article 50. However, the Article was explicitly invoked in relation to the implementation of measures taken in connection with the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Libyan Arab Jamahiriya. In connection with measures imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro), the representatives of Bulgaria,³¹¹ Croatia,³¹² and Ukraine,³¹³ invoked the provisions of Article 50. In the case of the Libyan Arab Jamahiriya, India expressed its concern over the special economic problems in accordance with Article 50.³¹⁴ In its report dated 26 August 1996,³¹⁵ the Security Council Committee established pursuant to resolution 661 (1990) concerning the situation between Iraq and Kuwait described its work in addressing the requests of the States faced with special economic problems.³¹⁶

The principle enshrined in Article 50 was also invoked in a letter dated 19 December 1996 from the representative of the Russian Federation addressed to the Secretary-General³¹⁷ transmitting a decision taken on 15 November 1996 by the State Duma of the Federal Assembly of the Russian Federation concerning its position on the Council's resort to sanctions. In its decision, the State Duma emphasized the necessity to develop a set of measures to minimize the economic damage caused to third States that complied with sanctions, and advised the Council to be cautious in considering the imposition of sanctions against individual States. In the same decision, the State Duma recommended that the President of the Russian Federation should instruct the Ministry of Foreign Affairs of the Russian Federation to take measures "precluding the possibility of the use by the Security Council of sanctions causing serious damage to the economic interests of the Russian Federation, unless at the same time an effective international mechanism was set up to compensate for economic losses incurred by the Russian side as a result of participation in the sanctions".

Questions relating to the application (and consideration) of Article 50 were also considered in the report of the International Commission of Inquiry established to investigate reports relating to the sale or supply of arms and related materiel to former R3andan government forces in the Great Lakes region (in violation of Council resolutions 918 (1994), 997 (1995) and 5011 (1995)).³¹⁸ The recommendation contained in the report addressed, in addition, to the cases of Rwanda and the Great Lakes region, the imposition of arms embargoes in general. The Commission

³¹¹ See S/1996/721 and Corr.1.

³¹² S/PV.4011 (Resumption 1), pp. 11-12.

³¹³ See S/1996/595 and S/PV.4011 (Resumption 1), pp. 9-11.

³¹⁴ S/PV.3864 and Corr.1, pp. 67-69.

³¹⁵ S/1996/700.

³¹⁶ *Ibid.*, pp. 28-29. Since the work of the Committee in

relation with Article 50 concerned the period prior to 1996, see chap. 11 of the twelfth Supplement to the *Repertoire*.

³¹⁷ S/1996/1060. At the time when the above-mentioned document was adopted by the State Duma, the Council was considering the question of the imposition of sanctions against the Sudan.

³¹⁸ S/1996/195.

recommended, and inter alia, that when the Security Council imposed an arms embargo under Chapter VII of the Charter, it should consider urging neighbouring States to establish with their respective Governments an office with the necessary legal, political, military, Police, customs and border guard personnel. It further stated that "where the States concerned cannot staff and equip such offices wholly from within their existing resources, consideration could be given to establishing an appropriate trust fund within the context of Article 50 of the Charter".

The following case studies present an overview of the Council's proceedings relevant to Article 50 of the Charter in connection with the Federal Republic of Yugoslavia (Serbia and Montenegro), the Libyan Arab Jamahiriya and Kosovo.

Case 29

Items relating to the Federal Republic of Yugoslavia (Serbia and Montenegro)

By a letter dated 21 July 1996 addressed to the Secretary-General,³¹⁹ the Government of Ukraine transmitted an aide-memoire on its position on the "proclamation of the economic sanctions imposed by the Council. The Government recalled that it had complied with the sanctions imposed by the Security Council against the Federal Republic of Yugoslavia in resolution 757 (1992). However, it stated that sanctions had had negative consequences on the socio-economic life of the country. According to the Government, during the period of implementation of the sanctions, Ukraine had suffered around 4.5 billion dollars in direct losses and paid a high price for strict and consistent implementation of the sanctions. It suggested that in order for Security Council sanctions to be implemented (effectively, particular attention should be paid to defining ways and means of compensation for the losses of the neighbouring countries). In its aide-memoire, the Government put forward a number of ideas and proposals for alleviating the negative impact of sanctions on third States.

At its 323rd meeting, on 12 December 1996, held in connection with the situation in Bosnia and Herzegovina, the representative of Ukraine expressed his hope to be involved by means of its industrial potential in the process of the economic restoration and reconstruction of Bosnia's destroyed economy. Such participation would compensate for the losses that Ukraine's economy had suffered as a result of compliance with the sanctions imposed by the Council against the Federal Republic of Yugoslavia.³²⁰ Article 5p was also explicitly referred to in a note verbale dated 30 August 1996 from the representative of Bulgaria addressed to the Secretary-General.³²¹ The note emphasized that Bulgaria had been extremely vulnerable to the negative side effects of the sanctions imposed on the Federal Republic of Yugoslavia by resolution 757 (1992). The note underlined that the support to the affected States largely depends on political will and the capacity to provide assistance, rather than on an established mechanism. The representative stressed the necessity to create a mechanism for the effective application of Article 50 of the Charter. In the note, the

representative made other suggestions concerning Article 50, such as arrangement of prior consultations and the establishment of trust funds.

Article 5p was also explicitly referred to in a note verbale dated 30 August 1996 from the representative of Bulgaria addressed to the Secretary-General.³²¹ The note emphasized that Bulgaria had been extremely vulnerable to the negative side effects of the sanctions imposed on the Federal Republic of Yugoslavia by resolution 757 (1992). The note underlined that the support to the affected States largely depends on political will and the capacity to provide assistance, rather than on an established mechanism. The representative stressed the necessity to create a mechanism for the effective application of Article 50 of the Charter. In the note, the representative made other suggestions concerning Article 50, such as arrangement of prior consultations and the establishment of trust funds.

Furthermore, by a letter dated 24 September 1996, addressed to the President of the Security Council,³²² the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia, transmitted a report of the Copenhagen Round Table on the United Nations Sanctions in the Case of the former Yugoslavia, held at Copenhagen on 24 and 25 June 1996 under the auspices of the Organization for Security and Cooperation in Europe. In taking note of Article 50, the Round Table affirmed the right of States to consult with the Council if they encounter "special economic problems as a result of sanctions. It recommended swift implementation and strict enforcement of sanctions in order to limit the special economic side effects for third countries, in particular the neighbouring countries.

By a letter dated 15 November 1996 addressed to the President of the Council,³²³ the Chairman of the Committee transmitted its final report. The report presented a concise account of the Committee's work from 1993 until termination of sanctions in 1996. In the report, the Council's attention was drawn to the serious economic impact on neighbouring States and other third States as a result of the comprehensive

³¹⁹ S/1996/595.

³²⁰ S/PV.3723, p. 12.

³²¹ S/1996/721 and Corr.1.

³²¹ S/1996/721 and Corr.1.

³²² S/1996/776.

³²³ S/1996/946.

sanctions regime. Eight States — Albania, Bulgaria, the former Yugoslav Republic of Macedonia, Hungary, Romania, Slovakia, Uganda and Ukraine — exercised their right under Article 50 of the Charter to consult the Council on possible assistance in connection with special economic problems with which they were confronted as a result of the implementation of the mandatory measures. In each of those cases, the Council recognized the urgent need to assist the affected country in coping with its special economic problems resulting from the severance of its economic relations with the Federal Republic of Yugoslavia. With regard to applications under Article 50, the Committee recalled that by the end of 1994, the Committee's Working Group on Article 50 had considered and taken note of replies from 19 States and 24 international organizations in response to its appeals for assistance on behalf of the affected countries.

Case 30

Items relating to the Libyan Arab Jamahiriya (in connection with the implementation of resolution 748 (1992))

At its 3864th meeting, on 20 March 1998, held in connection with the Libyan Arab Jamahiriya, a number of speakers touched upon the Council's responsibility to address the potential consequences for third States of its decision to apply sanctions against the Libyan Arab Jamahiriya.³²⁴ The representative of Malta joined other delegations that had highlighted the urgency of assessing and analysing the impact to the current and prolonged sanctions against the Libyan Arab Jamahiriya.³²⁵ He noted that as a neighbouring country to a country hit by sanctions, Malta had to ensure that any preventive or enforcement measures undertaken by the Security Council in accordance with Chapter VII of the Charter did not in any way contribute to increased tension and instability in the Mediterranean region. In that regard, he stated that sanctions had had, and continued to have, a negative impact on his country's bilateral business and investment opportunities, on

travel arrangements between the two countries and on other economic and social exchanges.³²⁶

The representative of Indonesia referred to the report of the Secretary-General's fact-finding mission to the Libyan Arab Jamahiriya,³²⁷ which painted "a sombre picture of the detrimental consequences of sanctions not only for the people of the Libyan Arab Jamahiriya but also for its neighbouring countries".³²⁸

Two speakers emphasized that the imposition of sanctions under Security Council resolutions had had serious negative impacts on neighbouring third countries.³²⁹ The representative of Lebanon noted that sanctions should be considered only when all peaceful means for settling a dispute had been exhausted. He further noted that sanctions harmed an entire people, and they had repercussions on many different peoples because of their adverse consequences on third parties.³³⁰

The representative of Guinea-Bissau noted that sanctions imposed on the Libyan Arab Jamahiriya as an African country brought suffering on the people of neighbouring countries, which further impeded the socio-economic progress of their people. He expressed the view that sanctions imposed on the Libyan Arab Jamahiriya should be reconsidered.³³¹

The representative of India reaffirmed his condemnation of terrorism and recalled that it had abstained from voting on resolution 748 (1992), which called for the imposition of sanctions against the Libyan Arab Jamahiriya. Among the reasons why India had abstained was the fact that the resolution "did not incorporate a clear acknowledgment of the duties of the Security Council towards third countries affected by sanctions, as spelled out in Article 50 of the Charter".³³²

Case 31

³²⁴ S/PV.3864 and Corr.1, pp. 14-15 (Costa Rica); pp. 26-28 (Brazil); pp. 43-45 (Malta); and p. 45 (Algeria).

³²⁵ Ibid., pp. 14-15 (Costa Rica); pp. 26-27 (Brazil); and p. 45 (Algeria).

³²⁶ Ibid., pp. 43-45.

³²⁷ S/1998/201.

³²⁸ S/PV.3864, p. 46.

³²⁹ Ibid., p. 56 (Democratic People's Republic of Korea); and p.2 (Oman).

³³⁰ Ibid., p. 76.

³³¹ Ibid., p. 65.

³³² Ibid., p. 68.

The situation in Kosovo, Federal Republic of Yugoslavia

At its 4011th meeting, on 10 June 1999, the Security Council considered the item entitled “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998) and 1239 (1999)”. During the debate, the representative of Ukraine stated that there were a number of countries, in particular, those of the Danube region, which were experiencing huge economic losses caused by the interruption of transport communications, reorientation of commodity flows, loss of traditional markets and other factors. He further stated that the right to free and unimpeded use of that important international watercourse had been disrupted. He expected the Council to address in a positive and action-oriented way the problem of the economic losses third countries had suffered from military activities in Kosovo. The representative added that his country intended to get involved in the process of the economic reconstruction of Yugoslavia and the stabilization of the countries in the region.³³³

³³³ S/PV.4011 (Resumption 1), pp. 9-11.

The representative of Croatia emphasized that the challenges ahead should not be underestimated with regard to lessening and eventually overcoming economic hardship, not only in Kosovo and the Federal Republic of Yugoslavia, but throughout the region. He stated that as a neighbouring State, Croatia had so far suffered 2.5 billion dollars in direct economic losses and an estimated 5 billion dollars in overall economic losses due to the conflict in the Federal Republic of Yugoslavia.³³⁴

³³⁴ Ibid., pp. 11-12.

Part IX

Right of self-defence under 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 adopted two decisions containing an explicit

reference to and reaffirming the principle set out in Article 51: one in relation to the situation concerning the Democratic Republic of the Congo, and the other in relation to the item entitled “Small arms”.³³⁵

The Council debated the application and interpretation of Article 51 in connection with the following questions: the intervention of allied forces in the Democratic Republic of the Congo in accordance with the provisions contained in the Article 51; the use of armed forces by the North Atlantic Treaty Organization in Kosovo; question of armed interference in the internal affairs of Lebanon; the

³³⁵ In connection with the situation concerning the Democratic Republic of Congo, see resolution 1234 (1999) of 9 April 1999, preambular paragraph 8. In connection with the item entitled “Small arms”, see S/PRST/1999/28.

inherent right of a sovereign State to resort to self-defence in Afghanistan; the question of small arms; and, under the item entitled “Protection for humanitarian assistance to refugees and others in conflict situations”, the right of United Nations peacekeeping forces to have the ability to defend themselves. In all of the proceeding instances, Article 51 was explicitly invoked, by which Member States emphasized the right of self-defence. The discussion of the Council focused not only on the question whether the actions of States had been justified in resorting to self-defence, but also whether the measures used for self-defence had corresponded to the provisions set out in Article 51.

In some instances, during the course of the deliberations in the Security Council, various issues occasioned remarks pertinent to the interpretation of the principle of self-defence, which, however, did not culminate in a constitutional discussion. Thus, in connection with the situation between Eritrea and Ethiopia,³³⁶ the situation in the Federal Republic of Yugoslavia, including Kosovo,³³⁷ the item entitled “Promoting peace and security: humanitarian activities relevant to the Security Council”³³⁸ and the situation in Africa,³³⁹ Article 51 was explicitly invoked to remind

the members of the Security Council that the right to individual and collective self-defence was recognized in that Article and was therefore fully consistent with principles of the United Nations.

In two communications, Article 51 was explicitly invoked in letters by which States declared an alliance of cooperation. By a letter dated 13 July 1998 addressed to the Secretary-General,³⁴⁰ the representatives of the Russian Federation and Kazakhstan transmitted the Declaration between the Russian Federation and the Republic of Kazakhstan on Eternal Friendship and Alliance Leading into the Twenty-First Century. In the text, they agreed jointly to take all measures available to them to eliminate any threat of aggression or to counter acts of aggression directed against them by any State or group of States, and, in case of necessity, afford each other appropriate assistance, including military assistance, in exercise of the right of collective self-defence under Article 51 of the Charter of the United Nations. Similarly, by a letter dated 15 October 1998 addressed to the Secretary-General,³⁴¹ the representatives of the Russian Federation, Tajikistan and Uzbekistan transmitted a Declaration on cooperation among the three States. In the text, the States agreed that if an act of aggression was committed against one of the parties, the other parties would provide the necessary assistance, including military assistance, and render support with the means available to them on the basis of the right to collective self-defence in accordance with Article 51.³⁴²

In the course of the deliberations in the Council, various issues occasioned discussions relating to the interpretation of the principle of self-defence. They are set out in the case studies in section A.

The case studies will be followed by a brief overview in section B 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. The question of the scope of the right of self-defence under Article 51 falls under the following items: communications concerning

right of States to individual or collective self-defence (S/PV.4081 (Resumption 1), p. 10).

³⁴⁰ S/1998/639.

³⁴¹ S/1998/958.

³⁴² *Ibid.*, p. 4.

³³⁶ The representative of Ethiopia informed the Council that his country was a victim of Eritrean military attacks and that its territory had been illegally occupied through the use of force, as a result of which it was now engaged in an exercise of legitimate self-defence under Article 51 of the Charter (S/PV.3975, pp. 2-3).

³³⁷ The representative of Brazil pointed out that according to the Charter, non-universal organizations might resort to force only on the basis either of the right to legitimate self-defence, as stipulated in Article 51, or through the procedures of Chapter VIII, according to which they were to seek prior Security Council authorization and abide by the Council’s decisions (S/PV.3937, pp. 10-11).

³³⁸ The representative of Brazil emphasized that there might be cases in which force might be truly indispensable as a last resort, but it was clear that in any case the approval of the Security Council was essential. He underscored that Article 51 of the Charter of the United Nations set forth a single exception for the use of force without prior authorization of the Council: legitimate self-defence (S/PV.3968, p. 23).

³³⁹ The representative of the Democratic Republic of the Congo, while noting that the Council was the United Nations organ responsible for collective security and the maintenance of international peace and security, stated that Article 51 of the Charter recognized the inherent

relations between the Republic of Cameroon and the Federal Republic of Nigeria; the situation in the Republic of Congo; the situation in Burundi; the situation between Eritrea and Ethiopia; the situation concerning the Democratic Republic of the Congo; the situation in Cyprus; the situation between Iran and Iraq; the situation between Iraq and Kuwait; and the responsibility of the Security Council in the maintenance of international peace and security. In some instances, Article 51 was invoked in correspondence that did not relate to an item of which the Council is seized.³⁴³

A. Constitutional discussion relating to Article 51

In the instances that follow, the invocation of the right of self-defence by Member States gave rise to discussions relevant to the application and interpretation of Article 51.

Case 32

The situation concerning the Democratic Republic of the Congo

In connection with the situation concerning the Democratic Republic of the Congo, the Council discussed the right of self-defence by a regional organization in the exercise of the provisions contained in Article 51.

By a letter dated 4 March 1999 addressed to the President of the Security Council,³⁴⁴ the representative of the Democratic Republic of the Congo requested an open debate on the question, "Peaceful settlement of the conflict in the Democratic Republic of the Congo". The Council considered the matter at its 3987th meeting, on 19 March 1999, under the relevant item on its agenda.

During the debate, the representative of Uganda stated that the conflict in the Democratic Republic of the Congo had an internal and external dimension. He further stated that the external dimension in the cases

of Uganda and Rwanda had been prompted by activities hostile to those two countries emanating from the Democratic Republic of the Congo. He explained that, originally, Uganda had a small number of forces in the Democratic Republic of Congo, invited by President Laurent Kabila, to flush out opposition forces. Then, when hostilities erupted, as a result of internal political problems, military assistance was provided by the Governments of Angola, Namibia and Zimbabwe, which intervened under the pretext that the Democratic Republic of the Congo had been invaded by Rwanda and Uganda. Uganda had subsequently acted in self-defence and deployed additional forces.³⁴⁵

In contrast, the representative of Zimbabwe responded by stating that the "security thesis" was an excuse for Rwanda and Uganda to dismember the polity of the Democratic Republic of the Congo in an endeavour to establish a "greater Rwanda". He noted that Angola, Chad, Namibia and Zimbabwe had responded to a distress call by the Government of the Democratic Republic of the Congo, and were now assisting that country to uphold its territorial integrity and national sovereignty. He emphasized that the intervention of the allied forces of the Southern African Development Community was upheld by the inherent right to individual or collective self-defence, in accordance with Article 51 of the United Nations Charter.³⁴⁶

Similarly, the representative of the Democratic Republic of the Congo stated that contrary to the excuses offered by the aggressors, their aggression predated the intervention of the allied forces, implemented at the formal request of a legitimate Government in the context of the legitimate right to self-defence recognized in the Charter of the United Nations.³⁴⁷

At its 3993rd meeting on 9 April 1999, the Council adopted resolution 1234 (1999), by which it reaffirmed that States possessed the inherent right of individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations and reaffirmed the obligation of all States to respect the territorial integrity, political independence and national sovereignty of the Democratic Republic of the Congo and other States in the region, including the obligation

³⁴³ In connection with the terrorist attacks against embassies of the United States, see S/1998/780. In connection with the complaint by the Libyan Arab Jamahiriya, see S/1998/70.

³⁴⁴ S/1999/278.

³⁴⁵ S/PV.3987 (Resumption 1), pp. 9-10.

³⁴⁶ *Ibid.*, pp. 16-17.

³⁴⁷ *Ibid.*, p. 22.

to refrain 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. There was no discussion arising from the adoption of resolution 1234 (1999).

Case 33

*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*³⁴⁸

The right of self-defence was invoked as forces of the North Atlantic Treaty Organization (NATO) began military air strikes against Serbian forces in Kosovo. At the 3988th and 3989th meetings, the Council considered a letter dated 24 March 1999 from the representative of the Russian Federation addressed to the President,³⁴⁹ calling for a meeting to consider “an extremely dangerous situation caused by the unilateral military action of NATO members against the Federal Republic of Yugoslavia”.

At its 3988th meeting, on 24 March 1999, Mr. Jovanovic requested the Security Council to take immediate action to condemn and stop the aggression against the Federal Republic of Yugoslavia, maintaining that his country reserved its right to act in self-defence in accordance with Article 51.³⁵⁰ This request was supported by a number of members of the Council,³⁵¹ including the representative of the Russian Federation, who expressed his country’s “profound outrage” at the North Atlantic Treaty Organization’s use of military force against the Federal Republic of Yugoslavia, since it had been carried out in violation of the Charter and without the authorization of the Council.³⁵²

However, several speakers defended the use of force by NATO,³⁵³ justifying the relevant actions and

arguing for the continuation of NATO operations. The representative of the United States maintained that such operations were necessary to respond to Belgrade’s actions with regard to Kosovar Albanians, its violations of international law, excessive and indiscriminate use of force, refusal to negotiate to resolve the issue peacefully and the recent military build-up in Kosovo.³⁵⁴

At its 3989th meeting, on 26 March 1999, the Security Council continued its deliberations regarding the situation in Kosovo, and considered a draft resolution sponsored by Belarus, India and the Russian Federation, which was not adopted. The draft resolution sought an explicit condemnation of NATO’s use of force, an immediate cessation of the use of force against the Federal Republic of Yugoslavia, and an urgent resumption of negotiations.³⁵⁵

During the deliberations of the Council, the sponsors of the resolution argued that the actions taken by NATO violated the sovereignty of a Member State of the United Nations and thus in themselves frustrated the fundamental interests of the overwhelming majority of States.³⁵⁶ Mr. Jovanovic reiterated his request to the Security Council to take immediate action to stop the aggression in Yugoslavia, maintaining that if the aggression went on, his country would continue to protect its sovereignty and territorial integrity on the basis of Article 51.³⁵⁷

The request was opposed by several speakers on the grounds that there was a continuous need to resolve the crisis in Kosovo and to fulfil the legal norms of human rights in the region.³⁵⁸ Other speakers spoke against the adoption of the resolution,³⁵⁹ arguing for the protection of civilians in affected areas and the

³⁴⁸ S/1999/320.

³⁴⁹ *Ibid.*

³⁵⁰ S/PV.3988, pp. 13-14.

³⁵¹ *Ibid.*, pp. 2-3 (Russian Federation); p. 7 (Bahrain); p. 8 (Brazil); pp. 9-10 (Malaysia); p. 10 (Namibia); p. 10 (Gabon); pp. 10-11 (Argentina); pp. 12-13 (China); p. 15 (Belarus); pp. 15-16 (India); and pp. 19-20 (Slovenia).

³⁵² *Ibid.*, pp. 2-3.

³⁵³ *Ibid.* pp. 4-5 (United States); pp. 5-6 (Canada); p. 8

(Netherlands); pp. 8-9 (France); pp. 11-12 (United Kingdom); pp. 16-18 (Germany); p. 18 (Albania); and pp. 18-19 (Bosnia and Herzegovina).

³⁵⁴ *Ibid.*, p. 4.

³⁵⁵ S/1999/328.

³⁵⁶ S/PV.3989, pp. 5-6 (Russian Federation); p. 9 (China); pp. 9-10 (Ukraine); p. 12 (Belarus); pp. 12-14 (Cuba); and pp. 15-16 (India).

³⁵⁷ *Ibid.*, pp. 10-12

³⁵⁸ *Ibid.*, pp. 6-7 (United Kingdom); pp. 7-8 (Argentina); pp. 8-9 (Malaysia); p. 9 (Bahrain); and pp. 14-15 (Bosnia and Herzegovina).

³⁵⁹ *Ibid.*, pp. 2-3 (Canada); pp. 3-4 (Slovenia); p. 4 (Netherlands); and pp. 4-5 (United States).

cessation of violence perpetrated by the Government of the Federal Republic of Yugoslavia against its own people.

By a letter dated 30 March 1999 addressed to the Secretary-General,³⁶⁰ the representative of the Russian Federation transmitted the text of a statement by the State Duma of the Federal Assembly of the Russian Federation in connection with “the aggression by the North Atlantic Treaty Organization against the Federal Republic of Yugoslavia”. In the text, the State Duma of the Russian Federation Assembly condemned the aggression by NATO and expressed its solidarity with the peoples of Yugoslavia. It pointed out that in accordance with Article 51 of the Charter of the United Nations, the Federal Republic of Yugoslavia had the right of individual or collective self-defence. Accordingly, it was entitled to defend itself against aggression by all available means.

Case 34

The situation in the Middle East

In connection with the complaint by Lebanon, attention was focused on the question of whether the use of force by Israel was legitimate in accordance with the provisions enshrined in Article 51 of the Charter.

At its 3653rd meeting on 15 April 1996, the Council met to consider a request contained in a letter dated 13 April 1996 from the representative of Lebanon addressed to the President of the Security Council.³⁶¹ The letter requested an urgent meeting of the Council to consider “the grave situation in Lebanon resulting from the large-scale Israeli bombardment of many towns”, including the southern suburbs of Beirut.

During the debate, the delegation of Lebanon requested the Council, inter alia, to order Israel to stop its aggression against Lebanon and to withdraw all of its reinforcements, and to condemn the Israeli aggression against Lebanon.³⁶² The representative of Israel stated that after a long period of restraint and the exhaustion of all political and diplomatic means, the Israel Defense Forces were exercising the right of self-defence by hitting back at Hizbullah strongholds. He

further stated that if Lebanon did not have the ability or the will to control Hizbullah activities, Israel had to defend its security by all necessary measures.³⁶³

While calling on all parties to exercise restraint and to cease military activities, the representatives of Germany and the Russian Federation felt that the Israeli actions had not been proportionate to those committed against Israel.³⁶⁴ The representative of Germany emphasized that while self-defence was clearly legitimate, measures of self-defence could become illegal if they did not abide by the basic rule of law prescribing proportionality. He stated that measures of self-defence should not be directed against innocent civilians, and that any measure of self-defence had to be proportionate not only in size but also in direction.³⁶⁵

The representative of the United States pointed out that the Hizbullah attacks into northern Israel had compelled the Government of Israel to take steps it deemed necessary to protect its people from direct threats emanating from Lebanese territory. She noted that those who allowed Hizbullah’s militia to act with impunity in Lebanon must bear responsibility for the consequences. Those consequences included not only abuses to the State of Lebanon from within, but actions of self-defence by Israel in response to Hizbullah violence.³⁶⁶

Nevertheless, a number of speakers condemned the Israeli attacks as an act of aggression against Lebanon’s sovereignty and territorial integrity.³⁶⁷ They insisted that Israel could not justify its actions by claiming that it had acted in self-defence and they called on Israel immediately to cease its military operations and withdraw its troops from Lebanon. In that regard, the representative of Egypt stated that any armed aggression against a neighbouring State,

³⁶³ Ibid., pp. 6-7.

³⁶⁴ Ibid., p. 9 (Germany) and p. 10 (Russian Federation).

³⁶⁵ Ibid., p. 9.

³⁶⁶ Ibid., pp. 12-13.

³⁶⁷ Ibid., pp. 8-9 (Indonesia); pp. 14-15 (Egypt); pp. 16-17 (United Arab Emirates, on behalf of the Arab Group); pp. 17-18 (Saudi Arabia); pp. 18-19 (Syrian Arab Republic); pp. 20-21 (Kuwait); pp. 21-22 (Libyan Arab Jamahiriya); p. 22 (Algeria); pp. 22-23 (Afghanistan); pp. 23-24 (Morocco); pp. 24-25 (Islamic Republic of Iran); pp. 25-26 (Tunisia); pp. 26-27 (Malaysia); pp. 27-28 (Jordan); p. 28 (Turkey); and pp. 28-29 (Pakistan).

³⁶⁰ S/1999/358.

³⁶¹ S/1996/280.

³⁶² S/PV.3653 and Corr.1, pp. 2-6.

whatever the motive, constituted prohibited aggression. He stated that under Article 51 of the Charter, self-defence must be employed only in response to a direct military attack. He further stated that self-defence by States was not a “blank cheque to be used to wage aggression on others”. He referred back to more than 150 years ago to specific terms for the use of self-defence in which Daniel Webster, a former Secretary of State of the United States of America, declared that the right of self-defence implied the instant and overwhelming necessity for self-defence, leaving no choice of means and no time for deliberation. Lacking those conditions, the use of military force was considered an act of reprisal prohibited by international law.³⁶⁸ The representative of Afghanistan stated that Israel had spoken to the Council of self-defence, but its military actions had been extremely violent.³⁶⁹

At its 3654th meeting, on 18 April 1996, the Council adopted resolution 1052 (1996), by which it called for an immediate cessation of hostilities by all parties and declared its support for ongoing diplomatic efforts to that end. The Council, however, failed to adopt a draft resolution sponsored by 19 Arab States that strongly condemned the Israeli attack and called upon Israel to withdraw its forces from all Lebanese territory.³⁷⁰ During the meeting, the representative of Botswana emphasized that the Israeli military actions had definitely gone beyond the limits of Israel’s legitimate right to self-defence.³⁷¹ The representative of Israel countered that the “tragedy” that had occurred in southern Lebanon had been caused by Hizbullah, which had launched Katyusha rockets at Israel. He hoped that the mission of United States Secretary of State Christopher to the region would “bear fruit immediately” and that a ceasefire would be achieved without delay, as it would put an end to the situation, which had “forced Israel to retaliate and to use its right of self-defence” against those who had attacked innocent civilians in northern Israel.³⁷²

By a letter dated 17 April 1996 addressed to the Secretary-General,³⁷³ the representative of the United Arab Emirates transmitted the text of resolution 5573,

which was adopted by the Council of the League of Arab States on 17 April following a special meeting devoted to the consideration of the question of the Israeli aggression against Lebanon. In the text, the League of Arab States Council reaffirmed the right of the Lebanese people to resist Israeli occupation in Lebanese territory in accordance with the principles of the Charter of the United Nations, particularly their right to self-defence against the “occupier”, and supported the right of the Lebanese people to demand that Israel provide compensation for the loss of human life and material damage caused by Israeli occupation and aggression.

By several subsequent letters addressed to the Secretary-General,³⁷⁴ the representative of Israel asserted that right of self-defence by engaging in operations against Hizbullah operating from Lebanon.

In response, the representative of Lebanon, by a letter dated 23 January 1997 addressed to the Secretary-General,³⁷⁵ stated that the actions that the representative of Israel referred to as acts of terrorism were acts of resistance to occupation that took place inside Lebanese territory and were directed against military elements of the occupation forces. He claimed that those acts were a legitimate expression of the right to self-defence enshrined in the Charter, and that they had the goal of liberating national territory from foreign occupation.

In two subsequent letters addressed to the Secretary-General,³⁷⁶ the representative of Lebanon repeated that the actions, which the representative of Israel referred to as acts of terrorism, were acts of resistance to occupation and were directed against military elements of the occupation forces. They were actions that had the purpose of liberating national territory from foreign occupation, and they arose as a reaction to the occupation and in self-defence, it being an intrinsic right of peoples to defend themselves pursuant to the relevant international covenants and in accordance with international law and the Charter of the United Nations.

By a letter dated 24 March 1999 addressed to the Secretary-General,³⁷⁷ the representative of the Syrian

³⁶⁸ Ibid., pp. 14-15.

³⁶⁹ Ibid., pp. 22-23.

³⁷⁰ S/1996/292.

³⁷¹ S/PV.3654., p. 8.

³⁷² Ibid., p. 14.

³⁷³ S/1996/295.

³⁷⁴ S/1997/7, S/1997/603, S/1998/75 and S/1999/300.

³⁷⁵ S/1997/70.

³⁷⁶ S/1997/187 and S/1997/630.

³⁷⁷ S/1999/326.

Arab Republic referred to a letter dated 24 March 1999 from the representative of Israel addressed to the Secretary-General, regarding measures to eliminate international terrorism.³⁷⁸ In that regard, he stated that Israel sought to portray the Israeli State's acts of piracy, aggression, expansionism and terrorism as acts of legitimate self-defence and this at a time when the peoples of the world had come to regard occupation and settlement as the most horrendous forms of terrorism.³⁷⁹

In five communications addressed to the Secretary-General,³⁸⁰ the representative of Israel reported that Lebanon refused to negotiate with Israel on implementing resolution 425 (1978) despite Israel's invitations. Therefore, Israel was left with no choice but to exercise its right to self-defence in accordance with international law.

Case 35

The situation in Afghanistan

In connection with the situation in Afghanistan and the strengthening of its national defense system, a discussion arose relating to the application and interpretation of Article 51. By a letter dated 22 August 1996 addressed to the President of the Security Council,³⁸¹ the representative of Afghanistan transmitted the text of the statement of its Ministry of Foreign Affairs in relation to the peace process in Afghanistan. The text underlined that Afghanistan was an independent, indivisible, unitary State that enjoyed national sovereignty. It noted that no article of the Charter provided for an arms embargo to be carried out against the Government of a Member State which itself was a victim of foreign interventions and conspiracies and which was defending its sovereignty, independence and territorial integrity. It further noted that the Government of Afghanistan had the duty to take necessary measures to defend its territorial integrity and national unity. In accordance with Article 51 of the Charter, the Islamic State of Afghanistan had the inherent right of self-defence. Any attempt to prevent Afghanistan from strengthening its national defence as

a sovereign State would therefore be against the Charter and practically against the interests of peace, stability and security in the region.

At the 3705th meeting, the Council considered a letter dated 8 October 1996 from the representatives of Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan addressed to the Secretary-General,³⁸² transmitting the text of a joint statement made by the leaders of their countries concerning developments in Afghanistan. The leaders proposed that a special meeting of the Council be held without delay to adopt urgent measures to halt the fighting and achieve a comprehensive settlement of the Afghan conflict, and to arrange for international humanitarian assistance to the civilian population and refugees. In their joint declaration, the leaders expressed concern at the expansion of the armed confrontation and stated that any actions that undermined the stability on the borders between Afghanistan and the Commonwealth of Independent States (CIS) would be deemed a threat to the common interest of those States.

During the debate, the representative of Afghanistan reiterated that his country was an independent, indivisible, unitary State, which enjoyed national sovereignty and thus had the duty to take necessary measures to defend its territorial integrity and national unity. He emphasized that in accordance with Article 51 of the Charter, Afghanistan had the inherent right to self-defence. He further noted that any attempt to prevent Afghanistan from strengthening its national defences as a sovereign State would therefore be against the Charter and particularly against the interests of peace, stability and security in the region.³⁸³ Moreover, he stated that such defences were particularly necessary in order to defend the State from Pakistan, which had been acting as "an obstacle to the return of peace and normalcy" in Afghanistan.

³⁷⁸ S/1999/150.

³⁷⁹ S/1999/326, p. 2.

³⁸⁰ S/1999/185, S/1999/463, S/1999/704, S/1999/979 and S/1999/1178.

³⁸¹ S/1996/685.

³⁸² In the joint declaration made on 4 October 1996 by the leaders of Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan concerning developments in Afghanistan, the leaders expressed a strong desire for a comprehensive political settlement of the Afghan conflict, especially as the conflict was not only destabilizing the situation in the region and in the world, but also posing a direct threat to the national security and interests of the bordering countries, including the Commonwealth of Independent States (S/1996/838).

³⁸³ S/PV.3705, p. 2.

The Central Asian members of the Commonwealth of Independent States stated that events in Afghanistan threatened the political stability of the subregion. They appealed to all the parties to the conflict, first of all the Taliban, to call an immediate halt to hostilities and to begin to seek ways of achieving national accord. They emphasized that there was one major political objective to this process, which was the non-interference by foreign elements in the internal affairs of sovereign Afghanistan and therewith the preservation of the country's territorial integrity. They stated that the involvement of the international community was considered particularly necessary and crucial in prohibiting any external intervention in Afghanistan and in helping the Afghan people find an acceptable formula for agreement.³⁸⁴ The representative of Pakistan joined the statement of the CIS countries, agreeing with the non-interference policy for Afghanistan, urging the United Nations to promote durable peace in the region, and calling for the international community to help provide humanitarian relief to the victims of the conflict.³⁸⁵

Case 36

Protection for humanitarian assistance to refugees and others in conflict situations

At its 3778th meeting on 21 May 1997, the Council held a discussion on the item entitled "Protection for humanitarian assistance to refugees and others in conflict situations". The representative of Egypt raised a point regarding self-defence and suggested looking at a report that Secretary-General Dag Hammarskjöld had presented in August 1958, two years after the establishment of the United Nations Emergency Force (UNEF). He indicated that the report defined the limits of actions of self-defence by United Nations forces in the following manner: "A reasonable definition seems to have been established in the case of UNEF, where the rule is applied that men engaged in the operation may never take the initiative in the use of armed force, but are entitled to respond with force to an attack with arms, including attempts to use force to make them withdraw from positions, which they occupy under orders from the Commander, acting

³⁸⁴ Ibid., p. 8 (Kazakhstan); pp. 9-10 (Uzbekistan); pp. 10-11 (Kyrgyzstan); pp. 11-12 (Tajikistan); and pp. 12-13 (Russian Federation).

³⁸⁵ Ibid., pp. 33-36.

under the authority of the Assembly and within the scope of its resolutions". Referring to the citation, he pointed out that the United Nations needed to avoid situations like the one that had occurred in Bosnia where the Council had been unable to take any action to assert the peacekeepers' right of self-defence or their right to protect their mission and mandate.³⁸⁶ Several representatives joined him in stressing the need for the United Nations peacekeeping forces to have that right, ability and competence,³⁸⁷ including the representative of China who stated that the invocation of Chapter VII of the Charter or the authorization of the use of force would more often complicate problems in peacekeeping operations and humanitarian relief activities. In that regard, he stated that the use of force should be strictly confined to self-defence. It should not be used indiscriminately, still less for retaliation, or in any way hurt innocent civilians.³⁸⁸

Case 37

Small arms

At its 4048th meeting, on 24 September 1999, the Council held a ministerial meeting on the question of small arms in the context of the challenges facing the international community in that regard.

During the debate, several Council members were of the view that the legitimate defence and security needs of States under Article 51 of the Charter had to be borne in mind when proposing measures to deal with the highly complex issue of small arms.³⁸⁹ The representative of the Russian Federation noted that he agreed with the approach taken by many members of the United Nations, whose positions were based on the provisions of Article 51 of the Charter and the legitimate right of States to self-defence, which entailed the legal acquisition of the necessary weapons.³⁹⁰ The representative of Argentina noted that the negative impact of the proliferation of small arms on human security, without affecting the right to self-defence recognized in the Charter, should be curbed.³⁹¹

³⁸⁶ S/PV.3778, pp. 10-12.

³⁸⁷ Ibid., pp. 12-14 (France); pp. 16-18 (Poland); and pp. 23-24 (China).

³⁸⁸ Ibid., pp. 23-24.

³⁸⁹ S/PV.4048, pp. 10-11 (Russian Federation); pp. 12-13 (Argentina); and p. 13 (Brazil).

³⁹⁰ Ibid., pp. 10-11.

³⁹¹ Ibid., pp. 12-13.

The representative of Brazil stated that due to the multiple dimensions of the issue of small arms — humanitarian, criminal, disarmament and security — the matter called for an overarching and integrated approach.³⁹² Endorsing the efforts of the international community to solve the problems caused by small arms, the representative of China noted that while efforts were being intensified to eliminate the adverse impact of small arms, due consideration should be given to the legitimate self-defence and security needs of countries and to guaranteeing their right legally to possess, manufacture and transfer small arms.³⁹³

The representative of Gabon stated that Governments in most African regions had taken measures to combat illicit transfers of weapons of all sorts. Following the United Nations example, they had created a subregional register to ensure transparency in terms of the weapons they had available for legitimate defence purposes in accordance with Article 51 of the Charter.³⁹⁴

Following the meeting, by a statement of the President dated 24 September 1999,³⁹⁵ the Council noted with grave concern that the destabilizing accumulation of small arms had contributed to the intensity and duration of armed conflicts. Moreover, the Council emphasized that the “right of individual and collective self-defence recognized in Article 51 of the Charter of the United Nations” and the legitimate security demands of all countries should be fully taken into account.

B. Invocation of the right of self-defence in other instances

In the following instances, Member States invoked the right of self-defence in official correspondence, which did not give rise to any significant constitutional discussion with direct relevance to Article 51.

Africa

³⁹² Ibid., p. 13.

³⁹³ Ibid., p. 15.

³⁹⁴ Ibid., p. 17.

³⁹⁵ S/PRST/1999/28.

Communications concerning relations between the Republic of Cameroon and the Federal Republic of Nigeria

By a letter dated 27 February 1996 addressed to the President of the Security Council,³⁹⁶ the representative of Nigeria transmitted a letter from the Minister for Foreign Affairs of Nigeria responding to claims made in a communication from the Minister for Foreign Affairs of Cameroon concerning the Bakassi Peninsula.³⁹⁷ In his letter, the Minister for Foreign Affairs of Cameroon alleged, inter alia, that Nigerian troops had been launching artillery attacks on Cameroonian positions and advancing further into Cameroonian territory since 3 February 1996. The representative of Nigeria informed the Council that the allegations of the Cameroonian authorities were unfounded. He claimed that the Cameroonians had instigated attacks on the Nigerian population in the Bakassi region, which led to Nigerian soldiers responding in self-defence.

In response, the representative of Cameroon, by a letter dated 2 May 1996 addressed to the President of the Security Council,³⁹⁸ stated that if Nigeria persisted in its aggression and continued to seize Cameroonian territory, Cameroon reserved the right to exercise, at any time and using any means it deemed necessary, its right of self-defence in order to safeguard its sovereignty and territorial integrity.

The situation in the Republic of the Congo

By a letter dated 16 October 1997 addressed to the President of the Security Council,³⁹⁹ the representative of Angola reported that on 13 October 1997, in exercising its right of self-defence, one unit of the Angolan Armed Forces attacked armed groups of the Frente de Libertação do Estado de Cabinda (FLEC) and UNITA, following attacks against bordering localities in Cabinda province, from the Republic of the Congo.

The situation in Burundi

³⁹⁶ S/1996/140.

³⁹⁷ Letter dated 22 February 1996 addressed to the President of the Security Council, from the Minister for Foreign Affairs (S/1996/125).

³⁹⁸ S/1996/330.

³⁹⁹ S/1997/802.

By a letter dated 3 November 1997 addressed to the Secretary-General,⁴⁰⁰ the representative of the United Republic of Tanzania denied claims that its forces had attacked Burundi, causing extensive damage to property and human lives. He reported that the Burundian army had attacked the Kiteule detachment of the Tanzanian People's Defence Forces situated at Kagunga on 27 October 1997. Being provoked, the forces of the United Republic of Tanzania had to exercise their right of self-defence in accordance with Article 51 of the Charter of the United Nations.

Letter dated 26 January 1998 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council

By a letter dated 26 January 1998 addressed to the President of the Security Council,⁴⁰¹ the representative of the Libyan Arab Jamahiriya transmitted a letter dated 22 January 1998 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya, claiming that Israel had received from the United States the first two of the 25 F-15 fighters planned for delivery. He stated that the aforementioned delivery of combat aircraft was part of the unlimited military support that the United States provided to Israel in order to enable it to maintain its military superiority in the region. In that regard, he noted that the delivery of the F-15 fighters confirmed the Libyan Arab Jamahiriya's right of self-defence under Article 51 of the Charter.

The situation between Eritrea and Ethiopia

By a letter dated 3 June 1998 addressed to the President of the Security Council,⁴⁰² the representative of Eritrea asserted its right of self-defence, in response to a military attack in Asmara by Ethiopian troops.

In response, the representative of Ethiopia, by a letter dated 4 June 1998 addressed to the President,⁴⁰³ noted that in response to Eritrea's aggression, Ethiopia had in self-defence taken limited measures against Asmara.

⁴⁰⁰ S/1997/850.

⁴⁰¹ S/1998/70.

⁴⁰² S/1998/459.

⁴⁰³ S/1998/474.

From 1998 to 1999, in several communications to the President of the Security Council,⁴⁰⁴ the representative of Ethiopia continued to assert his country's right of self-defence, as stipulated in Article 51 of the Charter, by carrying out military activities against Eritrea. In response, the representative of Eritrea also sent out several communications addressed to the President of the Security Council stating that Eritrea's actions against military targets in Ethiopia were simply in retaliation and exercise of its legitimate right of self-defence in the face of aggression.⁴⁰⁵

The situation concerning the Democratic Republic of the Congo

By a letter dated 31 August 1998 addressed to the President of the Security Council,⁴⁰⁶ the representative of the Democratic Republic of the Congo transmitted a copy of the memorandum on the armed aggression by the Rwandan-Ugandan coalition against his country. The memorandum noted that the Government of the Democratic Republic of the Congo did not practice a policy of warmongering, nor did it wish to make war on any State. It was merely exercising its natural right of individual or collective self-defence, in accordance with Article 51 of the Charter, in order to regain its sovereignty and territorial integrity. In addition, it stated that the sole purpose of the military operations being carried out was to repel the Ugandan-Rwandan aggression.

By a letter dated 28 June 1999 addressed to the President of the Security Council,⁴⁰⁷ the representative of the Democratic Republic of the Congo transmitted a copy of the document entitled "White paper on massive violations of human rights, the basic rules of international humanitarian law and environmental protection standards by the aggressor countries (Uganda, Rwanda and Burundi) and their Congolese accomplices in the eastern part of the Democratic Republic of the Congo: volume II", covering the period from 6 November 1998 to 15 April 1999. The text

⁴⁰⁴ S/1998/493, S/1998/521, S/1998/552, S/1998/565, S/1999/70, S/1998/603, S/1999/134, S/1999/154, S/1999/162, S/1999/192, S/1999/226, S/1999/246, S/1999/250, S/1999/731, S/1999/949 and S/1999/325.

⁴⁰⁵ S/1998/508, S/1998/541, S/1998/1205, S/1999/32, S/1999/97, S/1999/143, S/1999/304, S/1999/948.

⁴⁰⁶ S/1998/827.

⁴⁰⁷ S/1999/733.

noted that the Democratic Republic of the Congo and the allied States of Angola, Namibia and Zimbabwe were exercising collective self-defence, basing their actions on Chapter VIII of the Charter, which authorized the States of a region or subregion to enter into regional arrangements or to establish subregional bodies for the maintenance of international peace and security.⁴⁰⁸

Americas

Letter dated 20 August 1998 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

By a letter dated 20 August 1998 addressed to the President of the Security Council,⁴⁰⁹ the representative of the United States stated that in accordance with Article 51 of the Charter of the United Nations, he wished to report that his Government had exercised its right of self-defence in responding to a series of armed attacks against United States embassies and United States nationals. Furthermore, he stated that in response to those terrorist attacks, the United States had acted pursuant to the right of self-defence confirmed by Article 51 of the Charter of the United Nations.

Europe

The situation in Cyprus

By a letter dated 19 September 1997 addressed to the Secretary-General,⁴¹⁰ the representative of Turkey noted that the purchase of the S-300 missile system by the “Greek Cypriot administration” constituted a direct threat to the security of Turkey itself. In response, the representative of Cyprus, by a letter dated 1 October 1997,⁴¹¹ claimed that such a decision by his Government was made in the exercise of its inalienable rights as a sovereign State to self-defence and to decide on its armaments.

By a letter dated 28 January 1998 addressed to the Secretary-General,⁴¹² the representative of Turkey

expressed his concern over the construction of the military airbase in Paphos by the Government of Cyprus. In two consecutive responses, the representative of Cyprus, by letters dated 4 February and 23 June 1998 addressed to the Secretary-General,⁴¹³ emphasized that the enhancement of the defensive capabilities of the National Guard was an expression of the exercise of the right to self-defence recognized in the Charter.

Middle East

The situation between Iran and Iraq

By a letter dated 29 July 1996 addressed to the Secretary-General,⁴¹⁴ the representative of the Islamic Republic of Iran reported that terrorist groups from the territory of Iraq were operating along the Iranian border. He noted that, in response to those activities, and in accordance with its inherent right of self-defence enshrined in Article 51 of the Charter, his country took immediate and proportional measures, which were necessary for curbing and suppressing such aggressive activities. He further reported that the Iranian defence forces pursued the retreating armed groups that had attacked civilian targets in the border towns of Piranshahr, Mahabad and Oroumiyeh, and targeted their training camps in Iraq. He emphasized that while reserving its inherent right to self-defence in accordance with Article 51 of the Charter, Iran respected the territorial integrity of Iraq.

By a letter dated 2 October 1997 addressed to the Secretary-General,⁴¹⁵ the representative of the Islamic Republic of Iran again reported that two heavily armed groups belonging to an Iranian terrorist organization based in Iraq had crossed international borders and infiltrated the territory of Iran from Iraq. He reiterated that in exercise of the inherent right of self-defence recognized in Article 51 of the Charter of the United Nations, his Government responded to these attacks by taking “a limited and proportionate measure against the invading terrorists”.

By a letter dated 10 May 1999 addressed to the Secretary-General,⁴¹⁶ the representative of the Islamic Republic of Iran reiterated his Government’s

⁴⁰⁸ Ibid., para. 119.

⁴⁰⁹ S/1998/780.

⁴¹⁰ S/1997/732.

⁴¹¹ S/1997/762.

⁴¹² S/1998/81.

⁴¹³ S/1998/101 and S/1998/559.

⁴¹⁴ S/1996/602.

⁴¹⁵ S/1997/768.

⁴¹⁶ S/1999/536.

willingness to cooperate with the international community to combat terrorism wholeheartedly. In that context, he reaffirmed that the Islamic Republic of Iran reserved its right to self-defence, in accordance with international law and the Charter of the United Nations, with a view to safeguarding its security and territorial integrity against terrorist acts.⁴¹⁷

By a letter dated 12 July 1999 addressed to the Secretary-General,⁴¹⁸ the representative of the Islamic Republic of Iran asserted that it needed to be clarified that the proportionate actions by the Islamic Republic of Iran against terrorist bases and targets in Iraq, which had been used to train terrorists and generate terrorism against the Islamic Republic of Iran, had been taken in discriminate manner and in exercise of the inherent right of self-defence as set out in Article 51 of the Charter. Accordingly, such actions, taken in response to numerous terrorist attacks against Iranian people and officials, were in line with the pronounced policy of the Islamic Republic of Iran which had been previously brought to the attention of the Secretary-General and the Council. In pursuance of this policy and in the exercise of its right of self-defence under Article 51 of the Charter, the concerned authorities of the Islamic Republic of Iran targeted a well-known active terrorist camp, located in the territory of Iraq, on 10 June 1999.

The situation between Iraq and Kuwait

Throughout 1999, the representative of Iraq, in a number of letters addressed to the President of the Security Council,⁴¹⁹ reported that the United States and

British aircraft based in Kuwait, Saudi Arabia and Turkey continued to violate Iraq's airspace. In response to those violations, he declared that his country had exercised its inherent right of self-defence by engaging its air defence units.

The responsibility of the Security Council in the maintenance of international peace and security

By a letter dated 22 May 1998 addressed to the Secretary-General,⁴²⁰ the representative of Pakistan reported that his Government had exercised restraint in its response to India's nuclear tests conducted on 11 and 13 May 1998. However, his Government could not ignore the threat to its national security and the requirements of self-defence.

In response, the representative of India, by a letter dated 4 June 1998 addressed to the President of the Security Council,⁴²¹ claimed that tests were carried out by India as a defensive measure to protect India, and the right to take measures in self-defence was an inherent right of Member States under the Charter.

⁴²⁰ S/1998/421.

⁴²¹ S/1998/464.

⁴¹⁷ Ibid., p. 2.

⁴¹⁸ S/1999/781.

⁴¹⁹ S/1999/29, S/1999/30, S/1999/59, S/1999/72, S/1999/141, S/1999/198, S/1999/264, S/1999/316, S/1999/386, S/1999/408, S/1999/456, S/1999/539, S/1999/584, S/1999/608, S/1999/641, S/1999/669, S/1999/699, S/1999/730, S/1999/772, S/1999/776, S/1999/845, S/1999/870, S/1999/894, S/1999/915, S/1999/947, S/1999/967, S/1999/990, S/1999/998, S/1999/1022, S/1999/1047, S/1999/1070, S/1999/1096, S/1999/1131, S/1999/1161, S/1999/1182, S/1999/1195, S/1999/1221, S/1999/1238, S/1999/1267 and S/1999/1293.

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. It consists of four parts: part I covers material pertaining to the purposes and principles of the United Nations, namely Articles 1 (2), 2 (4), 2 (5), 2 (6) and 2 (7). In part II, Articles 24 and 25 are considered in relation 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 52-54, concerning regional arrangements. Part IV considers miscellaneous provisions of the Charter, including material relating to Articles 102 and 103.

Since Chapter VIII of the *Repertoire* sets out the entire chain of Council proceedings on all the agenda items that the Council has taken up under its responsibility for the maintenance of international peace and security, the present chapter will focus on selected material which may best serve to highlight how the provisions of relevant Articles featured in the chapter 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 adopted by the Security Council contained an explicit reference to Article 1 (2) of the Charter. The Security Council, however, adopted 11 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 The principle of equal rights of peoples was invoked in a statement by the President issued on 7 March 1997 on the situation in Croatia.² The Council also called for, welcomed or otherwise expressed support for the holding of elections in a number of cases, including Bosnia and Herzegovina,³ Cambodia,⁴ the Central African Republic,⁵ Croatia,⁶ the

Democratic Republic of the Congo,⁷ Guinea-Bissau,⁸ Haiti,⁹ Liberia,¹⁰ Sierra Leone¹¹ and Tajikistan.¹²

During the deliberations of the Council in connection with the situation concerning Western Sahara,¹³ the situation in the Middle East,¹⁴ the situation in Bosnia and Herzegovina¹⁵ and others, the principle of self-determination was invoked without giving rise to a constitutional discussion.¹⁶

In communications, there was one explicit reference to Article 1 (2). In a letter dated 25 September 1996 addressed to the Secretary-General, the representative of Iraq stated that the hostile actions of the United States constituted a flagrant violation of the provisions of Article 1 (2).¹⁷

The case below reflects the Council's consideration of questions relating to the principle enshrined in Article 1 (2), in connection with the situation in East Timor¹⁸ (case 1).

¹ Resolutions 1042 (1996), para. 1; 1056 (1996), para. 1; 1084 (1996), para. 1; 1108 (1997), para. 1; 1131 (1997), fourth preambular para.; 1133 (1997), fourth preambular para. and para. 4; 1163 (1998), fourth preambular para.; 1185 (1998) fourth preambular para.; 1198 (1998) third preambular para.; 1204 (1998), third preambular para.; and 1238 (1999), para. 5.

² S/PRST/1997/10, paras. 5 and 6.

³ See, for example, resolutions 1088 (1996), sixth preambular para. and 1074 (1996), sixth preambular para. and para. 1.

⁴ S/PRST/1997/37, para. 6.

⁵ See resolutions 1182 (1998), fourth preambular para.; 1201 (1998), fourth preambular para.; 1230 (1999), second preambular para., and 1271 (1999), second preambular para.

⁶ See, for example, S/PRST/1997/10, para. 3 and S/PRST/1997/26, para. 1.

⁷ See, for example, S/PRST/1998/26, para. 2 and resolution 1234 (1999), para. 4.

⁸ See, for example, resolutions 1216 (1998), paras. 2 and 3 and 1233 (1999), ninth preambular para. and para. 6.

⁹ See, for example, S/PRST/1998/8, para. 6.

¹⁰ See, for example, resolutions 1100 (1997), fourth preambular para. and 1116 (1997), fourth preambular para.

¹¹ S/PRST/1996/7, para. 2 and S/PRST/1996/12, para. 2.

¹² See resolutions 1167 (1998), para. 3; 1206 (1998), para. 3; 1240 (1999), para. 2; and 1274 (1999), sixth preambular para.

¹³ S/PV.4080, p. 2 (Namibia).

¹⁴ See S/PV.3652, p. 21 (United Arab Emirates), S/PV.3698, p. 4 (Permanent Observer of Palestine), S/PV.3745, p. 12 (Russian Federation), and S/PV.3900, p. 12 (United Kingdom), p. 17 (Slovenia) and p. 21 (United Arab Emirates).

¹⁵ S/PV.3842, p. 24 (Pakistan).

¹⁶ There were other references to the principle of self-determination occurred but they were often incidental.

¹⁷ S/1996/782, p. 4.

¹⁸ As from the 4041st meeting, on 3 September 1999, the agenda item "The Situation in Timor" was reformulated to read "The Situation in East Timor".

Case 1

The situation in East Timor

On 5 May 1999, the Secretary-General submitted to the Council a report on the question of East Timor.¹⁹ The Secretary-General recalled that since 1983 the Governments of Indonesia and Portugal had undertaken, through his good offices, to find a just, comprehensive and internationally acceptable solution to the question of East Timor. Those efforts had culminated in the signature, on 5 May 1999, of an overall Agreement between the Republic of Indonesia and the Portuguese Republic,²⁰ which had entrusted him with the task of organizing and conducting a popular consultation to ascertain whether the East Timorese people accepted or rejected a proposed constitutional framework providing for a special autonomy for East Timor within Indonesia. The Agreement provided that if the popular consultation resulted in a majority of the East Timorese people rejecting the proposed autonomy, the Government of Indonesia would take the constitutional steps necessary to terminate Indonesia's links with East Timor and that the Governments of Indonesia and Portugal would agree with the Secretary-General on arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations, which would then initiate a process enabling East Timor to begin a transition towards independence. The Governments of Indonesia and Portugal had also signed two supplementary agreements with the United Nations, on the modalities for the popular consultation of the East Timorese through a direct ballot²¹ and on security arrangements,²² which stated that a secure environment devoid of violence or other forms of intimidation was a prerequisite for the holding of a free and fair popular consultation, while the authorities of Indonesia had the responsibility to ensure such an environment and the United Nations would ascertain the existence of such an environment.

By resolution 1236 (1999) of 7 May 1999, the Council welcomed the intention of the Secretary-General to establish as soon as practicable a United Nations presence in East Timor, with a view to

assisting in the implementation of the above Agreements, in particular by conducting a popular consultation of the East Timorese people on the acceptance or rejection of a constitutional framework for autonomy for East Timor, scheduled for 8 August 1999, in accordance with the Agreement.²³

By a presidential statement dated 29 June 1999, the Council emphasized that a popular consultation of the East Timorese people through a direct, secret and universal ballot represented a historic opportunity to resolve the question of East Timor peacefully.²⁴

By a letter dated 3 September 1999 to the President, the Secretary-General informed the Council that the United Nations Mission in East Timor (UNAMET), established by resolution 1246 (1999) of 11 June 1999, had completed the popular consultation in East Timor on the proposed autonomy, in which the people had rejected the proposed special autonomy and expressed their wish to begin a process of transition towards independence.²⁵

By a presidential statement dated 3 September 1999, the Council welcomed the successful popular consultation of the East Timorese people on 30 August 1999 and expressed its support for the courage of those who had turned out in record numbers to express their views. It regarded the popular consultation as an accurate reflection of the views of the East Timorese people.²⁶

At the 4043rd meeting, on 11 September 1999, which was held in response to the request for a meeting from the representatives of Brazil and Portugal to discuss "the grave and alarming" situation and "the reports of mass killings and wanton destruction" in East Timor following the ballot,²⁷ most speakers underlined the responsibility of the Government of Indonesia for security in East Timor, as stipulated in the Agreement, and called on the Indonesian authorities to act immediately to re-establish law and order, and allow the results of the popular consultation to be implemented peacefully. They also urged the Government to accept the offer of international assistance and to agree to the deployment of a

¹⁹ S/1999/513.

²⁰ *Ibid.*, annex I.

²¹ *Ibid.*, annex II.

²² *Ibid.*, annex III.

²³ Resolution 1236 (1999), para. 3 (a).

²⁴ S/PRST/1999/20.

²⁵ S/1999/944.

²⁶ S/PRST/1999/27.

²⁷ S/1999/955 and S/1999/961.

multinational force to assist in restoring order and in securing a peaceful transition to independence for East Timor. Several speakers stressed that the results of the popular consultation reflected the will of the people for self-determination and had to be respected.²⁸

At the same meeting, the representative of Brazil expressed the view that the international community must not remain passive in the face of the atrocities committed against the East Timorese, who were also being denied the most fundamental right the Organization stood for — the right to self-determination — and be prepared to use all available means at its disposal, under the Charter, to guarantee the restoration of peace and the full implementation of the General Agreement.²⁹ The representative of Ireland stated that there had been a widespread systematic campaign to negate the clear result of this transparent exercise in self-determination, through organized intimidation and violence.³⁰ The representative of South Africa noted that it had seemed as if the people of East Timor would finally realize their long-held dream of self-determination and stressed that the Council needed to ensure that the so-called militias and other undemocratic forces were not allowed to reverse the democratic process in East Timor.³¹ The representative of Indonesia maintained that his Government would continue to support United Nations efforts in East Timor and would not renege on its commitments under the Agreement. He reiterated that the Government had never condoned any form of

violence or intimidation. It had accepted the results of the popular consultation and would honour them.³²

By resolution 1264 (1999) of 15 September 1999, the Council reiterated its welcome for the successful conduct of the popular consultation of the East Timorese people of 30 August 1999, and took note of its outcome, which it regarded as an accurate reflection of the views of the East Timorese people, and authorized the establishment of a multinational force to restore peace and security in East Timor.³³

At the 4057th meeting, on 25 October 1999, the Council adopted resolution 1272 (1999) establishing the United Nations Transitional Administration in East Timor (UNTAET), which would be endowed with overall responsibility for the administration of East Timor with a mandate to, inter alia, support capacity-building for self-government. In that resolution, the Council also stressed the need for UNTAET to consult and cooperate closely with the East Timorese people in order to carry out its mandate effectively with a view to the development of local democratic institutions, including an independent East Timorese human rights institution, and the transfer to those institutions of its administrative and public service functions.³⁴

At the same meeting, the representative of Portugal stressed that East Timor was a Non-Self-Governing Territory whose privileges and rights accorded to it by Article 73 of the Charter had been denied, a situation which needed to be addressed. He maintained that the establishment of UNTAET was the culmination of a process of self-determination for which the people of East Timor and Portugal had fought very hard. He welcomed the fact the people of East Timor had been able to express their will freely, albeit under extremely difficult circumstances, and could start the challenging task of building their own country.³⁵ The representative of Indonesia informed the Council that on 19 October 1999, the 1978 decree that had integrated East Timor with Indonesia was formally rescinded, thus closing a chapter of history during which East Timor was Indonesia's twenty-seventh province.³⁶ The representative of Australia noted that

²⁸ S/PV.4043, pp. 4-6 (Portugal); pp. 6-7 (Brazil); pp. 7-9 (United States); pp. 9-10 (France); pp. 10-11 (Argentina); pp. 11-12 (Canada); p. 12 (Gabon); pp. 15-16 (Australia); pp. 17-18 (Finland, on behalf of the European Union); p. 18 (Republic of Korea); p. 19 (Ireland); and pp. 20-21 (Philippines); S/PV.4043 (Resumption), pp. 2-3 (South Africa); pp. 3-4 (Egypt); pp. 6-7 (Mozambique); pp. 7-8 (Norway); pp. 8-9 (Ecuador); pp. 9-10 (Chile); pp. 9-11 (New Zealand); pp. 11-12 (Germany); pp. 13-14 (Italy); pp. 14-15 (Uruguay); p. 15 (Greece); pp. 15-16 (Pakistan); pp. 16-17 (Spain); pp. 17-18 (Papua New Guinea); pp. 18-19 (Guinea-Bissau); p. 21 (Sweden); p. 23 (Angola); pp. 23-24 (Cape Verde); p. 25 (Belgium); p. 26 (Denmark); pp. 26-27 (Luxembourg); p. 27 (Austria); pp. 30-31 (Slovenia); and p. 31 (Netherlands).

²⁹ S/PV.4043, pp. 6-7.

³⁰ *Ibid.* p. 19.

³¹ S/PV.4043 (Resumption) and Corr.1, pp. 2-3.

³² *Ibid.*, pp. 27-30.

³³ Resolution 1264 (1999), third preambular para. and para. 3.

³⁴ Resolution 1272 (1999), paras. 1, 2 (e) and 8.

³⁵ A/PV.4057, pp. 2-4.

³⁶ *Ibid.*, pp. 4-6.

the mandate of UNTAET would culminate in a democratic election in which the people of East Timor would choose their first Government and then take their place formally in the community of nations.³⁷

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.

Note

The practice of the Security Council touching upon the provisions of Article 2 (4), as illustrated by its decisions and deliberations, is set out below. In addition, there were a few communications containing explicit references to Article 2 (4).³⁸

1. Decisions relating to Article 2 (4)

During the reporting period, the Security Council adopted no decisions which contained an explicit reference to Article 2 (4). One draft resolution, which failed to be adopted, contained an explicit reference to Article 2 (4).³⁹

³⁷ Ibid., pp. 6-7.

³⁸ See, for example, letters dated 10 September 1996, 23 September 1996 and 30 November 1998 from the representative of Iraq (S/1996/739, p. 2; S/1996/782, p. 4; and S/1998/1130, p. 4); letter dated 28 August 1997 from the representative of the Sudan (S/1997/674, p. 4); letters dated 26 September 1997, 4 February 1998 and 23 June 1998 from the representative of Cyprus to the Secretary-General (S/1997/739, p. 2; S/1998/101, p. 3; and S/1998/559, p. 2); letters dated 31 August 1998, 24 February 1999 and 1 October 1999 from the representative of the Democratic Republic of the Congo (S/1998/827, p. 13; S/1999/205, p. 12; and S/1999/1029, p. 7); letter dated 1 February 1999 from the representative of the Federal Republic of Yugoslavia (S/1999/107, p. 2); and letter dated 22 March 1999 from the representative of Eritrea (S/1999/304, p. 2).

³⁹ In connection with the item entitled "Letter dated 24 March 1999 from the Permanent Representative of the Russian Federation to the United Nations addressed

By its resolutions and decisions, the Council, on a number of occasions, touched upon the principle enshrined in Article 2 (4). The Council affirmed the principle of non-threat or non-use of force in international relations, expressed its commitment to inviolability of international borders, called for respect for the sovereignty, territorial integrity and political independence of States, reiterated its position against interference by States in internal affairs of others and condemned hostile action across the border of a Member State, as elaborated below.

Affirmation of the principle of non-threat or non-use of force

By a number of its decisions, the Council reaffirmed the principle of non-threat or non-use of force in international relations embodied in Article 2 (4). For instance, in connection with the situation in the Middle East, by a series of presidential statements, the Council asserted that all States should refrain 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.⁴⁰

Commitment to inviolability of international borders

In dealing with a few situations under consideration, the Council reaffirmed its commitment to the inviolability of the borders of States. For example, in connection with the situation in Tajikistan and along the Tajik-Afghan border, the Council reaffirmed its commitment to the sovereignty and territorial integrity of Tajikistan and to inviolability of its borders.⁴¹ With regard to the situation in the Great

to the President of the Security Council", see S/1999/328.

⁴⁰ S/PRST/1996/5, para. 2; S/PRST/1996/33, para. 2; S/PRST/1997/1, para. 2; S/PRST/1997/40, para. 2; S/PRST/1998/2, para. 2; S/PRST/1998/23, para. 2; S/PRST/1999/4, para. 2; and S/PRST/1999/24, para. 2.

⁴¹ Resolutions 1061 (1996), third preambular para.; 1089 (1996), third preambular para.; 1099 (1997), third preambular para.; 1113 (1997), third preambular para.; 1128 (1997), third preambular para.; 1138 (1997), fourth preambular para.; 1167 (1998), third preambular para.; 1206 (1998), third preambular para.; 1240 (1999), third preambular para.; and 1274 (1999), third preambular para.; and S/PRST/1996/25 and S/PRST/1996/38.

Lakes region, the Council reaffirmed its commitment to the sovereignty and territorial integrity of Zaire⁴² and other States in the Great Lakes region and to the principle of the inviolability of borders.⁴³

Call for respect for the sovereignty, territorial integrity and political independence of States

In dealing with various situations, the Council often reaffirmed the sovereignty, territorial integrity and political independence of States.⁴⁴ On a few occasions during the period under review, the Council also explicitly called upon States to respect those principles.

Concerning the situation in the Middle East, the Council reaffirmed its commitment to the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries and to the security of all States in the region, and called upon all concerned fully to respect those principles.⁴⁵

In connection with the situation in the Great Lakes region, the Council called upon all States to respect the sovereignty and territorial integrity of the States in the region in accordance with their obligations under the Charter of the United Nations and stressed the need of such respect.⁴⁶

In connection with the situation concerning the Democratic Republic of the Congo, the Council reaffirmed the obligation to respect the territorial integrity, political independence and national sovereignty of the Democratic Republic of the Congo and other States in the region, including the obligation to refrain 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.⁴⁷

In addition, with regard to the situation in Cyprus, the Council, calling upon all States to respect the sovereignty, independence and territorial integrity of the Republic of Cyprus, and requesting them, along with the parties concerned, to refrain from any action which might prejudice that sovereignty, independence and territorial integrity, as well as from any attempt at partition of the island or its unification with any other country, called upon both sides to refrain from the threat or use of force or violence as a means to resolve the Cyprus problem.⁴⁸

Reiteration of the position against 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 example, in connection with the situation in Afghanistan, by a series of decisions, the Council called upon all States to refrain from interference in the internal affairs of Afghanistan, and in some cases, called on all States to prevent both the flow of arms to all parties to the conflict and the involvement of foreign military personnel.⁴⁹ With regard to the situation concerning the Democratic Republic of the Congo, the Council reaffirmed the need for all States to refrain from any interference in each other's internal affairs⁵⁰ and called for the withdrawal of all external forces.⁵¹ Concerning the situation in the Great Lakes region, the Council reaffirmed the need for the States in the region to refrain from any interference in each other's internal affairs.⁵² In connection with the situation in the Republic of the

⁴² By a communication dated 20 May 1997, the Secretariat was informed by the Member State known formerly as "Zaire" that the name of the State had been changed on 17 May to "Democratic Republic of Congo".

⁴³ S/PRST/1997/5, para. 3.

⁴⁴ Such references were numerous: see, for example, in connection with the situation in Croatia, resolution 1238 (1996), third preambular para.

⁴⁵ Resolution 1052 (1996), para. 3.

⁴⁶ S/PRST/1996/44, para. 2 and resolutions 1078 (1996), twelfth preambular para. and para. 4; and 1080 (1998), fourth preambular para.

⁴⁷ S/PRST/1998/36, para. 2 and resolution 1234 (1999), para. 1.

⁴⁸ Resolution 1251 (1999), fourth preambular para. and para. 9.

⁴⁹ Resolutions 1076 (1996), ninth preambular para. and para. 3; 1193 (1998), para. 3; and 1214 (1998), eighth preambular para. and para. 10; and S/PRST/1996/6, para. 6; S/PRST/1996/40, para. 4; S/PRST/1997/35, para. 5; S/PRST/1997/55, para. 4; S/PRST/1998/9, para. 6; S/PRST/1998/22, para. 4; S/PRST/1998/24, para. 5; and S/PRST/1999/29, para. 4.

⁵⁰ S/PRST/1998/26, para. 2.

⁵¹ S/PRST/1997/31, para. 4 and resolution 1234 (1999), para. 2.

⁵² Resolution 1097 (1997), fourth preambular para.

Congo, the Council condemned all external interference in the Republic of the Congo, including the intervention of foreign forces, in violation of the Charter, and called for the immediate withdrawal of all foreign forces, including mercenaries.⁵³

Condemnation of hostile action across the border of a State

On a few occasions, the Council condemned the hostile action against another State. In connection with the situation between Eritrea and Ethiopia, the Council condemned the use of force by Eritrea and Ethiopia and demanded that both parties immediately cease hostilities.⁵⁴ Furthermore, the Council, expressing grave concern over the risk of armed conflict between Ethiopia and Eritrea and the escalating arms build-up along the common border between the two countries, called upon them in the strongest terms to exercise maximum restraint and to refrain from taking any military action.⁵⁵

The Council also called upon States not to allow the use of their territory to attack or plan an attack against other States. In connection with the situation in Rwanda, by resolutions 1053 (1996) and 1161 (1998), the Council called upon States in the Great Lakes region to ensure that their territory was not used as a base for armed groups to launch incursions or attacks against any other State in violation of principles of international law and the Charter.⁵⁶

Furthermore, a few decisions dealing with counter-terrorism touched upon the responsibility of States not to be involved in terrorist acts in another State. By resolution 1044 (1996) of 31 January 1996, in connection with the letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995,⁵⁷ the Council condemned the terrorist assassination attempt and

strongly deplored the flagrant violation of the sovereignty and integrity of Ethiopia and the attempt to disturb the peace and security of Ethiopia and the region as a whole. The Council called upon the Government of the Sudan to desist from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuary to terrorist elements, and urged it to act in its relations with its neighbours and with others in full conformity with the Charter.⁵⁸ In another instance, following the terrorist bomb attacks on 7 August 1998 in Nairobi and Dar-es-Salaam, the Council stressed that every Member State had the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts.⁵⁹

2. Deliberations relating to Article 2 (4)

During the period under review, there were instances in the deliberations of the Council in which explicit and implicit references were made to Article 2 (4).

In connection with the item entitled "Maintenance of peace and security and post-conflict peacebuilding", at the 3954th meeting, on 23 December 1998, the representative of Argentina noted that with regard to peacebuilding, the concept of international peace and security rested on more qualitative and complex aspects than those which emerged from the traditional interpretation of Article 2 (4). This was, in his opinion, logical because a strict interpretation of concepts established in 1945 no longer met current needs since the end of the Cold War.⁶⁰

During an open debate on 12 February 1999, in connection with the item entitled "Protection of civilians in armed conflict", the representative of China maintained that, in a humanitarian crisis, the wilful invocation of Chapter VII of the Charter to use force, or even the unilateral use or threat of use of force, against a sovereign State without the authorization of the Security Council, with no consideration given to the specific causes of the crisis, would only complicate matters and further intensify the conflict. In that

⁵³ S/PRST/1997/47, para. 2.

⁵⁴ Resolutions 1177 (1998), para. 1 and 1227 (1999), paras. 1-2; and S/PRST/1999/9, para. 2.

⁵⁵ Resolution 1226 (1999), second preambular para. and para. 7.

⁵⁶ Resolutions 1053 (1996), para. 4 and 1161 (1998), para. 4.

⁵⁷ S/1996/10.

⁵⁸ Resolution 1044 (1996), paras. 1, 2 and 4 (b).

⁵⁹ Resolution 1189 (1998), fifth preambular para.

⁶⁰ S/PV.3954 (Resumption), p. 11.

connection, he expressed hope that the countries and organizations concerned would strictly abide by the principles of international law and the Charter and respect the sovereignty, territorial integrity and political independence of all countries.⁶¹

In connection with the situation between Iraq and Kuwait, at the 3858th meeting, on 2 March 1998, the representative of Egypt stated that the use of force was not only prohibited internationally under the rules of international law but also in accordance with Article 2 (4) of the Charter. He added that there were controls in Article 42 on when force could be resorted to, and also in Article 51, which was related to legitimate self-defence. In all cases, those controls needed to be subjected to the discretion of the Security Council.⁶²

The cases below depict the debates and decisions relevant to the principle enshrined in Article 2 (4), in connection with (a) the situation in Angola (case 2); (b) the letter dated 24 March 1999 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council⁶³ (case 3); (c) Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998) and 1239 (1999) (case 4); (d) the situation concerning the Democratic Republic of the Congo (case 5); (e) the situation between Iraq and Kuwait (case 6); (f) the situation in the Middle East (case 7); and (g) the situation in Afghanistan (case 8).

Case 2

The situation in Angola

In his report on the United Nations Angola Verification Mission (UNAVEM III) dated 14 April 1997, the Secretary-General expressed his concern at recent reports of involvement by the Angolan parties in the Zairian conflict. Reporting that the Angolan authorities had denied that they were providing support to the warring parties in Zaire, he held that such interference would have serious consequences not only for the peace process in Angola, but also for the ongoing efforts to bring the crisis in Zaire to an end, in

⁶¹ S/PV.3977, p. 30.

⁶² S/PV.3858, p. 22.

⁶³ S/1999/320.

accordance with the peace plan endorsed by the Security Council.⁶⁴

At the 3769th meeting, on 16 April 1997, a few speakers shared their worries about the alleged involvement of the Government of Angola in the Zaire conflict. Citing the above-mentioned reference in the report, the representative of Costa Rica expressed the view that if the information should prove to be accurate, it would represent a grave risk of instability, not only in Angola but in other parts of Africa and hence, the parties should abstain from any intervention in Zaire.⁶⁵ The representative of Uruguay argued that at an important moment of the peace process in Angola, the latent threat that the Angolan parties might intervene in Zaire was one of the most worrying aspects.⁶⁶

In response, the representative of Angola stated that from the beginning of the civil unrest in Zaire, his Government had pleaded for its rapid resolution and appealed very strongly to the parties involved to choose the negotiating table as a means to settle their differences. He emphasized that it was an internal matter and up to the Zairians to find the appropriate solution without any external interference. The representative underscored, in addition, that the Government of Angola had never been involved in any way in other countries' internal affairs and therefore, strongly rejected the reports suggesting interference by his country in the internal affairs of Zaire.⁶⁷

Case 3

*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*⁶⁸

By a letter dated 24 March 1999 addressed to the President of the Security Council,⁶⁹ the representative of the Russian Federation requested that an urgent meeting be convened in view of the situation caused by the "unilateral military action" of the North Atlantic

⁶⁴ S/1997/304, para. 10.

⁶⁵ S/PV/3769, p. 3.

⁶⁶ *Ibid.*, p. 7.

⁶⁷ *Ibid.*, p. 17.

⁶⁸ S/1999/320.

⁶⁹ *Ibid.*

Treaty Organization (NATO) against the Federal Republic of Yugoslavia.

At the 3988th meeting, on 24 March 1999, the representative of the Russian Federation expressed outrage at the use of military force by NATO. Stressing that the countries involved in the unilateral use of force against the sovereign Federal Republic of Yugoslavia — carried out in violation of the Charter and without the authorization of the Council — needed to realize the heavy responsibility they bore for subverting the Charter and other norms of international law, and for attempting to establish in the world, *de facto*, the primacy of force and unilateral diktat. He further argued that the members of NATO were not entitled to decide the fate of other sovereign and independent States and were not only members of their alliance but also Members of the United Nations. The representative demanded the immediate cessation of the illegal military action against the Federal Republic of Yugoslavia and reserved the right to raise the question of the adoption by the Council, under the Charter, of appropriate measures with respect to that situation, which had arisen as a result of the illegal actions by NATO and which posed a clear threat to international peace and security.⁷⁰

Similarly, the representative of China held that the military strikes against the Federal Republic of Yugoslavia by NATO amounted to a blatant violation of the Charter and the accepted norms of international law. He argued that the question of Kosovo,⁷¹ which was an internal matter of the Federal Republic of Yugoslavia, should be resolved among the parties concerned in that country and on the basis of respect for the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. He expressed opposition to the use or threat of use of force in international affairs and to power politics whereby the strong bullied the weak; and to interference in the internal affairs of other States, under whatever pretext or in whatever form.⁷² The representative of Belarus stressed that the use of military force against the

Federal Republic of Yugoslavia “without a proper decision” of the only competent international body, the Security Council, as well as any introduction of foreign military contingents against the wish of the Government of the Federal Republic of Yugoslavia qualified as an act of aggression. He stated that under those circumstances, no rationale or, and reasoning presented by NATO could justify the “unlawful use of military force”. He further stressed that such unilateral military action meant an international disregard for the role and responsibility of the Council in the maintenance of international peace and security.⁷³ The representative of India reiterated that the sovereignty and territorial integrity of the international borders of the Federal Republic of Yugoslavia were inviolable, which was to be fully respected by all States.⁷⁴

Mr. Vladislav Jovanovic⁷⁵ maintained that the Federal Republic of Yugoslavia had not threatened any country or the peace and security of the region and had been attacked because it had sought to solve an internal problem and use its sovereign right to fight terrorism and prevent the secession of a part of its territory. He held that the decision to attack an independent country had been taken outside the Security Council and that such a blatant aggression was a flagrant violation of the basic principles of the Charter. He insisted that the United States and NATO must assume full responsibility for all consequences of their “act of open aggression” and appealed to all States to categorically oppose “the aggression” of NATO and the United States against the Federal Republic of Yugoslavia.⁷⁶

In contrast, the representative of the United States, referring to Belgrade’s brutal persecution of Kosovar Albanians, violations of international law, excessive and indiscriminate use of force, refusal to negotiate and resolve the issue peacefully, and recent military build-up in Kosovo, reminded the Council that resolutions 1199 (1998) and 1203 (1998) had

⁷⁰ S/PV.3988, pp. 2-3.

⁷¹ For purposes of this *Supplement*, the term “Kosovo” refers to “Kosovo, Federal Republic of Yugoslavia”, without prejudice to issues of status. In other instances, the terminology originally used in official documents has been preserved to the extent possible.

⁷² S/PV.3988, p. 12.

⁷³ *Ibid.*, p. 15.

⁷⁴ *Ibid.*

⁷⁵ From 1992 onwards, representatives of the Federal Republic of Yugoslavia participated in Council meetings under a special arrangement that invited the representatives by name, without mentioning the State they represented and without referring to rules 37 or 39 of the provisional rules of procedure. See also chapter III, part I, section C.

⁷⁶ S/PV.3988, pp. 13-14.

recognized that the situation in Kosovo constituted a threat to peace and security in the region and had invoked Chapter VII of the Charter. Recounting the actions of the Federal Republic of Yugoslavia, including refusal to comply with the demands of the Security Council, and violation of its commitments and obligations under the Helsinki Final Act and the international law of human rights, he held that the action by the Federal Republic of Yugoslavia in Kosovo could not be dismissed as an internal matter. He further stressed that Belgrade's systematic policy of undermining previous agreements and thwarting diplomatic efforts, which had prevented a peaceful solution, had led his country and its allies to the action that day and in that context, justified the action by NATO as necessary to stop the violence and prevent a greater humanitarian disaster.⁷⁷

The representative of Malaysia asserted that as a matter of principle, his delegation did not favour the use or threat of force to resolve any conflict situation, regardless of where it occurred. He held that the use of force, in the event that it was at all necessary, should be a recourse of last resort, to be sanctioned by the Council, which had been vested with the primary responsibility for the maintenance of international peace and security. He stated that the ongoing conflict in Kosovo would have international repercussions and thus the international community could not afford to stand idly by, given the dimension of the violence and the worsening of humanitarian conditions in Kosovo in the wake of the repressive military actions by the Serbian and Yugoslav authorities. His delegation would have wished that the crisis in Kosovo could have been dealt with directly by the Council and regretted that the absence of a consensus in the Council had necessitated that action be taken outside of the Council.⁷⁸

Other speakers also asserted that the conflict in Kosovo threatened to precipitate a larger humanitarian disaster and destabilize the entire region and that the NATO action was the only way to avert it.⁷⁹

At the 3989th meeting, on 26 March 1999, the Council had before it a draft resolution, by which, affirming that the unilateral use of force by NATO

against the Federal Republic of Yugoslavia constituted a flagrant violation of the Charter, in particular Articles 2 (4), 24 and 53, and a threat to international peace and security, the Council, acting under Chapters VII and VIII of the Charter, would have demanded an immediate cessation of the use of force against the Federal Republic of Yugoslavia and urgent resumption of negotiations.⁸⁰ The draft resolution was not adopted because it did not obtain the required majority.⁸¹

Pointing out that the draft resolution appeared to have made a "fundamentally flawed factual assessment" of the situation, the representative of Slovenia further criticized that while the draft tried to invoke some of the basic norms of the Charter, it failed to address the relevant circumstances and ignored the situation which had led to the ongoing international military action. In his opinion, the political jargon of "flagrant violation" of the Charter described that action could not disguise the lack of a convincing argument.⁸²

The representative of the Netherlands, recalled that resolution 1203 (1998) clearly stated that the Council was acting under Chapter VII of the Charter and demanded the full and prompt implementation by the Federal Republic of Yugoslavia, of the agreements signed between that country and the Organization for Security and Cooperation in Europe (OSCE) and NATO respectively. He noted that the NATO action emanated directly from that resolution, in conjunction with the non-compliance on the part of the Federal Republic of Yugoslavia. Hence, he maintained that his delegation could not allow the NATO action to be described as unilateral use of force and emphasized that if the Council should demand an immediate cessation of the NATO action, it would send the wrong signal to the President of the Federal Republic of Yugoslavia, leading to further bloodshed in Kosovo.⁸³

The representative of Ukraine stated that adhering to the norms and principles enshrined in the Charter, his country considered as inadmissible the use of military force against a sovereign State without the authorization of the Council. At the same time, he held

⁷⁷ *Ibid.*, pp. 4-5.

⁷⁸ *Ibid.*, pp. 9-10.

⁷⁹ *Ibid.*, pp. 5-6 (Canada); p. 8 (Netherlands); and p. 12 (United Kingdom).

⁸⁰ S/1999/328. The draft resolution was submitted by Belarus and the Russian Federation and co-sponsored by India.

⁸¹ S/PV.3989, p. 6.

⁸² *Ibid.*, p. 3.

⁸³ *Ibid.*, p. 4.

that Belgrade's refusal to sign agreements elaborated through the mediation of the Contact Group had resulted in the breakdown of the negotiating process and that therefore the provisions of resolutions 1160 (1998) and 1199 (1999) had not been fully implemented, which had led to the use of force.⁸⁴

On the other hand, the representative of the Russian Federation argued that the aggressive military action unleashed by NATO against a sovereign State without the authorization, and in circumvention, of the Council was a real threat to international peace and security and a gross violation of the Charter, in particular, Article 2 (4) which required all Members of the United Nations to refrain from the threat or use of force in their international relations, including against the territorial integrity or political independence of any State. He continued to argue that the draft resolution proposed a solution that should be urgently sought by the international community if it was indeed interested in "preventing unilateral approaches and the prevalence of force in world affairs".⁸⁵

The representative of Belarus stressed that it was scarcely possible to accept the arguments put forward by NATO about the alliance resolving the humanitarian crisis in Kosovo through the use of force. He underscored that the decision to use force, an extreme measure, might be made only by the Council taking into account the views of Member States. He condemned the violation of basic principles of international law that made no provision for military intervention for humanitarian purposes and observed that the consequences of those actions could not be predicted, and that they threatened to undermine the United Nations system and international relations as a whole. He reaffirmed the position that the settlement of the Kosovo conflict should be based on, *inter alia*, unconditional respect for the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the non-use of force.⁸⁶

⁸⁴ *Ibid.*, p. 10.

⁸⁵ *Ibid.*, pp. 5-6.

⁸⁶ *Ibid.*, p. 12.

Case 4

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

At the 4011th meeting, on 10 June 1999, the Council adopted resolution 1244 (1999), by which reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, and acting under Chapter VII of the Charter, *inter alia*, authorized Member States and relevant international organizations to establish an international security presence in Kosovo,⁸⁷ with substantial NATO participation. By the same resolution, the Council also authorized the Secretary-General to establish an international civil presence in Kosovo, to be known as the United Nations Interim Administration Mission in Kosovo (UNMIK).⁸⁸

Speaking before the vote, Mr. Vladislav Jovanovic reiterated the position of the Federal Republic of Yugoslavia concerning the "unilateral, unauthorized military action by NATO" against his country, which violated all the basic principles of the Charter, including the principle of non-intervention and non-interference in internal affairs. He further held that the draft resolution⁸⁹ was another attempt to "marginalize the world Organization aimed at legalizing *post festum*" the aggression against the Federal Republic of Yugoslavia. In doing so, the Council and the international community would become "accomplices" in the most drastic violation of the basic principles of the Charter and in legalizing the rule of force rather than the rule of international law. He underscored that by adopting the draft resolution, the Council would support a "nefarious theory of limited sovereignty and open floodgates to the unimpeded intervention and interference of the mighty and powerful in the internal affairs of other States".⁹⁰

The representative of China emphasized that ethnic problems within a State must not be used as an excuse for external intervention, much less used by foreign States as an excuse for the use of force. He reminded that respect for sovereignty and

⁸⁷ Kosovo Force (KFOR).

⁸⁸ Resolution 1244 (1999), tenth preambular para. and paras. 7 and 10.

⁸⁹ S/1999/661.

⁹⁰ S/PV.4011, pp. 3-6.

non-interference in each other's internal affairs were basic principles of the Charter.⁹¹

The representative of Costa Rica reiterated that with the limited exception of the right to legitimate defence, any option involving the use of force required the clear authorization of the Council in each specific case. He reminded the Council that all States and in particular the members of the Council, were obliged to ensure full respect for the machinery established by the Charter and the balance of principles included therein, which included non-intervention and respect for the territorial integrity of States.⁹²

The representative of Cuba considered that the adoption of resolution 1244 (1999) did not change the fact that it had been an "invasion" by the United States and NATO. He further argued that the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, while being "solemnly and hypocritically proclaimed", were violated and held that such a proclamation could not "conceal the disintegration by force of a sovereign State". Regretting that the United States was the only country benefiting from unipolarism and the weakening of the United Nations, he opined that the only alternative was, among others, to restore respect for and implementation of the Charter, preserve the principles of non-intervention, non-aggression, non-use of force or threats of force and respect for sovereignty.⁹³

Case 5

The situation concerning the Democratic Republic of the Congo

At the 3987th meeting, on 19 March 1999, the representative of the Democratic Republic of the Congo repeatedly appealed to the Security Council to act concerning the situation in his country that was "under occupation of the regular armed forces" of the neighbouring countries, Uganda and Rwanda.⁹⁴ A number of speakers referred to not only internal but also external factors involved in the situation in the Democratic Republic of the Congo.⁹⁵ Many advocated

the withdrawal of foreign troops from the Democratic Republic of the Congo as a critical element for the settlement of the dispute.⁹⁶ The representative of the Sudan held that the Council was expected to fulfil its obligations and responsibilities for the maintenance of peace and security by putting an end to the aggression committed against the Democratic Republic of the Congo and ensuring the withdrawal of invading forces that had violated the sovereignty of that State.⁹⁷

The representative of Rwanda argued that the presence in the Democratic Republic of the Congo of large numbers of armed elements of Rwandan nationality, including former Government forces and militia responsible for the genocide of 1994, and their ability to reorganize and rearm on the territory of the Congo with the support of the Government of the Democratic Republic of the Congo, was a destabilizing factor for Rwanda. The Democratic Republic of the Congo, in accepting such presence, violated its own sovereignty as well as that of Rwanda. He stressed that the concerns of his country stemmed from acts of aggression against Rwanda by the Democratic Republic of the Congo. At the same time, he held that his Government was committed to respect for the territorial integrity and sovereignty of all countries, as enshrined in the Charters of the United Nations and the Organization of African Unity (OAU) and called on the Democratic Republic of the Congo to use its sovereign rights and take steps to dismantle the dozen non-State armies being used in aggression against the territorial integrity of its neighbours.⁹⁸

Similarly arguing the linkage between the genocide in Rwanda in 1994 and the crisis in the Democratic Republic of the Congo, the representative of Uganda stated that attacks had been launched against Uganda from what was then Zaire, often by *genocidaires* who had reorganized and rearmed with the support of the Government of Zaire. He stated that his Government had decided to act in self-defence by first recapturing the territory those criminals had captured, following them into Zairian territory in hot

⁹¹ Ibid., pp. 8-9.

⁹² S/PV.4011 (Resumption 1), p. 5.

⁹³ Ibid., pp. 6-9.

⁹⁴ S/PV.3987, pp. 2-5.

⁹⁵ Ibid., p. 8 (Argentina); and p. 19 (Malaysia); S/PV.3987 (Resumption 1), pp. 15-16 (South Africa).

⁹⁶ S/PV.3987, p. 5 (Democratic Republic of the Congo); p. 6 (Canada); p. 13 (France); p. 16 (Slovenia); p. 20 (Malaysia); p. 21 (Russian Federation); and p. 22 (United Kingdom); S/PV.3987 (Resumption 1), p. 2 (Sudan); p. 16 (South Africa).

⁹⁷ S/PV.3987 (Resumption 1), p. 2.

⁹⁸ Ibid., pp. 5-6.

pursuit. He further stated that it was that act of self-defence against the then Government of Zaire that had resulted in the fall of President Mobutu and the rise to power of President Kabila. He also added that President Kabila had invited the Government of Uganda to deploy its Defence Forces inside the Congo to flush out the Allied Democratic Forces, a rebel group that had been infiltrated into Zaire by the Sudan and which had attacked Uganda. A protocol to that effect was signed between the two Governments in April 1998. Following the deployment of the two battalions from Uganda, a rebellion had broken out in August 1998 and President Kabila had looked for foreign military assistance from Zimbabwe, Angola and Namibia, which had decided on a unilateral military intervention, instead of waiting for a regional, concerted approach. In his opinion, while Uganda had been primarily concerned about the activities of the Ugandan rebel groups in the Democratic Republic of the Congo, the intervention by Zimbabwe, Angola, Namibia, and later, Chad and the Sudan, had introduced a new dimension to the conflict. He stressed that Uganda and Rwanda had acted in self-defence, as the external dimension in the Congolese conflict had been prompted by activities hostile to those countries emanating from the Congo.⁹⁹

The representative of Namibia explained that the South African Development Community (SADC) had a stated obligation to ensure that the legitimate Government of a fellow SADC member should not be removed by invasion. By adhering to that principle and respecting the inviolability of the territorial integrity and sovereignty of States, he held that Namibia, along with Angola and Zimbabwe, was compelled to intervene in the Democratic Republic of the Congo at the expressed invitation of that Government, with the sole purpose of preventing the collapse of the State machinery and the violation of the sovereignty and territorial integrity of the Democratic Republic of the Congo. He further argued that there needed to be a clear distinction between invited and uninvited foreign troops in the Democratic Republic of the Congo, which was echoed by the representative of Brazil.¹⁰⁰ He also underscored that while the security concerns of any State were legitimate, a State should refrain from defining such security needs beyond its own borders

without working within the framework of the United Nations and OAU. The unprovoked invasion of the Congo and the violation of its sovereignty and territorial integrity constituted “an act of interference in the internal affairs” of that country.¹⁰¹

The representative of Zimbabwe dismissed the security thesis in the argument put forward by Uganda and Rwanda and maintained that his country, together with Angola, Namibia and Chad, responding to a distress call by the legitimate Government of the Democratic Republic of the Congo, was assisting that country to uphold its territorial integrity and national sovereignty. He expressed the view that the intervention of the allied forces of SADC was upheld by the inherent right to individual or collective self-defence, in accordance with Article 51 of the Charter. He made it clear that the allied forces had no ulterior motives at all and that they were ready to pull out their forces when conditions were met, including when a ceasefire had taken effect and the invading States had withdrawn their forces from the Democratic Republic of the Congo. The representative further argued that all countries had a right to have their boundaries respected. Therefore, he called for the unconditional withdrawal of the invading forces from the Democratic Republic of the Congo and appealed to the Council to assist in the preservation of the national sovereignty and territorial integrity of that State.¹⁰²

In response, the representative of the Democratic Republic of the Congo contended that the origins of the conflict in his country were the export of external conflicts from “aggressor countries” and that “contrarily” to the excuses offered by them, their aggression pre-dated the intervention of the allied forces, implemented at the formal request of his Government, in the context of the legitimate right of self-defence. He further appealed to the Council, given that border insecurity was cited by those aggressors as a pretext, to take the steps necessary to re-establish the territorial integrity of the Democratic Republic of the Congo and security in that region.¹⁰³

Many speakers reiterated the importance of adhering to the principles enshrined in the Charter, in particular non-interference in the domestic affairs of

⁹⁹ Ibid., pp. 9-10.

¹⁰⁰ S/PV.3987, p. 11.

¹⁰¹ Ibid., pp. 9-10.

¹⁰² S/PV.3987 (Resumption 1), pp. 17-18.

¹⁰³ Ibid., p. 22.

other States and respect for the territorial integrity of the Democratic Republic of the Congo,¹⁰⁴ with some speakers citing the presidential statement of 11 December 1998.¹⁰⁵ The representative of Argentina underlined that use of force did not bring territorial rights or legitimize changes in established border.¹⁰⁶ The representative of Gabon underlined that in the Great Lakes region, where cross-border populations played an important role and could be used as a pretext by one State or another to interfere inappropriately in the affairs of its neighbours, strict respect by all sides of the principle of non-interference would enable the creation of a climate of mutual confidence and promote sounder and more friendly relations.¹⁰⁷

Case 6

The situation between Iraq and Kuwait

By identical letters dated 2 July 1998 addressed to the Secretary-General and the President, the representative of Iraq stated that the armed forces of the United States and the United Kingdom continued to carry out acts of aggression against the integrity of the territory and airspace of Iraq, in flagrant violation of the provisions of the Charter and the principles of international law. He stressed that the imposition of the “no-fly zones” over northern and southern Iraq, which was the result of a unilateral decision taken by the United States and which was not authorized by the Security Council, constituted a violation of the sovereignty, territorial integrity and political independence of Iraq. He further asserted that the reliance of the United States and the United Kingdom on resolution 688 (1991) to justify imposition of the “no-fly zones” contradicted the provisions of that resolution, including its reaffirmation of the commitment of all Member States to respect the sovereignty, territorial integrity and political independence of Iraq. Therefore, the Government of Iraq demanded that the Council take resolute action to put a stop to those acts of military aggression, which

constituted a threat to the sovereignty, national security and territorial integrity of Iraq and which threatened international peace and security in the area. Arguing that the United States bore full responsibility for that aggression, the representative further stated that his Government, in accordance with international law, reserved the legitimate right to define an appropriate response to those acts of military aggression and violations of the territory and airspace of Iraq.¹⁰⁸

At the 4008th meeting, on 21 May 1999, the representative of the Russian Federation condemned the continuing aerial bombing of civilian and military facilities in Iraq by the United States and the United Kingdom, carried out “under the illegal pretext of the no-fly zones”, which were created “unilaterally, in circumvention of the Security Council”,¹⁰⁹ Similarly, strongly opposing the bombing of civilian targets in the so-called “no-fly zones”, the representative of China demanded that the United States and the United Kingdom immediately halt their bombing missions.¹¹⁰

In response, concerning the activity in the “no-fly zones”, the representative of the United Kingdom held that a simple way to reduce the tension was for Iraq to cease targeting coalition aircraft. He maintained that the operations of his country were purely reactive and targeted relevant military facilities only. He added that the “no-fly zones” were necessary in order to limit the capacity of Iraq to oppress its own people and to monitor its compliance with its obligations under resolution 688 (1991).¹¹¹ The representative of the United States associated his country with the statement by the representative of the United Kingdom regarding the rationale for the military action in the “no-fly zones”.¹¹²

At the 4084th meeting, on 17 December 1997, the representative of the Russian Federation maintained that the Council had never authorized the “no-fly zones”, nor had it authorized subversive acts against the Government of Iraq. He opined that such illegal unilateral actions needed to end if new approaches

¹⁰⁴ S/PV.3987, p. 10 (Namibia); p. 11 (Brazil); p. 12 (France); p. 15 (Gabon); p. 16 (Slovenia); p. 19 (Bahrain); and p. 25 (Germany, speaking on behalf of the European Union); S/PV.3987 (Resumption 1), p. 3 (Japan); and p. 13 (Libyan Arab Jamahiriya).

¹⁰⁵ S/PRST/1998/36.

¹⁰⁶ S/PV.3987, p. 8.

¹⁰⁷ *Ibid.*, p. 15.

¹⁰⁸ S/1998/606.

¹⁰⁹ S/PV.4008, p. 2.

¹¹⁰ *Ibid.*, p. 4.

¹¹¹ *Ibid.*, p. 3.

¹¹² *Ibid.*

were sought in the Council to a long-term settlement in the Gulf.¹¹³

The representative of China maintained that the use of force or any other means could not substitute for the role of the Council in the maintenance of international peace and security and reiterated that the “no-fly zone” in Iraq had never been authorized or approved by the Council, and that members concerned needed to immediately cease such actions.¹¹⁴

Case 7

The situation in the Middle East

By a letter dated 13 April 1996 to the President, the representative of Lebanon requested the convening of an urgent meeting of the Council to consider the grave situation in Lebanon resulting from the large-scale Israeli bombardment in his country, including the southern suburb of Beirut. The representative held that the bombardment constituted a flagrant violation of the sovereignty and territorial integrity of Lebanon and the Charter, and posed a threat to international peace and security.¹¹⁵

At the 3653rd meeting, held on 15 April 1996, the representative of Lebanon reiterated the appeal of his Government to the Council to take action to stop the military aggression by Israel against Lebanon and its territorial integrity, independence and sovereignty. He stressed that while Lebanon condemned all forms of terrorism, it supported the legitimate right of peoples to resist foreign occupation, which was the situation in south Lebanon. Hence, he maintained that the Lebanese were within their legitimate rights in defending themselves against occupation. Recalling the provisions of resolution 425 (1978) by which the Council called for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries and called upon Israel immediately to cease military action and withdraw forthwith its forces from all Lebanese territory, he held that no peace could be achieved between Lebanon and Israel until, among others, Israel withdrew from south Lebanon, in implementation of resolution 425 (1978). He appealed to the Council to condemn Israeli aggression and to

force Israel to withdraw to the internationally recognized boundaries of Lebanon.¹¹⁶

The representative of Israel, for his part, maintained that his country had the primary obligation to protect the security of its citizens from Hizbullah activities which the Government of Lebanon did not have the ability or the will to control. Therefore, he stated that Israel must defend the security of its north by all necessary means. At the same time, he held that his country had no territorial claim on Lebanon and no intention of entering into battles with either the Syrian or the Lebanese armies. He argued that no country would allow its citizens to be attacked and killed by terrorists and would refrain from exercising the right of self-defence.¹¹⁷

The representative of the United States asserted that Hizbullah attacks into northern Israel had compelled the Government of Israel to take steps it deemed necessary to protect its people from direct threats emanating from Lebanese territory, which, in her opinion, were “actions of self-defence” in response to Hizbullah violence. She emphasized that her country was committed to using its influence to help ensure the right of nations to live within secure, internationally recognized borders and to the sovereignty, independence, territorial integrity and national unity of Lebanon.¹¹⁸

Many speakers at the meeting reiterated that the infringement of the principles of sovereignty, territorial integrity and political independence of Lebanon was inadmissible¹¹⁹ and considered the attacks on Lebanon by Israel as a violation of the Charter.¹²⁰ Some demanded that Israel cease its military action and withdraw all reinforcements and asked the Council to take action in that regard.¹²¹ In that context, some also

¹¹³ S/PV.4084, pp. 5-6.

¹¹⁴ Ibid., pp. 16-17.

¹¹⁵ S/1996/280.

¹¹⁶ S/PV.3653 and Corr.1, pp. 2-6.

¹¹⁷ Ibid., pp. 6-7.

¹¹⁸ Ibid., pp. 12-13.

¹¹⁹ Ibid., p. 11 (Republic of Korea); p. 12 (Botswana); p. 13 (Poland); and p. 28 (Colombia).

¹²⁰ Ibid., p. 8 (Indonesia); p. 9 (China); p. 14 (Egypt); p. 17 (United Arab Emirates); p. 17 (Saudi Arabia); p. 19 (Syrian Arab Republic); p. 20 (Cuba); p. 20 (Kuwait); p. 22 (Algeria); p. 23 (Morocco); p. 24 (Islamic Republic of Iran); p. 25 (Tunisia); p. 26 (Malaysia); and p. 27 (Jordan).

¹²¹ Ibid., p. 8 (Indonesia); p. 9 (China); p. 10 (Russian Federation); p. 11 (Botswana); p. 15 (Egypt); p. 16

referred to resolution 425 (1978), highlighting the relevant provisions.¹²²

Several speakers argued that Israel had invaded Lebanon and attacked its sovereignty and territorial integrity and continued occupying part of southern Lebanon on the pretext of ensuring the security of northern Israel.¹²³ The representative of Egypt added that any armed aggression against a neighbouring State, whatever the motive, constituted prohibited aggression. He further pointed out that self-defence could be invoked under Article 51 of the Charter, when an actual armed attack had occurred, and that in the case of Katyusha rockets fired across the border, which was a proscribed act and should be ceased forthwith, the mechanisms provided for in the armistice agreement between Lebanon and Israel should have been invoked to deal with the issue.¹²⁴

Other speakers underscored that while self-defence itself was legitimate, measures of self-defence should abide by the basic rule of law prescribing proportionality.¹²⁵

Some appealed to all parties involved to exercise restraint so as to safeguard peace and stability in the region.¹²⁶ In that connection, the representative of China urged all sides to eschew force or the threat of force.¹²⁷

(Chile); p. 17 (United Arab Emirates); p. 19 (Syrian Arab Republic); pp. 19-20 (Cuba); p. 21 (Kuwait); p. 22 (Libyan Arab Jamahiriya); p. 22 (Algeria); p. 23 (Morocco); p. 25 (Islamic Republic of Iran); p. 26 (Tunisia); and p. 26 (Malaysia).

¹²² *Ibid.*, p. 9 (Germany); p. 10 (Russian Federation); p. 15 (Egypt); p. 16 (Chile); p. 17 (United Arab Emirates); p. 17 (Saudi Arabia); p. 19 (Syrian Arab Republic); p. 19 (Cuba); p. 21 (Kuwait); p. 21 (Libyan Arab Jamahiriya); p. 22 (Algeria); p. 23 (Afghanistan); p. 23 (Morocco); p. 24 (Islamic Republic of Iran); p. 27 (Jordan); and p. 29 (Pakistan).

¹²³ *Ibid.*, p. 14 (Egypt); p. 17 (United Arab Emirates); p. 19 (Syrian Arab Republic); p. 21 (Kuwait); pp. 21-22 (Libyan Arab Jamahiriya); and p. 24 (Islamic Republic of Iran).

¹²⁴ *Ibid.*, p. 14.

¹²⁵ *Ibid.*, p. 9 (Germany); p. 10 (Russian Federation); p. 14 (Egypt); and p. 23 (Afghanistan).

¹²⁶ *Ibid.*, p. 9 (Germany); p. 11 (Republic of Korea); p. 12 (Italy, speaking on behalf of the European Union); p. 14 (Poland); and p. 16 (Chile).

¹²⁷ *Ibid.*, pp. 9-10.

At the 3654th meeting, on 18 April 1996, the Council voted on two draft resolutions.¹²⁸ The draft resolution submitted by the Arab Group was not adopted because it did not obtain the required majority. By that draft resolution, the Council would have, *inter alia*, called upon Israel immediately to cease its military action against the Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory and called for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries.¹²⁹

By resolution 1052 (1996), adopted at the meeting, the Council, *inter alia*, called for an immediate cessation of hostilities by all parties and reaffirmed its commitment to the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries and to the security of all States in the region, and called upon all concerned fully to respect those principles.¹³⁰

A number of speakers regretted that the draft resolution submitted by the Arab Group had not been adopted.¹³¹ In that connection, the representative of Egypt wished that resolution 1052 (1996) included a clear condemnation of Israel and covered the entire scope of the Israeli aggression against Lebanon.¹³²

On the other hand, several speakers stated their support for the provisions of resolution 1052 (1996). In this statement, the representative of Israel noted that the Prime Minister of his country had accepted a United States initiative to reach a ceasefire and hoped that a ceasefire would be achieved without delay. He further stated that such a move would put an end to the situation which had forced Israel to retaliate and to use its right of self-defence against those who had attacked innocent civilians in northern Israel.¹³³

¹²⁸ S/1996/292 and S/1996/304.

¹²⁹ S/1996/292.

¹³⁰ Resolution 1052 (1996), paras. 1 and 3.

¹³¹ S/PV.3654, pp. 3-4 (Egypt); pp. 13 (Lebanon); and p. 17 (United Arab Emirates, speaking on behalf of the Arab Group).

¹³² *Ibid.*, p. 4.

¹³³ *Ibid.*, p. 14.

Case 8

The situation in Afghanistan

At the 4039th meeting, on 27 August 1999, the Under-Secretary-General for Political Affairs, in his briefing, stated that the unabated involvement of neighbouring and other countries in the Afghan conflict not only continued to fuel the fighting inside the country but also appeared to call into question the practical significance of the various declarations agreed upon by the members of the “six plus two” group, which included all of the neighbouring States of Afghanistan.¹³⁴

The representative of Afghanistan referred to the “long-standing bitter reality of Pakistani intervention in Afghanistan” and drew attention of the Council to the need to address the Pakistani aggression in Afghanistan and the implications of the Pakistani-Taliban agenda. In that context, explicitly citing Article 2 (4) of the Charter, the representative held that all Member States should refrain from the threat or use of force against the territorial integrity or political independence of any State and stated that the “Pakistani intervention in Afghanistan” ran counter to “this transparent and unambiguous disposition of the United Nations Charter”. He argued that Pakistan had continuously committed acts against the sovereignty, independence and territorial integrity of Afghanistan, naming Pakistan as a State-sponsored terrorist country, and held that the Inter-Services Intelligence of Pakistan had been recruiting and training mercenaries from abroad and internally to achieve its hegemonic purposes in South and Central Asia, all of which were, in his opinion, in defiance of relevant resolutions of the Security Council.¹³⁵

Several speakers expressed concern about external interference in the internal affairs of Afghanistan.¹³⁶ In that regard, the representative of the Russian Federation pointed out the direct participation in combat, on the Taliban side, of fighters from Pakistan and other countries and called on Pakistan to

take immediate measures to prevent its territory from being used to provide military support to the Taliban. He added that it would be in line with the commitment made by Pakistan as a member of the “six plus two” group, in accordance with the Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan.¹³⁷ A number of speakers appealed to States, especially those bordering on Afghanistan, immediately to cease the provision of military assistance to the various factions in Afghanistan.¹³⁸ Similarly, the representative of Canada held that all countries should refrain from providing financial or material support to the warring factions in Afghanistan.¹³⁹ The representative of Malaysia observed that by pursuing a policy of non-interference, there would be prospects of a durable peace in Afghanistan and regretted that despite the pronouncements in the Tashkent Declaration of the “six plus two” group not to provide military support to any Afghan party and to prevent the use of their territories for such purpose, the reality was the infusion of massive war material to fuel the Afghan conflict, with the involvement of external actors.¹⁴⁰

The representative of Pakistan, for his part, expressed the view that a peaceful and stable Afghanistan with its unity, territorial integrity and sovereignty fully intact was in the highest national interest of his country. He noted that Afghan history was witness to the fact that external solutions could not be imposed on Afghanistan and that his country had no desire to interfere in the internal affairs of Afghanistan. He further held that Pakistan did not lend any support to any side in Afghanistan and that in order to promote an intra-Afghan dialogue, it was imperative that all outside interference in Afghanistan cease, adding that the most glaring aspect of such interference was the supply of military equipment. As to the allegation of the involvement of Pakistani nationals in the fighting in Afghanistan, the representative rejected such an allegation as “false and malicious” and contended that

¹³⁴ S/PV.4039, p. 4.

¹³⁵ *Ibid.*, p. 6.

¹³⁶ *Ibid.*, p. 8 (Russian Federation); p. 11 (Argentina); and p. 13 (United States); S/PV.4039 (Resumption 1), pp. 4-5 (Slovenia); p. 6 (Brazil); p. 12 (Islamic Republic of Iran); p. 13 (India); p. 16 (Tajikistan); and p. 17 (Turkey).

¹³⁷ S/PV.4039, p. 8.

¹³⁸ *Ibid.*, p. 10 (China); p. 14 (France); and p. 15 (Netherlands); S/PV.4039 (Resumption 1), p. 5 (Slovenia); p. 7 (Finland); p. 10 (Kazakhstan); p. 10 (Norway); pp. 14-15 (Japan); p. 19 (Egypt); and p. 24 (representative of the Organization of the Islamic Conference).

¹³⁹ S/PV.4039, p. 12.

¹⁴⁰ S/PV.4039 (Resumption 1), pp. 2-3.

because of a porous border between Pakistan and Afghanistan, it was possible and likely that young Afghan refugees might have returned to Afghanistan and participated in the fighting.¹⁴¹

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 actions.

Note

During the period under review, there were no explicit references to Article 2 (5) in the decisions or deliberations of the Security Council. However, the Council did adopt several resolutions and issued a number of presidential statements which might have an implicit bearing on the principle enshrined in Article 2 (5). The examples of calls for assistance relating to peacekeeping operations, other subsidiary bodies, mandatory measures within the framework of Article 41 of the Charter, multinational forces and other calls for assistance, as provided below, can be considered representative of the practice of the Council during the period under review concerning the principle enshrined in Article 2 (5).

Assistance relating to peacekeeping missions

In a number of decisions of the Council, Member States were called upon to provide assistance to peacekeeping missions, including provision of troops and material support.¹⁴²

For example, on a number of occasions in connection with the situation in Haiti, the Council requested all States or Member States to provide appropriate support for the actions undertaken by the United Nations and by Member States in order to carry

¹⁴¹ Ibid., pp. 21-23.

¹⁴² For the provisions in resolutions adopted under Chapter VII of the Charter requesting Member States to provide assistance to peacekeeping operations, see chapter XI, part VII, section C.

out the provisions of the mandate of the United Nations Support Mission in Haiti (UNSMIH),¹⁴³ the United Nations Transition Mission in Haiti (UNTMIH),¹⁴⁴ and the United Nations Civilian Police Mission in Haiti (MIPONUH).¹⁴⁵ In connection with the situation in the former Yugoslav Republic of Macedonia, the Council called upon Member States to consider favourably requests by the Secretary-General for necessary assistance to the United Nations Preventive Deployment Force (UNPREDEP) in the performance of its mandate.¹⁴⁶ In connection with the situation in the Central African Republic, the Council urged Member States to respond positively to the request made by the Secretary-General to contribute personnel, equipment and other resources to the United Nations Mission in the Central African Republic (MINURCA) in order to facilitate its early deployment.¹⁴⁷ In connection with the situation in Bosnia and Herzegovina, the Council, by resolution 1103 (1997),¹⁴⁸ urged Member States to provide qualified police monitors and other forms of assistance and support to the International Police Task Force (IPTF) and in support of the General Framework Agreement for Peace in Bosnia-Herzegovina.¹⁴⁹

Assistance relating to investigative bodies

In some cases, the Council called on Member States to provide support to investigative bodies, including commissions of inquiry, investigation commissions and others. For example, by resolution 1053 (1996) concerning the situation in Rwanda, the Council called upon States to make available to the International Commission of Inquiry established pursuant to resolution 1013 (1995)¹⁵⁰ the results of their investigations, and to cooperate with the Commission by providing, inter alia, access to airfields and witnesses.¹⁵¹

¹⁴³ Resolutions 1063 (1996), para. 6 and 1086 (1996), para. 5.

¹⁴⁴ Resolution 1123 (1997), para. 6.

¹⁴⁵ Resolutions 1141 (1997), para. 6 and 1212 (1998), para. 4.

¹⁴⁶ Resolutions 1058 (1996), para. 3 and 1082 (1996), para. 2.

¹⁴⁷ Resolution 1159 (1998), para. 17.

¹⁴⁸ Resolution 1103 (1997), para. 3.

¹⁴⁹ S/1995/999, annex.

¹⁵⁰ See chapter V for more information.

¹⁵¹ Resolution 1053 (1996), para. 10.

Assistance relating to measures imposed within the framework of Article 41 of the Charter

During the period under review, implicit references were frequently made in decisions of the Council in connection with the measures imposed by the Council under Article 41 of the Charter.¹⁵² 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.¹⁵³

For example, by resolution 1053 (1996) of 23 April 1996, in connection with the situation in Rwanda, the Council urged all States, in particular those in the region, to intensify their efforts to prevent military training and the sale or supply of weapons to militia groups or former Rwandan government forces, and to take the steps necessary to ensure the effective implementation of the arms embargo imposed under resolutions 918 (1994), 997 (1995) and 1011 (1995), including by creation of all necessary national mechanisms for implementation.¹⁵⁴ The same resolution called upon States to investigate alleged violations by their officials or private citizens of the arms embargo.¹⁵⁵

During the period under review, the Council also called for Member States to give assistance to its subsidiary bodies, particularly sanctions committees, and other international organizations in conjunction with measures imposed under Article 41. For example, in connection with the situation in Angola, the Council, by resolution 1127 (1997) of 28 August 1997, requested Member States having information on flights prohibited in paragraph 4 (d) of the same resolution to provide that information to the Committee created pursuant to resolution 864 (1993).¹⁵⁶ In the same resolution, the Council requested Member States to provide information to the Committee on the measures that they had adopted in order to implement the prohibitions in paragraph 4 of the resolution.¹⁵⁷ In

another instance, with regard to the situation between Iraq and Kuwait, the Council, by resolution 1051 (1996) of 27 March 1996, called upon all States and international organizations to cooperate fully with the Committee established under resolution 661 (1990), the Special Commission and the Director General of the International Atomic Energy Agency in the fulfilment of their tasks in connection with the export/import monitoring mechanism, including supplying such information as may be sought by them in implementation of the mechanism,¹⁵⁸ and by resolution 1284 (1999) of 17 December 1999, the Council requested Member States to give full cooperation to the United Nations Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency in the discharge of their mandates.¹⁵⁹

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 had been authorized by the Council. For example, in connection with the situation in the Great Lakes region, by resolution 1080 (1996) of 15 November 1996, which authorized the establishment of a temporary multinational force in eastern Zaire, the Council called upon all concerned in the region to cooperate fully with the multinational force and humanitarian agencies and to ensure the security and freedom of movement of their personnel.¹⁶⁰ Similarly, in connection with the situation in East Timor, the Council called upon Member States to make further contributions of personnel, equipment and other resources to the multinational force in East Timor authorized by resolution 1264 (1999).¹⁶¹

Other calls for assistance

The Council also called on Member States during this period to provide assistance to the efforts of the United Nations, humanitarian or otherwise, often within a broader context of post-conflict development in countries.

¹⁵² For more information on measures under Article 41, see chapter XI.

¹⁵³ For more information on actions that the Council has required Member States to take relating to measures under Article 41 can be found in the chapter XI, part VI.

¹⁵⁴ Resolution 1053 (1996), para. 5.

¹⁵⁵ *Ibid.*, para. 9.

¹⁵⁶ Resolution 1127 (1997), para. 12.

¹⁵⁷ *Ibid.*, para. 13. See also resolutions 1135 (1997), para. 8,

and 1157 (1998), para. 4.

¹⁵⁸ Resolution 1051 (1996), para. 12.

¹⁵⁹ Resolution 1284 (1999), para. 10.

¹⁶⁰ Resolution 1080 (1996), para. 6.

¹⁶¹ Resolution 1264 (1999), para. 6.

By resolution 1052 (1996), in connection with the situation in the Middle East, the Council called upon Member States to offer humanitarian assistance to alleviate the suffering of the population and to assist the Government of Lebanon in the reconstruction of the country, and requested the Secretary-General to ensure that the United Nations and its agencies played their part in meeting the humanitarian needs of the civilian population.¹⁶²

D. Article 2, paragraph 6

Article 2, paragraph 6

The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

During the period under review, there were no explicit references to Article 2 (6) in the decisions or deliberations of the Security Council, nor did any constitutional discussions arise in connection with Article 2 (6). In one instance, the Council explicitly called upon States that were not members of the United Nations. In connection with the item entitled “Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995”,¹⁶³ the Council, by resolution 1054 (1996), called upon “all States, including States not members of the United Nations”, to act strictly in conformity with the resolution, notwithstanding the existence of any rights granted or obligations conferred 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 provisions of the resolution.¹⁶⁴ In general, the Security Council in its decisions tended to refer to “all States” or simply to “States” when it made calls for States to take specific actions.¹⁶⁵

¹⁶² Resolution 1052 (1996), para. 6.

¹⁶³ S/1996/10.

¹⁶⁴ Resolution 1054 (1996), para. 5.

¹⁶⁵ For Council decisions under Chapter VII of the Charter

E. 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, there were no explicit references to Article 2 (7) contained in the decisions adopted by the Security Council.

In communications sent to the Council, there were two explicit references made to Article 2 (7), both in the context of the situation between Iraq and Kuwait. By identical letters dated 2 July 1998 addressed to the Secretary-General and the President of the Security Council,¹⁶⁶ the Minister for Foreign Affairs of Iraq stressed that the imposition of the no-fly zones represented a “flagrant act of aggression” against Iraq for a number of reasons. He argued that the reliance of the Government of the United States on resolution 688 (1991) as justification for the no-fly zones contradicted the provisions of that resolution, particularly the second preambular paragraph of the resolution that referred to Article 2 (7), which declared that the United Nations was not authorized to intervene in matters within the domestic jurisdiction of any State. He continued to state that the seventh preambular paragraph of resolution 688 (1991) also reaffirmed the commitment of all Member States to respect the sovereignty, territorial integrity and political independence of Iraq. By a letter dated 13 February 1999 addressed to the Secretary-General, the representative of Iraq maintained that silence on the part of the United Nations in the face of stepped-up violations of the airspace of Iraq by the United States and the United Kingdom for the purpose of enforcing the no-fly zones would constitute a dangerous precedent in international relations and would violate

which include calls for action addressed to States, see also chapter XI, part VI entitled “Obligations of Member States under Article 48 of the Charter”.

¹⁶⁶ S/1998/606.

the norms and covenants that governed such relations. In particular, it would violate the peremptory norm of international law requiring non-interference in the internal affairs of States, which was affirmed in Article 2 (7) and which did not allow even the United Nations itself to interfere in affairs that pertained to the core of the internal authority of States.¹⁶⁷

During the deliberations of the Council, there were several explicit references to Article 2 (7), while on other occasions the principle of the Charter provision regarding non-interference in domestic affairs was referred to. These are examined in the six case studies included below. Case 9 deals with the situation in Burundi, and cases 10 and 11 examine the response of the Council to the situation in Kosovo, Federal Republic of Yugoslavia, in connection with the 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; the 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; and the 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, respectively.¹⁶⁸ Case 12 deals with the situation in Albania. The last two cases deal with the thematic debates on the protection of civilians in armed conflict (case 13) and the role of the Security Council in the prevention of armed conflicts (case 14).

Case 9

The situation in Burundi

At the 3616th meeting, on 5 January 1996, the Security Council considered the letter dated 29 December 1995 from the Secretary-General addressed to the President on the developments in Burundi.¹⁶⁹ By that letter, the Secretary-General shared his deep concern about the persistence of violence and the further escalation of human rights violations in Burundi. As there was a real danger of the situation degenerating to the point where it might explode into

ethnic violence on a massive scale, he suggested the maintenance in Zaire, subject to the agreement of the Government of Zaire, of a military presence capable of intervening rapidly in the event of a sudden deterioration of the situation in Burundi, a preventive measure that could help to avoid a repetition of the tragic events in Rwanda.¹⁷⁰

By a statement by the President issued at the same meeting, the Council noted the proposals referred to in the above-mentioned letter from the Secretary-General and stated that it would consider those and other proposals he might submit.¹⁷¹

By a letter dated 18 January 1996, the representative of Burundi responded to the Secretary-General's proposal for a rapid response force and stated that not only was the plan for an inter-position force inappropriate, even the "spectre" of a military deployment in Burundi was exacerbating the crisis.¹⁷²

At the 3623rd meeting, on 29 January 1996, the representative of Burundi, drawing attention to the reference in the letter of the Secretary-General of 16 January 1996¹⁷³ to a difference in opinion among Burundian officials on how best to approach the crisis, underlined that the official position of his Government was clear and that it unanimously rejected military intervention in Burundi. He stressed that to defuse the crisis in Burundi, it was important to stress the pre-eminence of judicious diplomacy over military intervention.¹⁷⁴

By resolution 1040 (1996) adopted at the same meeting, the Council requested the Secretary-General to consider what further steps of a preventive nature might be necessary in order to avoid the situation deteriorating further, to develop contingency plans as appropriate and to submit a report to the Council on the situation, including contingency planning.¹⁷⁵

On 15 February 1996, the Secretary-General submitted a report on Burundi,¹⁷⁶ in which he reiterated his conviction that an assertive approach involving contingency planning to avoid a catastrophe

¹⁶⁷ S/1999/153.

¹⁶⁸ S/1998/223, S/1998/272 and S/1999/320, respectively.

¹⁶⁹ S/1995/1068.

¹⁷⁰ Ibid.

¹⁷¹ S/PRST/1996/1.

¹⁷² S/1996/40.

¹⁷³ S/1996/36.

¹⁷⁴ S/PV.3623, pp. 4-6.

¹⁷⁵ Resolution 1040 (1996), paras. 5 and 7.

¹⁷⁶ S/1996/116.

if preventive diplomacy failed, including establishment of a multinational force for humanitarian intervention under Chapter VII of the Charter, would improve the chances of convincing the parties in Burundi to show more flexibility.

At the 3639th meeting, on 5 March 1996, the representative of Burundi noted that in his report, the Secretary-General had strongly advocated a multinational military force “designed to descend upon Burundi on the smallest pretext, like a vulture upon its prey”. Stressing that the army of Burundi was completely prepared to confront any expeditionary corps, regardless of its humanitarian or military label, he emphasized that there were reasons impelling his Government to militate not only against foreign troops but also against any reference to such a possibility. Among those, he highlighted that the Charter would be flagrantly violated, as Article 2 (7) prohibited the United Nations from interfering with the national sovereignty of its Member States. He argued that the multinational military force, which had been “given a humanitarian cloak to wear”, would be tantamount to an affront to the State of Burundi and that in the event that the catastrophe occurred, it would be up to the Government of Burundi and its army to decide when and if to ask for humanitarian assistance.¹⁷⁷

At the same meeting, several Council members expressed support for continued contingency planning for a robust response or humanitarian intervention in the event that the humanitarian situation deteriorated further and violence became widespread and uncontrollable.¹⁷⁸ In that regard, the representative of the United States stated that it was critical that the leaders of the various factions in Burundi not misunderstand the intentions and motives of the international community as it was not interested in any action that would undermine Burundi’s sovereignty. The goal was simply to encourage outcomes within Burundi that were consistent with internationally recognized principles of human rights, and with Burundi’s own legal and constitutional processes. Noting the concerns raised over even planning for the contingency that widespread violence might resume, she stressed that the Government of the United States nonetheless believed that such a step was essential. She

also maintained that the contingency planning called for in the draft resolution¹⁷⁹ was precisely the type of exercise that had been envisioned when the United Nations had established its standby arrangement system.¹⁸⁰ The representative of Nigeria also expressed support for the Security Council maintaining a hands-on policy in Burundi, including contingency planning for possible humanitarian intervention. However, he stressed that any such efforts or preparations must respect the sovereignty of Burundi and the expressed wish of its Government. Any initiative that attempted to sidestep that condition would carry with it serious difficulties and could be counterproductive.¹⁸¹ The representative of China reaffirmed that the internal affairs of a country should be settled by the people of that country themselves. The international community could provide assistance, but it could not engage in interference in the name of assistance. He further stated that it was his Government’s understanding, with regard to the draft resolution, that no matter what kind of action the Security Council took in the future, including a humanitarian response, it needed to consult with the country concerned, obtain its consent and broadly canvass the view of all parties.¹⁸²

At that meeting, the Council adopted the draft resolution as resolution 1049 (1996), by which the Council, *inter alia*, recognizing the urgent need for preparations aimed at anticipating and preventing the escalation of the present crisis in Burundi, encouraged the Secretary-General to continue his consultations with the Member States concerned and the Organization of African Unity on contingency planning for a rapid humanitarian response in the event of widespread violence or a serious deterioration of the humanitarian situation in Burundi.¹⁸³

In his report of 15 August 1996, the Secretary-General informed the Council that regarding the proposed contingency force, few countries had offered troops and none had offered to lead a multinational force.¹⁸⁴

¹⁷⁷ S/PV.3639, pp. 2-6.

¹⁷⁸ *Ibid.*, p. 9 (United Kingdom); pp. 12-13 (United States); pp. 16-17 (Republic of Korea); and p. 21 (Botswana).

¹⁷⁹ S/1996/162.

¹⁸⁰ S/PV.3639, p. 13.

¹⁸¹ *Ibid.*, pp. 26-27.

¹⁸² *Ibid.*, p. 16.

¹⁸³ Resolution 1049 (1996), eleventh preambular para. and para. 13.

¹⁸⁴ S/1996/660.

Case 10

*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*¹⁸⁵

*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*¹⁸⁶

At its 3868th meeting, on 31 March 1998, the Council adopted resolution 1160 (1998),¹⁸⁷ by which it condemned the use of excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo, as well as all acts of terrorism by the Kosovo Liberation Army or any other group or individual and all external support for terrorist activity in Kosovo, including finance, arms and training. Acting under Chapter VII of the Charter, the Council decided that all States should, for the purposes of fostering peace and stability in Kosovo, prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, of arms and related materiel of all types.¹⁸⁸

At that meeting, the representative of Costa Rica stated that safeguarding human rights was not solely and exclusively a matter of the internal jurisdiction of States. In that connection, he believed that there were certain circumstances in which a violation of such fundamental rights was so serious that it constituted, in and of itself, a threat to international peace and security and therefore fully justified the Security Council invoking the powers granted to it under Chapter VII of the Charter.¹⁸⁹ The representative of Slovenia agreed that the situation in Kosovo had been giving rise to legitimate international concern for quite some time, and, thus, could no longer be described as an internal affair since it had already developed into a threat to international peace and security in the

region.¹⁹⁰ The representative of the United Kingdom held that Belgrade could not pass off the repressive acts of recent weeks as purely internal matters, pointing out that human rights abuses were a matter for all and stressed that the tension in the region should be reduced before it caused instability in neighbouring countries.¹⁹¹ Similarly, the representative of the United States reiterated the position of the Contact Group¹⁹² that the situation in Kosovo was not simply an internal matter but also had a direct impact on regional stability.¹⁹³ Several other speakers stressed that the situation in Kosovo did constitute a threat to international peace and security and that the involvement of the Council was necessary.¹⁹⁴

The representative of Brazil stated that although the Charter enshrined the principle of non-intervention in matters which were essentially within the domestic jurisdiction of any State, members of the Council were all aware that the principle did not prejudice the application of enforcement measures under Chapter VII, in accordance with Article 2 (7). He noted that in recent years, some observers had gone so far as to suggest that there might have been a tendency to frame emergencies under Chapter VII of the Charter so as to circumvent the principle of non-intervention, which would be a distortion of the waiver provided by Article 2 (7), incompatible with its original purpose.¹⁹⁵

Mr. Vladislav Jovanovic maintained, however, that Kosovo and Metohija was a Serbian province that had always been, and was, an integral part of the Republic of Serbia. He underscored that the meeting of the Security Council and the adoption of a resolution were not acceptable to the Government of the Federal Republic of Yugoslavia, since questions that represented an internal matter for Serbia and the Federal Republic of Yugoslavia were at stake. His Government considered that the internal question could not be the subject of deliberation in any international forum without its consent and that such consent had

¹⁸⁵ S/1998/223.

¹⁸⁶ S/1998/272.

¹⁸⁷ Adopted by 14 votes to none with one abstention (China).

¹⁸⁸ Resolution 1160 (1998), third preambular paragraph and para. 8.

¹⁸⁹ S/PV.3868, pp. 3-4.

¹⁹⁰ *Ibid.*, pp. 7-9.

¹⁹¹ *Ibid.*, p. 12.

¹⁹² The Contact Group was composed of France, Germany, Italy, the Russian Federation, the United States and the United Kingdom.

¹⁹³ S/PV.3868, p. 13.

¹⁹⁴ *Ibid.*, p. 3 (Japan); p. 5 (Sweden); pp. 9-10 (Portugal); pp. 19-20 (Germany); and pp. 26-27 (Croatia).

¹⁹⁵ *Ibid.*, p. 6.

not been granted. He noted that the pretext for the action by the Security Council had been found in two anti-terrorist police actions in Kosovo and Metohija, the autonomous province of Serbia and that there was not, nor had there been any armed conflict in Kosovo and Metohija. There was, therefore, no danger of a spillover, no threat to peace and security, and no basis for invoking Chapter VII of the Charter.¹⁹⁶ The representative of the Russian Federation reiterated that from the outset, his Government had viewed the recent events in Kosovo as the internal affair of the Federal Republic of Yugoslavia. Moreover, while the events in Kosovo had an adverse regional impact, the situation in Kosovo, despite its complexity, did not constitute a threat to regional, much less international, peace and security.¹⁹⁷ Similarly, the representative of China stressed that Kosovo was an integral part of the territory of the Federal Republic of Yugoslavia and therefore, the question of Kosovo was an internal matter of the Federal Republic. He emphasized that if the Council was to get involved in a dispute without a request from the country concerned, it might set a bad precedent and have wider negative implications.¹⁹⁸

Case 11

*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*¹⁹⁹

By a letter dated 24 March 1999 to the President of the Security Council, the representative of the Russian Federation requested that an urgent meeting of the Security Council be convened to consider “an extremely dangerous situation” caused by the unilateral military action of the North Atlantic Treaty Organization against the Federal Republic of Yugoslavia.²⁰⁰

At the 3988th meeting held on 24 March 1999 in response to the above-mentioned letter, Mr. Jovanovic maintained that the Federal Republic of Yugoslavia had not threatened any country or the peace and security of the region. It had been attacked because it sought to

solve an internal problem and used its sovereign right to fight terrorism and prevent the secession of a part of its territory that had always belonged to Serbia and Yugoslavia.²⁰¹ The representative of India, agreeing that Kosovo was recognized as part of the sovereign territory of the Federal Republic of Yugoslavia, stressed that under the application of Article 2 (7), the United Nations had no role in the settlement of the domestic political problems. He stated that the only exception laid down by Article 2 (7) would be the “application of enforcement measures under Chapter VII”, and argued that the attacks had not been authorized by the Council, acting under Chapter VII, and were therefore illegal. Commenting on the suggestion that the attack would be called off if the Government of the Federal Republic of Yugoslavia accepted “NATO peacekeeping forces” on its territory, he stressed that this was also a violation of Article 2 (7) as a peacekeeping operation could be deployed only with the consent of the Government concerned.²⁰² The representative of China agreed that the question of Kosovo was an internal matter of the Federal Republic of Yugoslavia and emphasized that China opposed interference in the internal affairs of other States, under whatever pretext or in whatever form.²⁰³

The representative of the United States maintained that resolutions 1199 (1998) and 1203 (1998) had recognized that the situation in Kosovo constituted a threat to peace and security in the region and invoked Chapter VII of the Charter. Moreover, Belgrade had failed to comply with agreements and understandings with NATO and the Organization for Security and Cooperation in Europe to verify its compliance with Security Council demands. The actions of the Federal Republic of Yugoslavia also violated its commitments under the Helsinki Final Act, as well as its obligations under the international law of human rights. Therefore, Belgrade’s actions in Kosovo could not be dismissed as an internal matter.²⁰⁴ The representative of France added that the actions of NATO were a response to the violation by the Federal Republic of Yugoslavia of its international obligations, which stemmed in particular from the Security Council

¹⁹⁶ Ibid., pp. 15-19.

¹⁹⁷ Ibid., p. 10.

¹⁹⁸ Ibid., pp. 11-12.

¹⁹⁹ S/1999/320.

²⁰⁰ Ibid.

²⁰¹ S/PV.3988, pp. 13-15.

²⁰² Ibid., pp. 15-16.

²⁰³ Ibid., pp. 12-13.

²⁰⁴ Ibid., pp. 4-5.

resolutions adopted under Chapter VII.²⁰⁵ The representative of Slovenia expressed his delegation's expectation that the actions of NATO would be carried out strictly within the substantive parameters established by the relevant Council resolutions. He also agreed that, since the situation in Kosovo had been defined by the Council as a threat to international peace and security in the region, and thus not a matter which was essentially within the domestic jurisdiction of a State, Article 2 (7) of the Charter did not apply.²⁰⁶ The representative of the Netherlands, while agreeing that the Council should be involved in any decision to resort to the use of force, stressed that if "due to one or two permanent members' rigid interpretation of the concept of domestic jurisdiction", such a resolution was not attainable, they could not simply let a humanitarian catastrophe occur. He held that, in such a situation, they would act on the legal basis they had available and what was available in the case of Kosovo was "more than adequate".²⁰⁷

Case 12

The situation in Albania

By a letter dated 28 March 1997 addressed to the President of the Security Council,²⁰⁸ the representative of Albania informed the Council that following the collapse of the pyramid investment schemes, massive unrest had swept entire regions of the country. The complete disorder and lack of security was bound to bring about another wave of tens of thousands of refugees, sailing and landing in neighbouring Italy and forcing the Government to also proclaim an emergency. As a result, the Organization for Security and Cooperation in Europe had agreed to support the willingness of some Member States to participate with a military or a police force in the protection of humanitarian activities in Albania. The Government of Albania felt that such a force also had to have the necessary support and authorizations of the Security Council.

At the 3758th meeting, on 28 March 1997, speaking in regard to the proposed multinational protection force in Albania, the representative of China

stressed that while his delegation was concerned by developments in Albania and supported the political and diplomatic efforts made by the international community, the situation was essentially an internal affair of Albania. He stated that for the Security Council to authorize action in a country because of strife resulting from the internal affairs of a country was inconsistent with the provisions of the Charter and therefore needed to be handled with extreme caution.²⁰⁹

At the same meeting, the Council adopted resolution 1101 (1997),²¹⁰ by which it welcomed the offer made by certain Member States to establish a temporary and limited multinational protection force to facilitate the safe and prompt delivery of humanitarian assistance. It authorized the Member States participating in the multinational protection force to conduct the operation in a neutral and impartial way and to help to create a secure environment for the missions of international organizations in Albania, including those providing humanitarian assistance, and, acting under Chapter VII of the Charter, further authorized those Member States to ensure the security and freedom of movement of the personnel of the multinational protection force.²¹¹

Case 13

The protection of civilians in armed conflict

At the 3977th meeting, on 12 February 1999, the representative of the Netherlands expressed the view that in the modern age, when most wars were internal conflicts, there was a need to find a solution to the problem of maintaining contact with both warring parties. He argued that it would not be possible to promote respect for humanitarian law, if establishing contact with the non-State party was not allowed in the case of an internal conflict between the State and a rebel movement or insurgency. The problem became even more intractable when the sovereign State was itself the terrorizing party. The representative disagreed

²⁰⁵ Ibid., p. 9.

²⁰⁶ Ibid., pp. 7 and 19.

²⁰⁷ Ibid., p. 8.

²⁰⁸ S/1997/259.

²⁰⁹ S/PV.3758, pp. 2-3. The representative of China reiterated those points at the 3791st meeting, on 19 June 1997, when the Council renewed the mandate of the multinational protection force by resolution 1114 (1997) (S/PV.3791, p. 4).

²¹⁰ Adopted by 14 votes to none, with one abstention (China).

²¹¹ Resolution 1101 (1997), paras. 2 and 4.

with those who believed that even then Article 2 (7) of the Charter provided “the ultimate answer” and stressed that the Article should never be read in isolation. He maintained that the opening words of the Charter did not refer to sovereign States but to the peoples of the United Nations, and it was the peoples who were entitled to the protection being discussed. Therefore, nothing contained in the Charter authorized a State to terrorize its own citizens.²¹² The representative of Canada agreed that it was the obligation of States to ensure the protection of all citizens. In cases of weakened State structures or failed States, Council action to defend civilians in armed conflict would also diminish the threat to the States themselves. The responsibility of the Council to protect civilians was therefore compelling both in terms of fulfilling the Council’s own mandate and in the interest of enhancing State sovereignty. The reluctance to involve the Council, justified by some by the need to uphold State sovereignty, served only to undermine this very principle itself.²¹³

The representative of China countered that while the international community could not afford to turn away from humanitarian crises, the current tendency in international relations to politicize humanitarian issues and interfere in a country’s internal affairs under the guise of humanitarianism was a cause for concern.²¹⁴

At the 3980th meeting, on 22 February 1999, the representative of Egypt noted that as many current conflicts were taking place within rather than between States, it was necessary to determine the extent to which the United Nations could actually intervene to settle such conflicts. He held that the international community needed to preserve the fundamental characteristic of States’ sovereignty, which was the very foundation of contemporary international law. Sovereignty was also a key principle addressed in Article 2 (7) of the Charter, which defined the relationship between matters which were essentially within the domestic jurisdiction of any State and the enforcement measures the Council might take when international peace and security were threatened.²¹⁵ The representative of Iraq maintained that any action taken in the context of the protection of civilians in

armed conflict had to strictly observe Article 2 (7), as breaching that Article would “throw the door wide open” to intervention in the internal affairs of States.²¹⁶ The representative of Indonesia further noted that, as international law did not take precedence over national law, in the context of the rights of refugees and civilians in situations of armed conflict, a balance needed to be sought so as not to violate national sovereignty or the purposes and principles of the Charter.²¹⁷ The representative of India emphasized that, according to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, there was no automatic right of access to civilian populations affected by conflict, and to press for it would violate both international humanitarian law and the sovereignty of States.²¹⁸

In contrast, the representative of New Zealand welcomed the growing acceptance of the fact that the protection of individuals transcended the domestic affairs of States. He stressed that national sovereignty was not an absolute in the context of the protection of civilians in armed conflict.²¹⁹

At its 4046th meeting, on 17 September 1999, at which the Council considered the report of the Secretary-General dated 8 September 1999 on the protection of civilians in armed conflict,²²⁰ the representative of Egypt noted that the logic of the report was to give the Security Council a role beyond that currently mandated by the Charter. He observed that the legal framework for Council action was defined by respect for the purposes and principles of the Charter, including the non-use of force except in the implementation of Council resolutions adopted pursuant to Chapter VII. That meant that a conflict had to threaten or violate international peace or be deemed aggressive and that the Council should not intervene in the internal affairs of States pursuant to Article 2 (7). Regarding the report of the Secretary-General, he noted that it disregarded the principle of obtaining the agreement of States to preventive measures that might violate their sovereignty or reduce or affect their political unity or territorial integrity, and thus flouted the sacrosanct Charter principle of the sovereignty of

²¹² S/PV.3977, p. 21.

²¹³ *Ibid.*, p. 31.

²¹⁴ *Ibid.*, p. 30.

²¹⁵ S/PV.3980 (Resumption 1), p. 4.

²¹⁶ *Ibid.*, p. 9.

²¹⁷ S/PV.3980, p. 22.

²¹⁸ *Ibid.*, p. 17.

²¹⁹ *Ibid.*, pp. 14-15.

²²⁰ S/1999/957.

States.²²¹ The representative of India also expressed concerns that some of the recommendations in the report of the Secretary-General, including the recommendations that the Council urge neighbouring States to ensure access for humanitarian assistance and that it deploy international military observers to monitor the situation in camps for internally displaced persons and refugees when the presence of armed combatants and armed elements was suspected, would violate the principle of State sovereignty.²²²

Case 14

Role of the Security Council in the prevention of armed conflicts

At the 4072nd meeting, on 30 November 1999, the representative of the Netherlands stated that positions were sometimes taken which stood in the way of effective Security Council action in the prevention of conflicts. He pointed out that everything the Charter said with regard to the prevention of armed conflict in Chapters VI and VII and in Article 99 appeared to have been drafted with conflicts between States in mind, while the overwhelming majority of conflicts on the Council's agenda were of an internal, domestic nature. Against that background, while all Council members subscribed to the purposes and principles in Chapter I of the Charter, including Article 2 (7), he argued that a rigid interpretation of Article 2 (7) would preclude adaptation to that reality and, in effect, make all the

Charter provisions on the prevention of armed conflict ineffectual. He stressed that Article 2 (7) could not possibly be the alpha and omega of the Charter in the present day. He maintained that in the context of conflict prevention, the Council could not avoid addressing the internal situation of States wherever negative developments were apt to degenerate into large-scale atrocities and massive dislocation of civilians. That could not be rejected on grounds of domestic jurisdiction.²²³

Speaking in regard to the concept of "humanitarian intervention", the representative of the Libyan Arab Jamahiriya noted that it was not difficult to cite the problems in a given country in order to justify and provide cover for an intervention that had implicit and predetermined purposes that affected the interests of those who would intervene, and not the humanitarian situation of those affected. Giving an example that his country had lost half its population to gain independence, the representative held that Libyan Arab Jamahiriya was therefore not prepared to accept any resolution that would contravene Article 2 (7), conveying the right to intervene in the domestic affairs of any State, "even under the lofty pretext of humanitarian considerations".²²⁴

Several other speakers stressed the importance of the Council only acting with full respect for the sovereignty of States, their territorial integrity and political unity and in accordance with the principle of non-interference in the internal affairs of States.²²⁵

²²¹ S/PV.4046 (Resumption 1), pp. 19-21.

²²² *Ibid.*, pp. 24-28.

²²³ S/PV.4072, pp. 28-29.

²²⁴ *Ibid.*, p. 32.

²²⁵ *Ibid.*, p. 14 (China); pp. 15-16 (Russian Federation); p. 35 (United Arab Emirates); pp. 41-42 (Sudan); and p. 45 (Belarus); S/PV.4072 (Resumption 1), p. 3 (Egypt); p. 19 (Pakistan); and p. 25 (Iraq).

Part II

Consideration of the functions and powers of the Security Council (Articles 24 and 25 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.*¹

Note

During the period under review, none of the resolutions and presidential statements adopted by the Security Council contained an explicit reference to Article 24 of the Charter. A draft resolution contained an explicit reference to that Article,² but was not adopted as it did not obtain the required majority.³

Nevertheless, the Charter provision by which Members conferred on the Security Council the primary responsibility for the maintenance of peace and security was implicitly referred to in a number of resolutions and presidential statements. The majority of

such decisions concerned thematic and cross-cutting issues. For instance, in connection with the role of the Security Council in the prevention of armed conflicts, a presidential statement of 30 November 1999 began with the provision that the Security Council had considered, “within its primary responsibility for the maintenance of international peace and security”, its role in the prevention of armed conflicts.⁴ In connection with the situation in Africa, by a presidential statement dated 16 September 1998, the Council, noting that it had the primary responsibility under the Charter of the United Nations for international peace and security, expressed its commitment to exercising that responsibility in relation to Africa.⁵ In other cases, the Council stressed, reaffirmed, recalled or bore in mind its primary responsibility for the maintenance of international peace and security.⁶

Furthermore, implicit references to the principle enshrined in Article 24 were also made in decisions of the Council dealing with such regional situations as Kosovo, the Federal Republic of Yugoslavia, the Democratic Republic of the Congo, Iraq and Kuwait. In connection with the items relating to the situation in Kosovo, Federal Republic of Yugoslavia,⁷ in resolution

⁴ S/PRST/1999/34.

⁵ S/PRST/1998/28.

⁶ In connection with the situation in Africa, see resolutions 1170 (1998), fifth preambular para.; 1196 (1998), sixth preambular para.; and 1197 (1998), first preambular para.; S/PRST/1997/46; fifth para.; and S/PRST/1998/35, first para. In connection with the responsibility of the Security Council in the maintenance of international peace and security, see resolution 1172 (1998), eighth preambular para. In connection with the maintenance of peace and security and post-conflict peacebuilding, see S/PRST/1998/38, second para. In connection with the protection of civilians in armed conflict, see resolution 1265 (1999), fifth preambular para. and S/PRST/1999/6, fourth para. In connection with small arms, see S/PRST/1999/28, first para.

⁷ This includes agenda items entitled “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

¹ See Chapter VI, part I, section E for a consideration of Article 24 (3) in connection with the annual report of the Security Council to the General Assembly.

² In connection with the letter dated 24 March 1999 from the representative of the Russian Federation to the President of the Security Council, see S/1999/328, third preambular para.

³ See/PV.3989.

1203 (1998) of 24 October 1998, the Council reaffirmed that, under the Charter, primary responsibility for the maintenance of international peace and security was conferred on the Security Council, and in resolution 1244 (1999) of 10 June 1999, the Council bore in mind the primary responsibility of the Council for the maintenance of international peace and security.⁸ Similar provisions were found in resolutions with regard to the situation concerning the Democratic Republic of the Congo.⁹ In a note by the President dated 30 January 1999, by which three separate panels related to Iraq were established, it was stated that the establishment was in accordance with the Security Council's primary responsibility, under the Charter, for the maintenance of international peace and security.¹⁰

In addition, Article 24 was explicitly referred to in connection with the list of matters of which the Council was seized.¹¹ In a note by the President dated 29 August 1996, which laid out the simplified procedure concerning the list of matters of which the Council was seized, the members of the Council recalled the Council's primary responsibility under Article 24 of the Charter for the maintenance of international peace and security as well as its own responsibility with regard to the implementation of its resolutions.¹²

During the period under review, explicit references to Article 24 were made on a number of occasions in the proceedings of the Council.¹³ Among

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

⁸ Resolutions 1203 (1998), seventh preambular para.; and 1244 (1999), first preambular para.

⁹ Resolutions 1258 (1999), second preambular para.; and 1279 (1999), second preambular para.

¹⁰ S/1999/100, para. 1.

¹¹ For details, see chapter II, part III, section B.

¹² S/1996/704, para. 3.

¹³ See, in connection with the situation in the Middle East, S/PV.3654, p. 4 (Egypt); in connection with the situation in Burundi, S/PV.3692, p. 5 (Burundi); in connection with the situation between Iraq and Kuwait, S/PV.3831, p. 2 (Costa Rica); in connection with letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States

them, four cases that touched upon the provisions of Article 24 are set out below in connection with the following: (a) the situation between Iraq and Kuwait (case 15); (b) 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 (case 16); (c) the role of the Security Council in the prevention of armed conflicts (case 17); and (d) the protection of civilians in armed conflict (case 18).

Case 15

The situation between Iraq and Kuwait

At the 3939th meeting, on 5 November 1998, the Council adopted resolution 1205 (1998), by which, acting under Chapter VII of the Charter, the Council, inter alia, condemned the decision by Iraq of 31 October 1998 to cease its cooperation with the United Nations Special Commission as a flagrant violation of resolution 687 (1991) and other relevant resolutions, and demanded that Iraq rescind immediately and unconditionally that decision. Furthermore, in the final paragraph of resolution 1205 (1998), the Council decided, "in accordance with its

of America, S/PV.3864, p. 37 (Organization of African Unity); p. 56 (Ghana); and pp. 57-58 (Iraq); in connection with the responsibility of the Security Council in the maintenance of international peace and security, S/PV.3890, p. 15 (Australia); in connection with the question concerning Haiti, S/PV.3949, p. 4 (Costa Rica); in connection with the maintenance of peace and security and post-conflict peacebuilding, S/PV.3954, p. 6 (Costa Rica); in connection with the protection of civilians in armed conflict, S/PV.3980 (Resumption 1), p. 7 (Uruguay), and S/PV.4046 (Resumption 1), pp. 13-14 (the former Yugoslav Republic of Macedonia); p. 19 (Egypt); and p. 24 (India); S/PV.4046 (Resumption 2), p. 7 (Iraq); in connection with the situation in the former Yugoslav Republic of Macedonia, S/PV.3982, p. 4 (the former Yugoslav Republic of Macedonia); and p. 6 (Slovenia); in connection with a 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 (S/1999/320), S/PV.3989, p. 5; in connection with the situation in Africa, S/PV.4049 (Resumption 1), p. 9 (Malaysia); and in connection with the role of the Security Council in the prevention of armed conflicts, S/PV.4072, p. 30 (Libyan Arab Jamahiriya); p. 38 (South Africa); S/PV.4072 (Resumption 1), p. 6 (Zambia); and p. 24 (Iraq).

primary responsibility under the Charter of the United Nations for the maintenance of international peace and security”, to remain actively seized of the matter.¹⁴

At the same meeting, several Council members stressed the importance of the last paragraph of the draft resolution¹⁵ subsequently adopted as resolution 1205 (1998). The representative of France held that the paragraph affirmed unambiguously the responsibilities and the prerogatives of the Council in the maintenance of international peace and security, responsibilities that included evaluating situations as and when necessary and making the appropriate conclusions.¹⁶ The representative of the Russian Federation pointed out that the draft resolution made it clear that the Council, in accordance with its primary responsibility under the Charter for the maintenance of peace and security, would remain actively seized of the situation.¹⁷ The representative of Sweden noted that a very important principle was reflected in the last paragraph. He further maintained that the Council’s primary responsibility for the maintenance of international peace and security must not be circumvented and that the paragraph was an expression of the desire of members to safeguard such a responsibility.¹⁸ The representative of Brazil similarly expressed the view that the principle envisaged in the last paragraph should continue to guide the consideration of the matter.¹⁹

Case 16

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 (S/1998/320)

At the 3989th meeting, on 26 March 1999, the Security Council had before it a draft resolution submitted by Belarus, India and the Russian Federation.²⁰ By that draft resolution, the Council would have recalled its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, and affirmed that unilateral use of force by the North Atlantic Treaty

Organization against the Federal Republic of Yugoslavia without the authorization by the Council constituted a flagrant violation of the Charter, in particular Article 24, along with Articles 2 (4) and 53.

At the meeting, the representative of Slovenia, in opposing the draft resolution, touched upon the authority of the Council under the Charter. He held that the use of force by the Belgrade Government against the civilian population had created a situation that had made the current military action inevitable. While he would have preferred such military action to be fully authorized by the Council, it was not possible. Hence, he considered it critical in the current circumstances to be aware that the Council, according to the Charter, had the primary but not exclusive responsibility for the maintenance of international peace and security. At such time, all the Council members had to think hard about what needed to be done to ensure the Council’s authority and to make its primary responsibility as real as the Charter required, he concluded.²¹

As a co-sponsor of the draft resolution, the representative of the Russian Federation expressed the view that the aggressive military action by NATO against a sovereign State without the authorization and in circumvention of the Security Council was, inter alia, a gross violation of the Charter, including Article 24, which entrusted the Council with the primary responsibility for the maintenance of international peace and security. He reminded the members of the Council that they bore a special responsibility not only to their peoples but also to all Members of the United Nations, upon which decisions of the Council were binding under the Charter. He continued to argue that the voting on the draft resolution was not just on the problem of Kosovo, but went directly to the authority of the Council in the eyes of the world.²² The representative of China also maintained that the military strikes against the Federal Republic of Yugoslavia by NATO constituted a blatant violation of the principles of the Charter and of international law, as well as “a challenge to the authority of the Security Council”.²³

Mr. Vladislav Jovanović criticized the “aggression” by NATO countries and held that the

¹⁴ Resolution 1205 (1998), para. 6.

¹⁵ S/1998/1038.

¹⁶ S/PV.3939, p. 3.

¹⁷ *Ibid.*, p. 4.

¹⁸ *Ibid.*, p. 6.

¹⁹ *Ibid.*

²⁰ S/1999/328.

²¹ S/PV.3989, p. 4.

²² *Ibid.*, pp. 5-6.

²³ *Ibid.*, p. 9.

“aggressor” displayed “arrogant contempt for the United Nations and its Charter” and arrogated the prerogatives of the Security Council as the only organ in charge of maintaining international peace and security. He stated that it was up to the Council to decide whether it would retain the responsibility that it bore under the Charter for the maintenance of international peace and security, or whether it would cede the responsibility to NATO.²⁴

The draft resolution was not adopted because it did not obtain the required majority.²⁵

Case 17

Role of the Security Council in the prevention of armed conflicts

At the 4072nd meeting, on 29 November 1999, the representative of China, citing the report of the Secretary-General on the work of the Organization²⁶ submitted to the fifty-fourth session of the General Assembly, concurred with the Secretary-General’s view that if the primacy of the Security Council with respect to the maintenance of international peace and security was rejected, then the very foundations of international law as represented by the Charter would be brought into question and that conflict prevention, peacekeeping and peacemaking must not become an area of competition between the United Nations and regional organizations. The representative expressed the belief that any attempt to replace the Council in its leading role in conflict prevention was tantamount to replacing the Council in its primary role in maintaining peace and security. He further suggested that such an attempt would not only weaken the authority of the Council but also would end up severely damaging the effectiveness of conflict prevention measures, or might even lead to the outbreak or escalation of conflicts.²⁷

A few speakers explicitly cited Article 24 in their statements.²⁸ Among them, the representative of South

Africa held that the Council’s considerable array of powers were conferred upon it by the Members of the United Nations, under Article 24 of the Charter. In conferring those powers, the Members expected that the Council’s approach in dealing with conflicts should at all times be informed by the universally applicable norms espoused by the Charter. He further held that in order to be truly empowered by the membership to act consistently in defence of the ideals expressed within the Charter, and in order to be able to pursue its mandate of preventing armed conflict effectively and consistently, the Council must be perceived to be legitimate in both form and function, and therefore the powers, composition and functioning of the Security Council must be made more representative.²⁹ The representative of Iraq also called for a comprehensive reform of the Security Council, including the Council’s decision-making process which should, in his opinion, fully respect the purposes and principles of the Charter in accordance with Article 24 (2).³⁰

At the same meeting, other speakers shared their views on the role of the Security Council in the prevention of armed conflict with respect to other principal organs of the Council. The representative of Namibia observed that while the primary responsibility for the maintenance of international peace and security rested with the Council, the prevention of conflict and its recurrence required a multifaceted approach by the Security Council and other principal organs. Given that the causes of armed conflict in Africa remained poverty and underdevelopment, he argued that as the Council considered its role in the prevention of armed conflict to be within its primary responsibility, the principles and provisions of the Charter must be adhered to.³¹

The representative of the Libyan Arab Jamahiriya noted that the Charter entrusted the maintenance of international peace and security to both the General Assembly and the Security Council. He cited Article 11 (1) according to which the General Assembly might consider the general principles of cooperation in the maintenance of international peace and security and might make recommendations with regard to such principles to its Members, the Security Council or to both. He further explained that under Article 24 of the

²⁴ Ibid., pp. 11-12.

²⁵ The draft resolution received 3 votes in favour and 12 votes against (Argentina, Bahrain, Brazil, Canada, France, Gabon, Gambia, Malaysia, Netherlands, Slovenia, United Kingdom and United States).

²⁶ A/54/1, para. 69.

²⁷ S/PV.4072 and Corr.1, pp. 14-15.

²⁸ Ibid., p. 38 (South Africa); S/PV.4072 (Resumption 1), p. 6 (Zambia) and p. 24 (Iraq).

²⁹ S/PV.4072 and Corr.1, p. 38.

³⁰ S/PV.4072 (Resumption 1), p. 24.

³¹ S/PV.4072 and Corr.1, p. 26.

Charter, Members of the United Nations had entrusted the Council with the primary responsibility for the maintenance of international peace and security and that Member States agreed that the Council, in carrying out its duties under that responsibility, acted on their behalf. He continued that, in discharging those duties, the Council should act in accordance with the purposes and principles of the Organization and the powers vested in the Council. He believed therefore that the mandate for the maintenance of international peace and security was a joint responsibility of the General Assembly and the Council, not an exclusive function of the Council.³²

The representative of Egypt argued that while Article 1 of the Charter charged the United Nations with preventing conflicts, the Charter required the involvement of all principal organs of the United Nations and detailed the role of those organs and conveyed upon each its own competence to combat the causes of armed conflict, be they economic, social, cultural or humanitarian. He stressed that the Council should, therefore, deal with the issue in the context of full respect for the delicate system of checks and balances between the principal organs of the United Nations as established in the Charter, particularly the General Assembly. The representative concluded that the issue of the prevention of armed conflict should be included in the agendas of the General Assembly and the Economic and Social Council so that more detailed and comprehensive discussions in those forums could complement the initiative of the Security Council.³³

The representative of Bangladesh, reaffirming the primary responsibility of the Council for the maintenance of international peace and security, noted that the Council's primary responsibility should be seen within the broad framework of the principles and purposes of the United Nations, in which specific roles were assigned to each of the principal organs with their contributions converging towards the progress of mankind in a world of peace.³⁴

Case 18

Protection of civilians in armed conflict

³² Ibid., p. 30.

³³ S/PV.4072 (Resumption 1), pp. 2-5.

³⁴ Ibid., p. 12-13.

At the 4046th meeting, on 16 September 1999, the Council held a debate on the report of the Secretary-General on the protection of civilians in armed conflict.³⁵ The representative of Slovenia stated that the report was a useful reminder of the basic role of the Council in situations which generated humanitarian problems. He argued that the Council, with the primary responsibility for international peace and security under the Charter, had the task of preventing military conflicts and if they occurred, to make a meaningful contribution towards their resolution. After the end of military conflicts, the Council had a responsibility to enable transition to post-conflict peacebuilding. He pointed out that the Council must avoid the trap of using humanitarian action as a substitute for the necessary political or military action, bearing in mind the primacy of those essential political purposes of the Council.³⁶

The representative of China, reaffirming the primary responsibility of the Council for international peace and security, stated that the Council had an unshirkable duty in the area of the protection of civilians in armed conflict. Strongly opposing military actions in circumvention of the Council that might result in conflict on an even larger scale, he expressed the belief that the Council should continue its active efforts to put an early end to conflicts and defusing crises, for that was the contribution it should make to the protection of civilians in armed conflict. He further cautioned that if the Council were to become overly involved in issues, such as human rights, which fell under the purview of other United Nations bodies, its attention to peace and security issues would be diverted and the work of the other United Nations bodies unduly affected.³⁷

The representative of the former Yugoslav Republic of Macedonia commended the Council for its involvement in the protection of civilians in armed conflict and noted that it was of paramount importance that the permanent members of the Council had agreed with that course of action, which meant that they would be guided by Article 24 (1) of the Charter. He urged the Council to be resolute, inventive and innovative and to act under Article 24 (1) on behalf of

³⁵ S/1999/957.

³⁶ S/PV.4046, pp. 9-10.

³⁷ Ibid., p. 21.

the Member States, and cautioned the members of the Council not to act on their own behalf.³⁸

The representative of Egypt, expressing his view on the question of the mandate and responsibility of the Council, stated that Article 24 of the Charter defined the role of the Council in the maintenance of peace and security and that, in carrying out that task, the Council was duty-bound to respect the purposes and principles of the Charter. He underscored that the mandate of the Council was to decide whether the continuation of a conflict might threaten international peace and security and to submit a report in that connection containing recommendations on ways to resolve the conflict pursuant to Chapter VI. The Council might also act pursuant to the Charter within the framework of Chapter VII if peace was threatened or violated or incidents constituted aggression pursuant to Article 39. He argued that the Council's role was thus to act to ensure peace in a practical manner, whereas the role of the General Assembly was legislative, to consider all issues pertaining to peace and the general principles of cooperation to alleviate human suffering, including protection of civilians in armed conflict. On that basis, he expressed the hope that the Council was able to address the subject of civil protection of civilians in armed conflict within the framework defined by the Charter, while respecting the purviews of other bodies of the United Nations responsible for the protection of civilians, especially the General Assembly.³⁹

The representative of India recalled that Article 24 set out the functions and powers of the Council and, in particular, paragraph 2 of that Article noted that the specific powers granted to the Council were laid down in Chapters VI, VII, VIII and XII. He observed that in each chapter the Council's powers were narrowly defined by the Charter. On that basis, he considered it odd that the bulk of recommendations in the report of the Secretary-General invited the Council to take actions in areas "not within its competence".⁴⁰

At the same meeting, the representative of Iraq urged the Council to integrate views of non-members of the Council into the Council's programme of work in accordance with its functions, as contained in Article 24 of the Charter, under which it was to act as a

representative of the States Members of the United Nations in the fulfilment of its duties, thereby complementing the work of the General Assembly, the Economic and Social Council, United Nations agencies and the international community in general.⁴¹

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. However, the principle enshrined in Article 25 was referred to, without being invoked explicitly, in a large number of resolutions and presidential statements. In particular, the binding nature of Council decisions, within the context of Article 25, was reaffirmed in one resolution, in connection with the situation in Afghanistan, by which the Council reminded all parties of "the obligation to abide strictly by the decisions of the Council".⁴² In another instance, in a statement by the President of 12 February 1999, in connection with the protection of civilians in armed conflict, the Council called upon all parties concerned "to comply strictly with their obligations under international law ... as well as with all decisions of the Council".⁴³ In a number of instances, the Council recalled the binding nature of certain types of Council action. For example, in connection with the situation in Africa, the Council reiterated the obligation of all Member States to carry out decisions of the Council on arms embargoes.⁴⁴

During the period under review, there were a few instances in which Article 25 was explicitly cited in communications, relating to the situation in Cambodia⁴⁵ and the situation between Iraq and

³⁸ S/PV.4046 (Resumption 1) and Corr.2, pp. 13-14.

³⁹ Ibid., pp. 19-20.

⁴⁰ Ibid., pp. 24-25.

⁴¹ S/PV.4046 (Resumption 2), p. 7.

⁴² Resolution 1193 (1998), para. 16.

⁴³ S/PRST/1999/6.

⁴⁴ For information on the binding nature of Chapter VII measures, see chapter XI, part VI, section A.

⁴⁵ S/1999/231.

Kuwait.⁴⁶ In relation to the situation in Cambodia, by a letter dated 16 March 1999 addressed to the Presidents of the General Assembly and the Security Council, the Security-General transmitted the report of the Group of Experts for Cambodia;⁴⁷ the Group of Experts had been established pursuant to General Assembly resolution 52/135 and had been given the task of exploring legal options for bringing Khmer Rouge leaders to justice before an international or national jurisdiction for the crimes committed from 1975 to 1979. In the report, the Group of Experts argued that the difference between a tribunal created under Chapter VII and one under another part of the Charter might or might not be significant in principle or practice. The key issue, in its opinion, was the legally binding nature of the resolution creating such a tribunal — especially provisions requesting cooperation with it. The Group of Experts also held that while Chapter VII decisions were always legally binding on all States, the Council might make binding decisions under various parts of the Charter and not merely Chapter VII, which meant that the obligation of States to comply with the decisions of the Council under Article 25 of the Charter extended to all decisions of the Council, not merely those under Chapter VII.⁴⁸

In the deliberations of the Council, explicit references to Article 25 of the Charter were made on several occasions. In connection with the situation in East Timor, at the 4057th meeting, on 25 October 1999, calling upon the Security Council to ensure the guarantee by the Government of Indonesia not to allow its militias to use the territory of West Timor as a platform to destabilize East Timor, the representative of Portugal considered that it was useful to recall Article 25 of the Charter, which stated that resolutions of the Council were legally binding on all Member States.⁴⁹

In connection with the item entitled “Role of the Security Council in the prevention of armed conflicts”, at the 4072nd meeting, on 29 November 1999, the representative of the Libyan Arab Jamahiriya stated that the Security Council’s work and resolutions could not be respected or complied with by Member States unless they reflected the will of the majority of Member States. He further held that this was embodied

in Article 25 of the Charter, which stated that Members of the United Nations agreed to accept and carry out the decisions of the Security Council in accordance with the Charter.⁵⁰

In connection with the situation between Iraq and Kuwait, at the 4084th meeting, on 17 December 1999, the representative of the Netherlands stated that it did not matter that resolution 1284 (1999) had not been adopted by consensus,⁵¹ as Article 27 of the Charter described how Council decisions were made, and Article 25 stipulated that every Member of the United Nations was obliged to accept and carry out such decisions. Nothing in the Charter allotted a higher degree of legitimacy to a Security Council resolution that was adopted by consensus.⁵²

In this section, two cases are included below, in connection with the items entitled “Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America (S/23306, S/23307, S/23308, S/23309 and S/23317)” and “Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995 (S/1996/10)”, in which the Council engaged in a discussion on the interpretation of Article 25, in particular the binding nature of Security Council decisions. These cases include the remaining explicit references to Article 25 found in the deliberations of the Council and in communications during the period under review.

⁵⁰ S/PV.4072 and Corr.1, p. 30.

⁵¹ Adopted at the 4084th meeting on 17 December 1999 by 11 votes to none, with 4 abstentions (China, France, Malaysia, Russian Federation).

⁵² S/PV.4084 and Corr.1, p. 26.

⁴⁶ S/1998/439.

⁴⁷ S/1999/231.

⁴⁸ *Ibid.*, annex, para. 143.

⁴⁹ S/PV.4057, p. 4.

Case 19

*Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America*⁵³

At the 3864th meeting, on 20 March 1998,⁵⁴ the representative of the Libyan Arab Jamahiriya noted that right from the start, his Government had dealt with its two citizens who were suspected of being involved in the incident of the destruction of Pan Am flight 103 over Lockerbie, Scotland, in 1988 within the framework of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation,⁵⁵ of which article 7 accorded his country judicial competence for trying the two suspects. However, the countries concerned had transformed the question from a legal to a political one by submitting it to the Security Council, following which the Council had adopted resolution 731 (1992), by which it urged the Government of the Libyan Arab Jamahiriya to provide a full and effective response to the demands contained in the letters from the United States and the United Kingdom.⁵⁶ He argued that a new situation had arisen since the issuance of the judgments by the International Court of Justice on 27 February 1998.⁵⁷ The judgments stated that the Court had jurisdiction, on the basis of article 14 (1) of the Convention, and that the requests of the Libyan Arab Jamahiriya to handle the cases against its two citizens within the framework of its own legal system were admissible notwithstanding resolutions 748 (1992) and 883 (1993). He stated that those judgments should have been binding for all United Nations organs and their members given that, under Article 92 of the Charter, the Court was the principal judicial organ of the United Nations and that each Member of the United Nations needed to comply with the judgments of the Court in any case to which it was a party, pursuant to Article 94 (1). Therefore, the

representative argued that the sanctions provided for in resolutions 748 (1992) and 883 (1993) had become irrelevant since the Court had accepted jurisdiction in the matter of where the two accused should be tried, which was what the resolutions were based on. He called on the Council to suspend, as an interim measure, the implementation of the two resolutions insofar as they related to the sanctions imposed against the Libyan Arab Jamahiriya.⁵⁸

The representative of the League of Arab States (LAS) stated that the conflict essentially was a legal dispute over the interpretation and application of the Convention. Owing to the judgment, which the Court had rendered to the effect that a legal dispute did exist, it was no longer acceptable for the sanctions against the Libyan Arab Jamahiriya to continue without proving the international responsibility of the Libyan Arab Jamahiriya or the responsibility of the two suspects. On those bases, LAS called upon the Security Council to suspend resolutions 748 (1992) and 883 (1992), until the Court settled the substance of the dispute.⁵⁹ The representative of the Organization of African Unity also argued that as the Court had stated that it did have jurisdiction in the case, the only action worth taking to stay within the spirit of the judgments of the Court was suspension of the flight ban.⁶⁰

The representative of Mali, speaking on behalf of the Group of African States, stressed that with regard to the judgments of the Court, the African Group believed that there was no longer any reason for the Council to maintain sanctions against the Libyan people, for the following reasons: first, the International Court of Justice had rejected claims that the Convention did not apply to the Lockerbie conflict; second, the Court had decided that there was a dispute between the United States and the United Kingdom, on the one hand, and the Libyan Arab Jamahiriya, on the other, and that it was up to the Court itself to decide on the case; third, the Court had rejected the claim that the rights of the Libyan Arab Jamahiriya under the Convention were suspended following the adoption of resolutions 748 (1992) and 883 (1993), which had imposed sanctions against the Libyan Arab Jamahiriya on the basis of Articles 25 and 103; fourth, the Court explicitly rejected the claims that resolutions 731

⁵³ S/23306, S/23307, S/23308, S/23309 and S/23317.

⁵⁴ In connection with the proceedings of the 3864th meeting, additional information is provided in chapter VIII. See the section on Africa, under the item "Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America".

⁵⁵ United Nations, *Treaty Series*, vol. 974, No. 14118.

⁵⁶ S/23307, S/23308 and S/23317.

⁵⁷ S/1998/179, annex.

⁵⁸ S/PV.3864 and Corr.1, pp. 4-12.

⁵⁹ *Ibid.*, pp. 35-36.

⁶⁰ *Ibid.*, p. 39.

(1992), 748 (1992) and 883 (1993) obliged the Libyan Arab Jamahiriya to extradite its nationals to the United States or the United Kingdom so that they could be brought to trial notwithstanding the rights of the Libyan Arab Jamahiriya under the Convention; and fifth, the Court had rejected claims that the relevant legal proceedings needed to be immediately halted on the presumption that the resolutions of the Security Council could not be challenged in the Court. Therefore, according to the judgments rendered by the International Court of Justice on 27 February 1998, it seemed, *inter alia*, that the sanctions provided for in resolutions 748 (1992) and 883 (1993) “no longer had any *raison d’être*”. Accordingly, the Group of African States believed that there needed to be a suspension of the application of the resolutions relative to sanctions against the Libyan Arab Jamahiriya, including the flight ban, reduced diplomatic representation and the freeze on assets, until the Court ruled on the substance of the matter.⁶¹ A number of other representatives also maintained that following the judgments, the measures imposed against the Libyan Arab Jamahiriya no longer had any justification and needed to be suspended until a final decision had been taken by the Court.⁶²

The representative of Jordan called on the Council to respect the judgments rendered by the Court and stressed the importance of respecting and implementing all Security Council resolutions fully and precisely.⁶³ Similarly, the representative of Kuwait underlined that the implementation by all States of all relevant Security Council resolutions was essential to ensure respect for the Charter, but also that the decisions of the International Court of Justice should be seriously considered by the Council in order to achieve progress.⁶⁴

The representative of the United States stressed that the rulings of the International Court of Justice in no way questioned the legality of the actions of the Security Council affecting the Libyan Arab Jamahiriya or the merits of the criminal cases against the two

accused suspects. He held that the rulings of the Court involved technical, procedural issues. Contrary to the assertions of the Government of the Libyan Arab Jamahiriya, the Court was not calling for the review or suspension of Security Council resolutions. The Court had simply stated that the parties needed to argue the legal merits of the case, and while the case was proceeding, the Libyan Arab Jamahiriya needed to comply with its obligation pursuant to Security Council decisions and turn over the two accused suspects for a fair trial.⁶⁵

The representative of the United Kingdom stated that the decisions delivered by the Court were rulings on preliminary objections lodged by the United Kingdom and the United States to the claim by the Libyan Arab Jamahiriya that, under the Convention, it had the exclusive right to try the two Libyans accused of the Lockerbie bombing. The Court had decided that it did have jurisdiction to decide on the merits of the case of the Libyan Arab Jamahiriya about the Convention, but it had not decided that the claims of the Libyan Arab Jamahiriya were justified. He noted that the United Kingdom was arguing before the Court that the matter was governed by resolutions 731 (1992), 748 (1992) and 883 (1993), which obliged the Libyan Arab Jamahiriya to surrender the two accused for trial in Scotland or the United States. He underscored that obligations under the Charter, including compliance with binding Security Council resolutions, took precedence over any other alleged international obligations. Moreover, the resolutions had been unaffected by the ruling of the Court, which had been just one stage in the judicial proceedings, with the main argument on merits still to come, and therefore remained in force.⁶⁶

A few speakers maintained that the judgments merely addressed preliminary procedural questions and did not decide on the merits of the case, and did not question the validity of the relevant resolutions of the Security Council, which remained in full force and which the Libyan Arab Jamahiriya needed to comply with as required by the Charter of the United Nations.⁶⁷ The representative of Portugal also noted that any compromise solution could not depart from the

⁶¹ *Ibid.*, pp. 41-42.

⁶² *Ibid.*, p. 22 (Bahrain); p. 48 (Syrian Arab Republic); p. 49 (United Arab Emirates); p. 51 (Yemen); p. 56 (Ghana); pp. 58-59 (Iraq); p. 60 (Pakistan); p. 61 (Zimbabwe); p. 66 (Sudan); p. 69 (India); p. 72 (Oman); and p. 73 (Islamic Republic of Iran).

⁶³ *Ibid.*, p. 52.

⁶⁴ *Ibid.*, p. 50.

⁶⁵ *Ibid.*, p. 12.

⁶⁶ *Ibid.*, pp. 31-32.

⁶⁷ *Ibid.*, p. 18 (Portugal); p. 29 (France); and p. 40 (United Kingdom, on behalf of the European Union).

crucial legal and political aspects enshrined in the relevant resolutions.⁶⁸

By a letter dated 10 June 1998 from the representative of the Libyan Arab Jamahiriya and a letter dated 29 June 1998 from the representatives of Burkina Faso, Cuba, the Lao People's Democratic Republic, Malaysia, South Africa and Zimbabwe, both addressed to the President of the Security Council,⁶⁹ the Council was informed that the Ministerial Conference of the Non-Aligned Movement (NAM), held in Cartagena, Colombia, from 18 to 20 May 1998, in its final communiqué, had welcomed the judgments of the International Court of Justice dated 27 February 2008 and called for the immediate suspension of the sanctions until the Court decided on the issue. It had also recommended that the twelfth summit of the Non-Aligned Movement take a decision not to continue compliance with the resolutions imposing sanctions against the Libyan Arab Jamahiriya on the basis of Article 25 of the Charter because they were in violation of Articles 27 (3), 32, 33, 36 and 94 of the Charter.

By resolution 1192 (1998) of 27 August 1998, the Council demanded once again that the Government of the Libyan Arab Jamahiriya immediately comply with resolutions 731 (1992), 748 (1992) and 883 (1993) and reaffirmed that the measures set forth in its resolutions 748 (1992) and 883 (1993) remained in effect and binding on all Member States, and in that context reaffirmed the provisions of paragraph 16 of resolution 883 (1993).⁷⁰

Case 20

*Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995*⁷¹

At the 3627th meeting, on 31 January 1996, the Council adopted resolution 1044 (1996), by which it

called upon the Government of the Sudan to comply without further delay with the requests of the Organization of African Unity to take immediate action to extradite to Ethiopia for prosecution the three suspects sheltering in the Sudan and wanted in connection with the assassination attempt on the basis of the 1964 Extradition Treaty between Ethiopia and the Sudan; and to desist from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuary to terrorist elements, and to act in its relations with its neighbours and with others in full conformity with the Charter of the United Nations and with the charter of the Organization of African Unity.⁷²

At the meeting, the representative of Ethiopia stated that the Sudan should "accept and carry out the decision of the Security Council, as stipulated in Article 25 of the Charter of the United Nations".⁷³ This was also reiterated by the representative of Egypt, who expressed hope that the Sudan would take the Council's resolution "with all necessary seriousness, given that, under the Charter, all the Council's resolutions are binding on all States".⁷⁴

The representative of Sudan, for his part, reiterated the efforts made by the Sudan towards solving the issue and reaffirmed that his country had always abided by resolutions adopted by the United Nations. He further underlined that his Government wished "to put on record that it abides by the Charter of the United Nations and that it accepts that all Security Council resolutions are binding and must be complied with".⁷⁵

⁷² Resolution 1044 (1996), para. 4.

⁷³ S/PV.3627, p. 3.

⁷⁴ Ibid., p. 16.

⁷⁵ Ibid., pp. 4-6.

⁶⁸ Ibid., p. 18.

⁶⁹ S/1998/548 and S/1998/596, respectively.

⁷⁰ Resolution 1192 (1998), paras. 1 and 8.

⁷¹ S/1996/10.

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

During the period under review, the Security Council broadened its cooperation and coordination with regional arrangements or agencies in the maintenance of international peace and security, as provided for in Chapter VIII of the Charter.¹ The expanded scope and modalities of cooperation with regional organizations varied in terms of their mandate, structure, capacity and experience.

As chapter VIII of this volume sets out a full account of Council proceedings with regard to its responsibility for maintenance of international peace and security, Chapter XII will not discuss the practice of the Security Council in connection with regional organizations in a comprehensive manner. Instead, the present chapter will focus on selected material which may best serve to highlight how the provisions of Chapter VIII of the Charter were interpreted in deliberations and applied in the relevant decisions of the Council.

The decisions adopted by the Council during the period under consideration revealed an increased recognition of regional organizations and of their growing or potential role in the maintenance of international peace and security. Most of the activities of regional organizations praised, endorsed or supported by the Council concerned efforts at the peaceful settlement of disputes. In other instances, regional organizations were called upon to assist in the monitoring and implementation of mandatory measures

¹ 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 as synonymous with “regional organizations”.

imposed by the Council under Chapter VII of the Charter. Moreover, on two occasions, the Council authorized the use of force by regional organizations, to support the respective peacekeeping operations in the performance of their mandates.

While all instances of cooperation with regional arrangements could be considered to fall within the framework of Chapter VIII of the Charter, the Council only occasionally invoked Chapter VIII, or the relevant Articles therein, in its decisions.² In particular, one decision defined the provisions of Chapter VIII as those which “set out the basic principles governing the activities of regional arrangements and agencies and establish the legal framework for cooperation in the United Nations, in the area of the maintenance of international peace and security”.³ One draft resolution, which was not adopted because it did not obtain the required majority, contained explicit references to Article 53 and Chapter VIII of the Charter.⁴ In addition, explicit references to Chapter VIII,⁵ as well as to Articles 52, 53 and 54 of the Charter were made in the course of deliberations.⁶

² In connection with the situation in Sierra Leone, see resolution 1132 (1997), para. 8. In connection with the situation in Africa, see resolutions 1170 (1998), sixth preambular para. and 1197 (1998), third preambular para.; and presidential statements dated 25 September 1997 and 30 November 1998 (S/PRST/1997/46 and S/PRST/1998/35). In connection with the item entitled “Role of the Security Council in the prevention of armed conflicts”, see the presidential statement dated 30 November 1999 (S/PRST/1999/34).

³ Resolution 1197 (1998), third preambular para.
⁴ S/1999/328.

⁵ In connection with the situation in Africa, see S/PV.3819, p. 3 (Zimbabwe, Chairman of the Organization of African Unity); and p. 8 (Secretary-General of the Organization of African Unity); S/PV.3875, p. 18 (Slovenia); and S/PV.3875 (Resumption 1), p. 8 (South Africa); p. 25 (Egypt); p. 40 (Indonesia); and p. 48 (Libyan Arab Jamahiriya); S/PV.3931, p. 13 (Bahrain) and p. 32 (Slovenia); S/PV.4049, p. 19 (Russian Federation); S/PV.4081, p. 10 (Argentina) and p. 15 (Gabon). In connection with the item entitled “Role of the Security Council in the prevention of armed conflicts”, see S/PV.4072, p. 15 (China); p. 16 (Russian Federation); p. 21 (Brazil); p. 25 (Gambia); p. 27 (Namibia); and p. 45 (Belarus). In connection with the situation in Sierra Leone, see S/PV.3822, p. 9 (Republic of Korea); p. 13 (Portugal); and p. 16 (United States); S/PV.4054, p. 7 (Nigeria). In

connection with the situation in Georgia, see S/PV.4029, p. 6 (Russian Federation). In connection with the item entitled “Maintenance of peace and security and post-conflict peacebuilding”, see S/PV.3954, p. 12 (Portugal); p. 13 (Gabon); and p. 15 (Brazil); and S/PV.3954 (Resumption 1), p. 9 (Pakistan); and p. 20 (Indonesia). In connection with the item entitled “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” (S/1998/223 and S/1998/272), see S/PV.3937, p. 10 (Brazil). In connection with the item entitled “Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America” (S/23306, S/23307, S/23308, S/23309 and S/23317), see S/PV.3864, p. 34 (League of Arab States). In connection with the situation in Liberia, see S/PV.3621, p. 6 (China); S/PV.3667, p. 20 (China) and p. 27 (Zimbabwe); S/PV.3694, p. 3 (Liberia) and p. 8 (China); and S/PV.3757, p. 3 (Liberia). In connection with the item entitled “Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995” (S/1996/10), see S/PV.3660, p. 3 (Sudan). In connection with the situation in Burundi, see S/PV.3639, p. 8 (Egypt).

⁶ Council” (S/1999/320), see S/PV.3988, p. 13 (Mr. Jovanović) and p. 15 (India); and S/PV.3989, p. 5 (Russian Federation). In connection with the item entitled “Protection of civilians in armed In connection with the situation in Africa, see S/PV.3875 (Resumption 1), p. 18 (Canada); S/PV.4081 (Resumption 1), p. 17 (Ireland). In connection with the situation concerning the Democratic Republic of the Congo, see S/PV.3987, p. 2 (Democratic Republic of the Congo). In connection with the item entitled “Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America” (S/23306, S/23307, S/23308, S/23309 and S/23317), see S/PV.3864, p. 5 (Libyan Arab Jamahiriya). In connection with the situation in Burundi, see S/PV.3692, p. 5 (Burundi). In connection with the item entitled “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 (S/1998/223); letter dated 27 March 1998 from the Permanent Representative of the United States of America to the United Nations

In communications, one explicit reference to Article 52,⁷ as well as several explicit references to Article 53 were made.⁸ Explicit references to Article 54 were made occasionally by regional organizations in communications informing the Council of activities undertaken or contemplated by them for the maintenance of international peace and security.⁹

The practice of the Council under Chapter VIII of the Charter is described below in five sections, without ascribing that practice to specific Articles. Section A

addressed to the President of the Security Council” (S/1998/223 and S/1998/272), see S/PV.3937, p. 10 (Brazil). In connection with the item entitled “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”, see S/PV.4046 (Resumption 1), p. 27 (India). In connection with the item entitled “Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995” (S/1996/10), see S/PV.3627, p. 16 (Egypt). In connection with the situation in Africa, see S/PV.4081, pp. 24-25 (Cameroon).

⁷ See the letter dated 28 June 1999 from the representative of the Democratic Republic of the Congo to the President of the Security Council (S/1999/733).

⁸ See the letter dated 26 March 1999 from the representative of Mexico to the Secretary-General (S/1999/347); and the letters dated 1 February 1999, 17 March 1999, 24 March 1999 and 30 April 1999 from the representative of the Federal Republic of Yugoslavia to the President of the Security Council (S/1999/107, S/1999/292, S/1999/322 and S/1999/497).

⁹ See the following letters addressed to the President of the Security Council, unless indicated otherwise: letters dated 24 September 1996, 27 November 1996, 26 June 1997, 6 August 1997, 22 September 1997, 27 January 1998, 25 September 1998, 6 April 1999, 15 April 1999, 28 June 1999 and 23 September 1999 from the representative of the League of Arab States (S/1996/796, S/1996/991, S/1997/497, S/1997/623, S/1997/737, S/1998/83, S/1998/895, S/1999/395, S/1999/424, S/1999/734 and S/1999/997); letters dated 11 November 1996 and 7 November 1997 from the representative of the Organization of African Unity (S/1996/922 and S/1997/869); letter dated 28 June 1999 from the representative of the Democratic Republic of the Congo (S/1999/733); and letter dated 26 March 1999 from the representative of Mexico to the Secretary-General (S/1999/347).

captures the relevant debates and decisions of the Council on general and thematic issues touching upon the provisions of Chapter VIII of the Charter. Section B illustrates the ways in which the Council, in dealing with specific situations under its consideration, encouraged and supported the efforts of regional organizations towards the pacific settlement of disputes. Section C lays out cases where regional arrangements were involved in the implementation of Chapter VII measures. Section D describes two cases in which the Council authorized the use of force by regional organizations. The final part of the chapter, section E, presents two cases in which Member States discussed the appropriateness of Council action in situations where regional organizations were involved.

A. General consideration of the provisions of Chapter VIII

On a few occasions, as captured below, the Security Council discussed the provisions of Chapter VIII of the Charter in the context of its deliberations on thematic and cross-cutting issues.

The situation in Africa

During the period under review, speakers at the meetings on the situation in Africa acknowledged the important role of regional and subregional organizations in Africa in preventing and resolving conflicts on the continent, called for technical, logistical and financial assistance to their efforts, and supported the strengthening of contacts, cooperation and coordination between the United Nations and those organizations, in particular the Organization of African Unity. In that context, some argued that such cooperation with regional arrangements did not relieve the Security Council from its responsibility in the maintenance of international peace and security under the Charter and that the role of regional arrangements was, rather, complementary. Furthermore, it was generally stressed that African peacekeeping capacities should be strengthened.¹⁰

At the 3819th meeting, on 25 September 1997, the President of Zimbabwe and current Chairman of OAU stated that given that the Council was endowed

¹⁰ S/PV.3819, S/PV.3875, S/PV.3931, S/PV.4049 and S/PV.4081.

with the primary responsibility for the maintenance of international peace and security, it could never be an exclusively African agenda for peace. Rather, it would be the United Nations agenda, to which the entire international community subscribed and lent support. That was the understanding of OAU of the provisions of Chapter VIII of the Charter, which was devoted entirely to cooperation between the United Nations and regional organizations.¹¹ The Secretary-General of OAU called for a new partnership between the United Nations and OAU, in keeping with the provisions of Chapter VIII of the Charter and the “Agenda for Peace”, on the role of the regional organizations in the maintenance of peace and international security.¹² As to the use of sanctions or force by regional arrangements, the representative of the Russian Federation emphasized that no coercive actions should be taken by regional structures unless authorized by the Council.¹³

By a presidential statement dated 25 September 1997,¹⁴ the Council welcomed the important contributions of OAU, including through its Mechanism for Conflict Prevention, Management and Resolution, as well as those of subregional arrangements, in preventing and resolving conflicts in Africa, and looked forward to a stronger partnership between the United Nations and OAU, as well as subregional arrangements, in conformity with Chapter VIII of the Charter. The Council expressed its support for enhancement of the capacity of African States to contribute to peacekeeping operations, including in Africa, in accordance with the Charter. Furthermore, the Council expressed its full support for the engagement of the United Nations in Africa through its diplomatic, peacekeeping and other activities, which were often undertaken in cooperation with regional and subregional organizations.

In his report dated 13 April 1998 entitled “The causes of conflict and the promotion of durable peace and sustainable development in Africa”,¹⁵ the Secretary-General noted that where a peace process was needed, it was the role of the United Nations, with OAU, to help create one. The Secretary-General

pointed out that cooperation between the United Nations and subregional organizations, which were working to address issues of peace and security in their subregions, was being strengthened. Addressing the issue of supporting regional and subregional initiatives, the Secretary-General reported that within the context of the primary responsibility of the United Nations for matters of international peace and security, providing support for regional and subregional initiatives in Africa was both necessary and desirable because the United Nations lacked the capacity, resources and expertise to address all problems that might arise in Africa. As to the authorization of the use of forceful action, the Secretary-General held that the obligation to obtain Council authorization prior to the use of force was clear. He added that while authorizing forceful action by Member States or coalitions of States could sometimes be an effective response to situations where significant force was likely to be required, it also raised many questions for the future, particularly on the need to enhance the ability of the Council to monitor activities that had been authorized.¹⁶

Discussing the co-deployment with regional, subregional or multinational forces, the Secretary-General referred to the collaboration with the Monitoring Group of the Economic Community of West African States (ECOMOG) in Liberia as a successful example of cooperation between the United Nations and a subregional organization, and maintained that such cooperation might be applicable to other situations. However, he cautioned that the conclusion should not be drawn that the responsibilities could henceforth be delegated solely to regional organizations, either in Africa or elsewhere. The Secretary-General, in his report, also stressed the need to strengthen the capacity of Africa for peacekeeping, whether those operations took place in the framework of a United Nations peacekeeping mission or one authorized by the Security Council but conducted by a regional organization or group of States. He maintained, however, that those efforts were not in any way intended to relieve the broader international community of its collective obligations under the Charter of the United Nations, but rather within the

¹¹ S/PV.3819, p. 3.

¹² *Ibid.*, p. 8.

¹³ *Ibid.*, p. 25.

¹⁴ S/PRST/1997/46.

¹⁵ S/1998/318, paras. 18-20.

¹⁶ *Ibid.*, paras. 41-42.

framework of those responsibilities to make Africa's own contribution more effective.¹⁷

At its 3875th meeting, on 24 April 1998, the Council discussed the above-mentioned report. The representative of Slovenia supported the cooperation between the United Nations and OAU and other regional and subregional arrangements and believed that such cooperation should be based on the framework established by Chapter VIII of the Charter.¹⁸ The representative of South Africa, speaking on behalf of the States members of the Southern African Development Community (SADC), stated that Chapter VIII of the Charter made provision for regional arrangements to ensure the maintenance of international peace and security and stipulated that such arrangements should be consistent with the purposes and principles of the Charter. That provision provided the framework for developing closer cooperation between Africa and the United Nations in peace missions. He, therefore, held that there was a need to reinforce and implement the existing measures in a manner that promoted meaningful interaction between the United Nations and OAU.¹⁹

The representative of Canada underscored that regional and subregional bodies should respond not to vacuums created as a result of inaction on the part of the Security Council, but to collaborative programmes developed in close consultation with the Council. Such collaboration should be based on Articles 53 and 54 of the Charter and ought to fully reflect the exclusive mandate of the Council for authorizing the use of force.²⁰ The representative of Egypt, while praising the work of the United Nations in Liberia and Sierra Leone in cooperation with the Economic Community of West African States (ECOWAS) as successful experiences, maintained that it needed to remain clear that the proper framework was to enable such regional arrangements to play an effective role which complemented the efforts of the United Nations, as provided for in Chapter VIII of the Charter. The efforts of such arrangements, he stressed, should not be used as a pretext for the Council to shirk its primary responsibilities or as a justification for the Council not to adopt the appropriate decisions at the appropriate

times.²¹ The representative of Indonesia stated that OAU and the United Nations should work in concert to remove obstacles endangering the peace and thereby facilitate the peace process. He noted that such a partnership of cooperation could be built within the framework of Chapter VIII of the Charter.²² The representative of the Libyan Arab Jamahiriya welcomed the consolidation of cooperation between the United Nations and OAU in the area of the peaceful settlement of disputes and saw it as a natural matter lying within the provisions of Chapter VIII of the Charter that afforded regional arrangements an important role in the maintenance of international peace and security.²³ Noting the fundamental role of the Council in peacekeeping operations in Africa, the representative of the Russian Federation emphasized the need to strengthen the capacity of the Council to monitor the authorized activities of regional and subregional organizations in the field of peacekeeping.²⁴

By resolution 1170 (1998) of 28 May 1998, the Council recalled the provisions of Chapter VIII of the Charter on regional arrangements. In addition, the Council welcomed the important contributions of OAU to conflict prevention and resolution in Africa, including its Mechanism for Conflict Prevention, Management and Resolution, as well as those of subregional arrangements. It also welcomed the efforts made by Member States, regional organizations and the United Nations to enhance the capacity of African States to contribute to peacekeeping operations in accordance with the Charter.²⁵

By a presidential statement dated 16 September 1998,²⁶ the Council affirmed that strengthening the capacity of Africa to participate in all aspects of peacekeeping operations was a key priority. The Council also encouraged increased bilateral and multilateral cooperation in the field of peacekeeping, especially capacity-building, between Member States, the United Nations and OAU, as well as subregional organizations in Africa. The Council expressed its

¹⁷ *Ibid.*, paras. 43-44.

¹⁸ S/PV.3875, p. 18.

¹⁹ S/PV.3875 (Resumption), p. 8.

²⁰ *Ibid.*, p. 18.

²¹ *Ibid.*, p. 25.

²² *Ibid.*, p. 40.

²³ *Ibid.*, p. 48.

²⁴ S/PV.3875, p. 6.

²⁵ Resolution 1170 (1998), sixth preambular para. and paras. 7-8.

²⁶ S/PRST/1998/28.

support for the efforts of the United Nations as well as those of regional and subregional organizations in the field of training for peacekeeping. The Council stressed the need for it to be fully informed of peacekeeping activities carried out or planned by regional or subregional organizations and underlined the fact that the improved flow of information and the holding of regular briefing meetings between members of the Council as well as African regional and subregional organizations involved in peacekeeping operations had an important role to play in helping to enhance African peacekeeping capacity. In that context, the Council encouraged the Secretary-General to establish appropriate United Nations liaison with regional and subregional organizations and invited those organizations and Member States to provide the Council and the Secretary-General with information on their activities in the field of peacekeeping.

By resolution 1197 (1998) of 18 September 1998, the Council recalled the provisions of Chapter VIII of the Charter on regional arrangements or agencies, which set out the basic principles governing their activities and established the legal framework for cooperation with the United Nations in the area of the maintenance of international peace and security. The Council was mindful of the need for continued cooperation between the United Nations and its relevant bodies and specialized agencies on the one hand, and OAU and subregional organizations in Africa on the other. It noted that subregional arrangements in Africa, as well as OAU through its Mechanism for Conflict Prevention, Management and Resolution, were developing their capacities in preventive diplomacy, and encouraged African States to make use of those arrangements and mechanisms in the prevention of conflict and maintenance of peace in Africa. Furthermore, the Council encouraged the enhancement of consultation and coordination between the United Nations and OAU and between the United Nations and subregional organizations in Africa, both at the field and headquarters levels, and recognized that the nomination of joint special representatives might be useful to further those aims. It also welcomed the fact that both the United Nations and OAU had agreed to strengthen and broaden their cooperation on measures to prevent and resolve conflicts in Africa.²⁷

²⁷ Resolution 1197 (1998), third, sixth and eighth

At the 3931st meeting, on 24 September 1998, at which the report of the Secretary-General²⁸ was again included in the agenda, the representative of Bahrain emphasized the role of the Council in the prevention of conflicts and the elimination of tensions. He supported the efforts of the Secretary-General to enhance the capabilities of the United Nations in that respect through the development of contacts between the Organization and regional organizations. He expressed his support for all steps taken with a view to containing or preventing conflicts, as provided for in Chapter VIII of the Charter. He also welcomed the Secretary-General's recommendations to improve African peacekeeping capabilities, to enhance the role of OAU in the management and settlement of disputes and to strengthen cooperation between OAU and the United Nations so that the African contribution in the field of peacekeeping might be more effective. Furthermore, he stressed the importance of the enhancement of the capability of African States in the peacekeeping missions in Africa, whether those missions were United Nations missions or were within the framework of a regional organization with a mandate from the Security Council.²⁹

The representative of the Gambia called for collaboration between the United Nations and regional and subregional organizations in Africa and for the creation of a partnership more suitable for dealing with conflicts in Africa. He emphasized, however, that it was imperative to avoid relegating responsibility for peacekeeping from a global level to regional or subregional levels on a selective basis. The Security Council could not subcontract its responsibility for the maintenance of international peace and security — not even by default. He maintained that cooperation between the United Nations and subregional and regional organizations needed to be in accordance with Articles 53 and 54 of the Charter.³⁰

With regard to the use of force, supporting the recommendations of the Secretary-General for closer coordination between the United Nations, OAU and African subregional organizations in conflict prevention and resolution, the representative of Portugal stressed that the final responsibility to

preambular paras. and paras. 9-10.

²⁸ S/1998/318.

²⁹ S/PV.3931, pp. 13-14.

³⁰ *Ibid.*, p. 23.

authorize the use of force to restore peace always belonged to the Council.³¹ The representative of the Russian Federation considered it important actively to use the provisions of the Charter that encouraged regional organizations to show greater initiative in the field of preventive diplomacy and the peaceful settlement of disputes, which presupposed that the expansion of the practice of regional peacebuilding operations was backed by the Security Council. At the same time, he stressed that the principles stipulated in the Charter regarding the role of the Security Council in launching peacekeeping operations needed to be complied with, and reiterated that military operations conducted by regional structures, especially those involving the use of force, were permissible only if they were explicitly authorized by the Council.³²

The representative of Slovenia supported the efforts to strengthen cooperation between the United Nations and OAU, as well as with other regional and subregional arrangements, focusing on conflict prevention, management and resolution. He reiterated that such cooperation should be based on the framework established by Chapter VIII of the Charter.³³

By a presidential statement dated 24 September 1998,³⁴ the Council commended the efforts by African States and regional and subregional organizations, in particular OAU, to resolve conflicts by peaceful means. The Council called for an enhanced partnership between the United Nations and African regional and subregional organizations in support of their efforts in conflict prevention, the maintenance of peace and security and dispute settlement. The Council noted that it had taken action to help strengthen support for regional and subregional initiatives as well as to enhance coordination between the United Nations and regional and subregional organizations in the areas of conflict prevention and the maintenance of peace. It also recalled that it had addressed the need to support the strengthening of African peacekeeping capacity.

By a presidential statement dated 30 November 1998,³⁵ the Council, while reaffirming its primary

responsibility under the Charter of the United Nations for the maintenance of international peace and security, underlined the increasingly important role of regional arrangements and agencies in the conduct of activity in that field. The Council reaffirmed that all such activity undertaken under regional arrangements or by regional agencies, including enforcement action, would be carried out in accordance with Articles 52, 53 and 54 of Chapter VIII of the Charter. In addition, the Council welcomed the views expressed by the Secretary-General in paragraphs 42 to 44 of his report,³⁶ in particular as they related to Africa. By the same presidential statement³⁷ The Council recognized that the authorization by the Council of action by regional or subregional organizations could be one type of effective response to conflict situations, and commended Member States and regional and subregional organizations which had undertaken efforts and initiatives towards the maintenance of peace and security. To enhance its ability to monitor any activities that it had authorized, the Council expressed its readiness to examine appropriate measures whenever such an authorization was being considered. In that regard, the Council noted that there was a wide variety of arrangements and relationships which had developed in different instances of cooperation between the United Nations, Member States and regional and subregional organizations in the maintenance of peace and security, and that monitoring requirements would vary and should be tailored according to the specifics of the operations in question, including in relation to ongoing peace efforts. Nevertheless, in general, operations should have a clear mandate, including, among others, arrangements for regular reporting to the Council. In addition, the Council underlined the fact that the monitoring of such operations could be enhanced by the improved flow and exchange of information, inter alia, through regular submission of reports and through the holding of regular briefing meetings between its members and regional and subregional organizations and Member States conducting such operations. The Council shared the view of the Secretary-General that one possible means of monitoring activities of forces authorized by it, while also contributing to the broader aspects of a peace process, was through co-deployment of United

³¹ *Ibid.*, p. 29.

³² *Ibid.*, p. 31.

³³ *Ibid.*, p. 32.

³⁴ S/PRST/1998/29.

³⁵ S/PRST/1998/35.

³⁶ S/1998/318.

³⁷ S/PRST/1998/35.

Nations observers and other personnel together with an operation carried out by a regional or subregional organization. It agreed with the Secretary-General that, while such collaboration was not applicable in all cases, co-deployment could make an important contribution to peacekeeping efforts, as in the cases of Liberia and Sierra Leone, where United Nations observer missions had been deployed alongside the Monitoring Group of ECOWAS. The Council underlined the importance, whenever the United Nations deployed forces alongside forces of regional or subregional organizations or Member States, of establishing a clear framework for cooperation and coordination between the United Nations and the regional or subregional organization. Such a framework should include specifying objectives, the careful delineation of the respective roles and responsibilities of the United Nations and the regional or subregional organization concerned and of the areas of interaction of forces, and clear provisions regarding the safety and security of personnel. The Council also stressed the importance of ensuring that United Nations missions maintain their identity and autonomy with regard to operational command and control and logistics. Furthermore, the Council urged Member States and regional and subregional organizations to ensure that the Council was kept fully informed of their activities for the maintenance of peace and security. The Council also undertook to consult regularly with Member States and regional and subregional organizations involved in such activities to facilitate that.

At the 4049th meeting, on 29 September 1999, the representative of the Russian Federation stressed that the provisions of the Charter needed to be actively implemented in encouraging regional organizations to take a more active initiative in preventive diplomacy and the peaceful settlement of disputes. That would mean strengthening regional peacekeeping operations, with the support of the Security Council; the implementation by regional structures of peacekeeping operations through the use of force was admissible only with the clear sanction of the Security Council, pursuant to Chapter VIII of the Charter. He maintained that African efforts should be backed and assisted —

though not replaced — by the authority and capabilities of the United Nations.³⁸

At the 4081st meeting, on 15 December 1999, the representative of Argentina stressed the importance of close cooperation and dialogue between the United Nations, OAU and subregional organizations and maintained that all possible mechanisms available under Chapter VIII of the Charter should be explored.³⁹ The representative of Gabon noted that Chapter VIII of the Charter established the legal framework for cooperation involving the United Nations and its agencies.⁴⁰ The representative of Burundi stressed that the Security Council, which alone had such a mandate, needed to endorse all major interventions such as sending a regional peacekeeping force.⁴¹

The representative of Cameroon referred to the indispensable partnership between the United Nations and Africa developed via the activities of African regional and subregional mechanisms in conflict prevention and settlement. He noted that those developments shared the goal of demonstrating that Africa was a partner with the institutional capacity to respond to the provisions of Articles 52 and 53 of the Charter, which encouraged the regional settlement of conflicts and were intended to stimulate joint action by those bodies and by the United Nations. He also maintained that the Security Council might consider the appointment of a coordinator for Africa to work with the Secretary-General and to implement the provisions of Article 54 of the Charter.⁴²

The representative of Ireland stressed the central role of OAU and other subregional organizations in conflict prevention and resolution and noted that it had opened the possibility of the application of Articles 52 and 53 of the Charter, a highly positive development which deserved the strongest possible support.⁴³

³⁸ S/PV.4049, pp. 19-20.

³⁹ S/PV.4081, p. 10.

⁴⁰ *Ibid.*, p. 15.

⁴¹ S/PV.4081 (Resumption 1) and Corr.1, p. 22.

⁴² S/PV.4081, pp. 24-25.

⁴³ S/PV.4081 (Resumption 1) and Corr.1, p. 27.

Maintenance of international peace and security and post-conflict peacebuilding

At the 3954th meeting, on 16 December 1998, discussions involving the interpretation and application of Chapter VIII of the Charter were held, in the context of peacekeeping and post-conflict peacebuilding.

The representative of the Russian Federation expressed the view that enforcement peacekeeping operations, whether carried out by the United Nations or by regional organizations or multinational coalitions, could be implemented only through a decision of the Security Council and “under the tight political and appropriate operational control” of the Council. In that context, he maintained that regional peacekeeping operations could not be deployed without the authorization of the Council and needed to be transparent and accountable to the Council. While praising the recent practice of constructive interaction between regional organizations or multinational coalitions and the United Nations in the conduct of peacekeeping operations, the representative expressed concern about attempts to make it possible for individual States or coalitions to use force or take enforcement measures without the approval of the Council. He noted that the North Atlantic Treaty Organization (NATO) was going in such a direction by considering transforming itself into a leading international peacekeeping organization whose actions would be taken solely on the basis of its own assessments and decisions, thereby sidestepping the Council. He cautioned that such a move by NATO would attempt to replace the Charter-based functions and the prerogative of the Security Council with unilateral actions taken by regional mechanisms, directly contravening the Charter.⁴⁴

The representative of Brazil, explicitly citing Chapter VIII of the Charter, stated that regional global burden-sharing would in principle make as much sense for enforcement as it could make for peacekeeping. Moreover, he held that regional initiatives could be particularly effective in the post-conflict phases of stabilization efforts. However, he regretted that there were overt violations of sanctions regimes or armed interventions and manifestations of readiness to use armed force by regional actors “without the specific authority” of the Council, which raised serious legal

⁴⁴ S/PV.3954, p. 4.

and political questions. In his view, enforcement interventions with no clear legal foundation would lack moral authority and would not be able to meet with the approval of world opinion in the long run. He also argued that the Security Council should focus on the question of enforcement, underlining the importance of preserving the indispensable degree of harmony between regional initiatives and the universal collective security regime in line with the Charter.⁴⁵

At the same meeting, other explicit references to Chapter VIII of the Charter were made on several occasions.⁴⁶ For instance, the representative of Portugal welcomed an important and appropriate division of labour with regional organizations in the realm of the maintenance of international peace and security, “as foreseen in Chapter VIII of the Charter”. In that context, he considered it important to identify the peacebuilding activities within peacekeeping that could benefit from an effective cooperation with regional organizations. He pointed to the case of Guinea-Bissau and cooperation there between the United Nations, ECOWAS and as the Community of Portuguese Speaking Countries.⁴⁷

The representative of Indonesia held that maintaining peace and security, whether in a conflict or a potential conflict area, required concerted and coordinated efforts by international and regional organizations. If those activities were conducted within the framework of Chapter VIII of the Charter, regional organizations could make a distinct contribution to the efforts by the Security Council to seek peaceful solutions. He further stated that close cooperation and coordination between the regional organizations and the Council could substantially enhance the prospects for the political settlement of disputes without intervening in the internal affairs of States.⁴⁸

A few representatives cited ECOMOG in Sierra Leone, Liberia and Guinea-Bissau as concrete examples of cooperation in the area of peacekeeping between the United Nations and regional arrangements, and called for support for such regional efforts.⁴⁹

⁴⁵ *Ibid.*, pp. 15-16.

⁴⁶ *Ibid.*, p. 13 (Gabon) and S/PV.3954 (Resumption), p. 9 (Pakistan).

⁴⁷ S/PV.3954, p. 12.

⁴⁸ *Ibid.*, pp. 20-21.

⁴⁹ *Ibid.*, p. 13 (Gabon) and S/PV. 3954 (Resumption), p. 17

Role of the Security Council in the prevention of armed conflicts

At the 4072nd meeting, on 29 November 1999, a number of speakers, some explicitly citing Chapter VIII of the Charter, recognized the role played by regional organizations in conflict prevention, such as OAU and ECOWAS and called for further cooperation between the Security Council and regional arrangements.⁵⁰

At the same meeting, the representative of China held that the Security Council should recognize the important roles that could be played by the various regional organizations and cooperate more closely with them. Such cooperation should be based on the adherence by regional organizations to the purposes and principles of the Charter and the stipulations of Chapter VIII and be performed under the guidance and monitoring of the United Nations.⁵¹ Similarly the representative of the Russian Federation emphasized that activities of regional and subregional organizations in early warning and conflict prevention needed to comply strictly with the provisions of Chapter VIII of the Charter.⁵² The representative of Namibia maintained that the tendency by regional arrangements to undertake peace enforcement without a specific mandate from the Council and without acting in accordance with the Charter should be discouraged as it undermined the credibility of the Council and diminished its role in the maintenance of international peace and security.⁵³

Furthermore, some speakers, in recognizing the central role of the Council in the maintenance of international peace and security, stressed that the cooperation between the Council and regional organizations should not be seen as competition.⁵⁴ The representative of Zambia argued that efforts by regional and subregional organizations in the resolution of disputes were complementary and were

not meant to absolve the Council of its responsibility for the maintenance of peace and security in the world.⁵⁵

The representative of Bangladesh was of the view that the role of regional organizations was recognized in the Charter and that those organizations had played a critically important role in preventing or containing armed conflicts in recent years. However, the Council then had been criticized for “subcontracting” its peace and security mission. Therefore, he proposed that appropriate mechanisms and elaborate policy guidelines for involvement and intervention of the regional organizations should be formulated, while being specific to a given situation.⁵⁶

By a presidential statement dated 30 November 1999,⁵⁷ the Council recognized the important role that regional organizations and arrangements were playing in the prevention of armed conflicts, including through the deployment of confidence- and security-building measures. The Council also emphasized the importance of supporting and improving regional capacities for early warning. It emphasized the importance of cooperation between the United Nations and regional organizations in preventive activities in accordance with Chapter VIII of the Charter.

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 and support for the efforts undertaken by regional organizations in the pacific settlement of disputes, including the signing of peace agreements under the auspices of regional organizations. The practice of the Council in this regard is set out below, by region and by chronological order.

(Nigeria).

⁵⁰ S/PV.4072, p. 13 (United Kingdom); p. 20 (Malaysia); p. 24 (Gabon); p. 33 (Finland); p. 35 (United Arab Emirates); p. 37 (South Africa); p. 44 (Republic of Korea); and p. 47 (Japan); S/PV. 4072 (Resumption 1), p. 8 (Nigeria); and p. 16 (Norway).

⁵¹ S/PV.4072, p. 15.

⁵² Ibid., p. 16.

⁵³ Ibid., p. 27.

⁵⁴ Ibid., pp. 21-22 (Brazil); and p. 25 (Gambia).

⁵⁵ S/PV.4072 (Resumption 1), p. 7.

⁵⁶ Ibid., p. 12.

⁵⁷ S/PRST/1999/34.

Africa

The situation in Liberia

During the period under review, the Security Council, by its decisions, commended the positive role of the Economic Community of West African States (ECOWAS) in its continuing efforts to restore peace, security and stability in Liberia and commended the States that had contributed to the Monitoring Group of the Economic Community of West African States.⁵⁸

At the 3621st meeting, on 25 January 1996, the representative of the United States, sharing some observations from her trip to Liberia, commended the neutral and constructive role being played at that time by ECOMOG troops, as opposed to the past, and asserted that ECOMOG deserved the support of the Council as it represented an important precedent in regional peacekeeping.⁵⁹ The representative of the Republic of Korea added that the peacekeeping operation in Liberia was unique in that, for the first time in Africa, a subregional organization, ECOWAS, had taken a primary role, while the United Nations assisted and monitored ECOMOG.⁶⁰ The representative of China observed that ECOWAS had made tremendous efforts to end the fighting in Liberia and had sent peacekeeping forces to Liberia, “in accordance with Chapter VIII”, despite their economic difficulties.⁶¹

By resolution 1041 (1996) of 29 January 1996, and subsequent decisions, the Council called upon the Monitoring Group, in accordance with the agreement regarding the respective roles and responsibilities of the United Nations Observer Mission in Liberia (UNOMIL) and ECOMOG in the implementation of the Cotonou Agreement⁶² and with the concept of operations of the Mission, to intensify the action

necessary to provide security for UNOMIL observers and civilian staff. The Council also stressed the need for close contact and enhanced coordination between UNOMIL and ECOMOG in their operational activities at all levels.⁶³

Furthermore, by a presidential statement dated 9 April 1996, the Council reaffirmed its support for the crucial role of ECOWAS in bringing the conflict to an end.⁶⁴ Similar support was reiterated in a presidential statement dated 6 May 1996.⁶⁵

At the 3667th meeting, on 28 May 1996, the representative of Liberia repeated his appeal for continued assistance to ECOMOG in order to allow it to carry out its mandate under the Abuja Agreement. While being aware of some reservations about the viability of ECOMOG as a peacekeeping force, he reminded the Council that ECOMOG had taken on a responsibility that should have been shouldered by the United Nations. As the United Nations had relied on ECOMOG to provide security to UNOMIL, their respective functions were complementary. The collaboration could only bear fruit when the requisite support was given to ECOMOG. He reiterated that if the pioneering effort by ECOWAS was to be brought to fruition, the Charter provision encouraging subregional initiatives in the pacific settlement of disputes needed to be amended to ensure a mechanism whereby any subregional peacekeeping operation sanctioned by the Council would be financed by the United Nations.⁶⁶ The representative of Zimbabwe expressed surprise at suggestions that the continued involvement of UNOMIL might be contingent upon the presence of ECOMOG in Liberia. In a direct reference to Chapter VIII, he maintained that active support from the United Nations needed to be given to regional organizations seeking to arrest threats to peace and security. He further argued that, rather than playing the role of a substitute for the uniquely mandated role of the United Nations, those regional efforts needed to be viewed as facilitators in the efforts of the United Nations in pursuit of its Charter-enshrined responsibility to maintain international peace and

⁵⁸ Resolutions 1041 (1996), third and seventh preambular paras.; 1059 (1996), sixth and eighth preambular paras.; 1071 (1996), sixth and seventh preambular paras.; 1083 (1996), sixth preambular para.; 1100 (1997), sixth preambular para.; and 1116 (1997), seventh preambular para.

⁵⁹ S/PV.3621, p. 4.

⁶⁰ *Ibid.*, p. 12.

⁶¹ *Ibid.*, p. 6.

⁶² Peace Agreement between the Interim Government of National Unity of Liberia, the National Patriotic Front of Liberia and the United Liberation Movement of Liberia for Democracy (S/26272).

⁶³ Resolutions 1041 (1996), paras. 10-11; 1059 (1996), para. 14; 1071 (1996), ninth preambular para. and para. 15; and 1083 (1996), para. 12.

⁶⁴ S/PRST/1996/16.

⁶⁵ S/PRST/1996/22.

⁶⁶ S/PV.3667, p. 4.

security.⁶⁷ The representative of China expressed appreciation for the efforts of ECOWAS by the dispatch of its peacekeeping forces to Liberia, “in accordance with Chapter VIII” and also by its offer of good offices and mediation for the pacific settlement of the dispute.⁶⁸

By resolution 1059 (1996) of 31 May 1996 and subsequent resolutions, the Council stressed that the presence of UNOMIL in Liberia was predicated on the presence of ECOMOG and its commitment to ensure the safety of military observers and civilian staff of UNOMIL.⁶⁹

By the same resolution, the Council encouraged the members of ECOWAS to consider ways and means to strengthen the Monitoring Group and to persuade the faction leaders to resume the peace process, and expressed support for the resolve of the ministers of the countries members of ECOWAS not to recognize any Government in Liberia that came to office through the use of force. Furthermore, noting especially the recent broader deployment of ECOMOG in the city of Monrovia, the Council also called upon the Liberian parties to, among other things, allow the deployment of ECOMOG and restore Monrovia as a safe haven.⁷⁰

At the 3694th meeting, on 30 August 1996, the representative of Liberia stated that while the ECOWAS peace initiative had faced some financial and administrative difficulties, it represented a “pioneering effort to bring to fruition Chapter VIII of the Charter”, and thus deserved greater support from the United Nations.⁷¹

By resolution 1071 (1996), adopted at that meeting, the Council welcomed the agreement of ECOWAS in Abuja, on 17 August 1996,⁷² which extended until 15 June 1997, the Abuja Agreement of 1995,⁷³ established a timetable for implementation of the Agreement, adopted a mechanism to verify

compliance by the faction leaders with the Agreement and proposed possible measures against the factions in the event of non-compliance.⁷⁴

Following the agreement between the Liberian Council of State and ECOWAS on a basic framework for the holding of elections in Liberia scheduled for 30 May 1997, by resolution 1100 (1997) of 27 March 1997, the Council again stressed the importance of close contacts and enhanced coordination between UNOMIL and ECOMOG at all levels and, in particular, the importance of ECOMOG continuing to provide effective security for international personnel during the election process.⁷⁵

Subsequent to the decision of ECOWAS to postpone the election date to 19 July 1997, by resolution 1116 (1997) of 27 June 1997, while reiterating its position on the importance of close coordination among various actors and of the provision of security by ECOMOG during the election process, the Council emphasized the need for constructive collaboration between the United Nations, ECOWAS, the Liberian Independent Elections Commission and the international community in coordinating assistance for the elections.⁷⁶

Following the successful holding of presidential and legislative elections on 19 July 1997, by a presidential statement of 30 July 1997,⁷⁷ the Council commended all international personnel, especially those of UNOMIL and ECOMOG, who had contributed to the successful holding of elections.

The situation in Sierra Leone

In Sierra Leone, the Security Council supported the efforts of ECOWAS, including its mediation and continued deployment of a regional peacekeeping force, ECOMOG, which was responsible for providing security to the United Nations Observer Mission in Sierra Leone (UNOMSIL) and the United Nations Mission in Sierra Leone (UNAMSIL), established during the period under review.

⁶⁷ Ibid., p. 27.

⁶⁸ Ibid., p. 20.

⁶⁹ Resolutions 1059 (1996), tenth preambular para.; 1071 (1996), ninth preambular para.; 1083 (1996), eighth preambular para.; 1100 (1997), eighth preambular para.; and 1116 (1997), sixth preambular para.

⁷⁰ Resolution 1059 (1996), fourth preambular para., paras. 8, 12 and 15.

⁷¹ S/PV.3694, p. 3.

⁷² S/1996/679.

⁷³ S/1995/742.

⁷⁴ Resolution 1071 (1996), para. 3.

⁷⁵ Resolution 1100 (1997), para. 5.

⁷⁶ Resolution 1116 (1997), paras. 4-5.

⁷⁷ S/PRST/1997/41.

By a presidential statement dated 11 July 1997,⁷⁸ the Council strongly supported the decision of the Organization of African Unity appealing to the leaders of ECOWAS and the international community to help restore the constitutional order in Sierra Leone. The Council also welcomed the mediation efforts initiated by ECOWAS and expressed its full support for the objectives of those efforts as set out in the final communiqué,⁷⁹ issued at the meeting of the Ministers for Foreign Affairs of ECOWAS, held in Conakry on 26 June 1997.

By a presidential statement dated 6 August 1997,⁸⁰ the Council expressed its appreciation to the Committee of Four Foreign Ministers of the Economic Community of West African States for its efforts to negotiate with representatives of the military junta on 17 and 18 and 29 and 30 July 1997 in Abidjan on a peaceful resolution of the crisis, and reiterated its full support for the objectives of that mediation.

By resolution 1132 (1997) of 8 October 1997, and by subsequent decisions, the Council expressed its strong support for the efforts of the Committee of ECOWAS to resolve the crisis in Sierra Leone, and encouraged it to continue to work for the peaceful restoration of the constitutional order, including through the resumption of negotiations.⁸¹

By a presidential statement of 26 February 1998,⁸² the Council encouraged the Monitoring Group of ECOWAS to proceed in its efforts to foster peace and stability in Sierra Leone, in accordance with the relevant provisions of the Charter. It underlined the need for close cooperation between the legitimate Government of Sierra Leone, ECOWAS, the commanders of the Monitoring Group, the Special Envoy of the Secretary-General and his staff, United Nations agencies and relevant international organizations in their work.

Following the return to Sierra Leone of its democratically elected President on 10 March 1998, by resolution 1162 (1998) of 17 April 1998, the Council commended ECOWAS and its Monitoring Group,

deployed in Sierra Leone, on the important role they were playing in support of the objectives related to the restoration of peace and security.⁸³ By a presidential statement dated 20 May 1998,⁸⁴ the Council reiterated its appreciation of ECOWAS and encouraged ECOWAS to renew its political efforts to foster peace and stability.

By resolution 1181 (1998) of 13 July 1998, the Council recognized the important contribution of ECOWAS in support of the objectives to restore peaceful and secure conditions in the country, to re-establish effective administration and the democratic process and to embark on the task of national reconciliation, reconstruction and rehabilitation. It commended the positive role of ECOWAS and its Monitoring Group in their efforts to restore peace and stability throughout the country at the request of the Government of Sierra Leone.⁸⁵

By the same resolution, the Council noted the role of the ECOWAS Monitoring Group in assisting the implementation of the disarmament, demobilization and reintegration plan adopted by the Government, including the provision of security and responsibility for arms collection and destruction. The Council also welcomed the commitment of that Group to ensure the security of United Nations personnel and stressed the need for full cooperation and close coordination between UNOMSIL, established by the same resolution, and the Monitoring Group in their respective operational activities.⁸⁶

By a presidential statement of 7 January 1999,⁸⁷ the Council welcomed the offers made by leaders in the region aimed at resolving the conflict and, in that context, urged them, including the Committee of Six on Sierra Leone of ECOWAS, to facilitate the peace process.

By resolution 1231 (1999) of 11 March 1999, the Council expressed its support for all efforts, in particular by States members of ECOWAS, aimed at peacefully resolving the conflict and restoring lasting peace and stability in Sierra Leone.⁸⁸ In addition, the

⁷⁸ S/PRST/1997/36.

⁷⁹ S/1997/499, annex.

⁸⁰ S/PRST/1997/42.

⁸¹ Resolution 1132 (1997), sixth preambular para. and para. 3; and S/PRST/1997/52 and S/PRST/1998/5.

⁸² S/PRST/1998/5.

⁸³ Resolution 1162 (1998), para. 2.

⁸⁴ S/PRST/1998/13.

⁸⁵ Resolution 1181 (1998), third preambular para. and para. 5.

⁸⁶ Resolution 1181 (1998), paras. 5, 9 and 11.

⁸⁷ S/PRST/1999/1.

⁸⁸ Resolution 1231 (1999), para. 9.

Council commended the efforts of the Monitoring Group towards the restoration of peace and security and stability in Sierra Leone, and called upon all Member States to provide ECOMOG with technical, financial and logistical support.⁸⁹

By resolution 1245 (1999) of 11 June 1999, the Council acknowledged the cooperation provided by ECOWAS and its Monitoring Group and underlined its strong support for the key role being played by the President of Togo as the current Chairman of ECOWAS in the Lomé process.⁹⁰ By resolution 1260 (1999) of 20 August 1999, the Council, in welcoming the signing of the Lomé Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone on 7 July 1999,⁹¹ commended, among others, the President of Togo and ECOWAS in facilitating the negotiations in Lomé on their contribution to that achievement.⁹² By the same resolution, the Council, while authorizing the expansion of UNOMSIL, decided that the additional military observers should operate for the time being under security provided by the Monitoring Group.⁹³

At the 4054th meeting, on 22 October 1999, the Council adopted resolution 1270 (1999), by which the Council welcomed the steps taken by the Monitoring Group, among others, towards the implementation of the Lomé Peace Agreement.⁹⁴ The Council also reiterated its appreciation for the indispensable role ECOMOG forces continued to play in the maintenance of security and stability and the protection of the people in Sierra Leone and approved the new mandate of ECOMOG,⁹⁵ adopted by ECOWAS on 25 August 1999.⁹⁶ By the same resolution, the Council, acting under Chapter VII of the Charter, established UNAMSIL and commended the readiness of ECOMOG to continue to provide security for the areas where it was located, in particular around Freetown and Lungi, to provide protection for the Government of Sierra

Leone, to conduct other operations in accordance with their mandate to ensure the implementation of the Peace Agreement, and to initiate and proceed with disarmament and demobilization in conjunction and full coordination with UNAMSIL. The Council also stressed the need for close cooperation and coordination between ECOMOG and UNAMSIL in carrying out their respective tasks, and welcomed the intended establishment of joint operation centres at headquarters and, if necessary, at subordinate levels in the field as well.⁹⁷

At that same meeting, the representative of Nigeria praised UNAMSIL as representing a rare, but desirable form of cooperation between the United Nations and a subregional organization in fulfilment of Chapter VIII of the Charter. He expressed the hope that the United Nations would continue to employ a similar approach with other regional and subregional organizations in the pursuit of international peace and security.⁹⁸ The representative of the United Kingdom maintained that the success of UNAMSIL would depend significantly on joint deployment and close cooperation with ECOMOG. He noted that the readiness of ECOWAS to work in tandem with the United Nations in Sierra Leone was an important example of cooperation with regional peacekeeping efforts around the world.⁹⁹

The situation in Burundi

By a presidential statement dated 5 January 1996, the Security Council commended the role played by the Organization of African Unity (OAU) in Burundi and welcomed the decision of OAU in Addis Ababa on 19 December 1995 to extend the mandate of its mission in Burundi for another three months and to strengthen the civilian component of the mission.¹⁰⁰ By resolution 1040 (1996) of 29 January 1996, the Council noted with appreciation the ongoing efforts of OAU, its military observers in Burundi and the European Union.¹⁰¹

At the 3639th meeting, on 5 March 1996, the representative of Egypt stated that OAU had played an

⁸⁹ Resolutions 1231 (1999), para. 10; 1260 (1999), para. 3; and S/PRST/1999/13.

⁹⁰ Resolution 1245 (1999), second preambular para. and para. 3.

⁹¹ S/1999/777, annex.

⁹² Resolution 1260 (1999), para. 1.

⁹³ *Ibid.*, para. 4.

⁹⁴ Resolution 1270 (1999), para. 1.

⁹⁵ Resolution 1270 (1999), para. 7.

⁹⁶ S/1999/1073, annex.

⁹⁷ Resolution 1270 (1999), paras. 8, 11 and 12.

⁹⁸ S/PV.4054, pp. 7-8.

⁹⁹ *Ibid.*, p. 9.

¹⁰⁰ S/PRST/1996/1.

¹⁰¹ Resolution 1040 (1996), tenth preambular para.

important role in Burundi since 1993, and even though that role had not received political or material support from other international organizations, it had become one of the major axes of development, reaffirming the importance of the support of regional organizations for containing crises and conflicts “under Chapter VIII of the Charter”.¹⁰² The representative of the Russian Federation considered it important to make optimum use of the peacekeeping potential of OAU and other regional organizations.¹⁰³ By resolution 1049 (1996), adopted at that meeting, the Council expressed strong support for the efforts of OAU, the European Union and others seeking to facilitate political dialogue in Burundi. In addition, the Council encouraged OAU to increase the size of its observer mission in Burundi, as formally requested by the Government of Burundi.¹⁰⁴

By a presidential statement dated 15 May 1996, the Council underscored the importance of the continued cooperation of the United Nations with OAU and the European Union, among others, aimed at achieving the objective of a comprehensive political dialogue between the parties in Burundi. In that regard, the Council expressed its support for the efforts of OAU and its observer mission and called upon all States to contribute generously to the Peace Fund of OAU in order to enable the organization to increase the size of its mission and extend its mandate.¹⁰⁵ By a subsequent presidential statement of 24 July 1996, the Council also welcomed the extension of the mandate of the observer mission of OAU.¹⁰⁶

By a presidential statement of 29 July 1996, the Council expressed its full support for regional mediation efforts, including those of former President Nyerere and OAU.¹⁰⁷

By a note dated 5 August 1996, the Secretary-General transmitted a copy of the communiqué issued on 5 August 1996 by the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity, which relayed that the Central Organ, having considered the role of the OAU Mission in Burundi and in the light of

the new situation in that country, decided to terminate the deployment of the military component of the Mission as soon as possible. The communiqué also noted that, depending on the evolution of the situation in Burundi, the Secretary-General of OAU could consider the possibility of strengthening the civilian and political component of the Mission.¹⁰⁸

By resolution 1072 (1996) of 30 September 1996, the Council took note of the above-mentioned note by the Secretary-General and underlined the importance it attached to the continuation of the efforts of OAU and its observer mission. The Council further expressed its strong support for the efforts of regional leaders of OAU and of former President Nyerere, to assist Burundi to overcome peacefully the grave crisis which it was undergoing, and encouraged them to continue to facilitate the search for a political solution.¹⁰⁹ By the same resolution, the Council also welcomed the efforts made by the European Union to contribute to a peaceful solution of the political crisis in Burundi.¹¹⁰

By a presidential statement dated 30 May 1997,¹¹¹ the Council reiterated its support and appreciation to OAU in its efforts to find a peaceful solution to the crisis in Burundi.

The situation in the Great Lakes region

In the Great Lakes region, the Security Council supported the mediation efforts of OAU in coordination with those of the United Nations, including the appointment of the joint United Nations/OAU Special Representative and the resultant five-point peace plan for eastern Zaire.

By a presidential statement of 1 November 1996,¹¹² the Security Council, concerned at the deteriorating situation in the Great Lakes region, in particular eastern Zaire, expressed the hope that the mediation efforts of OAU and the European Union would complement those of the Special Envoy of the Secretary-General.

¹⁰² S/PV.3639, p. 8.

¹⁰³ *Ibid.*, p. 15.

¹⁰⁴ Resolution 1049 (1996), paras. 8 and 10.

¹⁰⁵ S/PRST/1996/24.

¹⁰⁶ S/PRST/1996/31.

¹⁰⁷ S/PRST/1996/32.

¹⁰⁸ S/1996/628, annex.

¹⁰⁹ Resolution 1072 (1996), tenth, thirteenth preambular paras. and para. 2.

¹¹⁰ Resolution 1072 (1996), fourteenth preambular para.

¹¹¹ S/PRST/1997/32.

¹¹² S/PRST/1996/44.

By resolution 1078 (1996) of 9 November 1996, the Council welcomed the efforts of the mediators and representatives of OAU and the European Union, among others, and encouraged them to coordinate closely their efforts with those of the Special Envoy. In addition, the Council requested the Secretary-General to draw up a concept of operations and framework for a humanitarian task force, in consultation with OAU and the Special Envoy of the European Union, among other actors. Furthermore, the Council called upon OAU, the States of the region and other international organizations to examine ways in which to contribute and to complement the efforts undertaken by the United Nations to defuse tension in the region, in particular in eastern Zaire.¹¹³ By subsequent decisions, the Council reiterated its encouragement of the efforts of OAU and the European Union.¹¹⁴

By a letter dated 22 January 1997,¹¹⁵ the Secretary-General informed the Council that, given the gravity and complexity of the situation in the Great Lakes region, he intended to propose the appointment of a joint United Nations/OAU Special Representative, who would be reporting to both the United Nations and OAU and take guidance from those Secretaries-General. He noted that such an appointment would be in conformity with the request of the Council that the Secretary-General cooperate closely with OAU in addressing the problems of the Great Lakes region.

By a presidential statement dated 7 February 1997,¹¹⁶ the Council expressed its full support for the joint United Nations/OAU Special Representative for the Great Lakes region, in the fulfilment of his mandate. In subsequent decisions, the Council reiterated this position.¹¹⁷

In his letter dated 18 February 1997,¹¹⁸ the Secretary-General reported on the mission of the joint United Nations/OAU Special Representative for the Great Lakes region who was working on a five-point peace plan, on the basis of the presidential statement of

7 February 1997.¹¹⁹ The Secretary-General noted that it would greatly assist the efforts of the joint United Nations/OAU Special Representative if consideration were to be given by the Council, on an urgent basis, to an appropriate acknowledgement and support of his initiative.

By a presidential statement dated 7 March 1997,¹²⁰ the Council underlined the urgent need for a comprehensive and coordinated response by the international community in support of the efforts of the joint United Nations/OAU Special Representative for the Great Lakes region to prevent any further escalation of the crisis there and, in that respect, reiterated its full support for the five-point peace plan for eastern Zaire contained in resolution 1097 (1997). The Council welcomed the endorsement of that plan by OAU at its sixty-fifth ordinary session of the Council of Ministers held in Tripoli from 24 to 28 February 1997. The Council also welcomed all efforts, including those of the organizations and States of the region, aimed at resolving the crisis.

The situation in the Republic of the Congo

With regard to the situation in the Republic of the Congo, the Security Council, by a presidential statement dated 13 August 1997,¹²¹ affirmed its support for the role of the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region in the negotiations to reach agreement on a ceasefire and a peaceful settlement of the crisis.

The situation concerning the Democratic Republic of the Congo

In connection with the situation concerning the Democratic Republic of the Congo, the Security Council supported the mediation efforts of OAU and the Southern African Development Community (SADC) towards the restoration of peace and stability in the region, which culminated in the signing of the Ceasefire Agreement in Lusaka on 10 July 1999.¹²²

¹¹³ Resolution 1078 (1996), fifteenth preambular para. and paras. 10 (a) and 11.

¹¹⁴ Resolution 1080 (1996), eighth preambular para.; and S/PRST/1997/5 and S/PRST/1997/11.

¹¹⁵ S/1997/73.

¹¹⁶ S/PRST/1997/5.

¹¹⁷ Resolution 1097 (1997), sixth preambular para.; and S/PRST/1997/11 and S/PRST/1997/22.

¹¹⁸ S/1997/136.

¹¹⁹ S/PRST/1997/5.

¹²⁰ S/PRST/1997/11.

¹²¹ S/PRST/1997/43.

¹²² S/1999/815, annex.

By a presidential statement dated 29 May 1997,¹²³ the Council expressed its appreciation to the Secretaries-General of the United Nations and OAU and their Special Representative, among others, for their efforts to facilitate a peaceful solution to the crisis in the Democratic Republic of the Congo.

Furthermore, by a presidential statement dated 11 December 1998,¹²⁴ the Council expressed its support for the regional mediation process begun by OAU and SADC, led by the President of Zambia, took note of the steps which had been taken towards the peaceful settlement of the conflict and encouraged the President of Zambia to continue his efforts.

At the 3987th meeting, on 19 March 1999, the representative of the Democratic Republic of the Congo stated that Article 52 of the Charter encouraged the Council to support the peaceful settlement of local disputes through regional agreements. While expressing his gratitude for the efforts of the Council to ensure the proper implementation of that provision, in particular, through the two presidential statements the Council had adopted on the topic, he recalled that the last paragraph of Article 52 allowed the Council to simultaneously apply the provisions of Articles 34 and 35 of the Charter.¹²⁵

By resolution 1234 (1999) of 9 April 1999, the Council expressed its support for the regional mediation process by OAU and SADC to find a peaceful settlement to the conflict in the Democratic Republic of the Congo and called upon the international community to support those efforts. The Council also requested the Secretary-General to work closely with the Secretary-General of OAU in promoting a peaceful solution of the conflict.¹²⁶

By a presidential statement of 24 June 1999,¹²⁷ the Council reaffirmed its support for the regional mediation process facilitated by the President of Zambia on behalf of SADC, in cooperation with OAU and with support from the United Nations, to find a peaceful settlement to the conflict in the Democratic Republic of the Congo and took note of the constructive efforts being made to promote a peaceful

settlement of the conflict in the context of the above-mentioned regional mediation process.

By resolution 1258 (1999) of 6 August 1999, which welcomed the signing of the Ceasefire Agreement in Lusaka on 10 July 1999,¹²⁸ the Council commended OAU and SADC for their efforts to find a peaceful settlement to the conflict in the Democratic Republic of the Congo.¹²⁹

By resolution 1279 (1999) of 30 November 1999, the Council stressed the need for a continuing process of genuine national reconciliation and encouraged all Congolese to participate in the national dialogue to be organized in coordination with OAU. The Council further called upon all Congolese parties and OAU to finalize agreement on the facilitator for the national dialogue.¹³⁰

The situation in Angola

In Angola, OAU and SADC supported the efforts of the United Nations in furthering the Angolan peace process.

By a series of resolutions, the Security Council welcomed the efforts of OAU, among other actors, to promote peace and security in Angola.¹³¹

By resolution 1075 (1996) of 11 October 1996, the Council welcomed the efforts of OAU and SADC, among other actors, and encouraged them to continue their efforts to promote peace and security in Angola. While welcoming the Summit of the SADC Organ on Politics, Defence and Security which had taken place in Luanda on 2 October 1996,¹³² the Council regretted the failure of the leader of the União Nacional para a Independência Total de Angola (UNITA) to attend the Summit and seize the opportunity for a more rapid advancement of the process. It expressed support for the continuing efforts of the heads of States and Government of SADC to accelerate the peace process in Angola.¹³³ In a subsequent decision, the Council

¹²³ S/PRST/1997/31.

¹²⁴ S/PRST/1998/36.

¹²⁵ S/PV.3987, pp. 2-3.

¹²⁶ Resolution 1234 (1999), paras. 11 and 16.

¹²⁷ S/PRST/1999/17.

¹²⁸ S/1999/815, annex.

¹²⁹ Resolution 1258 (1999), paras. 1 and 3.

¹³⁰ Resolution 1279 (1999), para. 2.

¹³¹ Resolutions 1045 (1996), eleventh preambular para.; 1055 (1996), fifteenth preambular para.; and 1064 (1996), fourteenth preambular para.

¹³² For the communiqué issued at the Summit, see S/1996/841, annex.

¹³³ Resolution 1075 (1996), ninth preambular para. and

continued to encourage the continuation of the efforts of OAU and SADC in promotion of peace and security in Angola.¹³⁴

Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995

In connection with the extradition of the three suspects wanted in the assassination attempt on the life of the President of Egypt in Addis Ababa on 26 June 1995, by a letter dated 9 January 1996 from the representative of Ethiopia, the Council was informed that the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity issued two statements, on 11 September 1995 and 19 December 1995, respectively, on the matter. By the former statement, the Central Organ, inter alia, called upon the Government of the Sudan to hand over to Ethiopia the three terrorists who were sheltering in the Sudan, on the basis of the 1964 Extradition Treaty between Ethiopia and the Sudan.¹³⁵ The latter statement included provisions that requested the Government of the Sudan to implement the earlier statement in all its aspects and cooperate with OAU, the Secretary-General and the Central Organ, and urged the Government of the Sudan to take the necessary measures to extradite the three suspects.¹³⁶

By resolution 1044 (1996) of 31 January 1996, the Security Council supported the implementation of the requests contained in the above-mentioned statements of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity and regretted the fact that the Government of the Sudan had not yet complied with the requests. The Council urged the Government of the Sudan to comply with the requests of the Organization of African Unity without further delay and welcomed the efforts of the Secretary-General of OAU aimed at the implementation of the

para. 9.

¹³⁴ Resolution 1087 (1996), seventh preambular para.

¹³⁵ S/1996/10, annex I, para. 6.

¹³⁶ Ibid., annex II, paras. 2-3.

relevant provisions of the statements of the Central Organ of the Mechanism of 11 September 1995 and of 19 December 1995, and supported OAU in its continued efforts to implement its decisions.¹³⁷

By subsequent resolutions, the Council took note of the continued efforts of the Secretary-General of OAU to ensure the compliance of the Sudan with the requests of the Central Organ of the Mechanism.¹³⁸

The situation in Guinea-Bissau

Following the Abuja Agreement of 1 November 1998 brokered by the Economic Community of West African States, the Council supported the deployment of the Monitoring Group of ECOWAS in Guinea-Bissau, as specified in the Abuja Agreement.

By a presidential statement dated 6 November 1998,¹³⁹ the Council welcomed the agreement reached on 1 November 1998, in Abuja, between the Government of Guinea-Bissau and the Self-Proclaimed Military Junta during the Twenty-first Summit of the Authority of the Heads of State and Government of ECOWAS,¹⁴⁰ commended the mediation efforts of ECOWAS and of the Community of Portuguese-speaking Countries, and their respective Chairmen; and took note of the agreement regarding the withdrawal from Guinea-Bissau of all foreign troops and of the simultaneous deployment of the interposition force from the Monitoring Group of ECOWAS, which would take over from the withdrawn forces.

By resolution 1216 (1998) of 21 December 1998, the Council commended the States Members of the Community of Portuguese-speaking Countries and ECOWAS on the key role they were playing to restore peace and security throughout Guinea-Bissau and on their intention to participate with others in the observation of the forthcoming general and presidential elections. The Council welcomed the role of ECOMOG in the implementation of the Abuja Agreement, aimed at guaranteeing security along the Guinea-Bissau/Senegal border, keeping apart the parties in conflict and guaranteeing free access to humanitarian organizations and agencies to reach the affected

¹³⁷ Resolution 1044 (1996), para. 4.

¹³⁸ Resolutions 1054 (1996), sixth preambular para. and 1070 (1996), seventh preambular para.

¹³⁹ S/PRST/1998/31.

¹⁴⁰ S/1998/1028, annex.

civilian populations. The Council approved the implementation by the interposition force of ECOMOG of its mandate in a neutral and impartial way and in conformity with United Nations peacekeeping standards in order to achieve its objective to facilitate the return to peace and security. The Council further affirmed that the interposition force might be required to take action to ensure the security and freedom of movement of its personnel in the discharge of its mandate. By the same resolution, the Council requested ECOMOG to provide periodic reports at least every month through the Secretary-General, the first report to be made one month after the deployment of its troops.¹⁴¹ By a letter dated 16 April 1999, the Secretary-General transmitted the report prepared by the Executive Secretary of ECOWAS, including information regarding the deployment of ECOMOG.¹⁴²

By resolution 1233 (1999) of 6 April 1999, the Council welcomed the report of the Secretary-General of 17 March 1999, which included a report on the implementation of the mandate by ECOMOG,¹⁴³ and welcomed the deployment of troops constituting the Interposition Force of ECOMOG by States in the region to implement their peacekeeping mandate. The Council again commended, among others, the Community of Portuguese-speaking Countries and States members of ECOWAS for the key role they were playing to bring about national reconciliation and consolidating peace and security throughout Guinea-Bissau.¹⁴⁴ By the same resolution, the Council supported the decision of the Secretary-General to establish the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS)¹⁴⁵ for which the mandate included the facilitation of the implementation of the Abuja Agreement, “in close cooperation with” ECOWAS and the Monitoring Group, among other actors.¹⁴⁶

¹⁴¹ Resolution 1216 (1998), paras. 3-4, 6-7.

¹⁴² S/1999/432, annex.

¹⁴³ S/1999/294.

¹⁴⁴ Resolution 1233 (1999), eighth preambular para. and para. 3.

¹⁴⁵ Resolution 1233 (1999), para. 7. For more details on UNOGBIS, see chapter V.

¹⁴⁶ Following the events of 7 May 1999 in Guinea-Bissau, which resulted in the removal from office of President João Bernardo Vieira, and in view of difficulties encountered in financing the operations, ECOWAS withdrew its Monitoring Group. Given the changed

The situation in Somalia

In a statement by the President dated 24 January 1996,¹⁴⁷ the Security Council welcomed the efforts of OAU, the Organization of the Islamic Conference (OIC), the League of Arab States, the European Union and the neighbouring States in promoting national dialogue in the search for a solution to the Somali crisis. Welcoming and supporting the intention of the Secretary-General to maintain the United Nations Political Office for Somalia, the Council stressed the importance of maintaining close cooperation with regional organizations.

By a presidential statement dated 20 December 1996,¹⁴⁸ the Council fully supported the efforts of the countries of the region as well as of international and regional organizations, in particular OAU and LAS, to facilitate a political settlement of the crisis in Somalia.

In his report dated 17 February 1997,¹⁴⁹ the Secretary-General, at the request of the Security Council, reported on his consultations with countries in the region in the hope of assisting those regional efforts. In that context, he attached a joint letter dated 31 January 1997 from the representative of Ethiopia, which had been given a mandate for Somalia on behalf of OAU and the Intergovernmental Authority on Development (IGAD), and from the representative of Kenya, as Chairman of IGAD. In that letter, they shared the view that coordination and cooperation between the IGAD countries and OAU, on the one hand, and the United Nations, on the other, from 1993 to 1995, on the question of Somalia had been inadequate. They had detected some changes for the better and hoped that such a recent trend would be strengthened in the future. They further stated that the most critical support that the United Nations could provide for the regional efforts was through exerting the necessary pressure on Somali factions to show greater commitment to national reconciliation, and asserted that the declaration of national pledges and commitments of 3 January 1997 achieved at Sodere,

circumstances, the mandate of UNOGBIS was also revised. For more details, see the letter dated 28 June 1999 from the Secretary-General to the President of the Council (S/1999/737) and the report of the Secretary-General dated 1 July 1999 (S/1999/741, paras. 8 and 21).

¹⁴⁷ S/PRST/1996/4.

¹⁴⁸ S/PRST/1996/47.

¹⁴⁹ S/1997/135.

Ethiopia, under the auspices of the IGAD countries was sufficiently inclusive to merit the full support of the United Nations.¹⁵⁰

By subsequent presidential statements dated 27 February and 23 December 1997,¹⁵¹ the Council similarly expressed its support for the efforts of various international and regional organizations in facilitating a political settlement of the crisis in Somalia.

By a presidential statement dated 12 November 1999,¹⁵² the Council expressed its full support for the efforts of IGAD to find a political solution to the crisis in Somalia; welcomed the initiative of the President of Djibouti aimed at restoring peace and stability in Somalia, outlined in his letter of 23 September 1999 to the President of the Council;¹⁵³ and looked forward to the finalization of the proposals of the President of Djibouti at the forthcoming IGAD Summit and stood ready to work with IGAD to help bring about national unity and the restoration of a national government in Somalia.

The situation between Eritrea and Ethiopia

In connection with the situation between Eritrea and Ethiopia, the Security Council supported the efforts of OAU to achieve a peaceful settlement of the conflict.

By resolution 1177 (1998) of 26 June 1998, the Council commended the efforts of OAU and of others, in cooperation with that organization, to achieve a peaceful settlement of the conflict, and expressed its strong support for the decision of the Assembly of the Heads of State and Government of OAU of 10 June 1998 to send to Eritrea and Ethiopia a delegation of its Central Organ.¹⁵⁴ The Council urged OAU to follow up on its initiative as quickly as possible.¹⁵⁵

By resolution 1226 (1999) of 29 January 1999, the Council, commending the efforts of concerned countries and regional bodies aimed at facilitating a peaceful solution to the border dispute between Ethiopia and Eritrea, expressed its strong support for

the mediation efforts of OAU and for the Framework Agreement as approved on 17 December 1998 by the Summit of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity,¹⁵⁶ and affirmed that the Framework Agreement provided the best opportunity for peace between the two parties.¹⁵⁷

By resolution 1227 (1999) of 10 February 1999, the Council again expressed its full support for the efforts of OAU and stressed that the Framework Agreement remained a viable and sound basis for a peaceful resolution of the conflict.¹⁵⁸ In a presidential statement dated 27 February 1999, the Council reiterated that position.¹⁵⁹

Americas

The question concerning Haiti

In Haiti, the Security Council continued to encourage and support the efforts of the Organization of American States (OAS), particularly within the framework of the International Civilian Mission in Haiti (MICIVIH), a joint mission carried out by the United Nations and OAS, in accordance with the General Assembly resolution 47/20 B.

By resolution 1048 (1996) of 29 February 1996, the Security Council welcomed and supported the efforts of OAS to promote, in cooperation with the United Nations, consolidation of peace and democracy in Haiti. The Council also commended the contribution of, among others, MICIVIH.¹⁶⁰

By resolution 1063 (1996) of 28 June 1996, taking note of the resolution adopted at the seventh plenary session of the twenty-sixth regular session of OAS, which encouraged the international community to sustain the same level of commitment it had demonstrated during the years of crisis, and at the request of the Government of Haiti, the Council decided to establish the United Nations Support

¹⁵⁰ Ibid, annex II.

¹⁵¹ S/PRST/1997/8 and S/PRST/1997/57, respectively.

¹⁵² S/PRST/1999/31.

¹⁵³ S/1999/1007.

¹⁵⁴ S/1998/494.

¹⁵⁵ Resolution 1177 (1998), eighth preambular para. and para. 4.

¹⁵⁶ S/1998/223, annex.

¹⁵⁷ Resolution 1226 (1999), fifth preambular para., and para. 1.

¹⁵⁸ Resolution 1227 (1999), paras. 4 and 5.

¹⁵⁹ S/PRST/1999/9.

¹⁶⁰ Resolution 1048 (1996), seventh and tenth preambular paras. See also resolutions 1086 (1996), ninth preambular para., and 1277 (1999), fourth preambular para.

Mission in Haiti (UNSMIH). By the same resolution, the Council invited the “further participation” of OAS.¹⁶¹ Prior to the vote, at the 3676th meeting, held on 28 June 1996, the representative of the Russian Federation stated that his Government had “misgivings” about the need for a new operation. However, taking into consideration the appeal made by the President of Haiti and the position of OAS and the Group of Friends of the Secretary-General for Haiti,¹⁶² his delegation had joined other members of the Council in consenting to the establishment of UNSMIH. He underlined that it was important that the draft resolution sought to continue and further step up the efforts of OAS to provide assistance in resolving problems in Haiti.¹⁶³

By a presidential statement dated 25 March 1998,¹⁶⁴ the Council reaffirmed that further assistance to the Haitian National Police, should it be needed, should be provided with the full support of the international community through international and regional organizations, among other actors.

Asia

The situation in Tajikistan and along the Tajik-Afghan border

In Tajikistan, the Council encouraged close cooperation between the United Nations Mission of Observers in Tajikistan (UNMOT), the collective peacekeeping forces of the Commonwealth of Independent States (CIS) and the mission in Tajikistan of the Organization for Security and Cooperation in Europe in support of the efforts of the international community towards resolving the inter-Tajik conflict.

In the context of the inter-Tajik talks, which had been conducted under the auspices of the United Nations since 1994, the Council, by a presidential statement dated 21 May 1996,¹⁶⁵ called upon the countries and regional organizations acting as observers at those talks to render all possible support to the efforts of the Secretary-General and his Special

Representative aimed at the earliest possible resumption of the talks. By a series of decisions during the review period, the Council continued to express its satisfaction at the regular contacts between, among others, UNMOT, the collective peacekeeping forces of CIS, the border forces of the Russian Federation and the mission of OSCE in Tajikistan.¹⁶⁶

Following the successful conclusion of the inter-Tajik talks with the signing of the General Agreement on the Establishment of Peace and National Accord in Tajikistan,¹⁶⁷ in his report of 4 September 1997,¹⁶⁸ the Secretary-General stated that UNMOT would continue to cooperate closely with OSCE, which had been requested to facilitate the implementation of the General Agreement in the areas related to the observance of human rights and the establishment of democratic political and legal institutions and processes. The report noted that it was envisaged that UNMOT and the OSCE mission in Tajikistan would complement and support each other in those activities.

In a subsequent report dated 5 November 1997,¹⁶⁹ the Secretary-General informed the Council that the military component of UNMOT had maintained close working relations with the CIS peacekeeping forces. The report further noted the decision of CIS to authorize its peacekeeping forces in Tajikistan to provide security to the personnel of UNMOT, OSCE and other international organizations.

By resolution 1138 (1997) of 14 November 1997, the Council welcomed the decision of CIS to authorize its collective peacekeeping forces to assist in providing security for United Nations personnel, at the request of UNMOT and with the agreement of the parties. By the same resolution, the Council authorized the Secretary-General to expand UNMOT and mandated the Mission to, among other tasks, maintain close contact with the parties, as well as cooperative liaison with the CIS peacekeeping forces, the border forces of the Russian Federation and the OSCE mission in Tajikistan. In addition, the Council welcomed the

¹⁶¹ Resolution 1063 (1996), ninth preambular para., and para. 2.

¹⁶² Argentina, Canada, Chile, France, the United States of America and Venezuela.

¹⁶³ S/PV.3676, pp. 5-6.

¹⁶⁴ S/PRST/1998/8.

¹⁶⁵ S/PRST/1996/25.

¹⁶⁶ Resolutions 1061 (1996), eighth preambular para.; 1089 (1996), seventh preambular para.; 1167 (1998), ninth preambular para.; 1206 (1998), sixth preambular para.; 1240 (1999), sixth preambular para.; and 1274 (1999), seventh preambular para.

¹⁶⁷ S/1997/510, annex I.

¹⁶⁸ S/1997/686, para. 22.

¹⁶⁹ S/1997/859, para. 5.

continued contribution made by the collective peacekeeping forces in assisting the parties in the implementation of the General Agreement, in coordination with all concerned.¹⁷⁰ The same provision continued to be included in subsequent decisions.¹⁷¹

By a presidential statement dated 24 February 1998¹⁷², the Council welcomed the readiness of the CIS peacekeeping forces to arrange for the guarding of United Nations premises in Dushanbe, as mentioned in the Secretary-General's report of 10 February 1998, and encouraged UNMOT and CIS collective peacekeeping forces to make the relevant arrangements.

By resolution 1167 (1998) of 14 May 1998, the Council encouraged the Mission and CIS collective peacekeeping forces to continue discussion of options for improving security cooperation, as set out in the Secretary-General's report of 6 May 1998.¹⁷³

Following the report by the Secretary-General on the launching of preparations for elections by the United Nations and OSCE,¹⁷⁴ by resolution 1240 (1999) of 15 May 1999, the Council encouraged OSCE to continue its close cooperation with the United Nations on matters relating to constitutional reform, democratization and elections, as requested under the General Agreement.¹⁷⁵

The situation in Afghanistan

By a presidential statement dated 15 February 1996,¹⁷⁶ the Council reaffirmed its readiness to assist the Afghan people in their efforts to return peace and normalcy to their country, and encouraged all States, as well as the Organization of the Islamic Conference, the Movement of Non-Aligned Countries and others, to support the efforts of the United Nations Special Mission to Afghanistan (UNSMA) to the same end.

¹⁷⁰ Resolution 1138 (1997), seventh preambular para. and paras. 4, 6 and 10.

¹⁷¹ Resolutions 1206 (1998), para. 5 and 1274 (1999), para. 7; and S/PRST/1999/8 and S/PRST/1999/25.

¹⁷² S/PRST/1998/4.

¹⁷³ Resolution 1167 (1998), para. 7.

¹⁷⁴ S/1999/514, para. 8.

¹⁷⁵ Resolution 1240 (1999), para. 4.

¹⁷⁶ S/PRST/1996/6.

Europe

*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*¹⁷⁷

*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*¹⁷⁸

By resolution 1160 (1998) of 31 March 1998, the Security Council expressed its support for the efforts of the Organization for Security and Cooperation in Europe for a peaceful resolution of the crisis in Kosovo, including through the Personal Representative of the Chairman-in-Office for the Federal Republic of Yugoslavia, who was also the Special Representative of the European Union. The Council also welcomed the return of the OSCE long-term missions.¹⁷⁹

The situation in Bosnia and Herzegovina

In Bosnia and Herzegovina, the United Nations cooperated with regional organizations in the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement").¹⁸⁰

By a presidential statement dated 8 August 1996,¹⁸¹ the Security Council welcomed the efforts of the European Union Administration of Mostar to facilitate the agreement reached by the Bosniac and Bosnian Croat leaderships in Mostar.

By resolution 1074 (1996) of 1 October 1996, the Council expressed its appreciation to the Commander of the multinational Implementation Force (IFOR) and to OSCE, among others, for their contributions to the implementation of the Peace Agreement.¹⁸²

¹⁷⁷ S/1998/223.

¹⁷⁸ S/1998/272.

¹⁷⁹ Resolution 1160 (1998), para. 7.

¹⁸⁰ S/1995/999.

¹⁸¹ S/PRST/1996/34.

¹⁸² Resolution 1074 (1996), third preambular para.

The situation in Georgia

In Georgia, the Security Council continued to encourage the efforts of the collective peacekeeping force of the Commonwealth of Independent States, operating side by side with the United Nations Mission in Georgia (UNOMIG). The Council also encouraged the efforts of the Organization for Security and Cooperation in Europe, aimed at achieving a comprehensive political settlement of the conflict.

By resolution 1036 (1996) of 12 January 1996, the Council, noting that the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994¹⁸³ had generally been respected by the parties with the assistance of the collective peacekeeping force of CIS and UNOMIG, reaffirmed its support for the efforts of, among others, OSCE, aimed at achieving a comprehensive political settlement of the conflict.¹⁸⁴

In his report of 1 July 1996, the Secretary-General recommended the creation of an office for the protection and promotion of human rights in Abkhazia, to be carried out by the United Nations High Commissioner for Human Rights, in cooperation with OSCE.¹⁸⁵ By resolution 1077 (1996) of 22 October 1996,¹⁸⁶ the Council welcomed the report of the Secretary-General of 1 July 1996, and in particular its paragraph 18, and decided that the Office referred to in that report should form part of UNOMIG, under the authority of the Head of UNOMIG, consistent with the arrangements described in paragraph 7 of the report of the Secretary-General of 9 August 1996.¹⁸⁷

By a series of decisions, the Council commended the important contribution made by UNOMIG and the collective peacekeeping force of CIS to the stabilization of the situation.¹⁸⁸ Noting that the

cooperation between the Mission and CIS had been good and had developed considerably, the Council also stressed the importance of continued close cooperation and coordination between the two in the performance of their respective mandates.¹⁸⁹

At the 4029th meeting, on 30 July 1999, the representative of Georgia recalled that his country had always supported the idea of introducing a self-protection unit in the conflict zone to protect UNOMIG. He regretted that the cooperation between the United Nations and OSCE on resolving the conflict was still lagging in view of the decision adopted at the December 1998 Oslo ministerial OSCE meeting towards the promotion of cooperation.¹⁹⁰ The representative of the Russian Federation noted, however, that the continuing close interaction between the United Nations and the CIS peacekeeping force was taking place strictly on the basis of Chapter VIII of the Charter, adding that the activities of the CIS peacekeeping force were backed by the relevant resolutions of the Council. Steps had also been taken to enhance the effectiveness of the CIS peacekeeping force in order to ensure the security of the international personnel of the United Nations.¹⁹¹

C. Calls by the Security Council for involvement of regional arrangements in the implementation of Chapter VII measures

During the period under review, regional arrangements were called upon to assist in the implementation of measures imposed by the Security Council under Chapter VII of the Charter, as in the cases of Angola, the Sudan and the Federal Republic of Yugoslavia described below. In this context, the Council often called upon “all international and regional organizations” to act in accordance with the

¹⁸³ S/1994/583.

¹⁸⁴ Resolution 1036 (1996), twelfth preambular para. and para. 3.

¹⁸⁵ S/1996/507, para. 17.

¹⁸⁶ Resolution 1077 (1996), para. 1.

¹⁸⁷ S/1996/644.

¹⁸⁸ Resolutions 1036 (1996), thirteenth preambular para.; 1065 (1996), sixth preambular para.; 1096 (1997), eighth preambular para.; 1124 (1997), seventh preambular para.; 1150 (1998), seventh preambular para.; 1187 (1998), seventh preambular para.; 1225 (1999), sixth preambular para.; 1255 (1999), fifth preambular para.; and S/PRST/1997/25, S/PRST/1997/50, S/PRST/1999/11 and S/PRST/1999/30.

¹⁸⁹ Resolutions 1065 (1996), sixth preambular para.; 1096 (1997), eighth preambular para.; 1124 (1997), seventh preambular para.; 1150 (1998), seventh preambular para.; 1187 (1998), seventh preambular para.; 1225 (1999), sixth preambular para.; and 1255 (1999), fifth preambular para.

¹⁹⁰ S/PV.4029, pp. 4-5.

¹⁹¹ *Ibid.*, pp. 6-7.

relevant provisions of resolutions imposing such mandatory measures.¹⁹²

The situation in Angola

By resolution 1127 (1997) of 28 August 1997, the Council, in imposing the travel ban on senior officials of the União Nacional para a Independência Total de Angola, urged all States and “international and regional organizations” to stop travel by their officials and official delegations to the central headquarters of UNITA, except for the purposes of travel to promote the peace process and humanitarian assistance.¹⁹³

Following the downing over territory controlled by UNITA of two aircraft chartered by the United Nations, by resolution 1221 (1999) of 12 January 1999, the Council, acting under Chapter VII, expressed its readiness to pursue reports of violations of the measures imposed against UNITA by resolutions 864 (1993), 1127 (1997) and 1173 (1998), to take steps to reinforce the implementation of those measures and to consider the imposition of additional measures on the basis of a report to be prepared by the Committee established pursuant to resolution 864 (1993). In that context, the Council encouraged the Chairman of the Committee to consult with the Organization of African Unity and the Southern African Development Community on ways to strengthen the implementation of the mandatory measures.¹⁹⁴

Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the

¹⁹² In connection with the situation in Sierra Leone, see resolution 1132 (1997), para. 11; in connection with the situation in Angola, see resolutions 1127 (1997), para. 10 and 1173 (1998), para. 17; and in connection with the item entitled “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”, see resolution 1160 (1998), para. 10.

¹⁹³ Resolution 1127 (1997) B, para. 6.

¹⁹⁴ Resolution 1221 (1999), paras. 8-9.

*President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995*¹⁹⁵

By resolution 1054 (1996) of 26 April 1996, the Council, in imposing mandatory measures against the Sudan and its armed forces, called upon “all international and regional organizations” not to convene any conference in the Sudan.¹⁹⁶

*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*¹⁹⁷

*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*¹⁹⁸

By resolution 1203 (1998) of 24 October 1998, acting under Chapter VII of the Charter, the Council endorsed and supported the agreements signed in Belgrade on 16 October 1998 between the Federal Republic of Yugoslavia and the Organization for Security and Cooperation in Europe¹⁹⁹ and between the Federal Republic of Yugoslavia and the North Atlantic Treaty Organization on 15 October 1998,²⁰⁰ concerning the verification of compliance by the Federal Republic of Yugoslavia and all others concerned in Kosovo with the requirements of resolution 1199 (1998).²⁰¹ To that end, the Council welcomed the establishment by OSCE of a verification mission in Kosovo and the establishment by NATO of an air verification mission over Kosovo, complementing the OSCE Verification Mission in Kosovo.²⁰²

At the 3937th meeting, on 24 October 1998, several speakers welcomed the readiness of NATO and OSCE to provide the necessary verification regimes to ensure the compliance of the Federal Republic of

¹⁹⁵ S/1996/10.

¹⁹⁶ Resolution 1054 (1996), paras. 3-4.

¹⁹⁷ S/1998/223.

¹⁹⁸ S/1998/272.

¹⁹⁹ S/1998/978.

²⁰⁰ S/1998/991.

²⁰¹ Resolution 1203 (1998), para. 1.

²⁰² Resolution 1203 (1998), third and fourth preambular paras.

Yugoslavia with resolutions 1160 (1998) and 1199 (1998).²⁰³

D. Authorization by the Security Council of the use of force by regional arrangements

During the period under review, the Security Council gave its authorization to regional arrangements to take necessary actions in the implementation of mandatory measures against Sierra Leone and regarding peacekeeping activities in Bosnia and Herzegovina and Kosovo.

The situation in Sierra Leone

In connection with the situation in Sierra Leone, the Security Council cooperated with the Economic Community of West African States in the implementation of the mandatory measures against Sierra Leone, by authorizing them explicitly under Chapter VIII of the Charter.

By resolution 1132 (1997), adopted at the 3822nd meeting, on 8 October 1997, the Council, “acting under Chapter VIII of the Charter”, authorized ECOWAS to ensure strict implementation of the provisions of the resolution concerning the petroleum and arms embargoes, including, where necessary and in conformity with applicable international standards, by halting inward maritime shipping in order to inspect and verify their cargoes and destinations, and called upon all States to cooperate with ECOWAS in that regard. The Council also requested ECOWAS to report every 30 days to the Committee established by the resolution on activities undertaken in that regard.²⁰⁴

At the meeting, before the adoption of resolution 1132 (1997), in welcoming the above-mentioned provisions, a few speakers explicitly referred to Chapter VIII of the Charter. The representative of the Republic of Korea welcomed the commitment of the ECOWAS countries to assume responsibilities for “enforcement action under Chapter VIII of the Charter” and expected ECOWAS to discharge its responsibility

²⁰³ S/PV.3937, pp. 2-3 (Poland); pp. 4-5 (Ukraine); p. 6 (Portugal); p. 6 (Costa Rica); p. 7 (Sweden); p. 7 (Slovenia); p. 8 (Kenya); p. 9 (Japan); and p. 10 (Gabon).

²⁰⁴ Resolution 1132 (1997), paras. 8-9.

in a way that would contribute to the peaceful resolution of the crisis in Sierra Leone.²⁰⁵ The representative of Portugal noted that ECOWAS was authorized to ensure the strict implementation of the mandatory measures “under Chapter VIII of the Charter”, which foresaw the utilization of regional arrangements for the enforcement of Council decisions.²⁰⁶ The representative of the United States stated that with resolution 1132 (1997), “in accordance with Chapter VIII of the Charter”, the Council joined the efforts of ECOWAS in resolving the crisis, as ECOWAS had done successfully for neighbouring Liberia.²⁰⁷

The representative of France expressed the view that the authorization of ECOWAS was “exceptional in nature”, legitimized by the past experience of cooperation between the United Nations and ECOWAS. He further stressed that the members of ECOWAS should properly discharge the mission entrusted to them.²⁰⁸ The representative of the Russian Federation reiterated that enforcement action should not be undertaken by regional organizations without the authorization of the Security Council. He expected ECOWAS to regularly inform the Council of the impact of the sanctions on the humanitarian situation.²⁰⁹

The situation in Bosnia and Herzegovina

In Bosnia and Herzegovina, during the period under review, the Security Council authorized the legal transition from a multinational Implementation Force (IFOR) to a multinational Stabilization Force (SFOR), repeatedly extended its mandate, and expressed appreciation for its efforts towards the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the “Peace Agreement”).²¹⁰

By resolution 1088 (1996) of 12 December 1996, the Council, acting under Chapter VII of the Charter, authorized the Member States acting through or in cooperation with the organization referred to in annex 1-A

²⁰⁵ S/PV.3822, p. 9.

²⁰⁶ *Ibid.*, p. 13.

²⁰⁷ *Ibid.*, p. 16.

²⁰⁸ *Ibid.*, p. 6.

²⁰⁹ *Ibid.*, pp. 9-10.

²¹⁰ S/1995/999.

of the Peace Agreement to establish, for a planned period of 18 months, SFOR as the legal successor to IFOR, under unified command and control, in order to fulfil the role specified in annexes 1-A and 2 of the Peace Agreement.²¹¹ The Council also authorized Member States acting under the above provision to “take all necessary measures” to effect the implementation of and to ensure compliance with annex 1-A of the Peace Agreement, stressing that the parties should continue to be held equally responsible for compliance with that annex and should be equally subject to such enforcement action by SFOR as might be necessary to ensure implementation of that annex and the protection of the Force. The Council authorized Member States to “take all necessary measures”, at the request of SFOR, either in defence of the Force 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 attack or threat of attack.²¹²

By resolutions 1174 (1998) of 15 June 1998 and 1247 (1999) of 18 June 1999, the Council, acting under Chapter VII, extended the mandate of SFOR for a further planned period of 12 months and emphasized its appreciation to SFOR, among others, for its contributions to the implementation of the Peace Agreement.²¹³

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

By resolution 1244 (1999) of 10 June 1999, the Council, acting under Chapter VII of the Charter, authorized Member States and relevant international organizations to establish an international security presence in Kosovo, with substantial North Atlantic Treaty Organization participation, with all necessary means to fulfil its responsibilities.²¹⁴

E. Deliberations on the appropriateness of Security Council action

The enumeration of the peaceful means by which the parties to a dispute, in accordance with Article 33 (1) of the Charter, shall first seek to settle their dispute, includes “resort to regional agencies or arrangements”. This is further emphasized in Article 52, which states that Member States “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” and that the Council “shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies”.

During the period under review, Member States challenged the competence of the Council to consider a dispute on the basis of these provisions in one instance, as demonstrated in the first case study in this section (case 21), in connection with the agenda item entitled “Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995”.²¹⁵

Furthermore, while Article 53 stipulates that the Council utilize, where appropriate, regional arrangements, it also states that “no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Council”. During the period under review, Member States discussed the necessity of Council action, arguing that Article 53 had been violated, as demonstrated in the two case studies concerning Kosovo (cases 22 and 23).

²¹¹ In accordance with the general obligations listed under annex 1-A of the Peace Agreement, it was understood and agreed that NATO might establish a multinational military implementation force, which would operate under the authority and be subject to the direction and political control of the North Atlantic Council through the NATO chain of command. See S/1995/999, annex 1-A, article I, para. 1 (b).

²¹² Resolution 1088 (1996), paras. 18-20.

²¹³ Resolutions 1174 (1998), fourth preambular para. and paras. 8 and 10; and 1247 (1999), fourth preambular para. and paras. 8 and 10.

²¹⁴ Resolution 1244 (1999), para. 7.

²¹⁵ S/1996/10.

Case 21

*Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995*²¹⁶

At the 3627th meeting, on 31 January 1996, the representative of Ethiopia urged the Council to adopt a resolution calling upon the Sudan to comply with the request made by the Organization of African Unity for the extradition of the three suspects wanted in the assassination attempt on the life of the President of Egypt in Addis Ababa, on 26 June 1995. He added that such action by the Council in support of the decisions of OAU would further strengthen cooperation and complementarity between the United Nations and regional organizations in the maintenance of peace and security.²¹⁷

The representative of the Sudan, however, maintained that, although his Government was disappointed at the outcome of the meeting of the Central Organ of the Mechanism for Conflict Prevention, Management and resolution of OAU, which adopted its resolution of 11 September 1995²¹⁸ without formally inviting his country, the Sudan had accepted it and continued its cooperation by responding to the OAU mission to the Sudan. He further noted that at its subsequent meeting on 19 December 1995, the Central Organ had issued a statement which urged the Government of the Sudan to “take the necessary measures to look for, locate and extradite” the three suspects and decided to remain seized with the issue.²¹⁹ Nonetheless, he argued, the Government of Ethiopia had brought the matter to the Security Council on the same day of the statement. He questioned the refusal by “some members of the Council” to await the outcome of OAU efforts on the question and the reason for exerting pressure on the Council to consider the question while OAU was considering the matter.²²⁰

The representative of Egypt stated that when Ethiopia resorted to the Council, it had done so by

using its right under Article 35 of the Charter. In his view, Article 54 made it clear that the Council should be kept fully informed of activities undertaken by regional organizations for the maintenance of international peace and security.²²¹

The representative of the Russian Federation maintained that, given the adoption of a series of decisions on the question of extradition, the greatest possible involvement by the regional machinery — OAU in the present case — was the best way to go. His delegation welcomed the constructive cooperation between the United Nations and regional organizations, and also the Council’s involvement, where necessary, in support of those organizations. However, he remarked that there was no justification for the Council to take the place of regional organizations on the issue of the Sudan and held that the ongoing form of cooperation between the Council and OAU was capable of yielding positive results in settling the question.²²²

By resolution 1044 (1996), adopted at that meeting, the Council, inter alia, called upon the Government of the Sudan to comply with the requests of OAU without further delay.²²³

At the 3660th meeting, on 26 April 1996, the representative of the Sudan emphasized that the provisions of Chapter VIII of the Charter established the legal framework for cooperation between the United Nations and regional organizations, including OAU. Nevertheless, the States parties to the dispute had resorted directly to the United Nations for adoption of measures to condemn and punish the Sudan. He was of the view that the OAU Mechanism for Conflict Prevention, Management and Resolution should have been given the opportunity to prove its ability in conflict prevention and resolution and should have been enabled to intervene appropriately in the initial stages, given the familiarity of OAU with regional conditions. He affirmed that it had spared no effort towards a solution to the dispute, and was continuing its activities in that regard. Pointing out the imminent adoption of coercive measures by the Council, the representative of the Sudan questioned the value of resolution 1044 (1996), which was primarily aimed at giving OAU the opportunity it needed to do its work. The representative wondered whether the conflict-settlement Mechanism of OAU had reached a dead

²¹⁶ Ibid.

²¹⁷ S/PV.3627, p. 3.

²¹⁸ S/1996/10, annex I.

²¹⁹ Ibid., annex II.

²²⁰ S/PV.3627, p. 5.

²²¹ Ibid., p. 16.

²²² Ibid., p. 17.

²²³ Resolution 1044 (1996), para. 4.

end, making it impossible to resolve the question, and therefore, making it incumbent upon the Council to discharge its responsibility under the Charter.²²⁴

Case 22

*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*²²⁵

*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*²²⁶

At the 3937th meeting, on 24 October 1998, at which the Council adopted resolution 1203 (1998), the representative of Brazil cautioned against the decision by the North Atlantic Treaty Organization of 13 October 1998 on the possible use of force against the Federal Republic of Yugoslavia. He asserted that, setting aside the question of how regional groups defined themselves, according to the Charter, non-universal organizations could resort to force only on the basis of either the right to legitimate self-defence, as stipulated in Article 51, or through the procedures of Chapter VIII, in particular Article 53, which imposed on regional organizations the obligation to seek the authorization of the Council and to abide by Council decisions. Stressing that there was no third way, he further observed that it would be regrettable if a two-tiered international system developed, in which the Council bore responsibility for the peace and security of most of the world, while bearing only secondary responsibility in regions that were covered by special defence agreements.²²⁷

The representative of the Russian Federation pointed out that the resolution did not contain any provision which would sanction directly or indirectly the automatic use of force or would be to the detriment of the prerogatives of the Council under the Charter. He expected the immediate cancellation by NATO of its decision on the possible use of force, the so-called “activation order”, which remained in force.²²⁸ The representative of China stated that as the agreements on the question of Kosovo were being

concluded between the Federal Republic of Yugoslavia and the parties concerned, a regional organization had made the decision to take military actions against the Federal Republic of Yugoslavia and interfere in its internal affairs, a decision that had been made unilaterally, without consulting the Council or seeking its authorization, in blatant violation of the Charter.²²⁹

Case 23

*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*²³⁰

At the 3988th meeting,²³¹ on 24 March 1999, Mr. Vladislav Jovanović remarked that the decision to attack an independent country had been taken outside the Council, the sole body responsible, under the Charter of the United Nations, for the maintenance of international peace and security. He expressed the view that such a blatant aggression was “in direct contravention of Article 53, paragraph 1 of the Charter”.²³² In addition, the representative of India reaffirmed the commitment to the Charter, which clearly stipulated that no enforcement actions should be taken under regional arrangements without the authorization of the Security Council. He concurred that the attacks against the Federal Republic of Yugoslavia were in clear violation of Article 53 of the Charter and that no country, group of countries or regional arrangement could arrogate to themselves the right to take arbitrary and unilateral action against others.²³³

At the 3989th meeting, on 26 March 1999, the Council had before it a draft resolution, by which, affirming that the unilateral use of force by NATO against the Federal Republic of Yugoslavia constituted a flagrant violation of the Charter, in particular Articles 2 (4), 24 and 53, the Council, acting under Chapters VII and VIII of the Charter, would have demanded an immediate cessation of the use of force against the Federal Republic of Yugoslavia and urgent resumption of negotiations.²³⁴

²²⁴ S/PV.3660, p. 3.

²²⁵ S/1998/223.

²²⁶ S/1998/272.

²²⁷ S/PV.3937, pp. 10-11.

²²⁸ Ibid., pp. 11-12.

²²⁹ Ibid., p. 14.

²³⁰ S/1999/320.

²³¹ See also case 3 in section I.B of the present chapter, in connection with Article 2 (4).

²³² S/PV.3988, p. 14.

²³³ Ibid., p. 15.

²³⁴ S/1999/328.

The representative of the Russian Federation argued that the continuing military action, undertaken under the pretext of preventing a humanitarian catastrophe, had already caused severe humanitarian consequences in Kosovo. He maintained that the aggressive military action unleashed by NATO against a sovereign State without the authorization, and in circumvention, of the Council, was a real threat to international peace and security. Quoting Article 53 of the Charter, he reaffirmed the inadmissibility of any enforcement action under regional arrangements or

by regional agencies without the authorization of the Council.²³⁵

The draft resolution was not adopted because it did not obtain the required majority.²³⁶

²³⁵ S/PV.3989, pp. 5-6.

²³⁶ *Ibid.*, p. 6.

Part IV

Consideration of the miscellaneous provisions of the Charter (Articles 102 and 103)

Article 102

1. *Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.*

2. *No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.*

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.

Note

During the period under review, Article 102 was not explicitly invoked in any resolution. However, an express reference was made in a communication from the representative of the Russian Federation to the Secretary-General, transmitting the General Agreement on the

Establishment of Peace and National Accord in Tajikistan, signed in Moscow on 27 June 1997.¹

During the period under review, Article 103 was not explicitly invoked in any resolution or presidential statement. However, the Security Council adopted a number of resolutions imposing measures within the framework of Article 41, in which it implicitly invoked the principle enshrined in Article 103, by emphasizing the primacy of the Charter obligations over obligations contracted by Member States under any other international agreement. The resolutions by which the Council imposed mandatory measures against the Sudan, the União Nacional para a Independência Total de Angola, Sierra Leone, the Federal Republic of Yugoslavia and the Taliban included such provisions, as set out below.

In connection with the item entitled "Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995",² the Council, by resolution 1054 (1996) of 26 April 1996, imposed sanctions against the Sudan involving restrictions on diplomatic representation and travel by government officials, and called upon all States, including States not Members of the United Nations, and specialized agencies of the United Nations to act strictly in conformity with the

¹ S/1997/510, p. 3.

² S/1996/10.

resolution “notwithstanding the existence of any rights granted or obligations conferred 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 provisions” set out in the resolution.³ Similar language was employed in resolution 1267 (1999) of 15 October 1999, in connection with the situation in Afghanistan, by which, effective 14 November 1999, the Council imposed mandatory measures against individuals or entities belonging to or associated with the Taliban, if the Taliban failed to turn over Osama bin Laden to the appropriate authorities.⁴

With regard to the situation in Angola, by resolutions 1127 (1997) of 28 August 1997 and 1173 (1998) of 12 June 1998, the Council, in imposing sanctions against UNITA, called upon all States and all international and regional organizations to act strictly in accordance with the provisions of the respective resolutions, “notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of their adoption”.⁵ Such provisions were also contained in resolutions 1132 (1997) of 8 October 1997 and 1160 (1998) of 31 March 1998, by which the Council imposed the petroleum and arms embargo and selective travel ban against Sierra Leone and the arms embargo against the Federal Republic of Yugoslavia, including Kosovo, respectively.⁶

In addition, during the deliberations of the Council, Article 103 was explicitly referred to on several occasions. One such reference was made at the 3988th meeting, on 23 March 1999, in connection with the item entitled “Letter dated 24 March 1999 from the Permanent Representative of the Russian Federation to the President of the Security Council”,⁷ during which the representative of the Russian Federation condemned the “unilateral” use of force by the North Atlantic Treaty Organization against “the sovereign Federal Republic of Yugoslavia”, which was, in his opinion, carried out without the authorization of the Council. In that context, he reminded members of NATO of the obligations of States Members of the United

Nations under the Charter, in particular, Article 103, which established the supremacy of the Charter over any other international obligations.⁸ Two other explicit references to Article 103 were made during the 3864th meeting, on 20 March 1998, in connection with the item entitled “Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America”,⁹ which will be treated in the case below.¹⁰

Case 24, in the context of the destruction of Pan Am flight 103 over Lockerbie, Scotland, in 1988, concerns the application filed by the Libyan Arab Jamahiriya to the International Court of Justice on 3 March 1992, on the interpretation and application of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971.¹¹ The case covers the relevant deliberations of the Council at the meeting convened following the two judgments delivered by the Court on 27 February 1998.¹²

Case 24

*Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America*¹³

By a letter dated 2 March 1998 addressed to the President of the Security Council, the representative of the Libyan Arab Jamahiriya informed the Council of the two judgments delivered on 27 February 1998 by the International Court of Justice.¹⁴

At the 3864th meeting, on 20 March 1998, at which no action was taken, the Council held a discussion on the question of compliance by the Libyan Arab Jamahiriya with its international obligations in the context of the destruction of Pan Am flight 103 as well as the measures imposed against that country by resolutions 731 (1992), 748 (1992) and 883 (1993). The representative of the Libyan Arab Jamahiriya recalled the demands of the United States and the United Kingdom upon the Libyan Arab Jamahiriya for the extradition of its two citizens suspected of being involved in the incident of the destruction of Pan Am flight

³ Resolution 1054 (1996), paras. 3 and 5.

⁴ Resolution 1267 (1999), paras. 2, 3, 4 and 7.

⁵ Resolutions 1127 (1997), para. 10, and 1173 (1998), para. 17.

⁶ Resolutions 1132 (1997), para. 11, and 1160 (1998), para. 10.

⁷ S/1999/320.

⁸ S/PV.3988, p. 2.

⁹ S/23306.

¹⁰ S/PV.3864, pp. 27 and 42.

¹¹ United Nations, *Treaty Series*, vol. 974, No. 14118.

¹² S/1998/179, annexes 1 and 2.

¹³ S/23306, S/23307, S/23308, S/23309 and S/23317.

¹⁴ *Ibid.*

103 over Lockerbie, Scotland, in 1988.¹⁵ He noted that the Libyan Arab Jamahiriya had dealt with the “suspicion” of its two citizens within the framework of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, article 7 of which accorded the Libyan Arab Jamahiriya judicial competence for trying the two suspects.¹⁶ The representative of the Libyan Arab Jamahiriya further argued that by its judgments, rendered on 27 February 1998, the Court had confirmed that the dispute was a legal one and that the Court had jurisdiction over it.¹⁷ He noted that on the basis of article 14 (1) of the Montreal Convention,¹⁸ the requests of the Libyan Arab Jamahiriya were admissible, notwithstanding resolutions 748 (1992) and 883 (1993). He underscored that the sanctions provided for in resolutions 748 (1992) and 883 (1993) had become irrelevant and moot since the Court had accepted jurisdiction in the matter on which the resolutions were based. He further stated that although the Charter and the Statute of the International Court of Justice confirmed that each party to the dispute must comply with the judgments pursuant to Article 94 (2) of the Charter, the Council had the power to adopt measures to give effect to a judgment and to ensure that a judgment was binding on all Members of the United Nations. He added that under Article 92 of the Charter, the Court was the principal judicial organ of the United Nations and that each Member of the United Nations needed to comply with the judgments of the Court in any case to which it was a party, pursuant to Article 94 (1). He also stressed that the Council should call on the parties involved not to take any unilateral or

multilateral measures until the Court rendered its final judgment.¹⁹

The representative of Mali, speaking on behalf of the Group of African States, stressed that with regard to the judgments of the Court, the Group believed that there was no longer any reason for the Council to maintain sanctions against the people of the Libyan Arab Jamahiriya. The Court had rejected the claims that the Convention did not apply to the Lockerbie conflict and stated that it was up to the Court to decide the matter. He attested that the Court had also rejected the claim that the rights of the Libyan Arab Jamahiriya under the Convention were suspended following the adoption of resolutions 748 (1992) and 883 (1993), which had imposed sanctions against the Libyan Arab Jamahiriya on the basis of Articles 25 and 103 of the Charter. He reminded the Council that the Court explicitly rejected the claims that resolutions 731 (1992), 748 (1992) and 883 (1993) obliged the Libyan Arab Jamahiriya to extradite its nationals to the United States or the United Kingdom so that they could be brought to trial, notwithstanding the rights of the Libyan Arab Jamahiriya under the Convention. Recalling also that the Court had rejected the claims that the relevant legal proceedings needed to be halted immediately on the presumption that the resolutions of the Council could not be challenged in the Court, the representative of Mali argued that the sanctions provided for in resolutions 748 (1992) and 883 (1993) no longer had any *raison d’être*. Accordingly, the Group of African States believed that there needed to be a suspension of the application of the resolutions relative to sanctions against the Libyan Arab Jamahiriya, including the air embargo, reduced diplomatic representation and the freeze on assets, until the Court ruled on the substance of the matter.²⁰

The representative of the United Kingdom, however, stated that the International Court of Justice had decided that it did have jurisdiction to decide on the merits of the case of the Libyan Arab Jamahiriya in respect of the Convention, but it had not decided that the claims of the Libyan Arab Jamahiriya were justified. He noted that the United Kingdom was arguing before the Court that the matter was governed by resolutions 731 (1992), 748 (1992) and 883 (1993), which obliged the Libyan Arab Jamahiriya to surrender the two accused of the destruction of Pan Am flight 103 for trial in Scotland or the United States. He underscored that obligations under the Charter of the United Nations, including compliance with binding

¹⁵ S/PV.3864 and Corr.1, p. 4.

¹⁶ Article 7 of the Convention states the following: “The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.”

¹⁷ S/PV.3864 and Corr.1, pp. 9-10.

¹⁸ Article 14 (1) of the Convention states: “Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court”.

¹⁹ S/PV.3864 and Corr.1, pp. 9-10.

²⁰ *Ibid.*, pp. 41-42.

Security Council resolutions, took precedence over any other alleged international obligations. The representative argued that the Court had decided that the above-mentioned point of the United Kingdom was a substantive one and that it could not be ruled on in a preliminary way but should be considered at a full hearing. The decision was just one stage in the judicial proceedings, with the main argument on the merits still to come. He stressed that the Government of the United Kingdom would contest the next phase of the case vigorously as the argument on the binding nature of the resolutions and their overriding authority was one that had implications beyond the facts of the case. He underscored that the resolutions were unaffected by the ruling of the Court and therefore remained in force.²¹

The representative of Brazil argued that the Governments of the United Kingdom, the United States and France, by bringing the issue to the Council, had demonstrated their faith in the multilateral system.²² He noted, however, that the ruling of the Court on the matter of the applicability of the Convention would have a bearing on how the Council assessed the conditions for the compliance of the Libyan Arab Jamahiriya with the relevant resolutions. He recalled the opinion of Judge Kooijmans of the Court, who stated:

²¹ Ibid., pp. 31-32. See also the statement made by the representative of the United States, pp. 12-14.

²² Ibid., pp. 26-27.

Resolutions taken under Chapter VII may have far-reaching legal effects, but they are not irrevocable or unalterable ... [T]he Security Council is free to confirm, revoke or amend them and consequently they cannot be called “final” even if during their lifetime they may be dispositive of the rights and obligations of Member States, overriding rights and obligations these States may have under other treaties.²³

In an express reference to Article 103, the representative of Brazil also cited the position held by Judge Rezek of the Court in his individual opinion. Commenting on the necessity to resolve the “conflict between treaties”, Mr. Rezek stated:

Article 103 of the Charter is a rule for resolving conflict between treaties ... It resolves the conflict in favour of the Charter ... It is indeed the United Nations Charter (not a Security Council resolution, a General Assembly recommendation or a ruling of the International Court of Justice) which benefits from the pre-eminence established in this standard; it is the Charter, with all the weight of its principles, its system and its distribution of authority.²⁴

²³ Ibid., p. 27. See also S/1998/191, annex, p. 23.

²⁴ Ibid., p. 27. See also S/1998/191, annex, p. 25.

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