



United Nations

Repertoire of the Practice of the Security Council

Supplement 2008-2009

Volume I



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Department of Political Affairs

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of the Security Council**

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Introduction

The present publication constitutes the sixteenth 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 5817th meeting, on 9 January 2008, to the 6254th meeting, on 23 December 2009. The original *Repertoire* and previous supplements may be consulted at www.un.org/en/sc/repertoire.

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. For ease of reference, this introduction contains a table indicating the membership of the Security Council during the period under review.

In recording the Council’s practice, the headings under which the practices and procedures of the Council were presented in the original volume have been largely retained. Where necessary, however, adjustments have been made to better reflect the Council’s practice. For example, the studies contained in part I of the present publication are organized according to region or thematic issues.

The *Repertoire of the Practice of the Security Council* covers four primary areas, namely, the application of the provisional rules of procedure, the application of Articles of the Charter of the United Nations, the subsidiary organs of the Security Council, including peacekeeping and peacebuilding missions, and an overview of Council activities for each item on its agenda. From 1946-2007, each Supplement to the *Repertoire*, generally covering a period of two to four years, comprised 12 chapters. Since 2008, each Supplement to the *Repertoire* covers a period of two years and comprises 10 parts.

From 1946 to 2007, the 12 chapters cover the following topics:

Chapter I	Provisional rules of procedure of the Security Council (Articles 28, 30, 98; rules 1-5, 13-36, 40-67 of the rules of procedure)
Chapter II	Agenda (rules 6-12 of the rules of procedure)
Chapter III	Participation in the proceedings of the Security Council (Articles 31, 32, 35 (1); rules 37-39 of the rules of procedure)
Chapter IV	Voting (Article 27; rule 40 of the rules of procedure)
Chapter V	Subsidiary organs of the Security Council
Chapter VI	Relations with other United Nations organs

Chapter VII	Practice relative to recommendations to the General Assembly regarding membership in the United Nations
Chapter VIII	Consideration of questions under the responsibility of the Security Council for the maintenance of international peace and security (overview by agenda item)
Chapter IX	Decisions taken by the Security Council in the exercise of its other functions and powers
Chapter X	Consideration of the provisions of Chapter VI of the Charter
Chapter XI	Consideration of the provisions of Chapter VII of the Charter
Chapter XII	Consideration of the provisions of other Articles (Articles 1 (2), 2 (4), 2 (5), 2 (6), 2 (7), 24, 25, 52-54, 102, 103)

From 2008 onwards, the 10 parts of the *Repertoire* cover the following topics:

Part I	Consideration of questions under the responsibility of the Security Council for the maintenance of international peace and security (by agenda item)
Part II	Provisional rules of procedure
Part III	Purposes and principles of the Charter of the United Nations (Chapter I of the Charter)
Part IV	Relations with other United Nations organs
Part V	Functions and powers of the Security Council (Chapter V of the Charter)
Part VI	Consideration of the provisions of Chapter VI of the Charter
Part VII	Action with respect to threats to the peace, breaches of the peace, and acts of aggression (Chapter VII of the Charter)
Part VIII	Regional arrangements (Chapter VIII of the Charter)
Part IX	Subsidiary organs of the Security Council: committees, tribunals and other bodies
Part X	Subsidiary organs of the Security Council: peacekeeping operations and peacebuilding missions

The *Repertoire* is based on published documents of the Security Council. Symbols of United Nations documents are composed of letters combined with figures. Security Council documents are indicated by a symbol such as [S/2008/662](#). References to the verbatim records of meetings of the Council are given in the form [S/PV.6200](#), 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 and other decisions adopted by the Security Council, including statements and notes issued by the President of the Council and relevant exchanges of letters between the President and the Secretary-General, 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 [1795 \(2008\)](#). References to the statements by the President on behalf of the Council are given in the form [S/PRST/2008/48](#), for example.

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/63](#) for 2007/08, [S/INF/64](#) for 2008/09, [S/INF/65](#) for 2009/10).

Members of the Security Council, 2008-2009

2008	Belgium	2009	Austria
	Burkina Faso		Burkina Faso
	China		China
	Costa Rica		Costa Rica
	Croatia		Croatia
	France		France
	Indonesia		Japan
	Italy		Libyan Arab Jamahiriya
	Libyan Arab Jamahiriya		Mexico
	Panama		Russian Federation
	Russian Federation		Turkey
	South Africa		Uganda
	United Kingdom of Great Britain and Northern Ireland		United Kingdom of Great Britain and Northern Ireland
	United States of America		United States of America
	Viet Nam		Viet Nam

Part I

Consideration of questions under the responsibility of the Security Council for the maintenance of international peace and security

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Introductory note

Part I of the *Repertoire of the Practice of the Security Council* provides an overview of the proceedings of the Security Council in respect of the items that relate to its responsibility for the maintenance of international peace and security. The range of items covers broadly those that may be deemed to fall under Chapters VI and VII of the Charter.

Part I gives the immediate political context in which consideration by the Council of those items evolved during the period 2008-2009.¹ It also constitutes a framework within which the deliberations of the Council expressly related to the provisions of the Charter and its provisional rules of procedure can be considered. The present part also examines the substantive aspects of the Council's practice that are not covered in other parts of the *Repertoire*.

For ease of reference, the items are grouped by region, with an additional category of thematic issues. Within each region, items are listed in the order in which they were first included in the list of matters of which the Council is seized.

Studies on individual items highlight developments in the Council's consideration of an item that are considered important for understanding the decisions taken by the Council. In some cases, related items are grouped together under the heading "Items relating to ...".

Each substantive section is followed by a table comprising all procedural information relating to the item, including meetings, sub-items, documents referred to and speakers, in chronological order. To illustrate the mainstreaming of thematic issues in items specific to a country or region, some of the studies include an additional table that sets out the relevant provisions of decisions of the Council.

¹ The *Repertoire* covers formal meetings and documents of the Council. Some of the questions considered in part I were also discussed in informal consultations among the members of the Council.

Africa

1. The situation concerning Western Sahara

Overview

During the period under review, the Security Council held two meetings and adopted two resolutions in connections with the situation concerning Western Sahara. In those meetings, the Council discussed the negotiations between the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario) and Morocco on the status of Western Sahara, the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) and the question of human rights in the region. The mandate of MINURSO was extended twice by the Council for periods of one year.¹

30 April 2008 to 30 April 2009: extension of the mandate of MINURSO

On 30 April 2008, the Council adopted resolution 1813 (2008) to extend the mandate of MINURSO until 30 April 2009. Despite the concern expressed by the representatives of Costa Rica and South Africa over the absence of any mention of human rights in the draft resolution and the threat of a “technical veto” by the Russian Federation if the proposed amendments by Costa Rica were put to a vote, the resolution was adopted unanimously. The representative of South Africa also expressed concern at some of the language in the resolution, particularly the use of the word “realism”, which he feared could be interpreted in such a way as to deny the right of self-determination to the

people of Western Sahara.² Council members called on both parties, Frente Polisario and Morocco, to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith.

On 30 April 2009, the Council unanimously adopted resolution 1871 (2009), by which it, inter alia, extended the mandate of MINURSO until 30 April 2010, and welcomed the parties’ agreement with the suggestion of the newly appointed Personal Envoy of the Secretary-General for Western Sahara to hold small, informal talks in preparation for a fifth round of negotiations. In the discussion following the vote,³ several delegations stressed the importance of making progress on the human dimension of the conflict and welcomed its inclusion in the resolution. The representative of Austria stressed the support of his delegation for a results-oriented approach in the field of human rights and maintained that both parties had the obligation to ensure respect for the human rights of the people of Western Sahara.⁴ The representative of Costa Rica, however, expressed regret that the Council had not endorsed the Secretary-General’s call to the parties to remain engaged with the Office of the United Nations High Commissioner for Human Rights.⁵ Speakers expressed satisfaction with the unanimity of the vote, which sent a message to the parties that progress in negotiations should be made.

¹ Resolutions 1813 (2008) and 1871 (2009). For more information, see part X, in regard to MINURSO.

² S/PV.5884, pp. 2-3 (Costa Rica), pp. 3-4 (Russian Federation) and pp. 4-5 (South Africa).

³ The draft resolution, contained in document S/2009/224, was orally amended before the vote.

⁴ S/PV.6117, p. 6.

⁵ Ibid., pp. 5-6.

Meetings: the situation concerning Western Sahara

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5884th 30 April 2008	Report of the Secretary-General on the situation concerning Western Sahara (S/2008/251)	Draft resolution submitted by 5 Member States ^a (S/2008/284)	Rule 37 Spain	6 Council members ^b	Resolution 1813 (2008) 15-0-0
6117th 30 April 2009	Report of the Secretary-General on the situation concerning Western Sahara (S/2009/200 and Corr.1)	Draft resolution submitted by 5 Member States ^c (S/2009/224)	Rule 37 Spain	8 Council members ^d	Resolution 1871 (2009) 15-0-0

^a France, Russian Federation, Spain, United Kingdom and United States.

^b Burkina Faso, Costa Rica, France, Russian Federation, South Africa and United States.

^c France, Russian Federation, Spain, United Kingdom and United States.

^d Austria, Burkina Faso, Costa Rica, France, Russian Federation, Uganda, United Kingdom and United States.

2. The situation in Liberia

Overview

During the period under review, the Security Council held eight meetings, including two private meetings with the troop-contributing countries,⁶ concerning the situation in Liberia, in which it adopted five resolutions under Chapter VII of the Charter and received a briefing by the Special Representative of the Secretary-General for Liberia. The Council focused on the drawdown process, which had commenced in line with resolution 1777 (2007), discussing the appropriate pace of the drawdown and progress made in meeting benchmarks.

The Council extended the mandate of the United Nations Mission in Liberia (UNMIL) twice, for periods of six months and one year, respectively, with a reduced military but increased police presence.⁷ The Council renewed the sanctions regime three times and

also extended the mandate of the Panel of Experts three times.⁸

In May 2009, the Council visited Liberia as part of its mission to Africa.⁹

14 April 2008: briefing on UNMIL

On 14 April 2008, in a briefing to the Council on the basis of the Secretary-General's report, the Special Representative of the Secretary-General said that Liberia, free of conflict since 2003 after a devastating 14-year-long civil war, was now a place of hope. However, that hope was tempered by a tenuous and fragile peace, with security still heavily reliant on United Nations military and police presence. She called for prudence while proceeding with the drawdown, so as not to put at risk the gains made in

⁶ 5972nd meeting, held on 9 September 2008, and 6184th meeting, held on 3 September 2009.

⁷ Resolutions 1836 (2008) and 1885 (2009).

⁸ Resolutions 1819 (2008), 1854 (2008) and 1903 (2009). For more information, see part IX, sect I.B, in regard to the Panel of Experts.

⁹ For more information, see the present part, sect. 40, and part VI, sect. II, regarding Security Council missions.

security, not only for Liberia but for the entire subregion.¹⁰ In subsequent reports, the Secretary-General highlighted the achievements in meeting the key security benchmarks in spite of significant challenges, including the fragile security situation and weak national institutions.¹¹

18 June 2008 to 19 December 2009: extension of the mandate of the Panel of Experts and of sanctions measures

On 18 June 2008, in resolution 1819 (2008), the Council requested the Secretary-General to renew the mandate of the Panel of Experts for a further period until 20 December 2008. The Council encouraged the Government of Liberia to implement the recommendations of the recent Kimberley Process review and work closely with the Kimberley Process to continue to strengthen Liberian controls on rough diamond trade.

On 19 December 2008, in resolution 1854 (2008), the Council decided to renew the arms embargo and travel ban as well as the mandate of the Panel of Experts for 12 months until 20 December 2009, inter alia, to assess compliance by the Government of Liberia with the Kimberley Process Certification Scheme, in coordination with the Kimberley Process.

On 17 December 2009, in resolution 1903 (2009), the Council renewed for 12 months its travel ban on persons deemed to be a threat to peace in Liberia and modified its arms embargo to allow the Government of Liberia and UNMIL to receive certain military materiel during the same period. The Council also demanded that the Government make all efforts necessary to enforce the asset freeze imposed on sanctioned persons and entities, which remained in force.¹² Moreover, it extended until 20 December 2010 the mandate of the Panel of Experts monitoring implementation of those measures.

¹⁰ S/PV.5864, pp. 2-5.

¹¹ See S/2009/86 and S/2009/411.

¹² For more information, see part VII, sect. III, in regard to Article 41 of the Charter.

**29 September 2008 to 15 September 2009:
extension of the mandate of UNMIL**

By resolution 1836 (2008) of 29 September 2008, the Council, inter alia, renewed the mandate of UNMIL for 12 months until 30 September 2009, and endorsed the recommendations of the Secretary-General on a drawdown, authorizing the reduction by March 2009 of the military presence by 1,460 personnel, and increasing the police presence by 240 officers. The Council also requested the Secretary-General, in consultation with the Government of Liberia, to develop more detailed benchmarks to measure and track progress towards the achievement of security in Liberia.

Pursuant to resolution 1836 (2008), the Secretary-General, in his report dated 10 February 2009,¹³ presented refined benchmarks, relating primarily to the indicators assessing progress made towards building capacity of the Armed Forces of Liberia and the Liberian National Police and to preparations for the 2011 elections. The restoration of effective State authority throughout the country had also been identified as a core benchmark.

On 15 September, by resolution 1885 (2009), the Council, inter alia, extended and expanded the mandate of UNMIL until 30 September 2010. In addition, the Council authorized UNMIL to assist the Government of Liberia with the 2011 general presidential and legislative elections; endorsed the recommendation of the Secretary-General that the conduct of free and fair, conflict-free elections be a core benchmark for the Mission's future drawdown; requested the Secretary-General to monitor progress on preparations for the election; and endorsed the Secretary-General's recommendation to implement the third stage of the Mission's drawdown, from October 2009 to May 2010, which would keep the military and police component at its existing strength. With regard to building capacity of the Liberian National Police, the Council encouraged coordinated progress on the implementation of the Liberian National Police strategic plan.

¹³ S/2009/86.

Meetings: the situation in Liberia

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5864th 14 April 2008	Sixteenth progress report of the Secretary-General on UNMIL (S/2008/183)		Rule 37 Liberia Rule 39 Special Representative of the Secretary-General for Liberia	Special Representative of the Secretary-General for Liberia	
5914th 18 June 2008	Letter dated 12 June 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council (S/2008/371)	Draft resolution (S/2008/394)	Rule 37 Liberia		Resolution 1819 (2008) 15-0-0
5985th 29 September 2008	Seventeenth progress report of the Secretary-General on UNMIL (S/2008/553)	Draft resolution (S/2008/613)	Rule 37 Liberia		Resolution 1836 (2008) 15-0-0
6051st 19 December 2008	Letter dated 12 December 2008 from the Acting Chairman of the Committee established pursuant to resolution 1521 (2003) addressed to the President of the Security Council (S/2008/785)	Draft resolution submitted by the United States (S/2008/797)			Resolution 1854 (2008) 15-0-0

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6188th 15 September 2009	Nineteenth progress report of the Secretary- General on UNMIL (S/2009/411)	Draft resolution (S/2009/455)	Rule 37 Liberia		Resolution 1885 (2009) 15-0-0
6246th 17 December 2009	Letter dated 11 December 2009 from the Chairman of the Committee established pursuant to resolution 1521 (2003) (S/2009/640)	Draft resolution submitted by the United States (S/2009/648)	Rule 37 Liberia		Resolution 1903 (2009) 15-0-0

3. The situation in Somalia

Overview

During the period 2008-2009, the Security Council held 27 meetings, and adopted 13 resolutions under Chapter VII of the Charter and five presidential statements in connection with the situation in Somalia. The Council assessed the conditions for a possible deployment of a United Nations peacekeeping operation to take over from the African Union Mission in Somalia (AMISOM), followed the progress towards implementation of the Djibouti Agreement, strengthened sanctions measures and condemned the terrorist attacks in Somalia. In addition, the Council took action on the growing problem of piracy.

In June 2008, the Council visited Djibouti in connection with the situation in Somalia, as part of its mission to Africa.¹⁴

Furthermore, the Council successively renewed the authorization of the African Union to maintain a mission in Somalia and to use force.¹⁵ The Council twice extended the mandate of the Monitoring Group

supporting the Committee established pursuant to resolution 751 (1992).¹⁶

15 February 2008 to 30 November 2009: strengthening of AMISOM

During the period under consideration, the Council remained seized of the issue of strengthening AMISOM and its possible replacement by a United Nations peacekeeping force. While the Government of Somalia and some members supported the deployment of a United Nations peacekeeping operation,¹⁷ others expressed the view that conditions, such as improvement in the security situation and progress in political reconciliation, did not yet exist for a United Nations peacekeeping force to take over from AMISOM.¹⁸ However, members were unanimous in

¹⁴ For more information, see the present part, sect. 40, and part VI, sect. II, with regard to Security Council missions.

¹⁵ The Council extended the authorization in resolutions 1801 (2008), 1831 (2008), 1863 (2009) and 1872 (2009).

¹⁶ Resolutions 1811 (2008) and 1853 (2008). For more information, see part IX, sect. I.B, with regard to the Monitoring Group.

¹⁷ For example, see S/PV.5987, p. 3 (South Africa); S/PV.6020, p. 18 (China); S/PV.6026, p. 3 (China); S/PV.6158, p. 12 (Libyan Arab Jamahiriya); p. 23 (Burkina Faso); and p. 24 (Uganda).

¹⁸ For example, see S/PV.6020, p. 12 (France); and p. 22 (Russian Federation); S/PV.6046, pp. 4-5 (United Kingdom); S/PV.6068, pp. 9-10 (France); and S/PV.6095, p. 16 (Russian Federation).

supporting and calling upon the international community to provide AMISOM with financial and logistical assistance.

From 15 February 2008 to 29 July 2009, the representative of the African Union regularly updated the Council on the deployment of AMISOM and appealed for urgent action to deploy a United Nations peacekeeping operation in Somalia, to replace AMISOM and to ensure the long-term stabilization and post-conflict reconstruction of Somalia.¹⁹

Between 20 March 2008 and 30 November 2009, the Council also received regular briefings from the Secretariat on the basis of the reports of the Secretary-General, which provided an update on the humanitarian situation, political process, security situation on the ground and status of contingency planning for the possible deployment of a United Nations peacekeeping operation to take over from AMISOM, as requested by the Council in resolution 1772 (2007).²⁰

By resolution 1814 (2008) of 15 May 2008, the Council, *inter alia*, expressed its willingness to consider, at the appropriate time, a United Nations peacekeeping operation to take over from AMISOM, subject to progress in the political process and improvement in the security situation on the ground.

In a statement by the President dated 4 September 2008,²¹ the Council welcomed the signing of the Djibouti Agreement on the same day by the Transitional Federal Government of Somalia and the Alliance for the Re-liberation of Somalia, in which the parties requested that the United Nations, within 120 days, authorize and deploy an international stabilization force.

By resolution 1863 (2009) of 16 January 2009, the Council expressed its intent to establish a United Nations peacekeeping operation in Somalia as a follow-on force to AMISOM, subject to a further decision of the Council by 1 June 2009. In addition, the Council requested the Secretary-General to submit a report for a United Nations peacekeeping operation by 15 April 2009, including recommendations on the

mandate of such a peacekeeping operation; provide a logistical support package to AMISOM until 1 June 2009; and establish a trust fund to provide financial support to AMISOM until a United Nations peacekeeping operation was deployed.

On 13 May 2009, senior officials of the Secretariat, introducing the report of the Secretary-General, submitted pursuant to resolution 1863 (2009),²² conveyed the Secretary-General's recommendations for a three-phased incremental approach to United Nations involvement, namely: (a) supporting the establishment of Somali security institutions and strengthening AMISOM while maintaining the current engagement; (b) establishing a United Nations "light footprint" in Mogadishu; and (c) deploying, at an appropriate time, a United Nations peacekeeping operation. They pointed out that movement from one phase to another should be on the basis of the evolution of prevailing conditions, not on a rigid timetable.²³

In resolution 1872 (2009) of 26 May 2009, welcoming the aforementioned recommendations, the Council authorized the member States of the African Union to maintain AMISOM until 31 January 2010, to carry out its existing mandate.

On 8 October 2009, the Director of the United Nations Support Office for AMISOM reported on progress in implementing the support package for AMISOM approved by the General Assembly in June 2009 (\$139 million), but noted that the security situation might slow its delivery.²⁴ Several members commended efforts by the Secretariat to implement the logistical support package, welcomed pledges in support of AMISOM and applauded Uganda and Burundi for their troop contributions. The representative of Uganda, echoed by the representative of the Libyan Arab Jamahiriya, underlined the need for transition to a United Nations peacekeeping operation at the earliest possible time.²⁵ However, the representative of the Russian Federation emphasized that the conditions on the ground were not yet right for a United Nations presence, adding that there was not

¹⁹ For more information, see S/2008/178 and Corr.1 and 2, annex I, regarding the appeal by the African Union. For more information on the briefings, see S/PV.5837, S/PV.5942, S/PV.6020, S/PV.6158 and S/PV.6173.

²⁰ See S/PV.5858, S/PV.5942, S/PV.6020, S/PV.6095, S/PV.6124, S/PV.6173 and S/PV.6197 and Corr.1.

²¹ S/PRST/2008/33.

²² S/2009/210.

²³ S/PV.6124, p. 5.

²⁴ S/PV.6197 and Corr.1, pp. 5-6.

²⁵ *Ibid.*, p. 19 (Uganda) and p. 20 (Libyan Arab Jamahiriya).

yet any peace to keep in Somalia.²⁶ The representative of France noted that while the security conditions did not allow for the deployment of a United Nations force, the international community must act with greater resolve to assist Somalia.²⁷ The representative of Somalia expressed the hope that the international community would take the necessary steps to ensure further improvements in the security situation in his country.²⁸

**15 May 2008 and 17 November 2008:
relocation of the United Nations Political
Office for Somalia**

By resolution 1814 (2008) of 15 May 2008, the Council, inter alia, welcomed the Secretary-General's recommendation, as set out in his report of 14 March 2008,²⁹ to relocate the United Nations Political Office for Somalia (UNPOS) and the country team headquarters from Nairobi to Mogadishu or an interim location in Somalia in order to help deliver the comprehensive, integrated United Nations strategy in Somalia, and requested the Secretary-General to establish the necessary security arrangements for such a relocation. However, in his subsequent report, dated 17 November 2008, the Secretary-General reported that contingency plans for the relocation of the Office and the United Nations country team to Somalia were yet to be implemented, as none of the mitigating factors to reduce threats to security were at an acceptable level.³⁰

**2 June 2008 to 30 November 2009: piracy and
armed robbery off the coast of Somalia**

From 23 July 2008 to 30 November 2009, the Council received regular briefings from the Special Representative of the Secretary-General for Somalia and Head of UNPOS on the basis of reports of the Secretary-General, which provided an assessment of the piracy situation and examined the political, legal and operational activities that had been undertaken by Member States, regional organizations and the United Nations and its partners in the fight against piracy and armed robbery at sea off the coast of Somalia.

At the request of the Transitional Federal Government for international assistance to address the problem of piracy, and with its consent, in resolution 1816 (2008) of 2 June 2008 the Council authorized States cooperating with the Transitional Federal Government to enter the territorial waters of Somalia and use "all necessary means" to repress piracy and armed robbery at sea for six months. During the deliberations, speakers emphasized that measures in the resolution should be based on the consent of the national authority and should be strictly limited to the territorial waters of Somalia.³¹

By resolution 1838 (2008) of 7 October 2008, the Council, inter alia, called upon States whose naval vessels and military aircraft operated on the high seas and airspace off the coast of Somalia to use the "necessary means" for the repression of acts of piracy.

On 20 November 2008, the Secretary-General of the International Maritime Organization, while expressing concern at the escalating incidents of piracy and armed robbery against ships in the waters off Somalia and in the Gulf of Aden, called on the Council to expand authorizations for a swift, coordinated national and international response, and to urge States to establish an effective legal jurisdiction to bring offenders to justice.³² While condemning all acts of piracy and welcoming the efforts by certain States and organizations, particularly the European Union and the North Atlantic Treaty Organization (NATO), several speakers called for the coordination of all regional and international initiatives in combating piracy, with the representatives of Panama and China expressing the view that the United Nations should play a leading role in that regard.³³ With regard to jurisdiction issues arising from the detention of perpetrators of acts of piracy, the representative of Belgium urged a pragmatic approach that took into consideration bilateral agreements and the views expressed in the relevant multilateral forums, in particular at the International Maritime Organization.³⁴ The representative of the Russian Federation added that attention should be paid to issues related to the detention of offenders and the determination of the jurisdiction for those

²⁶ Ibid., p. 11.

²⁷ Ibid., p. 17.

²⁸ Ibid., p. 22.

²⁹ S/2008/178.

³⁰ See S/2008/709, para. 28.

³¹ S/PV.5902.

³² S/PV.6020, pp. 6-7.

³³ Ibid., p. 12 (France); p. 13 (Italy); p. 14 (Libyan Arab Jamahiriya); p. 18 (Panama); p. 19 (China) and p. 22 (Russian Federation).

³⁴ Ibid., p. 20.

individuals.³⁵ The representative of Somalia stated that the greatest challenge to peace and stability in his country was not a lack of political will but a lack of security. He further stated that the Transitional Federal Government did not have the capacity to defend and control the entire country, as its security apparatus lacked adequate equipment and training and had no financial resources in place.³⁶

By resolution 1846 (2008) of 2 December 2008, the Council, *inter alia*, authorized States and regional organizations cooperating with the Transitional Federal Government in fighting against piracy and armed robbery at sea off the coast of Somalia to enter the territorial waters of Somalia and use, within the territorial waters, “all necessary means” to repress acts of piracy and armed robbery at sea, for a period of 12 months. Following the adoption of the resolution, the representative of Indonesia said his delegation supported the resolution on the basis of, *inter alia*, the understanding that its provisions would not affect the rights, obligations and responsibilities of Member States under the United Nations Convention on the Law of the Sea and should not be considered as establishing customary international law.³⁷

By resolution 1851 (2008) of 16 December 2008, the Council authorized States and regional organizations to take “all necessary measures” that were appropriate in Somalia in the fight against piracy, pursuant to the request of the Transitional Federal Government. The Council also encouraged all States and regional organizations to establish an international cooperation mechanism to act as a common point of contact on all aspects of combating piracy and armed robbery at sea off the coast of Somalia. In the ensuing discussion, the representative of the United States stated that pursuing pirates on land in Somalia would have a significant impact, as maritime operations alone were insufficient for combating piracy.³⁸ While supporting the resolution, several speakers expressed reservations regarding its implementation. The representatives of Indonesia, Burkina Faso and Costa Rica emphasized that any counter-piracy action should be taken in full compliance with international law, particularly the Convention on the Law of the Sea.³⁹

³⁵ *Ibid.*, p. 22.

³⁶ *Ibid.*, p. 8.

³⁷ S/PV.6026, pp. 3-4.

³⁸ S/PV.6046, p. 9.

³⁹ *Ibid.*, p. 5 (China); p. 6 (Indonesia); and p. 18 (Burkina Faso).

The representative of Belgium argued that provisions in the resolution must be seen as exceptional measures, required by the severity of the problem, and must be time-bound, strictly monitored and taken for only one specific purpose, namely, combating piracy, and only by countries cooperating with the Somali authorities, in compliance with humanitarian and human rights law.⁴⁰ The representative of Costa Rica argued that for any action against piracy, it was essential to obtain the express consent of the Government of Somalia.⁴¹

On 20 March 2009, a majority of speakers underscored the need to tackle the issue of piracy off the coast of Somalia, recalling that it not only impeded the delivery of humanitarian aid but also interfered with international trade and raised shipping costs. In addition, it hindered economic development in the region. The representative of Somalia stated that defeating piracy in Somalia required the restoration of the rule of law. His Government was ready to integrate the required actions against piracy into the Government’s security development and stabilization programme.⁴²

On 18 November 2009, the Special Representative of the Secretary-General reported that although international naval deployments and the self-protection measures of vessels had reduced the number of successful piracy incidents, attacks continued, with pirates using more sophisticated methods. Describing the various efforts of United Nations entities, he stressed that any long-term effort to address lawlessness at sea must be complementary to the political, security, recovery and development efforts being undertaken by the United Nations and AMISOM.⁴³ A majority of speakers lauded the unprecedented level of coordination of the international naval forces and efforts by the European Union, the North Atlantic Treaty Organization (NATO) and the Combined Task Force 151 to patrol the transit corridor and protect supplies for the World Food Programme (WFP) and AMISOM. Most delegates underlined the importance of combating impunity for acts of piracy and commended Kenya for its regional leadership in the detention and prosecution for such crimes. Many speakers called for the building of regional capacities to detain and prosecute suspected

⁴⁰ *Ibid.*, p. 13.

⁴¹ *Ibid.*, p. 17.

⁴² S/PV.6095, p. 6.

⁴³ S/PV.6221, p. 3.

pirates, and some delegates encouraged all States to enact the necessary legislation to enable their national judiciaries to prosecute piracy as a crime.

In its resolution [1897 \(2009\)](#) of 30 November 2009, the Council decided to renew, for an additional period of 12 months, the authorization granted to States and regional organizations cooperating with the Transitional Federal Government of Somalia in the fight against piracy and armed robbery at sea off the coast of Somalia.

**30 October 2008 and 3 December 2009:
presidential statements on terrorist attacks**

On 30 October 2008, in a presidential statement,⁴⁴ the Council condemned in the strongest terms the terrorist suicide attacks that had occurred in the towns of Hargeysa and Boosasso in Somalia on 29 October.

On 3 December 2009, in a presidential statement,⁴⁵ the Council condemned in the strongest terms the terrorist attack in Mogadishu on that date.

**20 November 2008 to 9 July 2009:
decisions concerning sanctions measures
and alleged violations**

By resolution [1844 \(2008\)](#) of 20 November 2008, the Council, *inter alia*, decided that travel restrictions and a freeze on assets would be applied to individuals

⁴⁴ S/PRST/2008/41.

⁴⁵ S/PRST/2009/31.

and entities that engaged in activities that threatened the peace and the political processes and obstructed humanitarian assistance, and to those that breached the weapons ban, which was established by resolution 733 of 1992 and amended by subsequent resolutions. The mandates of the Security Council Committee established pursuant to resolution [751 \(1992\)](#) and the Monitoring Group were expanded accordingly.⁴⁶

On 15 May 2009, in a presidential statement⁴⁷ the Council expressed concern over reports that Eritrea had supplied arms to those opposing the Transitional Federal Government of Somalia, in breach of the United Nations arms embargo.

In a presidential statement dated 9 July 2009,⁴⁸ the Council took note of the decision of the African Union summit calling on the Council to impose sanctions against those, including Eritrea, providing support to the armed groups engaged in undermining peace and reconciliation in Somalia and regional stability.

⁴⁶ For more information on sanctions measures against Somalia including the work of the Committee and the Monitoring Group, see part VII, with regard to Article 41 of the Charter, and part IX, sect. I.B.

⁴⁷ S/PRST/2009/15.

⁴⁸ S/PRST/2009/19. By resolution 1907 (2009) of 23 December 2009, the Council imposed sanctions against Eritrea involving an arms embargo, an asset freeze and a travel ban and expanded the mandates of the Committee and the Monitoring Group as a result. For more information, see the study concerning Eritrea in the present part, sect. 17, and part VII, sect. III, with regard to Article 41 of the Charter.

Meetings: the situation in Somalia

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5837th 15 February 2008			Rule 37 Somalia	All invitees	
			Rule 39 Permanent Observer of the African Union to the United Nations		

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5842nd 20 February 2008		Draft resolution submitted by United Kingdom (S/2008/113)	Rule 37 Somalia	South Africa	Resolution 1801 (2008) 15-0-0
5858th 20 March 2008	Report of the Secretary-General on the situation in Somalia (S/2008/178 and Corr.1 and 2)		Rule 37 Somalia, Uganda Rule 39 Special Representative of the Secretary-General for Somalia and Head of the United Nations Political Office in Somalia, Assistant Secretary-General for Peacekeeping Operations	All invitees	
5879th 29 April 2008	Letter dated 24 April 2008 from the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council (S/2008/274)	Draft resolution submitted by United Kingdom (S/2008/278)	Rule 37 Somalia		Resolution 1811 (2008) 15-0-0

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the Security Council for the maintenance of
international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5893rd 15 May 2008	Report of the Secretary-General on the situation in Somalia (S/2008/178 and Corr.1 and 2)	Letter from the Secretary-General to the Chairman of the African Union Commission in regard to providing support to AMISOM (S/2008/309, annex) Draft resolution (S/2008/327)	Rule 37 Somalia	None	Resolution 1814 (2008) 15-0-0
5902nd 2 June 2008		Draft resolution submitted by 16 Member States ^a (S/2008/351)	Rule 37 10 Member States ^b	5 Council members (China, Indonesia, Libyan Arab Jamahiriya, South Africa, Viet Nam)	Resolution 1816 (2008) 15-0-0
5942nd 23 July 2008	Report of the Secretary-General on the situation in Somalia (S/2008/466)		Rule 37 Somalia (Minister for Foreign Affairs and International Cooperation) Rule 39 Special Representative of the Secretary-General for Somalia, Commissioner for Peace and Security of the African Union	All invitees	

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5957th 19 August 2008	Report of the Secretary-General on the situation in Somalia (S/2008/466)	Draft resolution (S/2008/556)	Rule 37 Somalia		Resolution 1831 (2008) 15-0-0
5970th 4 September 2008			Rule 37 Somalia		S/PRST/2008/33
5987th 7 October 2008		Draft resolution submitted by 19 Member States ^c (S/2008/633)	Rule 37 13 Member States ^d	4 Council members (France, Indonesia, Italy, South Africa)	Resolution 1838 (2008) 15-0-0
6009th 30 October 2008			Rule 37 Somalia		S/PRST/2008/41
6019th 20 November 2008		Draft resolution submitted by United Kingdom (S/2008/710)	Rule 37 Somalia		Resolution 1844 (2008) 15-0-0
6020th 20 November 2008	Report of the Secretary-General on the situation in Somalia (S/2008/709)		Rule 37 Somalia Rule 39 Assistant Secretary-General for Political Affairs, Director of the Africa II Division of the Department of Peacekeeping Operations, Secretary-General of the International Maritime Organization (IMO), Permanent Observer of the African Union to the United Nations	All Council members and all invitees	
6026th		Draft resolution	Rule 37	4 Council	Resolution 1846

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
2 December 2008		submitted by 19 Member States ^e (S/2008/748) Report of the Secretary- General on the situation in Somalia (S/2008/709)	14 Member States ^f	members (China, Indonesia, Russian Federation, Italy)	(2008) 15-0-0
6046th 16 December 2008		Draft resolution submitted by 9 Member States ^g (S/2008/789)	Rule 37 14 Member States ^h Rule 39 Permanent Observer for the League of Arab States to the United Nations (LAS), Commissioner for Peace and Security of the African Union Commission	Secretary- General, all Council members ⁱ and all invitees	Resolution 1851 (2008) 15-0-0
6050th 19 December 2008	Letter dated 10 December 2008 from the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council (S/2008/769)	Draft resolution submitted by United Kingdom (S/2008/796)	Rule 37 Somalia		Resolution 1853 (2008) 15-0-0

Repertoire of the Practice of the Security Council, 2008-2009

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6068th 16 January 2009	Letter dated 19 December 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/804)	Draft resolution submitted by 7 Member States ^j (S/2009/37) Report of the Secretary-General on the situation in Somalia (S/2008/709) Letter from the Secretary-General with regard to providing logistics support for AMISOM (S/2008/846)	Rule 37 Burundi, Italy, Somalia	10 Council members, ^k Somalia	Resolution 1863 (2009) 15-0-0
6095th 20 March 2009	Report of the Secretary-General on the situation in Somalia (S/2009/132) Report of the Secretary-General pursuant to resolution 1846 (2008) (S/2009/146)		Rule 37 Czech Republic (on behalf of the European Union), Malaysia, Norway, Somalia (Minister for Foreign Affairs) Rule 39 Special Representative of the Secretary-General for Somalia, Commissioner for Peace and Security of the African Union, Director of African Administration and African-Arab Cooperation of LAS	All Council members and all invitees	

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6124th 13 May 2009	Report of the Secretary-General on Somalia pursuant to resolution 1863 (2009) (S/2009/210)		Rule 37 Czech Republic (on behalf of the European Union), Somalia (Minister for Foreign Affairs) Rule 39 Under-Secretary-General for Political Affairs, Under-Secretary-General for Peacekeeping Operations, Under-Secretary-General for Field Support	All invitees	
6125th 15 May 2009					S/PRST/2009/15
6127th 26 May 2009	Report of the Secretary-General on Somalia pursuant to resolution 1863 (2009) (S/2009/210)	Draft resolution submitted by United Kingdom (S/2009/266)	Rule 37 Somalia	Uganda	Resolution 1872 (2009) 15-0-0
6158th 9 July 2009			Rule 37 Somalia, Sweden (on behalf of the European Union)	All Council members and all invitees	S/PRST/2009/19

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
			<p>Rule 39 Permanent Observer of the African Union to the United Nations, Under-Secretary-General for Political Affairs, Under-Secretary-General for Field Support</p>		
6173rd 29 July 2009	Report of the Secretary-General on the situation in Somalia (S/2009/373)		<p>Rule 37 Somalia (Minister for Foreign Affairs)</p> <p>Rule 39 Special Representative of the Secretary-General for Somalia, Commissioner for Peace and Security of the African Union</p>	All Council members and all invitees	
6197th 8 October 2009	Report of the Secretary-General on Somalia pursuant to resolution 1872 (2009) (S/2009/503)		<p>Rule 37 Somalia</p> <p>Rule 39 Under-Secretary-General for Political Affairs, Director of AMISOM</p>	All Council members and all invitees	
6221st 18 November 2009	Report of the Secretary-General on Somalia pursuant to resolution 1846 (2008) (S/2009/590)		<p>Rule 37 Norway, Philippines, Seychelles, Somalia, Spain, Sweden (on behalf of the European Union), Ukraine</p>	All Council members and all invitees	

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
			Rule 39 Special Representative of the Secretary- General for Somalia		
6226th 30 November 2009	Report of the Secretary- General on Somalia pursuant to resolution 1846 (2008) (S/2009/590)	Draft resolution submitted by 29 Member States ^l (S/2009/607)	Rule 37 24 Member States ^m		Resolution 1897 (2009) 15-0-0
6229th 3 December 2009			Rule 37 Somalia		S/PRST/2009/31

^a Australia, Belgium, Canada, Croatia, Denmark, France, Greece, Italy, Japan, Netherlands, Norway, Panama, Republic of Korea, Spain, United Kingdom and United States.

^b Australia, Canada, Denmark, Greece, Japan, Netherlands, Norway, Republic of Korea, Somalia and Spain.

^c Belgium, Canada, Croatia, Denmark, France, Greece, Italy, Japan, Lithuania, Malaysia, Netherlands, Norway, Panama, Portugal, Republic of Korea, Singapore, Spain, United Kingdom and United States.

^d Canada, Denmark, Greece, Japan, Lithuania, Malaysia, Netherlands, Norway, Portugal, Republic of Korea, Singapore, Somalia and Spain.

^e Australia, Belgium, Canada, Croatia, Denmark, France, Greece, Italy, Japan, Malaysia, Netherlands, Norway, Portugal, Republic of Korea, Singapore, Spain, Ukraine, United Kingdom and United States.

^f Australia, Canada, Denmark, Greece, Japan, Malaysia, Netherlands, Norway, Portugal, Republic of Korea, Singapore, Somalia, Spain and Ukraine.

^g Belgium, Croatia, France, Greece, Liberia, Panama, Republic of Korea, Spain and United States.

^h Denmark, Egypt, Germany, Greece (Deputy Minister for Defence), India, Japan (Parliamentary Vice-Minister for Foreign Affairs), Liberia, Norway, Republic of Korea, Somalia (Minister for Foreign Affairs), Spain, Sweden, Turkey and Yemen.

ⁱ China was represented by its Vice Minister for Foreign Affairs, Croatia by its Prime Minister, the Russian Federation by its Minister for Foreign Affairs, the United Kingdom by its Secretary of State for Foreign and Commonwealth Affairs and the United States by its Secretary of State.

^j Burkina Faso, Burundi, Italy, Libyan Arab Jamahiriya, Turkey, Uganda and United States.

^k Burkina Faso, France, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Turkey, Uganda, United Kingdom and United States.

^l Belgium, Bulgaria, Canada, Cyprus, Denmark, France, Germany, Greece, Italy, Liberia, Luxembourg, Marshall Islands, Netherlands, Norway, Panama, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Seychelles, Singapore, Somalia, Spain, Sweden, Turkey, Ukraine, United Kingdom and United States.

^m Belgium, Bulgaria, Canada, Cyprus, Denmark, Germany, Greece, Italy, Liberia, Luxembourg, Marshall Islands, Netherlands, Norway, Panama, Portugal, Republic of Korea, Republic of Moldova, Romania, Seychelles, Singapore, Somalia, Spain, Sweden and Ukraine.

4. The situation concerning Rwanda

Overview

During the period under review, the Security Council held a meeting on 10 July 2008 regarding the situation concerning Rwanda, and adopted resolution [1823 \(2008\)](#) under Chapter VII of the Charter to terminate the remaining arms embargo against non-governmental forces in Rwanda⁴⁹ and dissolve the

Security Council Committee established pursuant to resolution [918 \(1994\)](#) concerning Rwanda.⁵⁰

In May 2009, the Council visited Rwanda in connection with the situation in Rwanda as part of its mission to Africa.⁵¹

⁴⁹ For more information, see part VII, sect. III, with regard to sanctions.

⁵⁰ For more information, see part IX, sect. I.B.

⁵¹ For more information, section 40 of the present part and part VI, with regard to Security Council missions.

Meetings: the situation concerning Rwanda

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5931st 10 July 2008	Letter dated 31 December 2007 from the Chairman of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda addressed to the President of the Security Council (S/2007/782)	Draft resolution (S/2008/432)	Rule 37 Rwanda		Resolution 1823 (2008) 15-0-0

5. The situation in Burundi

Overview

During the period under review, the Security Council held eight meetings, received five briefings, and adopted two resolutions and one presidential statement relating to the situation in Burundi, focusing on the challenges faced by Burundi in the implementation of the Comprehensive Ceasefire Agreement signed in 2006 and in post-conflict peace consolidation in the midst of a deteriorating political and security situation. The Council heard regular briefings by the Chair of the Burundi configuration of the Peacebuilding Commission and the Executive Representative of the Secretary-General for Burundi. It twice extended the mandate of the United Nations Integrated Office in Burundi (BINUB) for periods of one year.⁵²

24 April 2008: concern at confrontations in Burundi

By a presidential statement of 24 April 2008, the Council expressed its serious concern at the recent confrontations between the Palipehutu-Forces nationales de liberation (FNL) and the National Defense Forces of Burundi, following attacks by the Palipehutu-FNL, and the resulting loss of life. The Council expressed its intention to consider possible additional measures, as appropriate, in support of peace and stability in Burundi.⁵³

mandate of BINUB.

⁵³ S/PRST/2008/10.

⁵² Resolutions 1858 (2008) and 1902 (2009). For more information, see part X, sect. II, with regard to the

22 May to 11 December 2008: briefings on progress in peacebuilding efforts

Between 22 May and 11 December 2008, the Council received three briefings on challenges and progress in the peacebuilding efforts in Burundi. On 22 May 2008, the Chair of the Burundi configuration of the Peacebuilding Commission warned that peacebuilding was “under stress” in Burundi. He noted that the challenges ranged from the ongoing fighting between the Palipehutu-FNL and government security forces to the continuing deadlock among the political parties, the timely holding of 2010 national elections, the return of a large number of refugees posing a strain on land resources and the State’s administrative, judicial and legislative capacity, and lastly the deteriorating economic situation of Burundi.⁵⁴

Expressing optimism over the FNL return to the negotiation table and the resumption of work of the Joint Verification and Monitoring Mechanism, the representative of Burundi addressed the challenges related to institutional deadlock, disarmament, demobilization and reintegration and transitional justice. He stressed the need to find mechanisms to restore order and to oblige everyone, in particular those in Parliament, to act within a legal framework. Acknowledging that judicial reform had not achieved the desired results, he appealed for international support, in particular the funds promised by the partners of Burundi during the round table held in Bujumbura in May 2007.⁵⁵

On 26 August 2008, while pointing out a number of positive developments, including the cessation of hostilities, the Chair of the Burundi configuration of the Peacebuilding Commission stressed that the peace process continued to face significant challenges. He reported about the first biannual review of the Strategic Framework for Peacebuilding in Burundi which, in the area of good governance, focused on creating the conditions for free and fair elections in 2010. For the preparation of the elections, the review meeting considered essential the establishment of the national independent electoral commission. It also stressed the importance of the implementation of the 2006 Comprehensive Ceasefire Agreement between the Government and the Palipehutu-FNL, as this would constitute a vital step towards peace consolidation that

would enable Burundi and its partners to focus on other critical challenges, including combating poverty, security sector reform, good governance, democratic consolidation and the fight against impunity.⁵⁶

The representative of Burundi reported on the implementation of the peacebuilding plan in his country. He stated that a great deal had been accomplished in democratic governance, with the Parliament functioning normally, the Government being less divided and political parties committing themselves to urgently deal with amendments to legal texts, including the Constitution. As for strengthening the rule of law within the security forces, he described the demobilization and reintegration of the Palipehutu-FNL combatants as imperative. He reported that those who had been demobilized represented a potential insecurity factor owing to their difficulties in reintegrating into society. In that regard, he stressed the need for support from the bilateral and multilateral partners of Burundi. Finally, he stressed the need to reform the traditional Burundian land ownership system as it had become the root cause of a growing crime rate.⁵⁷

On 11 December 2008, the South African Facilitator of the Burundi Peace Process told the Council that a “significant step forward” had been made in resolving the differences between the Government of Burundi and its sole remaining armed opposition group, the Palipehutu-FNL. He informed the Council that four outstanding matters with respect to the Comprehensive Ceasefire Agreement had been resolved in the summit of the heads of State and Government of the Great Lakes region held on 4 December, attended by both the Government of Burundi and the Palipehutu-FNL, including the release of political and war prisoners by the Burundi Government; the appointment of the leaders of the Palipehutu-FNL to the organs of the State; the change of the name of Palipehutu-FNL so that it could register as a political party under the Constitution of Burundi; and the start of the disarmament, demobilization and reintegration process.⁵⁸ Similarly, stressing the breakthrough in the implementation of the Comprehensive Ceasefire Agreement, the Chair of the Burundi configuration of the Peacebuilding Commission in his subsequent briefing emphasized

⁵⁴ S/PV.5897, pp. 2-3.

⁵⁵ *Ibid.*, pp. 4-5.

⁵⁶ S/PV.5966, pp. 2-3.

⁵⁷ *Ibid.*, pp. 4-7.

⁵⁸ S/PV.6037, pp. 2-3.

that the implementation of the Agreement had been a first crucial step towards effective peacebuilding in Burundi.⁵⁹

Responding to human rights violations addressed in the Secretary-General's report,⁶⁰ the representative of Burundi reported that his Government was currently setting up an independent human rights commission and that draft laws, including a new penal code, were being developed.⁶¹

The only Council member who spoke, the representative of Costa Rica, expressed grave concern about the existence of child soldiers among the forces of the Palipehutu-FNL and about arrests of members of the political opposition, members of the communications media and representatives of civil society.⁶²

22 December 2008: renewal of the mandate of BINUB and call for the conclusion of the peace process

By resolution [1858 \(2008\)](#), extending the mandate of BINUB for one year until 31 December 2009, the Council, *inter alia*, urged the Government of Burundi and Palipehutu-FNL to make every effort to implement, before 31 December 2008, the agreements they had reached on 4 December 2008 so as to bring the last phase of the peace process to a successful conclusion.

9 June to 17 December 2009: electoral process as a new focus for peacebuilding

Briefing the Council on 9 June 2009, the Executive Representative of the Secretary-General presented the report of the Secretary-General.⁶³ He told the Council that significant progress had been achieved in the implementation of the Comprehensive Ceasefire Agreement in laying the foundations for the preparations of the 2010 elections.⁶⁴ He reported that preparations had advanced for the holding of national consultations on the establishment of transitional justice mechanisms. He also stressed that the two most immediate challenges were the conclusion of the

demobilization and reintegration process and the sustainable socioeconomic reintegration of former combatants.⁶⁵

The Chair of the Burundi configuration of the Peacebuilding Commission agreed that peacebuilding in Burundi had entered a new phase and that the Commission could now start to shift its attention towards support to longer-term socioeconomic reintegration and to the challenges related to the elections in 2010.⁶⁶

The representative of Burundi shared the concerns set out in the report over human rights and the protection of children, the status of women, the persistence of corruption, and provision of security for the population. At the same time, he pointed out that his Government had put in place, or was in the process of doing so, appropriate mechanisms in all those areas.⁶⁷

On 10 December 2009, acknowledging that the necessary legal framework was in place, the preparatory process was on track, and the legitimacy of the Independent National Electoral Commission was broadly accepted, both the Executive Representative of the Secretary-General and the Chair of the Burundi configuration of the Peacebuilding Commission briefed the Council on the challenges faced by Burundi in the 2010 elections,⁶⁸ such as the funding of the electoral process, the significant number of potential voters who could not afford the administrative costs related to acquiring a national identity card, widespread fear of violence and fear concerning the deterioration of trust

between the opposition and the ruling party.⁶⁹ Following the briefing, the representative of Burundi, among other issues, highlighted advances in the electoral process, the establishment of the Permanent Forum for Dialogue among political parties and work on a national strategy for the sustainable reintegration of people affected by the conflict.⁷⁰

In resolution [1902 \(2009\)](#), the Council decided to extend the mandate of BINUB for another year until

⁵⁹ *Ibid.*, pp. 4-5.

⁶⁰ S/2008/745.

⁶¹ S/PV.6037, pp. 5-7.

⁶² *Ibid.*, p. 7.

⁶³ S/2009/270.

⁶⁴ S/PV.6138, p. 2.

⁶⁵ *Ibid.*, p. 4.

⁶⁶ *Ibid.*, p. 5.

⁶⁷ *Ibid.*, p. 6.

⁶⁸ The Executive Representative of the Secretary-General introduced the report of the Secretary-General (S/2009/611).

⁶⁹ S/PV.6236, pp. 2-5.

⁷⁰ *Ibid.*, p. 5.

31 December 2010, recognized the primary responsibility of the Government of Burundi and its national partners to create propitious conditions for the elections in 2010, and urged the Government of

Burundi to take the necessary measures to create an environment conducive to the holding of free, fair and peaceful elections in 2010.

Meetings: the situation in Burundi

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5876th 24 April 2008			Rule 37 Burundi		S/PRST/2008/10
5897th 22 May 2008	Third report of the Secretary-General on BINUB (S/2008/330)		Rule 37 Burundi Rule 39 Chair of the Burundi configuration of the Peacebuilding Commission	All invitees	
5966th 26 August 2008			Rule 37 Burundi Rule 39 Chair of the Burundi configuration of the Commission	All invitees	
6037th 11 December 2008	Fourth report of the Secretary-General on BINUB (S/2008/745)		Rule 37 Burundi Rule 39 Chair of the Burundi configuration of the Commission, Facilitator of the Burundi Peace Process and Minister of Defence of South Africa	1 Council member (Costa Rica) and all invitees	
6057th 22 December 2008	Fourth report of the Secretary-General on BINUB (S/2008/745)	Draft resolution submitted by Belgium, France (S/2008/802)	Rule 37 Burundi		Resolution 1858 (2008) 15-0-0

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6138th 9 June 2009	Fifth report of the Secretary-General on BINUB (S/2009/270)		Rule 37 Burundi Rule 39 Executive Representative of the Secretary-General, Chair of the Burundi configuration of the Peacebuilding Commission	All invitees	
6236th 10 December 2009	Sixth report of the Secretary-General on BINUB (S/2009/611)		Rule 37 Burundi (Minister for Foreign Affairs and International Cooperation) Rule 39 Executive Representative of the Secretary-General, Chair of the Burundi configuration of the Commission	All invitees	
6245th 17 December 2009	Sixth report of the Secretary-General on BINUB (S/2009/611)	Draft resolution submitted by France (S/2009/652)	Rule 37 Burundi		Resolution 1902 (2009) 15-0-0

6. The situation in Sierra Leone

Overview

During the period under review, the Security Council adopted two resolutions and received seven briefings by the Secretariat and the Chair of the Sierra Leone configuration of the Peacebuilding Commission concerning the situation in Sierra Leone. The briefings focused on political and security situations and peacebuilding support activities. The Council established the United Nations Integrated Peacebuilding

Office in Sierra Leone (UNIPSIL)⁷¹ as a follow-on mission to the United Nations Integrated Office in Sierra Leone (UNIOSIL)⁷² and extended the mandate of UNIPSIL for one year. The Council also discussed the work of the Special Court for Sierra Leone, on the basis of the briefing by the representatives of the Court.

⁷¹ For more information, see part X, sect. II, with regard to the mandate of UNIPSIL.

⁷² For more information, see part X, sect. II, with regard to the mandate of UNIOSIL.

7 May and 4 August 2008: establishment of UNIPSIL

On 7 May 2008, in his briefing to the Council, the Assistant Secretary-General for Rule of Law and Security Institutions in the Department of Peacekeeping Operations presented the sixth report of the Secretary-General on UNIOSIL⁷³ and reported on the preparations for the local elections, the challenges faced by the security sector, socioeconomic conditions, human rights and rule of law issues, peacebuilding support activities and the proposed mandate, structure and strength of the post-UNIOSIL office. The Chair of the Sierra Leone configuration of the Peacebuilding Commission also briefed the Council on the advocacy and resource-mobilization efforts by the Commission and the findings of his recent visit to Sierra Leone.⁷⁴

On 4 August 2008, the Council adopted resolution 1829 (2008) establishing UNIPSIL for a period of 12 months beginning on 1 October 2008, following the completion of the mandate of UNIOSIL on 30 September 2008. As part of its mandate, the Office was to focus on supporting the Government of Sierra Leone in identifying and resolving tensions and threats of potential conflict; monitoring and promoting human rights, democratic institutions and the rule of law; consolidating good governance reforms; and supporting decentralization in close coordination with the Peacebuilding Commission and other United Nations agencies and programmes in Sierra Leone.

16 July 2009: Special Court for Sierra Leone

Following the briefings by the President of the Special Court for Sierra Leone and the Prosecutor on the work of the Court and its remaining challenges, the Council members commended the Special Court on its achievements in ensuring that those responsible for heinous crimes were brought to justice as part of the

fight against impunity. They also welcomed the Court's completion strategy and stressed the importance of establishing an appropriate mechanism to deal with residual issues, while addressing the question of funding for the Court.⁷⁵

9 February to 15 September 2009: situation in Sierra Leone and UNIPSIL

From 9 February to 14 September 2009, the Executive Representative of the Secretary-General and Head of UNIPSIL briefed the Council on three reports of the Secretary-General.⁷⁶ In addition, the Council received briefings by the Chairperson of the Sierra Leone configuration of the Peacebuilding Commission. In reference to the situation on the ground, the main issues discussed were the following: the political situation, which remained relatively calm except for the eruption of political violence in March, which was ended by the 2 April 2009 joint communiqué between the country's political parties; the security situation, including the issue of illicit drug trafficking; socioeconomic developments; and human rights, the rule of law and support for democratic institutions. In respect of the peacebuilding agenda, Council members supported such initiatives as the special session of the Commission on Sierra Leone that took place on 10 June 2009, the Agenda for Change of the Government of Sierra Leone which formulated the development strategy, and the joint vision document outlining the United Nations priorities and integrated post-conflict strategy in the country.⁷⁷

In resolution 1886 (2009) of 15 September 2009, the Council, inter alia, extended the mandate of UNIPSIL until 30 September 2010.

⁷³ S/2008/281.

⁷⁴ S/PV.5887.

⁷⁵ S/PV.6163.

⁷⁶ S/2009/59, S/2009/267 and S/2009/438.

⁷⁷ See S/PV.6080, S/PV.6137 and S/PV.6187.

Meetings: the situation in Sierra Leone

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5887th 7 May 2008	Sixth report of the Secretary-General on the UNIOSIL (S/2008/281)		Rule 37 Sierra Leone Rule 39 Assistant Secretary-General for Rule of Law and Security Institutions in the Department of Peacekeeping Operations, Chair of the Sierra Leone configuration of the Peacebuilding Commission	Sierra Leone Assistant Secretary-General for Rule of Law and Security Institutions in the Department of Peacekeeping Operations, Chair of the Sierra Leone configuration of the Peacebuilding Commission	
5948th 4 August 2008	Sixth report of the Secretary-General on UNIOSIL (S/2008/281)	Draft resolution (S/2008/512)	Rule 37 Sierra Leone	Sierra Leone	Resolution 1829 (2008) 15-0-0
6080th 9 February 2009	First report of the Secretary-General on UNIPSIL (S/2009/59)		Rule 37 Sierra Leone Rule 39 Executive Representative of the Secretary-General and Head of UNIPSIL, Chair of the Sierra Leone configuration of the Commission	All Council members and all invitees	

**Part I. Consideration of questions under the responsibility of
the Security Council for the maintenance of
international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6137th 8 June 2009	Second report of the Secretary-General on UNIPSIL (S/2009/267)		Rule 37 Sierra Leone (Minister for Foreign Affairs) Rule 39 Executive Representative of the Secretary-General, Chair of the Sierra Leone configuration of the Commission	All Council members and all invitees	
6163rd 16 July 2009			Rule 37 Sierra Leone Rule 39 President of the Special Court for Sierra Leone, Prosecutor of the Special Court for Sierra Leone	All Council members and all invitees	
6187th 14 September 2009	Third report of the Secretary-General on UNIPSIL (S/2009/438)		Rule 37 Sierra Leone Rule 39 Executive Representative of the Secretary-General, Chair of the Sierra Leone configuration of the Commission	All invitees	
6189th 15 September 2009	Third report of the Secretary-General on UNIPSIL (S/2009/438)	Draft resolution (S/2009/456)	Rule 37 Sierra Leone		Resolution 1886 (2009) 15-0-0

7. The situation in the Great Lakes region

Overview

During the period under review, the Security Council considered various aspects of the political and humanitarian situation in the Great Lakes region, holding four meetings and adopting one resolution and one presidential statement. The Council focused on developments regarding the implementation of the Nairobi communiqué by the Governments of the Democratic Republic of the Congo and Rwanda, as well as the security threats posed by the Lord's Resistance Army (LRA). In addition, the Council heard two briefings by the Special Envoy of the Secretary-General on the Great Lakes region in regard to his facilitation of peace processes in the region.

13 March 2008: decision concerning the presence of armed groups

On 13 March 2008, the Council adopted resolution 1804 (2008), in which it demanded that the Forces démocratiques de libération du Rwanda (FDLR), ex-Rwandan Armed Forces (ex-FAR)/Interahamwe, and other Rwandan armed groups in the eastern part of the Democratic Republic of the Congo immediately lay down their arms and present themselves to the Congolese authorities and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) for their disarmament, demobilization, repatriation, resettlement and reintegration; stop recruiting children; and end gender-based violence. The Council further called upon the Governments of the Democratic Republic of the Congo and the Republic of Rwanda to intensify their cooperation to implement their commitments under the Nairobi communiqué.

22 December 2008: presidential statement on the failure of the Lord's Resistance Army to sign the peace agreement

By a presidential statement of 22 December 2008, the Council, inter alia, condemned the repeated failure of the leader of the Lord's Resistance Army, Joseph Kony, to sign the Final Peace Agreement, and called upon LRA to sign and honour the Agreement immediately and begin the process of disarmament, demobilization and reintegration to ensure a peaceful, political solution. The Council demanded that LRA cease its recruitment and use of children and release all

women, children and other non-combatants, in accordance with resolution 1612 (2005). In addition, the Council welcomed the joint efforts made by States in the region to address the security threat posed by LRA, and welcomed the re-establishment of peace and security in northern Uganda.⁷⁸

15 January to 9 November 2009: briefings by the Special Envoy of the Secretary-General on the Great Lakes region

On 15 January 2009, the Special Envoy of the Secretary-General on the Great Lakes region briefed Council members on his ongoing facilitation of the peace processes in the region. Reporting on the progress made, he stated that relations between Kinshasa and Kigali, which had deteriorated previously, had improved, and that Presidents Joseph Kabila and Paul Kagame were engaged in discussions. In addition, talks were under way between the Kinshasa Government and the Congrès national pour la défense du peuple (CNDP), and the prospect of a military takeover of the town of Goma by CNDP had considerably receded. He noted, however, that progress concerning the dialogue had remained slower than desirable, although all the parties strongly reaffirmed their commitment to the Nairobi dialogue. Noting the significant challenges remaining, he stated that the pace of the dialogue remained slow and appealed to the Council to use whatever leverage it might have on the parties to encourage progress. Secondly, at CNDP insistence, the dialogue remained a bilateral one, exclusively between it and the Government. He therefore suggested that it was important to find an effective way to link the interests and commitments made by more than 20 armed groups under the Goma agreement to the final outcome of the present dialogue. Thirdly, the long-term presence on Congolese soil of foreign armed groups — FDLR, LRA and others — remained a major factor that needed to be resolved through the right combination of measures. Finally, he assured the Council that he would leave no stone unturned to help the concerned parties arrive at a comprehensive and realistic agreement.⁷⁹

On 9 November 2009, the Special Envoy, reporting that the situation had transformed

⁷⁸ S/PRST/2008/48.

⁷⁹ S/PV.6067, pp. 2-4.

dramatically, stated that the humanitarian situation had greatly improved and CNDP no longer existed as a politico-military organization. The threat to regional peace posed by the armed groups, in particular FDLR, had been considerably reduced and there had been notable warming in regional relationships. The Special Envoy recalled his concerted rounds of consultations with regional heads of State and the leadership of CNDP, stating that it won him the confidence and approval of all to organize direct dialogue between CNDP and the Government of the Democratic Republic of the Congo, which also laid the groundwork for the peace agreements signed on 23 March 2009 in Goma. With respect to the implementation of the 23 March agreements, he reported that there had been substantial progress, although some important provisions still remained unimplemented, such as the establishment of a national reconciliation mechanism

and the identification of means to foster a more direct participation of elements of former armed groups in the political life of the nation. He stated that he had informed President Kabila of his intention as well as that of former President Benjamin Mkapa (United Republic of Tanzania) to take a step back from an active role in the region, and reassured President Kabila they remained on alert should the region need to call on their good offices again. Finally, to address underlying causes of recurring crisis, he recommended an umbrella approach, bringing together the United Nations, the African Union, the International Conference on the Great Lakes Region of Africa and international development partners in a concerted effort to strengthen governance institutions in the Democratic Republic of the Congo.⁸⁰

⁸⁰ S/PV.6215, pp. 2-5.

Meetings: the situation in the Great Lakes region

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5852nd 13 March 2008		Draft resolution (S/2008/171)	Rule 37 Democratic Republic of the Congo, Rwanda		Resolution 1804 (2008) 15-0-0
6058th 22 December 2008			Rule 37 Uganda		S/PRST/2008/48
6067th 15 January 2009			Rule 39 Special Envoy of the Secretary- General on the Great Lakes region	Special Envoy of the Secretary- General on the Great Lakes region	
6215th 9 November 2009			Rule 39 Special Envoy of the Secretary- General on the Great Lakes region	Special Envoy of the Secretary- General on the Great Lakes region	

8. The situation concerning the Democratic Republic of the Congo

Overview

During the period under review, the Security Council held 18 meetings in connection with the situation concerning the Democratic Republic of the Congo, including 2 private meetings with the troop-contributing countries,⁸¹ and adopted eight resolutions and three presidential statements. Responding to the deteriorating security and humanitarian situation linked to the continued presence of armed groups and militias in the eastern part of the country, the Council decided to refocus and strengthen the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) with regard to the protection of civilians, humanitarian personnel and United Nations personnel and facilities. The Council also expanded the mandate of MONUC to assist the Congolese authorities in organizing, preparing and conducting local elections.

The Council extended the mandate of MONUC twice for periods of one year.⁸² In addition, on four occasions the Council extended the sanctions regime against armed groups in the Democratic Republic of the Congo and the mandate of the Group of Experts monitoring the sanctions measures.⁸³

30 January 2008: authorization for MONUC to provide electoral assistance

On 30 January 2008, the Council adopted resolution 1797 (2008), authorizing MONUC to provide assistance to the Congolese authorities, including the National Independent Electoral Commission, in the organization, preparation and conduct of local elections. In addition, in a presidential statement, the Council, inter alia, welcomed the agreement to a ceasefire and the statements of commitment (*actes d'engagement*) signed in Goma between the armed groups in North and South Kivu and the Government of the Democratic Republic of the Congo, aimed at bringing peace and security to the Kivus. Moreover, the Council urged all parties to

respect the ceasefire and implement the commitments they had made.⁸⁴

15 February 2008 to 30 November 2009: extension of sanctions regime and mandated of Group of Experts

By resolutions 1799 (2008) of 15 February 2008, 1807 (2008) of 31 March 2008, and 1857 (2008) of 22 December 2008, the Council extended the sanctions regime against armed groups in the Democratic Republic of the Congo and the mandate of the Group of Experts monitoring the measures until 31 March 2008, 31 December 2008 and 30 November 2009, respectively.

On 30 November 2009, the Council adopted resolution 1896 (2009), in which it condemned the continuing illicit flow of weapons within and into the Democratic Republic of the Congo, and renewed until 30 November 2010 the arms embargo and sanctions regime against violators and others who threatened the peace. It also extended for a similar period the mandate of the Group of Experts, expanding its mandate to include guidelines on the buying and processing of minerals, and requested that it focus its activities in the eastern provinces.

21 October 2008 to 23 December 2009: escalation of violence and extension of mandate of MONUC

By a presidential statement dated 21 October 2008, the Council, inter alia, expressed its grave concern at the resurgence of violence in the eastern provinces of the Democratic Republic of the Congo and its alarm over the humanitarian consequences of the fighting. In addition, the Council urged all the parties to the Goma and Nairobi agreements to implement their commitments effectively and in good faith. In this respect, the Council strongly condemned the declarations by Laurent Nkunda calling for a national rebellion.⁸⁵

By a presidential statement dated 29 October 2008, the Council, inter alia, condemned the offensive of the Congrès national pour la défense du peuple (CNDP) in the eastern Democratic Republic of the

⁸¹ The 6023rd meeting, held on 26 November 2008, and the 6237th meeting, held on 10 December 2009.

⁸² Resolutions 1856 (2008) and 1906 (2009).

⁸³ Resolutions 1799 (2008), 1807 (2008), 1857 (2008) and 1896 (2009).

⁸⁴ S/PRST/2008/2.

⁸⁵ S/PRST/2008/38.

Congo, and demanded that it bring its operations to an end. The Council also welcomed the announcement by the group's leader, Laurent Nkunda, of an immediate ceasefire.⁸⁶

On 20 November 2008, the Council adopted resolution 1843 (2008), in which it decided, following the recommendations of the Secretary-General, to authorize a temporary increase of the military strength of MONUC by up to 2,785 military personnel and up to 300 police personnel, and authorized their immediate deployment.

On 26 November 2008, in his briefing to the Council, the Special Representative of the Secretary-General for the Democratic Republic of the Congo and Head of MONUC reported that over 250,000 people had been directly affected by resumed hostilities, and overall a quarter of the people of North Kivu were displaced. He also reported that, as a result of talks initiated by the Special Envoy of the Secretary-General on the Great Lakes Region, a ceasefire had been established and CNDP and other armed groups had pulled back in order to create a zone of separation between the fighting forces in the southern part of North Kivu.⁸⁷

In the deliberations that followed, Council members expressed support for the Secretary-General's recommendation to extend the Mission's mandate for an additional 12 months, and for the need to reconfigure the Mission to carry out its mandate effectively.

On 22 December 2008, the Council adopted resolution 1856 (2008), in which it extended the deployment of MONUC by one year until 31 December 2009, increasing its military strength and reiterating its mandate to prioritize the protection of civilians under imminent threat of physical violence.

On 23 December 2009, the Council adopted resolution 1906 (2009), in which it decided that the mandate of MONUC should be extended until 31 May 2010 and should include, in order of priority, and in cooperation with the Government of the Democratic Republic of the Congo, the effective protection of civilians, humanitarian and United Nations personnel and facilities; enhanced disarmament, demobilization and reintegration of Congolese armed groups, as well as disarmament, demobilization, repatriation, resettlement and reintegration of foreign armed groups; and support for Government-led security sector reform.

Following the vote, the representative of the Democratic Republic of the Congo, *inter alia*, stated that some in the press had deliberately sought to influence public opinion and thereby the Council's decisions, and further challenged the intellectual probity of the Special Rapporteur of the United Nations on extrajudicial, summary and arbitrary executions. Referring to the "supposed or acknowledged lack of discipline of the Armed Forces of the Democratic Republic of the Congo (FARDC)", he also expressed that view that the resolution reeked of "this bitter criticism of the FARDC", which was the result of opinions "strongly influenced by those who benefited from the instability in the eastern Democratic Republic of the Congo and the entire Great Lakes region".⁸⁸

17 February to 16 December 2009: joint operations against armed groups

On 17 February 2009, in his briefing to the Council, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator reported, during the preceding six months, deteriorating stability in several areas; renewed fighting between various rebel groups; the resurgence of armed groups and subsequent clashes with FARDC; and attacks by the Lord's Resistance Army (LRA). He noted that those developments had left many hundreds dead, provoked the displacement of a further half-million people and worsened the already dire humanitarian situation. He also drew attention to more positive political and military developments, including joint mediation by the Special Envoy of the Secretary-General on the Great Lakes Region and the African Union, joint operations by the Governments of the Democratic Republic of the Congo and Rwanda against the Forces démocratiques de libération du Rwanda (FDLR) in North Kivu, and the integration of CNDP elements into FARDC following the arrest of Laurent Nkunda in Rwanda.⁸⁹

On 9 April 2009, in his briefing to the Council, the Special Representative of the Secretary-General reported that important progress had been made in the integration of ex-combatants into FARDC, and also in joint operations with FARDC against FDLR. However, he also warned of the humanitarian consequences of continued joint operations, such as further attacks on civilians and new displacements.⁹⁰

⁸⁶ S/PRST/2008/40.

⁸⁷ S/PV.6024, p. 2.

⁸⁸ S/PV.6253, p. 3.

⁸⁹ S/PV.6083, p. 2.

⁹⁰ S/PV.6104, pp. 2-4.

On 10 July 2009, in his briefing to the Council, the Special Representative of the Secretary-General reported that the two processes of integration of armed groups into FARDC and the operations against foreign armed groups had been accompanied by serious humanitarian consequences, specifically population displacements and serious human rights violations against the civilian population through a spate of reprisal attacks by FDLR and LRA. He emphasized that the task of neutralizing once and for all the threat posed by armed groups destabilizing the eastern part of the country could be completed by pooling all efforts in a comprehensive military, diplomatic, legal, socioeconomic and political strategy to support the Government of the Democratic Republic of the Congo. However, this would not succeed without the material, political and diplomatic support of the Council.⁹¹

On 16 October 2009, in his briefing to the Council, the Special Representative of the Secretary-General reported that overall FARDC had made progress in its operations against FDLR, whose forces had been pushed out of most populated areas and were now dispersed and weakened. As a result, the integration of Congolese armed groups into FARDC was continuing, and displaced persons and refugees were in the process of returning to their homes. However, he warned that many challenges remained, including continued armed attacks by FDLR and LRA, ethnic tension and land disputes arising from the return of displaced persons and refugees after many years,

⁹¹ S/PV.6159, p. 2 and p. 8.

ongoing sexual violence, and finally the raised hopes of the population, which wanted to see a real peace dividend.⁹²

Following the briefing, the representative of the Democratic Republic of the Congo emphasized that while MONUC must succeed in its mission and that his country did not wish its hasty withdrawal, it was imperative that MONUC make a successful exit. He stressed that cooperation was necessary to define the parameters of a timetable for the disengagement of MONUC, as well as for a road map which would sanction the transition from a peacekeeping operation to a peacebuilding operation.⁹³

On 16 December 2009, in his briefing to the Council, the Special Representative of the Secretary-General outlined several challenges MONUC faced in implementing its mandate, in particular regarding the protection of civilians, the integration and demobilization of Congolese armed groups, and support for returning internally displaced persons and refugees. While MONUC could assist in creating a favourable environment in terms of peace and security, he expressed the view that its mandate had raised expectations beyond its resources or capabilities. In that context he expressed the hope that future mandates would simplify the range of tasks that MONUC would be expected to undertake.⁹⁴

⁹² S/PV.6203, pp. 2-3.

⁹³ Ibid., p. 8.

⁹⁴ S/PV.6244, pp. 3-5.

Meetings: the situation concerning the Democratic Republic of the Congo

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5828th 30 January 2008	Twenty-fourth report of the Secretary-General on MONUC (S/2007/671)	Draft resolution (S/2008/50)	Rule 37 Democratic Republic of the Congo		Resolution 1797 (2008) 15-0-0 S/PRST/2008/2
	Letter dated 30 November 2007 from the Secretary-General addressed to the President of the Security Council (S/2007/694)				

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5836th 15 February 2008		Draft resolution (S/2008/97)	Rule 37 Democratic Republic of the Congo		Resolution 1799 (2008) 15-0-0
5861st 31 March 2008	Letter dated 11 February 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council (S/2008/43)	Draft resolution submitted by 7 Member States ^a (S/2008/213)	Rule 37 Democratic Republic of the Congo		Resolution 1807 (2008) 15-0-0
5998th 21 October 2008			Rule 37 Democratic Republic of the Congo		S/PRST/2008/38
6006th 29 October 2008			Rule 37 Democratic Republic of the Congo		S/PRST/2008/40
6018th 20 November 2008	Letter dated 31 October 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/703)	Draft resolution submitted by 8 Member States ^b (S/2008/716)	Rule 37 Democratic Republic of the Congo	South Africa	Resolution 1843 (2008) 15-0-0

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6024th 26 November 2008	Fourth special report of the Secretary-General on MONUC (S/2008/728)	Explanatory note by the Department of Peacekeeping Operations regarding the additional requirements for MONUC (S/2008/703, annex)	Rule 37 Democratic Republic of the Congo, Rwanda Rule 39 Special Representative of the Secretary-General for the Democratic Republic of the Congo and Head of MONUC	13 Council members, ^c the Special Representative of the Secretary-General for the Democratic Republic of the Congo and Head of MONUC, Democratic Republic of the Congo, Rwanda	
6055th 22 December 2008	Fourth special report of the Secretary-General on MONUC (S/2008/728 and Add.1)	Draft resolution submitted by Belgium, France, United Kingdom (S/2008/800)	Rule 37 Democratic Republic of the Congo (Minister for Foreign Affairs), Rwanda	9 Council members, ^d Democratic Republic of the Congo, ^e Rwanda ^e	Resolution 1856 (2008) 15-0-0
6056th 22 December 2008	Letter dated 10 December 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) (S/2008/773)	Report of the Group of Experts on the Democratic Republic of the Congo (S/2008/772, annex) Draft resolution submitted by Belgium, France (S/2008/801)	Rule 37 Democratic Republic of the Congo		Resolution 1857 (2008) 15-0-0
6083rd 17 February 2009			Rule 39 Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator	Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator	

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6104th 9 April 2009	Twenty-seventh report of the Secretary-General on MONUC (S/2009/160)		Rule 37 Democratic Republic of the Congo Rule 39 Special Representative of the Secretary- General	Special Representative of the Secretary- General	
6159th 10 July 2009	Twenty-eighth report of the Secretary-General on MONUC (S/2009/335)		Rule 37 Democratic Republic of the Congo Rule 39 Special Representative of the Secretary- General	Special Representative of the Secretary- General	
6203rd 16 October 2009	Twenty-ninth report of the Secretary-General on MONUC (S/2009/472)		Rule 37 Democratic Republic of the Congo Rule 39 Special Representative of the Secretary- General	Special Representative of the Secretary- General, Democratic Republic of the Congo	
6225th 30 November 2009		Draft resolution submitted by France (S/2009/604) Final report of the Group of Experts on the Democratic Republic of the Congo (S/2009/603 , enclosure)			Resolution 1896 (2009) 15-0-0

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6244th 16 November 2009	Thirtieth report of the Secretary-General on MONUC (S/2009/623)		Rule 39 Special Representative of the Secretary-General	Special Representative of the Secretary-General	
6253rd 23 December 2009	Thirtieth report of the Secretary-General on MONUC (S/2009/623)	Draft resolution submitted by France (S/2009/663)	Rule 37 Democratic Republic of the Congo	Democratic Republic of the Congo	Resolution 1906 (2009) 15-0-0

^a Belgium, Costa Rica, Croatia, France, Italy, United Kingdom and United States.

^b Belgium, Costa Rica, Croatia, France, Italy, South Africa, United Kingdom and United States.

^c Belgium, Burkina Faso, China, Costa Rica, France, Indonesia, Italy, Libyan Arab Jamahiriya, Russian Federation, South Africa, United Kingdom, United States and Viet Nam.

^d Belgium, Burkina Faso, China, Costa Rica, France, Italy, South Africa, United Kingdom and United States.

^e The representative made a second statement.

9. The situation in the Central African Republic

Overview

During the period 2008-2009, the Security Council held six meetings and the President made two statements in connection with the situation in the Central African Republic. The Council followed the progress towards implementing the recommendations of the inclusive political dialogue held in December 2008 and heard regular briefings by the Chair of the Central African Republic configuration of the Peacebuilding Commission on its activities.

In a letter dated 23 December 2008 addressed to the Secretary-General,⁹⁵ the Council took note of the recommendation of the Secretary-General to extend the mandate of the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) for an additional year, from 1 January to 31 December 2009, and acknowledged the need to establish an integrated United Nations office in the Central African Republic.⁹⁶ The President (Croatia) then made a statement on behalf of the Council, in which the Council welcomed the establishment of the United Nations Integrated Peacebuilding Office in the Central

African Republic (BINUCA) on 1 January 2010 for the period of one year.

2 December 2008 to 21 December 2009: political dialogue between the Government and rebel groups

Introducing the report of the Secretary-General on the situation in the Central African Republic,⁹⁷ on 2 December 2008, the Special Representative of the Secretary-General and Head of the United Nations Peacebuilding Support Office in the Central African Republic briefed members on the commencement of the inclusive political dialogue between the Government and rebel groups on 5 December, which would pave the way for national reconciliation and long-term stability. He added that the dialogue would undoubtedly help to create the peaceful environment needed for the successful holding of the general elections scheduled for 2010.⁹⁸

On 10 March 2009, while briefing members on the conclusion of the inclusive political dialogue, the Special Representative of the Secretary-General stated that a number of important agreements had been

⁹⁵ S/2008/809.

⁹⁶ S/PRST/2009/35.

⁹⁷ S/2008/733.

⁹⁸ S/PV.6027, pp. 3-5.

reached. In the political and governance area, it had been agreed to establish a broad-based Government to implement the outcomes of the dialogue and prepare for municipal, legislative and presidential elections in 2009 and 2010. In the area of security and armed groups, participants had agreed on implementing security sector reform; the restructuring of the national armed forces; and an immediate disarmament, demobilization and reintegration programme. In the socioeconomic area, agreement had been reached on the implementation of the poverty reduction strategy for the period 2008-2011; the reform of public finances and the management of natural resources; and the development of national human resources.⁹⁹

In a presidential statement dated 7 April 2009, the Council welcomed the progress towards implementing the recommendations of the recent inclusive political dialogue, and reiterated its full support for that process, as an effective framework to foster national reconciliation and stability in the Central African Republic. In addition, it stressed the urgency and imperative necessity of carrying out the disarmament, demobilization and reintegration process, and called on all parties in the Central African Republic to work with determination to that end.¹⁰⁰

On 22 June 2009, the Under-Secretary-General for Political Affairs, presenting the most recent report of the Secretary-General concerning the situation in the Central African Republic,¹⁰¹ highlighted continuing efforts to consolidate the fragile peace in the Central African Republic and outlined, to that end, measures taken in particular to end the armed rebellion in the north of the country, to strengthen State institutions and to implement the recommendations contained in the inclusive political dialogue. In addition, he provided an update on the preparation for elections in 2010.¹⁰²

On 15 December 2009, while introducing the most recent report of the Secretary-General concerning the situation in the Central African Republic, the Special Representative of the Secretary-General stated that the situation had now reached a critical stage at which the successful holding of elections before the end of April 2010 as well as the completion of the

disarmament and demobilization part of disarmament, demobilization and reintegration operations before elections would determine the fate of the political process. Those two major events were among the key recommendations of the inclusive political dialogue and were critical to the lasting stabilization of the Central African Republic.¹⁰³ The representative of the Central African Republic stated that the launching of the disarmament, demobilization and reintegration programme should be under way before the end of December 2009, and that his Government and the political-military parties had agreed to adopt as their top priority the disarmament and demobilization of rebels. Acknowledging that the Central African Republic was experiencing electoral fervour, he stated that his Government was determined that elections be held by the deadline set in the Constitution, even if the schedule was tight.¹⁰⁴

In a statement by the President dated 21 December 2009, while welcoming the ongoing efforts aimed at national reconciliation in the Central African Republic, the Council encouraged the Government to continue to ensure that the recommendations of the inclusive political dialogue were expeditiously and fully implemented. Moreover, it demanded that the 2010 elections take place within the time frame set by the Constitution.¹⁰⁵

2 December 2008 to 21 December 2009: briefings and consideration of the establishment of BINUCA

From 2 December 2008 to 15 December 2009, the Chair of the Central African Republic configuration of the Peacebuilding Commission regularly updated the Council on the three priority areas for peacebuilding that were identified among the key recommendations of the inclusive political dialogue, namely: (a) security sector reform and disarmament, demobilization and reintegration; (b) good governance and the rule of law; and (c) establishment of development hubs.¹⁰⁶

On 10 March 2009, the Chair of the Central African Republic configuration of the Peacebuilding Commission advocated the creation of an integrated United Nations office in the Central African Republic,

⁹⁹ S/PV.6091, p. 3.

¹⁰⁰ S/PRST/2009/5.

¹⁰¹ S/2009/309.

¹⁰² S/PV.6147, pp. 3-4.

¹⁰³ S/PV.6240, p. 3.

¹⁰⁴ *Ibid.*, p. 7.

¹⁰⁵ S/PRST/2009/35.

¹⁰⁶ S/PV.6027, S/PV.6091, S/PV.6147 and S/PV.6240.

which required rapid implementation of the recommendations of the Secretary-General,¹⁰⁷ given the urgent need for a consolidated approach by the United Nations.¹⁰⁸ The representative of the Central African Republic echoed the urgent need for an integrated office, since the complex solutions offered by the inclusive political dialogue could be achieved only within the framework of an integrated process.¹⁰⁹

In a presidential statement dated 7 April 2009, the Council welcomed the recommendation by the Secretary-General to establish BINUCA¹¹⁰ to succeed BONUCA.¹¹¹

¹⁰⁷ See the letter dated 3 March 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/128) in which the Secretary-General set out recommendations on the establishment of BINUCA.

¹⁰⁸ S/PV.6091, p. 5.

¹⁰⁹ *Ibid.*, pp. 5-6.

¹¹⁰ For more information, see part X, sect. II, with regard to BINUCA.

¹¹¹ S/PRST/2009/5.

On 15 December 2009, the Special Representative of the Secretary-General provided an update on the process of transforming BONUCA to an integrated peacebuilding office. In that connection, she stated that to ensure the full implementation of the mission's mandate, it would need appropriate human and financial resources and full support and cooperation from the Peacebuilding Commission, other international and regional efforts and other United Nations missions in the region.¹¹²

In a presidential statement dated 21 December 2009, the Council welcomed the establishment of BINUCA on 1 January 2010 for the period of one year. The Council urged the Special Representative of the Secretary-General to take all necessary steps to ensure that BINUCA would be fully operational on 1 January 2010.¹¹³

¹¹² S/PV.6240, p. 4.

¹¹³ S/PRST/2009/35.

Meetings: the situation in the Central African Republic

<i>Meeting and date</i>	<i>Sub-agenda item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6027th 2 December 2008	Report of the Secretary-General on the situation in the Central African Republic and the activities of BONUCA in that country (S/2008/733)		Rule 37 Central African Republic	Rule 39 Special Representative of the Secretary-General and Head of BONUCA, Chair of the Central African Republic configuration of the Peacebuilding Commission	

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<i>Meeting and date</i>	<i>Sub-agenda item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6091st 10 March 2009	Letter dated 3 March 2009 from the Secretary- General addressed to the President of the Security Council (S/2009/128)		Rule 37 Central African Republic Rule 39 Special Representative of the Secretary- General, Chair of the Central African Republic configuration of the Peacebuilding Commission	All invitees	
6102nd 7 April 2009	Letter dated 3 March 2009 from the Secretary- General addressed to the President of the Security Council (S/2009/128)		Rule 37 Central African Republic		S/PRST/2009/5
6147th 22 June 2009	Report of the Secretary- General on the situation in the Central African Republic and on the activities of BONUCA in that country (S/2009/309)		Rule 37 Central African Republic Rule 39 Under-Secretary- General for Political Affairs, Chair of the Central African Republic configuration of the Peacebuilding Commission	All invitees	

<i>Meeting and date</i>	<i>Sub-agenda item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6240th 15 December 2009	Report of the Secretary-General on the situation in the Central African Republic and on the activities of BONUCA in that country (S/2009/627)		Rule 37 Central African Republic Rule 39 Special Representative of the Secretary-General, Chair of the Central African Republic configuration of the Peacebuilding Commission	All invitees	
6250th 21 December 2009					S/PRST/2009/35

10. The situation between Eritrea and Ethiopia

Overview

During the period 2008-2009, the Security Council held five meetings, including one private meeting with the troop-contributing countries,¹¹⁴ and adopted two resolutions and two presidential statements in connection with the situation between Eritrea and Ethiopia. The Council considered the continued disagreement on the border issue between the two countries and extended the mandate of United Nations Mission in Ethiopia and Eritrea (UNMEE) until 31 July 2008.¹¹⁵ In response to the restrictions imposed by the Government of Eritrea on UNMEE operations, the Council terminated the mandate of UNMEE on 31 July 2008.¹¹⁶

30 January 2008: extension of the mandate of UNMEE

On 30 January 2008, the Council adopted resolution [1798 \(2008\)](#), in which it extended the mandate of UNMEE for a period of six months, until 31 July 2008, and demanded that Eritrea and Ethiopia immediately take concrete steps to complete the process

launched by the Peace Agreement of 12 December 2000¹¹⁷ by enabling the physical demarcation of the border. The Council reiterated its demands on Eritrea to withdraw immediately all troops and heavy military equipment from the Temporary Security Zone, to provide the Mission with the access, assistance, support and protection required for the performance of its duties and to remove immediately and without precondition the restrictions on the Mission. The Council also demanded that the Government of Eritrea resume immediately fuel shipments to the Mission or allow the Mission to import fuel without restrictions.

15 February and 30 April 2008: presidential statements concerning Eritrea's lack of cooperation and temporary relocation of UNMEE

In a presidential statement dated 15 February 2008, the Council condemned the lack of cooperation from the Government of Eritrea, which had placed impediments and logistical constraints on the Mission in its attempt to organize a temporary relocation. In addition, the Council stated that the Government of Eritrea had failed to comply with its general obligation

¹¹⁴ 5826th meeting, held on 25 January 2008.

¹¹⁵ Resolution 1798 (2008).

¹¹⁶ Resolution 1827 (2008).

¹¹⁷ S/2000/1183, annex.

to assist forces that had been stationed with its consent. The Council demanded that the Government of Eritrea resume full cooperation with the Mission, including by ending all its restrictions on the Mission, and abide by all its obligations as a State Member of the United Nations.¹¹⁸

In a presidential statement of 30 April 2008, the Council noted that the continuation of Eritrea's obstructions towards UNMEE had reached a level such as to undermine the basis of the Mission's mandate and had compelled the Mission to temporarily relocate. The Council expressed its readiness to assist the parties to overcome the existing stalemate and stated that it would, in the light of consultations with the parties, decide on the terms of a future United Nations engagement and on the future of the Mission.¹¹⁹

30 July 2008: termination of the mandate of UNMEE

On 30 July 2008, the Council adopted resolution [1827 \(2008\)](#), in which it decided to terminate the mandate of UNMEE, effective 31 July 2008, and emphasized that this termination was without prejudice to the obligations of Ethiopia and Eritrea under the Algiers Agreements.¹²⁰ The Council, *inter alia*, demanded that Ethiopia and Eritrea comply fully with

their obligations under the Agreements, show maximum restraint and refrain from any threat or use of force against each other, and avoid provocative military activities. Moreover, it strongly supported the ongoing efforts of the Secretary-General and the international community to engage with Ethiopia and Eritrea to help them to implement the Algiers Agreements, to normalize their relations to promote stability between them and to lay the foundation for a comprehensive and lasting peace between them.

Following the adoption of the resolution, the representative of Belgium stated that the border dispute between Ethiopia and Eritrea remained unresolved, and that UNMEE was coming to an end not because UNMEE had accomplished its mandate but because it had become impossible to implement the mandate. Stating that the responsibility for the current impasse rested "with the parties and with them alone", he noted that Eritrea had restricted the Mission's movement to the point that UNMEE was compelled to leave the buffer zone that it had been supposed to monitor. At the same time, he also held that the Mission's mandate had been restricted by the refusal of the Government of Ethiopia to implement the decision of the Eritrea-Ethiopia Boundary Commission. Lastly, he stressed that only the parties could decide to choose the path of dialogue, while adding that the international community remained ready to assist.¹²¹

¹¹⁸ S/PRST/2008/7.

¹¹⁹ S/PRST/2008/12.

¹²⁰ S/2000/601, annex, and S/2000/1183, annex.

¹²¹ S/PV.5946, pp. 3-4.

Meetings: the situation between Eritrea and Ethiopia

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5829th 30 January 2008	Report of the Secretary-General on Ethiopia and Eritrea (S/2008/40 and Corr.1)	Draft resolution submitted by Belgium (S/2008/49) Letter from the representative of Eritrea (S/2008/54) concerning Eritrea's response to the report of the Secretary-General (S/2008/40 and Corr.1)			Resolution 1798 (2008) 15-0-0

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5838th 15 February 2008		Letter from the representative of Eritrea concerning the relocation of UNMEE (S/2008/100)			S/PRST/2008/7
5883rd 30 April 2008	Special report of the Secretary-General on UNMEE (S/2008/226)				S/PRST/2008/12
5946th 30 July 2008	Special report of the Secretary-General on UNMEE (S/2008/226)	Draft resolution submitted by Belgium (S/2008/491) Letter from the Secretary-General concerning future United Nations engagement in Ethiopia and Eritrea (S/2008/496)		1 Council member (Belgium)	Resolution 1827 (2008) 15-0-0

11. The situation in Guinea-Bissau

Overview

During 2008 and 2009, the Security Council held 11 meetings in connection with the situation in Guinea-Bissau, adopting one resolution and four presidential statements. The Council focused on developments regarding peacebuilding, security sector reform, organized crime and drug trafficking, the assassinations of the President of Guinea-Bissau and the Chief of Staff of the Armed Forces as well as on the holding of legislative and presidential elections. The Council heard regular briefings by the Representative of the Secretary-General for Guinea-Bissau and Head of the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS), the Chair of the Guinea-Bissau configuration of the Peacebuilding Commission, the Executive Director of the United Nations Office on Drugs and Crime (UNODC) and Director-General of the United Nations Office at Vienna, and the Under-Secretary-General for Political Affairs.

The Council extended the mandate of UNOGBIS for six months¹²² and requested the Secretary-General to establish a United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) to succeed it for an initial period of 12 months.

26 March 2008 to 5 November 2009: peacebuilding activities

On 26 March 2008, the Council heard a briefing by the Representative of the Secretary-General, who introduced the report of the Secretary-General.¹²³ He highlighted, inter alia, that the first quarter of 2008 had seen strong activity that illustrated the tangible progress made by the Government in engaging the international community. In particular, the arrival of missions from the Peacebuilding Commission and of

¹²² Resolution 1876 (2009). For more information, see part X, sect. II, with regard to the mandate of UNOGBIS.

¹²³ S/2008/181.

teams of technical assistants from the European Union, particularly in connection with security sector reform, was creating expectations among the population of tangible peace dividends.¹²⁴ The Chair of the Guinea-Bissau configuration of the Commission briefed the Council on the Commission's engagement with the country, explaining that the objective of the country-specific configuration's work was to assess the main challenges and priorities for peacebuilding, in close contact with the authorities, and launch a strategic framework to address the most critical peacebuilding issues. She said that the challenges in Guinea-Bissau included the areas identified by the Council, such as building governmental capacity, public sector and security sector reform, strengthening the rule of law and assisting the electoral process.¹²⁵

The representative of Guinea-Bissau, while noting that substantial progress had been made to strengthen democracy, stressed his country's need for help from the international community to move ahead with reforms, including the reform of the security and public administration sectors, and assistance for his country's approach to human rights.¹²⁶

On 15 October 2008, in a statement by the President, the Council noted with satisfaction the adoption of the Strategic Framework for Peacebuilding in Guinea-Bissau by the Guinea-Bissau configuration of the Peacebuilding Commission on 1 October 2008, noted the importance of rapid and effective implementation of quick-impact projects and looked forward to the establishment of the monitoring and tracking mechanism of the Strategic Framework.¹²⁷

In a briefing to the Council on 23 June 2009, the Chair of the Guinea-Bissau configuration of the Peacebuilding Commission emphasized that it was crucial to mitigate the serious socioeconomic problems and to ensure the adoption of a long-term development strategy for Guinea-Bissau. She called for an integrated approach by the international community to peacebuilding in the country, as the political and economic sides of the equation were mutually supportive, and said that political instability in Guinea-Bissau had shown the need for the country-specific configuration to redouble its efforts. Furthermore, a

round table on security sector reform in Cape Verde on 20 April 2009 had pointed to the need for a pension fund for the military. She said that the success of peacebuilding in Guinea-Bissau required a stronger and more coherent United Nations presence on the ground.¹²⁸

In her briefing to the Council on 5 November 2009, the Chair of the Guinea-Bissau configuration of the Peacebuilding Commission re-emphasized the need to move forward the pension process and other components of security sector reform. In addition, the country needed assistance to build capacity in State institutions, to build a functioning State capable of addressing basic social needs, ensuring security and promoting human rights. She also reiterated the importance of a renewed and strengthened presence of the United Nations on the ground in the country.¹²⁹

25 June 2008 to 5 November 2009: threat of drug trafficking

On 25 June 2008, the Council heard a briefing by the Executive Director of UNODC on the situation in Guinea-Bissau, who pointed out that on the agenda was not only a serious drug issue in one country, but also the acute threat that transnational organized crime posed to regional security in West Africa.¹³⁰

The representative of Guinea-Bissau underscored that Guinea-Bissau, as a small country, was the weak link in the subregional chain to fight drug trafficking, which needed to be done rapidly and effectively so that drugs did not hinder his country's socioeconomic development.¹³¹

On 7 October 2008, the Under-Secretary-General for Political Affairs, in his briefing to the Council, noted that existing international efforts to help to strengthen the country's national capacity to fight drug traffickers, who had become a major threat to the country and its neighbours, were not sufficient. He pointed out that the Secretary-General, in his report,¹³² had recommended that the Council consider establishing a panel of experts to study the problem.¹³³

¹²⁴ S/PV.5860, pp. 2-4.

¹²⁵ *Ibid.*, pp. 5-6.

¹²⁶ *Ibid.*, pp. 6-7.

¹²⁷ S/PRST/2008/37. For more information on the discussion regarding the Strategic Framework, see S/PV.5988.

¹²⁸ S/PV.6149, pp. 4-5.

¹²⁹ S/PV.6212, pp. 6-9.

¹³⁰ S/PV.5925, pp. 6-8.

¹³¹ *Ibid.*, pp. 10-11.

¹³² S/2008/628.

¹³³ S/PV.5988, pp. 2-4.

Speakers reaffirmed their commitment to supporting peacebuilding efforts in Guinea-Bissau, particularly in view of political and security tensions and the increase in drug trafficking. While sharing their concern about the drug problem, Council members were divided over the idea of establishing a panel of experts, which would investigate the identities and activities of those involved in drug trafficking and organized crime in Guinea-Bissau.

On 15 October 2008, in a presidential statement, the Council stated that it remained seriously concerned by the continued growth in drug trafficking and called upon the international community to cooperate, in particular, in providing support for the capacity-building of national law enforcement and judicial authorities.¹³⁴

On 9 April 2009, in a statement by the President, the Council expressed its serious concern about the growth in illegal drug trafficking as well as transnational organized crime in Guinea-Bissau and in the subregion. It commended the joint actions of UNODC, the Department of Political Affairs/United Nations Office for West Africa, the Department of Peacekeeping Operations and INTERPOL to help to implement the Economic Community of West African States (ECOWAS) plan of action against drug trafficking, and called upon the international community to continue to support the implementation of the Guinea-Bissau anti-narcotics operational plan, as well as of the ECOWAS plan of action.¹³⁵

On 5 November 2009, the Council issued a statement by the President in which it, *inter alia*, urged the Government of Guinea-Bissau to take the necessary actions against drug trafficking and organized crime in West Africa.¹³⁶

3 March to 5 November 2009: assassinations of the President and the Chief of Staff of the armed forces

On 3 March 2009, in a statement by the President, the Council condemned in the strongest terms the assassinations of the President of Guinea-Bissau, Joao Bernardo Vieira, and the Chief of Staff of the Armed Forces, Tagme Na Waie, on 1 and 2 March 2009 respectively. It called upon the Government of Guinea-

Bissau to bring to justice those responsible for these violent acts, and called upon the Government, the political leaders, the armed forces and the people of Guinea-Bissau to remain calm, exercise restraint, maintain stability and constitutional order and respect the rule of law and the democratic process. It also urged all parties to resolve their disputes through political and peaceful means within the framework of the democratic institutions and opposed any attempt to change the government through unconstitutional means.¹³⁷

On 8 April 2009, the Special Representative of the Secretary-General introduced the report of the Secretary-General¹³⁸ and reported that the commission of inquiry into the double assassinations had started its work.¹³⁹ He stated that the Prosecutor General had expressed concerns about the lack of technical and material support and the lack of security for commission members and witnesses against threats and intimidation as well as the lack of cooperation from the military with regard to information exchange on the military inquiry. The Special Representative reported that a parallel inquiry had been set up by the military to investigate the assassination of General Tagme Na Waie and that the military commission had detained a number of military and civilians.¹⁴⁰

The Chair of the Guinea-Bissau configuration of the Peacebuilding Commission pointed out that the assassinations and the latest developments, including episodes of violence and intimidation against well-known figures in Guinea-Bissau, among them the President of the Audit Court and the lawyer of a former Navy Chief of Staff, were a reminder of the fragility of Guinea-Bissau and the need for the international community to muster political and financial support for the country.¹⁴¹

In a statement by the President dated 5 November 2009, the Council called upon the Government of Guinea-Bissau to expedite the investigation into the political assassinations of March and June 2009.¹⁴²

¹³⁷ S/PRST/2009/2.

¹³⁸ S/2009/169.

¹³⁹ For more information on the international Commission of Inquiry for Guinea-Bissau, see part VI.

¹⁴⁰ S/PV.6103, pp. 2-5.

¹⁴¹ *Ibid.*, pp. 5-6.

¹⁴² S/PRST/2009/29.

¹³⁴ S/PRST/2008/37.

¹³⁵ S/PRST/2009/6.

¹³⁶ S/PRST/2009/29.

**15 October 2008 to 5 November 2009: holding
of legislative and presidential elections**

On 15 October 2008, in a presidential statement, the Council welcomed the Government's commitment to hold legislative elections on 16 November and called on the Government and all actors, including political parties, the security forces and civil society, to ensure an environment conducive to transparent, free and fair elections, and to respect the results of the polls.¹⁴³

The representative of Guinea-Bissau stressed that it was imperative that the people of Guinea-Bissau reconciled with one another and that the international community and the Security Council had a positive and immediate impact, stating that it was essential that the Council and the international community helped to create a favourable atmosphere for the forthcoming elections, to be held on 28 June 2009. He added that it was vital that the international community helped to initiate and complete the reform of his country's defence and security forces, as this was an element essential to peacebuilding in Guinea-Bissau.¹⁴⁴

On 9 April 2009, in a statement by the President, the Council welcomed the swearing-in as interim President of Guinea-Bissau of Raimundo Pereira, and urged the Government and all political actors to create the best conditions for the holding of free, fair, transparent and credible presidential elections, which were scheduled for 28 June 2009. The Council condemned recent cases of arbitrary detentions, armed attacks and intimidation, and demanded the full protection of human rights and fundamental freedoms for the people of Guinea-Bissau. It urged the armed forces leadership to fully honour its commitment to abide by the civilian authorities and respect the constitutional order.¹⁴⁵

On 5 November 2009, in a statement by the President, the Council, *inter alia*, welcomed the peaceful presidential elections of 28 June and 26 July 2009 and underlined the challenges faced by the Government of Guinea-Bissau, in particular to ensure that the security sector was effective, professional and accountable. In this regard, the Council emphasized the necessity of pursuing and implementing an effective

and comprehensive national strategy for security sector reform, to be supported by international partners.¹⁴⁶

**23 and 26 June 2009: extension of UNOGBIS
and authorization of UNIOGBIS**

On 23 June 2009, the Special Representative presented the report of the Secretary-General on political, security and electoral developments.¹⁴⁷ He touched upon the Secretary-General's proposals for the creation of an integrated peacebuilding office in Guinea-Bissau, which recognized the need to strengthen and enhance the effectiveness of the United Nations presence in the country at a critical time of rampant poverty, political tension and instability. The proposed integrated office would support the efforts of the Guinea-Bissau authorities and would focus on the reform of the defence and security sectors, promotion of the rule of law and human rights, enhancing political dialogue and national reconciliation, and strengthening national institutions. It would also support the work of the Peacebuilding Commission and, in particular, coordinate the many security sector reform initiatives currently under way in the country, which was necessary to make a real difference in the reform of the security sector, a condition *sine qua non* for peace consolidation in the country.¹⁴⁸

The Chair of the Guinea-Bissau Configuration of the Peacebuilding Commission pointed out that a number of developments had affected peacebuilding in Guinea-Bissau, in particular the assassinations of Baciro Dabó, a candidate in the presidential election, and Helder Proença, a Member of Parliament and former Minister of Defence. She concurred that successful peacebuilding in Guinea-Bissau required a stronger and more coherent United Nations presence on the ground. That was why the recommendation concerning the transformation of UNOGBIS into an integrated office deserved support.¹⁴⁹

On 26 June 2009, in resolution 1876 (2009), the Council decided to extend the mandate of UNOGBIS until 31 December 2009, and requested the Secretary-General to establish UNIOGBIS to succeed UNOGBIS, as recommended by him in his report,¹⁵⁰ for an initial period of 12 months, beginning on 1 January 2010.

¹⁴³ S/PRST/2008/37.

¹⁴⁴ S/PV.6103, pp. 6-8.

¹⁴⁵ S/PRST/2009/6.

¹⁴⁶ S/PRST/2009/29.

¹⁴⁷ S/2009/302.

¹⁴⁸ S/PV.6149, pp. 2-4.

¹⁴⁹ *Ibid.*, pp. 4-5.

¹⁵⁰ S/2009/302.

Meetings: the situation concerning Guinea-Bissau

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5860th 26 March 2008	Report of the Secretary-General on developments in Guinea-Bissau and on the activities of UNOGBIS in that country (S/2008/181)		Rule 37 Guinea-Bissau Rule 39 Chair of the Guinea-Bissau configuration of the Peacebuilding Commission, Representative of the Secretary-General and Head of UNOGBIS	All invitees	
5925th 25 June 2008	Report of the Secretary-General on developments in Guinea-Bissau and on the activities of UNOGBIS in that country (S/2008/395)		Rule 37 Guinea-Bissau Rule 39 Executive Director of UNODC and Director-General of the United Nations Office in Vienna, Chair of the Guinea-Bissau configuration of the Peacebuilding Commission, Representative of the Secretary-General	All invitees	
5988th 7 October 2008	Report of the Secretary-General on developments in Guinea-Bissau and on the activities of UNOGBIS in that country (S/2008/628)		Rule 37 Guinea-Bissau Rule 39 Under-Secretary-General for Political Affairs, Chair of the Guinea-Bissau configuration of the Peacebuilding Commission	All Council members and all invitees	

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the Security Council for the maintenance of
international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5995th 15 October 2008	Report of the Secretary-General on developments in Guinea-Bissau and on the activities of UNOGBIS in that country (S/2008/628)		Rule 37 Guinea-Bissau		S/PRST/2008/37
6089th 3 March 2009					S/PRST/2009/2
6103rd 8 April 2009	Report of the Secretary-General on developments in Guinea-Bissau and on the activities of UNOGBIS in that country (S/2009/169)		Rule 37 Guinea-Bissau Rule 39 Chair of the Guinea-Bissau configuration of the Peacebuilding Commission, Representative of the Secretary-General	All invitees	
6105th 9 April 2009	Report of the Secretary-General on developments in Guinea-Bissau and on the activities of UNOGBIS in that country (S/2009/169)				S/PRST/2009/6
6149th 23 June 2009	Report of the Secretary-General on developments in Guinea-Bissau and on the activities of UNOGBIS in that country (S/2009/302)		Rule 39 Chair of the Guinea-Bissau configuration of the Peacebuilding Commission, Representative of the Secretary-General	All invitees	

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6152nd 26 June 2009	Report of the Secretary-General on developments in Guinea-Bissau and on the activities of UNOGBIS in that country (S/2009/302)	Draft resolution submitted by Burkina Faso (S/2009/327)			Resolution 1876 (2009) 15-0-0
6212th 5 November 2009	Report of the Secretary-General on developments in Guinea-Bissau and on the activities of UNOGBIS in that country (S/2009/552)		Rule 37 Guinea-Bissau Rule 39 Executive Director of UNODC and Director-General of the United Nations Office in Vienna, Chair of the Guinea-Bissau configuration of the Peacebuilding Commission, Representative of the Secretary-General, Acting Permanent Observer of the African Union to the United Nations	All invitees	
6213th 5 November 2009	Report of the Secretary-General on developments in Guinea-Bissau and on the activities of UNOGBIS in that country (S/2009/552)		Rule 39 Representative of the Secretary-General		S/PRST/2009/29

12. The situation in Côte d'Ivoire

Overview

During the period under review, the Security Council held 19 meetings, including four private meetings with the troop-contributing countries,¹⁵¹ in which it adopted six resolutions under Chapter VII of the Charter and five presidential statements and received four briefings by the Special Representative of the Secretary-General for Côte d'Ivoire and Head of the United Nations Operation in Côte d'Ivoire (UNOCI) in connection with the situation in Côte d'Ivoire. The Council focused on the electoral process during the repeated postponement of presidential elections, initially planned for 27 October 2007 and subsequently postponed to 30 November 2008, 29 November 2009 and March 2010, respectively, thus constituting a significant obstacle to implementing the Ouagadougou Political Agreement¹⁵² adopted in 2007 to achieve political reconciliation in Côte d'Ivoire.

On four occasions the Council extended the mandates of UNOCI and the French forces which supported it.¹⁵³ The Council twice renewed the sanctions regime,¹⁵⁴ and extended the mandate of the Panel of Experts for one year.¹⁵⁵

In June 2008, the Council visited Côte d'Ivoire as part of its mission to Africa.¹⁵⁶

15 January to 29 October 2008: Ouagadougou Political Agreement and the electoral process

On 15 January 2008, in resolution [1795 \(2008\)](#), the Council, called upon the Ivorian parties to implement the supplementary agreements and the Ouagadougou Political Agreement fully, in good faith

and within the amended time frame set out in the agreements. The Council also encouraged the Ivorian parties to make further concrete progress, in particular in the identification of the Ivorian population and the registration of voters, the disarmament and dismantling of militias, the disarmament, demobilization and reintegration programme, the unification and restructuring of defence and security forces and the restoration of State authority throughout the country. The Council recalled that the Special Representative of the Secretary-General should certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards.¹⁵⁷

In a presidential statement dated 29 April 2008,¹⁵⁸ the Council warmly welcomed the approval by the Ivorian authorities of the proposal by the Independent Electoral Commission to organize presidential elections on 30 November 2008. It underlined that that announcement, supported by all Ivorian parties, and the signing by President Laurent Gbagbo of related decrees, constituted an important step forward. The Council encouraged the Ivorian parties to redouble their efforts to meet that commitment, and the international community to bring continued support to that effect.

On 29 July 2008, in resolution [1826 \(2008\)](#), the Council requested UNOCI, within its existing resources and mandate, to support the full implementation of the Ouagadougou Political Agreement and its supplementary agreements, and in particular to contribute to bringing the security needed by the peace process and by the electoral process and to provide logistical support to the Independent Electoral Commission for the preparation and the holding of the elections. In addition, the Council urged the political parties to comply fully with the Code of Good Conduct for elections which they had signed under the auspices of the Secretary-General, and in particular urged the Ivorian authorities to allow equitable access to public media. The Council also noted with concern, in spite of the sustained

¹⁵¹ 5819th, 5943rd, 6070th and S/PV.6166th meetings, held on 14 January 2008, 24 July 2008, 21 January 2009 and 23 July 2009, respectively.

¹⁵² S/2007/144, annex.

¹⁵³ Resolutions 1795 (2008), 1826 (2008), 1865 (2009) and 1880 (2009).

¹⁵⁴ Resolutions 1842 (2008) and 1893 (2009). For more information, see part VII, sect. III, in regard to Article 41 of the Charter.

¹⁵⁵ Resolution 1842 (2008). For more information, see part IX, sect. I.B in regard to the Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire.

¹⁵⁶ For more information, see the present part, sect. 40, and part VI, sect. II, in regard to Security Council missions.

¹⁵⁷ For more information, see part X, sect. I, with regard to UNOCI.

¹⁵⁸ S/PRST/2008/11.

improvement of the overall human rights situation, the persistence of cases of human rights violations against civilians, including numerous acts of sexual violence, and stressed that the perpetrators must be brought to justice.

On 29 October 2008, in resolution [1842 \(2008\)](#), the Council decided that any threat to the electoral process in Côte d'Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement should constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution [1572 \(2004\)](#). It also decided that any serious obstacle to the freedom of movement of UNOCI and of the French forces supporting it, or any attack or obstruction of the action of UNOCI, the French forces, the Special Representative of the Secretary-General, the Facilitator mentioned in paragraph 10 of resolution [1765 \(2007\)](#) or his Special Representative in Côte d'Ivoire should constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution [1572 \(2004\)](#).

7 November 2008 to 8 December 2009: postponement of presidential elections

On 7 November 2008, in a presidential statement,¹⁵⁹ the Council expressed its deep concern about a possible third consecutive delay since the signing of the Ouagadougou Political Agreement, which could put the entire Ivorian peace process at risk. The Council urged the Ivorian parties to take immediately and as a priority the concrete steps necessary to complete the identification and voter registration operations in a credible and transparent manner before the end of January 2009. It expressed its determination to bring its full support to a credible electoral process in Côte d'Ivoire, on the understanding that the presidential elections would be organized before the end of spring 2009.

On 27 January 2009, in resolution [1865 \(2009\)](#), the Council noted with deep concern that the presidential elections scheduled for 30 November 2008 had been postponed, pursuant to the communiqué of 10 November 2008 of the Permanent Consultative

Framework established by the Ouagadougou Political Agreement¹⁶⁰ and urged the Ivorian political actors to find without delay an agreement on a new and realistic time frame. The Council expressed its intention to examine as soon as possible that time frame, which would bind the Ivorian political actors and reflect their level of political commitment towards free, open, fair and transparent elections.

In a presidential statement dated 29 May 2009,¹⁶¹ the Council welcomed the communiqué of 18 May 2009 of the Permanent Consultative Framework of the Ouagadougou Political Agreement,¹⁶² which provided a comprehensive electoral time frame leading to the first round of the presidential elections in Côte d'Ivoire on 29 November 2009. The Council underlined the importance of the effective implementation of each of the five stages leading to the elections, as referred to in the report of the Secretary-General of 13 April 2009,¹⁶³ namely: (1) the publication of the provisional voters list at the end of voter registration operations, (2) the publication of the final voters list, (3) the production of identification and voter cards, (4) the distribution of identification and voter cards and (5) the electoral campaigning period.

On 30 July 2009, by resolution [1880 \(2009\)](#), the Council, *inter alia*, welcomed the successful completion of the registration of voters, reiterated that the publication of the electoral list was a crucial step in the electoral process, looked forward to the publication of the provisional voters list before the end of August 2009, and urged the Ivorian actors to meet their commitments in full and without delay.

After the vote, the representative of France stated that the delays unjustly punished the Ivorian population by delaying an end to the crisis and by prolonging a state of instability that was dangerous to Côte d'Ivoire and the subregion. He emphasized that if the 29 November elections were to be delayed, the parties responsible would be clearly identified, and the Council would draw the necessary conclusions. He made it clear that the Council would not let itself be tricked by technical ploys. Noting that the progress made, such as in the completion of the voter registration at the end of June, was a cause for hope, he

¹⁵⁹ S/PRST/2008/42.

¹⁶⁰ S/2008/694, annex.

¹⁶¹ S/PRST/2009/16.

¹⁶² S/2009/257, annex.

¹⁶³ S/2009/196.

said it would be meaningless if Ivorian political actors once again squandered an opportunity to emerge from the crisis.¹⁶⁴

In a presidential statement dated 29 September 2009,¹⁶⁵ the Council expressed its concern at the delay in the publication of the provisional voters list, and pointed out that further delays in the publication of the voters list might put at risk the timeline for open, free, fair and transparent presidential elections. The Council urged all Ivorian actors to comply fully with their commitments, in order for the voters list to be published. In addition, the Council stated that it would review the situation by 15 October 2009, and expressed its intention to react as appropriate, consistent with resolution 1880 (2009), towards those who would block the progress of the electoral process.

In a presidential statement dated 8 December 2009,¹⁶⁶ the Council noted with concern the postponement of the first round of the presidential elections, scheduled for 29 November, welcomed the positive steps taken by the Ivorian actors, in particular the publication of the provisional voters list and of the list of candidates and further welcomed the 3 December 2009 communiqué of the Permanent Consultative Framework. The Council noted that the Permanent Consultative Framework considered that the postponement of the elections was due to technical and financial constraints and that the first round of the presidential elections would be organized by the end of February or the beginning of March 2010. It urged the Ivorian actors to address the remaining tasks and to hold open, free, fair and transparent presidential elections in accordance with international standards at the earliest possible date.

**27 October 2008 to 23 July 2009: briefings
by the Special Representative of the
Secretary-General on the electoral process**

On 27 October 2008, the Council heard a briefing by the Special Representative of the Secretary-General,¹⁶⁷ who introduced the report of the Secretary-General and focused on the two most critical issues: voter identification and elections. The Special Representative said that accumulating delays in the

identification process and the elections constituted the primary concern because they might put at risk the entire Ivorian peace process. He stated the main reason for that delay was the logistical complexity of the identification process and explained that the elections process in Côte d'Ivoire had become inextricably enmeshed with the identification process. He pointed out that for the first time in the Ivorian crisis, the delays were mainly due to logistical aspects and not to political issues.¹⁶⁸

The Council again heard a briefing by the Special Representative of the Secretary-General on 21 January 2009, who introduced the report of the Secretary-General¹⁶⁹ and emphasized that the current pressing issues of identification of the population, disarmament and the elections would have a decisive impact on the future of Côte d'Ivoire and even on a possible exit strategy for UNOCI. In the light of the historic importance of identification for the Ivorian population, he considered understandable the decision by the Permanent Consultative Framework to postpone the presidential elections initially planned for 30 November 2008 and to announce that the new date could be set according to the progress made in identifying the population. Nevertheless, he made it clear that that decision was intriguing because, for the first time since the signing of the Ouagadougou Political Agreement in March 2007, the Ivorian people and the international community had neither a date nor a period for the elections. He stated that without objectives, all momentum would be lost, including for the organization of an electoral plan, its implementation, logistical organization, a financial plan and even assistance provided by the international community.¹⁷⁰

Following the briefing, the representative of Côte d'Ivoire, noting that the report underlined the significant progress made in his country, said that more than 3.5 million individuals had been identified, accounting for over half of the number of persons who would be voting. He informed the Council that the Permanent Consultative Framework would meet by mid-February to propose dates to the Independent

¹⁶⁴ S/PV.6174, p. 3.

¹⁶⁵ S/PRST/2009/25.

¹⁶⁶ S/PRST/2009/33.

¹⁶⁷ S/2008/645.

¹⁶⁸ S/PV.6001, pp. 2-4.

¹⁶⁹ S/2009/21.

¹⁷⁰ S/PV.6071, pp. 2-3.

Electoral Commission for the holding of presidential elections between October and December 2009.¹⁷¹

On 28 April 2009, the Council was briefed by the Special Representative of the Secretary-General, who introduced the report of the Secretary-General.¹⁷² He reported that since the signing of the fourth supplementary agreement to the Ouagadougou Political Agreement in December 2008, the protagonists of the Agreement had been focusing on the reunification issue. As a result, the momentum for early elections had considerably weakened, resulting in further delays. He explained that progress in the electoral process was now contingent upon the evolution of the reunification issue. Lastly, he emphasized that the rather sombre reality regarding elections and reunification should not eclipse the continuing positive developments that had occurred in the field of peace and stability.¹⁷³

Subsequently, the representative of Côte d'Ivoire stated that the peace process in Côte d'Ivoire was not at an impasse and assured Council members that the first round of the country's presidential elections would be held no later than 6 December 2009.¹⁷⁴

On 23 July 2009, the Council heard a briefing by the Special Representative of the Secretary-General, who highlighted solid and significant achievements in the Ivorian electoral process, which included not only the announcement of the date of the elections, but also the operation of the mobile court and the successful completion of the identification and voter registration process. The Special Representative stressed that if things proceeded as envisioned and planned by the

Ouagadougou Political Agreement protagonists, both the electoral and the reunification processes should produce irreversible results by September. Those processes, however, might encounter profound difficulties in September if the complicated political-security financial matrix facing the Ouagadougou Political Agreement process remained unresolved. In terms of the fourth supplementary agreement, four critical reunification-related issues were to be accomplished: the transfer of authority from zone commanders to prefects; the centralization of the treasury; the profiling of Forces nouvelles elements for integration into the army, police and gendarmerie and as ex-combatants; and their reintegration as well as payment. He cautioned that genuine progress on those issues had yet to materialize. Furthermore, non-political challenges, such as the bureaucratic, managerial and planning aspects of the electoral process, had emerged as major impediments to meeting the 29 November 2009 deadline.¹⁷⁵

The representative of Côte d'Ivoire stressed that all the benchmarks and performance indicators for the major areas identified in the Ouagadougou Political Agreement and its supplementary agreements were showing steady progress in, if not the completion of, the main stages of the process for ending the crisis. He described his country's efforts in advancing the peace process and set out, in particular, the timeline leading up to the 29 November 2009 election date, with a provisional voter list to be issued in early September, a final voter list to be issued in early October and voter cards and national identity cards to be distributed in October and November.¹⁷⁶

¹⁷¹ Ibid., pp. 3-5.

¹⁷² S/2009/196.

¹⁷³ S/PV.6113, pp. 2-3.

¹⁷⁴ Ibid., pp. 3-4.

¹⁷⁵ S/PV.6168, pp. 2-3.

¹⁷⁶ Ibid., pp. 3-4.

Meetings: the situation concerning Côte d'Ivoire

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5820th 15 January 2008	Fifteenth progress report of the Secretary-General on UNOCI (S/2008/1)	Draft resolution submitted by France (S/2008/15)	Rule 37 Côte d'Ivoire		Resolution 1795 (2008) 15-0-0

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5880th 29 April 2008	Sixteenth progress report of the Secretary-General on UNOCI (S/2008/250)		Rule 37 Côte d'Ivoire		S/PRST/2008/11
5945th 29 July 2008	Seventeenth progress report of the Secretary-General on UNOCI (S/2008/451)	Draft resolution submitted by Belgium, Burkina Faso, France and South Africa (S/2008/486)	Rule 37 Côte d'Ivoire		Resolution 1826 (2008) 15-0-0
6001st 27 October 2008	Eighteenth progress report of the Secretary-General on UNOCI (S/2008/645)		Rule 37 Côte d'Ivoire Rule 39 Special Representative of the Secretary-General for Côte d'Ivoire and Head of UNOCI	Special Representative of the Secretary-General for Côte d'Ivoire and Head of UNOCI	
6004th 29 October 2008	Letter dated 8 October 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the President of the Security Council (S/2008/598)	Draft resolution submitted by France (S/2008/672)	Rule 37 Côte d'Ivoire		Resolution 1842 (2008) 15-0-0
6014th 7 November 2008			Rule 37 Côte d'Ivoire		S/PRST/2008/42

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6071st 21 January 2009	Nineteenth progress report of the Secretary-General on UNOCI (S/2009/21)		Rule 37 Côte d'Ivoire Rule 39 Special Representative of the Secretary-General for Côte d'Ivoire	All invitees	
6076th 27 January 2009	Nineteenth progress report of the Secretary-General on UNOCI (S/2009/21)	Draft resolution submitted by France (S/2009/49)	Rule 37 Côte d'Ivoire		Resolution 1865 (2009) 15-0-0
6113th 28 April 2009	Twentieth progress report of the Secretary-General on UNOCI (S/2009/196)		Rule 37 Côte d'Ivoire Rule 39 Special Representative of the Secretary-General for Côte d'Ivoire	All invitees	
6133rd 29 May 2009			Rule 37 Côte d'Ivoire		S/PRST/2009/16
6168th 23 July 2009	Twenty-first progress report of the Secretary-General on UNOCI (S/2009/344)		Rule 37 Côte d'Ivoire Rule 39 Special Representative of the Secretary-General for Côte d'Ivoire	1 Council member (France), all invitees	
6174th 30 July 2009	Twenty-first progress report of the Secretary-General on UNOCI (S/2009/344)	Draft resolution submitted by France (S/2009/390)	Rule 37 Côte d'Ivoire	1 Council member (France)	Resolution 1880 (2009) 15-0-0

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6193rd 29 September 2009				2 Council members (Burkina Faso, France)	S/PRST/2009/25
6209th 29 October 2009	Letter dated 7 October 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire (S/2009/521)	Draft resolution submitted by France (S/2009/560)	Rule 37 Côte d'Ivoire	Côte d'Ivoire	Resolution 1893 (2009) 15-0-0
6234th 8 December 2009			Rule 37 Côte d'Ivoire		S/PRST/2009/33

13. Reports of the Secretary-General on the Sudan

Overview

During the period under review, the Security Council covered various aspects of the political and humanitarian situation in the Sudan, holding 37 meetings, with four in private, including two private meetings with troop-contributing countries.¹⁷⁷ The Council adopted six resolutions and five presidential statements. The Council focused on developments regarding the implementation of the Comprehensive Peace Agreement between the Sudan and the Sudan People's Liberation Movement/Army,¹⁷⁸ attacks on the African Union-United Nations Hybrid Operation in Darfur (UNAMID), displacement and hostilities in the Darfur region, and the activities of two peacekeeping missions in the Sudan, UNAMID and the United Nations Mission in the Sudan (UNMIS). In addition, the Council heard several briefings by the Prosecutor of the International Criminal Court on the Court's activities

pertaining to the indictment of several high-ranking Sudanese officials, including President Omar Bashir, following the referral of the case by the Council in 2005. The Council also heard a briefing on the expulsion of several humanitarian non-governmental organizations from Darfur.

The Council extended the mandates of both UNAMID and UNMIS twice for periods of one year.¹⁷⁹ On two occasions, the Council extended, for periods of one year, the mandate of the Group of Experts set up to assist the Security Council Committee established pursuant to resolution [1591 \(2005\)](#) concerning the Sudan in monitoring implementation of sanctions.¹⁸⁰

¹⁷⁷ 5934th and 6110th meetings, with the troop-contributing countries, held on 16 July 2008 and 23 April 2009, respectively; 6136th and 6252nd meetings, held on 5 June 2009 and 21 December 2009, respectively.

¹⁷⁸ S/2005/78, annex.

¹⁷⁹ The Council extended the mandate of UNAMID by resolutions 1828 (2008) and 1881 (2009). In both instances, the Peace and Security Council of the African Union had already extended the mandate of UNAMID for one-year periods on 21 July 2008 (see S/2008/481, annex) and 21 July 2009 (see S/2009/388, annex). The Council extended the mandate of UNMIS by resolutions 1812 (2008) and 1870 (2009).

¹⁸⁰ Resolutions 1841 (2008) and 1891 (2009).

**19 February 2008 to 30 April 2009:
implementation of the Comprehensive
Peace Agreement**

On 19 February 2008, the Special Representative of the Secretary-General briefed the Council on progress made on the implementation of the Comprehensive Peace Agreement, and on the return of the Sudan People's Liberation Movement (SPLM) to the Government of National Unity. He stated that the leadership of the National Congress Party (NCP) and SPLM had reiterated their commitment to implementing the Agreement and pledged never to return to conflict, though the level of mutual trust was still low and the foundation for a durable peace remained fragile.¹⁸¹

In a presidential statement dated 24 June 2008,¹⁸² the Council, *inter alia*, welcomed the road map for the return of internally displaced persons and the implementation of the Abyei Protocol ("the road map") signed by NCP and SPLM on 8 June 2008. The Council emphasized that a peaceful resolution of the situation in Abyei was vital to the effective implementation of the Comprehensive Peace Agreement and peace in the region.

On 18 August 2008, in his briefing, the Special Representative of the Secretary-General for the Sudan and Head of UNMIS stressed that mutual implementation of the Agreement, though behind schedule, remained on track, although the parties had recently been involved in the most severe violations of the ceasefire in the past three years, most notably in Abyei. Turning to the overall implementation of the Agreement, he said that, while the level of mutual cooperation between the two partners had shown some signs of improvement, the foundation for a durable peace remained fragile.¹⁸³

On 5 February 2009, the Special Representative of the Secretary-General reported that the Comprehensive Peace Agreement had reached a critical juncture, with little over two years of the interim period remaining. He stated that the implementation of outstanding provisions of the Agreement, which were mostly political in nature, would test the parties.¹⁸⁴

On 30 April 2009, the Council adopted resolution 1870 (2009) by which it, *inter alia*, commended the work of UNMIS in support of the Agreement.

**11 January and 16 July 2008: presidential
statements concerning attacks against UNAMID**

In a presidential statement dated 11 January 2008,¹⁸⁵ the Council condemned the attack of 7 January on a UNAMID convoy, welcomed the transition of authority from the African Union Mission in the Sudan to UNAMID, urged the Government and all armed groups to respect an immediate and complete ceasefire and demanded that all parties cooperate fully with the deployment of UNAMID.

In a statement by the President dated 16 July 2008,¹⁸⁶ the Council condemned in the strongest possible terms the premeditated and deliberate attack of 8 July on a UNAMID convoy, resulting in seven deaths, welcomed the statement by the Government of the Sudan that it would assist the United Nations investigation, underlined its determination to take action against those responsible, and underlined that attacks on United Nations peacekeepers could constitute war crimes under international law.

**5 June 2008 to 4 December 2009: briefings
by the Prosecutor of the International
Criminal Court**

On 5 June 2008, the Prosecutor of the International Criminal Court reported on his ongoing investigations regarding past and continuing crimes in Darfur, and recalled that the Pre-Trial Chamber of the Court had issued arrest warrants for two individuals in April 2007, including the then Minister of State for Humanitarian Affairs for Sudan. He reported that, while the Government of the Sudan had said it would prosecute perpetrators of crimes in Darfur, the Government itself had clarified that there currently were no investigations or prosecutions underway. The Prosecutor stated that the Government of the Sudan was not complying with resolution 1593 (2005) and noted that the Council had the power to ensure the cooperation of the Sudan. He warned that he intended to proceed to the judges of the Court in July 2008 and present his evidence on those most responsible for the

¹⁸¹ S/PV.5840, pp. 2-5.

¹⁸² S/PRST/2008/24

¹⁸³ S/PV.5956, pp. 2-5

¹⁸⁴ S/PV.6079, p. 2.

¹⁸⁵ S/PRST/2008/1.

¹⁸⁶ S/PRST/2008/27.

crimes his Office had been investigating.¹⁸⁷ In the ensuing discussion, Council members expressed concern about the situation in Darfur and reiterated their commitment to promoting peace in the Sudan, including the fight against impunity. Council members noted that striking the right balance between peace and justice should be among the priorities for further political progress in Darfur.

In a presidential statement dated 16 June 2008,¹⁸⁸ the Council took note of the efforts made by the Prosecutor to bring to justice the perpetrators of war crimes and crimes against humanity in Darfur, including the issuance of arrest warrants. The Council urged the Government of the Sudan and all other parties to the conflict in Darfur to cooperate fully with the Court, consistent with resolution 1593 (2005), in order to put an end to impunity for the crimes committed in Darfur.

On 31 July 2008, the Security Council adopted resolution 1828 (2008),¹⁸⁹ taking note of the communiqué issued by the Peace and Security Council of the African Union at its 142nd meeting, held on 21 July 2008,¹⁹⁰ having in mind concerns raised by members of the Peace and Security Council regarding potential developments subsequent to the application made by the Prosecutor of the International Criminal Court of 14 July 2008, and taking note of their intention to consider those matters further. The resolution was adopted by 14 votes to none, with one abstention (United States). Following the vote, the United States explained that it had abstained because language in the resolution would send the wrong signal to Sudanese President Omar Al-Bashir and undermine efforts to bring him and others to justice.¹⁹¹ However,

the representatives of the Libyan Arab Jamahiriya, the Russian Federation and China regretted that the resolution did not request the Security Council to call on Court to defer its consideration of the Prosecutor's application, and noted that this position was held by groups of Member States making up two thirds of the United Nations, who believed that the application could seriously undermine efforts towards peace in the Sudan.¹⁹² Echoed by the representative of Indonesia, the representative of the Libyan Arab Jamahiriya stated that he hoped that the Council would soon take the opportunity to further consider calling for the deferral.¹⁹³ The representative of Belgium refuted that approach, arguing that the Council should not react in advance to developments that could not yet be foreseen.¹⁹⁴ The representative of the United Kingdom stressed that the question of what action the Council might take in the light of the application of the Prosecutor remained open.¹⁹⁵ The representatives of Costa Rica and Croatia expressed the view that elements that had no direct bearing on the extension of UNAMID should not have been attached to the resolution.¹⁹⁶

On 5 June 2009, the Prosecutor of the International Criminal Court informed Council members that on the basis of evidence collected, Pre-Trial Chamber I had issued an arrest warrant on 4 March 2009 for five counts of crimes against humanity, including extermination, rapes and killings, and two counts of war crimes against President Al-Bashir of the Sudan. He stressed that the Government of the Sudan now had the obligation to arrest him, as well as others against whom warrants were outstanding. Regarding the Court's complementarity, he reaffirmed that no national proceedings were ongoing in the Sudan in relation to the "massive" crimes under the Court's investigation and that he would continue to review new information on crimes. He emphasized that all States parties to the Rome Statute establishing the Court had a responsibility to arrest and surrender any indictee traveling in their territory, noting also that the Council

¹⁸⁷ S/PV.5905, pp. 2-5.

¹⁸⁸ S/PRST/2008/21.

¹⁸⁹ The resolution also extended the mandate of UNAMID.

¹⁹⁰ Decision of the Peace and Security Council of the African Union (see S/2008/481, annex) in relation to the application made on 14 July 2008 by the Prosecutor of the International Criminal Court for a warrant of arrest against the President of the Sudan, expressing the Council's conviction that approval of the application by the Pre-Trial Chamber of the Court could seriously undermine the efforts to resolve the conflict in Darfur and promote peace and reconciliation in the Sudan, and requesting the Security Council, in accordance with the provisions of article 16 of the Rome Statute, to defer the process initiated by the Court.

¹⁹¹ S/PV.5947, p. 8.

¹⁹² *Ibid.*, p. 3 (Russian Federation); p. 6 (China); and p. 7 (Libyan Arab Jamahiriya).

¹⁹³ *Ibid.*, p. 7 (Libyan Arab Jamahiriya); and p. 9 (Indonesia).

¹⁹⁴ *Ibid.*, p. 10

¹⁹⁵ *Ibid.*, p. 3.

¹⁹⁶ *Ibid.*, p. 4.

in resolution [1593 \(2005\)](#) had also urged non-States parties to cooperate fully with the Court.¹⁹⁷

On 4 December 2009, the Prosecutor informed members that the Government of the Sudan had failed to cooperate with the Court, and President Al-Bashir had refused to appear in Court or appoint a lawyer to represent him, while the crimes in Darfur continued. He said the full support of the Council was needed to end the current crimes.¹⁹⁸ In the deliberations that followed, Council members expressed concern at the ongoing situation in Darfur, stressed the need for a political solution and noted the complex and sensitive nature of the situation. Most members mentioned the need for the Sudan to comply with resolution [1593 \(2005\)](#), while the representative of the Libyan Arab Jamahiriya pointed out that the resolution was not binding because it did not compel, only urged, the Sudan to cooperate with the Court.¹⁹⁹ The representative of the Russian Federation called on the Prosecutor to carefully weigh his steps in his work on Darfur and to calibrate them with the challenges of achieving peace.²⁰⁰ The representative of Burkina Faso, while implying no value judgment on the substance of the issue, nonetheless held that the issuance of the arrest warrant for President Al-Bashir could only further complicate the peace process and the efforts of the African Union and the Security Council.²⁰¹ In contrast, the representative of Costa Rica

regretted the inaction of the Council, which for 18 months had failed to achieve the necessary consensus to secure the implementation of its own decisions.²⁰²

20 March 2009: expulsion of humanitarian non-governmental organizations

On 20 March 2009, the Director of the Office for the Coordination of Humanitarian Affairs briefed Council members. He expressed concern over the situation of civilians in Darfur following the recent expulsion of several international aid agencies by the Government of the Sudan, and urged the authorities in that country to reverse the decision and respect existing agreements and national laws governing the operations of relief groups.²⁰³ The representative of the Sudan pointed out that the expelled non-governmental organizations amounted to only 7 per cent of the 118 aid groups operating in the country and the Government had taken that action because the groups had transgressed every red line, prejudiced the sovereignty of the Government of the Sudan and abused the kindness of its people. He emphasized that the Government's legitimate, sovereign decision would not be reversed and was not up for discussion.²⁰⁴ Noting that the humanitarian situation should not be confused with the political situation, several representatives called on the Sudan to reverse its decision.²⁰⁵

¹⁹⁷ S/PV.6135.

¹⁹⁸ S/PV.6230, pp. 3 and 5.

¹⁹⁹ *Ibid.*, p. 17.

²⁰⁰ *Ibid.*, p. 9.

²⁰¹ *Ibid.*, p. 19.

²⁰² *Ibid.*, p. 13.

²⁰³ S/PV.6096, pp. 2-3.

²⁰⁴ *Ibid.*, p. 4.

²⁰⁵ *Ibid.*, pp. 4-5 (United Kingdom); p. 5 (Mexico); pp. 6-7 (United States); pp. 7-8 (France); p. 11 (Uganda); p. 11 (Croatia); and p. 13 (Costa Rica).

Meetings: reports of the Secretary-General on the Sudan

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5817th 9 January 2008	Report of the Secretary-General on the deployment of UNAMID (S/2007/759)		Rule 39 Under-Secretary-General for Peacekeeping Operations	Under-Secretary-General for Peacekeeping Operations	
5818th 11 January 2008	Report of the Secretary-General on the deployment of UNAMID (S/2007/759)				S/PRST/2008/1

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5832nd 8 February 2008			Rule 39 United Nations Special Envoy for Darfur, Under- Secretary-General for Peacekeeping Operations, Permanent Observer of the African Union to the United Nations	All Council members and all invitees	
5840th 19 February 2008	Report of the Secretary-General on the Sudan (S/2008/64)		Rule 39 Special Representative of the Secretary- General for the Sudan and Head of UNMIS	Special Representative of the Secretary- General for the Sudan and Head of UNMIS	
5849th 11 March 2008	Report of the Secretary-General on the deployment of UNAMID (S/2008/98)		Rule 39 Assistant Secretary-General for Peacekeeping Operations	Assistant Secretary- General for Peacekeeping Operations	
5872nd 22 April 2008	Report of the Secretary-General on the deployment of UNAMID (S/2008/196), report of the Secretary-General on the deployment of UNAMID (S/2008/249)		Rule 39 Joint African Union-United Nations Special Representative for Darfur and head of UNAMID, Under- Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator	All invitees	
5882nd 30 April 2008	Report of the Secretary-General on the Sudan (S/2008/267)	Draft resolution submitted by 7 States ^a (S/2008/283)			Resolution 1812 (2008) 15-0-0
5891st 13 May 2008			Rule 37 Sudan		S/PRST/2008/15

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5892nd 14 May 2008	Report of the Secretary-General on the deployment of UNAMID (S/2008/304)		Rule 39 Under-Secretary-General for Peacekeeping Operations	Under-Secretary-General for Peacekeeping Operations	
5905th 5 June 2008			Rule 39 Prosecutor of the International Criminal Court	Prosecutor of the International Criminal Court, all Council members	
5912th 16 June 2008					S/PRST/2008/21
5922nd 24 June 2008			Rule 39 United Nations Special Envoy for Darfur, African Union Special Envoy for Darfur	United Nations Special Envoy for Darfur, African Union Special Envoy for Darfur, all Council members	
5923rd 24 June 2008					S/PRST/2008/24
5935th 16 July 2008			Rule 37 Rwanda, Uganda		S/PRST/2008/27
5947th 31 July 2008	Report of the Secretary-General on the deployment of UNAMID (S/2008/443)	Draft resolution submitted by United Kingdom (S/2008/506)	Rule 37 Sudan	13 Council members, ^b Sudan	Resolution 1828 (2008) 14-0-1 (United States)
5956th 18 August 2008	Report of the Secretary-General on the Sudan (S/2008/485)		Rule 39 Special Representative of the Secretary-General for the Sudan	Special Representative of the Secretary-General for the Sudan	
5996th 15 October 2008		Draft resolution submitted by United States (S/2008/648)			Resolution 1841 (2008) 15-0-0

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6003rd 28 October 2008	Report of the Secretary-General on the deployment of UNAMID (S/2008/659)		Rule 37 Sudan Rule 39 Under-Secretary- General for Peacekeeping Operations, Under- Secretary-General for Field Support	All invitees and 1 Council member (United States)	
6010th 5 November 2008	Report of the Secretary-General on the Sudan (S/2008/662)		Rule 39 Assistant Secretary-General for Peacekeeping Operations	Assistant Secretary- General for Peacekeeping Operations, 2 Council members (Costa Rica, Libyan Arab Jamahiriya)	
6028th 3 December 2008			Rule 39 Prosecutor of the International Criminal Court	Prosecutor of the International Criminal Court, all Council members	
6054th 19 December 2008	Report of the Secretary-General on the deployment of UNAMID (S/2008/781)		Rule 37 Sudan Rule 39 Under-Secretary- General for Peacekeeping Operations, Under- Secretary-General for Field Support	All invitees	
6079th 5 February 2009	Report of the Secretary-General on the Sudan (S/2009/61)		Rule 39 Special Representative of the Secretary- General for the Sudan	Special Representative of the Secretary- General for the Sudan	
6096th 20 March 2009			Rule 37 Czech Republic (on behalf of the European Union), Sudan	All Council members and all invitees	

Repertoire of the Practice of the Security Council, 2008-2009

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
			Rule 39 Director of the Office for the Coordination of Humanitarian Affairs		
6112nd 27 April 2009	Report of the Secretary-General on the deployment of UNAMID (S/2009/201)		Rule 39 Joint African Union-United Nations Special Representative for Darfur	Joint African Union-United Nations Special Representative for Darfur	
6116th 30 April 2009	Report of the Secretary-General on the Sudan (S/2009/211)	Draft resolution submitted by United States (S/2009/225)		5 Council members (Costa Rica, France, Japan, United Kingdom, United States)	Resolution 1870 (2009) 15-0-0
6135th 5 June 2009			Rule 39 Prosecutor of the International Criminal Court	Prosecutor of the International Criminal Court	
6139th 11 June 2009			Rule 39 Under-Secretary- General for Humanitarian Affairs and Emergency Relief Coordinator	Under-Secretary- General for Humanitarian Affairs Emergency Relief Coordinator	
6170th 24 July 2009	Report of the Secretary-General on the deployment of UNAMID (S/2009/297), report of the Secretary- General on the deployment of UNAMID (S/2009/352)		Rule 37 Sudan, Sweden (on behalf of the European Union) Rule 39 Under-Secretary- General for Peacekeeping Operations	All Council members and all invitees	

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international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6175th 30 July 2009	Report of the Secretary-General on the deployment of UNAMID (S/2009/297), report of the Secretary-General on the deployment of UNAMID (S/2009/352)	Draft resolution submitted by United Kingdom (S/2009/392)			Resolution 1881 (2009) 15-0-0
6199th 13 October 2009		Draft resolution submitted by United States (S/2009/528)			Resolution 1891 (2009) 15-0-0
6227th 30 November 2009	Report of the Secretary-General on UNAMID (S/2009/592)		Rule 37 Sudan Rule 39 Assistant Secretary-General for Peacekeeping Operations, Joint African Union-United Nations Chief Mediator for Darfur	All invitees	
6230th 4 December 2009			Rule 39 Prosecutor of the International Criminal Court	Prosecutor of the International Criminal Court, all Council members	
6251st 21 December 2009	Letter dated 17 November 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/599)		Rule 39 Chairperson of the African Union Commission, Chairperson of the African Union High-Level Panel on Darfur	Secretary-General, all invitees	

^a Belgium, Costa Rica, Croatia, France, Italy, United Kingdom and United States.

^b Belgium, Burkina Faso, China, Costa Rica, Croatia, France, Indonesia, Italy, Libyan Arab Jamahiriya, Russian Federation, United Kingdom, United States and Viet Nam.

14. The situation in Chad and the Sudan

Overview

During the period 2008-2009, the Security Council held one meeting in connection with the humanitarian situation in Chad and the Sudan.²⁰⁶

3 December 2008: humanitarian situation in Chad and the Sudan

On 3 December 2008, the Council was briefed by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator on the humanitarian situation in Chad and the Sudan. He reported that the situation in Chad had remained fragile owing to worsening criminality, lingering tensions from long years of internal conflict and the spillover from Darfur. In that connection, he stated that the politicization and militarization of the refugee camps and some internally displaced person sites in Chad were major and growing concerns, adding that recruitment by armed groups, including of children, notably by the Justice and Equality Movement (JEM), was threatening the civilian and humanitarian nature of the camps. He also noted that a speedy and effective deployment of the United Nations Mission in the Central African Republic and Chad (MINURCAT II), as well as the deployment of the newly trained Chadian gendarme force were essential in enhancing security in the camps. In reference to the Sudan, the Under-Secretary-General stated that the situation in Darfur remained a huge political and humanitarian challenge for which both the

Government and the rebel movements shared responsibility. He stressed the importance of maintaining the current mandate and capacities of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) to improve the physical protection of civilians and humanitarians, and to reduce tensions overall.²⁰⁷

The representative of Chad expressed the hope that MINURCAT II would effectively meet the expectations of its civilian beneficiaries and assist in demilitarizing the camps where recruitment was carried out by Sudanese groups. He also stated that claims that Chad was supporting the Sudanese rebels were unfounded, arguing that his country did not have weapons to provide to rebels from another country. Welcoming the normalization of the relations between his country and the Sudan, the representative of Chad affirmed that his country would work positively towards the consolidation of friendly relations and good-neighbourliness with the Sudan. He feared, however, that as long as the situation in Darfur was not settled, relations with the Sudan would run the risk of being negatively affected.²⁰⁸

Council members welcomed the restoration of diplomatic relations between Chad and the Sudan and expressed concern at the deterioration of the humanitarian situation due to continued acts of violence. At the same time, they called for an end to recruitment and politicization in the refugee camps and for an immediate end to all attacks against humanitarian workers.

²⁰⁶ For more information, see the present part, sect. 16, with regard to the situation in Chad, the Central African Republic and the subregion and sect. 13 with regard to reports of the Secretary-General on the Sudan.

²⁰⁷ S/PV.6029, pp. 2-5.

²⁰⁸ *Ibid.*, pp. 5-6.

Meetings: the situation in Chad and the Sudan

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6029th 3 December 2008			Rule 37 Chad	All council members and all invitees	
			Rule 39 Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator		

15. Peace consolidation in West Africa

Overview

During the period under review, the Security Council held four meetings on peace consolidation in West Africa and adopted two presidential statements. The Council focused on the challenges facing the subregion, including the impact of drug trafficking and challenges posed to governance, and on the role of the United Nations Office for West Africa in addressing those issues. It heard two briefings by the Special Representative of the Secretary-General and Head of the United Nations Office for West Africa, and a briefing by the Executive Director of the United Nations Office on Drugs and Crime (UNODC).

21 January to 7 July 2009: briefings by the Special Representative of the Secretary-General

On 21 January 2009, the Council heard a briefing by the Special Representative of the Secretary-General, who presented the report of the Secretary-General²⁰⁹ which focused on cross-cutting and cross-border developments in West Africa. He pointed out that many of the root causes of conflicts in a number of West African countries had yet to be addressed in an effective and durable manner, although significant progress had been made in consolidating peace and stability in West Africa. Underscoring particular concerns in the region, he pointed to rising global food prices and food insecurity; the spread of cross-border organized crime; military coups in Mauritania and Guinea; and the situation in the fragile Sahel band. He also stated that security sector reform must be seen as a key component of every peacebuilding strategy, and that the Economic Community of West African States (ECOWAS) must play the lead role with the full support of the United Nations. In addition, he outlined initiatives of the United Nations Office for West Africa and its pivotal role in promoting concerted subregional approaches to peace and security and in addressing the issues he had highlighted, together with ECOWAS, UNODC and West African leaders. Lastly, he reported on the support provided by the Cameroon-Nigeria Mixed Commission to the delimitation and demarcation process along the boundary between Cameroon and Nigeria. To that end, he stated that following the transfer of authority in the Bakassi

peninsula from Nigeria to Cameroon, efforts were now focused on expediting the border demarcation process.²¹⁰

On 7 July 2009, the Council was briefed by the Special Representative of the Secretary-General and the Executive Director of UNODC. Presenting the report of the Secretary-General on the United Nations Office for West Africa,²¹¹ the Special Representative underscored the progress made in the overall peace and security situation in the subregion, especially the positive developments registered in post-conflict recovery and peacebuilding and progress in the area of governance and the rule of law. He expressed the view that the commitment of West African peacekeeping forces was a testimony to the strong political will of their leaders and people to remain at the forefront of peace efforts in their subregion with the support of the United Nations and the wider international community. He informed the Council that this had led to a reduction in the scope and level of violence across the subregion and that currently there was no open armed conflict going on in West Africa. However, considerable challenges to peace and security in West Africa remained, including the resurgence of unconstitutional or violent changes of government as one of the most alarming threats; security sector reform; and drug trafficking, as well as socioeconomic and development challenges.²¹²

The Executive Director of UNODC reported that the volume of drug trafficking through the region of West Africa seemed to be significantly diminishing, but that the situation would remain very volatile until the underlying conditions of vulnerability, such as poverty, underdevelopment and inadequate governance, were addressed. He also expressed concern that drugs were not the only illicit flows or activity and that organized crime made West Africa more prone to political instability. Concluding, the Executive Director invited Council members to put the situation in West Africa in a global perspective, drawing attention to the fact that most illicit activity was only transiting through West Africa, and that the drugs were bound for Europe. He urged rich countries to stop using West Africa as a

²⁰⁹ S/2009/39.

²¹⁰ S/PV.6073, pp. 2-3.

²¹¹ S/2009/332.

²¹² S/PV.6157, pp. 2-5.

dumping ground for weapons, waste and fake medicines.²¹³

10 July 2009: presidential statement on security and development challenges in West Africa

In a statement by the President dated 10 July 2009,²¹⁴ the Council noted with satisfaction continued progress in the overall peace and security situation in West Africa. The Council, however, noted with deep concern the resurgence of unconstitutional changes of government and undemocratic seizures of power, and stressed again the importance of expeditiously restoring the constitutional order, including through open and transparent elections. It also expressed concern over the fact that the progress achieved remained fragile, being concerned in particular by growing or emerging threats to security in West Africa, notably terrorist activities in the Sahel band, maritime insecurity in the Gulf of Guinea and illicit drug trafficking, which posed a threat to regional stability with a possible impact on international security. In addition, the Council expressed its concern about the impact of the global economic crisis on West African

economies, since the region was already confronted with such development challenges as rising food insecurity, climate change adaptation and mitigation, and youth unemployment. The Council encouraged the continued engagement of financial institutions and development partners to mitigate the adverse effects of the decline in economic growth and other destabilizing factors in West Africa.

28 October 2009: presidential statement concerning the situation in Guinea

By a statement by the President dated 28 October 2009,²¹⁵ the Council, inter alia, remained deeply concerned by the situation in Guinea, which might pose a risk to regional peace and security following the killings that occurred in Conakry on 28 September, when members of the army opened fire on civilians attending a rally. It strongly condemned the violence that reportedly caused more than 150 deaths and hundreds of wounded and other blatant violations of human rights, including numerous rapes and sexual crimes against women, as well as the arbitrary arrest of peaceful demonstrators and opposition party leaders.

²¹³ Ibid., pp. 5-6.

²¹⁴ S/PRST/2009/20.

²¹⁵ S/PRST/2009/27.

Meetings: peace consolidation in West Africa

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6073rd 21 January 2009	Report of the Secretary-General on the United Nations Office in West Africa (S/2009/39)		Rule 39 Special Representative of the Secretary-General and Head of the United Nations Office for West Africa	Special Representative of the Secretary-General and Head of the United Nations Office for West Africa	
6157th 7 July 2009	Report of the Secretary-General on the United Nations Office in West Africa (S/2009/332)		Rule 39 Special Representative of the Secretary-General, Executive Director of UNODC	Special Representative of the Secretary-General, Executive Director of UNODC	

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6160th 10 July 2009	Report of the Secretary-General on the United Nations Office in West Africa (S/2009/332)				S/PRST/2009/20
6207th 28 October 2009					S/PRST/2009/27

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

Overview

During the period 2008-2009, the Security Council held 13 meetings, including one private meeting with the troop-contributing countries,²¹⁶ and adopted two resolutions and three presidential statements concerning the situation in Chad, the Central African Republic and the subregion. The Council focused on the volatile security situation in eastern Chad and north-eastern Central African Republic and its negative impact on the humanitarian situation in the region, and oversaw the deployment of a multidimensional presence with a mandate, inter alia, to protect humanitarian operations and displaced persons. The Council also focused on the attacks perpetrated by armed groups against the Government of Chad as well as the implementation of the Dakar Agreement of 13 March 2008 and the Doha Agreement of 3 May 2009.²¹⁷

In June 2008, the Council visited Chad in connection with the situation in Chad, the Central African Republic and the subregion, as part of its mission to Africa.²¹⁸

The Council twice extended the mandate of the United Nations Mission in the Central African Republic and Chad (MINURCAT) for periods of 12 months, until 15 March 2009 and 15 March 2010.²¹⁹

4 February and 16 June 2008: presidential statements on attacks by armed groups against the Government of Chad

By a presidential statement of 4 February 2008,²²⁰ the Council, inter alia, strongly condemned the attacks perpetrated by armed groups against the Government of Chad, and called upon the States of the region to deepen their cooperation with a view to putting an end to the activities of armed groups and their attempt to seize power by force. The Council expressed its concern regarding the direct threat that the combats posed for the safety of the civilian population, including internally displaced persons and refugees.

By a presidential statement of 16 June 2008,²²¹ the Council condemned in the strongest terms the attacks conducted by Chadian armed groups since 11 June 2008, and demanded that all armed groups cease violence immediately. In addition, the Council called upon States in the region to implement their commitments under the Dakar Agreement and prior agreements, and to cooperate with a view to putting an

²¹⁶ 5975th meeting, held on 19 September 2008.

²¹⁷ The Dakar Agreement and the Doha Agreement (S/2009/249, annex) were signed by the Governments of Chad and the Sudan with a view to defusing tensions and stopping the support of both parties for rebels. For more information, see the case study in the present part concerning the situation in Chad and the Sudan.

²¹⁸ For more information, see the present part, sect. 40, and part VI, sect. II, in regard to Security Council missions.

²¹⁹ Resolutions 1834 (2008) and 1861 (2009), respectively. For more information, see part X, sect. I, in regard to the mandate of MINURCAT.

²²⁰ S/PRST/2008/3.

²²¹ S/PRST/2008/22.

end to the activities of armed groups in the region and their attempts to seize power by force.

**19 September 2008 to 22 October 2009:
relations between Chad and the Sudan**

On 19 September 2008, the Special Representative of the Secretary-General and Head of MINURCAT, introducing the report of the Secretary-General on the Mission,²²² reported that relations between Chad and the Sudan remained tense, despite the regular meetings of the contact group established under the Dakar Accord. He stated that both Chad and the Sudan had agreed to exchange ambassadors and to reopen their embassies before the next meeting of the contact group.²²³ The representative of Chad said that since the signing of the Dakar Accord, his country had accepted the re-establishment of political relations, which the Sudan had previously broken off. His country had the political will to help the Sudan resolve its crisis in Darfur, and hoped that, in turn, the instability of eastern Chad would cease.²²⁴

On 8 May 2009, the Officer-in-Charge of the Department of Peacekeeping Operations reported that on 3 May in Doha, under the auspices of the Governments of Qatar and the Libyan Arab Jamahiriya, the Governments of Chad and the Sudan signed the Doha Agreement, a new bilateral agreement, to normalize relations and deny any support, in their respective territories, to rebel groups that were hostile to either of them.²²⁵ The representative of Chad stated that following the signing of the Doha Agreement, his country was attacked by forces coming from the Sudan. He claimed that the Sudanese, Chadian and binational combatants recruited by the Government of the Sudan were working to overthrow the legitimate Government of Chad.²²⁶ The representative of the Sudan, however, said that what was happening in Chad was an internal affair that the Sudan had nothing to do with. He stated, in addition, that the Sudan had called for independent mechanisms to investigate Chadian allegations that were made to conceal the domestic failures of Chad and mask its plans for aggression against the Sudan.²²⁷

By a presidential statement of 8 May 2009,²²⁸ the Council, *inter alia*, called on the Sudan and Chad to respect and fully implement their mutual commitments, in particular in the Doha Agreement of 3 May 2009 and the Dakar Agreement of 13 March 2008, and to engage constructively with the Dakar Agreement Contact Group and the good offices of the Libyan Arab Jamahiriya and Qatar, to normalize their relations, cooperate to put an end to cross-border activities of armed groups and strengthen actions to combat illicit arms trafficking in the region.

On 28 July 2009, the Special Representative of the Secretary-General, introducing the report of the Secretary-General on MINURCAT,²²⁹ reported that the relationship between Chad and the Sudan had a critical impact on the situation on both sides of the border and that there was an urgent need to de-escalate the situation and resume diplomatic initiatives.²³⁰ In view of the interrelatedness of the conflicts in Chad and the Sudan, speakers generally concurred that the resolution of the crisis required close cooperation among neighbouring States. Hence, many speakers deplored the deterioration of the relations between Chad and the Sudan, and called on both countries to refrain from any actions that could lead to further escalation. They also called upon both countries to use the existing bilateral arrangements agreed upon in the past, including the Dakar Agreement Contact Group, to normalize their bilateral relations.

On 22 October 2009, the Assistant Secretary-General for Peacekeeping Operations reported on the high-level contacts between the Governments of Chad and the Sudan, in particular the meeting in N'djamena on 11 October, during which the President of Chad and the Presidential Adviser of the Sudan stressed their desire to restore confidence between the two Governments. He also reported that the African Union-United Nations Joint Chief Mediator had encouraged the Government of Chad to continue this dialogue, since an improvement in Chad-Sudan relations would have a direct and positive impact on efforts to achieve peace in Darfur.²³¹

²²² S/2008/601.

²²³ S/PV.5976, pp. 2-4.

²²⁴ *Ibid.*, p. 8.

²²⁵ S/PV.6121, p. 3.

²²⁶ *Ibid.*, p. 4.

²²⁷ *Ibid.*, pp. 6-7.

²²⁸ S/PRST/2009/13.

²²⁹ S/2009/359.

²³⁰ S/PV.6172, p. 3.

²³¹ S/PV.6204, pp. 2-3.

**19 September 2008 to 28 July 2009:
replacement of EUFOR by a military
component of MINURCAT**

On 19 September 2008, the Special Representative of the Secretary-General provided an overview of the key elements of the concept of operations of a possible United Nations presence following the end of the mandate of the European Union operation in Chad and the Central African Republic (EUFOR Chad/Central African Republic) on 15 March 2009. An added military component for MINURCAT, he cautioned, would be effective only if the Mission had the mandate to support Chadian stakeholders in addressing underlying causes of insecurity relevant to the safe and voluntary return of refugees and internally displaced persons.²³² The representatives of the Central African Republic and Chad welcomed the replacement of EUFOR by a military force of MINURCAT.²³³

On 24 September 2008, while emphasizing the need for continued and accelerated international engagement in the region, the representative of France noted that the European Union was in favour of replacing EUFOR with a United Nations mission and stressed the need to prevent a security vacuum in the transition period.²³⁴ Noting that EUFOR had always been meant as a transitional mechanism, the representative of Belgium stressed the importance of beginning preparations for the transition to a United Nations force.²³⁵ The representative of the United States added that a well-trained and well-equipped United Nations military presence had to be deployed well in advance of the EUFOR expiration date on 15 March, in order to allow for a smooth and successful transition.²³⁶

In a second meeting held on the same day, speaking before the adoption of resolution 1834 (2008), the representative of the United Kingdom welcomed the renewal of the mandate of MINURCAT and, in principle, the transition from EUFOR to a United Nations force. However, he stressed that much work needed to be done before the Council could take a decision on setting up a new United Nations

peacekeeping operation. He emphasized that an expanded United Nations mission in Chad needed clear objectives, an achievable mandate, a sensible time frame for deployment, measurable benchmarks and a realistic end state that, once achieved, would enable the force to withdraw.²³⁷

In resolution 1834 (2008) of 24 September 2008, the Council, deeply concerned at the activities of armed groups and other attacks in eastern Chad, the north-eastern Central African Republic and western Sudan, decided to extend until 15 March 2009 the mandate of MINURCAT, and called on the Secretary-General to complete the Mission's deployment as soon as possible. Moreover, the Council expressed its intention to authorize the deployment of a United Nations military component to follow up EUFOR in both Chad and the Central African Republic.

On 12 December 2008, the Special Representative of the Secretary-General, introducing the report of the Secretary-General on MINURCAT,²³⁸ provided an update on preparations for the transfer of authority from EUFOR to a United Nations military component on 15 March 2009, including options on the size, structure and mandate of the proposed United Nations military presence in Chad and the Central African Republic. He informed the Council that Chad had agreed to the deployment of a United Nations force of 4,900 troops, and briefed members on options for the United Nations presence in the north-east of the Central African Republic.²³⁹

By resolution 1861 (2009) of 14 January 2009, the Council, *inter alia*, extended the mandate of MINURCAT until 15 March 2010, authorized the deployment of a military component of MINURCAT to follow up EUFOR in both Chad and the Central African Republic, and decided that the transfer of authority between EUFOR and the military component of MINURCAT should take place on 15 March 2009. Acting under Chapter VII of the Charter, the Council decided that MINURCAT should be authorized to take all necessary measures to protect civilians in danger, facilitate the delivery of humanitarian aid and protect United Nations personnel and facilities.

On 24 April 2009, the Assistant Secretary-General for Peacekeeping Operations, introducing the

²³² S/PV.5976, pp. 2-4.

²³³ *Ibid.*, p. 6 (Central African Republic) and p. 7 (Chad).

²³⁴ S/PV.5980, p. 4.

²³⁵ *Ibid.*, p. 5.

²³⁶ *Ibid.*, p. 6.

²³⁷ S/PV.5981, p. 2.

²³⁸ S/2008/760.

²³⁹ S/PV.6042, pp. 2-4.

report of the Secretary-General on MINURCAT,²⁴⁰ reported that force generation for MINURCAT had been slower than anticipated owing to gaps in the provision of the necessary equipment. He stressed that the equipment gaps, particularly a shortfall in military helicopters and a critical communications unit, weakened the Mission's ability to conduct operations on a 24-hour basis. He called on the Council to do everything within its power to ensure that MINURCAT had the required equipment to implement its mandate.²⁴¹

On 28 July 2009, the Special Representative of the Secretary-General, introducing the report of the Secretary-General on MINURCAT,²⁴² reported that the deployment of the military force stood at 46 per cent of its mandated strength. The slow deployment of the force had limited the ability of MINURCAT to effectively execute the military concept of operations and provide the required safe and secure environment for humanitarians, refugees, displaced and vulnerable populations, including in the returnee areas.²⁴³ Council members commended MINURCAT for the contribution it was making in the affected areas of Chad and the Central African Republic and called for accelerated deployment of the Mission to enable it to better fulfil its mandate, which included protecting civilians and humanitarian personnel.

²⁴⁰ S/2009/199.

²⁴¹ S/PV.6111, pp. 3-5.

²⁴² S/2009/359.

²⁴³ S/PV.6172, p. 4.

28 July and 22 October 2009: briefings by the Secretariat on the humanitarian situation in eastern Chad

On 28 July 2009, the Special Representative of the Secretary-General reported on attacks against humanitarian personnel in eastern Chad, and attacks by armed groups in the Central African Republic which had increased the number of refugees and limited the delivery of humanitarian aid.²⁴⁴ Speakers expressed concern over the continued volatile security situation in Chad and the north-eastern part of the Central African Republic and its negative impact on the humanitarian situation in the region. They noted that there were still many refugees and internally displaced persons in need of humanitarian assistance, and deplored ongoing attacks against humanitarian personnel.

On 22 October 2009, the Assistant Secretary-General for Peacekeeping Operations reported that the *Détachement intégré de sécurité*, the Chadian community police force trained by MINURCAT, and responsible for, inter alia, assisting in creating a security environment conducive to carrying out humanitarian activities, were now deployed. MINURCAT continued creating a secure environment for humanitarian activities, while improved coordination between the *Détachement*, the national police and the gendarmerie had also enhanced security for humanitarian efforts.²⁴⁵

²⁴⁴ *Ibid.*, pp. 2-3.

²⁴⁵ S/PV.6204, pp. 2-3.

Meetings: the situation in Chad, the Central African Republic and the subregion

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5830th 4 February 2008		Letter from the representative of Chad requesting the assistance of the Council in ending an attempt to overthrow the Government (S/2008/69)	Rule 37 Chad		S/PRST/2008/3

**Part I. Consideration of questions under the responsibility of
the Security Council for the maintenance of
international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5913th 16 June 2008			Rule 37 Chad		S/PRST/2008/22
5976th 19 September 2008	Report of the Secretary-General on MINURCAT (S/2008/601)		Rule 37 Central African Republic (Minister for Foreign Affairs), Chad Rule 39 Special Representative of the Secretary- General and Head of MINURCAT	All invitees	
5980th 24 September 2008			Rule 39 High Representative of the European Union	High Representative of the European Union, 5 Council members (Belgium, Burkina Faso, France, Italy, United States)	
5981st 24 September 2008	Report of the Secretary-General on MINURCAT (S/2008/601 and Add.1)	Draft resolution submitted by 6 Member States ^a (S/2008/616)	Rule 37 Chad	1 Council member (United Kingdom)	Resolution 1834 (2008) 15-0-0
6042nd 12 December 2008	Report of the Secretary-General on MINURCAT (S/2008/760)		Rule 37 Central African Republic, Chad Rule 39 Special Representative of the Secretary- General	3 Council members (Costa Rica, France, Italy), all invitees	
6064th 14 January 2009	Report of the Secretary-General on MINURCAT (S/2008/760 and Add.1)	Draft resolution submitted by France (S/2009/29)	Rule 37 Central African Republic, Chad		Resolution 1861 (2009) 15-0-0

Repertoire of the Practice of the Security Council, 2008-2009

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6111th 24 April 2009	Report of the Secretary-General on MINURCAT (S/2009/199)	Two reports on the activities of EUFOR Chad/Central African Republic (S/2009/214, annexes I and II)	Rule 37 Central African Republic, Chad, Czech Republic (on behalf of the European Union) Rule 39 Assistant Secretary-General for Peacekeeping Operations	All invitees	
6121st 8 May 2009	Letter dated 6 May 2009 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council (S/2009/232)		Rule 37 Chad, Sudan Rule 39 Officer-in-Charge of the Department of Peacekeeping Operations	All invitees	
6122nd 8 May 2009	Letter dated 6 May 2009 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council (S/2009/232)		Rule 37 Chad		S/PRST/2009/13
6172nd 28 July 2009	Report of the Secretary-General on MINURCAT (S/2009/359)		Rule 37 Central African Republic, Chad Rule 39 Special Representative of the Secretary-General	All Council members and all invitees	

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6204th 22 October 2009	Report of the Secretary-General on MINURCAT (S/2009/535)		Rule 39 Assistant Secretary- General for Peacekeeping Operations	Assistant Secretary- General for Peacekeeping Operations	

^a Belgium, Costa Rica, Croatia, France, Libyan Arab Jamahiriya and United States.

17. Peace and security in Africa

Overview

During the period 2008-2009, the Security Council held 18 meetings, including 2 private meetings,²⁴⁶ and adopted three resolutions and five presidential statements under the item entitled “Peace and security in Africa”. Discussions covered thematic issues, focusing on cooperation with regional organizations, particularly the African Union, the resurgence of unconstitutional changes of government in Africa and drug trafficking, and country-specific situations relating to Kenya, Djibouti and Eritrea, Zimbabwe, and Mauritania.

6 February 2008: Presidential Statement on the post-election violence in Kenya

On 6 February 2008, the Council adopted a presidential statement²⁴⁷ in which it welcomed the announcement of progress in the negotiations, overseen by Mr. Kofi Annan, between President Mwai Kibaki and the opposition leader, Raila Odinga, including the adoption of an agenda and a timetable for action to end the crisis in Kenya following the disputed elections of 27 December 2007. The Council expressed its deep concern that civilians continued to be killed, subjected to sexual and gender-based violence, and displaced from their homes. It emphasized that the only solution to the crisis lay through dialogue, negotiation and compromise, and strongly urged Kenya’s political leaders to foster reconciliation and to elaborate and implement the actions agreed to on 1 February without delay.

12 June 2008 to 14 January 2009: border dispute between Djibouti and Eritrea

By a presidential statement of 12 June 2008,²⁴⁸ the Council, *inter alia*, expressed its strong concern about the serious incidents that had occurred on 10 June 2008 along the frontier between Djibouti and Eritrea. The Council called upon the parties to commit to a ceasefire and urged both parties, in particular Eritrea, to show maximum restraint and withdraw forces to the status quo ante. Moreover, the Council encouraged the Secretary-General urgently to use his good offices to facilitate bilateral discussions to determine arrangements for decreasing the military presence along the border and to develop confidence-building measures to resolve the border situation.

On 24 June 2008, the Council held an emergency meeting in response to a request from the representative of Djibouti concerning the border dispute between his country and Eritrea.²⁴⁹ The Director of the Africa I Division of the Department of Political Affairs, providing an update on the situation, stated that interlocutors had described the situation on the border as calm but tense, with military regrouping occurring on either side. Reporting on his respective meetings with the representatives of Eritrea and Djibouti, he said that the former had claimed that the border skirmishes had been initiated by Djibouti. However, the representative of Djibouti had said that Eritrea had thus far failed to explain the reasons for its military presence in the area and had refused to resume

²⁴⁶ 5920th meeting, held on 23 June 2008, and 6044th meeting, held on 15 December 2008.

²⁴⁷ S/PRST/2008/4.

²⁴⁸ S/PRST/2008/20.

²⁴⁹ See S/2008/387.

dialogue with Djibouti.²⁵⁰ The representative of Djibouti stated that the conflict, which had already caused many casualties since Eritrean troops had attacked the positions of Djibouti's army on 10 June, deserved the attention of the Council. Contrasting the current crisis with those of the past between the parties, he noted that in the existing situation Eritrean troops had not only violated the territory of Djibouti, but had also occupied it and had begun construction work on Djiboutian soil.²⁵¹ In response, the representative of Eritrea stated that his country had made no incursions into the territory of Djibouti, nor did it have any territorial ambitions in the region. He also stated that there had been numerous contacts between officials of the two countries at the highest levels, but Djibouti had taken the matter to the public arena, with unwarranted hostile anti-Eritrean campaigns. He stressed that although attempts to drag Eritrea into animosity had continued, his country had chosen the path of restraint and patience, adding that the provocative campaign had been designed and packaged not in Djibouti but elsewhere.²⁵² Speakers expressed concern about the incidents that had taken place on the border between Eritrea and Djibouti and urged both parties to peacefully resolve the dispute. The representative of the United States stated that if Eritrea failed to engage in a peaceful solution and pull its forces back from its border with Djibouti, the Council should consider appropriate actions or measures.²⁵³

On 23 October 2008, at the request of the Government of Djibouti,²⁵⁴ the Council convened an open meeting to hear a briefing by the President of Djibouti. While recounting his Government's efforts to find a diplomatic and peaceful solution to its dispute with Eritrea, the representative of Djibouti stated that Eritrea had failed to cooperate and had continued its incursions into Djibouti.²⁵⁵ The representative of Eritrea countered by stating that on 1 June 2008, Djibouti had unleashed an unprovoked attack against Eritrean units within Eritrean territory and that Eritrea had chosen the path of restraint and patience in order not to escalate the crisis "not of Djibouti's making" but

created by others.²⁵⁶ Council members expressed their concern over the situation between Djibouti and Eritrea, and committed themselves to assisting the parties concerned in finding a sustainable solution through peaceful means. Some speakers believed that Eritrea's refusal to cooperate threatened the whole region and urged Eritrea to accept regional and international proposals for mediation. At the same time, they commended the efforts of the African Union, the League of Arab States and the Organization of the Islamic Conference to engage the two parties in dialogue. Several members condemned Eritrea for having failed to respond positively to the offer by the Secretary-General to deploy his good offices, and urged that it respond positively to that proposal.

On 14 January 2009, the Council adopted resolution [1862 \(2009\)](#) by which it, inter alia, welcomed the fact that Djibouti had withdrawn its forces to the status quo ante and condemned the refusal of Eritrea to do so. The Council also demanded that, no later than five weeks after its adoption of the resolution, Eritrea withdraw its forces and all their equipment to the positions of the status quo ante; ensure that no military presence or activity was being pursued in Ras Doumeira and Doumeira Island where the conflict had occurred in June 2008; and acknowledge its border dispute with Djibouti in Ras Doumeira and Doumeira Island, engage actively in dialogue to defuse the tension and engage also in diplomatic efforts leading to a mutually acceptable settlement of the border issue.

23 December 2009: imposition of sanctions measures against Eritrea

On 23 December 2009, the Council adopted resolution [1907 \(2009\)](#), expressing its grave concern at the findings of the Monitoring Group on Somalia that Eritrea had provided political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability,²⁵⁷ expressing its deep concern that Eritrea had not withdrawn its forces to the status quo ante as called for in resolution [1862 \(2009\)](#) and the presidential statement of 12 June 2008,²⁵⁸ and, acting under Chapter VII of the Charter, it imposed an arms

²⁵⁰ S/PV.5924, pp. 2-3.

²⁵¹ Ibid., pp. 3-6.

²⁵² Ibid., pp. 6-7.

²⁵³ Ibid., p. 15.

²⁵⁴ S/2008/635.

²⁵⁵ S/PV.6000, pp. 2-4.

²⁵⁶ Ibid., pp. 4-5.

²⁵⁷ See S/2008/769, annex. For more information, see sect. 3 in the present part.

²⁵⁸ S/PRST/2008/20.

embargo, a travel ban and an assets freeze on the political and military leaders of Eritrea.²⁵⁹

Most speakers welcomed the adoption of the resolution and called on all parties to join the Djibouti peace process and support the Transitional Federal Government of Somalia. The representative of the Libyan Arab Jamahiriya explained, however, that his delegation voted against the resolution because as the victim of sanctions for many years, his country had committed itself to not being party to the imposition of sanctions against any African country.²⁶⁰ The representative of China, who had abstained in the vote, stated that the Council should act with prudence in imposing sanctions and added that the African Union was better suited to address conflicts in the Horn of Africa through political and diplomatic efforts.²⁶¹ The representative of Djibouti emphasized that by adopting the resolution, the Council had further highlighted its growing cooperation with the African Union in maintaining peace and security on the continent and underscored its determination to put an end to destabilization activities against Somalia by Eritrea. He stated that his Government and the people of Djibouti welcomed that justice had been done at last against the unprovoked, naked and blatant aggression against his country by Eritrea almost two years ago.²⁶² The representative of Somalia expressed the view that Eritrea had been a major negative factor in prolonging the conflict in his country, as Eritrea had been giving refuge and safe haven to known terrorists, rebels, spoilers and violators of human rights and providing, financing and facilitating the flow of arms and other resources to the extremists and terrorist elements in Somalia. However, the Transitional Federal Government of Somalia stood ready to enter into serious dialogue with Eritrea in order to solve any outstanding matters.²⁶³

**23 June to 15 December 2008: situation
in Zimbabwe following the presidential
elections and rejection of a draft resolution
imposing sanctions**

On 23 June 2008, the Council heard a briefing by the Under-Secretary-General for Political Affairs

concerning the situation in Zimbabwe. The Under-Secretary-General stated that four days before the scheduled presidential run-off election of 27 June, the situation had deteriorated to alarming levels. He stated that following the beginning of the political impasse subsequent to the 29 March elections, the situation in Zimbabwe not only constituted a major challenge to regional stability in Southern Africa, but also created a dangerous precedent for the political future of the continent. He informed the Council that the Assistant Secretary-General for Political Affairs, on the basis of his mission dispatched to Zimbabwe with the mandate to discuss ways to improve the political climate ahead of the run-off elections, had observed that conditions did not exist for free and fair elections in Zimbabwe and that no outcome of a run-off election could be considered credible. The Under-Secretary-General also reported a widespread campaign of intimidation, threats and violence; growing concerns about the restrictions on domestic election observer groups adopted by the authorities; the blurred distinction between the ruling party, Government and State institutions; and the announcement by the opposition leader Morgan Tsvangirai of the Movement for Democratic Change (MDC) that he would withdraw from the election. Therefore, the Under-Secretary-General held that the run-off election should be postponed for an appropriate period to ensure that conditions were in place for a credible process to take place, and called on the parties to immediately engage in talks to establish a period during which conditions for free and fair elections could be created. Reiterating the Secretary-General's offer of good offices, the Under-Secretary-General held that the United Nations was prepared to work urgently with the Southern African Development Community (SADC) and the African Union to help resolve the political impasse and restore security and the rule of law in the country.²⁶⁴ Later the same day, the Council met in private to discuss the item.²⁶⁵

At a third meeting the same day, the Council, in a presidential statement,²⁶⁶ condemned the campaign of violence against the political opposition in Zimbabwe. It further condemned the actions of the Government of Zimbabwe that had denied its political opponents the right to campaign freely, and called upon the

²⁵⁹ For more information, see parts VII and X.

²⁶⁰ S/PV.6254, p. 3.

²⁶¹ *Ibid.*, p. 4.

²⁶² *Ibid.*, pp. 6-8.

²⁶³ *Ibid.*, pp. 8-9.

²⁶⁴ S/PV.5919, pp. 2-4.

²⁶⁵ 5920th meeting.

²⁶⁶ S/PRST/2008/23.

Government to stop the violence, cease political intimidation, end restrictions on the right of assembly, and release the political leaders who had been detained. The Council regretted that the campaign of violence and the restrictions on the political opposition had made it impossible for a free and fair election to take place on 27 June 2008, and noted that the result of the elections of 29 March 2008 must be respected. The Council called upon the Zimbabwean authorities to cooperate with all efforts aimed at finding a peaceful way forward, through dialogue between the parties, that allowed a legitimate government to be formed that reflected the will of the Zimbabwean people. Moreover, the Council condemned the Government's suspension of humanitarian operations, and called upon it to immediately allow humanitarian organizations to resume their services.²⁶⁷

On 8 July 2008, the Council was briefed by the Deputy Secretary-General, who reported that despite calls for the election's postponement, the second-round of elections was held on 27 June, without national observers on the ground, which stripped the elections of a critical measure of transparency and credibility. Moreover, observer missions from the African Union, the Pan-African Parliament and SADC were on the ground and reported that the elections had fallen short of accepted African Union standards, were not free, fair or credible and did not reflect the will of the Zimbabwean people. She maintained that those observations indicated that the electoral process leading to the declared re-election of President Mugabe had been seriously flawed. The Deputy Secretary-General also reported that the African Union, at its summit in Sharm el-Sheikh, called for mediation efforts by SADC to be continued and strengthened. She held that the creation of a government of national unity as a way forward enjoyed broad support in the region. She concluded that it was the urgent responsibility of the Government of Zimbabwe to protect its citizens and cease immediately all forms of violence.²⁶⁸

On 11 July 2008, a draft resolution²⁶⁹ was put to the vote but it was not adopted owing to the negative votes of permanent members. By the draft resolution, the Council, acting under Chapter VII of the Charter,

would have, *inter alia*, condemned the Government of Zimbabwe's campaign of violence against the political opposition and the civilian population and imposed an arms embargo on Zimbabwe as well as a travel ban and a freeze on the financial assets of President Robert Mugabe and 13 senior officials in the Government of Zimbabwe.²⁷⁰

At the meeting, the representative of Zimbabwe expressed the view that the draft resolution was a clear abuse of Chapter VII of the Charter, as it sought to impose sanctions on Zimbabwe under the pretext that the country was now a threat to international peace and security simply because the election held had not yielded a result favourable to the United Kingdom and its allies. In addition, he held that it was not the role of the Council to certify national elections of Member States, stressing that Zimbabweans had a right to choose their own leaders. He argued that the adoption of the draft resolution would be "in disregard of Africa's own position" and that the draft sought to involve the Council in a purely bilateral dispute between Zimbabwe and the United Kingdom.²⁷¹ The representative of South Africa, whose country had been appointed as facilitator by SADC, held that the African Union summit had not called for sanctions against Zimbabwe and maintained that the Council must give space for the African Union summit decision to be implemented.²⁷² Similarly, other Council members which voted against the draft resolution or abstained maintained that the draft would have been against the spirit of the African Union resolution adopted in Sharm el-Shiekh, which encouraged dialogue and reconciliation among the parties and appealed to States and all parties concerned to refrain from any actions that might negatively impact on the climate for dialogue. They also argued that the situation in Zimbabwe did not pose a threat to peace and security in the region, and therefore, it did not fall within the Council's purview. By adopting the draft resolution to impose sanctions, the Council would hinder the ongoing mediation efforts by SADC to find a solution to the situation in Zimbabwe and interfere in its internal affairs.²⁷³ In contrast, the Council members

²⁶⁷ The Council considered the item at its 5920th meeting, held in private on 23 June 2008, and also at its 6044th meeting, held in private on 15 December 2008.

²⁶⁸ S/PV.5929, pp. 2-3.

²⁶⁹ S/2008/447.

²⁷⁰ *Ibid.*

²⁷¹ S/PV.5933, pp. 2-4.

²⁷² *Ibid.*, pp. 4-5.

²⁷³ *Ibid.*, pp. 5-6 (Libyan Arab Jamahiriya); pp. 6-7 (Indonesia); p. 7 (Viet Nam); pp. 9-10 (Russian Federation); and pp. 12-13 (China).

who supported the draft resolution argued that it would not compromise or undermine the dialogue. Some also stressed that the draft resolution would have exerted some countervailing pressure and strengthened the mediation efforts by giving them the full weight of the international community. In addition, they held that the conflict in Zimbabwe threatened to destabilize the region, to which the Council should respond.²⁷⁴ The representatives of the United Kingdom and the United States criticized the vote of the Russian Federation against the draft as “inexplicable” and “disturbing”, in the light of the recent decision of the Group of Eight that recommended taking further steps, *inter alia*, introducing financial and other measures against those individuals responsible for violence.²⁷⁵ The representative of the Russian Federation countered that his country’s position was precisely on the basis of the position formulated by the Group of Eight, whose decision did not make reference to the actions of the Council.²⁷⁶ The representative of Angola, speaking as Chair of the SADC Organ on Politics, Defence and Security Cooperation, stated that the draft resolution sanctioning one of the parties would have complicated the situation and exacerbated tensions to the point of damaging the ongoing dialogue.²⁷⁷

19 August 2008: presidential statement in connection with the situation in Mauritania

On 19 August 2008, the representative of Mauritania, providing a clarification of the situation and the conditions in Mauritania under which the “corrective change” had taken place on 6 August 2008, stated that the change could not be qualified as a coup d’état because all the institutions of the country were functioning normally and fundamental liberties were preserved. Rather, the present state of affairs was the consequence of factors which had put the country’s peace and social cohesion in danger. The former President of the Republic was under house arrest, for reasons of security. He assured the Council that the country had not turned its back on democracy and that

the corrective change was fully supported by the people.²⁷⁸

In a statement by the President of the same date,²⁷⁹ the Council condemned the overthrow by the Mauritanian military of the democratically elected Government of Mauritania. It opposed any attempt to change government through unconstitutional means, and demanded the immediate release of the President of Mauritania and the restoration of the legitimate, constitutional and democratic institutions immediately.

16 April 2008 to 26 October 2009: cooperation between the United Nations and regional organizations with regard to conflict prevention and peacekeeping

On 16 April 2008, with high-level participation, the Secretary-General expressed his determination to enhance cooperation with all regional organizations so as to create effective mechanisms for conflict prevention and resolution, as well as a predictable, interlinked and reliable system for global peacekeeping under the Charter.²⁸⁰ The Council also heard a briefing by the Under-Secretary-General for Political Affairs²⁸¹ who introduced the report of the Secretary-General on the relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security²⁸² and his report on the implementation of resolution 1625 (2005) on conflict prevention, particularly in Africa.²⁸³ In the ensuing discussion, speakers unanimously expressed their support for the peace initiatives undertaken by the African Union and subregional organizations, and concurred that enhanced cooperation between the United Nations and regional organizations could lead to more effective prevention, management and resolution of conflicts, in view of their complementary capacities and comparative advantages. Citing Chapter VIII of the Charter as the basis for cooperation with regional organizations, a number of speakers stressed that an enhanced African Union-United Nations partnership was essential for building the capacity of the African Union. With regard to the funding of regional peacekeeping operations, the

²⁷⁴ *Ibid.*, p. 6 (Burkina Faso); pp. 8-9 (United Kingdom); p. 10 (France); pp. 10-12 (Costa Rica); p. 12 (Croatia); pp. 13-14 (Panama); and pp. 14-15 (United States).

²⁷⁵ *Ibid.*, p. 9 (United Kingdom); and p. 14 (United States).

²⁷⁶ *Ibid.*, p. 9.

²⁷⁷ *Ibid.*, p. 15 (Angola).

²⁷⁸ S/PV.5960, pp. 2-4.

²⁷⁹ S/PRST/2008/30.

²⁸⁰ S/PV.5868, pp. 6-7.

²⁸¹ *Ibid.*, pp. 3-4.

²⁸² S/2008/18.

²⁸³ S/2008/186.

majority of speakers supported the Secretary-General's proposal to establish an African Union-United Nations panel to consider various modalities of support, while some called for the funding of regional peacekeeping operations authorized by the Council through the assessed contributions of the United Nations. Some delegations, along with the Secretary-General, touched upon the situation in Zimbabwe and in that context welcomed the initiative undertaken by SADC.²⁸⁴

At the same meeting, the Council adopted resolution 1809 (2008), by which it, *inter alia*, expressed its determination to take effective steps to further enhance the relationship between the United Nations and regional organizations, in particular the African Union, in accordance with Chapter VIII of the Charter, and to further consider how to strengthen the capacity of the United Nations in the prevention of armed conflict, particularly in Africa. Recognizing the need to enhance the predictability, sustainability and flexibility of financing regional organizations when they undertook peacekeeping under a United Nations mandate, the Council welcomed the proposal by the Secretary-General to set up within three months an African Union-United Nations panel to consider in depth the modalities of how to support such peacekeeping operations, in particular start-up funding, equipment and logistics, and to consider in depth lessons from past and current African Union peacekeeping efforts.

On 18 March 2009, the Council considered the report of the African Union-United Nations panel submitted pursuant to resolution 1809 (2008),²⁸⁵ which was introduced by the Chairman of the panel. Speakers agreed with the assessment of the panel on the need to enhance the strategic partnership between the United Nations and regional organizations, in particular the Security Council and the Peace and Security Council of the African Union, and considered it necessary to strengthen the capacity of regional peacekeeping operations. A number of speakers referred to the panel's recommendation concerning the funding of regional peacekeeping operations, which suggested two new mechanisms: one based on United Nations assessed funding to support specific peacekeeping operations and the other a multi-donor trust fund funded by voluntary contributions. Speakers were

²⁸⁴ S/PV.5868 and resumption 1.

²⁸⁵ S/2008/813.

unanimous in stressing the importance of securing predictable and sustainable funding to support the peacekeeping efforts of the African Union. A number of speakers supported the proposal for a multi-donor trust fund for long-term capacity-building. However, divergent opinions were heard concerning the use of United Nations assessed contributions, with some fully endorsing the recommendation and many others expressing scepticism and calling for further discussion.²⁸⁶

The President then made a statement,²⁸⁷ in which the Council underscored the importance of supporting and improving the capacity of the African Union, noted with interest the report of the African Union-United Nations panel on modalities for support to African Union peacekeeping operations, and requested the Secretary-General to submit a report on practical ways to provide effective support for the African Union when it undertook peacekeeping operations authorized by the United Nations.

On 26 October 2009, the Council considered the report of the Secretary-General on support to African Union peacekeeping operations authorized by the United Nations,²⁸⁸ in which he assessed and responded to the recommendations made by the African Union-United Nations panel. Speakers acknowledged the indispensable role played by regional organizations in the maintenance of international peace and security, including in peacekeeping, and stressed the need to support their efforts. On the issue of financing, a number of speakers supported the use of United Nations assessed contributions to support regional peacekeeping operations, while some continued to express their reservations on such a funding source and indicated their preference for utilizing other modalities, such as a multi-donor trust fund.²⁸⁹

The President then made a statement,²⁹⁰ in which the Council reiterated that regional organizations had the responsibility to secure human, financial, logistical and other resources for their organizations, including through contributions by their members and support from donors, noted the assessment of the options for financing African Union peacekeeping operations

²⁸⁶ S/PV.6092 and resumption 1.

²⁸⁷ S/PRST/2009/3.

²⁸⁸ S/2009/470.

²⁸⁹ S/PV.6206.

²⁹⁰ S/PRST/2009/26.

authorized by the Security Council and expressed its intention to keep all options under consideration.

5 May 2009: presidential statement on the resurgence of unconstitutional changes of government in Africa

In a statement by the President dated 5 May 2009,²⁹¹ the Council expressed its deep concern over the resurgence of unconstitutional changes of government in a few African countries, and stressed the importance of expeditiously restoring constitutional order, including through open and transparent elections. The Council welcomed the decision of the Assembly of the African Union at its twelfth ordinary session, held from 1 to 3 February 2009, in which it expressed the African Union's concern and condemnation of the resurgence of coups d'état, which it had concluded not only constituted a dangerous political downturn and a serious setback to the democratic process, but could also pose a threat to the peace, security and stability of the continent.

8 December 2009: drug trafficking as a threat to international peace and security

In a presidential statement dated 8 December 2009,²⁹² the Council noted with concern the serious threats posed in some cases by drug trafficking and related transnational organized crime to international security in different regions of the world, including in Africa, and the increasing link between drug trafficking and the financing of terrorism. It stressed the importance of strengthening transregional and international cooperation on the basis of a common and

shared responsibility to counter the world drug problem and related criminal activities. The Council further stressed the need to reinforce the coordination of United Nations actions, including with INTERPOL, in order to enhance the effectiveness of international efforts in the fight against drug trafficking.

At the meeting, the Secretary-General, stating that drug trafficking had emerged as a leading threat to international peace and security, stressed the need for sustained political will and significant resources to counter the challenge, a comprehensive international approach based on a strong sense of shared responsibility and a more balanced approach to drug control.²⁹³ The Executive Director of the United Nations Office on Drugs and Crime (UNODC) described the latest developments in Africa, namely, the shift in West Africa from cocaine trafficking to amphetamine manufacturing; growing heroin trafficking in East Africa; and drug trafficking across the Sahel, where the flows from West and East met. He emphasized the need to strengthen national capacity and share information among affected countries in order to disrupt trafficking networks.²⁹⁴ In the ensuing debate, many speakers highlighted their national positions and actions on the issue and focused on the problems in Africa, particularly in West Africa, while also referring to those in Afghanistan, the Americas and Asia. Many delegations commended the work of UNODC and recognized the contribution of regional and subregional organizations in tackling the issue. They also advocated mainstreaming of the issue of drug trafficking in conflict prevention and peacekeeping and peacebuilding mandates.

²⁹¹ S/PRST/2009/11.

²⁹² S/PRST/2009/32.

²⁹³ S/PV.6233, p. 5.

²⁹⁴ *Ibid.*, pp. 6-7.

Meetings: peace and security in Africa

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
A. General issues					
5868th 16 April 2008	Letter dated 8 April 2008 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary- General (S/2008/229) Report of the Secretary- General on the relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security (S/2008/186) Report of the Secretary- General on the implementation of Security Council resolution 1625 (2005) on conflict prevention, particularly in Africa (S/2008/18)		Rule 37 26 Member States ^a Rule 39 Under- Secretary- General for Political Affairs, Chairperson of the African Union Commission, Permanent Observer for the League of Arab States to the United Nations	Secretary-General, all Council members, ^b all invitees	Resolution 1809 (2008) 15-0-0

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6092nd 18 March 2009	Identical letters dated 24 December 2008 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council (A/63/666-S/2008/813)		Rule 37 16 Member States ^c Rule 39 Chairman of the African Union-United Nations panel on modalities for support to African Union operations, Commissioner for Peace and Security of the African Union, Chairperson of the Peace and Security Council of the African Union	Secretary-General, all Council members, all invitees	S/PRST/2009/3
6118th 5 May 2009				1 Council member (Uganda)	S/PRST/2009/11
6206th 26 October 2009	Report of the Secretary-General on support to African Union peacekeeping operations authorized by the United Nations (S/2009/470)		Rule 37 Brazil, Nigeria, South Africa, Sweden (on behalf of the European Union), Tunisia (on behalf of the African Group) Rule 39 Mr. Romano Prodi, Chairman of the African Union-United Nations panel on modalities for support to African Union operations; Under-Secretary-General for Peacekeeping Operations;	All Council members; Brazil, Nigeria, South Africa, Sweden, Tunisia; Mr. Prodi, Chairman of the African Union-United Nations panel on modalities for support to African Union operations; Under-Secretary-General for Peacekeeping Operations; Acting Permanent Observer of the African Union to the United Nations	S/PRST/2009/26

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
			Under-Secretary-General for Field Support; Acting Permanent Observer of the African Union to the United Nations		
B. Kenya					
5831st 6 Feb 2008			Rule 37 Kenya		S/PRST/2008/4
C. Djibouti and Eritrea					
5908th 12 June 2008		Letter from the representative of Djibouti concerning the border dispute between Djibouti and Eritrea (S/2008/381)	Rule 37 Djibouti		S/PRST/2008/20
5924th 24 June 2008	Letter dated 11 June 2008 from the Permanent Representative of Djibouti to the United Nations addressed to the President of the Security Council (S/2008/387)		Rule 37 Djibouti (Prime Minister), Eritrea Rule 39 Director of the Africa I Division of the Department of Political Affairs, Adviser in the Office of the Permanent Observer of the African Union to the United Nations, Permanent Observer for the League of Arab States to the United Nations	All Council members and all invitees	

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6000th 23 October 2008	Note verbale dated 3 October 2008 from the Permanent Mission of Djibouti to the United Nations addressed to the President of the Security Council (S/2008/635)		Rule 37 Djibouti (President), Eritrea	All Council members and all invitees	
6065th 14 January 2009	Letter dated 11 September 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/602)	Draft resolution submitted by France (S/2009/25) Letter from the representative of Djibouti refuting the statement by Eritrea on the crisis (S/2008/766, annex) Letter from the representative of Eritrea (S/2009/28) with regard to a draft resolution concerning Eritrea	Rule 37 Djibouti, Eritrea		Resolution 1862 (2009) 15-0-0
6254th 23 December 2009		Draft resolution submitted by Uganda (S/2009/654) Letter from the representative of Eritrea (S/2009/602) with regard to a draft resolution concerning Eritrea	Rule 37 Djibouti, Ethiopia, Somalia	10 Council members, ^d Djibouti, Somalia	Resolution 1907 (2009) 13-1 (Libyan Arab Jamahiriya) -1 (China)

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
		Letter from the representative of Eritrea (S/2009/658) with regard to a draft resolution concerning Eritrea			
D. Zimbabwe					
5919th 23 June 2008	Letter dated 18 June 2008 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council (S/2008/407)		Rule 37 Zimbabwe	Rule 39 Under-Secretary-General for Political Affairs	
5921st 23 June 2008	Letter dated 18 June 2008 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council (S/2008/407)		Rule 37 Zimbabwe		S/PRST/2008/23
5929th 8 July 2008				Deputy Secretary-General	

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5933rd 11 July 2008		Draft resolution submitted by 12 Member States ^e (S/2008/447) Letter from the observer of the African Union transmitting a resolution adopted by the African Union concerning the situation in Zimbabwe (S/2008/452)	Rule 37 Angola Australia, Canada, Liberia, New Zealand, Netherlands, Sierra Leone, United Republic of Tanzania, Zimbabwe Rule 39 Permanent Observer of the African Union to the United Nations	All Council members, Angola (as Chair of SADC Organ on Politics, Defence and Security Cooperation), United Republic of Tanzania, Permanent Observer of the African Union to the United Nations	Rejection of the draft resolution 9-5 (China, Libyan Arab Jamahiriya, Russian Federation, South Africa, Viet Nam) -1 (Indonesia)
E. Mauritania					
5960th 19 August 2008			Rule 37 Mauritania	Mauritania	S/PRST/2008/30
F. Drug Trafficking as a threat to international security					
6233rd 8 December 2009	Drug trafficking as a threat to international security Letter dated 30 November 2009 from the Permanent Representative of Burkina Faso to the United Nations addressed to the Secretary-General (S/2009/615)		Rule 37 20 Member States ^f Rule 39 Executive Director of the United Nations Office on Drugs and Crime, Permanent Observer of the African Union to the United Nations, Commissioner for Human Development and Gender of the Economic Community of West African States	Secretary-General, all Council members, ^g all invitees	S/PRST/2009/32

(Footnotes on following page)

(Footnotes to Meetings: peace and security in Africa Table)

^a Algeria (former Prime Minister and Personal Representative of the President), Angola (Minister for Foreign Affairs), Botswana (Vice President), Burundi, Central African Republic (Minister for Foreign Affairs), Côte d'Ivoire (President), Democratic Republic of the Congo (President), Egypt (Deputy Minister for Foreign Affairs and Special Envoy of the President), Eritrea, Ethiopia (Prime Minister), Gabon (Minister for Foreign Affairs, Cooperation, Francophonie and Regional Integration), Ghana, Japan (in his capacity as Chair of the Peacebuilding Commission), Liberia (Minister for Foreign Affairs), Nigeria (Minister for Foreign Affairs and Envoy of the President), Rwanda (Minister for Foreign Affairs), Senegal (Minister for Foreign Affairs), Sierra Leone (Minister for Foreign Affairs), Singapore (on behalf of the Association of Southeast Asian Nations), Slovenia (on behalf of the European Union), Somalia (President), Sudan (Special Envoy and Adviser to the President), Swaziland (Minister of Finance), Uganda, United Republic of Tanzania (President, and Chairperson of the African Union) and Zambia (Minister for Home Affairs and Special Envoy).

^b Three Council members were represented at the level of Head of State or Government: Italy (Prime Minister); South Africa (President); and United Kingdom (Prime Minister). Six Council members were represented at the ministerial level: Belgium (Special Envoy of the Ministry for Foreign Affairs); Burkina Faso (Minister for Foreign Affairs and Regional Cooperation); China (Special Envoy of the President); France (Secretary of State for Foreign Affairs and Human Rights); Indonesia (Minister for Foreign Affairs); and Viet Nam (Special Envoy of the President).

^c Algeria, Argentina, Australia, Bangladesh, Benin, Brazil, Canada, Congo, Cuba (on behalf of the Non-Aligned Movement), Czech Republic (on behalf of the European Union), Egypt, Italy, Kenya, Nigeria, Norway and South Africa (Minister for Foreign Affairs).

^d Austria, Burkina Faso, China, Japan, Libyan Arab Jamahiriya, Mexico, Turkey, Uganda, United Kingdom and Viet Nam.

^e Australia, Belgium, Canada, Croatia, France, Italy, Liberia, Netherlands, New Zealand, Sierra Leone, United Kingdom and United States.

^f Algeria, Argentina, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Cape Verde, Colombia, Côte d'Ivoire, Egypt (as Chair of the Non-Aligned Movement), Ghana, Iran (Islamic Republic of), Italy, Luxembourg, Mali, Morocco, Nigeria, Peru, Senegal, Sweden (on behalf of the European Union) and Venezuela (Bolivarian Republic of).

^g Four Council members were represented at the ministerial level: Austria (Vice-Minister for European and International Affairs); Burkina Faso (Minister for Foreign Affairs); United Kingdom (Minister of State for International Development); and Viet Nam (Deputy Minister for Foreign Affairs).

Americas

18. The question concerning Haiti

Overview

During the period 2008-2009, the Security Council held eight meetings on the question concerning Haiti, including two private meetings with the troop-contributing countries,²⁹⁵ and adopted two resolutions and one presidential statement. At the

meetings, the Council heard semi-annual briefings by the Special Representative of the Secretary-General for Haiti and Head of the United Nations Stabilization Mission in Haiti (MINUSTAH) and a briefing by the newly appointed United Nations Special Envoy to Haiti, who visited the country in July 2009. The Council also considered the work of MINUSTAH, as well as the partial elections for one third of the Senate, international funding and the challenges, particularly

²⁹⁵ 5989th meeting, held on 8 October 2008, and 6185th meeting, held on 4 September 2009.

socioeconomic problems, facing Haiti, which had been struck by a series of hurricanes from mid-August to early September 2008.

The Council, acting under Chapter VII of the Charter, extended the mandate of MINUSTAH twice for periods of one year and adjusted its force configuration in 2009 to better meet requirements on the ground.²⁹⁶

The Council also went on a mission to Haiti from 11 to 14 March 2009.²⁹⁷

8 April and 8 October 2008: progress in the stabilization of Haiti

On 8 April 2008, the Council heard a briefing by the Special Representative of the Secretary-General, who introduced the report of the Secretary-General²⁹⁸ and outlined progress in stabilizing Haiti as well as remaining challenges. While encouraged by the significant political, security and institution-building progress and by initial signs of improvement in the socioeconomic situation, he warned that the progress remained extraordinarily fragile and subject to swift reversal. The political consensus was fragile and there had been a rise in anti-Government demonstrations, which required the evacuation of MINUSTAH offices in Les Cayes. The Special Representative drew attention to the increase in the cost of living and said that while socioeconomic problems did not fall directly within the mandated responsibilities of MINUSTAH, it was clear that stability and development were inextricably linked.²⁹⁹

On 8 October 2008, the Council again heard a briefing by the Special Representative. He introduced the report of the Secretary-General, which provided benchmarks and indicators in five areas in which progress must be made to consolidate stability: the political and institutional situation; the extension of State authority, including border management; the strengthening of the security sector; the enhancement of justice and corrections; and economic and social development.³⁰⁰ He added that in a series of hurricanes

that had struck Haiti from mid-August to early September, over 800,000 Haitians had lost their homes or had been directly affected. He reported that MINUSTAH gave priority to supporting the response to the catastrophe over the past month in collaboration with national authorities and the United Nations country team. He noted that even though there was at the time a relatively smoothly running process to attend to immediate needs, a clear programme to meet longer-term reconstruction requirements was needed. The Special Representative also highlighted the nomination and confirmation of the new Government after a political standoff between Parliament and Government.³⁰¹

6 April 2009: statement by the President concerning challenges in the area of social and economic development in Haiti

On 6 April 2009, after hearing a briefing by the Special Representative of the Secretary-General, who introduced the report of the Secretary-General,³⁰² the Council discussed progress and challenges regarding the stabilization of Haiti. Speakers noted progress towards the five benchmarks, except in the area of socioeconomic development, as they were alarmed by the marked deterioration in living conditions for the vast majority of Haitians. Many speakers drew attention to the fragile nature of the institutions and security system and the prevailing economic distress. Warning that current poverty levels in Haiti contravened long-term stability, speakers emphasized that lasting stability depended on socioeconomic development. Many speakers saw the forthcoming international donor conference, to be hosted by the Inter-American Development Bank on 14 April 2009, as a unique opportunity to further coordination and identify ways to optimize resources.³⁰³

The President then made a statement,³⁰⁴ in which the Council welcomed the progress achieved so far in critical areas for the consolidation of Haiti's stability. The Council urged the institutions of Haiti to intensify their efforts to meet the Haitian population's basic needs and to work together to promote dialogue, the rule of law and good governance. The Council also reaffirmed the need for the upcoming elections for the renewal of

²⁹⁶ Resolutions 1840 (2008) and 1892 (2009). For more information, see part X, sect. I, in regard to the mandate of MINUSTAH.

²⁹⁷ For more information, see the present part, sect. 40, in regard to Security Council missions.

²⁹⁸ S/2008/202.

²⁹⁹ S/PV.5862, pp. 2-5.

³⁰⁰ S/2008/586.

³⁰¹ S/PV.5990, pp. 2-5.

³⁰² S/2009/129.

³⁰³ S/PV.6101 and resumption 1.

³⁰⁴ S/PRST/2009/4.

one third of the Senate to be inclusive, free and fair, and called on all political actors in Haiti to ensure that the elections were held in a peaceful atmosphere.

9 September 2009: briefings by the Special Envoy to Haiti and the Special Representative of the Secretary-General for Haiti

On 9 September 2009, the Council heard a briefing by the United Nations Special Envoy for Haiti and the Special Representative of the Secretary-General for Haiti, who introduced the report of the Secretary-General.³⁰⁵ The Special Envoy stated that in spite of the devastation caused by hurricanes and storms in 2008 and in spite of the absence of basic infrastructure and the inadequacies in health, education and other areas, he was convinced that Haiti had a remarkable opportunity to escape the chains of its past. However, he emphasized that this would not be possible without the help of the Security Council and the United Nations. He urged all who had made commitments at the international donor conference in April to fund them as soon as possible, as out of the \$700 million pledged at that event, only \$21 million had been disbursed so far.³⁰⁶ The Special Representative summarized key developments for each of the five benchmarks and highlighted areas where further efforts were required. He considered it vital that further efforts be made to lay the foundations for long-term progress, based around the revival of private-sector activity, and saw a window of opportunity developing over the past year. He also expressed the view that the engagement of the Special Envoy could help create the dynamism and coordination that was required for success.³⁰⁷

The representative of Haiti stressed that her Government was committed to creating the preconditions for investments in Haiti, and commended the progress made by MINUSTAH in stabilizing the country. She stated that with the support of the international community, Haiti was ready to move towards sustainable development. Noting that Haiti was at a critical juncture and must avoid a relapse, she cautioned that challenges ahead included the forthcoming elections and the draft constitutional amendment. The Prime Minister highlighted the need to commit to investments; develop infrastructure; ensure job creation; break the vicious cycle of

corruption and impunity; arouse the interest of local actors and inspire the youth; and improve the living conditions of the people.³⁰⁸

Speakers in general welcomed the appointment of the Special Envoy, and expressed the hope that the increased international attention, including the recent international donor conference, debt cancellation and high-level visits to Haiti, would enable a breakthrough in putting Haiti on the path towards peace, stability and sustainable development. As the situation in Haiti remained fragile despite progress, speakers saw the need for continued international assistance, with some believing that the focus should be on socioeconomic development, and others calling for an increased focus on institution-building and judicial reform in order to better fight corruption and illicit human, drug and arms trafficking. Overall, speakers expressed support for the extension of the Mission's mandate and the proposed reconfiguration of MINUSTAH to decrease the military component and increase the police component, as recommended by the Secretary-General in his report.³⁰⁹

13 October 2009: renewal of the mandate of MINUSTAH

On 13 October 2009, the Council adopted resolution 1892 (2009), by which it, inter alia, decided to extend the mandate of MINUSTAH until 15 October 2010, and endorsed the Secretary-General's recommendation to maintain current Mission overall force levels, while adjusting its force configuration to better meet current requirements on the ground. The Council invited Member States, in coordination with MINUSTAH, to strengthen their engagement with the Government of Haiti to address cross-border illicit trafficking of persons, in particular children, and the trafficking in drugs and arms and other illegal activities, and to contribute to strengthening the capacity of the Haitian National Police in those areas. The Council also called upon MINUSTAH and the United Nations country team to further enhance their coordination and take steps to help to achieve progress in the area of socioeconomic development, which had been recognized as essential for the stability of Haiti in the consolidation plan of the Secretary-General, and address urgent development problems.

³⁰⁵ S/2009/439.

³⁰⁶ S/PV.6186, pp. 2-6.

³⁰⁷ Ibid., pp. 6-9.

³⁰⁸ Ibid., pp. 9-11.

³⁰⁹ S/2009/439.

Meetings: the question concerning Haiti

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5862nd 8 April 2008	Report of the Secretary-General on MINUSTAH (S/2008/202)		Rule 37 Haiti Rule 39 Special Representative of the Secretary- General for Haiti and Head of MINUSTAH	Special Representative of the Secretary- General for Haiti and Head of MINUSTAH	
5990th 8 October 2008	Report of the Secretary-General on MINUSTAH (S/2008/586)		Rule 37 Haiti Rule 39 Special Representative of the Secretary- General for Haiti	Special Representative of the Secretary- General for Haiti	
5993rd 14 October 2008	Report of the Secretary-General on MINUSTAH (S/2008/586)	Draft resolution submitted by 18 Member States ^a (S/2008/642)	Rule 37 12 Member States ^b		Resolution 1840 (2008) 15-0-0
6101st 6 April 2009	Report of the Secretary-General on MINUSTAH (S/2009/129)	Report of the Security Council mission to Haiti (S/2009/175)	Rule 37 14 Member States ^c Rule 39 Special Representative of the Secretary- General for Haiti, and 7 other invitees ^d	All Council members and all invitees	S/PRST/2009/4
6186th 9 September 2009	Report of the Secretary-General on MINUSTAH (S/2009/439)		Rule 37 17 Member States ^e Rule 39 Special Envoy for Haiti, Special Representative of the Secretary- General for Haiti	All Council members and all invitees	

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6200th 13 October 2009	Report of the Secretary-General on MINUSTAH (S/2009/439)	Draft resolution submitted by 21 Member States ^f (S/2009/530)	Rule 37 10 Member States ^g	Haiti	Resolution 1892 (2009) 15-0-0

^a Argentina, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Ecuador, France, Guatemala, Italy, Mexico, Panama, Paraguay, Peru, Spain, United States and Uruguay.

^b Argentina, Brazil, Canada, Chile, Ecuador, Guatemala, Haiti, Mexico, Paraguay, Peru, Spain and Uruguay.

^c Argentina, Brazil, Canada, Chile, Colombia, Cuba, Czech Republic, Dominican Republic, Ecuador, Haiti, Jamaica, Peru, Uruguay and Venezuela (Bolivarian Republic of).

^d President of the Economic and Social Council, Assistant Secretary-General of the Organization of American States, Director of the Bureau for Latin America and the Caribbean of the World Food Programme, Country Director for the Caribbean of the World Bank, General Manager of the Department of the Caribbean Countries of the Inter-American Development Bank, Deputy Regional Director of the Regional Bureau for Latin America and the Caribbean of the United Nations Development Programme, and Mission Chief for Haiti of the International Monetary Fund.

^e Argentina, Brazil, Canada, Chile, Colombia, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti (Prime Minister), Jamaica, Norway, Peru, Spain, Sweden, Uruguay and Venezuela (Bolivarian Republic of).

^f Argentina, Austria, Brazil, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Croatia, France, Guatemala, Japan, Mexico, Peru, Spain, Turkey, Uganda, United Kingdom, United States, Uruguay and Viet Nam.

^g Argentina, Brazil, Canada, Chile, Colombia, Guatemala, Haiti, Peru, Spain and Uruguay.

19. Letter dated 22 September 2009 from the Permanent Representative of Brazil to the United Nations addressed to the President of the Security Council

Initial proceedings

Overview

During the period under review, the Security Council held one meeting in connection with the item entitled “Letter dated 22 September 2009 from the Permanent Representative of Brazil to the United Nations addressed to the President of the Security Council (S/2009/487)”. At the meeting, held on 25 September 2009, the representative of Brazil expressed his concern regarding a situation in which the President of Honduras, Jose Manuel Zelaya Rosales, had taken shelter at the Embassy of Brazil in Honduras. He also expressed concern about the physical safety of the President and the security of the Embassy and its staff.

25 September 2009: meeting held at the request of Brazil

In a letter dated 22 September 2009,³¹⁰ the representative of Brazil requested an urgent meeting of

the Council to inform Council members of the situation in Honduras, in order to prevent any action that might further aggravate the situation. He explained that President Zelaya had entered Honduras by his own means and had made his way peacefully to the Embassy of Brazil, where he had taken shelter. Although his Government still believed that the Organization of American States was the appropriate forum to find a political solution to the situation, owing to the measures taken against the Embassy and the statements by the “de facto authorities”, the Government of Brazil had decided to bring the matter to the Council.

On 25 September 2009, the representative of Brazil was invited to participate in the meeting. He expressed his grave concern that the “same people who perpetrated the coup d’etat” in Honduras might threaten the inviolability of the Embassy in order to forcibly arrest President Zelaya. He stressed that it was imperative to ensure that the regime in Honduras fully respected and complied with the Vienna Convention,

³¹⁰ S/2009/487.

and that since the Council had convened the meeting recognizing, in his view, that the situation constituted a threat to the peace and security of the region, any action against the Embassy of Brazil would constitute a flagrant breach of security. He concluded by urging the

Council to adopt a statement in order to serve as a deterrent against further aggravation of the crisis.³¹¹

³¹¹ S/PV.6192, pp. 2-3. At the conclusion of the meeting, the President invited Council members to informal consultations of the whole to continue their discussion.

Meetings: letter dated 22 September 2009 from the representative of Brazil

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6192nd 25 September 2009			Rule 37 Brazil (Minister for Foreign Affairs)	Brazil	

Asia

20. The situation in Timor-Leste

Overview

During 2008 and 2009, the Security Council held nine meetings concerning the situation in Timor-Leste, including one private meeting with the troop-contributing countries,³¹² and adopted two resolutions and two presidential statements. During the meetings, the Council discussed the role and functions of the United Nations Integrated Mission in Timor-Leste (UNMIT), the evolving security and political situation in the country and the response to the assassination attempts against the President and the Prime Minister.

The Council also twice extended the mandate of UNMIT, for periods of one year.³¹³

11 February 2008: statement by the President in regard to assassination attempts against the President and Prime Minister

In a statement by the President dated 11 February 2008,³¹⁴ the Council condemned in the strongest possible terms the attempt on the life of the President of Timor-Leste, José Ramos-Horta, and the attack on the convoy of the Prime Minister, Kay Rala Xanana Gusmão, on 11 February 2008 and stressed that they

represented an attack on the legitimate institutions of Timor-Leste. The Council, inter alia, called on the Government of Timor-Leste to bring to justice those responsible for these heinous acts, urged all parties in Timor-Leste to cooperate actively with the authorities in this regard, and to resolve any disputes through political and peaceful means within the framework of the democratic institutions of Timor-Leste.

21 February to 19 August 2008: briefings and statement by the President concerning the response to the assassination attempts

On 21 February 2008, the Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations, who introduced the third report of the Secretary-General on UNMIT.³¹⁵ He informed the Council that since the assassination attempts the security situation had remained calm and that President Ramos-Horta, while still hospitalized, was in stable condition and that doctors were hopeful that he would make a full recovery. He stated that the Parliament had extended the 48-hour state of siege, which imposed a curfew and a ban on public demonstrations, for 10 days. Mechanisms had been established to improve coordination between UNMIT, the international security forces and the Timor-Leste police and military. He stated that it was reassuring

³¹² 6129th meeting, held on 27 May 2009.

³¹³ Resolutions 1802 (2008) and 1867 (2009). For more information, see part X, sect. I, in regard to UNMIT.

³¹⁴ S/PRST/2008/5.

³¹⁵ S/2008/26.

that, following the 11 February events, the Government of Timor-Leste, the Parliament, all political parties, including in the opposition, security institutions and the population at large had responded with calm and restraint and with due respect for the Constitution and the rule of law. While the attacks raised some serious security-related issues, the course of events over the past 10 days had reinforced the importance for UNMIT, in partnership with the Timorese, to continue focusing efforts on the four priority areas outlined in the Secretary-General's report: the review and reform of the security sector, the strengthening of the rule of law, economic and social development and the promotion of a culture of democratic governance. He noted the progress that had been made in developing mechanisms to promote dialogue between the Government, the opposition and civil society. He then updated the Council on the Mission's work, particularly in developing police capacities and transferring responsibility to the National Police of Timor-Leste, and on other work in developing capacity in rule of law. He also underscored the humanitarian and development challenges, particularly those related to internally displaced persons.³¹⁶

The representative of Timor-Leste stressed that after the failed attacks, the Government had taken measures to capture the perpetrators and bring them to justice, in strict observance of the country's Constitution and domestic laws. He maintained that the Government was fully committed to adhering to the highest standards of human rights in its efforts to resolve the situation. He expressed support for a continued United Nations presence, while noting the need to avoid appearing overly dependent on the international community. He also agreed that Timorese leaders had to put aside their political differences and focus on resolving the manifold challenges facing the country, including the challenges of internally displaced persons and petitioners.³¹⁷

All speakers reiterated their condemnation of the 11 February attacks on President Ramos-Horta and Prime Minister Gusmão. Several delegations applauded the swift reaction by neighbouring States, in particular the prompt military and medical assistance extended by Australia. Speakers also agreed that despite the positive developments, including the elections,

Government formation and progress in the security situation, the attacks demonstrated the continued fragility of the situation in Timor-Leste. At the same time, the majority of speakers commended the response to the attacks by the political leadership and the people of Timor-Leste, who had shown restraint and ensured that the situation had remained calm. They stressed that dialogue between the political factions in Timor-Leste remained crucial for the achievement of national reconciliation and for the parties to be able to tackle outstanding issues, including questions relating to internally displaced persons. Many speakers also underlined the importance of continued progress in reforming the security sector and particularly the police force.

On 19 August 2008, the Council heard a briefing by the Special Representative of the Secretary-General and Head of UNMIT, who introduced the fourth report of the Secretary-General.³¹⁸ He noted that the Government had continued to make strides in addressing some of the priority challenges which emanated from the 2006 crisis. On 14 July, former armed forces petitioners started receiving their payments and returning to their homes, and as of 1 August, all petitioners had left the Aitarak Laran camp in Dili. There had also been some progress in returning internally displaced persons and in the review of the security sector. He also noted that in response to the events of 11 February, the Government had decided on a military-police security model in which a joint command temporarily took on internal security responsibilities, particularly in specific areas of the country where the fugitives were. Although that approach had been successful in contributing to the surrender of the fugitives, there had been some concerns about abuses by those forces, particularly the military. He informed the Council that the Government had expressed its desire that the resumption of policing responsibilities by the National Police of Timor-Leste be completed early next year. However, the Special Representative stressed that a flexible timeline for that process, coupled with adherence to mutually determined criteria, would be crucial to ensuring long-term success. Finally, he provided an overview of the other efforts of UNMIT and the Government in

³¹⁸ S/2008/501.

³¹⁶ S/PV.5843, pp. 2-6.

³¹⁷ *Ibid.*, pp. 7-8.

improving rule of law, protection of human rights and development issues.³¹⁹

The representative of Timor-Leste noted that the efforts of the police and military Joint Command established in response to the assassination attempts had carried out its operation without notable violence and with a degree of institutional cooperation that showed the progress in the rebuilding of the two institutions. Acknowledging 44 cases of alleged violations in areas of Joint Command operations, he stressed that the Government was committed to determining responsibility and imposing disciplinary measures to avoid a repetition of such incidents in the future. He also expressed the hope that any discussion of a United Nations police drawdown would be de-linked from the resumption of responsibilities by the National Police of Timor-Leste and that a robust United Nations police presence would be maintained through and beyond the current UNMIT mandate.³²⁰

Speakers welcomed the positive developments in Timor-Leste, but emphasized the need to continue to make progress with the reforms in the security sector and with political reconciliation. Several speakers expressed concern at the reported misconduct by some military and police officers, particularly during the period of operation under the Joint Command and emphasized that now that the state of emergency had ended, all National Police officers reported to the UNMIT Police Commissioner, and the Government needed to draw a clear distinction between the role of the armed forces and that of law enforcement institutions.

At the 5959th meeting, of the same date, the President made a statement on behalf of the Council,³²¹ in which it commended the political leadership and State institutions of Timor-Leste for the rapid, firm and responsible manner in which they had responded to the events of 11 February 2008, that respected constitutional procedures of the country. The Council acknowledged that while progress had been made in the overall security situation in Timor-Leste since the events of May and June 2006, the political, security, social and humanitarian situation in the country remained fragile, and reaffirmed the continued importance of the review and reform of the security

sector as well as the importance of ongoing efforts to reach accountability and justice.

19 February 2009: briefings by the Secretary-General and the President of Timor-Leste

On 19 February 2009, the Council heard briefings by the Secretary-General and the President of Timor-Leste. The Secretary-General stated that by the end of 2008, remarkable progress had been made in addressing the residual problems of the 2006 crisis. The petitioners reached a settlement with the Government and the vast majority of internally displaced persons had returned to their communities without incident. Therefore, the country could finally devote its undivided attention to the essential task of building the strong and durable foundations that were necessary for long-term stability. The Secretary-General emphasized that one of the main priorities in the year ahead was the development of the security sector and a major step in that area would be the gradual resumption of executive policing authority by the national police. He noted that his most recent report included a set of benchmarks for measuring the progress of UNMIT in achieving its mandate, while underlining that a number of fundamental issues would require sustained, long-term attention well beyond the Mission's lifespan.³²²

The President of Timor-Leste informed the Council that Timor-Leste was now at peace, security had drastically improved and the economy was exhibiting real growth of more than 10 per cent at the end of 2008. In his statement, he outlined the budget and economic development plans for the next several years, including a reform of the agriculture sector to boost food production. He noted that 58 out of 60 of the internally displaced person camps had been closed and the rest would be closed in early 2009. In respect of the fight against poverty, he held the view that despite the recent increase in poverty, his country remained on target to achieve the Millennium Development Goals by 2015. Emphasizing that security sector reform was the priority of his presidency, he outlined the improvements made in the police, military and justice sectors. In conclusion, he underscored the importance of assistance from the United Nations, noting that UNMIT had a 75 per cent approval rating and that people were generally pleased

³¹⁹ S/PV.5958, pp. 2-4.

³²⁰ *Ibid.*, pp. 4-6.

³²¹ S/PRST/2008/29.

³²² S/PV.6085, pp. 2-3.

with the functioning of the Government, police and other institutions, which was a major turnaround from 2006.³²³

Speakers welcomed the progress made in Timor-Leste in the wake of the 11 February 2008 attacks, notably the Government's proper handling of the consequences of the 2006 crisis, which had resulted in the reintegration of petitioners into civilian life and the return of a majority of internally displaced persons. Meanwhile, they acknowledged that the young nation still faced many challenges and concentrated their respective remarks on security sector reform, judicial reform and socioeconomic development. In that regard, they welcomed the medium-term strategy contained in the Secretary-General's report, and noted that the Government had accepted the related benchmarks therein. Most speakers agreed that sustained international assistance was required in order for Timor-Leste to address effectively the multifaceted challenges facing it, and welcomed the continued extension of UNMIT.

23 October 2009: briefing by the Special Representative of the Secretary-General

On 23 October 2009, the Council heard a briefing by the Special Representative, who introduced the sixth report of the Secretary-General on Timor-Leste.³²⁴ He noted several major developments since his last report, including the adoption of a national budget and successful organization of elections for community authorities, which demonstrated the improved capacity of the Government to run elections itself. The Special Representative also gave an overview of recent activities of the mission relating to transitional justice, the ongoing handover of policing responsibilities to the National Police of Timor-Leste and other rule of law activities.³²⁵

The Deputy Prime Minister of Timor-Leste observed that the Timorese democracy had been tested in the Parliament following a motion of no-confidence against the Government for having decided to grant freedom to a former militia member. Following a lively

televised debate, the motion had been rejected by a solid majority, and the militia member, rather than being released, had been handed over to the Indonesian Embassy as he was an Indonesian citizen. Outlining his country's progress in the aftermath of the 2006 crisis, the Deputy Prime Minister pointed to the closure of all internally displaced person camps, the reintegration of internally displaced persons and the rebuilding of houses, and the shift in focus towards providing assistance with regard to destroyed possessions and assets. Detailing achievements in security sector reform and socioeconomic development, he stated that while Timor-Leste was now moving away from conflict towards development, it would continue to need a United Nations presence and support up to 2012.³²⁶

Speakers were unanimous in applauding the progress made in Timor-Leste since the crisis of 2006, with several delegates commending the peaceful celebration of the tenth anniversary of the popular consultation that opened the path to independence on 30 August. Many speakers noted the progress in democratic governance, including anti-corruption measures, and welcomed the peaceful and democratic conduct of the 9 October local elections. A number of speakers also welcomed the shift in focus from conflict prevention to more comprehensive development efforts, although several cautioned that poverty and unemployment remained destabilizing factors that the Government should address. Many delegates also welcomed the fact that the security situation remained calm, and particularly noted the progress on the closure of internally displaced person camps and the reintegration of the petitioners. Most speakers also discussed developments in the four pillars of the Mission's mandate (democratic governance, socioeconomic development, security sector reform and the strengthening of the rule of law) and focused on a variety of areas where improvements still needed to be made. With regard to security sector reform in particular, most speakers welcomed the handing-over of policing responsibilities from UNMIT to the National Police of Timor-Leste in three districts and expressed the hope that additional transfers would be forthcoming.

³²³ *Ibid.*, pp. 3-7.

³²⁴ S/2009/504.

³²⁵ S/PV.6205, pp. 2-5.

³²⁶ *Ibid.*, pp. 5-8.

Meetings: the situation in Timor-Leste

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5833rd 11 February 2008					S/PRST/2008/5
5843rd 21 February 2008	Report of the Secretary- General on UNMIT (S/2008/26)		Rule 37 8 Member States ^a Rule 39 Under- Secretary- General for Peacekeeping Operations	All Council members and all invitees	
5844th 25 February 2008	Report of the Secretary- General on UNMIT (S/2008/26)	Draft resolution submitted by Australia, New Zealand, Portugal, South Africa (S/2008/124)	Rule 37 Australia, New Zealand, Portugal, Timor-Leste		Resolution 1802 (2008) 15-0-0
5958th 19 August 2008	Report of the Secretary- General on UNMIT (S/2008/501)		Rule 37 8 Member States ^b Rule 39 Special Representative of the Secretary- General and Head of UNMIT	All invitees	
5959th 19 August 2008	Report of the Secretary- General on UNMIT (S/2008/501)		Rule 37 Timor-Leste		S/PRST/2008/29
6085th 19 February 2009	Report of the Secretary- General on UNMIT (S/2009/72)		Rule 37 15 Member States ^c	Secretary- General, all Council members, all invitees	
6086th 26 February 2009	Report of the Secretary- General on UNMIT (S/2009/72)	Draft resolution submitted by 9 Member States ^d (S/2009/111)	Rule 37 Australia, Malaysia, New Zealand, Portugal		Resolution 1867 (2009) 15-0-0

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6205th 23 October 2009	Report of the Secretary- General on UNMIT (S/2009/504)		Rule 37 9 Member States ^e Rule 39 Special Representative of the Secretary- General	All Council members and all invitees	

^a Australia, Brazil, Japan, New Zealand, Philippines, Portugal, Slovenia and Timor-Leste.

^b Australia, Brazil, Japan, Malaysia, New Zealand, Philippines, Portugal and Timor-Leste (Minister for Foreign Affairs).

^c Australia, Brazil, Cuba, Czech Republic, Indonesia, Ireland, Italy, Malaysia, New Zealand, Norway, Philippines, Portugal, South Africa, Thailand and Timor-Leste (President).

^d Australia, France, Japan, Malaysia, New Zealand, Portugal, Turkey, United Kingdom and United States.

^e Australia, Brazil, New Zealand, Philippines, Portugal, South Africa, Sweden (on behalf of the European Union), Timor-Leste (Deputy Prime Minister) and Thailand (on behalf of the Association of Southeast Asian Nations).

21. The situation in Afghanistan

Overview

During the period 2008-2009, the Security Council held fourteen meetings concerning the situation in Afghanistan, adopting five resolutions and three presidential statements. At the meetings, the Council considered the work and the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA); the United Nations-authorized International Security Assistance Force (ISAF); and the Afghan presidential elections, international coordination and challenges facing Afghanistan, including the Taliban insurgency.

The Council twice extended the mandate of UNAMA for periods of one year.³²⁷ It also twice extended for periods of one year the authorization of ISAF under Chapter VII of the Charter, including authorization for the Member States participating in it to take all necessary measures to fulfil its mandate.³²⁸

³²⁷ Resolutions 1806 (2008) and 1868 (2009). For more information, part X, sect. II, in regard to the mandate of UNAMA.

³²⁸ Resolutions 1833 (2008) and 1890 (2009). For more information, see part VII, sect. IV, in regard to Article 42 of the Charter.

The Council went on a mission to Afghanistan from 21 to 28 November 2008.³²⁹

12 March 2008 to 23 March 2009: renewal of UNAMA mandate

On 12 March 2008, the Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations, who introduced the report of the Secretary-General and outlined the challenges facing Afghanistan. He stressed that the world faced an insurgency that had proven to be more robust than expected, while Afghan governmental institutions remained fragile and subject to corruption. A massive illegal drug economy thrived in the context of the State's weak authority and had abetted the insurgency and undermined the State. Finally, he stated that the regional environment was complex and national interests were sometimes pursued at the expense of efforts to support Afghanistan in a coordinated manner. In regard to the mandate of UNAMA, he noted that the current mandate was the product of negotiations with the Government of Afghanistan and key partners that had taken place at the end of 2005 and that it was still sufficiently broad to fulfil their objectives. However, in the light of the evolution of the situation, although

³²⁹ For more information, see the present part, sect. 40, in regard to Security Council missions.

UNAMA did not need additional powers, its mandate needed to be “sharpened”. He highlighted six areas of focus: (a) the coordination of international assistance; (b) the relationship between UNAMA and ISAF; (c) the upcoming elections; (d) political outreach; (e) improved governance, especially at the local level; and (f) counter-narcotics strategy.³³⁰

Speakers largely supported the extension of the Mission’s mandate as recommended by the Secretary-General, including the need to sharpen it in a number of areas. Several speakers also supported the continued expansion of UNAMA to the various regions of Afghanistan, particularly the south. However, the representative of Pakistan cautioned that UNAMA must stay strictly within its current mandate, and that it was essential to avoid placing responsibilities on the United Nations that it might not be able to discharge and that could affect its neutrality and credibility.³³¹ The representative of China noted that on the issue of domestic reconciliation, UNAMA could provide constructive support at the request of the Government of Afghanistan but could not make decisions for it.³³² The representative of Viet Nam expressed support for UNAMA in its willingness to provide technical assistance and channel international funds earmarked to support Afghan electoral institutions, but stated that it had to be at the request of the Government of Afghanistan, in accordance with the principle of respect for the independence and sovereignty of the country.³³³

Most speakers, while noting that Afghanistan had so far made some progress, expressed the view that the country continued to face serious challenges in the areas of security, governance, electoral preparation, socioeconomic development, regional cooperation, human rights protection, gender equality, humanitarian assistance and counter-narcotic efforts. Many speakers mentioned the deteriorating security situation and increasing violence and terrorism. The representative of the Russian Federation was particularly alarmed that terrorists controlled entire regions on whose territories parallel governments had been established.³³⁴ Speakers generally emphasized the importance of Afghan ownership and involvement in all aspects of the

international community’s work and the need to improve local capacities. Finally, a number of speakers stressed that there could be no purely military solution to Afghanistan’s problems and underlined the importance of reconciliation efforts. However, the representative of Kyrgyzstan (on behalf of the Collective Security Treaty Organization)³³⁵ stated that there was still a need to isolate extremist leaders, particularly those who were on the sanctions list of the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities,³³⁶ while allowing rank-and-file Taliban, not tainted with war crimes, the possibility of a peaceful life.³³⁷ The representative of the Russian Federation added that any attempt to “cosy up to extremists and to gradually invest them with power” could only risk further destabilization.³³⁸

On 20 March 2008, the Council adopted resolution 1806 (2008), by which it, *inter alia*, extended the mandate of UNAMA, and decided that UNAMA should lead the international civilian efforts in a number of areas.³³⁹

On 23 March 2009, the Council adopted resolution 1868 (2009), in which it renewed the mandate of UNAMA for another year. At the meeting, the representative of Costa Rica expressed regret over the weakening of the language, specifically the failure to explicitly address concerns over the increase in civilian casualties, as the Council had done in previous resolutions. While acknowledging that insurgents were primarily responsible for civilian casualties in Afghanistan, he recalled that the Council had repeatedly called on all parties to respect the provisions of international humanitarian law and human rights, and to take every possible precaution to ensure the protection of the civilian population. He stated that his delegation understood that this concern

³³⁰ S/PV.5851, pp. 2-5.

³³¹ S/PV.5851 (Resumption 1), p. 3 (Pakistan).

³³² S/PV.5851, p. 9 (China).

³³³ *Ibid.*, p. 12.

³³⁴ *Ibid.*, p. 20 (Russian Federation).

³³⁵ The members of the Collective Security Treaty Organization are Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan and Uzbekistan.

³³⁶ For more information, see part IX, sect. I.B, in regard to the Committee established pursuant to resolution 1267 (1999).

³³⁷ S/PV.5851 (Resumption 1), p. 13.

³³⁸ S/PV.5851, p. 20 (Russian Federation).

³³⁹ For more information, see part X, sect. II, in regard to UNAMA.

was alluded to in paragraph 14³⁴⁰ of the resolution that had just been adopted.³⁴¹

11 June 2008: resolution 1817 (2008) on combating the production and trafficking of illegal drugs

On 11 June 2008, the Council adopted resolution 1817 (2008), in which it expressed its utmost concern at the high level of opium cultivation, production and trafficking, and called on all Member States to increase cooperation in order to counter the illicit production and trafficking of drugs in Afghanistan, including by strengthening the monitoring of the international trade in chemical precursors, notably but not limited to acetic anhydride.

At the meeting, the representative of France, echoed by the representatives of the Russian Federation and Italy, observed that the Council was adopting the resolution on the eve of the start of the Paris conference, the primary aim of which was to reaffirm the international community's political and financial support for reconstruction in Afghanistan, and which would also address efforts to combat the drug trade.³⁴² The representative of France stated that France had sought an emphasis by the Council on a particular element of the problem of narcotics trafficking: combating trafficking in the chemical precursors that were essential for processing opium into heroin, which was a weak link in the process. He noted that while there was an existing system in place based on the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (Vienna Convention), increased efforts were needed to use existing mechanisms effectively.³⁴³ The representative of the Russian Federation also stressed the resolution's important provision related to

enhancing the role of regional organizations in international efforts to counter the flow of Afghan narcotics,³⁴⁴ while the representative of Italy observed that Afghanistan and the other countries of the region had been extensively consulted in the preparation of the resolution.³⁴⁵

9 and 11 July 2008: outcome of the Paris conference on Afghanistan

On 9 July 2008, the Council heard a briefing by the new Special Representative of the Secretary-General for Afghanistan on the outcome of the International Conference in Support of Afghanistan, held in Paris in June 2008, on the basis of the report of the Secretary-General.³⁴⁶ He stated that the Paris conference had been a great success, raising more than \$20 billion, and creating the basis for a strengthened partnership between the international community and Afghanistan. The Government of Afghanistan had also presented the Afghanistan National Development Strategy, which focused on a massive institution-building effort and the expansion of key areas of the economy, particularly agriculture. The conference had also focused on how to deliver aid more effectively, although the Special Representative noted that any improvements in the delivery of international assistance had to be matched by a determination on the Afghan side to improve the quality of its administration, show greater accountability and combat corruption. In respect of the situation on the ground, he noted that there had been an unprecedented level of insurgent and terrorist activities, especially in the volatile provinces in the south and the east. However, there had also been a greater insurgency presence in other districts and provinces in the central parts of the country, and the attack three days earlier outside the Embassy of India in Kabul had shown that the terrorists could carry out operations in the capital. Finally, he reiterated the need to improve regional cooperation on a host of issues, including threats such as drugs as well as opportunities for developing infrastructure.³⁴⁷

The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator briefed the Council on the humanitarian challenges in Afghanistan.

³⁴⁰ Para. 14 reads: "Recognizes the efforts taken by ISAF and other international forces to minimize the risk of civilian casualties, and calls on them to continue to make robust efforts in this regard, notably by the continuous review of tactics and procedures and the conduct of after-action reviews and investigations in cooperation with the Government of Afghanistan in cases where civilian casualties have occurred and when the Government finds these joint investigations appropriate".

³⁴¹ S/PV.6098, p. 2.

³⁴² S/PV.5907, p. 3 (France); pp. 3-4 (Russian Federation) and p. 4 (Italy).

³⁴³ Ibid., p. 3.

³⁴⁴ Ibid., p. 3.

³⁴⁵ Ibid., p. 4.

³⁴⁶ S/2008/434.

³⁴⁷ S/PV.5930, pp. 2-4.

He stated that the humanitarian needs were serious and growing, particularly food insecurity as a result of drought and the global rise in food prices. He noted the serious problems with internally displaced persons, refugees and the return of refugees. He highlighted the increasing number of civilian casualties and stated that although the share of the casualties attributed to national and international pro-Government military forces had decreased, greater efforts to protect civilians were needed. Finally, he stressed that the instability was making it harder to respond to the challenges. One particular concern was the blurred lines between military and humanitarian activities, and he noted that while the provincial reconstruction teams were doing valuable work, they could increase the risk faced by civilian humanitarian personnel, who were working to provide assistance in an impartial way.³⁴⁸

Speakers welcomed the outcome of the Paris conference and stressed the need to tackle the interrelated challenges of development, narcotics, and governance, while reversing the deterioration in the security situation. The representative of Afghanistan stressed that one of the main factors contributing to the deterioration of the security situation in the country was the de facto truce in the tribal areas beyond our borders.³⁴⁹ The representative of Pakistan countered that his country had taken several measures to prevent cross-border infiltration by terrorists and insurgents, but acknowledged that the security environment on their side had deteriorated sharply as a result of the counter-terrorism campaign. He added that while no foreign troops would be allowed to operate inside Pakistan, he encouraged an expansion of military deployments and check posts on the Afghan side of the border to match the commitment by Pakistan.³⁵⁰

In a presidential statement dated 11 July 2008, the Council welcomed the outcome of the Paris conference, welcomed the intention to proceed with another expansion of the Mission's field presence through the opening of six new provincial offices over the next 12 months, and expressed its strong concern over the security situation.³⁵¹

³⁴⁸ Ibid., pp. 5-7.

³⁴⁹ Ibid., p. 8.

³⁵⁰ Ibid., p. 10.

³⁵¹ S/PRST/2008/26.

22 September 2008 to 8 October 2009: extension of ISAF mandate

On 22 September 2008, the Council adopted resolution 1833 (2008), in which it extended the mandate of ISAF. At the meeting, the representative of the Libyan Arab Jamahiriya expressed his delegation's concern at the rising number of civilian casualties in Afghanistan as a result of operations carried out by the multinational forces. He stressed that during their operations, the multinational forces had to make every effort to ensure that Afghan civilians were adequately protected and that their human rights were protected and guaranteed. Those arrested had to be given fair trials and held in conditions that were in accordance with international humanitarian law and human rights principles.³⁵²

On 8 October 2009, the Council adopted resolution 1890 (2009) by which it, inter alia, extended the authorization of ISAF for another year.

14 October 2008 to 29 September 2009: briefings on the presidential elections

In the lead-up to the presidential elections in August 2009, the Council heard several briefings by the Special Representative of the Secretary-General for Afghanistan and Head of UNAMA,³⁵³ which were followed by a discussion among Council members and invitees. At the briefings, the Special Representative stressed that UNAMA was working with the Government of Afghanistan and the international community to assure that three key elements were met in the conduct of the elections: non-interference by the Government, a dignified policy-oriented debate and the avoidance of inflammatory rhetoric, and total international impartiality. Overall, preparations for the presidential elections were proceeding well, although concerns had been raised about the transparency and fairness of the election process.

The Special Representative also expressed concern that the international community had been distracted from the commitments undertaken at the Paris conference, mainly as a result of the deteriorating security situation. He noted that the influence of the insurgency had spread beyond the traditional areas in

³⁵² S/PV.5977, p. 2.

³⁵³ 5994th meeting, held on 14 October 2008; 6094th meeting, held on 19 March 2009; and 6154th meeting, held on 30 June 2009.

the south and the east and had extended to provinces around Kabul. There had been an increase in sophisticated asymmetric attacks and attacks against aid-related and humanitarian targets, including deadly attacks against non-governmental organizations and United Nations personnel. He also expressed concern about the humanitarian situation and the increasing food shortage. On the positive side, he noted that reforms were taking place in the Government of Afghanistan, that its ability to respond to problems had improved and that there was a trend towards reduced opium poppy production. In regard to civilian-military cooperation, he noted that UNAMA was working closely with ISAF to reduce civilian casualties, the clear majority of which were still caused by the Taliban.

The Special Representative noted that despite the continuing security problems, there had been some progress in strengthening security institutions, reforming the agricultural and private sectors, improving revenue collection and the Government's internal coordination, and developing comprehensive civilian capacity-building programmes.

Speakers at the meetings underscored the importance of holding the presidential elections to the highest international standards. They also stressed the need to take strong measures to address the security situation, including by improving civilian-military cooperation, reducing civilian casualties and improving rule of law and security institutions in rural areas. They expressed support for UNAMA and emphasized its important role in coordinating the international response to the interlocking challenges in Afghanistan, particularly in the area of development.³⁵⁴

On 15 July 2009, in a statement by the President, the Council welcomed the Afghan-led preparations for the upcoming presidential and provincial council elections and stressed the importance that the elections be free, fair, transparent, credible, secure and inclusive. It also called upon the people of Afghanistan to exercise their vote in this historic opportunity for all Afghans to make their voices heard.³⁵⁵

Following the elections, but before the announcement of the results, the Council met on 29 September 2009 to hear an update by the Special

Representative. He acknowledged that there had been fraud, and irregularities committed by election officials, candidates and Government officials, and that turnout had been low, at least in part due to the large number of security incidents. Nevertheless, more polling stations opened than in elections in 2004 and 2005, and the elections were characterized by more public engagement and real debate between political alternatives than Afghanistan had ever witnessed before. He noted that a collapse of the election process had been avoided and an audit process had been agreed to determine the level of fraud before the release of the final results. That meant that a second round, if required, could be held before winter set in, thereby avoiding a lengthy period of political vacuum and instability. In respect of other issues, he said that while he did not want to comment on the debate over the need for additional international fighting forces, he agreed that there was a need to improve the strength and capacity of the Afghan army and police and that it could not be a task for the United States alone. He also endorsed the proposals for a new Afghan conference.³⁵⁶

Speaking after the briefing, the representative of Afghanistan emphasized that the August elections had been an important milestone in the processes of democratization and State-building in Afghanistan. Taking into account the sociohistoric realities of the country, he stated that they had passed this national test successfully. While acknowledging that there had been cases of irregularities, he appealed for everyone to be aware of the context, the process and the full picture. Finally, he stressed that it was imperative that everyone respected and supported the forthcoming decisions from the Afghan electoral bodies and not work to undermine the process.³⁵⁷

Other speakers, while strongly condemning the violence during the election, acknowledged that the vote had been a milestone event for Afghanistan and praised the Afghan people who had cast their ballots under very intimidating circumstances. They urged all concerned parties to accept the certified results when they arrived. Many speakers expressed support for the proposed Afghan conference. Several speakers also underlined the importance of a renewed focus on

³⁵⁴ S/PV.5994, S/PV.6094 and S/PV.6154.

³⁵⁵ S/PRST/2009/21.

³⁵⁶ S/PV.6194, pp. 2-6.

³⁵⁷ *Ibid.*, pp. 7-8.

reconciliation and rehabilitation of insurgents following the elections.

**29 October 2009: terrorist attack on
United Nations guesthouse**

In a statement by the President dated 29 October 2009, the Council condemned the terrorist attack in Kabul on 28 October 2009, and stressed the need to

ensure security of United Nations staff. It also expressed its solidarity with the people of Afghanistan and its support for the upcoming run-off presidential elections, which should be carried out as scheduled with the continued support of the United Nations.³⁵⁸

³⁵⁸ S/PRST/2009/28.

Meetings: the situation in Afghanistan

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5851st 12 March 2008	Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2008/159)		Rule 37 17 Member States ^a Rule 39 Under-Secretary-General for Peacekeeping Operations	All Council members and all invitees	
5857th 20 March 2008	Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2008/159)	Draft resolution (S/2008/185)	Rule 37 Afghanistan	Italy	Resolution 1806 (2008) 15-0-0
5907th 11 June 2008		Draft resolution submitted by 8 States ^b (S/2008/376)	Rule 37 Afghanistan	France, Italy, Russian Federation	Resolution 1817 (2008) 15-0-0
5930th 9 July 2008	Special report of the Secretary-General pursuant to Security Council resolution 1806 (2008) on UNAMA (S/2008/434)		Rule 37 11 Member States ^c Rule 39 Special Representative of the Secretary-General for Afghanistan and Head of UNAMA,	All Council members and all invitees	

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5932nd 11 July 2008	Special report of the Secretary-General pursuant to Security Council resolution 1806 (2008) on UNAMA (S/2008/434)		Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Rule 37 Afghanistan		S/PRST/2008/26
5977th 22 September 2008		Draft resolution (S/2008/610) Report on the operations of ISAF (S/2008/597 , annex) Letter from the Minister for Foreign Affairs of Afghanistan welcoming the continued presence of ISAF (S/2008/603 , annex)	Rule 37 Afghanistan	Libyan Arab Jamahiriya	Resolution 1833 (2008) 15-0-0
5994th 14 October 2008	Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2008/617)		Rule 37 8 Member States ^d Rule 39 Special Representative of the Secretary-General for Afghanistan	All Council members and all invitees	

**Part I. Consideration of questions under the responsibility of
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international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6094th 19 March 2009	Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2009/135)		Rule 37 11 Member States ^e Rule 39 Special Representative of the Secretary-General	All Council members and all invitees	
6098th 23 March 2009	Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2009/135)	Draft resolution submitted by Japan (S/2009/152)	Rule 37 Afghanistan	1 Council Member (Costa Rica)	Resolution 1868 (2009) 15-0-0
6154th 30 June 2009	Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2009/323)		Rule 37 12 Member States ^f Rule 39 Special Representative of the Secretary-General		
6162nd 15 July 2009	Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2009/323)		Rule 37 Afghanistan		S/PRST/2009/21

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6194th 29 September 2009	Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2009/475)		Rule 37 Afghanistan (Minister for Foreign Affairs) Rule 39 Special Representative of the Secretary-General	All Council members and all invitees	
6198th 8 October 2009		Draft resolution submitted by Japan (S/2009/523)	Rule 37 Afghanistan		Resolution 1890 (2009) 15-0-0
6211th 29 October 2009			Rule 37 Afghanistan		S/PRST/2009/28

^a Afghanistan, Australia, Canada, Iceland, India, Iran (Islamic Republic of), Japan, Kazakhstan, Kyrgyzstan (on behalf of the Collective Security Treaty Organization), Netherlands, New Zealand, Pakistan, Republic of Korea, Slovenia (on behalf of the European Union), Spain, Turkey and United Arab Emirates.

^b Afghanistan, Belgium, Croatia, France, Italy, Russian Federation, United Kingdom and United States.

^c Afghanistan (Minister for Foreign Affairs), Australia, Canada, India, Iran (Islamic Republic of), Japan, Netherlands, New Zealand, Norway, Pakistan (Minister for Foreign Affairs) and Turkey.

^d Afghanistan, Germany, India, Iran (Islamic Republic of), Japan, Netherlands, Norway and Pakistan.

^e Afghanistan, Australia, Canada, Czech Republic (on behalf of the European Union), Germany, India, Iran (Islamic Republic of), Italy, Netherlands, Norway and Pakistan.

^f Afghanistan, Australia, Canada (Minister for Foreign Affairs), Czech Republic (on behalf of the European Union), Germany, India, Iran (Islamic Republic of), Italy, Netherlands, New Zealand, Norway and Pakistan.

22. The situation in Myanmar

Overview

During the period 2008-2009, the Security Council held three meetings and adopted one presidential statement concerning the situation in Myanmar. At the meetings, the Council heard briefings on the visits to Myanmar by the Secretary-General and his Special Adviser in the implementation of the good offices role entrusted to him by the General Assembly, and considered the scheduled referendum on a draft constitution and elections to take place in May 2008 and 2010, respectively.

18 March 2008: briefing on the visit to Myanmar of the Special Adviser

On 18 March 2008, the Council heard a briefing by the Special Adviser to the Secretary-General on his

visit to Myanmar from 6 to 10 March, during which he discussed with his interlocutors his earlier recommendations, in particular, the planned constitutional referendum and elections, the establishment of a broad-based national economic forum, the dialogue between the Government of Myanmar and Daw Aung San Suu Kyi and the engagement between the United Nations and the Government.³⁵⁹ The representative of Myanmar asserted that many issues that the Special Adviser had discussed with his Government had come to fruition and promised that those who supported the Government as well as those who opposed its policies would be allowed to participate in the upcoming referendum and elections on equal terms. He stated that as Myanmar was not a threat

³⁵⁹ S/PV.5854, pp. 2-5

to international peace and security, no action by the Council was warranted with regard to Myanmar.³⁶⁰

2 May 2008: presidential statement on the referendum on a draft constitution

In a presidential statement dated 2 May 2008,³⁶¹ the Council took note of the announcement by the Government of Myanmar of a referendum on a draft constitution in May 2008 and elections in 2010, noted the commitment by the Government to ensure that the referendum process would be free and fair, underlined the need to establish the conditions conducive to an inclusive and credible process, including the full participation of all political actors and respect for fundamental political freedoms, and reaffirmed its unwavering support for the Secretary-General's good offices mission.

13 July 2009: briefing by the Secretary-General

On 13 July 2009, the Secretary-General briefed the Council on his visit to Myanmar on 3 and 4 July. Council members expressed strong support to the Secretary-General for his efforts regarding Myanmar, including his latest visit which they regarded as timely and important. While a number of speakers regretted the Government's refusal to allow the Secretary-General to meet with Daw Aung San Suu Kyi, others argued that the inability to meet with her should not be

the sole criterion to measure the success of his visit.³⁶² The representative of Myanmar defended his Government's position, noting that the Secretary-General's request for such a meeting could not be accommodated in order to maintain impartiality in the judicial process.³⁶³ In that connection, some representatives criticized the ongoing legal proceeding against Daw Aung San Suu Kyi. The representative of France demanded that the Council respond firmly if she was condemned.³⁶⁴ In contrast, the representative of China maintained that the United Nations should respect the jurisdiction of its Member States.³⁶⁵ While several speakers also called for the release of all political prisoners, including Daw Aung San Suu Kyi, and stressed the need for a genuine dialogue for inclusive national reconciliation before the scheduled elections, a few other speakers gave more credit to the efforts the Government of Myanmar had made to implement a seven-step road map for democratization. The representative of China called for a balanced assessment of such efforts and stressed the need to lend more encouragement and assistance.³⁶⁶ Council members also discussed humanitarian assistance, the human rights situation and reconstruction efforts following Cyclone Nargis.

³⁶⁰ Ibid., pp. 5-7.

³⁶¹ S/PRST/2008/13.

³⁶² S/PV.6161, p. 5 (Myanmar); p. 13 (Russian Federation); and p. 14 (China)

³⁶³ Ibid., p. 4.

³⁶⁴ Ibid., p. 9.

³⁶⁵ Ibid., p. 14.

³⁶⁶ Ibid., p. 15.

Meetings: the situation in Myanmar

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5854th 18 March 2008			Rule 37 Myanmar	All invitees	
			Rule 39 Special Adviser to the Secretary-General on Myanmar		
5885th 2 May 2008					S/PRST/2008/13
6161st 13 July 2009			Rule 37 Myanmar	Secretary-General, all Council members, Myanmar	

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

Overview

During the period 2008-2009, the Security Council held nine meetings on the item, which concerned the support provided by the Council to the peace process after the signing on 21 November 2006 by the Government of Nepal and the Communist Party of Nepal (Maoist) (CPN-M) of the Comprehensive Peace Agreement to end the 1996-2006 civil war. The Council adopted four resolutions successively extending the mandate of the United Nations Mission in Nepal (UNMIN)³⁶⁷ and one presidential statement. At the meetings, the Council considered the work and mandate of UNMIN, as well as progress towards the Comprehensive Peace Agreement.

23 January 2008 to 16 January 2009: extension of the mandate of UNMIN

On 23 January 2008, the Council adopted resolution 1796 (2008), in which it renewed the mandate of UNMIN. After the vote, the representative of Nepal expressed confidence that during the next six months Nepal would be able to achieve progress in the peace process, including the holding of Constituent Assembly elections in April 2008. He assured the Council that Nepal would fully cooperate with the Special Representative and UNMIN in implementing the mandate that had been adopted.³⁶⁸

On 18 July 2008, the Council heard a briefing by the Special Representative of the Secretary-General in Nepal and Head of UNMIN, who informed the Council that the newly elected Constituent Assembly had held its first meeting on 28 May and voted to implement a federal democratic republic, and that the former king had left the palace without incident. The parties were currently negotiating the composition of the new government. He stated that the Secretary-General had not anticipated extending the mandate of UNMIN once the government was formed. However, its formation had been delayed. In the interim, the United Nations had received a request based on a consensus among the main parties for a six-month extension of the mandate,

as provided for in the agreement of 25 June 2008, which required that the integration and rehabilitation of the Maoist combatants be carried out within that time frame. However, he expressed concern about how rapidly the new government would be able to implement the agreement, which depended greatly on the degree of multi-party cooperation that survived the current disagreements. While UNMIN would continue as a special political mission, he noted that pursuant to the request by Nepal that the Mission continue on a smaller scale, the regional offices had been closed and that it would continue with half of its previous number of arms monitors.³⁶⁹

Speakers expressed concern at the delay in forming the government, and emphasized that the parties should make every effort to implement the 25 June agreement according to the original timetable. While all speakers welcomed the extension of the Mission's mandate and its reconfiguration, several speakers emphasized that UNMIN should not stay longer than necessary, and expressed the hope that it would be able to end its arms monitoring function in the next phase of its mandate.

By resolution 1825 (2008) of 23 July 2008, which again extended the mandate of UNMIN, the Council, inter alia, concurred with the view of the Secretary-General that the current monitoring arrangements should not be necessary for a substantial further period, and called upon the Government of Nepal to continue to take the necessary decisions to create conditions conducive to the completion of the activities of the Mission by the end of the existing mandate.

On 7 November 2008 and 16 January 2009, the Council heard briefings by the Special Representative of the Secretary-General. He informed the Council that the Constituent Assembly, which also acted as the legislature-parliament, had elected a President, Vice-President and Prime Minister, and the long negotiations had led to the formation of a coalition Government, led by the Communist Party of Nepal (Maoist) as the largest party. Despite such progress, the challenge of the transition from the current temporary arrangements for monitoring the management of arms and armies to

³⁶⁷ Resolutions 1796 (2008), 1825 (2008), 1864 (2009) and 1879 (2009). For more information, see part X, sect. II, with regard to the mandate on UNMIN.

³⁶⁸ S/PV.5825, p. 2.

³⁶⁹ S/PV.5938, pp. 2-5.

decisions regarding the future of the Maoist army combatants remained. The formation of the special committee responsible for the supervision, integration and rehabilitation of the former Maoist combatants had been delayed. The parallel negotiations for democratizing the Nepal Army had also stalled. As a result, the conditions for the Mission's withdrawal were not there, as it was still needed to monitor the cantonments.³⁷⁰

Following the briefings, the representative of Nepal stressed his Government's commitment to bringing the peace process to a conclusion and resolving outstanding issues. He emphasized the Government's intention to resolve the issues relating to cantonments to bring an end to the current monitoring arrangements so that UNMIN could be withdrawn after the conclusion of its mandate.³⁷¹ The representative of Costa Rica encouraged all parties to comply more strictly with the basic commitments undertaken by the agreed deadlines, which applied not only to the demobilization of former combatants, particularly minors, but also to the drafting of the new constitution, transitional justice, including the establishment of a truth and reconciliation commission, and issues basic to economic and social development.³⁷²

5 May and 6 November 2009: briefings following the resignation of the Prime Minister

On 5 May 2009, the Council heard a briefing by the Special Representative of the Secretary-General, who informed the Council that tensions between the Communist Party of Nepal (Maoist) and the Army, including over the Army's refusal to stop new recruitment despite a prohibition in the Comprehensive Peace Agreement, had come to a head when Prime Minister Pushpa Kamal Dahal "Prachanda" had attempted to sack the Army chief. However, the President reinstated him, asserting that the interim Constitution gave him authority over the Army. The Prime Minister subsequently resigned, although he had pledged to continue to fulfil his party's peace process commitments while in opposition. He also explained that further delays in completing the Mission's mandate were likely, as the Army chief had taken a restrictive stance on the integration into the Nepal Army of former Maoist army personnel, and the Special

Committee had acknowledged that it was unlikely to meet the six-month deadline even before the recent political developments. The Special Representative noted that the main political parties had expressed support for the further extension of UNMIN.³⁷³

Speakers expressed concern at the political developments and called on all parties to cooperate and make progress towards implementing the Comprehensive Peace Agreement and their other commitments. They expressed support for maintaining UNMIN but expressed the hope that progress would soon be made.

The representative of Nepal expressed confidence that the situation in Nepal would be resolved soon through dialogue and consensus among the political parties in the Constituent Assembly and would in no way jeopardize the peace process.³⁷⁴

The President then made a statement,³⁷⁵ in which the Council expressed its concern about the current political crisis in Nepal, and underscored the urgent need for the Government of Nepal and all political parties to continue to work together in the spirit of compromise.

On 6 November 2009, the Special Representative, in her briefing, noted that while limited progress had been made, overall the process had faced protracted deadlock. Talks to resolve the stalemate remained inconclusive, and there was a real risk of resumed conflict. She stressed that until the parties established a clearer framework for cooperation and found ways of moving forward on major elements of the peace process, it would be difficult to plot a structured exit for UNMIN.³⁷⁶ The representative of Nepal informed the Council that the senior political leaders of the major political parties were expected to reach an agreement to resolve the impasse soon. He also suggested that the report of the Secretary-General³⁷⁷ would have been more balanced if it had taken into account the sincere efforts made by the Government of Nepal in addressing key issues of the peace process and in resolving outstanding issues. It was also the view of the Government that the references in the report implying parity between the regular national

³⁷⁰ S/PV.6013, pp. 2-5; S/PV.6069, pp. 2-5.

³⁷¹ S/PV.6013, p. 6; S/PV.6069, p. 7.

³⁷² S/PV.6013, p. 6; S/PV.6069, p. 8.

³⁷³ S/PV.6119, pp. 2-4.

³⁷⁴ *Ibid.*, pp. 15-16.

³⁷⁵ S/PRST/2009/12.

³⁷⁶ S/PV.6214, pp. 2-3.

³⁷⁷ S/2009/553.

army and the former rebel combatants living in the United Nations-monitored cantonments were not likely to facilitate a positive outcome in the ongoing negotiations on the future of the cantonments.³⁷⁸

³⁷⁸ S/PV.6214, pp. 4-5.

Meetings: letter dated 22 November 2006 from the Secretary-General

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5825th 23 January 2008	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2008/5)	Draft resolution submitted by United Kingdom (S/2008/34)	Rule 37 Nepal	Nepal	Resolution 1796 (2008) 15-0-0
5938th 18 July 2008	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2008/454)		Rule 37 India, Japan, Nepal Rule 39 Special Representative of the Secretary-General in Nepal and Head of UNMIN	All Council members and all invitees	
5941st 23 July 2008	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2008/454)	Draft resolution submitted by United Kingdom (S/2008/472)	Rule 37 Nepal		Resolution 1825 (2008) 15-0-0
6013th 7 November 2008	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2008/670)		Rule 37 Nepal Rule 39 Special Representative of the Secretary-General	1 Member State (Costa Rica), all invitees	

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6069th 16 January 2009	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/1)		Rule 37 Nepal Rule 39 Special Representative of the Secretary-General	1 Member State (Costa Rica), all invitees	
6074th 23 January 2009	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/1)	Draft resolution submitted by United Kingdom (S/2009/46)	Rule 37 Nepal		Resolution 1864 (2009) 15-0-0
6119th 5 May 2009	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/221)		Rule 37 Nepal Rule 39 Special Representative of the Secretary-General	All Council members and all invitees	S/PRST/2009/12
6167th 23 July 2009	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/351)	Draft resolution submitted by United Kingdom (S/2009/377) Letter from the representative of Nepal concerning the extension of the mandate of UNMIN (S/2009/360 , annex)	Rule 37 Nepal		Resolution 1879 (2009) 15-0-0

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6214th 6 November 2009	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/553)		Rule 37 Nepal Rule 39 Special Representative of the Secretary-General	All invitees	

Europe

24. The situation in Cyprus

Overview

During the period under review, the Security Council considered various aspects of the situation in Cyprus, including developments relevant to the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP). It held 11 meetings, including 4 private meetings with the troop-contributing countries,³⁷⁹ and adopted four resolutions and three presidential statements. In addition, the Council focused on the 21 March 2008 agreement between the Greek Cypriot and Turkish Cypriot leaders and the launch of fully fledged negotiations aimed at the island's reunification.

The Council extended the mandate of UNFICYP four times for periods of six months during the period,³⁸⁰ in accordance with the recommendations contained in the reports of the Secretary-General.³⁸¹

17 April 2008 to 30 April 2009: presidential statements on the agreement between Greek Cypriot and Turkish Cypriot leaders

On 17 April 2008, the Council adopted a presidential statement,³⁸² in which it welcomed the

agreement reached on 21 March 2008 by the Greek Cypriot and Turkish Cypriot leaders and commended them for the political leadership they had shown. It also reaffirmed its commitment to the reunification of Cyprus based on a bicomunal, bizonal federation and political equality, and further welcomed the prospect of the appointment of a Special Adviser, after completion of the preparatory period, to facilitate movement towards a comprehensive settlement.

In his report to the Council dated 2 June 2008, the Secretary-General stated that a window of opportunity for Cypriots to finally resolve the Cyprus problem was clearly open and that it was particularly heartening that the two leaders had taken decisive steps towards resuming negotiations. He also expressed the belief that UNFICYP continued to play a vital role on the island, and therefore recommended an extension of the Mission's mandate.³⁸³

On 4 September 2008, in a statement by the President,³⁸⁴ the Council welcomed the launch of fully fledged negotiations between the leaders of the Greek Cypriots and Turkish Cypriots aimed at the reunification of Cyprus, and the appointment of a Special Adviser to the Secretary-General on Cyprus.

On 30 April 2009, in a statement by the President,³⁸⁵ the Council welcomed the progress made

³⁷⁹ 5906th meeting, held on 9 June 2008; 6032nd meeting, held on 5 December 2008; 6126th meeting, held on 22 May 2009; and 6231st meeting, held on 7 December 2009.

³⁸⁰ Resolutions 1818 (2008), 1847 (2008), 1873 (2009) and 1898 (2009).

³⁸¹ S/2008/353, S/2008/744, S/2009/248 and S/2009/609.

³⁸² S/PRST/2008/9.

³⁸³ S/2008/353.

³⁸⁴ S/PRST/2008/34.

³⁸⁵ S/PRST/2009/10.

by the Greek Cypriot and Turkish Cypriot leaders, emphasized the importance of all parties engaging fully, flexibly and constructively, and fully supported the good offices mission of the Secretary-General, underlining the benefits that reunification would bring to the island.

13 June 2008 to 14 December 2009: extension of the UNFICYP mandate

On 13 June and 12 December 2008, the Council adopted resolutions [1818 \(2008\)](#) and [1847 \(2008\)](#), respectively, in which it extended the mandate of UNFICYP for periods of six months. In resolution [1818 \(2008\)](#) the Council welcomed the joint statement of 23 May 2008, which demonstrated a renewed political willingness by all parties to support and engage fully in good faith with the United Nations efforts, and to consider confidence-building measures. In resolution [1847 \(2008\)](#), it welcomed the announcement of such measures and the cancellation of military exercises.

On 29 May 2009, the Council adopted resolution [1873 \(2009\)](#), in which it extended the mandate of UNFICYP for a further period of six months.

On 14 December 2009, by resolution [1898 \(2009\)](#), the Council, inter alia, extended the mandate of UNFICYP for a further period of six months ending 15 June 2010, and called on both sides to continue to

engage in consultations with UNFICYP on the demarcation of the buffer zone, with a view to reaching early agreement on outstanding issues. Each resolution was adopted by 14 votes to 1 (Turkey). Speaking after the vote, the representative of Turkey maintained, inter alia, that resolution [186 \(1964\)](#), which had originally established the Mission and which referred to “the Government of Cyprus”, as well as subsequent Council resolutions extending the mandate of the Force, had never been accepted by the Turkish Cypriot side or by Turkey. He stated that the current Government had been representing only the Greek Cypriots since 1963, when the previous Government had collapsed and Turkish Cypriots were expelled. As a direct consequence, consent of the Turkish Cypriot side had never been formally sought, whereas UNFICYP should have functioned with the open consent of both parties on the island. While Turkey had never objected to the intent of UNFICYP, he pointed out that the consent of the Turkish Cypriot side had never been formally sought and he therefore could not support them. Nevertheless, he expressed support for the Secretary-General’s good offices mission and welcomed the solid progress achieved so far in the negotiations, aimed at establishing a partnership State on the basis of well-established United Nations parameters.³⁸⁶

³⁸⁶ S/PV.6132, pp. 2-3; S/PV.6239, pp. 2-3.

Meetings: the situation in Cyprus

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5869th 17 April 2008					S/PRST/2008/9
5911th 13 June 2008	Report of the Secretary-General on UNFICYP (S/2008/353)	Draft resolution (S/2008/384)			Resolution 1818 (2008) 15-0-0
5971st 4 September 2008					S/PRST/2008/34
6038th 12 December 2008	Report of the Secretary-General on UNFICYP (S/2008/744)	Draft resolution submitted by China, France, Russian Federation, United Kingdom, United States (S/2008/779)			Resolution 1847 (2008) 15-0-0

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6115th 30 April 2009					S/PRST/2009/10
6132nd 29 May 2009	Report of the Secretary-General on UNFICYP (S/2009/248)	Draft resolution submitted by China, France, Russian Federation, United Kingdom, United States (S/2009/276)		1 Council member (Turkey)	Resolution 1873 (2009) 14-1(Turkey)-0
6239th 14 December 2009	Report of the Secretary-General on UNFICYP (S/2009/609); Report of the Secretary-General on his mission of good offices in Cyprus (S/2009/610)	Draft resolution submitted by China, France, Russian Federation, United Kingdom, United States (S/2009/641)		1 Council member (Turkey)	Resolution 1898 (2009) 14-1(Turkey)-0

25. Items relating to the situation in the former Yugoslavia

A. The situation in Bosnia and Herzegovina

Overview

During the period 2008-2009, the Security Council held seven meetings concerning the situation in Bosnia and Herzegovina and adopted three resolutions. At the meetings, the Council heard regular briefings from the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina concerning the evolving political situation in the country, the reaction to the situation in Kosovo, 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 the multinational stabilization force (European Union Force (EUFOR)), and the continued North Atlantic Treaty Organization (NATO) presence in the country, which the Council had mandated to ensure continued compliance with the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement)³⁸⁷ that ended fighting in that country in 1995.

During the period, the Council twice extended for periods of 12 months the authorization for EUFOR and the NATO presence, under Chapter VII of the Charter, including authorization for the participating Member States to take all necessary measures to assist both organizations in carrying out their missions.³⁸⁸

19 May and 5 December 2008: briefings by the High Representative

On 19 May 2008, the Council heard a briefing by the High Representative. He informed the Council that Bosnia and Herzegovina had taken a significant step towards the stabilization of the political situation. Following the adoption of new legislation on police reform, Bosnia and Herzegovina was on the verge of signing a stabilization and association agreement with the European Union and was moving towards NATO membership. The Steering Board of the Peace Implementation Council³⁸⁹ had also reached consensus

³⁸⁷ S/1995/999.

³⁸⁸ Resolutions 1845 (2008) and 1895 (2009). For more information, see part VIII, in regard to the mandate of EUFOR.

³⁸⁹ The Peace Implementation Council was established in 1995. The members of the Steering Board are Canada,

on a set of conditions for transition from the Office of the High Representative to an Office of the European Union Special Representative in Bosnia and Herzegovina. Although the public reaction to the declaration by Kosovo of its independence had been relatively muted,³⁹⁰ the leadership of Republika Srpska had officially linked the future status of that entity with the status of Kosovo. Specifically, the National Assembly of Republika Srpska had passed a resolution stating that if a majority of European Union members recognized the independence of Kosovo, then the Republika Srpska would have the right to a referendum to determine its own future legal status. The High Representative explained that he had publicly rejected this claim, emphasizing that the entities of Bosnia and Herzegovina had no right to secede under the Dayton Agreement, a point which had also been echoed by the Steering Board of the Peace Implementation Council.³⁹¹

The representative of Bosnia and Herzegovina noted many positive developments that had taken place since November 2007, including progress on European integration and membership in NATO. He also noted that there were several outstanding obligations, such as adopting a State property law, a justice sector reform strategy and a war crimes strategy. On constitutional reform, he warned those who would seek to challenge the Dayton Agreement that such an approach could jeopardize the results already achieved. While updating the Agreement was possible and desirable, it had to be the result of internal consensus and compromise and not imposed from abroad.³⁹²

All Council members welcomed the progress that had taken place in Bosnia and Herzegovina, especially the adoption of the two police reform laws and the forthcoming signing of a stabilization and association agreement. Several delegations said that all parties must respect the sovereignty and territorial integrity of Bosnia and Herzegovina in accordance with the Dayton Agreement. In that regard, Council members opposed the call for secession by one entity and urged

intensified dialogue and negotiation to achieve a stable and democratic multi-ethnic State.

Regarding cooperation with the International Tribunal for the former Yugoslavia, several speakers stressed that there should be no impunity for perpetrators of crimes, and urged Bosnia and Herzegovina and Serbia to cooperate fully and transfer such criminals to the jurisdiction of the Tribunal. The representative of Serbia disagreed with the comments in the High Representative's report on the potential presence of fugitives in Serbia and his country's alleged lack of cooperation and implementation of judicial rulings.³⁹³

The representative of China noted that the unilateral declaration of independence by Kosovo had had a negative impact on the situation.³⁹⁴ The representatives of France and the United Kingdom, however, believed that Kosovo's declaration of independence had closed a painful chapter in the history of the Balkans and that the region could now look forward to a future within Europe.³⁹⁵

On 5 December 2008, the Council heard another briefing by the High Representative. He noted that the signing of the Stabilization and Association Agreement on 16 June was an important milestone in Bosnia and Herzegovina's journey towards the European Union. However, on the political front, negative and nationalistic rhetoric continued to be the norm. There had continued to be numerous challenges to the Dayton Agreement, both against the State and its structures and against the existence of Republika Srpska as one of the two entities of Bosnia and Herzegovina. He informed the Security Council that the Peace Implementation Council had taken the view that there had been progress in implementing the conditions for transition from the Office of the High Representative to an Office of the European Union Special Representative, but much remained to be done by the authorities in Bosnia and Herzegovina to complete the work. Finally, he noted that EUFOR would be transformed into a smaller, non-executive military mission as soon as conditions allowed.³⁹⁶

The representative of Bosnia and Herzegovina pointed out that the country would continue to need not

France, Germany, Italy, Japan, the Russian Federation, the United Kingdom, the United States, the Presidency of the European Union, the European Commission and the Organization of the Islamic Conference (see S/1995/1029, annex).

³⁹⁰ For more information see the present part, sect. 25.B.

³⁹¹ S/PV.5894, pp. 2-6.

³⁹² *Ibid.*, pp. 6-7.

³⁹³ *Ibid.* p. 21.

³⁹⁴ *Ibid.*, p. 8.

³⁹⁵ *Ibid.*, p. 17 (France) and p. 19 (United Kingdom).

³⁹⁶ S/PV.6033, pp. 2-6.

just attention but also assistance from the international community. However, that assistance needed to be provided in the form of services and advice, not in the form of international representatives having decision-making power in the country's institutions, with diplomatic immunity and without accountability for bad decisions. He also stressed the importance of both Republika Srpska and the Federation of Bosnia and Herzegovina being equally respected as constituent parts of Bosnia and Herzegovina.³⁹⁷

Members of the Council largely praised the progress in Bosnia and Herzegovina, including in regard to the implementation of the conditions for the transition to an Office of the European Union Special Representative, and in particular the signing of the Stabilization and Association Agreement. Members regretted, however, what some called a loss of momentum since the signing of that Agreement. Serious concerns were expressed over the political atmosphere in the country, in particular the divisive nationalist rhetoric which threatened to undermine the Dayton Agreement and the territorial integrity of the country.

The representative of the Russian Federation stated that any reform of the structures set up by the Dayton Agreement could be only on the basis of consensus of the sides, and that imposing some kind of formula or prescription, especially using the so-called Bonn powers,³⁹⁸ was unacceptable and doomed to failure.³⁹⁹ The representative of the United Kingdom expressed his belief that the Bonn powers should be used sparingly and only when necessary, underlining that it was the case that they existed and had been endorsed by the Council in a Chapter VII resolution. He supported the High Representative in his judgement as to whether or not to use them on each particular occasion.⁴⁰⁰

25 March 2009: appointment of a new High Representative

On 25 March 2009, the Council, by resolution [1869 \(2009\)](#), inter alia, welcomed and agreed to the designation by the Steering Board of the Peace Implementation Council on 13 March 2009 of Valentin Inzko as High Representative in succession to Miroslav Lajčák. The Council took note of the declarations of the Steering Board of 27 February and 20 November 2008 regarding fulfilment of the five objectives and two conditions required for a transition from the Office of the High Representative to an Office of the European Union Special Representative in Bosnia and Herzegovina.

28 May and 23 November 2009: briefings by the High Representative

On 28 May and 23 November 2009, the Council heard briefings from the High Representative in connection with the implementation of the Dayton Agreement. He noted that the period since the beginning of 2009 had been characterized by persistent political problems and a lack of progress on key agendas and on the progress required for Euro-Atlantic integration and the closure of the Office of the High Representative. The Republika Srpska leadership had failed to grasp that State and entity authorities had separate and clearly defined mandates. At the same time, a number of political leaders in the Federation of Bosnia and Herzegovina had advocated a much stronger role at the State level and a reduced role for the entities, which also did not contribute to improved dialogue. In relation to progress towards meeting the conditions for closing the Office of the High Representative, he noted that the two objectives related to the apportionment of State property and termination of the Brcko District supervisory regime had not yet been entirely fulfilled, so the Peace Implementation Council had not been able to authorize the closure of his Office. The lack of progress in that area had also forced him to use his executive powers on a number of occasions. Nonetheless, he said that over the past several years use of the Bonn powers had been scaled back. Finally, welcoming the extension of the mandate of EUFOR by resolution [1895 \(2008\)](#), he maintained that the Peace Implementation Council would need to decide in what note and with what mandate the international community would stay in Bosnia and Herzegovina after the closure of the Office of the High

³⁹⁷ Ibid., pp. 6-8.

³⁹⁸ At the conclusion of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, the Peace Implementation Council granted the High Representative the powers to adopt binding decisions to ensure implementation of the Dayton Agreement, inter alia, when public officials were absent from meetings without cause or were, in the view of the High Representative, in violation of legal commitments under the Agreement (see [S/1997/979](#), annex).

³⁹⁹ [S/PV.6033](#), p. 11.

⁴⁰⁰ Ibid., p. 13.

Representative, as the challenges deriving from the Dayton Agreement would remain.⁴⁰¹

In response to the briefings, the representative of Bosnia and Herzegovina noted that the Council of Ministers had been doing its best to ensure the progress of Bosnia and Herzegovina on its Euro-Atlantic road in an environment that, more often than not, had not been one of compromise, dialogue and consensus. He noted, however, some recent successes, particularly regarding the visa liberalization requirements set out in the road map of the European Commission, and the fight against organized crime. He stated that success with visa liberalization had been overshadowed by other less successful processes or attempts at reform. He stressed that linking visa liberalization to any other issue was counterproductive, and expressed the hope that the European Commission would soon give a positive recommendation in that area. He criticized the report of the High Representative for being overly negative and pointed out that Bosnia and Herzegovina had just been elected to a seat on the Security Council. Although he acknowledged the importance of constitutional reform, he stressed that it needed to be based on internal dialogue and compromise and not imposed from outside.⁴⁰²

Most speakers expressed regret that there had been little progress towards meeting the conditions for closing the Office of the High Representative, in particular the reform of the Constitution to bring it in line with the European Convention for the Protection of Human Rights and Fundamental Freedoms and reforms to improve the efficiency of institutions. They

also expressed concern with the increasing nationalist and anti-Dayton rhetoric, especially by the authorities of Republika Srpska, as well as the lack of support for the Office of the High Representative and attacks against State institutions. Many also insisted on the need for more progress on reforms of the rule of law and war crime prosecutions. Several speakers, however, recognized the progress that had been made by Bosnia and Herzegovina, including the recent passing of legislation on visa liberalization.

The representative of the Russian Federation, stressing the lack of objectivity and balance in the reports prepared by the High Representative, noted that assertions of allegedly growing friction among Bosnian parties and of increasing potential for conflict were at odds with the long-standing positive conclusions set out in the reports to the Council of the European Union forces. Additionally, he observed that the Office of the High Representative had itself become an institution for destabilization, and its unjustified and hasty use of Bonn powers was leading to increased tension in Bosnia and Herzegovina. In that respect, he recalled that the Russian Federation had long called for an end to that obsolete mechanism. Pointing out that a European perspective for Bosnia and Herzegovina was of key significance, he stated that the attempt to link the question of European Union candidate status for Bosnia to the constitutional reform proposal set out in the Butmir initiative would only lead the Bosnia settlement process into an impasse. Constitutional change could only be the result of an internal consensus reached independently of outside pressure.⁴⁰³

⁴⁰¹ S/PV.6130, pp. 2-5, and S/PV.6222, pp. 2-5.

⁴⁰² S/PV.6130, pp. 5-7, and S/PV.6222, pp. 5-9.

⁴⁰³ S/PV.6130, pp. 19-20, and S/PV.6222, pp. 13-14.

Meetings: the situation in Bosnia and Herzegovina

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5894th 19 May 2008	Letter dated 6 May 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/300)		Rule 37 Bosnia and Herzegovina (Chairman of the Council of Ministers of Bosnia and Herzegovina), Serbia, Slovenia (on behalf of the European Union) Rule 39 High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina	All Council members and all invitees	
6021st 20 November 2008	Letter dated 13 November 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/705)	Draft resolution submitted by 8 States ^a (S/2008/720)	Rule 37 Bosnia and Herzegovina, Germany		Resolution 1845 (2008) (15-0-0)
6033rd 5 December 2008	Letter dated 13 November 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/705)	Report on the activities of the European Union Police Mission in Bosnia and Herzegovina (S/2008/732 , annex)	Rule 37 Bosnia and Herzegovina (Chairman of the Council of Ministers) Rule 39 High Representative for Bosnia and Herzegovina	All Council members ^b and all invitees	
6099th 25 March 2009		Draft resolution submitted by 9 States ^c (S/2009/154)	Rule 37 Bosnia and Herzegovina, Germany, Italy		Resolution 1869 (2009) (15-0-0)

**Part I. Consideration of questions under the responsibility of
the Security Council for the maintenance of
international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6130th 28 May 2009	Letter dated 13 May 2009 from the Secretary- General addressed to the President of the Security Council (S/2009/246)		Rule 37 Bosnia and Herzegovina (Chairman of the Council of Ministers), Czech Republic (on behalf of the European Union), Serbia Rule 39 High Representative for Bosnia and Herzegovina	All Council members and all invitees	
6220th 18 November 2009	Letter dated 12 November 2009 from the Secretary- General addressed to the President of the Security Council (S/2009/588); Letter dated 8 October 2009 from the Secretary- General addressed to the President of the Security Council (S/2009/525)	Draft resolution submitted by 9 States ^d (S/2009/591)	Rule 37 Bosnia and Herzegovina, Germany, Italy		Resolution 1895 (2009) (15-0-0)
6222nd 23 November 2009	Letter dated 12 November 2009 from the Secretary- General addressed to the President of the Security Council (S/2009/588)		Rule 37 Bosnia and Herzegovina (Chairman of the Council of Ministers), Serbia, Sweden (on behalf of the European Union)	All Council members and all invitees	

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
				Rule 39 High Representative for Bosnia and Herzegovina	

^a Belgium, Croatia, France, Germany, Italy, Russian Federation, United Kingdom and United States.

^b The representative of France made a statement on behalf of the European Union.

^c Austria, Croatia, France, Germany, Italy, Russian Federation, Turkey, United Kingdom and United States.

^d Austria, Croatia, France, Germany, Italy, Russian Federation, Turkey, United Kingdom and United States.

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

Overview

During the period 2008-2009 the Security Council held 12 meetings, including 3 closed meetings,⁴⁰⁴ and issued one presidential statement on the item entitled “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)”. At the meetings the Council discussed the situation in Kosovo,⁴⁰⁵ the unilateral declaration of independence by the Kosovo Assembly, and the work of the United Nations Interim Administration Mission in Kosovo (UNMIK)⁴⁰⁶ and Kosovo Force (KFOR), among other topics.

16 January to 11 March 2008: unilateral declaration of independence by Kosovo

On 16 January 2008, the Council heard a statement by the President of Serbia who presented the position of his country on the need to resolve the future status of Kosovo and Metohija through compromise. He pointed out that over the past two years Serbia had taken part in the negotiations on the future status of its southern province in a constructive way and had put together a number of proposals that favoured the greatest possible autonomy, which it had measured

against the manner in which China had resolved the question of Hong Kong and Macau and Finland had resolved the status of the Åland Islands. Unfortunately, the negotiations conducted under the auspices of the international mediating troika⁴⁰⁷ had failed to yield results. He noted that the “only argument” that the other side had put forward was that “Slobodan Milosević and his regime were the party guilty for the situation in Kosovo” and that it had alleged that because of the mistakes of the former regime, Kosovo deserved independence. He stated that Serbia and its people had also experienced hardship due to the mistakes of the past regime, but that no one had the right to destabilize Serbia through unilateral decisions, which could also have consequences for other regions with problems related to ethnic separatism. He therefore believed that additional efforts were needed in order to arrive at a mutually acceptable solution for substantial self-government that would guarantee all rights to the Kosovo Albanians. He maintained that to deprive a legitimate democracy of an integral part of its territory against its will would constitute a violation of the Charter of the United Nations, and he called on the Council to prevent adoption of a unilateral measure on the independence of Kosovo. In conclusion, he stressed that Serbia would never recognize the independence of Kosovo and would preserve its territorial integrity and sovereignty through all democratic means, legal arguments and diplomacy, but would not resort to violence or war.⁴⁰⁸

⁴⁰⁴ 5822nd meeting, held on 16 January 2008; 5835th meeting, held on 14 February 2008; and 5871st meeting, held on 21 April 2008.

⁴⁰⁵ References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

⁴⁰⁶ For more information, see part X, sect. I, in regard to the mandate of UNMIK.

⁴⁰⁷ The troika consisted of representatives from the Russian Federation, the United States and the European Union.

⁴⁰⁸ S/PV.5821, pp. 2-4.

Immediately following the statement by the President of Serbia, the Council held a private meeting at which he and Mr. Hashim Thaçi, who spoke on behalf of the authorities in Kosovo, had an exchange of views.⁴⁰⁹

On 18 February 2008, the Council met in response to letters from the representatives of Serbia and the Russian Federation⁴¹⁰ requesting an emergency meeting to consider the unilateral declaration of the independence of the Serbian province of Kosovo and Metohija by the Provisional Institutions of Self-Government of Kosovo in violation of resolution 1244 (1999).

The Council also had before it the conclusions of the Council of the European Union on Kosovo,⁴¹¹ which took note of the declaration of independence by the Kosovo Assembly. The Council of the European Union also welcomed the continued presence of the international community based on resolution 1244 (1999). It noted that its members would decide, in accordance with national practice and international law, on their relations with Kosovo. It reiterated the European Union's adherence to the principles of the Charter of the United Nations and the Helsinki Final Act, *inter alia*, the principles of sovereignty and territorial integrity and all Security Council resolutions. However, it underlined its conviction that, in view of the conflict of the 1990s and the extended period of international administration under resolution 1244 (1999), Kosovo constituted a *sui generis* case which did not call into question those principles and resolutions.

In a separate letter,⁴¹² the European Union indicated its intention to send a rule-of-law mission to Kosovo within the framework of Security Council resolution 1244 (1999), and informed the Council of its decision to appoint a European Union Special Representative in Kosovo.

At the meeting, the Secretary-General informed the Council that the Assembly of the Provisional Institutions of Self-Government of Kosovo had adopted a declaration of independence on 17 February 2008. With the 10 Kosovo Serb deputies not in attendance, all of the 109 deputies present had voted in favour. The

declaration stated that Kosovo fully accepted the obligations contained in the Comprehensive Proposal for the Kosovo Status Settlement,⁴¹³ which had been prepared by the Special Envoy of the Secretary-General for the future status process for Kosovo. The declaration pledged continued adherence to resolution 1244 (1999) and committed Kosovo to continue to work constructively with the United Nations. The Secretary-General stated that the situation had remained generally calm throughout Kosovo, except for a few grenade attacks reported in the north. He held that the recent developments were likely to have significant operational implications for UNMIK. Pending guidance from the Council, UNMIK would continue to consider resolution 1244 (1999) as the legal framework for its mandate and continue to implement its mandate in the light of the evolving circumstances. He urged all parties to reaffirm and act upon their commitment to refrain from any actions or statements that could endanger peace, incite violence or jeopardize security in Kosovo and the region.⁴¹⁴

The representative of Serbia stated that it would be a historic injustice if a "small, peace-loving and democratic country in Europe" could be deprived of its territory illegally and against its will. He noted that the Serbian State had been born in Kosovo, which represented the central part of its identity. He rejected the argument that it was because of Slobodan Milosević's mistakes that Kosovo was declaring independence, as the Albanians had demanded independence even before Slobodan Milosević. Finally, he stressed that the unilateral declaration of independence represented a precedent which would cause irreparable damage to the international order in view of the existence of other "Kosovos" in the world. He reiterated that while Serbia threatened violence to no one, his Government would never recognize an independent Kosovo.⁴¹⁵

In addition, the representative of Serbia, strongly supported by the representative of the Russian Federation, requested that the Council take effective measures to ensure that all the provisions of the Charter and of resolution 1244 (1999) were fully respected. He also requested the Secretary-General to issue a clear and unequivocal instruction to his Special Representative for Kosovo to use his powers and

⁴⁰⁹ 5822nd meeting.

⁴¹⁰ S/2008/103 and S/2008/104, respectively.

⁴¹¹ S/2008/105.

⁴¹² S/2008/106.

⁴¹³ S/2007/168/Add.1.

⁴¹⁴ S/PV.5839, pp. 2-3.

⁴¹⁵ *Ibid.*, pp. 4-6.

declare the unilateral and illegal act of the secession of Kosovo null and void and to dissolve the Kosovo Assembly, because it had declared independence contrary to resolution 1244 (1999). He also underlined that the international security presence in Kosovo, KFOR, had to remain status-neutral as it was responsible for the protection of the lives and property of the Serbs and of all other non-Albanian communities in the province.⁴¹⁶

Furthermore, the representative of the Russian Federation stated that his country would continue to recognize Serbia within its internationally recognized borders. He agreed that the unilateral declaration was a violation of the Charter, resolution 1244 (1999) and the Helsinki Final Act. He also maintained that the European Union Rule of Law Mission in Kosovo (EULEX) had been launched without the necessary decision of the Council and the mandate given to it did not agree with the provisions of resolution 1244 (1999). He maintained that EULEX could not be considered part of the international civil presence as defined in that resolution, since, according to paragraph 1 of the Secretary-General's report,⁴¹⁷ UNMIK covered all of the space allocated by the resolution to the international civil presence. Finally, he warned that the decision set a dangerous precedent and hoped that a mutually agreed solution could be found.⁴¹⁸

Several representatives expressed regret that the negotiations had broken down, but stated that now that Kosovo's independence was a fact, their Governments would recognize Kosovo as a new State under international supervision. They recalled that the comprehensive proposal for the Kosovo Status Settlement had recommended independence, supervised by the international community, and that this had been supported by a very wide range of the members of the international community, including the Secretary-General and the European Union.⁴¹⁹ Similarly, the representative of Croatia noted that the recognition of independence was a sovereign decision of each individual State and his Government would initiate the procedure, following a thorough analysis of all relevant

facts and of the implications of Kosovo's declaration of independence.⁴²⁰

The representative of Panama underlined that as the time for thinking about secession was past, the emphasis was now on finding options involving multi-ethnic and regional integration. He therefore appealed to the European Union, and particularly to the countries that had supported the declaration of independence of Kosovo, to make sure that today's political secession was resolved through the prompt incorporation of both Serbia and Kosovo within that regional organization.⁴²¹ The representative of Burkina Faso simply took note of the situation and called on all parties to avoid violence.⁴²²

Other speakers, however, maintained that more time should have been allotted to the negotiation process and that the declaration of independence was premature. They particularly emphasized the importance of respect for the sovereignty and territorial integrity of States in the Charter and stressed that all steps needed to be taken in conformity with resolution 1244 (1999). They suggested that the Council and the international community should encourage Serbia and Kosovo to continue their pursuit of a mutually acceptable solution through political and diplomatic means.⁴²³

A few speakers worried about the dangerous precedent that the declaration would set.⁴²⁴ The representative of the Libyan Arab Jamahiriya stated that the Council had to state its complete abidance with respect for the territorial integrity of States, and that what had taken place could not constitute a precedent to be used as a term of reference or as an excuse.⁴²⁵ Conversely, several representatives noted that Kosovo's independence was a unique situation that could be considered only within the context of the disintegration of Yugoslavia, which had led to the creation of new independent States, as well as the international administration of Kosovo, and thus could

⁴¹⁶ *Ibid.*, pp. 4-6 (Serbia); and pp. 6-7 (Russian Federation).

⁴¹⁷ S/1999/672.

⁴¹⁸ *Ibid.*, pp. 6-7.

⁴¹⁹ *Ibid.*, pp. 8-9 (Belgium); pp. 9-11 (Italy); pp. 12-13 (United Kingdom); pp. 17-18 (Costa Rica); pp. 18-19 (United States); and pp. 19-20 (France).

⁴²⁰ *Ibid.*, p. 16.

⁴²¹ *Ibid.*, p. 21.

⁴²² *Ibid.*, p. 15.

⁴²³ *Ibid.*, pp. 7-8 (China); pp. 11-12 (Indonesia); p. 14 (Viet Nam); and p. 16 (South Africa).

⁴²⁴ *Ibid.*, p. 14 (Viet Nam); and p. 15 (Libyan Arab Jamahiriya).

⁴²⁵ *Ibid.*, p. 15.

not be considered a precedent for any other situation.⁴²⁶

On the question of the mandate of EULEX, the representative of the United Kingdom rejected the idea that it could deploy only with the express agreement of the Council. He noted that the European Union had been part of the international civilian presence in Kosovo from the outset and that UNMIK had evolved and developed over the past nine years, adapting to changing circumstances within its original broad mandate without requiring any new decisions from the Council.⁴²⁷ In that regard, the Secretary-General noted that an enhanced role for the European Union would be assessed in the context of the overall concept of UNMIK operations, the objectives of the United Nations in Kosovo and the objectives of protecting the United Nations legacy in Kosovo and the Balkans.⁴²⁸

The representative of Panama stated that however much they attempted to gloss over the fact, the mandate of resolution 1244 (1999) had been overtaken by the realities. He pointed out that the fact that no deadline had been set for the expiration of the Mission explained why Council members had not been able to agree on how to adjust the mandate as circumstances required. He suggested that in the future all Council resolutions should have a clear deadline, so that they could be modified and readjusted to bring them into consistency with the realities they were trying to affect.⁴²⁹

On 11 March 2008, the Council met in response to a request from the representative of Serbia to consider the recognition of the illegal unilateral declaration of independence by some States.⁴³⁰ The Council heard a statement by the Minister for Foreign Affairs of Serbia, who reiterated his objections to the independence of Kosovo and stressed that the recognition of Kosovo's independence by 20 or so Member States had contributed to making the international system more unstable, more insecure and more unpredictable and had provided any ethnic or religious group with a grievance against its capital with a playbook on how to achieve its ends. He stated that

the declaration had been a direct assault on the innate operating logic of the international system, for resolution 1244 (1999) placed a binding Chapter VII obligation on all Member States to respect the sovereignty and territorial integrity of Serbia. While he welcomed the involvement of the European Union in Serbia, he maintained that the establishment of EULEX and the affiliated International Steering Group of countries went well outside the parameters of resolution 1244 (1999), and that their activities were strongly inconsistent with the principles of the Charter and the Helsinki Final Act. Both EULEX and the International Steering Group had set the goal of assisting in the implementation of the Comprehensive Proposal for the Kosovo Status Settlement, which had never been endorsed by the Council.⁴³¹

20 June to 26 November 2008: reconfiguration of UNMIK

On 20 June 2008, the Secretary-General presented his assessment of the situation in Kosovo and a way forward for UNMIK as the international civil presence in Kosovo within a landscape of enormous complexity and sensitivity. All of the recent developments, such as the violence at the customs posts and in Mitrovica, the elections organized by the Serbs and the promulgation in Pristina of a new constitution, had profoundly changed the environment in which UNMIK was operating. Mindful of the divisions in the international community, he stressed that the United Nations had taken a position of strict neutrality on the question of the status of Kosovo. Nonetheless, UNMIK was no longer able to effectively perform its tasks as an interim administration. The Secretary-General therefore proposed to adjust operational aspects of the international civil presence in Kosovo and reconfigure the profile and structure of UNMIK, which would continue to carry out functions related to police, courts, customs, transport and infrastructure, boundaries and Serbian patrimony among others. He also welcomed the creation of EULEX, stating that it would be in the best interests of the United Nations for the European Union to take on an enhanced role.⁴³²

The President of Serbia expressed concern at the fact that the new constitution effectively removed from

⁴²⁶ Ibid., p. 9 (Belgium); p. 14 (United Kingdom); pp. 18-19 (United States); and p. 20 (France).

⁴²⁷ Ibid., p. 13.

⁴²⁸ Ibid., p. 23.

⁴²⁹ Ibid., p. 21.

⁴³⁰ S/2008/162.

⁴³¹ S/PV.5850, pp. 2-5.

⁴³² S/PV.5917, pp. 2-4.

UNMIK its current powers as an interim civil administration and at the fact that the report of the Secretary-General gave an impression of acquiescing to an unjustifiable violation of resolution 1244 (1999). He stated that until the process envisaged in resolution 1244 (1999) to determine Kosovo's future status was complete, the international community, led by the United Nations, had to retain its central role in the maintenance of peace and stability in Kosovo. Any "reconfiguration" of the Mission had to be decided by the Council. He also expressed concern at the "new tasks" that KFOR intended to take up, including supervision of the standing down of the Kosovo Protection Corps and supervision and support of the establishment and training of the so-called Kosovo Security Force, a new institution whose establishment had not been approved by the Council.⁴³³

Mr. Fatmir Sejdiu, speaking as the President of Kosovo, stated that the transition to the new status had gone well. With the Comprehensive Proposal for the Kosovo Status Settlement serving as the guiding framework, they had adopted a new constitution and other legislation and, except for a few violent incidents, most of Kosovo remained calm and orderly. In respect of UNMIK, he noted that over the past years it had already been progressively handing over responsibilities to Kosovo's new institutions and had scaled down its physical presence and personnel as the situation had improved. He therefore welcomed the Secretary-General's plan for a modified role for UNMIK. He recognized that addressing the situation of their minority communities was the most essential element in preserving peace. He was therefore concerned that Serbia had been promoting a policy that its leaders called "functional separation of ethnic Serbs from ethnic Albanians in Kosovo". He stressed that the politics of division undermined the multi-ethnic governance that the United Nations had promoted in Kosovo since 1999.⁴³⁴

A number of representatives supported the proposals advanced by the Secretary-General, in particular the reconfiguration of UNMIK and greater European Union involvement. Several speakers also argued that in the absence of a Council decision on the matter, the Secretary-General had the authority under resolution 1244 (1999) to change the configuration of

the international civilian presence in Kosovo, as had already been done several times.⁴³⁵ The representative of the United Kingdom regretted, however, that the proposal did not go as far as his country believed it should, while the representative of the United States thought that it went too far in seemingly proposing a role for the United Nations that was more robust and long-term than necessary and that the Secretary-General should have acknowledged more explicitly that the United Nations could no longer play such a major role in Kosovo.⁴³⁶

The representative of China considered that the Secretary-General should continue to maintain close communications with the parties concerned in order that the reconfiguration plan would be more reliable, feasible and focused on a proper solution to the question of Kosovo.⁴³⁷

The representatives of the Russian Federation and Viet Nam insisted that resolution 1244 (1999) remained fully in force and a reconfiguration of UNMIK could not be done without explicit approval by the Council.⁴³⁸ The representative of the Russian Federation further called the deployment of EULEX and establishment of the International Steering Group illegal without a Council mandate. He said that any transfer of functions or property from UNMIK to the European Union mission or international civilian representative was unacceptable, as were any attempts to reorganize the international civilian presence in Kosovo while deliberately concealing information from Council members, as had been the case with the activities of the former Special Representative of the Secretary-General.⁴³⁹

On 25 July and 26 November 2008, the Council heard briefings by the Special Representative of the Secretary-General for Kosovo and the head of the United Nations Interim Administration Mission in Kosovo. In his briefings, the Special Representative stated that the overall security situation had remained

⁴³³ Ibid., pp. 4-6.

⁴³⁴ Ibid., pp. 6-8.

⁴³⁵ Ibid., pp. 8-9 (Italy); pp. 9-10 (Panama); pp. 10-11 (France); p. 14 (Belgium); p. 15 (Burkina Faso); p. 16 (Croatia); p. 17 (United Kingdom); p. 18 (Costa Rica); and pp. 18-20 (United States).

⁴³⁶ Ibid., pp. 16-17 (United Kingdom); and pp. 18-20 (United States).

⁴³⁷ Ibid., p. 18.

⁴³⁸ Ibid., pp. 11-12 (Russian Federation); and p. 13 (Viet Nam).

⁴³⁹ Ibid., p. 12 (Russian Federation).

calm and stable. However, the political situation and the institutional landscape remained complex. With only 52 Member States recognizing Kosovo so far, the slower than predicted process was hampering Kosovo's ability to forge ties with external actors, obtain membership in international organizations and reinforce the institutions of self-government. Assisted by many of the Member States that had recognized Kosovo, the Government, the presidency and the Assembly had continued to consolidate their control and authority over Kosovo's institutions. He observed that the Mission's role was becoming much more political, providing, for example, an interface for the process of dialogue between Belgrade and Pristina. As it was no longer practical for UNMIK to function as an administrator, he explained that the Mission was re-orienting its field presence to concentrate on areas occupied by non-Albanian communities, with a mandate to monitor the interests of those communities and retain a supporting and mediation role. He also noted that once EULEX had deployed throughout Kosovo, UNMIK would review its own presence accordingly.⁴⁴⁰

The Minister for Foreign Affairs of Serbia reiterated his Government's position rejecting the independence of Kosovo. He also cited a number of instances of attacks or discrimination against Serbs within Kosovo. However, at the meeting on 26 November 2008, he announced that an understanding with the Secretary-General had been reached in which a dialogue between Serbia and the United Nations would concentrate on six topics of mutual concern: police, judiciary, customs, transportation and infrastructure, administrative boundaries and Serbian patrimony (six points proposal).⁴⁴¹ He also expressed his pleasure that Serbia's "reasonable conditions" for EULEX, namely that it be status-neutral and guarantee that no part of its mandate be devoted to the implementation of the Comprehensive Proposal for the Kosovo Status Settlement, had been met. He also noted that on 8 October 2008 the General Assembly had adopted a resolution⁴⁴² to refer the question of status to the International Court of Justice.⁴⁴³

Mr. Skender Hyseni, speaking as Minister for Foreign Affairs of Kosovo, provided an update on the

efforts to implement both the ideals and the objectives enshrined in the Constitution and the Comprehensive Proposal. He noted that there had been practical moves even on the part of countries that had not yet recognized Kosovo's independence formally, to accept passports and find ways to accommodate the reality of an independent Kosovo. He expressed confidence that the opinion of the International Court of Justice would be fair and impartial and that their position would be reaffirmed.⁴⁴⁴

During the ensuing discussions, most speakers welcomed the Secretary-General's recommendations on the reconfiguration of UNMIK, which allowed for the deployment of EULEX, and the agreement between Serbia and the United Nations on the six points proposal. A number of speakers stressed that resolution 1244 (1999) still remained fully in force and that any adjustments to UNMIK were purely technical in nature. In respect of the referral by the General Assembly to the International Court of Justice, the representative of South Africa welcomed the decision by the General Assembly and expressed the view that the judgment would help to clarify the situation,⁴⁴⁵ while the representative of the United Kingdom noted that the General Assembly merely agreed that the Court should be asked to opine on the question which Serbia had asked and, that in adopting the resolution, the General Assembly had not approved Serbia's position on Kosovo's status.⁴⁴⁶

On 26 November 2008, the President made a statement,⁴⁴⁷ in which the Council welcomed the Secretary-General's report on UNMIK⁴⁴⁸ and, taking into account the positions of Belgrade and Pristina on the report, welcomed their intentions to cooperate with the international community. It also welcomed the cooperation between the United Nations and other international actors within the framework of its resolution 1244 (1999), and the continuing efforts of the European Union to advance the European perspective of the whole of the Western Balkans, thereby making a decisive contribution to regional stability and prosperity.

⁴⁴⁰ S/PV.5944, pp. 2-5; and S/PV.6025, pp. 2-4.

⁴⁴¹ S/2008/354, annex.

⁴⁴² Resolution 63/3.

⁴⁴³ S/PV.5944, pp. 5-7; and S/PV.6025, pp. 4-7.

⁴⁴⁴ S/PV.5944, pp. 7-9; and S/PV.6025, pp. 7-9.

⁴⁴⁵ S/PV.6025, p. 12 (South Africa).

⁴⁴⁶ *Ibid.*, p. 20 (United Kingdom).

⁴⁴⁷ S/PRST/2008/44.

⁴⁴⁸ S/2008/692.

23 March to 15 October 2009: briefings by the Special Representative of the Secretary-General

On 23 March, 17 June and 15 October 2009, the Council heard briefings by the Special Representative of the Secretary-General for Kosovo.

In his briefings, the Special Representative outlined developments in the region and the evolving activities of UNMIK. Overall, he noted that although conditions remained generally stable during the period, the situation in northern Kosovo remained an issue of concern, with the potential to destabilize other parts of Kosovo if not kept in check. He stated that the Mission had concentrated its efforts on crucial tasks: addressing the concerns of minority communities to foster confidence; promoting dialogue and reconciliation; and addressing external relations issues with non-recognizing States, including facilitating Kosovo's participation in regional and international processes. He noted that EULEX had assumed full operational responsibility in the rule-of-law area on 9 December 2008, within the framework of resolution 1244 (1999) and under the overall authority and within the status-neutral framework of the United Nations. In terms of relations between Belgrade and Pristina, he noted a number of areas where there was insufficient cooperation, particularly police cooperation, cultural heritage issues and missing persons. Finally, he noted that both Serbian and Kosovo authorities were increasingly concerned as to how their actions might influence the advisory opinion of the International Court of Justice on the legality of Kosovo's declaration of independence. As a result, the Mission's role in promoting pragmatic solutions had become more difficult: the authorities in Belgrade expected a robust UNMIK role, while the authorities in Pristina believed that the Mission's job was finished. Nonetheless, he had detected some acknowledgement that there were areas in which the Government of Kosovo and UNMIK could usefully work together.⁴⁴⁹

In their statements, the President of Serbia and the Minister for Foreign Affairs reiterated their consistent position on Kosovo and restated their rejection of the declaration of independence. They welcomed the reconfigured role of UNMIK, expressed support for EULEX and underlined the continuing need for the presence of KFOR. In respect of the case before the Court, they emphasized that the process should be

⁴⁴⁹ S/PV.6097 pp. 2-4; S/PV.6144, pp. 2-5; and S/PV.6202.

allowed to run its course without political interference. The Minister for Foreign Affairs noted in particular the signing of the Protocol on Police Cooperation between the Serbian Ministry of the Interior and EULEX, which was based on the best practices of long-standing cooperation with UNMIK police forces on those matters. He also noted improved cooperation with EULEX in other areas, such as intensified collaboration between special EULEX and Serbian war crimes prosecutors on serious cases, including organ harvesting committed by the Kosovo Liberation Army. On other issues, he noted that the authorities in Pristina continued to be uncooperative. Finally, he also rejected the upcoming local elections as the legitimacy of the entire electoral process had been compromised by the failure to hold them within a status-neutral framework.⁴⁵⁰

Mr. Hyseni, speaking as the Minister for Foreign Affairs of Kosovo, noted that significant progress had been made in the areas of State institution-building, more countries had recognized Kosovo and the Government had signed the articles of agreement of membership with the International Monetary Fund and the World Bank. He complained about interference by Serbia in their efforts to improve the living conditions of the Serb citizens of Kosovo, by supporting parallel structures in the north, discouraging members of the Serb community from integrating and calling for a boycott of the municipal elections. He also blamed Serbia for blocking Kosovo's participation in regional and other international bodies.⁴⁵¹

In their comments, many members of the Council welcomed the completion of the Mission's reconfiguration, as well its ongoing facilitation of cooperation between Pristina and Belgrade. Several speakers remained concerned about the continued ethnic tension and the lack of cooperation on key issues. Other speakers continued to emphasize that resolution 1244 (1999) was still legally binding and stressed that the Mission's role was still vital. In particular, the representative of the Russian Federation expressed the view that any attempt to question the competence and authority of UNMIK or to replace it

⁴⁵⁰ S/PV.6097, pp. 4-7 (President of Serbia); S/PV.6144, pp. 5-8 (Minister for Foreign Affairs of Serbia); and S/PV.6202, pp. 4-8 (Minister for Foreign Affairs of Serbia).

⁴⁵¹ S/PV.6097, pp. 7-9; S/PV.6144, pp. 8-10; and S/PV.6202, pp. 8-9.

with other international structures in the province was unacceptable, as it would run counter to the Council's approach package for the reconfiguration of UNMIK, adopted in November 2008. He stressed that representatives of UNMIK should participate in all Belgrade-EULEX meetings and stated that any further downsizing of the Mission's operational personnel was

unacceptable, as it would limit its ability to discharge its mandate. He also drew the Council's attention to the unacceptability of the arbitrary participation of Kosovo representatives in international forums, including the United Nations and its specialized agencies.⁴⁵²

⁴⁵² S/PV.6202, pp. 17-18.

Meetings: Security Council resolutions [1160 \(1998\)](#), [1199 \(1998\)](#), [1203 \(1998\)](#), [1239 \(1999\)](#) and [1244 \(1999\)](#)

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5821st 16 January 2008	Report of the Secretary-General on UNMIK (S/2007/768)	Comments of the Government of Serbia on the report of the Secretary-General on UNMIK (S/2008/7 , annex)	Rule 37 Serbia (President) Rule 39 Special Representative of the Secretary-General for Kosovo and Head of UNMIK	Serbia	
5839th 18 February 2008	Letter dated 17 February 2008 from the Permanent Representative of Serbia to the United Nations addressed to the President of the Security Council (S/2008/103) ^a Letter dated 17 February 2008 from the Permanent Representative of the Russian Federation addressed to the President of the Security Council (S/2008/104) ^b	Conclusions of the Council of the European Union on Kosovo and on the Western Balkans (S/2008/105 , annex) Letter from the European Union concerning its decision to deploy a rule-of-law mission to Kosovo (S/2008/106 , annex)	Rule 37 Serbia (President)	Secretary-General, all Council members, Serbia	

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5850th 11 March 2008	Letter dated 6 March 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Serbia to the United Nations addressed to the President of the Security Council (S/2008/162) ^c		Rule 37 Serbia (Minister for Foreign Affairs)	Serbia	
5917th 20 June 2008	Report of the Secretary-General on UNMIK (S/2008/354)	Letter from the representative of Serbia requesting a meeting of the Council (S/2008/401)	Rule 37 Serbia (President) Rule 39 Mr. Fatmir Sejdiu	Secretary- General, 13 Council members, ^d invitees	
5944th 25 July 2008	Report of the Secretary-General on UNMIK (S/2008/458)		Rule 37 Serbia (Minister for Foreign Affairs) Rule 39 Special Representative of the Secretary- General for Kosovo; Mr. Skender Hyseni	All Council members and all invitees	
6025th 26 November 2008	Report of the Secretary-General on UNMIK (S/2008/692)		Rule 37 Albania, Germany, Serbia (Minister for Foreign Affairs) Rule 39 Special Representative of the Secretary- General for Kosovo; Mr. Skender Hyseni	14 Council members, ^e rule 39 invitees	S/PRST/2008/44

**Part I. Consideration of questions under the responsibility of
the Security Council for the maintenance of
international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6097th 23 March 2009	Report of the Secretary-General on UNMIK (S/2009/149)		Rule 37 Serbia (President) Rule 39 Special Representative of the Secretary- General for Kosovo; Mr. Skender Hyseni	All Council members and all invitees	
6144th 17 June 2009	Report of the Secretary-General on UNMIK (S/2009/300)		Rule 37 Serbia (Minister for Foreign Affairs) Rule 39 Special Representative of the Secretary- General for Kosovo; Mr. Skender Hyseni	All Council members and all invitees	
6202nd 15 October 2009	Report of the Secretary-General on UNMIK (S/2009/497)		Rule 37 Serbia (Minister for Foreign Affairs) Rule 39 Special Representative of the Secretary- General for Kosovo; Mr. Skender Hyseni	All Council members and all invitees ^f	

^a Requesting an urgent meeting of the Council.

^b Supporting the request for a meeting made by the representative of Serbia.

^c Requesting an urgent meeting of the Council.

^d The Libyan Arab Jamahiriya and South Africa did not make statements.

^e Costa Rica did not make a statement.

^f Austria was represented by its Vice Federal Minister for European and International Affairs.

26. The situation in Georgia

Overview

During the period under review, the Security Council held 13 meetings, including 4 private meetings,⁴⁵³ and adopted three resolutions in connection with the situation in Georgia. It also considered several reports of the Secretary-General which provided updates on the activities of the United Nations Observer Mission in Georgia (UNOMIG).⁴⁵⁴ In addition, the Council focused on hostilities in South Ossetia, the six-point Ceasefire Agreement of 12 August 2008 and issues relating to the recognition by the Russian Federation of the independence of Abkhazia and South Ossetia.

The Council extended the mandate of UNOMIG once for a period of six months and twice for four months.⁴⁵⁵ In resolution 1866 (2009) the Council expressed its intention to outline the elements of a future United Nations presence in the region by 15 June 2009; however, on 15 June 2009, the Council rejected a draft resolution to extend the mandate of the Mission.¹⁶⁴⁵⁶

8 to 11 August 2008: outbreak of hostilities in South Ossetia

On 8 August 2008, the Council held a debate in response to the request of the Russian Federation.⁴⁵⁷ The representative of the Russian Federation held that the alarming situation in South Ossetia had been brought about by the blatant and aggressive actions of the Georgian armed forces against South Ossetia. He stressed his delegation's efforts to de-escalate the conflict and urged the Council to immediately call for an end to the hostilities and for a rejection of the use of force. At the same time, he pointed out that the reason for the incapacity of the Council to develop a clear reaction to these events lay in the absence of clear

political guidelines among Council members.⁴⁵⁸ The representative of Georgia, providing a detailed account of the events on the ground in the Tskhinvali region from 1 to 7 August, stated that the "illegal separatist authorities and armed formations" were under the control and direction of the security and defence agencies of the Russian Federation, which was a clear violation of that country's obligation to remain neutral.⁴⁵⁹ Council members expressed their concern at events in Georgia and appealed to the parties for an immediate cessation of hostilities and a resumption of negotiations.

Later the same day, the Council met in response to the request of Georgia.⁴⁶⁰ The representative of Georgia informed Council members of the latest developments in his country, which he said was facing a well-calculated provocation to escalate the situation in order to justify a premeditated military intervention from the Russian Federation.⁴⁶¹ The representative of the Russian Federation, on the other hand, stated that Georgia was continuing its treacherous attack on South Ossetia, in violation of the fundamental principle of the Charter concerning non-use of force, despite the appeal of the Russian leadership for an immediate ceasefire and a resumption of the negotiating process. He further emphasized that the Russian Federation had been present and continued to be present on the territory of Georgia on an absolutely legal basis, pursuant to its peacekeeping mission in accordance with international agreements.⁴⁶² The representatives of Croatia and the United States, however, expressed the view that the presence of Russian peacekeepers in South Ossetia violated Georgia's territorial integrity and sovereignty.⁴⁶³ Speakers expressed their deep concern about the deteriorating situation in Georgia and appealed to all parties concerned for restraint and an immediate cessation of hostilities, supporting the efforts by the Organization for Security and Cooperation in Europe (OSCE) and the European Union to achieve a ceasefire.

⁴⁵³ 5874th meeting, held on 23 April 2008; 5900th meeting, held on 30 May 2008; 5939th meeting, held on 21 July 2008; and 5954th meeting, held on 11 August 2008.

⁴⁵⁴ S/2008/38, S/2008/219, S/2008/480, S/2008/631, S/2009/69 and Corr.1 and S/2009/254.

⁴⁵⁵ Resolutions 1808 (2008), 1839 (2008) and 1866 (2009).

⁴⁵⁶ For more information, see part X, sect. I, in regard to the mandate of UNOMIG.

⁴⁵⁷ Letter dated 7 August 2008 from the representative of the Russian Federation (S/2008/533).

⁴⁵⁸ S/PV.5951, pp. 2-3 and 8.

⁴⁵⁹ *Ibid.*, pp. 3-5 and 8-9.

⁴⁶⁰ Letter dated 8 August 2008 from the representative of Georgia (S/2008/536).

⁴⁶¹ S/PV.5952, pp. 2-3 and 10.

⁴⁶² *Ibid.*, pp. 3-5 and 11.

⁴⁶³ *Ibid.*, p. 6 (Croatia); and p. 7 (United States).

On 10 August 2008, the Council held a debate in response to the requests of Georgia and the United States.⁴⁶⁴ In his briefing concerning the situation in Georgia, the Under-Secretary-General for Political Affairs reported a sharp escalation of hostilities that had spread to areas outside the zone of the Georgian-Ossetian conflict.⁴⁶⁵ The Assistant Secretary-General for Peacekeeping Operations briefed the Council on the events related to the mandate and area of responsibility of UNOMIG, noting that the situation in Abkhazia remained of extreme concern, with the military build-up of both Abkhaz and Russian forces on the Abkhaz side of the zone of conflict, as well as bombings of the Upper Kodori Valley. He reported that as a result, UNOMIG had needed to scale down its operations to essential patrols only.⁴⁶⁶ The representative of Georgia stated that an armed invasion by the Russian troops had been transformed into a full-scale occupation of parts of its territory, while all its troops had been withdrawn from the conflict zone. He called upon the Council for an immediate diplomatic and humanitarian intervention to protect Georgia from the “ongoing Russian aggression and occupation”.⁴⁶⁷ The representative of the United States expressed concern about the recent expansion of the conflict in and around Georgia, highlighting the intensification of Russian military activity in the South Ossetia region. Such military operations, which were supposedly invited to protect Russian peacekeepers and the civilian population in the region, went far beyond any reasonable measure required to do so. Therefore, the Council must condemn the Russian Federation’s military assault on the sovereign State of Georgia, ensure adherence to the provisions of the Charter and take actions to address that threat to international peace and security by respecting Article 2 (4) of the Charter.⁴⁶⁸ The representative of the Russian Federation, noting that the “Georgian aggression” against South Ossetia had begun on the night of 7 to 8 August, stressed that as its peacekeepers could not leave the civilians in South Ossetia in dire straits nor themselves be left without protection, additional troops had been sent to Georgia, for the task of removing Georgia from South Ossetia.

He demanded that the Georgian military withdraw from South Ossetia and expressed his country’s readiness to sign an agreement on the non-use of force in South Ossetia and Abkhazia.⁴⁶⁹ Other Council members reiterated the urgent need for an immediate cessation of hostilities, which had expanded in both intensity and geographical scope and resulted in severe humanitarian consequences, and repeated calls for a political solution to the conflict to restore the situation prevailing prior to 6 August. They supported the initiatives by the French presidency of the European Union and international mediation efforts. The Council’s urgent and unified action to shoulder its responsibilities was also called upon.

On 11 August 2008, the Council met in private in response to the request of Georgia,¹⁷⁴⁷⁰ and had an exchange of views.⁴⁷¹

19 August 2008: signing of the six-principle ceasefire agreement

On 19 August, at a meeting held in response to the request of France,⁴⁷² Council members discussed ways to ensure implementation by all the parties of the six-principle ceasefire agreement sponsored by the European Union presidency and agreed on 12 August 2008. The six principles were: (a) the commitment to renounce the use of force; (b) the immediate and definitive cessation of hostilities; (c) free access to humanitarian aid; (d) the withdrawal of Georgian forces to their places of permanent deployment; (e) the withdrawal of Russian forces to their lines of deployment prior to 7 August 2008; and (f) the convening of international discussions on lasting security and stability arrangements for Abkhazia and South Ossetia. The representative of Georgia held that the state of affairs in the country had not changed despite the ceasefire agreement, with parts of its territory, including Abkhazia and South Ossetia, still being under Russian occupation. He held that Georgia was fully complying with the ceasefire agreement reached and demanded the same action from the other

⁴⁶⁴ Letter dated 9 August 2008 from the representative of Georgia (S/2008/537), and letter dated 10 August 2008 from the United States (S/2008/538).

⁴⁶⁵ S/PV.5953, pp. 2-3.

⁴⁶⁶ *Ibid.*, pp. 3-4.

⁴⁶⁷ *Ibid.*, pp. 4-5 and 16-18.

⁴⁶⁸ *Ibid.*, pp. 5-7 and 17-18.

⁴⁶⁹ *Ibid.*, pp. 7-10, 17 and 18.

⁴⁷⁰ Letter dated 11 August 2008 from the representative of Georgia (S/2008/540).

⁴⁷¹ 5954th meeting.

⁴⁷² Letter dated 19 August 2008 from the representative of France (S/2008/561).

party to the conflict.⁴⁷³ The representative of the Russian Federation countered that it was consistently implementing its obligations under the Moscow six-principle agreement, preparing to establish the logistical bases for the peacekeeping posts and creating a security zone pursuant to the agreement. He further emphasized that the withdrawal of its troops would be commensurate with the effectiveness of Georgia's implementation of its obligations, and noted that the obligation of Georgian troops to return to their places of permanent deployment had not been fulfilled.⁴⁷⁴ Other Council members, supporting the six-principle agreement, called for the immediate withdrawal of the Russian forces, promised to begin on 18 August, as an essential component for the full implementation of the agreement. Speakers also touched upon the humanitarian situation in Georgia. A draft resolution calling for compliance with the agreement, circulated that day by France,⁴⁷⁵ received support by the majority of Council members. However, the representative of the Russian Federation explained that his country could not support the draft resolution, as the Council's attention should be focused on endorsing the six-principle ceasefire agreement and singling out individual elements of that plan; interpreting them to suit the purpose of "political propaganda" was counterproductive.⁴⁷⁶ No action was taken on the draft resolution during the debate.

28 August 2008: recognition by the Russian Federation of the independence of Abkhazia and South Ossetia

On 28 August 2008, in response to a request by Georgia,⁴⁷⁷ the Council considered the situation in Georgia, specifically the issue of the recognition by the Russian Federation of the independence of Abkhazia and South Ossetia. The representative of Georgia, characterizing the Russian decision as illegal, unilateral actions with regard to two provinces of Georgia, argued that the Russian Federation was in violation of the principles of the equal rights of self-determination of peoples and non-interference in the internal affairs of another State, among others, and

⁴⁷³ S/PV.5961, pp. 5-6 and 14.

⁴⁷⁴ S/PV.5961, pp. 11-12 and 14.

⁴⁷⁵ Not issued as a United Nations document.

⁴⁷⁶ S/PV.5961, p. 13.

⁴⁷⁷ Letter dated 27 August 2008 from the representative of Georgia (S/2008/587).

that such recognition contradicted all the Council resolutions on Georgia and the principle of territorial integrity.⁴⁷⁸ In contrast, the representative of the Russian Federation underscored his country's efforts to assist in settling the Abkhaz and South Ossetian conflict on the basis of the recognition of the territorial integrity of Georgia, despite the fact that Georgia, at its independence, had violated the rights of self-determination of the people of Abkhazia and South Ossetia. He maintained that its recognition of the independence had come in the light of the appeal of the South Ossetian and Abkhazian people, on the basis of the provisions of the Charter and other international agreements.⁴⁷⁹ Other Council members were critical about the recognition of independence by the Russian Federation and urged the Russian Federation to respect the territorial integrity of Georgia within its internationally recognized borders as reaffirmed in Council resolutions. They also highlighted the need to implement the six-principle ceasefire agreement. While many Council members regretted that the recent developments had diminished the prospect of achieving consensus, the representative of the Russian Federation stated that, regarding a Council resolution in response to the situation in Georgia, it was prepared to continue to work constructively on a consensus resolution and that the Russian draft resolution concerning the six principles⁴⁸⁰ was an appropriate basis.⁴⁸¹ Regarding references to the principle of territorial integrity, the representative questioned the Council members' treatment of and reaction to the unilateral declaration of independence by Kosovo.

9 September 2008: draft resolution imposing an arms embargo against Georgia

On 9 September 2008, one delegation introduced a draft resolution⁴⁸² by which an arms embargo would be imposed against Georgia. No action was taken on that draft.⁴⁸³

⁴⁷⁸ S/PV.5969, pp. 3-6 and 19-20.

⁴⁷⁹ Ibid., pp. 6-9, 16-19 and 21.

⁴⁸⁰ Not issued as a United Nations document.

⁴⁸¹ S/PV.5969, p. 19.

⁴⁸² Not issued as a United Nations document.

⁴⁸³ See A/64/2, p. 39.

15 June 2009: rejection of a draft resolution for extension of the mandate of UNOMIG

On 15 June 2009, the Council voted on a draft resolution⁴⁸⁴ seeking to extend by two weeks the mandate of UNOMIG, which was to expire on the same day. The draft resolution was not adopted owing to the negative vote by a permanent member. Explaining his country's position, the representative of the Russian Federation held that the mandate of UNOMIG had ceased to exist, owing to Georgian aggression against South Ossetia in August 2008. Therefore, he could not support the draft resolution, which would have established a new security regime with "politically incorrect provisions and old, contradictory terms", and

which was aimed at reaffirming the territorial integrity of Georgia and denying the existence of Abkhazia as a State. The representative also objected to the new mission being called an observer mission in Georgia, when it would operate in both Georgia and Abkhazia, and to the reference to resolution 1808 (2008). He was convinced that it was time for an appropriate reflection in international documents of the new military and political position of States in the region.⁴⁸⁵ Other Council members and the representative of Georgia regretted the rejection of the draft resolution on a technical rollover of UNOMIG, which was aimed at giving some time for the negotiations.

⁴⁸⁴ S/2009/310.

⁴⁸⁵ S/PV.6143, pp. 2-3 and 10-11.

Meetings: the situation in Georgia

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5866th 15 April 2008	Report of the Secretary-General on the situation in Abkhazia, Georgia (S/2008/219)	Draft resolution submitted by 6 Member States ^a (S/2008/248)	Rule 37 Germany		Resolution 1808 (2008) 15-0-0
5951st 8 August 2008	Letter dated 7 August 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/2008/533)	Letters from the representative of Georgia concerning the latest developments in the Tskhinvali region (S/2008/534, S/2008/535)	Rule 37 Georgia	10 Council members, ^b Georgia	
5952nd 8 August 2008	Letter dated 8 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council (S/2008/536)		Rule 37 Finland (on behalf of the chairmanship of OSCE), Georgia	All Council members, Finland, Georgia	

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5953rd 10 August 2008	Letter dated 9 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council (S/2008/537) Letter dated 10 August 2008 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/2008/538)		Rule 37 Georgia Rule 39 Under-Secretary-General for Political Affairs, Assistant Secretary-General for Peacekeeping Operations	13 Council members ^c and all invitees	
5961st 19 August 2008	Letter dated 19 August 2008 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council (S/2008/561)		Rule 37 Georgia Rule 39 Under-Secretary-General for Political Affairs, Assistant Secretary-General for Peacekeeping Operations	8 Council members ^d and all invitees	
5969th 28 August 2008		Letter from the representative of Georgia requesting a Council meeting to consider the unilateral actions of the Russian Federation in regard to Abkhazia and South Ossetia (S/2008/587)	Rule 37 Georgia Rule 39 Officer-in-Charge of the Department of Political Affairs, Officer-in-Charge of the Department of Peacekeeping Operations	11 Council members ^e and all invitees	

**Part I. Consideration of questions under the responsibility of
the Security Council for the maintenance of
international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5992nd 9 October 2008	Report of the Secretary-General on the situation in Abkhazia, Georgia (S/2008/631)	Draft resolution (S/2008/639)			Resolution 1839 (2008) 15-0-0
6082nd 13 February 2009	Report of the Secretary-General on the situation in Abkhazia, Georgia, pursuant to Security Council resolution 1839 (2008) (S/2009/69)	Draft resolution (S/2009/88)	Rule 37 Georgia, Germany		Resolution 1866 (2009) 15-0-0
6143rd 15 June 2009	Report of the Secretary-General pursuant to Security Council resolutions 1808 (2008), 1839 (2008) and 1866 (2009) (S/2009/254)	Letter from the representative of Georgia in regard to violations by the Russian Federation of the six-point ceasefire agreement of 12 August 2008 (S/2009/305) Letter from the representative of Georgia regarding an interview given by a Major General of the Russian Army (S/2009/306) Draft resolution submitted by 7 States ^f (S/2009/310)	Rule 37 Georgia, Germany	All Council members, Georgia	Rejection of draft resolution (S/2009/310) 10-1 (Russian Federation)-4 (China, Libyan Arab Jamahiriya, Uganda, Viet Nam)

^a Croatia, France, Germany, Russian Federation, United Kingdom and United States.

^b Belgium, China, Croatia, France, Indonesia, Italy, Russian Federation, United Kingdom, United States and Viet Nam.

^c Belgium, Burkina Faso, Costa Rica, Croatia, France, Indonesia, Italy, Libyan Arab Jamahiriya, Panama, Russian Federation, United Kingdom, United States and Viet Nam.

^d Belgium, Costa Rica, Croatia, France, Italy, Russian Federation, United Kingdom and United States.

^e Belgium, Costa Rica, Croatia, France, Indonesia, Italy, Panama, Russian Federation, South Africa, United Kingdom and United States.

^f Austria, Croatia, France, Germany, Turkey, United Kingdom and United States.

Middle East

27. The situation in the Middle East

Overview

During the period under review, the Security Council held 21 meetings in connection with the item entitled “The situation in the Middle East”, including 6 private meetings with the troop-contributing countries,⁴⁸⁶ and adopted eight resolutions and six presidential statements. The Council addressed four primary topics in the meetings: (a) the United Nations Disengagement Observer Force (UNDOF);⁴⁸⁷ (b) the United Nations Interim Force in Lebanon (UNIFIL) and resolution 1701 (2006); (c) resolution 1559 (2004);⁴⁸⁸ and (d) the International Independent Investigation Commission⁴⁸⁹ and resolution 1595 (2005).

The Council renewed the mandate of UNDOF four times for periods of six months.⁴⁹⁰ Immediately following each decision, the Council issued a statement by the President in which it concurred, respectively, with the statement of the Secretary-General that “the situation in the Middle East is tense and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached”.⁴⁹¹ The Council also renewed the mandate of

UNIFIL twice for periods of one year,⁴⁹² and twice extended the mandate of the Commission⁴⁹³ prior to 1 March 2009, when the Special Tribunal for Lebanon became operational.

United Nations Interim Force in Lebanon and resolution 1701 (2006)

15 April 2008: presidential statement on the implementation of resolution 1701 (2006)

On 15 April 2008, the Council, in a statement by the President,⁴⁹⁴ called upon all concerned parties to intensify their efforts in implementing resolution 1701 (2006), which called for the immediate cessation by Hizbullah of all attacks and the immediate cessation by Israel of all offensive military operations.

27 August 2008 and 27 August 2009: extension of the mandate of UNIFIL

On 27 August 2008, following the decision to extend the mandate of UNIFIL until 31 August 2009, the representative of Israel expressed the view that UNIFIL faced challenges to its activities and mandate, such as the presence and massive redeployment of armed Hizbullah elements, their acquisition of capabilities north and south of the Litani River, and the continuous transfer of weapons from the Islamic Republic of Iran and the Syrian Arab Republic to Hizbullah. He emphasized that his country expected UNIFIL to exert its authority to take all necessary action where its forces were deployed, to ensure that its area of operations was not utilized for hostile activities of any kind and to resist attempts to prevent it from discharging its mandate.⁴⁹⁵

The representative of Lebanon opined that two years after its adoption, resolution 1701 (2006) had not been fully implemented. He referred, *inter alia*, to Israel’s repeated violations of Lebanese airspace and

⁴⁸⁶ In relation to UNDOF: 5918th meeting, held on 23 June 2008; 6035th meeting, held on 10 December 2008; 6146th meeting, held on 19 June 2009; and 6232nd meeting, held on 7 December 2009. In relation to UNIFIL: 5965th meeting, held on 25 August 2008; and 6181st meeting, held on 13 August 2009.

⁴⁸⁷ For more information, see part X, sect. I, in regard to the mandate of UNDOF.

⁴⁸⁸ In the resolution the Council declared its support for a free and fair electoral process in Lebanon’s presidential election, called upon all remaining foreign forces to withdraw from Lebanon, and called for the disbanding and disarmament of all Lebanese and non-Lebanese militias.

⁴⁸⁹ For more information, see part IX, sect. III, in regard to the Commission, and part IX, sect. IV, in regard to the Special Tribunal for Lebanon.

⁴⁹⁰ Resolutions 1821 (2008), 1848 (2008), 1875 (2009) and 1899 (2009).

⁴⁹¹ S/PRST/2008/25, S/PRST/2008/46, S/PRST/2009/18 and S/PRST/2009/34.

⁴⁹² Resolutions 1832 (2008) and 1884 (2009).

⁴⁹³ Resolutions 1815 (2008) and 1852 (2008).

⁴⁹⁴ S/PRST/2008/8.

⁴⁹⁵ S/PV.5967, pp. 2-3.

its refusal to hand over to the United Nations maps of cluster bombs that it had planted in Southern Lebanon, and emphasized that there could be no doubt about the identity of the party that must be held responsible for obstructing the full implementation of resolution [1701 \(2006\)](#).⁴⁹⁶

On 27 August 2009, following the decision to extend the mandate of UNIFIL until 31 August 2010, the representative of Israel underscored recent serious incidents in Southern Lebanon, such as multiple explosions and the presence of Hizbullah individuals, as reported by the Secretary-General in his report recommending the renewal of the Mission's mandate ([S/2009/407](#)).⁴⁹⁷

The representative of Lebanon expressed the view that, three years after the adoption of resolution [1701 \(2006\)](#), it had still not been fully implemented owing to Israeli actions, such as the continued breaches of the Blue Line and its repeated violations of Lebanese airspace, among others. Drawing upon comments by Israel's Minister of Defence, he pointed out that Israeli actions constituted not only a violation of resolution [1701 \(2006\)](#) but ran counter to the fundamental principles of the Charter of the United Nations.⁴⁹⁸

Resolution [1559 \(2004\)](#)

8 May 2008 to 7 May 2009: briefings by the Special Envoy

On 8 May 2008, in his briefing to the Council, the Special Envoy of the Secretary-General for the implementation of Security Council resolution [1559 \(2004\)](#) reported that Lebanon had continued to experience a severe political crisis, centred in particular on the failure to elect a president, a position which had remained vacant since 24 December 2007 despite sustained efforts of the Lebanese, regional and international players. He noted that there had been no discussion among Lebanese political leaders about a political process leading to the disbanding and disarming of Lebanese and non-Lebanese militias, as called for in resolution [1559 \(2004\)](#). He cited several incidents of violence in the country involving different

militias, and tensions between the Government and Hizbullah. In particular, he noted that the disclosure of a Hizbullah communications network covering much of the country and linked to the Syrian Arab Republic had given rise to growing fears that Hizbullah was building parallel institutional structures distinct from those of the State. Hizbullah had refused to shut down the network, claiming that it was part of its arsenal. Meanwhile, the violation of Lebanese sovereignty and airspace by Israeli aircraft and Israeli occupation of the northern Ghajar region continued. In other areas, relations between the Syrian Arab Republic and Lebanon had still not been normalized three years since the withdrawal of Syrian forces. Overall, the Special Envoy concluded that no tangible progress had been made towards the implementation of resolution [1559 \(2004\)](#).⁴⁹⁹

On 22 May 2008, the Council, in a statement by the President,⁵⁰⁰ welcomed and strongly supported the agreement to elect a President of Lebanon reached in Doha on 21 May 2008 under the auspices of the League of Arab States.

On 30 October 2008 and 7 May 2009, in his briefings to the Council, the Special Envoy reported that major strides had been made over the preceding 12 months towards full implementation of resolution [1559 \(2004\)](#). A general improvement of the situation in Lebanon, combined with reconciliation efforts in the region, had created a favourable environment for strengthening Lebanon's sovereignty, political independence and government control throughout the country. He noted that the election of the President had revived the constitutional political process in Lebanon, in particular by allowing the convening of Parliament, which had been paralysed for almost two years. He also reported positive progress in the establishment of diplomatic relations between Lebanon and the Syrian Arab Republic. In particular, he cited the summit meeting between President Bashar Al-Assad of the Syrian Arab Republic and President Michel Sleiman of Lebanon in August 2008 and subsequent steps towards establishment of full diplomatic relations, coupled with progress on the issue of demarcation of the border between the two countries, as major strides towards the full implementation of resolution [1559 \(2004\)](#). Israeli violations of Lebanese sovereignty had continued and

⁴⁹⁶ Ibid., pp. 3-4.

⁴⁹⁷ S/PV.6183, pp. 2-3.

⁴⁹⁸ Ibid., pp. 3-4.

⁴⁹⁹ S/PV.5888, pp. 2-6.

⁵⁰⁰ S/PRST/2008/17.

other threats to the stability and sovereignty of Lebanon continued to exist, such as the lack of progress in the disbanding and disarming of militias. Occasional security incidents highlighted the proliferation of weapons and the continued presence of armed groups, including armed Hizbullah militia, in violation of resolution 1559 (2004). The Special Envoy asserted that the disbanding and disarming of such militias was a necessary element to the complete consolidation of Lebanon as a sovereign and democratic State.⁵⁰¹

Resolution 1595 (2005) and the International Independent Investigation Commission

8 April 2008 and 17 December 2008: investigation by the Commission

On 8 April 2008, in his briefing to the Council, the Commissioner of the International Independent Investigation Commission⁵⁰² reported that it now had evidence of the existence of a network of individuals involved in the assassination of former Prime Minister Rafiq Hariri. He also reported that the Commission had other evidence regarding the network, such as the fact that it existed before and after the assassination, and that the Commission's priority was to gather more evidence about its scope, the identity of all its participants, their links with others outside the network and their role in the attacks.⁵⁰³ The representative of Lebanon made a statement welcoming the work of the Commission and the results achieved to date.⁵⁰⁴ The representative of the Russian Federation requested

clarification of the Commission's position regarding our Lebanese individuals who had been incarcerated in connection with the incident.⁵⁰⁵ The Commissioner replied that the situation of those individuals resulted from a decision that was made by the Lebanese judicial authorities according to Lebanese criminal law, while declining to comment on details of his discussions on the matter with the Prosecutor General of Lebanon, citing the need to maintain confidentiality and the fact that the matter may soon be litigated before an international tribunal.⁵⁰⁶

On 17 December 2008, in his briefing to the Council, the Commissioner reported that progress had been made in the Hariri investigation, including the identification of new information linking additional individuals with the network that carried out the assassination. The Commissioner also outlined the transition of the Commission to the Special Tribunal for Lebanon scheduled for 1 March 2009, and recommended a two-month extension of the mandate of the Commission so that it could continue to carry out its tasks until the Special Tribunal commenced functioning. He clarified that after the Tribunal began functioning, he would continue the investigation in his future role as Prosecutor. The investigation would move to its international phase, in which the Prosecutor would take the lead from the Lebanese authorities. The actual trial would commence only after the investigation was completed. While acknowledging the difficulties faced by the Commission in its investigation, the Commissioner also strongly emphasized that the case could be solved.⁵⁰⁷ The representative of Lebanon made a statement thanking the Commissioner for his efforts and acknowledging the work of the Commission.⁵⁰⁸

⁵⁰¹ S/PV.6008, pp. 3-5 and S/PV.6120, pp. 2-6.

⁵⁰² By resolution 1595 (2005) the Council, *inter alia*, established the International Independent Investigation Commission to investigate the assassination of former Prime Minister Rafiq Hariri and other attacks.

⁵⁰³ S/PV.5863, pp. 3-4.

⁵⁰⁴ *Ibid.*, pp. 5-6.

⁵⁰⁵ *Ibid.*, pp. 4-5.

⁵⁰⁶ *Ibid.*, p. 6.

⁵⁰⁷ S/PV.6047, pp. 2-4.

⁵⁰⁸ *Ibid.*, pp. 4-5.

Meetings: the situation in the Middle East

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
UNDOF					
5926th 27 June 2008	Report of the Secretary- General on UNDOF (S/2008/390)	Draft resolution (S/2008/415)			Resolution 1821 (2008) 15-0-0 S/PRST/2008/25
6039th 12 December 2008	Report of the Secretary- General on UNDOF (S/2008/737)	Draft resolution (S/2008/771)			Resolution 1848 (2008) 15-0-0 S/PRST/2008/46
6148th 23 June 2009	Report of the Secretary- General on UNDOF (S/2009/295)	Draft resolution (S/2009/320)			Resolution 1875 (2009) 15-0-0 S/PRST/2009/18
6241st 16 December 2009	Report of the Secretary- General on UNDOF (S/2009/597)	Draft resolution (S/2009/651)			Resolution 1899 (2009) 15-0-0 S/PRST/2009/34
UNIFIL and resolution 1701 (2006)					
5867th 15 April 2008	Report of the Secretary- General on the implementation of Security Council resolution 1701 (2006) (S/2008/135)		Rule 37 Lebanon		S/PRST/2008/8
5967th 27 August 2008	Letter dated 21 August 2008 from the Secretary- General addressed to the President of the Security Council (S/2008/568)	Draft resolution submitted by 6 Member States ^a (S/2008/583) Report of the Secretary- General on the implementation of resolution 1701 (2006) (S/2008/425)	Rule 37 Israel, Lebanon	Israel, Lebanon	Resolution 1832 (2008) 15-0-0

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6183rd 27 August 2009	Letter dated 6 August 2009 from the Secretary- General addressed to the President of the Security Council (S/2009/407)	Draft resolution submitted by 7 Member States ^b (S/2009/431) Report of the Secretary- General on resolution 1701 (2006) (S/2009/330)	Rule 37 Belgium, Israel, Italy, Lebanon, Spain	Israel, Lebanon	Resolution 1884 (2009) 15-0-0
Resolution 1559 (2004)					
5888th 8 May 2008			Rule 37 Lebanon Rule 39 Special Envoy of the Secretary- General for the implementation of Security Council resolution 1559 (2004)	Special Envoy of the Secretary- General for the implementation of Security Council resolution 1559 (2004)	
5896th 22 May 2008			Rule 37 Lebanon		S/PRST/2008/17
6008th 30 October 2008	Eighth semi- annual report of the Secretary- General on the implementation of Security Council resolution 1559 (2004) (S/2008/654)		Rule 37 Lebanon Rule 39 Special Envoy for the implementation of Security Council resolution 1559 (2004)	Special Envoy for the implementation of Security Council resolution 1559 (2004)	

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6120th 7 May 2009	Ninth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004) (S/2009/218)		Rule 37 Lebanon Rule 39 Special Envoy for the implementation of Security Council resolution 1559 (2004)	Special Envoy for the implementation of Security Council resolution 1559 (2004)	
Resolution 1595 (2005)					
5863rd 8 April 2008	Letter dated 28 March 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/10)		Rule 37 Lebanon Rule 39 Commissioner of the International Independent Investigation Commission	1 Council member (Russian Federation), all invitees ^c	
5901st 2 June 2008	Letter dated 16 May 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/334)	Draft resolution submitted by France (S/2008/349) Tenth report of the International Independent Investigation Commission (S/2008/210)	Rule 37 Lebanon		Resolution 1815 (2008) 15-0-0
6047th 17 December 2008	Letter dated 2 December 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/752)	Letter from the representative of Lebanon concerning the extension of the mandate of the Commission (S/2008/764)	Rule 37 Lebanon Rule 39 Commissioner of the International Independent Investigation Commission	All invitees	

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6048th 17 December 2008	Letter dated 2 December 2008 from the Secretary- General addressed to the President of the Security Council (S/2008/752)	Draft resolution submitted by France (S/2008/792) Letter from the representative of Lebanon concerning the extension of the mandate of the Commission (S/2008/764)	Rule 37 Lebanon Rule 39 Commissioner of the International Independent Investigation Commission		Resolution 1852 (2008) 15-0-0

^a Belgium, Croatia, France, Italy, United Kingdom and United States.

^b Belgium, Croatia, France, Italy, Spain, United Kingdom and United States.

^c The Commissioner of the International Independent Investigation Commission made a second statement.

28. The situation in the Middle East, including the Palestinian question

Overview

During the period under review, the Security Council held 33 meetings in connection with the situation in the Middle East, including the Palestinian question, adopting two resolutions and one presidential statement. In 2008, discussions focused mainly on the deteriorating situation in the Gaza Strip. In December 2008 and January 2009, the Council held a series of meetings in response to a major Israeli military operation against Hamas in the Gaza Strip, which resulted in heavy civilian casualties, and adopted a resolution in response to the situation. For the most part, in 2009, the Council focused its efforts on responding to the ongoing situation in Gaza. The Council also continued to discuss developments in the West Bank and in Lebanon.

22 January 2008: briefing and discussion regarding the situation in the Gaza Strip

On 22 January 2008, in his briefing to the Council, the Under-Secretary-General for Political Affairs reported that the situation in the Gaza Strip had deteriorated since 15 January 2008, when the Israel Defense Forces entered Gaza and were engaged by Hamas militants in a heavy battle. In the fighting that followed, rockets and mortar attacks were launched at Israel by militants. As a result, 11 Israelis were injured,

and one Ecuadorian national was killed by a sniper attack. A total of 42 Palestinians were killed and 117 injured by the Israel Defense Forces in ground incursions and air strikes. The Under-Secretary-General stated that while the violence had de-escalated in the past few days, the situation remained extremely fragile. He also recalled that the Gaza crossings had remained largely closed since the Hamas takeover in June 2007, except for imports to meet minimal humanitarian needs.⁵⁰⁹

The Permanent Observer of Palestine condemned the military assaults by Israeli forces and the continuing siege of the Gaza Strip, emphasizing the severe humanitarian consequences, and called on the Council to take immediate measures to address the crisis.⁵¹⁰ The representative of Israel pointed out the continuous rocket attacks directed at Israel from Gaza, and citing its inherent right under Article 51 of the Charter to protect and defend its people, asserted that continuing to choose Hamas would only lead to continued suffering for both Israelis and Palestinians.⁵¹¹ The representative of the United States stated that Hamas was responsible for the current

⁵⁰⁹ S/PV.5824, pp. 3-4.

⁵¹⁰ Ibid., pp. 5-8.

⁵¹¹ Ibid., pp. 8-9.

situation as a result of their policies and actions, especially the rain of rockets into southern Israel despite the complete Israeli withdrawal in 2005.⁵¹² Other speakers unanimously condemned the escalation of violence and expressed concern regarding the deteriorating humanitarian conditions in Gaza, and many also called for Israel to lift its blockade. Several speakers expressed concern that the escalation on the ground could very well undermine the hopes for the peace process which had been raised at the Annapolis conference in November 2007.

30 January 2008: destruction of the border fence between Egypt and the Gaza Strip

On 30 January 2008, in his briefing to the Council, the Under-Secretary-General for Political Affairs reported that entire sections of the border fence with Egypt had been destroyed by Palestinian militants, and that hundreds of thousands of Gazans had crossed the border. Levels of violence had been significantly reduced in the preceding week, but Palestinian militants continued to fire rockets and mortars, and Israel carried out incursions and air strikes on Gaza. Owing to the comprehensive closure of the border imposed by Israel, fewer trucks were able to enter Gaza, and the resulting low supplies had affected the humanitarian operations of the World Food Programme and other agencies.⁵¹³

The representative of Palestine condemned Israel's continued siege and aggression against the Gaza Strip, and emphasized the important role of the international community in promoting calm and stability, addressing the humanitarian situation and advancing the peace process.⁵¹⁴ Regarding the situation in Gaza, the representative of Israel condemned the continued attacks by Hamas, while emphasizing its commitment to the vision of a two-State solution, exemplified in its willingness to engage in dialogue with the moderate Palestinian Authority.⁵¹⁵ The majority of Council members expressed their concern regarding the continuing humanitarian crisis in Gaza as well as the deteriorating security situation in Lebanon. Several Council members expressed regret that the Council had been unable to reach a consensus on a draft presidential statement concerning the

situation in Gaza and southern Israel. The representative of the United States noted that the lack of agreement on a text was not the result of a lack of concern about the humanitarian situation, but stressed that the Council needed to address the circumstances that had given rise to the situation, in particular by calling on Hamas to cease its acts of violence and make progress towards a two-State solution.⁵¹⁶

26 February to 25 November 2008: briefings concerning the situation in the Middle East

On 26 February 2008, in his briefing to the Council, the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General reported on the developments in the region, including the political negotiations between the Government of Israel and the Palestinian Authority and the situation in the West Bank, the Gaza Strip and southern Israel. He called upon all parties to work closely with the Quartet partners, countries of the region and the Council towards implementation of the road map.⁵¹⁷ The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator also briefed the Council, and reported on the grave humanitarian situation in Gaza, emphasizing that the situation was not sustainable and extremely damaging to the prospects for the current peace process.⁵¹⁸

On 1 March 2008, the Secretary-General addressed the Council. Noting that there had been a deeply alarming escalation of violence in Gaza and southern Israel, resulting in many civilian deaths, he condemned the Palestinian rocket attacks and called for the immediate cessation of such acts of terrorism.⁵¹⁹ On 25 March, the Council heard a briefing by the Under-Secretary-General for Political Affairs, in which he noted that violence had since spread to Jerusalem and the West Bank, with several serious incidents. He also reported that while the humanitarian situation remained serious, especially in Gaza, negotiations between the Government of Israel and the Palestinian Authority had resumed after a brief period of suspension.⁵²⁰ At the meetings, the representative of Palestine reiterated his call upon the Council to

⁵¹² Ibid., p. 17-18.

⁵¹³ S/PV.5827, pp. 2-5.

⁵¹⁴ Ibid., pp. 5-8.

⁵¹⁵ Ibid. pp. 8-11.

⁵¹⁶ Ibid., p. 26.

⁵¹⁷ S/PV.5846, pp. 2-5.

⁵¹⁸ Ibid., pp. 5-7.

⁵¹⁹ S/PV.5847, pp. 2-3.

⁵²⁰ S/PV.5859, pp. 3-6.

shoulder its legal and moral obligations and provide Palestinians with urgently needed and effective protection. He condemned Israel's military operations, noting that they had resulted in many civilian deaths, and urged the Council to take urgent and practical measures to ensure that Israel complied with its obligations under international law and ceased its illegal practices.⁵²¹ The representative of Israel described the activities of Hamas against Israel as terrorism and condemned the repeated rocket attacks by Hamas. He asserted that the Islamic Republic of Iran was using proxies such as Hizbullah in Lebanon and Hamas among the Palestinians to draw the moderates into a "cosmic battle" with Israel.⁵²²

Many speakers condemned the continuation of violence, expressed concern regarding the precarious humanitarian situation in Gaza and the continuing settlement activities by Israel, and urged both parties to take steps to meet their obligations under the road map.

On 23 April, 28 May and 27 June 2008, the Council heard briefings by the Assistant Secretary-General for Political Affairs, the Special Coordinator for the Middle East Peace Process and the Director of the Asia and the Pacific Division of the Department of Political Affairs, respectively. In their briefings, they reported that efforts to advance the political process continued through direct bilateral negotiations, despite major episodes of violence, especially in and around Gaza, and that the serious humanitarian situation continued. However, an Egyptian-led effort to achieve a ceasefire in Gaza had succeeded and had taken effect on 19 June 2008, although sporadic violence had continued. There had also been a number of important political developments: the announcement of the start of indirect peace negotiations between Israel and the Syrian Arab Republic; new pledges of investment in the Palestinian economy and the announcement of new measures to improve conditions on the ground in the West Bank; and in Lebanon, an initiative by the League of Arab States to end the 18-month political impasse.⁵²³

On 22 July 2008, in his briefing to the Council, the Under-Secretary-General for Political Affairs

reported that there were a number of encouraging developments across the Middle East, especially in Lebanon, where a major step forward had been taken with the announcement of a national unity Government on 11 July 2008; in the Gaza Strip, the ceasefire had held and there was a marked decline in violence; and indirect peace negotiations between Israel and the Syrian Arab Republic were continuing. However, he expressed concern about the lack of improvement in the situation on the ground in the West Bank.⁵²⁴

The representative of Palestine condemned the continued settlement activities by Israel as the main obstruction to the peace process. Also recalling that the month marked the fourth anniversary of the advisory opinion of the International Court of Justice on the construction of the wall in the Occupied Palestinian Territory, he characterized the wall as part of Israel's "colonization attempts", which, together with the large number of Israeli settlements and checkpoints restricting Palestinian movement, resulted in the severe fragmentation of the Occupied Palestinian Territory.⁵²⁵

Most speakers welcomed the positive developments in the region, in particular the formation of a unity Government in Lebanon and the ongoing indirect peace negotiations between Israel and the Syrian Arab Republic. In regard to the Palestinian question, a majority of the speakers noted that the settlement activities by Israel had impeded the peace process, and called upon Israel to freeze all settlement construction and dismantle unauthorized outposts.

On 20 August and 18 September 2008, the Under-Secretary-General for Political Affairs and the Special Coordinator for the Middle East Peace Process, respectively, briefed the Council on a number of significant developments in the region, including the announcement by Ehud Olmert, the Prime Minister of Israel, that he would not seek re-election, and the rise in internal Palestinian violence as Hamas initiated a campaign for total control over Gaza. The Egyptian-mediated ceasefire between Hamas and Israel that began on 19 June 2008 continued to hold, but the situation on the ground in the West Bank and East Jerusalem remained fragile.⁵²⁶

On 22 October and 25 November 2008, the Under-Secretary-General for Political Affairs reported

⁵²¹ S/PV.5847, pp. 3-6; and S/PV.5859, pp. 6-10.

⁵²² S/PV.5847, pp. 6-7; and S/PV.5859, pp. 10-13.

⁵²³ S/PV.5873, pp. 2-5; S/PV.5899, pp. 2-4; and S/PV.5927, pp. 2-4.

⁵²⁴ S/PV.5940, pp. 2-5.

⁵²⁵ *Ibid.*, pp. 5-7.

⁵²⁶ S/PV.5963, pp. 2-4; and S/PV.5974, pp. 2-4.

on recent developments in the region, noting that bilateral negotiations between Israel and the Palestinian Authority continued. A Quartet meeting had been held on 9 November 2008 in which, for the first time, Israel and Palestine had jointly participated. While the ceasefire in Gaza brokered by Egypt continued to hold, he reported that the humanitarian situation remained dire, with the split between the Gaza Strip and the West Bank having increasingly adverse effects. While regretting the fact that the parties would likely fall short of their commitment made at the Annapolis conference to reach an agreement by the end of 2008, the Under-Secretary-General for Political Affairs welcomed the parties' affirmation that they had engaged in direct, sustained and intensive negotiations. Nevertheless, he also noted, citing a number of recent violent incidents, that the gap between the political tracks and the situation on the ground remained large.⁵²⁷

26 September 2008: Settlement activities in the occupied Palestinian territories

On 26 September 2008, the Council convened a meeting at the request of Saudi Arabia,⁵²⁸ on behalf of the League of Arab States, to discuss the issue of continued Israeli settlement activities in the occupied Palestinian territories. In the view of the representative of Saudi Arabia, such activities were the one issue that threatened to bring down the whole peace process, and he requested that the meeting remain open until the Council reached an appropriate conclusion.⁵²⁹

The Secretary-General of the League of Arab States expressed regret that most of the four objectives agreed at the Annapolis conference — the establishment of a Palestinian state by the end of 2008; the resumption of Israeli-Palestinian negotiations; the immediate halt to all settlement activities; and the conclusion of a comprehensive peace that included all three tracks, Palestinian, Syrian and Lebanese — had not been attained. He pointed out that it was the responsibility of the Council to protect the legitimate rights of peoples, in this case those of the Palestinian people.⁵³⁰ The President of the Palestinian Authority

drew the attention of Council members to the current situation in the West Bank, where three settlement blocs divided the West Bank into no less than four cantons. He reiterated that the settlement policy was illegal and that Palestine would not accept it, and urged the Council to assume its responsibilities and implement its previous resolutions.⁵³¹ The representative of Israel, referring to earlier statements, stated that should a stranger be present at the meeting he would be under the impression that the Israeli settlements in the West Bank were the primary and single obstacle to peace in the region, and consider as irrelevant the actions of Hamas, the pursuit of nuclear arms by the Islamic Republic of Iran and its President's calls for the destruction of Israel, and the continued transfer of weapons from the Islamic Republic of Iran and the Syrian Arab Republic to re-arm Hizbullah.⁵³² The representative of the United States asked the States of the region to consider ways that they might reach out to Israel, to demonstrate that a comprehensive solution required full understanding that Israel belonged in and would remain in the Middle East as a valued partner. She expressed the view that the statement by the President of the Islamic Republic of Iran that week in the General Assembly, in which he called for the destruction of Israel, was simply unacceptable.⁵³³ Regarding the issue of Israeli settlements, the majority of Council members called for Israel to cease its settlement activities, but many members noted that they were but one of many aspects of the Palestinian question.

3 December 2008: incident involving a ship of the Libyan Arab Jamahiriya

On 3 December 2008, the Council convened a meeting at the request of the Libyan Arab Jamahiriya⁵³⁴ to discuss an incident on 1 December 2008 in which a Libyan ship carrying humanitarian aid bound for Gaza was intercepted by Israeli military vessels and forced to turn back. The representative of the Libyan Arab Jamahiriya characterized the Israeli action as piracy, and urged the Council to take effective steps to ensure compliance by Israel with international

⁵²⁷ S/PV.5999, pp. 2-5; and S/PV.6022, pp. 2-5.

⁵²⁸ S/2008/615. For a list of communications bringing disputes or situations to the attention of the Council, see part VI, sect. I.

⁵²⁹ S/PV.5983, pp. 2-3.

⁵³⁰ *Ibid.*, pp. 3-5.

⁵³¹ *Ibid.*, pp. 5-7.

⁵³² *Ibid.*, pp. 7-9.

⁵³³ *Ibid.*, pp. 10-12.

⁵³⁴ S/2008/754. For a list of communications bringing disputes or situations to the attention of the Council, see part VI, sect. I.

humanitarian law and the United Nations Convention on the Law of the Sea, and to hold it accountable for its “deliberate violations of the freedom of navigation on the high seas”.⁵³⁵ The representative of Israel expressed outrage that the Council had been compelled to meet “in order to promote the particular agenda of a certain Member State of the Council”, and stated that the meeting was a provocative abuse of procedure, nothing more.⁵³⁶ The representative of Palestine called upon the international community to shoulder its responsibility and exert serious efforts to redress the illegal situation in the Occupied Palestinian Territory, and bring an end to Israel’s illegal policies and practices.⁵³⁷ Several Council members felt that the subject of the meeting was not about the humanitarian situation in Gaza. The representative of the United States noted that the Council had been asked to meet by a Council member to react to a situation of its own making, and pointed to established mechanisms for transfer of humanitarian assistance which should have been utilized instead.⁵³⁸ Other Council members expressed regret that the delivery of humanitarian supplies to Gaza had been blocked. The representative of Italy pointed out that the real issue and top priority was to improve the living conditions in Gaza and respond swiftly to their urgent basic needs.⁵³⁹

16 and 18 December 2008: adoption of resolution 1850 (2008) and related discussion

On 16 December 2008, the Secretary-General addressed the Council. He stressed, *inter alia*, that Palestinians had to see the establishment of a State of Palestine, alongside Israel, to coexist with it in peace and security. To that end, he emphasized that the situation on the ground in the West Bank and the Gaza Strip must be stabilized, and all tracks of the process intensified.⁵⁴⁰ The representative of the United States stated that it had sponsored the draft resolution before the Council, together with the Russian Federation, because it felt that it was incumbent upon the international community to provide support to the bilateral process. She noted that the draft resolution would confirm the irreversibility of the bilateral

negotiations; reiterate the importance of fulfilling obligations under the road map; underscore that peace would be built upon mutual recognition, freedom from violence and terror, the two-State solution and previous agreements and obligations; and underline that the solution to the Israeli-Palestinian conflict should be aligned with efforts towards broader regional peace, such as the Arab Peace Initiative.⁵⁴¹ Council members generally welcomed the fact that the Council was now ready to show its support towards the peace process through the adoption of the resolution, the first on the issue since 2004. The representative of the Libyan Arab Jamahiriya stated that his country welcomed, in principle, the attempt to adopt a resolution concerning the question of Palestine, but that it also believed that generalization of the question, deliberate ambiguity and disregard for confronting breaches of international law did not serve peace as much as they hindered it.⁵⁴²

The Council then adopted resolution 1850 (2008), by 14 votes to none, with 1 abstention (Libyan Arab Jamahiriya), in which the Council declared its support for the negotiations initiated at Annapolis, Maryland, on 27 November 2007, and its commitment to the irreversibility of the bilateral negotiations. The resolution also called upon all States and international organizations to contribute to an atmosphere conducive to negotiations and to support the Palestinian government that was committed to the Quartet principles and the Arab Peace Initiative and respected the commitments of the Palestinian Liberation Organization, to assist in the development of the Palestinian economy, to maximize the resources available to the Palestinian Authority, and to contribute to the Palestinian institution-building programme in preparation for statehood.

On 18 December 2008, in his briefing to the Council, the Special Coordinator for the Middle East Peace Process welcomed the adoption by the Council of resolution 1850 (2008) two days earlier, in which the international community had sent a clear and united message of its commitment to the irreversibility of the process leading to the creation of a Palestinian State living in peace alongside a secure Israel. Regarding the situation in Gaza, he reported that while the ceasefire brokered by Egypt continued to hold six months after it had come into effect, several violent incidents had

⁵³⁵ S/PV.6030, pp. 2-3.

⁵³⁶ *Ibid.*, pp. 3-4.

⁵³⁷ *Ibid.*, pp. 4-6.

⁵³⁸ *Ibid.*, pp. 6-8.

⁵³⁹ *Ibid.*, p. 14.

⁵⁴⁰ S/PV.6045, pp. 2-3.

⁵⁴¹ *Ibid.*, pp. 3-4.

⁵⁴² *Ibid.*, pp. 7-8.

occurred, resulting in deaths and injuries on both sides. The humanitarian situation in Gaza remained grave, with limited access exacerbating the situation. In the West Bank, Palestinian Authority security forces continued their efforts to impose law and order and meet the road map commitments on security throughout the area. Despite obstacles to movement and access that remained across the West Bank, an easing of restrictions around the Nablus area had been instituted on 7 December 2008.⁵⁴³

The majority of speakers welcomed the recent adoption of resolution 1850 (2008) and stressed the importance of building on the current peace negotiations, including both the Israel-Palestine and the Israel-Syrian Arab Republic tracks. Several speakers expressed regret that the resolution included such shortcomings as the lack of a stronger and clearer message.

Many speakers welcomed the role of the Quartet in affirming the need to intensify the political process. A number of speakers also welcomed the recent positive developments in the indirect peace negotiations between Israel and the Syrian Arab Republic, and urged the parties to move forward to formal negotiations. The majority of speakers expressed concern regarding the humanitarian situation in Gaza, and that the deteriorating situation on the ground could undermine the peace process. While some speakers condemned the continued attacks by Hamas against southern Israel, other speakers asserted that Israel was exacerbating the situation by blocking humanitarian access.

31 December 2008 to 21 January 2009: hostilities in Gaza

On 31 December 2008, the Council convened a meeting at the request of the representatives of Egypt and the Libyan Arab Jamahiriya⁵⁴⁴ to discuss the situation in Gaza. The Secretary-General addressed the Council, reporting that a dramatic crisis was unfolding in Gaza and southern Israel, despite the Council's call, four days earlier, for an end to the violence. He stated that the people of Gaza were living under heavy bombardment, which targeted Hamas facilities,

smuggling tunnels and other Hamas infrastructure, as well as the former Palestinian Authority security structure, government buildings, residential homes, mosques and businesses. In southern Israel, there had been a continuous stream of rockets fired from Gaza, including longer-range rockets that were hitting major cities in Israel. Condemning both the rocket attacks by Palestinian militants and the excessive use of force by Israel, he called for, in the strongest possible terms, an immediate ceasefire that was fully respected by all parties.⁵⁴⁵

In the debate that followed, the representative of Palestine strongly condemned the Israeli military campaign that began on 27 December 2008, which had so far claimed the lives of over 380 people and injured over 1,800 others. Emphasizing the rapidly worsening humanitarian situation, he called for the Council to adopt a binding resolution that condemned Israeli action and ensured a lasting ceasefire.⁵⁴⁶ The representative of Israel stated that it had been compelled to launch a military operation after a recent escalation in attacks, and after months and years during which its civilians had been subjected to deliberate terrorist attacks by Hamas and other armed groups. Emphasizing that the targets of the operation were terrorists and their infrastructure alone, and that Israel was not at war with the Palestinian people, she strongly condemned Hamas for intentionally exposing civilians to the line of fire.⁵⁴⁷

Council members expressed profound dismay at the violence and called for an immediate ceasefire, and welcomed the efforts of all actors working to resolve the crisis. The representative of the United States stated that Hamas had to stop its rocket attacks and end illegal arms smuggling into Gaza for a ceasefire to be meaningful. He stressed that the decision by Hamas to break the ceasefire brokered by Egypt was responsible for the current crisis. He said that the situation was extremely complex and couldn't be resolved by simple and one-sided declarations or unbalanced initiatives.⁵⁴⁸ The representatives of Egypt and the League of Arab States strongly condemned the failure of Israel to heed the calls of the international community to stop the violence and denounced the excessive use of force. They noted that the League of Arab States had called

⁵⁴³ S/PV.6049, pp. 2-6.

⁵⁴⁴ S/2008/842 and S/2008/843. For a list of communications bringing disputes or situations to the attention of the Council, see part VI, sect. I.

⁵⁴⁵ S/PV.6060, pp. 2-4.

⁵⁴⁶ *Ibid.*, pp. 4-5.

⁵⁴⁷ *Ibid.*, pp. 5-7.

⁵⁴⁸ *Ibid.*, pp. 14-15.

for a binding resolution by the Council to compel Israel to immediately end its aggression and lift the blockade.⁵⁴⁹

The representative of the Libyan Arab Jamahiriya introduced the text of a draft resolution, which, *inter alia*, strongly condemned the Israeli military attacks, and called upon Israel to immediately cease them.⁵⁵⁰ The representatives of South Africa and Indonesia expressed support for the draft resolution,⁵⁵¹ while several other members of the Council stated that they would study the text.⁵⁵²

On 6 and 7 January 2009, the Council discussed the situation in Gaza. The representative of France reported that his country had been engaged, together with Egypt, in an attempt to facilitate negotiations on a permanent ceasefire. Stressing that the immediate priority was to end the violence, he condemned both Israel's ground offensive in Gaza and the continued rocket attacks against Israel.⁵⁵³ The Secretary-General subsequently briefed the Council, reporting that so far over 570 Palestinians had been killed and over 2,700 injured, according to Palestinian figures. Israel had confirmed that 5 soldiers had been killed and another 50 injured, in addition to 4 civilians killed and dozens injured. Reiterating his call for an immediate ceasefire, the Secretary-General urged the Council to act swiftly and decisively to end the crisis.⁵⁵⁴

The President of the Palestinian National Authority strongly condemned the Israeli military operation and urged the Council to adopt a resolution calling for an immediate cessation of Israeli aggression, emphasizing that the Palestinian people were being subjected to a new tragedy of destruction.⁵⁵⁵ The representative of Israel stated that for over eight years its citizens in southern Israel had suffered almost daily missile attacks from Gaza, despite the removal of its forces from Gaza in 2005 in the hope for peace. She pointed out that Hamas had unilaterally announced an end to the ceasefire brokered six months ago. Condemning in strong terms the

terrorist actions of the Hamas regime, she defended the ongoing military operation as a prerequisite for peace. Stressing that Israel respected its humanitarian responsibilities, she also maintained that failing to respond to terrorists simply because they were using civilians as cover was not an option.⁵⁵⁶ The representative of the United States, while expressing concern for the worsening situation in Gaza, urged a ceasefire that would not merely bring about the previous situation where hundreds of thousands of Israelis lived under the daily threat of rocket attacks, but one which could endure and bring real security. In that context, she emphasized that the focus of the Council should be on creating conditions that would lead to a real peace between Israelis and Palestinians.⁵⁵⁷

Several speakers strongly condemned the Israeli military operation and disproportionate use of force, while others called for both sides to cease hostilities. Several speakers called for unity among Palestinians as a precondition for peace.

On 8 January 2009, the Council adopted resolution [1860 \(2009\)](#), by 14 votes to none, with 1 abstention (United States), in which it stressed the urgency of and called for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza. The resolution called upon Member States to support international efforts to alleviate the humanitarian and economic situation in Gaza, and condemned all violence and hostilities directed against civilians and all acts of terrorism. It also encouraged tangible steps towards intra-Palestinian reconciliation, including in support of mediation efforts of Egypt and the League of Arab States as expressed in the resolution of 26 November 2008, and consistent with Security Council resolution [1850 \(2008\)](#) and other relevant resolutions.

Following the adoption of resolution [1860 \(2009\)](#), the Secretary-General made a statement, in which he expressed relief at the Council's decision, and urged all parties to fully respect it.⁵⁵⁸

In the debate that followed, the representative of the United Kingdom, which had introduced the draft resolution, welcomed the fact that the resolution showed a genuine consensus on a clear set of

⁵⁴⁹ *Ibid.*, pp. 18-19 (Egypt); and p. 19 (League of Arab States).

⁵⁵⁰ *Ibid.*, pp. 7-8.

⁵⁵¹ *Ibid.*, pp. 7-8 (South Africa); and pp. 10-11 (Indonesia).

⁵⁵² *Ibid.*, pp. 11-12 (Russian Federation); pp. 12-13 (United Kingdom); and pp. 17-18 (Croatia).

⁵⁵³ S/PV.6061, pp. 2-3.

⁵⁵⁴ *Ibid.*, pp. 3-4.

⁵⁵⁵ *Ibid.*, p. 4.

⁵⁵⁶ *Ibid.*, pp. 6-8.

⁵⁵⁷ *Ibid.*, pp. 11-12.

⁵⁵⁸ S/PV.6063, p. 3.

objectives.⁵⁵⁹ Most Council members welcomed the adoption of resolution 1860 (2009) and urged all parties to abide by it. The representative of the United States, who had abstained on the vote, stated that resolution 1860 (2009) was a step towards the Council's goals of stabilization and normalization of Gaza through the implementation of a durable and fully respected ceasefire and an end to all terrorist activities. While emphasizing its support for the text, she explained that it had abstained because it had thought it important to see the outcomes of the Egyptian mediation efforts to understand what the resolution might have been supporting.⁵⁶⁰

On 21 January 2009, the Council heard a statement by the Secretary-General, read on his behalf by the Under-Secretary-General for Political Affairs, in which he reported to the Council on his recent trip to the Middle East, including Gaza. While welcoming the declarations of unilateral ceasefires and the withdrawal of Israeli troops from Gaza, he drew the attention of Council members to the urgent need for international humanitarian law to be respected, both in Gaza and in southern Israel, and for investigations and accountability where there were allegations of violations. He also expressed his view that the recent conflict was a symptom of broader problems and deeper conflicts which demanded political action.⁵⁶¹

27 January 2009: humanitarian situation in the Gaza Strip following the ceasefire

On 27 January 2009, in his briefing to the Council, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, reporting on his recent trip to the Middle East, expressed his shock at the human suffering and destruction he witnessed. Citing figures released by the Palestinian Ministry of Health, he stated that 1,300 Palestinians had been killed and more than 5,300 were injured during the recent fighting in Gaza. He also reported that widespread destruction was caused to Gaza's economic and civil infrastructure. He condemned both parties to the conflict: Hamas, for the reckless and cynical use of civilian installations and the indiscriminate firing of rockets against civilian populations; and Israel, for its failure to effectively protect civilians and humanitarian workers, and also for its lack of respect for international humanitarian law,

particularly the principles of distinction and proportionality. He underlined that the kind of access restrictions that had been in place before the hostilities would be neither acceptable nor workable.⁵⁶² The Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), in her briefing to the Council, reported on the early-recovery activities being undertaken by UNRWA, in particular its aid to refugees displaced by the conflict.⁵⁶³

On 18 February 2009, in his briefing to the Council, the Special Coordinator for the Middle East Peace Process reported that there were several realities which needed to be addressed if peace were to be advanced: the severe humanitarian, economic and political repercussions of the Gaza crisis; continued Palestinian divisions; a new political situation in Israel; the inconclusive results of the 2008 Israeli-Palestinian negotiations; unmet road map obligations, especially regarding settlements; and the freeze in indirect peace negotiations between Israel and the Syrian Arab Republic. He reiterated the Secretary-General's belief that a comprehensive regional approach to peace, as embodied in the Arab Peace Initiative and resolutions of the Council, was required if bilateral efforts were to bear fruit.⁵⁶⁴

25 March 2009: situation in the Gaza Strip since the ceasefire

On 25 March and 20 April 2009, in his briefings to the Council, the Under-Secretary-General for Political Affairs reported that since the unilateral ceasefires declared in Gaza, very little progress had been made on the key issues outlined in resolution 1860 (2009), including the establishment of a proper ceasefire regime in Gaza, unimpeded access for humanitarian assistance, opening of the crossings, prevention of illicit trafficking in arms and ammunition, and intra-Palestinian reconciliation. While there had been a significant drop in violent incidents, the situation remained fragile owing to the absence of a proper ceasefire regime. Regarding the humanitarian situation, although Israel had allowed limited amounts of food and supplies into Gaza, access remained strictly limited. He reiterated, inter alia, that it was important that the Quartet and the international

⁵⁵⁹ Ibid., pp. 3-4.

⁵⁶⁰ Ibid., pp. 4-5.

⁵⁶¹ S/PV.6072, pp. 2-5.

⁵⁶² S/PV.6077, pp. 2-4.

⁵⁶³ Ibid., pp. 4-6.

⁵⁶⁴ S/PV.6084, pp. 2-6.

community act with unity of purpose to help stabilize Gaza and reinvigorate the peace process.⁵⁶⁵

On 25 March, the representative of Palestine stated that since the adoption in December 2008 of resolution 1850 (2008), there had been a dramatic deterioration on all fronts in the situation on the ground in the Occupied Palestinian Territory, including East Jerusalem. He condemned Israel's subsequent aggression, which was evidence of its blatant disrespect for the Council, the peace process and all legal norms. Pointing to the final tally of over 1,400 Palestinian deaths and the physical destruction of much of the infrastructure in Gaza, he called upon Israel to lift its punitive blockade. He also condemned Israel's continued settlement activities in the West Bank.⁵⁶⁶ The representative of Israel reiterated his Government's commitment to the peace process, citing advancements in relations between Israel and the Palestinian Authority. Regarding the situation in Gaza, he drew attention to the fact that rockets continued to be launched into Israel from Gaza, and emphasized that Israel would not tolerate a return to the status quo ante, with continued terrorist attacks jeopardizing civilians in southern Israel. He also drew the attention of the Council to the situation regarding Corporal Gilad Shalit, who had been held hostage by Hamas since June 2006, and called for his release.⁵⁶⁷

The majority of speakers welcomed the relative calm in Gaza, but expressed concern for the grave humanitarian situation, and stressed the need for a more permanent, sustainable ceasefire. Several speakers called for investigations into allegations of serious violations of international law committed by either or both sides. Regarding Israeli settlement activities in the West Bank, several speakers condemned such actions as counter to Israel's obligations under the road map and as violations of international law.

11 May to 27 July 2009: peace process in the Middle East and the situation in the Gaza Strip

At the meeting on 11 May 2008, the representative of the Russian Federation stressed, inter alia, the primary importance of the rapid resumption of negotiations between Israel and the Palestinian

⁵⁶⁵ S/PV.6100, pp. 2-6; and S/PV.6107, pp. 2-5.

⁵⁶⁶ S/PV.6100, pp. 6-10.

⁵⁶⁷ Ibid., pp. 10-12.

Authority. He highlighted the key elements towards a solution in the Middle East: the two-State solution; the Arab Peace Initiative; the terms of reference agreed at the Madrid Conference; the road map; resolutions 242 (1967) and 338 (1973), and other relevant Security Council resolutions.⁵⁶⁸ Many Council members regretted the lack of progress towards a durable ceasefire in Gaza, as set out in resolution 1860 (2009), and stressed the need to create the necessary conditions for the resumption of political negotiations that would lead to a comprehensive peace. Several speakers emphasized the importance of intra-Palestinian reconciliation, while other speakers stressed the importance of pursuing a comprehensive approach on all tracks of the peace process.

The Secretary-General reported that the past three months had witnessed almost no progress on the implementation of resolutions 1850 (2008) and 1860 (2009). He expressed his deep concern regarding the situation in and around the Gaza Strip, where internal Palestinian divisions and tensions between Israel and Hamas were trapping the civilian population in a vortex of hopelessness. He emphasized that the situation on the ground could easily deteriorate unless real momentum was quickly generated, and in that context called on the parties to pursue an irreversible effort towards the two-State solution, including by fully implementing commitments on the ground.⁵⁶⁹

The President of the Council then made a statement,⁵⁷⁰ in which the Council stressed the urgency of reaching comprehensive peace in the Middle East, and that vigorous diplomatic action was needed to attain the goals set by the international community — lasting peace in the region, based on an enduring commitment to mutual recognition, freedom from violence, incitement and terror, and the two-State solution, building upon previous agreements and obligations.

Between June and September 2009, the Council heard two briefings by the Special Coordinator for the Middle East Peace Process⁵⁷¹ and two by the Assistant Secretary-General for Political Affairs.⁵⁷² They

⁵⁶⁸ Ibid., pp. 2-3.

⁵⁶⁹ S/PV.6123, pp. 3-4.

⁵⁷⁰ S/PRST/2009/14.

⁵⁷¹ 6150th meeting (S/PV.6150, pp. 2-5); and 6190th meeting (S/PV.6190, pp. 2-5).

⁵⁷² 6171st meeting (S/PV.6171, pp. 2-6); and 6182nd meeting (S/PV.6182, pp. 2-5).

reported on ongoing diplomatic efforts to reinvigorate the peace process, including the upcoming Quartet meeting, the Arab foreign ministers' meeting and the bilateral meeting between the United States and Israel. Regarding the situation in the Gaza Strip, there had been a notable and welcome drop in violence during the reporting period, but Hamas continued to assert its control over institutions and organizations in Gaza, with reports of violence against Fatah members. There had been a serious development within Gaza when an armed radical group calling itself Jund Ansar Allah became involved in a violent clash with Hamas, in which 28 people were killed and over 100 wounded. The event highlighted, among others, concerns regarding the radicalization of certain elements within Gaza. It was noted that the Secretary-General had also issued a statement on 9 September stressing the illegality of settlement activity and calling on Israel to implement its obligations under the road map to freeze all settlement activity, including natural growth, and to dismantle outposts erected since March 2001, as called for by the Quartet.

On 27 July 2009, the representative of Palestine welcomed several recent developments, in particular the reaffirmation of the Arab Peace Initiative by the League of Arab States in March, and the adoption by the Council of a presidential statement on 11 May 2009.⁵⁷³ The representative of Israel drew the attention of Council members to the situation on the border between Lebanon and the Syrian Arab Republic, where Hizbullah continued to build its military infrastructure, posing a threat to Israel, Lebanon and the region. Regarding Gaza, he condemned Hamas's continued rejection of the State of Israel, and called for an end to violence and acceptance of previous agreements between Israel and the Palestinian Authority.⁵⁷⁴ Many speakers expressed concern regarding settlement activities in the West Bank and called for their immediate end. The majority of speakers also called upon Israel to improve the humanitarian conditions in Gaza.

14 October to 17 December 2009: discussion and briefings concerning the situation in the Middle East

On 14 October 2009, in his briefing to the Council, the Under-Secretary-General for Political

⁵⁷³ S/PV.6171, pp. 24-27.

⁵⁷⁴ *Ibid.*, pp. 27-28.

Affairs reported that while political efforts to resolve the Arab-Israeli conflict had continued, there had been no significant progress on the ground and some worrying developments had emerged. On 21 September, the Israeli and Palestinian leaders held their first face-to-face meeting since 2008. The United States, supported by other Quartet members, was continuing diplomatic efforts to relaunch negotiations. However, tensions on the ground increased, with several confrontations taking place in East Jerusalem. Tensions among Palestinians were also heightened in the aftermath of the deferral of consideration by the Human Rights Council of the report of the United Nations Fact-Finding Mission on the Gaza Conflict,⁵⁷⁵ headed by Justice Richard Goldstone, which had been presented to the Human Rights Council on 29 September 2009. Regarding the situation in Gaza, the Under-Secretary-General reported that there was a worrying increase in violence.⁵⁷⁶

The representative of Palestine expressed regret that despite various diplomatic efforts, there had been no real progress towards peace. He drew the attention of Council members to the findings of the report, which had concluded, *inter alia*, that Israel failed to take the precautions required by international law to avoid or minimize loss of civilian life, injury to civilians and damage to civilian property, and urged the Council and other United Nations bodies to act on the report's recommendations.⁵⁷⁷ The representative of Israel condemned the recent rise in attacks by Hamas originating in Gaza, as well as attacks by Hizbullah from southern Lebanon. He also emphasized the dangers inherent in the Iranian regime's support for terrorism and pursuit of nuclear weapons capabilities. He dismissed the findings of the report as one-sided, biased and wrong; a legitimization of terrorism; a diversion from reality; and a shift to a narrative that was destructive to the peace process.⁵⁷⁸

While most speakers expressed concern regarding the continuing humanitarian crisis in Gaza, they generally welcomed the ongoing diplomatic engagements aimed at the resumption of Israeli-Palestinian negotiations. While several speakers called for implementation of the recommendations of the report, others stated that the report needed careful

⁵⁷⁵ A/HRC/12/48.

⁵⁷⁶ S/PV.6201, pp. 3-6.

⁵⁷⁷ *Ibid.*, pp. 6-9.

⁵⁷⁸ *Ibid.*, pp. 9-11.

review. Other Council members stated that while the allegations contained within the report were grave, it was a matter to be considered by the Human Rights Council. The representative of the United States expressed serious concerns about the report, particularly its “unbalanced” focus on Israel, overly broad scope of its recommendations and its sweeping conclusions of law.⁵⁷⁹

On 24 November 2009, the Council heard a briefing by the Assistant Secretary-General for Political Affairs,⁵⁸⁰ and on 17 December 2009, a

⁵⁷⁹ S/PV.6201, pp. 23-24.

⁵⁸⁰ S/PV.6223, pp. 2-5.

briefing by the Special Coordinator for the Middle East Peace Process.⁵⁸¹ They reported that despite diplomatic efforts by the United States, it had not been possible to resume Israeli-Palestinian negotiations, and there was now a worrying impasse, even as security and economic efforts continued on the ground. On 26 November 2009 Israel announced that it would restrain certain settlement activity for 10 months, which was welcome but fell considerably short of Israel’s commitments under the road map. The Palestinian Authority continued efforts to meet road map commitments, in particular improving the security situation, while also pursuing initiatives to build the economy and build institutions. They reported that the humanitarian situation in the Gaza Strip remained serious, and that there had been several rocket attacks from Gaza into southern Israel, as well as Israeli air strikes and incursions, although violence was at a comparatively restrained level.

⁵⁸¹ S/PV.6248, pp. 2-5.

Meetings: the situation in the Middle East, including the Palestinian question

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5824th 22 January 2008	Letter dated 21 January 2008 from the Chargé d’affaires a.i. of the Permanent Mission Saudi Arabia to the United Nations addressed to the President of the Security Council (S/2008/31)	Letter from the Permanent Observer of Palestine requesting an invitation (S/2008/32)	Rule 37 9 Member States ^a Rule 39 Under-Secretary-General for Political Affairs, Permanent Observer for the League of Arab States (LAS) to the United Nations Other Permanent Observer of Palestine	All Council members and all invitees	
5827th 30 January 2008		Letter from Palestine requesting an invitation (S/2008/51)	Rule 37 Israel, Lebanon, Syria Arab Republic Rule 39 Under-Secretary-General for Political Affairs Other Palestine	All Council members and all invitees	

**Part I. Consideration of questions under the responsibility of
the Security Council for the maintenance of
international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5846th 26 February 2008			Rule 39 United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary- General, Under- Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator	All invitees	
5847th 1 March 2008	Letter dated 1 March 2008 from the Permanent Representative of the Libyan Arab Jamahiriya addressed to the President of the Security Council (S/2008/142)	Letter from Palestine requesting an invitation (S/2008/143) Letter from Palestine regarding military attacks by Israel (S/2008/144)	Rule 37 Israel Other Palestine	Secretary- General, all invitees	
5859th 25 March 2008		Letter from Palestine requesting an invitation (S/2008/184)	Rule 37 7 Member States ^b Rule 39 Under-Secretary- General for Political Affairs Other Palestine	Secretary- General, all Council members, all invitees ^c	
5873rd 23 April 2008			Rule 39 Assistant Secretary- General for Political Affairs	Assistant- Secretary- General for Political Affairs	
5899th 28 May 2008			Rule 39 Special Coordinator for the Middle East Peace Process	Special Coordinator for the Middle East Peace Process	

Repertoire of the Practice of the Security Council, 2008-2009

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5927th 27 June 2008			Rule 39 Director of the Asia and the Pacific Division of the Department of Political Affairs	Director of the Asia and the Pacific Division of the Department of Political Affairs	
5940th 22 July 2008		Letter from Palestine requesting an invitation (S/2008/473)	Rule 37 10 Member States ^d Rule 39 Under-Secretary-General for Political Affairs, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People Other Palestine	All Council members and all invitees	
5963rd 20 August 2008			Rule 39 Under-Secretary-General for Political Affairs	Under-Secretary-General for Political Affairs	
5974th 18 September 2008			Rule 39 Special Coordinator for the Middle East Peace Process	Special Coordinator for the Middle East Peace Process	
5983rd 26 September 2008	Letter dated 22 September 2008 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 (S/2008/615)	Letter from Palestine requesting an invitation (S/2008/623)	Rule 37 Israel, Saudi Arabia (Minister for Foreign Affairs) Rule 39 Secretary-General of LAS Other Palestine (President of the Palestinian Authority)	All Council members and all invitees ^e	
5999th 22 October 2008			Rule 39 Under-Secretary-General for Political Affairs	Under-Secretary-General for Political Affairs	

**Part I. Consideration of questions under the responsibility of
the Security Council for the maintenance of
international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6022nd 25 November 2008			Rule 39 Under-Secretary- General for Political Affairs	Under- Secretary- General for Political Affairs	
6030th 3 December 2008		Letters from the representative of the Libyan Arab Jamahiriya regarding the interception of a Libyan ship by Israel (S/2008/753) and a related request for an emergency meeting of the Council (S/2008/754)	Rule 37 Israel Other Palestine	All Council members and all invitees ^f	
6045th 16 December 2008		Letter from Palestine requesting an invitation (S/2008/755)			
6045th 16 December 2008		Draft resolution submitted by Russian Federation and United States (S/2008/787)		Secretary- General, all Council members ^g except Croatia	Resolution 1850 (2008) 14-0-1 (Libyan Arab Jamahiriya)
6049th 18 December 2008		Letter from Palestine requesting an invitation (S/2008/794)	Rule 37 15 Member States ^h Rule 39 Special Coordinator for the Middle East Peace Process, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People Other Palestine	All Council members ⁱ and all invitees ^j	

Repertoire of the Practice of the Security Council, 2008-2009

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6060th 31 December 2008	Letter dated 31 December 2008 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/2008/842) Letter dated 31 December 2008 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to President of the Security Council (S/2008/843)	Statement by the European Union on the situation in the Middle East (S/2008/841, annex) Letter from Palestine requesting an invitation (S/2008/844)	Rule 37 Egypt, Israel Rule 39 Permanent Observer for LAS Other Palestine	Secretary- General, all Council members and all invitees	
6061st 6 and 7 January 2009			Rule 37 23 Member States ^k Rule 39 Secretary-General of LAS, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People Other Palestine (President of the Palestinian National Authority)	Secretary- General, all Council members, all invitees	

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6063rd 8 January 2009		Draft resolution submitted by United Kingdom (S/2009/23) Letter from Palestine requesting an invitation (S/2009/24)	Rule 37 Egypt (Minister for Foreign Affairs), Israel, Saudi Arabia (Minister for Foreign Affairs) Other Palestine (Minister for Foreign Affairs)	Secretary-General, all Council members, ^l all invitees	Resolution 1860 (2009) 14-0-1 (United States)
6072nd 21 January 2009				Secretary-General, Under-Secretary-General for Political Affairs (on behalf of the Secretary-General)	
6077th 27 January 2009			Rule 39 Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Commissioner-General of UNRWA	All invitees	
6084th 18 February 2009			Rule 39 Special Coordinator for the Middle East Peace Process	Special Coordinator for the Middle East Peace Process	
6100th 25 March 2009		Letter from Palestine requesting an invitation (S/2009/153)	Rule 37 26 Member States ^m Rule 39 Under-Secretary-General for Political Affairs, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People Other Palestine	All invitees except Afghanistan ⁿ	

Repertoire of the Practice of the Security Council, 2008-2009

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6107th 20 April 2009			Rule 39 Under-Secretary- General for Political Affairs	Under- Secretary- General for Political Affairs	
6123rd 11 May 2009				Secretary- General, all Council members ^o	S/PRST/2009/14
6150th 23 June 2009			Rule 39 Special Coordinator for the Middle East Peace Process	Special Coordinator for the Middle East Peace Process	
6171st 27 July 2009		Letter from Palestine requesting an invitation (S/2009/380)	Rule 37 22 Member States ^p Rule 39 Assistant Secretary- General for Political Affairs Other Palestine	All Council members and all invitees	
6182nd 19 August 2009			Rule 39 Assistant Secretary- General for Political Affairs	Assistant Secretary- General for Political Affairs	
6190th 17 September 2009			Rule 39 Special Coordinator for the Middle East Peace Process	Special Coordinator for the Middle East Peace Process	
6201st 14 October 2009		Letter from Palestine requesting an invitation (S/2009/531)	Rule 37 26 Member States ^q Rule 39 Under-Secretary- General for Political Affairs, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People Other Palestine (Minister for Foreign Affairs)	All Council members and all invitees	

**Part I. Consideration of questions under the responsibility of
the Security Council for the maintenance of
international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6223rd 24 November 2009			Rule 39 Assistant Secretary- General for Political Affairs	Assistant Secretary- General for Political Affairs	
6248th 17 December 2009			Rule 39 Special Coordinator for the Middle East Peace Process	Special Coordinator for the Middle East Peace Process	

^a Cuba (on behalf of the Non-Aligned Movement), Egypt, Israel, Jordan, Lebanon, Pakistan (on behalf of the Organization of the Islamic Conference (OIC)), Saudi Arabia (on behalf of the Group of Arab States), Slovenia (on behalf of the European Union) and Syrian Arab Republic.

^b Cuba (on behalf of the Non-Aligned Movement), Israel, Lebanon, Pakistan (on behalf of OIC), Slovenia (on behalf of the European Union), Sudan and Syrian Arab Republic.

^c The representatives of Israel, the Syrian Arab Republic, the Sudan and Cuba (on behalf of the Non-Aligned Movement) each made a second statement.

^d Argentina, Cuba (on behalf of the Non-Aligned Movement), Iran (Islamic Republic of), Israel, Japan, Jordan, Lebanon, Malaysia, Qatar and Syrian Arab Republic.

^e The following Member States were represented at the ministerial level: Belgium (Minister for Foreign Affairs), Costa Rica (Minister for Foreign Affairs), Croatia (Minister for Foreign Affairs), France (Minister for Foreign Affairs), Indonesia (Minister for Foreign Affairs), Italy (Minister for Foreign Affairs), Saudi Arabia (Minister for Foreign Affairs), South Africa (Minister for Foreign Affairs), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs), United States (Secretary of State) and Russian Federation (Deputy Minister for Foreign Affairs). Palestine was represented by the President of the Palestinian National Authority.

^f The representatives of the Libyan Arab Jamahiriya and the United States each made a second statement.

^g The following Council members were represented at the ministerial level: Russian Federation (Minister for Foreign Affairs), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs), United States (Secretary of State) and China (Vice Minister for Foreign Affairs).

^h Australia, Brazil, Cuba (on behalf of the Non-Aligned Movement), Iceland, Iran (Islamic Republic of), Israel, Japan, Lebanon, Morocco, Norway, Pakistan, Qatar, Syrian Arab Republic, Turkey and Venezuela (Bolivarian Republic of).

ⁱ France made a statement on behalf of the European Union.

^j The representative of Israel and the Special Coordinator for the Middle East Peace Process each made a second statement.

^k Argentina, Australia, Bolivia, Brazil, Cuba (on behalf of the Non-Aligned Movement), Czech Republic (on behalf of the European Union), Ecuador, Egypt, Iceland, Indonesia, Iran (Islamic Republic of), Israel, Jordan, Lebanon, Malaysia, Morocco, Nicaragua, Norway, Pakistan, Paraguay (on behalf of the Southern Common Market (MERCOSUR)), Qatar, Saudi Arabia and Venezuela (Bolivarian Republic of).

^l The following Council members were represented at the ministerial level: France (Minister for Foreign Affairs), Libyan Arab Jamahiriya (Secretary of the General People's Committee for Foreign Liaison and International Cooperation), Turkey (Minister for Foreign Affairs), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs), United States (Secretary of State) and Russian Federation (Deputy Minister for Foreign Affairs).

^m Afghanistan, Algeria, Australia, Bangladesh, Brazil, Cuba (on behalf of the Non-Aligned Movement), Czech Republic (on behalf of the European Union), Ecuador, Egypt, Indonesia, Iran (Islamic Republic of), Israel, Jordan, Lebanon, Malaysia, Mali, Mauritania, Morocco, Nicaragua, Norway, Pakistan, Qatar, Republic of Korea, South Africa, Syrian Arab Republic and Venezuela (Bolivarian Republic of).

ⁿ The Islamic Republic of Iran, Israel and the Syrian Arab Republic each made a second statement.

^o The following Council members were represented at the ministerial level: Austria (Federal Minister for European and International Affairs), Burkina Faso (Minister for Foreign Affairs), Costa Rica (Minister for Foreign Affairs), Croatia (State Secretary for Foreign Affairs), Japan (State Secretary for Foreign Affairs), Russian Federation (Minister for Foreign Affairs), Turkey (Minister for Foreign Affairs) and United Kingdom (Secretary of State for Foreign and Commonwealth Affairs).

^p Bangladesh, Brazil, Cuba, Ecuador, Egypt (on behalf of the Non-Aligned Movement), Indonesia, Iran (Islamic Republic of), Israel, Jordan, Lebanon, Malaysia, Morocco, Nicaragua, Norway, Pakistan, Qatar, Saudi Arabia, South Africa, Sweden (on behalf of the European Union), Switzerland, Syrian Arab Republic and Tunisia.

^q Australia, Bangladesh, Brazil, Cuba, Ecuador, Egypt (on behalf of the Non-Aligned Movement), Iceland, Indonesia, Iran (Islamic Republic of), Israel, Jordan, Liechtenstein, Malaysia, Maldives, Morocco, Nicaragua, Norway, Pakistan, South Africa, Sri Lanka, Sudan (on behalf of the Group of Arab States), Sweden (on behalf of the European Union), Switzerland, Syrian Arab Republic (on behalf of OIC), United Republic of Tanzania and Venezuela (Bolivarian Republic of).

29. The situation concerning Iraq

Overview

During the period 2008-2009, the Security Council held 14 meetings in connection with the situation concerning Iraq, and adopted four resolutions and two presidential statements. Over the course of the meetings, the Council heard quarterly briefings on the developing situation in Iraq and considered the work and mandate of the United Nations Assistance Mission for Iraq (UNAMI), the multinational force in Iraq, the political and security challenges facing the country, the response to terrorist attacks in Baghdad and the arrangements for the Development Fund for Iraq, among other issues.

During the period, the Council also renewed the mandate of UNAMI twice for periods of one year.⁵⁸² The mandate of the multinational force, which had been previously renewed by resolution 1790 (2007), was allowed to elapse as of 31 December 2008.⁵⁸³

21 January to 14 November 2008: briefings on UNAMI, the multinational force in Iraq and other aspects of the situation in Iraq

On 21 January 2008, the Special Representative of the Secretary-General for Iraq and Head of UNAMI, in his briefing, noted that it had been five months since resolution 1770 (2007) had provided a new basis for United Nations operations in Iraq. He emphasized that the Mission's *modus operandi* had been to monitor emerging trends and propose carefully chosen initiatives, hand-picked to have the most impact, as resolution 1770 (2007) was a lengthy one. He noted that the United Nations was in the unique position of being able to talk with anyone, both formally and informally, with the exception of Al-Qaida. Primary areas of attention had included resolving disputed internal boundaries, assisting returnees and entering the debate on the timeliness and preconditions for provincial elections. He also welcomed some of the recent concrete steps towards national reconciliation, particularly the adoption on 12 January of the Justice and Accountability Law, and the encouraging signals of increased dialogue between the Government and the

Sunni Arab bloc. Finally, he noted that UNAMI was working on expanding its presence in Iraq.⁵⁸⁴

Speaking on behalf of the multinational force in Iraq, the representative of the United States explained that continued implementation of the New Way Forward strategy, combined with the surge in overall force levels in Iraq, had considerably improved levels of security during the past quarter. Efforts to enhance the security of the population, such as the establishment of joint security stations in key areas, had enhanced the ability of coalition and Iraqi forces to interact with local residents and obtain information on insurgents and illegal militia activities. The overall reduction in security incidents could be attributed to several factors, including the weakening of insurgent groups, increased tribal initiatives against extremists, Muqtada al-Sadr's ceasefire order, the increased capability of Iraqi military and police, and the sustained presence of coalition and Iraqi forces among the population. However, he cautioned that despite those security gains, foreign terrorists and suicide bombers still entered Iraq through the Syrian Arab Republic, and the Iranian Islamic Revolutionary Guard Corps continued to train, equip and fund Shia extremists despite reported assurances that the Islamic Republic of Iran would cease lethal aid. In conclusion, he emphasized that they were working to progressively transfer authority to Iraqi forces.⁵⁸⁵

Speakers were unanimous in expressing support for UNAMI and for an enhanced role by the United Nations in Iraq. Several Council members underlined the necessity of enhanced security in order to fully implement resolution 1770 (2007). All delegations were encouraged by the improvement of the security situation in Iraq, as demonstrated by the reduction in violent incidents over the past few months, while agreeing that the overall number remained too high. Most speakers stressed the importance of inclusive political dialogue among all Iraqi political forces and the need to achieve national reconciliation. Moreover, several delegations underlined the importance of political reform, including the electoral law, hydrocarbon legislation and revision of the constitution.

⁵⁸² Resolutions 1830 (2008) and 1883 (2009). For more information, see part X, sect. II, with regard to UNAMI.

⁵⁸³ For more information, see part VII, sect. IV, with regard to Article 42 of the Charter.

⁵⁸⁴ S/PV.5823, pp. 2-6.

⁵⁸⁵ *Ibid.*, pp. 6-9.

The representative of the Russian Federation noted that nothing was said in the report about whether UNAMI was still following the fate of those persons detained by the multinational force and by Iraqi bodies, and expressed the hope that the next report would include more information. He also expressed concern about the creation of “Awakening Councils”, pointing out that Iraq did not need new non-governmental armed groups, but rather a strong and independent national army and police.⁵⁸⁶

The representative of the Libyan Arab Jamahiriya observed that the current conditions in Iraq were a direct result of the invasion of Iraq, during which the occupation forces had destroyed the political, administrative and cultural institutions of the country. He stressed that national reconciliation would require a clear prospect of an end to the occupation, which was a bone of contention among Iraqi factions.⁵⁸⁷

The representative of Iraq pointed out that the multinational force was not an occupation force but was deployed to help the Iraqi people maintain security and protect the borders, in accordance with relevant resolutions. Noting that his Government was keen to promote national reconciliation, he pointed to a number of advances in the political process, including the recent adoption of the Justice and Accountability Law and the pending ratification of a hydrocarbon law and other initiatives. He stated that his Government looked forward to regaining its normal position in the international community and to overcoming the heavy burden inherited from the previous regime, which included Chapter VII measures to which Iraq was currently subjected. He called for the cancellation of, or a moratorium on, the payment of compensation and a resolution of the Iraqi debt issue.⁵⁸⁸

Over the course of 2008, the Council heard briefings by the representative of the United States on behalf of the multinational force in Iraq; by senior officials of the Secretariat on the topics of UNAMI and the situation in Iraq; and by the Assistant Secretary-General for the Office of Programme Planning, Budget and Accounts, in his capacity as the designated representative of the Secretary-General on the International Advisory and Monitoring Board, which

functioned as the audit oversight board for the Development Fund for Iraq.

In his briefings, the representative of the United States emphasized that there had been a sustained decrease in the number of security incidents and both civilian and military casualties, which had been achieved even as the multinational force had drawn down forces from surge levels. Ongoing security operations in Basra, Sadr City, Mosul, Amarah and Diyala had produced encouraging results, further degrading the capabilities of Al-Qaida in Iraq and reducing the influence of illegal militias in strategic Iraqi cities. He expressed ongoing concern with the flow of foreign fighters and lethal aid into Iraq, and stressed that the Governments of the Syrian Arab Republic and the Islamic Republic of Iran in particular needed to do more to halt such activities. He also emphasized the continuing progress in improving the capabilities of the Iraqi security forces. Finally, he highlighted that negotiations continued between the United States and the Government of Iraq on transitioning the relationship, with the goal of developing a strong and strategic relationship.⁵⁸⁹

In his briefings, the Under-Secretary-General for Political Affairs, among other issues, highlighted the improved security situation that had made possible a window for political dialogue. He noted progress on the regional front where several States in the region had announced the restoration of full diplomatic representation in Baghdad. He also emphasized that the United Nations was stepping up its provision of humanitarian aid and support for refugees and internally displaced persons.⁵⁹⁰

On 13 June 2008, the Council heard a briefing by the Special Adviser for the International Compact with Iraq and Other Political Issues, who provided an overview of developments in Iraq.⁵⁹¹ The Assistant Secretary-General and Controller for the Office of Programme Planning, Budget and Accounts briefed the Council on the activities of the International Advisory and Monitoring Board, emphasizing that the results of the audits in 2007 indicated that, while many efforts were being made, the financial system of controls in place in the spending ministries, in the United States

⁵⁸⁶ Ibid., p. 10.

⁵⁸⁷ Ibid., pp. 20-21.

⁵⁸⁸ Ibid., pp. 21-23.

⁵⁸⁹ S/PV.5878, pp. 5-7; S/PV.5910, pp. 3-5; S/PV.5949, pp. 6-8; and S/PV.6016, pp. 6-8.

⁵⁹⁰ S/PV.5878, pp. 2-5; and S/PV.5949, pp. 2-6.

⁵⁹¹ S/PV.5910, pp. 5-8.

agencies' handling of outstanding commitments using the resources of the Development Fund for Iraq and in the Iraqi administration of the Fund's resources remained deficient overall, and financial management reforms needed to be pursued further.⁵⁹²

In the last briefing of the year on 14 November 2008, the Special Representative of the Secretary-General for Iraq emphasized that Iraq was entering a very delicate electoral period, in which every small security gain that gave space to political dialogue had to be built upon, to avoid any violence linked to the provincial elections of 31 January 2009. He noted that UNAMI had focused on electoral assistance and would continue to do so at least until the parliamentary elections between the end of 2009 and early 2010. He welcomed the adoption of the elections law on 24 September 2008, providing for countrywide elections in 14 out of 18 governorates, which had required a major push by UNAMI to break the impasse in Parliament over the inclusion of an amendment on Kirkuk. Concerning Kirkuk and the so-called disputed internal boundaries or territories, he acknowledged that the targeted killings and the displacement of Christians in the northern fault lines illustrated the complicated connections between minority rights, the electoral process and disputed boundaries. UNAMI was continuing to advance its analysis and prepare recommendations regarding the disputed internal boundaries in line with its mandate from the Council. He also provided an update on the activities of UNAMI in support of the constitutional review process and on human rights.⁵⁹³

Overall, in responding to these briefings, speakers generally welcomed the improved security situation, which provided a platform for further progress in the political and socioeconomic fields. Meanwhile, a number of speakers stressed that the progress achieved in Iraq remained fragile and that the number of civilian casualties and human rights violations in Iraq remained unacceptably high.

⁵⁹² *Ibid.*, pp. 8-10. The Development Fund for Iraq was established under resolution 1483 (2003) and held the proceeds of petroleum export sales from Iraq, as well as the transferred balances from the United Nations "oil-for-food" programme and other frozen Iraqi funds.

⁵⁹³ S/PV.6016, pp. 2-6.

22 December 2008: consideration of the Development Fund for Iraq and mandate of the multinational force in Iraq

On 22 December 2008, the Council adopted resolution 1859 (2008), under Chapter VII of the Charter, which, *inter alia*, extended until 31 December 2009 the arrangements for depositing into the Development Fund for Iraq the proceeds from export sales of petroleum, petroleum products and natural gas and for the monitoring of the Fund by the International Advisory and Monitoring Board. The Council also decided to review resolutions pertaining specifically to Iraq, beginning with resolution 661 (1990), and requested the Secretary-General to report, after consultations with Iraq, on facts relevant to consideration by the Council of actions necessary for Iraq to achieve international standing equal to that which it held prior to the adoption of such resolutions.

The Minister for Foreign Affairs of Iraq observed that the timing of the decision was particularly significant as resolution 1790 (2007), which would expire on 31 December 2008, marked the termination of the mandate of the multinational force of Iraq and prompted a review of the arrangements to manage the financial resources of Iraq in accordance with its international obligations. He informed the Council that, reflecting security conditions on the ground, Iraq and the United States had negotiated a new security arrangement with two aspects: the first dealing with the withdrawal of United States forces from Iraq, with 2011 being a realistic date, and the organization of their activities during their temporary presence in Iraq, and the second with the higher-level strategic framework agreement for cooperation between the two countries. Emphasizing that the multinational force had contributed vital support to the process of building security and stability in Iraq and to the transition towards a sovereign, federal and united democracy, he thanked all of the countries that had contributed to it. He also maintained that as Iraq emerged as a peaceful and responsible democracy, its status in the international community was due for review. His Government, therefore, requested a review of all Security Council resolutions pertaining to Iraq to be undertaken jointly by the Secretary-General and Iraq and reported to the Council as the final arbiter, to take stock of the remaining obligations and to assess the relevance and the validity of all such resolutions to the current situation of Iraq. He looked forward to Iraq

resuming its legal and international status that had prevailed before the adoption of resolution 661 (1990) and the burdens of Chapter VII of the Charter.⁵⁹⁴

Commenting on the review of the Chapter VII measures on Iraq, the representative of Italy emphasized that the review process for the various resolutions on Iraq was to be carried out with the greatest possible care, in the light of the layering of the texts and the complexity of the resulting legal situation. It was a question of guaranteeing the certainty of law and safeguarding enterprises that had signed contracts with Iraq prior to the establishment of the sanctions regime and had not been able to fulfil their contractual obligations in compliance with the measures established by the Council.⁵⁹⁵ The representative of France observed that the adoption of the resolution marked a new stage in the return to full sovereignty for Iraq, and, in particular, the end of the mandate of the multinational force. He expressed his continued support for the efforts of the Government of Iraq, together with all of the actors involved, to take all necessary measures to demonstrate that Iraq had become a State like any other. The representative of the United States stated that it was totally reasonable for the review to take place.⁵⁹⁶ The representative of the United Kingdom said that a review of the Saddam-era resolutions pertaining to Iraq would be the priority for the Council in 2009 and that it was right to overhaul their provisions with a view to their termination as soon as was feasible.⁵⁹⁷

The representative of Indonesia noted that the continued support of the international community would remain pertinent to the ongoing efforts by the Government and the people of Iraq in overcoming its challenges. He reaffirmed his country's support for the sovereignty of Iraq and the principle of non-interference in the internal affairs of the country.⁵⁹⁸

⁵⁹⁴ S/PV.6059, pp. 2-5.

⁵⁹⁵ *Ibid.*, p. 6.

⁵⁹⁶ *Ibid.*

⁵⁹⁷ *Ibid.*, p. 7.

⁵⁹⁸ *Ibid.*, p. 6.

26 February to 16 November 2009: briefings and presidential statements

On 26 February 2009, the Special Representative of the Secretary-General for Iraq stated that Iraq had successfully gone through the first test of the year by delivering the first fully Iraqi-led and owned elections. On 31 January, provincial elections had been conducted in 14 governorates with a striking lack of violence as a result of the growing effectiveness of the Iraqi security forces, which attested to the increased stability in the country. He stressed that the elections had been recognized as transparent and credible by both domestic and international observers. He noted that 2009 would see continued electoral activities, including elections for the Kurdish National Assembly set for the summer and the national parliamentary elections towards the end of 2009. He stated that UNAMI would continue to provide a significant degree of technical assistance to the Independent High Electoral Commission and support the Government's commitment to holding a census. However, UNAMI would also shift its focus to other priority areas, notably national reconciliation and the lingering potential for tensions between the Arab and Kurdish sides in Iraq.⁵⁹⁹

The representative of Iraq stated that the provincial elections in January were a turning point in Iraq's progress in the pursuit of building a new democracy because of the active participation of many Iraqis who had boycotted the provincial elections in 2005. He provided an overview of recent political and economic developments and encouraged all Arab countries to help Iraq by forgiving its debt and reducing its compensation obligations imposed after the invasion of Kuwait in 1990, which was a crime committed by the former dictatorial regime. He welcomed the Government of Kuwait's agreement to address the issue of compensation through bilateral negotiations under the auspices of the United Nations Compensation Commission.⁶⁰⁰

Speakers generally praised the successful holding of the provincial elections, free of major security incidents. Many delegations recognized the elections as the first Iraqi-led and Iraqi-owned electoral process, which signified solid progress towards the establishment of a stable democracy. They also called on UNAMI to

⁵⁹⁹ S/PV.6087, pp. 2-6.

⁶⁰⁰ *Ibid.*, pp. 6-10.

continue to help the country's development and national reconciliation. However, several speakers cautioned that the situation remained fragile and that progress on national reconciliation, internal boundaries, refugees and other issues was still needed.

On the question of the remaining foreign forces in Iraq after the end of the mandate of the multinational force, the representative of the United States reiterated that its new Administration would move responsibly and safely to reduce its military presence. She reassured the Council that the carefully managed commitment to ending the war did not diminish United States support for a democratic Iraq that was a force for peace in a turbulent region.⁶⁰¹ The representative of the Libyan Arab Jamahiriya, however, looked forward to the full withdrawal of all occupying forces from Iraq as soon as possible and emphasized that their continued presence in any form would not contribute to national reconciliation. He also expressed concern at the continued detention by the occupying forces of more than 15,000 people, without arrest warrants issued by Iraqi judges.⁶⁰² The representative of the Russian Federation also warned that a significant segment of Iraqi society rejected the presence of foreign forces in the country, even when governed by specific rules and limited in time by the status-of-forces agreement. In that regard, his delegation was awaiting the popular referendum on the security agreement to be held by 31 July 2009, which should formalize the attitude of the Iraqis to such agreements once and for all.⁶⁰³

On 18 June 2009, the Special Representative of the Secretary-General provided an update on the work of UNAMI, touching on the encouraging progress on internal boundaries, the political challenges to dealing with internally displaced persons and refugees, and the need for additional facilitation to increase trust between Iraq and its neighbours. He singled out Iraq's relations with Kuwait, stressing that UNAMI and the Council needed to exert every effort to build momentum while taking into account the concerns of both countries in addressing the outstanding Chapter VII mandates. Looking ahead, he suggested that UNAMI would focus more on capacity-building in various sectors, including

in human rights and rule of law, as well as in various areas of the economy.⁶⁰⁴

The representative of Iraq stated that his Government, in cooperation with the United States, continued to make all efforts to take over security responsibilities from American troops and the process of building Iraqi defence capabilities to fill the security vacuum created following the withdrawal of friendly forces. In addition to outlining other recent developments and improvements in various areas, he noted that the Government of Iraq had begun consultations with the Secretary-General to review Security Council resolutions on Iraq, pursuant to resolution 1859 (2008). On the basis of the review, his Government had determined that Iraq had fulfilled all of its obligations under those resolutions, with regard to both the impact of the occupation of Kuwait and issues related to arms. He said that the remaining 25 billion dollars that were still owed in compensation was a heavy burden on Iraq, which needed the money for services, reconstruction and development.⁶⁰⁵

Council members stressed the need for further efforts to facilitate national reconciliation, which needed to be the top priority for the Government of Iraq. They underlined the important role played by UNAMI in promoting national reconciliation, including the constitutional review, the determination of internal boundaries and the preparations for local and national elections. In respect of the review of the Iraq-related resolutions, as requested by resolution 1859 (2008), most speakers expressed their support for the restoration of the international status Iraq held prior to the Gulf War.

The representative of the United States confirmed that her Government planned, in accordance with the United States-Iraq security agreement, to withdraw its combat troops from Iraqi cities, towns and villages no later than the end of the month. That would pave the way for the withdrawal of all United States forces by the end of 2011.⁶⁰⁶

At the end of the meeting, the President made a statement on behalf of the Council⁶⁰⁷ by which it, inter alia, commended the important efforts made by the Government of Iraq to strengthen democracy and

⁶⁰¹ Ibid., p. 25.

⁶⁰² Ibid., p. 14.

⁶⁰³ Ibid., p. 23.

⁶⁰⁴ Ibid., pp. 3-6.

⁶⁰⁵ Ibid., pp. 7-10.

⁶⁰⁶ Ibid., p. 12.

⁶⁰⁷ S/PRST/2009/17.

the rule of law, to improve security and public order and to combat terrorism and sectarian violence across the country, and reaffirmed its full support for UNAMI.

On 4 August and 14 November 2009, the Special Representative again briefed the Council on the work of UNAMI in preparing for the upcoming parliamentary election in January 2010, in continuing to work on the disputed internal boundaries and in promoting economic and social development, constructive neighbourhood cooperation, human rights and the rule of law.⁶⁰⁸

In his statements to the Council, the representative of Iraq provided a general overview of recent developments and the activities of the Government in the areas of economic development, regional cooperation and security. In regard to elections, he noted that the Parliament had been able to reach a consensus on a final version of the 2005 electoral law, which would strengthen the correlation between the voter and his or her representative in the new parliament. In respect of security, he stressed that his Government believed that the 19 August attacks on the Ministry of Foreign Affairs and Ministry of Finance and the 25 October attacks on the Ministry of Justice, Ministry of Municipalities and Public Works and other targets had been linked and noted that Iraq had requested that the Secretary-General nominate a high-level official to assess the scope of foreign intervention in those terrorist attacks.⁶⁰⁹

On 16 November 2009, the President made a statement on behalf of the Council,⁶¹⁰ in which it welcomed the agreement reached on 8 November in the Iraqi Council of Representatives on amendments to the electoral law of Iraq, underlined its condemnation in the strongest terms of the series of terrorist attacks that occurred on 19 August and 25 October 2009 in Baghdad, and welcomed the recent visit of United Nations officials to Iraq for preliminary consultations related to Iraq's security and sovereignty. The Council also encouraged the efforts of the Secretary-General in that regard, including the possibility of facilitating technical assistance through the Counter-Terrorism Committee Executive Directorate.

21 December 2009: resolution relating to the Development Fund for Iraq

On 21 December 2009, the Council adopted resolution [1905 \(2009\)](#), which, inter alia, extended until 31 December 2010 the arrangements for the Development Fund for Iraq and the International Advisory and Monitoring Board. The resolution also called upon the Government of Iraq to put in place the necessary action plan and timeline by 1 April 2010 and to ensure the timely and effective transition by 31 December 2010 to a post-Development Fund mechanism.

⁶¹⁰ S/PRST/2009/30.

⁶⁰⁸ S/PV.6177, pp. 2-6; and S/PV.6218, pp. 2-7.

⁶⁰⁹ S/PV.6177, pp. 6-8; and S/PV.6218, pp. 7-11.

Meetings: the situation concerning Iraq

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5823rd 21 January 2008	Report of the Secretary-General pursuant to paragraph 6 of resolution 1770 (2007) (S/2008/19)		Rule 37 Iraq Rule 39 Special Representative of the Secretary- General for Iraq and Head of UNAMI	All Council members ^a and all invitees	

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5878th 28 April 2008	Report of the Secretary-General pursuant to paragraph 6 of resolution 1770 (2007) (S/2008/266)		Rule 37 Iraq Rule 39 Under-Secretary-General for Political Affairs	All Council members ^a and all invitees	
5910th 13 June 2008		Report of Iraq concerning progress made in fulfilling requirements relating to disarmament and non-proliferation treaties (S/2008/350, annex); Letter from the representative of Iraq concerning the review of the mandate of the multinational force in Iraq (S/2008/380, annex)	Rule 37 Iraq (Minister for Foreign Affairs) Rule 39 Assistant Secretary-General and Controller of the Office of Programme Planning, Budget and Accounts, Special Adviser for the International Compact with Iraq and Other Political Issues	All Council members ^a and all invitees	
5949th 6 August 2008	Report of the Secretary-General pursuant to paragraph 6 of resolution 1770 (2007) (S/2008/495)	Letter from the Minister for Foreign Affairs of Iraq requesting an extension of the mandate of UNAMI (S/2008/523, annex)	Rule 37 Iraq Rule 39 Under-Secretary-General for Political Affairs	All Council members ^a and all invitees	
5950th 7 August 2008	Report of the Secretary-General pursuant to paragraph 6 of resolution 1770 (2007) (S/2008/495)	Draft resolution submitted by Italy, United Kingdom, United States (S/2008/529)	Rule 37 Iraq		Resolution 1830 (2008) 15-0-0

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
		Letter from the Minister for Foreign Affairs of Iraq requesting an extension of the mandate of UNAMI (S/2008/523, annex)			
6016th 14 November 2008	Report of the Secretary-General pursuant to paragraph 6 of resolution 1830 (2008) (S/2008/688)		Rule 37 Iraq Rule 39 Special Representative of the Secretary-General for Iraq	All Council members ^a and all invitees	
6059th 22 December 2008		Draft resolution submitted by United Kingdom and United States (S/2008/805) Letter from the Secretary-General in regard to post-multinational force security arrangements for UNAMI (S/2008/783)	Rule 39 Iraq (Minister for Foreign Affairs)	Iraq, 5 Council members (France, Indonesia, Italy, United Kingdom, United States)	Resolution 1859 (2008) 15-0-0
6087th 26 February 2009	Report of the Secretary-General pursuant to paragraph 6 of resolution 1830 (2008) (S/2009/102)		Rule 37 Iraq Rule 39 Special Representative of the Secretary-General for Iraq	All Council members and all invitees	
6145th 18 June 2009	Report of the Secretary-General pursuant to paragraph 6 of resolution 1830 (2008) (S/2009/284)		Rule 37 Iraq Rule 39 Special Representative of the Secretary-General for Iraq	All Council members and all invitees ^b	S/PRST/2009/17

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6177th 4 August 2009	Report of the Secretary-General pursuant to paragraph 6 of resolution 1830 (2008) (S/2009/393)		Rule 37 Iraq Rule 39 Special Representative of the Secretary-General for Iraq	All invitees	
6179th 7 August 2009	Report of the Secretary-General pursuant to paragraph 6 of resolution 1830 (2008) (S/2009/393)	Draft resolution submitted by United Kingdom and United States (S/2009/406)	Rule 37 Iraq		Resolution 1883 (2009) 15-0-0
6218th 16 November 2009	Report of the Secretary-General pursuant to paragraph 6 of resolution 1883 (2009) (S/2009/585)		Rule 37 Iraq Rule 39 Special Representative of the Secretary-General for Iraq	All invitees	
6219th 16 November 2009	Report of the Secretary-General pursuant to paragraph 6 of resolution 1883 (2009) (S/2009/585)		Rule 37 Iraq		S/PRST/2009/30
6249th 21 December 2009		Draft resolution submitted by Japan, Uganda, United Kingdom, United States (S/2009/660)	Rule 37 Iraq		Resolution 1905 (2009) 15-0-0

^a The representative of the United States made a statement on behalf of the multinational force in Iraq.

^b Turkey was represented by its Minister for Foreign Affairs.

Thematic issues

30. Items relating to the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

Overview

During the period 2008-2009, the Security Council held 14 meetings relating to the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994. The Council discussed, in particular, the completion strategies of the Tribunals, which had originally been set by resolution 1503 (2003) at completing trial activities at first instance by the end of 2008 and all work by 2010. The Council heard semi-annual briefings by the presidents and prosecutors of both Tribunals and adopted one presidential statement.

The Council also adopted several resolutions under Chapter VII of the Charter successively extending the terms of office of judges⁶¹¹ and authorizing the number of ad litem judges of both Tribunals beyond their statutory limits,⁶¹² as part of efforts to implement their completion strategies.⁶¹³

4 June 2008 to 3 December 2009: implementation of the completion strategies and residual mechanism

In semi-annual briefings to the Council, held in June and December of 2008 and 2009, the Presidents and the Prosecutors of the International Tribunal for the

Former Yugoslavia and the International Criminal Tribunal for Rwanda provided the Council with their respective assessments of the implementation of the completion strategies, including the status of trial and appeal proceedings and the issue of staff retention. Subsequent debates focused on the implementation of the completion strategies, transfer of cases to national jurisdictions, capacity-building, cooperation by States with the Tribunals, particularly efforts to arrest the remaining fugitives, and the residual mechanism to carry out the essential functions of the Tribunals in the post-completion phase. Representatives of the States whose cooperation with Tribunals was under consideration presented their own accounts of cooperation efforts.

On 4 June 2008, most Council members welcomed the progress made by the Tribunals in the implementation of their strategies, and requested that they take all possible measures to stay within their deadlines. The representative of the Russian Federation was, however, concerned about the inability of the Tribunals to implement Council resolutions adopted under Chapter VII of the Charter and emphasized the need for the Council to give the Tribunals clear guidance for further action. He also criticized the activities of the International Tribunal for the Former Yugoslavia as unsatisfactory and raised doubts as to the objectivity of the report from that body.⁶¹⁴

On 12 December 2008, while expressing regret for the delays in the work of the Tribunals, many Council members acknowledged that the Tribunals' inability to meet the established timelines was a result of circumstances beyond their control, and urged the Tribunals to continue to work on completing their respective mandates as early and expeditiously as possible, without jeopardizing the fairness of the process. In that regard, a number of speakers considered the referrals to national systems as central to achieving the completion strategies. Many speakers commended the improved cooperation of Serbia with the International Tribunal for the Former Yugoslavia, some citing the arrest of Radovan Karadžić in July

⁶¹¹ Resolutions 1824 (2008), 1837 (2008), 1878 (2009), 1900 (2009) and 1901 (2009).

⁶¹² Resolutions 1800 (2008), 1849 (2008), 1877 (2009) and 1900 (2009) for the International Tribunal for the Former Yugoslavia and resolutions 1855 (2008) and 1901 (2009) for the International Criminal Tribunal for Rwanda.

⁶¹³ For more information, see part IX, sect. IV, in regard to the respective Tribunals.

⁶¹⁴ S/PV.5904, pp. 14-15.

2008 as an example. In regard to the residual functions, the Chair of the Informal Working Group on International Tribunals⁶¹⁵ highlighted four areas of early agreement that emerged from the Group's discussion: (a) impunity was unacceptable and the most senior fugitives must face international trial by the residual mechanism; (b) the completion strategies involved the transfer of cases involving mid- or lower-level inductees to national jurisdictions; (c) witness and victim protection would continue; and (d) the archives of the Tribunal were the property of the United Nations and must be kept under its control.⁶¹⁶

In a statement by the president dated 19 December 2008,⁶¹⁷ the Council noted with concern that the deadlines for the completion of trial activities at first instance had not been met and that the Tribunals had indicated that their work was not likely to end in 2010, and expressed its determination to support their efforts towards the completion of their work at the earliest date. It further acknowledged the need to establish an ad hoc mechanism to carry out a number of essential functions of the Tribunals, including the trial of high-level fugitives, after the closure of the Tribunals. This mechanism should be a small, temporary and efficient structure and would derive its authority from a resolution of the Council.

At the 613th meeting, on 4 June 2009, recognizing that the Tribunals were now expected to

complete their work by 2013 and would not meet the date set forth in the completion strategies, many speakers reiterated that Tribunals should strive for completion with maximum efficiency while minimizing further delays. They also stressed that it was important for the international community to cooperate with the Tribunals to secure the arrests of the remaining fugitives, and called on the Informal Working Group on International Tribunals to resolve the remaining outstanding issues concerning the residual mechanism as soon as possible on the basis of the Secretary-General's report,⁶¹⁸ submitted pursuant to the statement by the President of 19 December 2008,⁶¹⁹ on the administrative and budgetary aspects of options for possible locations for the archives of the Tribunals and the seat of the residual mechanism.

At the 6228th meeting, on 3 December 2009, speakers urged the Tribunals to avoid further slippage in the timelines for final completion and to take all necessary steps to keep the trial and appeal schedule on track. Several speakers expressed the view that it was necessary to accept the reality of the delays and suggested that the Council act accordingly, including extending the terms of office of the judges beyond 2010. Speakers looked forward to reaching an agreement on the establishment of a residual mechanism for the Tribunals, with some expecting it to happen in 2010.

⁶¹⁵ For more information, see part IX, sect. II, in regard to the Informal Working Group on International Tribunals.

⁶¹⁶ S/PV.6041, p. 14.

⁶¹⁷ S/PRST/2008/47.

⁶¹⁸ S/2009/258.

⁶¹⁹ S/PRST/2008/47.

Meetings: items relating to the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5841st 20 February 2008		Draft resolution (S/2008/107)			Resolution 1800 (2008) 15-0-0
		Letter from the President of the International Tribunal for the Former Yugoslavia concerning the appointment of two ad litem judges (S/2007/788, annex)			

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
		2 letters from the President of the International Tribunal for the Former Yugoslavia requesting authorization to appoint additional ad litem judges (S/2008/44 , annex, S/2008/99 , annex)			
5904th 4 June 2008	Letter dated 13 May 2008 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council (S/2008/326) Letter dated 12 May 2008 from the President of the International Criminal Tribunal for Rwanda to the President of the Security Council (S/2008/322)	Letter from the Prosecutor of the International Criminal Tribunal for Rwanda concerning outstanding fugitives in Kenya and Democratic Republic of the Congo (S/2008/356 , annex)	Rule 37 Rwanda, Serbia, Slovenia Rule 39 President of the International Tribunal for the Former Yugoslavia, President of the International Criminal Tribunal for Rwanda, Prosecutor of the International Tribunal for the Former Yugoslavia, Prosecutor of the International Criminal Tribunal for Rwanda	All Council members and all invitees ^a	
5937th 18 July 2008	Identical letters dated 13 June 2008 from the Secretary-General to the President of the General Assembly and the President of the Security Council (A/62/896-S/2008/436)	Draft resolution (S/2008/467)	Rule 37 Rwanda		Resolution 1824 (2008) 15-0-0

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5986th 29 September 2008	Letter dated 24 September 2008 from the Secretary- General addressed to the President of the Security Council (S/2008/621)	Draft resolution (S/2008/618)			Resolution 1837 (2008) 15-0-0
6040th 12 December 2008	Letter dated 5 December 2008 from the Secretary- General addressed to the President of the Security Council (S/2008/767)	Draft resolution (S/2008/780)			Resolution 1849 (2008) 15-0-0
6041st 12 December 2008	Letter dated 21 November 2008 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council (S/2008/729) Letter dated 21 November 2008 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2008/726)	15th annual report of the International Tribunal for the Former Yugoslavia (S/2008/515) 13th annual report of the International Tribunal Criminal for Rwanda (S/2008/514)	Rule 37 Bosnia and Herzegovina, Kenya, Rwanda (Minister of Justice and Attorney General), Serbia Rule 39 Presidents and Prosecutors of the Tribunals	All Council members ^b and all invitees	
6052nd 19 December 2008	Letter dated 18 December 2008 from the Secretary- General addressed to the President of the Security Council (S/2008/799)	Draft resolution (S/2008/798)			Resolution 1855 (2008) 15-0-0
6053rd 19 December 2008					S/PRST/2008/47

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6134th 4 June 2009	Letter dated 14 May 2009 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council (S/2009/252)		Rule 37 Bosnia and Herzegovina, Kenya, Rwanda, Serbia Rule 39 Presidents and Prosecutors of the Tribunals	All Council members ^c and all invitees	
	Letter dated 14 May 2009 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2009/247)				
6155th 7 July 2009	Letter dated 19 June 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/333)	Draft resolution submitted by Austria (S/2009/339)			Resolution 1877 (2009) 15-0-0
6156th 7 July 2009	Letter dated 19 June 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/333)	Draft resolution submitted by Austria (S/2009/340)			Resolution 1878 (2009) 15-0-0
	Letter dated 26 June 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/334)				

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
	Letter dated 7 July 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/336)				
6228th 3 December 2009	Letter dated 12 November 2009 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2009/587)	16th annual report of the International Tribunal for the Former Yugoslavia (S/2009/394) 14th annual report of the International Criminal Tribunal for Rwanda (S/2009/396)	Rule 37 Bosnia and Herzegovina, Kenya, Rwanda, Serbia, Sweden Rule 39 Presidents and Prosecutors of the Tribunals	All Council members ^d and all invitees ^e	
	Letter dated 12 November 2009 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council (S/2009/589)				
6242nd 16 December 2009	Letter dated 28 October 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/570)	Draft resolution submitted by Austria (S/2009/644)			Resolution 1900 (2009) 15-0-0
6243rd 16 December 2009	Letter dated 2 November 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/571)	Draft resolution submitted by Austria (S/2009/645)			Resolution 1901 (2009) 15-0-0

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
	Letter dated 23 November 2009 from the Secretary- General addressed to the President of the Security Council (S/2009/601)				

^a Slovenia made a statement on behalf of the European Union.

^b The representative of Belgium made a statement, in part, as Chair of the Informal Working Group on the International Tribunals.

^c Croatia was represented by its Prime Minister and Turkey by its Minister for Foreign Affairs. The representative of Austria made a statement, in part, as Chair of the Informal Working Group on International Tribunals.

^d The representative of Austria made a statement, in part, in his capacity as Chair of the Informal Working Group on International Tribunals.

^e Sweden made a statement on behalf of the European Union.

31. Children and armed conflict

Overview

During the period under review, the Security Council held four meetings and adopted one resolution and three presidential statements concerning children and armed conflict. Discussions in the Council focused primarily on the question of including, in the annexes to the reports of the Secretary-General on children and armed conflict, the names of parties to the killing and maiming of children and/or rape and other sexual violence against children, thereby expanding the monitoring and reporting mechanism established under resolution 1612 (2005).⁶²⁰ On 4 August 2009, the Council adopted resolution 1882 (2009), in which it so decided, and called upon such parties to prepare concrete time-bound action plans to halt violations and abuses.

12 February 2008 to 29 April 2009: expansion of the monitoring and reporting mechanism

On 12 February 2008, the Special Representative of the Secretary-General for Children and Armed Conflict introduced the Secretary-General's most recent report⁶²¹ and the lists of parties that recruited or used children in situations of armed conflict annexed

thereto. She identified five other grave violations and stated that the gateway to the annexed list of parties should include all of them. She suggested, however, that the Council could take an incremental approach and initially consider systematic sexual violence against children as an additional gateway to the annexes. She noted that there were 16 persistent violators who had been on the annexed lists in the Secretary-General's reports for five consecutive years, and urged the Council to take concrete and targeted measures against them.⁶²² The Executive Director of the United Nations Children's Fund (UNICEF) briefed the Council and highlighted, inter alia, the vulnerability to sexual violence of girls and women in conflict situations.⁶²³ The representative of the Watchlist on Children and Armed Conflict stressed the need to expand and strengthen the monitoring and reporting mechanism.⁶²⁴

Most speakers expressed support for the recommendations contained in the report of the Secretary-General, such as giving equal weight to all categories of grave violations, including recruitment and use of children in armed conflict; killing and maiming of children; rape and other grave sexual

⁶²⁰ S/PV.5834, S/PV.5936 and S/PV.6114.

⁶²¹ S/2007/757.

⁶²² S/PV.5834, pp. 3-5.

⁶²³ Ibid., pp. 6-7.

⁶²⁴ Ibid., pp. 7-8.

violence; abductions; attacks against schools or hospitals; and denial of humanitarian access to children. Council members also expressed support for the inclusion of child protection advisers in future peacekeeping operations and political missions and for expansion of the monitoring and reporting mechanism established under resolution 1612 (2005). However, while many representatives agreed with the recommendation by the Secretary-General that the Security Council refer to the International Criminal Court, for investigation and prosecution, violations against children in armed conflict that fell within its jurisdiction, others argued that the Council should not have a general policy or practice of referring cases to the Court, pointing to the fact that not all Member States were parties to the Rome Statute. Regarding the question of possible Council action against persistent violators, some speakers called for such measures as targeted sanctions, while others stressed the importance of dialogue to resolve such specific issues.⁶²⁵

The President then made a statement,⁶²⁶ in which the Council strongly condemned the continuing recruitment and use of children in armed conflict and other grave violations and stressed the need to adopt a broad strategy of conflict prevention, which addressed the root causes of armed conflict in a comprehensive manner in order to enhance the protection of children on a long-term basis. The Council also called for full implementation of the monitoring and reporting mechanism on children and armed conflict as called for in resolution 1612 (2005).

On 17 July 2008, the Secretary-General commended the actions taken by the Council since its first open debate in 1998, but also urged the Council to consolidate the gains that had been made and move forward to cover all grave violations and situations of concern.⁶²⁷ The Special Representative of the Secretary-General reiterated that the Council should take steps to begin to consider targeted and concrete measures against persistent violators listed in the annexes to the most recent report of the Secretary-General.⁶²⁸ The Assistant Secretary-General for Peacekeeping Operations briefed the Council on progress that the Department of Peacekeeping

Operations had made in protecting children, including training provided by child protection officers for peacekeeping personnel and reintegration efforts.⁶²⁹

Several speakers focused upon specific aspects of the Council's approach to dealing with the issue, such as the role and working methods of the Working Group on Children and Armed Conflict established pursuant to resolution 1612 (2005).⁶³⁰ Some noted the delay between the review of reports generated by the monitoring and reporting mechanism and the subsequent publication of the Working Group's conclusions. Others called for a broad-based, strategic approach to the issue, encompassing elements such as prevention, protection and development.

The President then made a statement,⁶³¹ in which the Council welcomed the ongoing implementation of the monitoring and reporting mechanism on children and armed conflict, in particular the efforts that had made possible the implementation of the mechanism in all situations listed in the annexes to the Secretary-General's report, and invited the Secretary-General, where applicable, to bring the mechanism to its full efficiency, in accordance with resolution 1612 (2005).

On 29 April 2009, the Secretary-General emphasized that the protection framework for children needed to be strengthened, and in that regard, recommended that the Council, at a minimum, expand the criteria for the annexes to his report to include parties that committed rape and other grave sexual violence against children in armed conflict.⁶³² The Special Representative of the Secretary-General emphasized that successes in addressing the recruitment of child soldiers had also created an imbalance in the focus of the Council, especially with regard to all other grave violations. She urged the Council to extend its focus beyond child soldiers to deal more effectively with other violations.⁶³³ The Under-Secretary-General for Peacekeeping Operations further updated the Council on the progress of the Department of Peacekeeping Operations' efforts, including deployment of child protection advisers in relevant peacekeeping operations.⁶³⁴ Ms. Grace

⁶²⁵ For more information, see part VII, sect. III, regarding Article 41 of the Charter.

⁶²⁶ S/PRST/2008/6.

⁶²⁷ S/PV.5936, p. 4.

⁶²⁸ *Ibid.*, pp. 6-9.

⁶²⁹ *Ibid.*, pp. 4-6.

⁶³⁰ For more information, see part IX, sect. II, with regard to the Working Group on Children and Armed Conflict.

⁶³¹ S/PRST/2008/28.

⁶³² S/PV.6114, pp. 3-4.

⁶³³ *Ibid.*, pp. 4-7.

⁶³⁴ *Ibid.*, pp. 7-9.

Akollo, a former child soldier of Uganda, also spoke about her personal ordeal, on behalf of children in armed conflict.⁶³⁵

Many speakers supported the Secretary-General's recommendation that the Council expand the list of criteria for the annexes to his reports to include parties that committed rape and other grave sexual violence against children in armed conflict. In addition, many supported his call for the Council to adopt more effective enforcement measures against persistent violators, such as targeted sanctions. In that regard, several representatives called for the Working Group on Children and Armed Conflict to establish more systematic communication with the relevant sanctions committees. Some also called for utilizing all available resources, such as peacekeeping missions, to combat violations against children, and in that context expressed broad support for various initiatives to mainstream protection of children by peacekeeping operations.

At the same meeting, the President made a statement,⁶³⁶ in which the Council recognized the importance of including in the annexes to the reports of the Secretary-General those parties that committed acts of killing and maiming of children, or acts of rape and other sexual violence against children in situations of armed conflict, and expressed its intention to take action on the issue within three months.

⁶³⁵ *Ibid.*, pp. 10-11.

⁶³⁶ S/PRST/2009/9.

4 August 2009: expansion in the categories of violations against children

By resolution 1882 (2009), the Council, *inter alia*, expanded the criteria under which parties to armed conflict could be included in the annexes to the reports of the Secretary-General on children and armed conflict, namely those parties that engaged in patterns of killing and maiming of children and/or rape and other sexual violence against children.

In the discussion that followed the adoption of the resolution, the representative of Mexico, in his capacity as Chair of the Working Group on Children and Armed Conflict and also in his national capacity, welcomed the adoption of the resolution, which sent a very clear political signal that the obligations imposed by international law on the parties to armed conflict with regard to the safety, security and well-being of children must be respected, with no exceptions whatsoever.⁶³⁷ The representative of Costa Rica opined that the inclusion of two new criteria — sexual violence and killing and maiming — was testimony to the Council's resolve to respond effectively to the two most serious and frequently committed crimes against children in situations of armed conflict, and urged specific measures such as the implementation of country-specific action plans, improvement of the monitoring and reporting mechanism and the establishment of criteria relating to the inclusion on and exclusion from the annexed lists in the Secretary-General's reports.⁶³⁸

⁶³⁷ S/PV.6176, pp. 2-3.

⁶³⁸ *Ibid.*, p. 4.

Meetings: children and armed conflict

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5834th 12 February 2008	Report of the Secretary-General on children and armed conflict (S/2007/757)	Letter from the Permanent Observer of Palestine requesting an invitation (S/2008/88)	Rule 37 41 Member States ^a Rule 39 Special Representative of the Secretary-General for Children and Armed Conflict, Executive Director of UNICEF, representative of Watchlist on Children and Armed Conflict	All Council members and all invitees ^b	S/PRST/2008/6

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
			Other Permanent Observer of Palestine		
5936th 17 July 2008	Letter dated 7 July 2008 from the Permanent Representative of Viet Nam to the United Nations addressed to the Secretary- General (S/2008/442) Letter dated 11 July 2008 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/2008/455)	Report of the Working Group on Children and Armed Conflict (S/2008/455)	Rule 37 33 Member States ^c Rule 39 Assistant Secretary- General for Peacekeeping Operations, Special Representative of the Secretary-General for Children and Armed Conflict, Executive Director of UNICEF, representative of Watchlist on Children and Armed Conflict, Permanent Observer of the African Union to the United Nations	Secretary- General, all Council members, ^d all invitees	S/PRST/2008/28
6114th 29 April 2009	Report of the Secretary- General on children and armed conflict (S/2009/158)		Rule 37 42 Member States ^e Rule 39 Special Representative of the Secretary-General for Children and Armed Conflict, Under- Secretary-General for Peacekeeping Operations, Executive Director of UNICEF	Secretary- General, all Council members, ^f former child soldier of Uganda, all invitees	S/PRST/2009/9

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6176th 4 August 2009		Draft resolution submitted by 46 Member States ^g (S/2009/399)	Rule 37 36 Member States ^h Rule 39 Special Representative of the Secretary-General for Children and Armed Conflict, Director of the Office of Emergency Programmes of UNICEF	2 Council members (Mexico, Costa Rica)	Resolution 1882 (2009) 15-0-0

^a Afghanistan, Argentina, Australia, Austria, Bangladesh, Benin, Brazil, Canada, Chile, Colombia, Côte d'Ivoire, Egypt, El Salvador, Georgia, Germany, Guatemala, Guinea, Iceland (on behalf of the five Nordic countries, Denmark, Finland, Iceland, Norway and Sweden), Iraq, Israel, Japan, Kazakhstan, Liechtenstein, Mexico, Myanmar, Nepal, Netherlands, Nicaragua, Nigeria, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Slovenia (on behalf of the European Union), Sri Lanka, Switzerland, Thailand, Uganda, United Republic of Tanzania and Uruguay.

^b Panama was represented by its Vice-President and Minister for Foreign Affairs; Belgium, by its Minister for Development Cooperation; France, by its Minister for Foreign Affairs; and Italy, by its Under-Secretary of State for Foreign Affairs.

^c Afghanistan, Australia, Austria, Bangladesh, Benin, Canada, Colombia, Côte d'Ivoire, Egypt, Germany, Ghana, Ireland, Israel, Japan, Liberia, Liechtenstein, Malawi, Mexico, Myanmar, Nepal, New Zealand, Nicaragua, Nigeria, Norway, Peru, Philippines, Republic of Korea, Rwanda, Sri Lanka, Tonga, Uganda, United Republic of Tanzania and Uruguay.

^d Viet Nam was represented by its Deputy Prime Minister and Minister for Foreign Affairs.

^e Afghanistan, Argentina, Armenia, Australia, Azerbaijan, Bangladesh, Belgium, Benin, Bosnia and Herzegovina, Brazil, Canada, Chile, Colombia, Czech Republic (on behalf of the European Union), Democratic Republic of the Congo (Minister for Gender, Family and Children's Affairs), Ecuador, Egypt, El Salvador, Finland, Germany, Ghana, Guatemala, Iraq, Ireland, Israel, Italy, Kazakhstan, Liechtenstein, Luxembourg, Morocco, Myanmar, Nepal, Netherlands, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Sri Lanka, Switzerland, Thailand and Uruguay.

^f Mexico was represented by its Minister for Foreign Affairs.

^g Argentina, Australia, Austria, Belgium, Benin, Burkina Faso, Canada, Chile, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Luxembourg, Mexico, Monaco, Netherlands, New Zealand, Norway, Peru, Portugal, Republic of Korea, Rwanda, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, United Kingdom, United Republic of Tanzania, United States and Uruguay.

^h Argentina, Australia, Belgium, Benin, Canada, Chile, Comoros, Côte d'Ivoire, Czech Republic, Denmark, Finland, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Kazakhstan, Latvia, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Peru, Portugal, Republic of Korea, Rwanda, Slovenia, South Africa, Spain, Sweden, Switzerland, United Republic of Tanzania and Uruguay.

Mainstreaming of issues related to children and armed conflict in the decisions of the Security Council

The Security Council has increasingly incorporated elements that relate to thematic items, such as children and armed conflict, into its decisions on country-specific situations.⁶³⁹ The following table

lists, by item, all instances of provisions relating to children and armed conflict that were included in decisions adopted under other items. The table does not reflect the integration of elements relating to children and armed conflict into the mandates of subsidiary bodies, as those are covered in part X.

The provisions relating to the protection of children in armed conflict include expressions of

⁶³⁹ For information on the mainstreaming of other thematic items, see, in the present part, sect. 33, with regard to

protection of civilians in armed conflict, and sect. 35, with regard to women and peace and security.

concern and condemnation of the recruitment and use of child soldiers and sexual violence against girls; calls for release of child soldiers; calls to bring to justice those responsible for abuses; requests concerning the strengthening of child protection components of and reporting requirements for field missions, as well as the mainstreaming of child protection in activities related to peace and security; and the imposition of sanctions.

The Council included the above-mentioned provisions in its decisions on Afghanistan, Burundi, Chad, the Central African Republic, the Central African Republic and the subregion, Côte d'Ivoire, the

Democratic Republic of the Congo, Guinea-Bissau, Haiti, Iraq, Liberia, Nepal, Somalia, the Sudan and the Great Lakes Region. Of the 45 decisions (among them four presidential statements), 17 were adopted under Chapter VII of the Charter.

In one instance, in a decision concerning the Democratic Republic of the Congo, the Council decided to apply sanctions measures to individuals committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement.

Mainstreaming of issues related to children and armed conflict in the decisions of the Security Council, 2008-2009: selected provisions

Decision

Provisions

The situation in Afghanistan

Resolution [1806 \(2008\)](#) Expresses its strong concern about the recruitment and use of children by Taliban forces in Afghanistan as well as the killing and maiming of children as a result of the conflict, reiterates its strong condemnation of the recruitment and use of child soldiers in violation of applicable international law and all other violations and abuses committed against children in situations of armed conflict and stresses the importance of implementing Security Council resolution [1612 \(2005\)](#), and in this context requests the Secretary-General to strengthen the child protection component of UNAMA, in particular through the appointment of child protection advisers (para. 14)

Resolution [1868 \(2009\)](#) Expresses its strong concern about the recruitment and use of children by Taliban forces in Afghanistan as well as the killing and maiming of children as a result of the conflict, reiterates its strong condemnation of the recruitment and use of child soldiers in violation of applicable international law and all other violations and abuses committed against children in situations of armed conflict, in particular attacks against schools, calls for those responsible to be brought to justice, stresses the importance of implementing resolution [1612 \(2005\)](#) in this context, and requests the Secretary-General to strengthen the child protection component of UNAMA, in particular through the appointment of child protection advisers (para. 16)

The situation in Burundi

Resolution [1858 \(2008\)](#) Encourages, in this regard, the Government of Burundi, in collaboration with all international partners, to elaborate a disarmament, demobilization and reintegration strategy and to lay the foundations for the sustainable socioeconomic reintegration of demobilized soldiers, ex-combatants, returning refugees, the displaced and other vulnerable groups affected by the conflict, particularly women and children, in accordance with resolutions [1325 \(2000\)](#), [1612 \(2005\)](#), [1674 \(2006\)](#) and [1820 \(2008\)](#) (para. 11)

Demands that the Palipehutu-FNL and other armed groups release unconditionally and without further delay all children associated with them, and emphasizes the need for their sustainable reintegration and reinsertion (para. 15)

Decision

Provisions

Resolution 1902
(2009)

Encourages the Government of Burundi to pursue its efforts regarding peace consolidation challenges, in particular democratic governance, security reforms, land tenure, justice and the protection of human rights, with a special focus on women's and children's rights (para. 12)

Encourages the Government of Burundi, in collaboration with all international partners, including BINUB, UNDP and the World Bank, to complete the disarmament and demobilization process and the strategy for the sustainable socioeconomic reintegration of demobilized soldiers, former combatants, returning refugees, the displaced and other vulnerable groups affected by the conflict, particularly women and children, and urges international partners, particularly the Peacebuilding Commission, to stand ready to support this (para. 15)

Welcomes the release of all children by armed groups, emphasizes the need for their sustainable reintegration and reinsertion, welcomes in this regard the programme launched by the World Bank in this field, and urges the Government of Burundi, with the support of BINUB, UNICEF and other members of the Country Task Force on the Monitoring and Reporting of Grave Child Rights Violations, to fight impunity for violators of children's rights (para. 20)

The situation in the Central African Republic

S/PRST/2009/5

The Security Council calls upon all armed groups to immediately cease the recruitment and use of children and release all children associated with them. The Council calls upon all parties, as a matter of priority, to develop and implement, in close collaboration with BINUCA, action plans within the framework of resolutions 1539 (2004) and 1612 (2005) (third paragraph)

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

Resolution 1834
(2008)

Emphasizing the need to respect international refugee law, preserve the civilian and humanitarian nature of refugee camps and internally displaced persons sites and prevent any recruitment of individuals, including children, which might be carried out in or around the camps by armed groups (twelfth preambular paragraph)

Resolution 1861
(2009)
(Chapter VII)

Emphasizing the need to [...] prevent any recruitment of individuals, including children, which might be carried out in or around the camps and sites by armed groups (thirteenth preambular paragraph)

Takes note of the measures already undertaken by the authorities of Chad to put an end to the recruitment and use of children by armed groups, encourages them to pursue their cooperation with United Nations bodies in this regard, particularly UNICEF, and calls upon all the parties involved to ensure that children are protected (para. 24)

S/PRST/2009/13

The Council calls upon all parties to abide by their obligations under international humanitarian law, in particular to respect the security of civilians, including women and children, humanitarian workers and United Nations personnel (fifth paragraph)

The situation in Côte d'Ivoire

Resolution 1795
(2008)
(Chapter VII)

Calls upon all parties concerned to ensure that the protection of women and children is addressed in the implementation of the Ouagadougou Political Agreement as well as in the post-conflict reconstruction and recovery phases, including continued monitoring and reporting of the situation of women and children (para. 6)

- Resolution [1826 \(2008\)](#) (Chapter VII) Calls upon all concerned parties to ensure that the protection of women and children is addressed in the implementation of the Ouagadougou Political Agreement as well as the post-conflict reconstruction and recovery phases, including continued monitoring and reporting of the situation of women and children (para. 6)
- Resolution [1842 \(2008\)](#) (Chapter VII) Noting again with concern, in spite of the sustained improvement of the overall human rights situation, the persistence of cases of human rights violations against civilians, including numerous acts of sexual violence, stressing that the perpetrators must be brought to justice, reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire, and recalling its resolutions [1325 \(2000\)](#) and [1820 \(2008\)](#) on women, peace and security, its resolution [1612 \(2005\)](#) on children and armed conflict and its resolution [1674 \(2006\)](#) on the protection of civilians in armed conflict (seventh preambular paragraph)
- Resolution [1865 \(2009\)](#) (Chapter VII) Recalling its resolution [1612 \(2005\)](#) on children and armed conflict and the subsequent conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to parties to the armed conflict of Côte d'Ivoire, and expressing its deep concern that children continue to suffer from various forms of violence (eleventh preambular paragraph)
- Calls upon all concerned parties to ensure that the protection of women and children is addressed in the implementation of the Ouagadougou Political Agreement as well as in the post-conflict reconstruction and recovery phases, including continued monitoring and reporting of the situation of women and children, and that all reported abuses are investigated and those responsible brought to justice (para. 11)
- Resolution [1880 \(2009\)](#) (Chapter VII) Calls upon all parties concerned to ensure that the protection of women and children is addressed in the implementation of the Ouagadougou Political Agreement as well as in the post-conflict reconstruction and recovery phases, including continued monitoring and reporting of the situation of women and children, and that all reported abuses are investigated and those responsible brought to justice (para. 14)

The situation concerning the Democratic Republic of the Congo

- Resolution [1807 \(2008\)](#) (Chapter VII) Recalling its resolution [1612 \(2005\)](#) and its previous resolutions on children and armed conflict, and strongly condemning the continued recruitment, targeting and use of children, in violation of applicable international law, in the hostilities in the Democratic Republic of the Congo (twelfth preambular paragraph)
- Decides also that the [arms embargo, travel ban and asset freeze] shall apply to the following individuals and, as appropriate, entities, as designated by the Committee: [...] (d) political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflicts in violation of applicable international law; and (e) individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement (para. 13 (d), (e))

<i>Decision</i>	<i>Provisions</i>
S/PRST/2008/38	<p>The Council expresses its deep concern over continued threats to the safety of the civilian population and to the conduct of humanitarian operations. The Council strongly condemns the continuing recruitment and use of children by armed groups as well as the continued prevalence of sexual and gender-based violence in the eastern region of the Democratic Republic of the Congo. It urges all parties to comply fully with their obligations under international law, including international humanitarian law, human rights law and refugee law (second paragraph)</p> <p>The Council strongly condemns the recent attacks by the LRA, including the abduction by the LRA of 159 schoolchildren in villages in Orientale Province. The Council recalls the International Criminal Court indictments against members of the LRA leadership on charges of, among other things, the enlistment of children through abduction, as a war crime (ninth paragraph)</p>
Resolution 1856 (2008) (Chapter VII)	<p>Demands also, recalling its resolution 1698 (2006), that all armed groups, in particular the forces of Mr. Laurent Nkunda, the Forces démocratiques de libération du Rwanda and LRA immediately stop recruiting and using children and release all children associated with them (para. 24)</p>
Resolution 1857 (2008) (Chapter VII)	<p>Decides that the [travel ban and asset freeze] referred to shall apply to the following individuals and, as appropriate, entities, as designated by the Security Council Committee established pursuant to resolution 1533 (2004): [...] (d) political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflicts in violation of applicable international law; and (e) individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement (para. 4 (d), (e))</p>
Resolution 1896 (2009) (Chapter VII)	<p>Noting with great concern the persistence of human rights and humanitarian law violations against civilians in the eastern part of the Democratic Republic of the Congo, including the killing and displacement of significant numbers of civilians, the recruitment and use of child soldiers and widespread sexual violence, stressing that the perpetrators must be brought to justice, reiterating its firm condemnation of all violations of human rights and international humanitarian law in the country, and recalling all its relevant resolutions on women and peace and security, on children and armed conflict and on the protection of civilians in armed conflicts (eighth preambular paragraph)</p>
Resolution 1906 (2009) (Chapter VII)	<p>Expressing its extreme concern at the deteriorating humanitarian and human rights situation and the continued impunity of those responsible for human rights abuses and other atrocities, condemning, in particular, the targeted attacks against the civilian population, widespread sexual violence, recruitment and use of child soldiers and extrajudicial executions, stressing the urgent need for the Government of the Democratic Republic of the Congo, in cooperation with MONUC and other relevant actors, to end violations of human rights and international humanitarian law, and to bring the perpetrators to justice, and calling upon Member States to assist in this regard and to continue to provide medical, humanitarian and other assistance to victims (eighth preambular paragraph)</p>

Demands also that the Government of the Democratic Republic of the Congo, in furtherance of resolution [1888 \(2009\)](#), immediately take appropriate measures to protect civilians, including women and children, from violations of international humanitarian law and human rights abuses, including all forms of sexual violence; urges the Government to ensure the full implementation of its “zero-tolerance policy” with respect to discipline and human rights violations, including sexual and gender-based violence, committed by elements of the Armed Forces of the Democratic Republic of the Congo and further urges that all reports of such violations be thoroughly investigated, with the support of MONUC, and that all those responsible be brought to justice through a robust and independent process (para. 11)

Demands that all armed groups, in particular the Forces démocratiques de libération du Rwanda and LRA, immediately stop recruiting and using children and release all children associated with them, and calls upon the Government of the Democratic Republic of the Congo to continue to work with MONUC, the monitoring and reporting mechanism and other relevant actors to finalize the elaboration of an action plan to release children present in the Armed Forces of the Democratic Republic of the Congo and to prevent further recruitment (para. 15)

The situation in the Great Lakes region

Resolution [1804 \(2008\)](#) Demands also that the Forces démocratiques de libération du Rwanda, ex-Rwandan Armed Forces/Interahamwe and other Rwandan armed groups operating in the eastern part of the Democratic Republic of the Congo immediately stop recruiting and using children, release all children associated with them and put an end to gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence, and stresses the need for those responsible to be brought to justice (para. 2)

[S/PRST/2008/48](#) The Council strongly condemns the recent attacks by LRA in the Democratic Republic of the Congo and Southern Sudan, which pose a continuing threat to regional security. It demands that LRA cease its recruitment and use of children and that it release immediately all women, children and other non-combatants, in accordance with Council resolution [1612 \(2005\)](#). The Council reiterates its deep concern at the long-running and brutal insurgency by LRA which has caused the death, abduction and displacement of thousands of innocent civilians in Uganda, the Sudan and the Democratic Republic of the Congo (fourth paragraph)

The Council recalls the International Criminal Court arrest warrants for certain LRA leaders on charges of, among other things, war crimes and crimes against humanity, including murder, rape and the enlistment of children through abduction. The Council recalls the statement by its President of 22 June 2006 ([S/PRST/2006/28](#)), and reaffirms that it attaches vital importance to promoting justice and the rule of law, including respect for human rights, as an indispensable element for lasting peace. The Council reaffirms that ending impunity is essential for a society recovering from conflict to come to terms with past abuses committed against civilians and to prevent their recurrence (fifth paragraph)

The situation in Guinea-Bissau

Resolution [1876 \(2009\)](#) Stressing its concern about human trafficking, especially that of children outside the country (eleventh preambular paragraph)

Decision

Provisions

The question concerning Haiti

- Resolution [1840 \(2008\)](#) (Chapter VII) Strongly condemns the grave violations against children affected by armed violence, as well as widespread rape and other sexual abuse of girls, and requests MINUSTAH to continue to promote and protect the rights of women and children as set out in Security Council resolutions [1325 \(2000\)](#), [1612 \(2005\)](#), and [1820 \(2008\)](#) (para. 21)
- Resolution [1892 \(2009\)](#) (Chapter VII) Strongly condemns the grave violations against children affected by armed violence, as well as widespread rape and other sexual abuse of women and girls, and requests MINUSTAH and the United Nations country team, in close cooperation with the Government of Haiti, to continue to promote and protect the rights of women and children as set out in Security Council resolutions [1325 \(2000\)](#), [1612 \(2005\)](#), [1820 \(2008\)](#), [1882 \(2009\)](#), [1888 \(2009\)](#), and [1889 \(2009\)](#) (para. 19)
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The situation concerning Iraq

- Resolution [1830 \(2008\)](#) Underscoring the sovereignty of the Government of Iraq, reaffirming that all parties should continue to take all feasible steps and develop modalities to ensure the protection of affected civilians, including children, and should create conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons, welcoming new commitments of the Government for the relief of internally displaced persons, encouraging continued efforts for internally displaced persons and refugees and noting the important role of the Office of the United Nations High Commissioner for Refugees, based on its mandate, in providing advice and support to the Government, in coordination with UNAMI (tenth preambular paragraph)
- Resolution [1883 \(2009\)](#) Underscoring the sovereignty of the Government of Iraq, reaffirming that all parties should continue to take all feasible steps and develop modalities to ensure the protection of affected civilians, including children, women and members of religious and ethnic minority groups, and should create conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons, welcoming commitments of the Government for the relief of internally displaced persons, encouraging continued efforts for internally displaced persons and refugees, and noting the important role of the Office of the United Nations High Commissioner for Refugees, based on its mandate, in providing advice and support to the Government, in coordination with UNAMI (eleventh preambular paragraph)
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The situation in Liberia

- Resolution [1836 \(2008\)](#) (Chapter VII) Welcoming the progress achieved on the broad benchmarks laid out in the report of the Secretary-General of 12 September 2006 and the core benchmarks presented in the reports of the Secretary-General of 8 August 2007 and 19 March 2008, welcoming the continuing efforts of UNMIL to promote and protect, in cooperation with the Government of Liberia, the rights of civilians, in particular children and women, calling upon the Liberian authorities to continue to cooperate with the United Nations country team and civil society in order to achieve further progress in these areas and, in particular, to combat violence against children and women, including gender-based violence, sexual exploitation and abuse, and recalling its resolutions [1674 \(2006\)](#) and [1612 \(2005\)](#), as well as resolutions [1325 \(2000\)](#) and [1820 \(2008\)](#) on women, peace and security (twelfth preambular paragraph)

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

Resolution 1796 (2008) Recognizing the need to pay special attention to the needs of women, children and traditionally marginalized groups in the peace process, as mentioned in the Comprehensive Peace Agreement and Security Council resolution 1325 (2000) (ninth preambular paragraph)

Resolution 1864 (2009) [...] noting the importance of a durable long-term solution in helping to create the conditions for completion of the activities of UNMIN, noting also in this regard the need to address outstanding issues, particularly the release of minors in cantonment sites, welcoming the commitment by the Government of Nepal to discharge minors without further delay, and calling upon the Government to implement this commitment as soon as possible and for continued reporting on this issue as required under resolution 1612 (2005) (eleventh preambular paragraph)

Recognizing the need to pay special attention to the needs of women, children and traditionally marginalized groups in the peace process, as mentioned in the Comprehensive Peace Agreement and resolution 1325 (2000) (fourteenth preambular paragraph)

The situation in Somalia

Resolution 1801 (2008) (Chapter VII) Reaffirms its previous resolution 1612 (2005) on children and armed conflict, and recalls the subsequent conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to parties to the armed conflict in Somalia (S/AC.51/2007/14) (para. 15)

Resolution 1814 (2008) (Chapter VII) Also reaffirms its previous resolution 1612 (2005) on children and armed conflict and recalls the subsequent conclusions of the Security Council Working Group on Children in Armed Conflict pertaining to parties to the armed conflict in Somalia (S/AC.51/2007/14) (para. 18)

Reports of the Secretary-General on the Sudan

Resolution 1828 (2008) Requests the Secretary-General to ensure (a) continued monitoring and reporting of the situation of children, and (b) continued dialogue with the parties to the conflict towards the preparation of time-bound action plans to end the recruitment and use of child soldiers and other violations against children (para. 14)

Demands that the parties to the conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, in line with resolution 1820 (2008); and requests the Secretary-General to ensure, as appropriate, that resolutions 1325 (2000) and 1820 (2008) are implemented by UNAMID and to include information on this in his report (para. 15)

Resolution 1870 (2009) Condemning all acts and forms of violence perpetrated by any party that prevent or hinder peace and stability in the Sudan and the region, and deploring its effect, in particular, on women and children (eighth preambular paragraph)

<i>Decision</i>	<i>Provisions</i>
Resolution 1881 (2009)	Demands also that the parties to the conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, in line with resolution 1820 (2008); and requests the Secretary-General to develop a comprehensive strategy for providing protection to women and girls from sexual violence and gender-based violence and to ensure that the relevant provisions of resolutions 1325 (2000) and 1820 (2008) are implemented by UNAMID and to include information on this in his reporting to the Council (para. 14)
Resolution 1891 (2009) (Chapter VII)	Demanding also an immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians, in line with resolution 1888 (2009), recruitment and use of children, in line with resolutions 1612 (2005) and 1882 (2009), and indiscriminate attacks against civilians (eighth preambular paragraph)

Abbreviations: BINUM — United Nations Integrated Office in Burundi; BINUCA — United Nations Integrated Peacebuilding Office in the Central African Republic; LRA — Lord's Resistance Army; MINUSTAH — United Nations Stabilization Mission in Haiti; MONUC — United Nations Organization Mission in the Democratic Republic of the Congo; Palipehutu-FNL — Parti pour la libération du peuple hutu-Forces nationales de liberation; UNAMA — United Nations Assistance Mission in Afghanistan; UNAMI — United Nations Assistance Mission for Iraq; UNAMID — African Union-United Nations Hybrid Operation in Darfur; UNDP — United Nations Development Programme; UNICEF — United Nations Children's Fund; UNMIL — United Nations Mission in Liberia; and UNMIN — United Nations Mission in Nepal.

32. Threats to international peace and security caused by terrorist acts

Overview

During the period under review, the Security Council held 10 meetings and adopted three resolutions and six presidential statements concerning threats to international peace and security caused by terrorist acts. The President made statements on behalf of the Council concerning several terrorist attacks around the world, condemning in the strongest terms terrorist actions in, respectively, Les Issers, Algeria; Wah Cantt, Pakistan; Islamabad; and Jakarta. The Council also focused on the work of its counter-terrorism-related subsidiary bodies, namely the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, and the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (the Counter-Terrorism Committee) and its Executive Directorate.⁶⁴⁰

The Council established the Office of the Ombudsperson to mediate requests by individuals, organizations and companies to be removed from the Consolidated List created pursuant to resolutions 1267

(1999) and 1333 (2000),⁶⁴¹ and renewed for a further 18 months the mandate of the Analytical Support and Sanctions Monitoring Team of the Committee established pursuant to resolution 1267 (1999).⁶⁴² The Council also extended the mandate of the Counter-Terrorism Committee Executive Directorate until 31 December 2010.

19 and 20 March 2008: extension of the mandate of the Counter-Terrorism Committee Executive Directorate

On 19 March 2008, the Executive Director of Counter-Terrorism Committee Executive Directorate gave an overview of the revised organizational plan of the Directorate and its methods of work. He explained to the Council that given the increased ratification of counter-terrorism conventions and the almost unprecedented level of international exchange of information and cooperation, the most pressing need in combating terrorism was less about ensuring that countries understood the challenge and more about

⁶⁴⁰ For more information, see part IX, with regard to the Counter-Terrorism Committee Executive Directorate.

⁶⁴¹ Available from the website of the Counter-Terrorism Committee.

⁶⁴² For more information, see part IX, with regard to the Analytical Support and Sanctions Monitoring Team.

ensuring they had the capacity to carry out the fight.⁶⁴³ Speakers expressed support for the revised organizational plan and endorsed the renewal of the mandate of the Executive Directorate.

On 20 March, the Council adopted resolution [1805 \(2008\)](#), in which it extended the mandate of the Executive Directorate until 31 December 2010, and decided to conduct an interim review by 30 June 2009 and a comprehensive consideration of the work of the Executive Directorate prior to the expiration of its mandate. In addition, the Council urged the Executive Directorate to continue strengthening its role in facilitating technical assistance for the implementation of resolution [1373 \(2001\)](#), aimed at increasing the capabilities of Member States in the fight against terrorism, and encouraged it to continue providing the necessary support towards a comprehensive implementation of resolution [1624 \(2005\)](#).

30 June 2008 and 17 December 2009: renewal of the mandate of the Monitoring Team

On 30 June 2008, the Council, acting under Chapter VII of the Charter, adopted resolution [1822 \(2008\)](#), by which it, inter alia, updated the sanctions regime against Al-Qaida, Osama bin Laden, the Taliban and other individuals, groups, undertakings and entities associated with them, and decided to extend the mandate of the Monitoring Team of the Committee established pursuant to resolution [1267 \(1999\)](#) for a further period of 18 months. The Council directed the Committee to make available summaries of reasons for listing entries on the Consolidated List, and decided that the Secretariat should notify, within one week, the permanent mission of the country of which the listed individual was a national. The Council also directed the Committee to conduct a review of all names on the list by 30 June 2010.

On 17 December 2009, the Council, acting under Chapter VII of the Charter, adopted resolution [1904 \(2009\)](#), by which it, inter alia, decided to extend the mandate of the Monitoring Team for a further period of 18 months.

⁶⁴³ S/PV.5855 and Corr.1, pp. 2-4.

19 August 2008 to 17 July 2009: response to terrorist attacks

On four occasions during the period, the President made a statement on behalf of the Council in response to specific terrorist acts: a suicide terrorist attack causing numerous deaths and injuries at a gendarmerie training academy in Les Issers, Algeria, on 19 August 2008;⁶⁴⁴ twin suicide terrorist attacks in Wah Cantt, Pakistan, on 21 August 2008;⁶⁴⁵ a terrorist attack in Islamabad on 20 September 2008, causing numerous deaths and injuries, including among foreign diplomats;⁶⁴⁶ and the terrorist attacks in Jakarta on 17 July 2009, causing numerous deaths and injuries.⁶⁴⁷ In each instance, the Council underlined the need to bring the perpetrators, organizers, financiers and sponsors of that reprehensible act of terrorism to justice, and urged all States, in accordance with their obligations under international law and Council resolutions, to cooperate actively with the authorities in this regard.

On 9 December 2008, the Secretary-General emphasized that terrorism was a leading threat to international peace and security, and combating it must be one of the main priorities of the international community. Underlining the importance of safeguarding human rights while combating terrorism, he pointed out that the United Nations was uniquely well placed to do so. He concluded by stressing that even as the United Nations had become a deliberate target for some terrorists, the organization would not be deterred.⁶⁴⁸ Speakers were unanimous in expressing their strong condemnation of all acts of terrorism, and underlined the importance of international cooperation, coordination and information-sharing to effectively combat terrorism.

The President then made a statement on behalf of the Council,⁶⁴⁹ in which it emphasized the central role of the United Nations in the global struggle against terrorism, and, expressing its deep concern about the continuous terrorist attacks around the world, called upon Member States to renew international solidarity against terrorism.

⁶⁴⁴ S/PRST/2008/31.

⁶⁴⁵ S/PRST/2008/32.

⁶⁴⁶ S/PRST/2008/35.

⁶⁴⁷ S/PRST/2009/22.

⁶⁴⁸ S/PV.6034, pp. 2-3.

⁶⁴⁹ S/PRST/2008/45.

**17 December 2009: establishment of the Office
of the Ombudsperson**

On 17 December 2009, the Council, acting under Chapter VII of the Charter, adopted resolution [1904 \(2009\)](#), in which it reaffirmed the need to combat by all means, in accordance with the Charter and international law, threats to international peace and security caused by terrorist acts, and expressed its intention to continue efforts to ensure that procedures for listing and delisting were fair and clear. In the resolution the Council introduced measures to increase the fairness and transparency of the sanctions regime

imposed on Al-Qaida, Osama bin Laden and the Taliban. In that regard, the Council established the Office of the Ombudsperson, to which individuals, groups, undertakings or entities seeking to be removed from the Consolidated List could submit a request for delisting. It further decided that the Secretary-General should appoint an independent and impartial Ombudsperson, whose mandate would include gathering information upon receipt of a delisting request and interacting with the petitioner, relevant States and organizations with regard to the request, and who should within two months present a comprehensive report to the Committee.

Meetings: threats to international peace and security caused by terrorist acts

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5855th 19 March 2008		Revised organizational plan for the Counter-Terrorism Committee Executive Directorate (S/2008/80 , annex)	Rule 37 12 Member States ^a Rule 39 Executive Director of the Counter-Terrorism Committee Executive Directorate	All Council members and all invitees	
5856th 20 March 2008		Draft resolution submitted by 11 Member States ^b (S/2008/182) Revised organizational plan for the Executive Directorate (S/2008/80 , annex)			Resolution 1805 (2008) 15-0-0
5903rd 2 June 2008			Rule 37 Denmark, Pakistan		S/PRST/2008/19

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5928th 30 June 2008		Draft resolution submitted by 8 Member States ^c (S/2008/424) Report of the Committee established pursuant to resolution 1267 (1999) (S/2008/408)		1 Council member (Costa Rica)	Resolution 1822 (2008) 15-0-0
5962nd 19 August 2008			Rule 37 Algeria		S/PRST/2008/31
5964th 21 August 2008			Rule 37 Pakistan		S/PRST/2008/32
5978th 22 September 2008					S/PRST/2008/35
6034th 9 December 2008	Letter dated 26 November 2008 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General (S/2008/738)		Rule 37 33 Member States ^d	Secretary-General, all Council members, all invitees	S/PRST/2008/45
6164th 17 July 2009			Rule 37 Indonesia		S/PRST/2009/22
6247th 17 December 2009		Draft resolution submitted by 9 Member States ^e (S/2009/647)		2 Council members (Austria, Costa Rica)	Resolution 1904 (2009) 15-0-0

(Footnotes on following page)

(Footnotes to Meetings: threats to international peace and security caused by terrorist acts Table)

^a Argentina, Australia, Cuba, India, Iran (Islamic Republic of), Israel, Japan, Mexico (on behalf of the Rio Group), Slovenia (on behalf of the European Union), Spain, Turkey and Venezuela (Bolivarian Republic of).

^b Belgium, Burkina Faso, China, Costa Rica, Croatia, France, Italy, Panama, Russian Federation, United Kingdom and United States.

^c Belgium, Burkina Faso, Croatia, France, Italy, Russian Federation, United Kingdom and United States.

^d Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Azerbaijan, Bosnia and Herzegovina (Minister for Foreign Affairs), Brazil, Canada, Colombia, Cuba, Ecuador, India (Minister of State for External Affairs), Iran (Islamic Republic of), Israel, Japan, Jordan, Kazakhstan, Liechtenstein, Malaysia, Mexico, Morocco, New Zealand, Pakistan, Philippines, Republic of Korea, Singapore, Spain, Sri Lanka, Syrian Arab Republic, Turkey and Venezuela (Bolivarian Republic of).

^e Austria, Burkina Faso, Croatia, France, Japan, Mexico, Turkey, United Kingdom and United States.

33. Protection of civilians in armed conflict

Overview

During the period under review, the Council held four meetings and adopted one resolution and two statements by the President concerning protection of civilians in armed conflict. It received four briefings by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. The Council also adopted an updated version of the aide-memoire on protection of civilians in armed conflict.

The Council considered an independent study, jointly commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, examining the implementation of mandates for United Nations peacekeeping missions to protect civilians.

In 2009, which marked the tenth anniversary of the Council's work on protection of civilians, the newly established informal Expert Group on Protection of Civilians convened its first meeting.

27 May 2008: presidential statement on resolutions relating to protection of civilians in armed conflict

On 27 May 2008, the Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, who elaborated on three areas which had particular impact on civilians,

including conduct of hostilities, sexual violence and humanitarian access. He expressed concern at the number of civilian casualties resulting from operations conducted by non-State actors as well as by national or multinational forces. In respect of sexual violence, the Under-Secretary-General expressed the hope that provisions ensuring accountability for the perpetrators of sexual violence, such as those recently included in a resolution concerning the Democratic Republic of the Congo, could be extended to other resolutions on armed conflict, in particular those relating to Côte d'Ivoire and the Sudan. With regard to humanitarian access, the Under-Secretary-General noted that restrictions on the movement of staff and goods, interference, diversion of aid and bureaucratic constraints all impeded the delivery of aid. He urged Council members to consider positively the Secretary-General's recommendation for the creation of a Security Council expert group on the protection of civilians,⁶⁵⁰ making clear that he was not proposing a new subsidiary body of the Council but rather envisaged an informal forum that would bring together at the expert level all member States of the Council for transparent, systematic and timely consultation on concerns relating to the protection of civilians,

⁶⁵⁰ S/2007/643, para. 66 (m).

particularly, but not only, in the context of the establishment or renewal of peacekeeping mandates.⁶⁵¹

Several speakers called on parties to conflicts to comply with international humanitarian and human rights laws and Council resolutions. Apart from urging the Council to develop guidance and improve the mandates for peacekeeping missions on the issue of protection, several speakers specifically condemned the use of sexual violence as a tool of war and expressed the view that peacekeeping missions had a role to play in addressing the issue. While many speakers welcomed the Secretary-General's recommendation to establish a working group on the protection of civilians, a few representatives questioned the advisability of such a group, believing that existing structures, such as the Working Group on Children and Armed Conflict, were sufficient.⁶⁵²

Several speakers maintained that the national Governments concerned had the primary responsibility for the protection of civilians, and stressed the importance of respecting the sovereignty and territorial integrity of States. However, many speakers noted that the international community should provide support to national Governments to carry out that responsibility. While the representative of China stressed that the responsibility to protect should be further considered by the General Assembly, within the framework of the final outcome document of the 2005 World Summit,⁶⁵³ other speakers stated that there was a need to operationalize and more clearly define the concept.⁶⁵⁴ The representative of France referred to the obstruction of proposals for emergency assistance to civilian victims of cyclone Nargis, which had hit Myanmar, and said that there was always a risk of slipping from not helping people in danger to crimes against humanity.⁶⁵⁵ The representative of Myanmar, on the contrary, found it highly objectionable that some delegations had politicized the humanitarian aspect of a natural disaster.⁶⁵⁶

⁶⁵¹ S/PV.5898, pp. 2-7.

⁶⁵² *Ibid.*, p. 16 (Russian Federation); and S/PV.5898 (Resumption 1), pp. 16-17 (Colombia).

⁶⁵³ S/PV.5898, p. 9.

⁶⁵⁴ *Ibid.*, pp. 7-8 (Italy); p. 15 (Panama); and pp. 31-32 (Liechtenstein).

⁶⁵⁵ *Ibid.*, p. 18.

⁶⁵⁶ S/PV.5898 (Resumption 1), p. 15.

The President then made a statement on behalf of the Council,⁶⁵⁷ in which the Council reaffirmed its commitment to the full and effective implementation of its resolutions on the protection of civilians in armed conflict, re-emphasized the responsibility of States to comply with their relevant obligations to end impunity and to prosecute those responsible for war crimes, genocide, crimes against humanity and serious violations of international humanitarian law. The Council furthermore invited the Secretary-General to provide an update on the implementation of the protection mandates in United Nations missions as mandated by the Council.

14 January 2009: adoption of updated aide-memoire on protection of civilians

After briefing the Council on current situations in which violations of international humanitarian law had occurred, including in southern Israel and the Gaza Strip, the eastern Democratic Republic of the Congo, Somalia, Afghanistan and Sri Lanka, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator maintained that the revision of the aide-memoire on the protection of civilians was an important step towards ensuring respect for international humanitarian law and human rights law in times of armed conflict. He explained that the aide-memoire identified the key concerns regarding the protection of civilians in contemporary conflicts and, on the basis of the Council's past practice, suggested specific actions that the Council could take to respond to those concerns. It maintained a focus on the role of peacekeeping missions, but it also included a range of additional measures that could be taken by the Council, such as imposing targeted sanctions against the perpetrators of serious violations against civilians and the referral of situations to the International Criminal Court (ICC).⁶⁵⁸

Many speakers welcomed the revised aide-memoire, prepared by the Office for the Coordination of Humanitarian Affairs, as a practical tool to integrate the protection of civilians into peacekeeping mandates in a more systematic manner. Agreeing on the need to enhance and clarify the mandate of United Nations peacekeeping operations in terms of protecting civilians, they also welcomed the recent establishment

⁶⁵⁷ S/PRST/2008/18.

⁶⁵⁸ S/PV.6066, pp. 2-4.

of an informal expert group to systematically address protection issues. Some delegations emphasized that sexual and gender-based violence needed to be urgently and more effectively addressed.

The President then made a statement on behalf of the Council,⁶⁵⁹ by which it, inter alia, adopted the updated aide-memoire contained in the annex to the statement. The Council reiterated the importance of the aide-memoire as a practical tool that provided a basis for improved analysis and diagnosis of key protection issues, particularly during deliberations on peacekeeping mandates.

26 June 2009: briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator

On 26 June 2009, the Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, who presented the most recent report of the Secretary-General on the protection of civilians in armed conflict.⁶⁶⁰ The Under-Secretary-General observed that there had been a fundamental failure of parties to conflict to respect and ensure respect for their obligations to protect civilians, and reported that the reality on the ground had not changed in the five months since his last briefing. He identified five core challenges, including enhancing compliance by parties to conflict with international humanitarian law and human rights law; engaging and seeking compliance by all parties to conflict, including non-State armed groups; improving the impact of protection mandates of peacekeeping operations and enhancing access to conflict-affected populations; and enhancing, through greater efforts, compliance and accountability on the ground.⁶⁶¹

Speakers welcomed the report of the Secretary-General and his recommendations, including the annex concerning constraints on humanitarian access. Recalling the upcoming ten-year anniversary of the first decision by the Council relating to the item, speakers reaffirmed the need to make greater progress in efforts to protect civilians, while confirming that the primary responsibility lay with States. They stressed the need for all parties to the conflict, including non-State armed groups, to respect international

humanitarian law, distinguish between civilian and military groups and provide safe and unhindered access for humanitarian aid. They expressed particular concern with attacks on refugee camps and humanitarian workers, the disproportionate use of force, the use of sexual violence as a tactic of war, the recruitment of child soldiers and the proliferation of trafficking of small arms.

Noting that there were now eight United Nations peacekeeping operations that included protection of civilians in their mandates, speakers saw a need for closing the gap between expectations for those missions and the realities on the ground. They stressed the need for clear mandates and rules of engagement when planning missions that included a role in protecting civilians, and stated that they expected the upcoming study on protection mandates commissioned by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations to be helpful in that regard.

**11 November 2009: resolution 1894 (2009)
concerning compliance with international
legal obligations**

On 11 November 2009, the Council adopted resolution 1894 (2009), by which it, inter alia, demanded that parties to armed conflict comply strictly with the obligations applicable to them under international humanitarian, human rights and refugee law and implement all relevant decisions of the Council; noted that the deliberate targeting of civilians as such and other protected persons, and the commission of systematic, flagrant and widespread violations of applicable international humanitarian and human rights law in situations of armed conflict might constitute a threat to international peace and security; reiterated its willingness to respond to situations of armed conflict where civilians were being targeted or humanitarian assistance to civilians was being deliberately obstructed; and emphasized the importance of addressing in its country-specific deliberations the compliance of parties to armed conflict with international humanitarian, human rights and refugee law.

The Secretary-General, reflecting on the tenth anniversary of the Council's systematic work on the protection of civilians in armed conflict, welcomed the evolution in the concept of protection of civilians during the past decade, while also expressing concern

⁶⁵⁹ S/PRST/2009/1.

⁶⁶⁰ S/2009/277.

⁶⁶¹ S/PV.6151, pp. 2-6.

at the appalling levels of human suffering in the armed conflicts around the world.⁶⁶²

The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator noted that despite the well-developed normative framework for the protection of civilians, much remained to be done to close the gap between the rhetoric and the reality of the protection. He held that access for humanitarian workers was vital to protection of civilians in armed conflict, and stressed the need for humanitarian engagement with non-State armed groups in that regard. Elaborating on the recently published study by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations aimed at improving the implementation of protection mandates of United Nations peacekeeping missions, he urged all relevant actors to work jointly in carrying out the recommendations therein. He called on the Council to pursue more consistently its stated commitment to the protection of civilians, including by consistently using targeted sanctions in different conflict situations, adopting a consistent and comprehensive approach to the accountability issue and systematically applying the aide-memoire on the protection of civilians.⁶⁶³

⁶⁶² S/PV.6216, pp. 4-5.

⁶⁶³ Ibid., pp. 5-7.

The Deputy High Commissioner for Human Rights appealed to the Council to translate the policy of protection of civilians into more effective action on the ground, which would include moving beyond the narrow notions of what constituted an imminent threat and would also include ensuring accountability.⁶⁶⁴

Speakers concurred that it was time to turn the rhetoric on protection into reality on the ground. To that end, most emphasized the need to enhance peacekeeping operations to more effectively provide protection on the ground, calling for the implementation of the recommendations of the above-mentioned study. In addition, many speakers stressed the need to combat impunity and ensure free and safe humanitarian access to populations in need. Some speakers held that the right to protect should be applicable to States which failed to protect their own people. Finally, some speakers noted that the Council should stand ready to impose targeted sanctions to compel compliance by all parties to international obligations or called upon the Council to refer serious situations to the International Criminal Court.

⁶⁶⁴ Ibid., pp. 7-9.

Meetings: protection of civilians in armed conflict

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5898th 27 May 2008		Letter from the Permanent Observer of Palestine requesting an invitation (S/2008/335)	Rule 37 20 Member States ^a Rule 39 Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Other Permanent Observer of Palestine	All Council members and all invitees	S/PRST/2008/18

**Part I. Consideration of questions under the responsibility of
the Security Council for the maintenance of
international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6066th 14 January 2009		Letter from Palestine requesting an invitation (S/2009/31)	Rule 37 33 Member States ^b Rule 39 Permanent Observer of the Holy See, Under-Secretary- General for Humanitarian Affairs and Emergency Relief Coordinator Other Palestine	All Council members and all invitees	S/PRST/2009/1
6151st 26 June 2009	Report of the Secretary- General on the protection of civilians in armed conflict (S/2009/277)	Letter from Palestine requesting an invitation (S/2009/324)	Rule 37 28 Member States ^c Rule 39 Senior Political Affairs Adviser in the Office of the Permanent Observer of the African Union to the United Nations, Under- Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Other Palestine	All Council members ^d and all invitees	
6216th 11 November 2009	Letter dated 2 November 2009 from the Permanent Representative of Austria to the United Nations addressed to the Secretary- General (S/2009/567)	Letter from Palestine requesting an invitation (S/2009/577) Draft resolution submitted by 31 Member States ^e (S/2009/582)	Rule 37 52 Member States ^f Rule 39 Under-Secretary- General for Humanitarian Affairs and Emergency Relief Coordinator, Deputy United Nations High Commissioner for Human Rights, Minister for International Cooperation and Humanitarian Affairs	Secretary- General, all Council members, ^g all invitees ^h	Resolution 1894 (2009) 15-0-0

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
			of the Sovereign Military Order of Malta		
			Other Palestine		

^a Afghanistan, Argentina, Australia, Austria, Canada, Colombia, Georgia, Israel, Japan, Liechtenstein, Mexico, Myanmar, Nigeria, Norway, Peru, Qatar, Slovenia (on behalf of the European Union), Switzerland, Syrian Arab Republic and United Arab Emirates.

^b Afghanistan, Argentina, Australia, Azerbaijan, Bangladesh, Belgium, Brazil, Canada, Colombia, Czech Republic (on behalf of the European Union), Egypt, Finland, Indonesia, Iran (Islamic Republic of), Israel, Italy, Jordan, Kenya, Kuwait, Liechtenstein, Morocco, Myanmar, New Zealand, Nicaragua, Pakistan, Qatar, Sudan, Switzerland, Syrian Arab Republic, United Arab Emirates, United Republic of Tanzania, Uruguay and Venezuela (Bolivarian Republic of).

^c Afghanistan, Argentina, Australia, Bosnia and Herzegovina, Brazil, Canada, Colombia, Czech Republic (on behalf of the European Union), Georgia, Guatemala, Indonesia, Israel, Italy, Jordan, Kenya, Liechtenstein, Morocco, New Zealand, Nicaragua, Norway, Peru, Qatar, the Republic of Korea, Sri Lanka, Switzerland, Syrian Arab Republic, Uruguay and Venezuela (Bolivarian Republic of).

^d Costa Rica made a statement as Chair of the Human Security Network and on behalf of its member States Austria, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Norway, Slovenia, Switzerland, and Thailand, and South Africa as an observer.

^e Austria, Azerbaijan, Belgium, Benin, Burkina Faso, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Mexico, Netherlands, Norway, Republic of Moldova, Slovakia, Slovenia, Sweden, Switzerland, United Kingdom, United Republic of Tanzania and United States.

^f Afghanistan, Argentina, Armenia, Australia, Azerbaijan, Belgium, Benin (Secretary-General of the Ministry of Foreign Affairs, African Integration, Francophonie and Beninese Diaspora), Brazil, Canada, Colombia, Cyprus, Czech Republic, Denmark, Egypt (on behalf of the Non-Aligned Movement), Estonia, Finland, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, (Member of Parliament), Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Kenya, Liechtenstein, Luxembourg, Morocco, Netherlands, Norway, Qatar, Republic of Korea, Republic of Moldova, Rwanda, Saudi Arabia, Slovakia, Slovenia, South Africa, Sri Lanka, Sudan, Sweden (on behalf of the European Union), Switzerland, Syrian Arab Republic, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of) and Zambia (on behalf of the African Group).

^g Austria was represented by its Minister for Foreign Affairs, Croatia by its Minister for Foreign Affairs and European Integration, United Kingdom by its Minister for International Defence and Security and Costa Rica by its Vice-Minister for Foreign Affairs and Worship. Costa Rica also made a statement on behalf of the Human Security Network, comprised of Austria, Canada, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Norway, Slovenia, Switzerland and Thailand, and South Africa as an observer.

^h Cyprus, Czech Republic, Estonia, Greece, Luxembourg, Republic of Moldova, Slovenia and Slovakia did not make statements.

Mainstreaming of issues related to protection of civilians in armed conflict in the decisions of the Security Council

The Security Council has increasingly incorporated elements that relate to thematic items, such as protection of civilians in armed conflict, into its decisions on country-specific situations.⁶⁶⁵ The following table lists, by item, all instances of provisions relating to protection of civilians in armed conflict that were included in decisions adopted under other items.

The table does not reflect the integration of elements relating to protection of civilians into the mandates of peacekeeping operations. Those are covered in part X.

Provisions, relating to the protection of civilians in armed conflict include calls for compliance with obligations under international humanitarian law; condemnation of violations of international humanitarian law and calls for prosecution of perpetrators; condemnation of attacks against United Nations and humanitarian personnel and calls to bring to justice the perpetrators; calls to ensure humanitarian access or guarantee the safety of humanitarian personnel; and calls to report on the humanitarian situation in a country.

⁶⁶⁵ For information on the mainstreaming of other thematic items, see, in the present part, sect. 31, with regard to children and armed conflict, and sect. 35, with regard to women and peace and security.

The Council included the above-mentioned provisions in its decisions on Afghanistan, Chad, Côte d'Ivoire, the Democratic Republic of the Congo, Georgia, Haiti, Iraq, Kenya, Liberia, Somalia, the Sudan, Zimbabwe, the Central African Republic and

the subregion, the Great Lakes region and the Middle East. Of the 53 decisions (among them 17 presidential statements), 24 were adopted under Chapter VII of the Charter.

Mainstreaming of issues related to protection of civilians in armed conflict, 2008-2009: selected provisions

Decision

Provisions

The situation in Afghanistan

Resolution 1806 (2008)

Calls upon the Government of Afghanistan, and the international community and international organizations, to implement the Afghanistan Compact and the annexes thereto in full, and stresses in this context the importance of meeting the benchmarks and timelines of the Compact for progress on security, governance, rule of law and human rights, and economic and social development, as well as the cross-cutting issue of counter-narcotics (para. 7)

Condemns in the strongest terms all attacks, including improvised explosive device attacks, suicide attacks and abductions, targeting civilians and Afghan and international forces and their deleterious effect on the stabilization, reconstruction and development efforts in Afghanistan, and condemns further the use by the Taliban and other extremist groups of civilians as human shields (para. 12)

Reiterates its concern about all civilian casualties, calls for compliance with international humanitarian and human rights law and for all appropriate steps to be taken to ensure the protection of civilians, and recognizes in this context the robust efforts taken by ISAF and other international forces to minimize the risk of civilian casualties, notably the continuous review of tactics and procedures and the conduct of after-action reviews in cooperation with the Government of Afghanistan in cases where civilian casualties have reportedly occurred (para. 13)

S/PRST/2008/26

The Council welcomes the outcome of the Conference [...] and the commitment by the Government of Afghanistan to promote security, good governance, the rule of law, human rights and socioeconomic development [...] The Council endorses the key elements identified in the Paris Declaration as essential for the security and prosperity of the Afghan people, including the importance of holding free, fair and secure elections in 2009 and 2010, the importance of ensuring the respect of human rights of all Afghans and the provision of humanitarian assistance (first paragraph)

Resolution 1833 (2008)
(Chapter VII)

Condemning in the strongest terms all attacks, including improvised explosive device attacks, suicide attacks and abductions, targeting civilians and Afghan and international forces and their deleterious effect on the stabilization, reconstruction and development efforts in Afghanistan, and condemning further the use by the Taliban and other extremist group of civilians as human shields (twelfth preambular paragraph)

Recognizing the increased threats posed by the Taliban, Al-Qaida and other extremist groups as well as the challenges related to the efforts to address such threats, expressing its serious concern about the high number of civilian casualties in this context, noting relevant statements of Afghan authorities and high-ranking United Nations officials, as well as statements to the press of the President of the Council in this regard, and calling for compliance with international humanitarian and human rights law and for all appropriate measures to be taken to ensure the protection of civilians (thirteenth preambular paragraph)

- Resolution [1868 \(2009\)](#) Condemning the increasing attacks against humanitarian workers, and underlining the need for all parties to ensure safe and unhindered access of all humanitarian actors, including United Nations staff and associated personnel, and comply fully with applicable international humanitarian law (thirteenth preambular paragraph)
- Recalling its resolutions [1674 \(2006\)](#) and [1738 \(2006\)](#) on the protection of civilians in armed conflict, expressing its concern at the high number of civilian casualties, as stated in the recent report of the Secretary-General on the situation in Afghanistan, reiterating its call for all feasible steps to be taken to ensure the protection of civilians, and calling for compliance with international humanitarian and human rights law as applicable (seventeenth preambular paragraph)
- Condemns in the strongest terms all attacks, including improvised explosive device attacks, suicide attacks and abductions, targeting civilians and Afghan and international forces and their deleterious effect on the stabilization, reconstruction and development efforts in Afghanistan, and condemns further the use by the Taliban and other extremist groups of civilians as human shields (para. 12)
- Emphasizes the importance of ensuring access for relevant organizations, as applicable, to all prisons and places of detention in Afghanistan, and calls for full respect for relevant international law including humanitarian law and human rights law (para. 15)
- Calls for full respect for human rights and fundamental freedoms and international humanitarian law throughout Afghanistan (para. 28)
- Resolution [1890 \(2009\)](#) (Chapter VII) Condemning in the strongest terms all attacks, including improvised explosive device attacks, suicide attacks and abductions, targeting civilians and Afghan and international forces and their deleterious effect on the stabilization, reconstruction and development efforts in Afghanistan, and condemning further the use by the Taliban, Al-Qaida and other extremist groups of civilians as human shields (thirteenth preambular paragraph)
- Expressing its serious concern about the high number of civilian casualties, and calling for compliance with international humanitarian and human rights law and for all appropriate measures to be taken to ensure the protection of civilians (fifteenth preambular paragraph)

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

- [S/PRST/2008/3](#) The Council expresses its concern over the safety and security of humanitarian personnel, United Nations personnel and European Union personnel and material deployed in Chad. It underlines that all parties have a responsibility to ensure the protection of all these personnel and of the diplomatic personnel present in Chad (tenth paragraph)
- [S/PRST/2008/22](#) The Council conveys its deep concern at the direct threat the activity of armed groups pose for the safety of the civilian population and the conduct of humanitarian operations, and urges all parties to comply fully with their obligations under international humanitarian law (fourth paragraph)

Decision

Provisions

The Council expresses its full support for MINURCAT and the European operation (EUFOR Chad/Central African Republic) deployed in Chad and the Central African Republic to contribute to the protection of vulnerable civilian populations and to facilitate the provision of humanitarian assistance, and calls upon all parties to guarantee the security and freedom of movement of their personnel and associated personnel (fifth paragraph)

The Council stands ready to consider appropriate measures against those groups and individuals who constitute a threat to the stability of the region or violate international humanitarian law (seventh paragraph)

Resolution 1861 (2009)
(Chapter VII)

Deeply concerned at armed activities and banditry in eastern Chad, the north-eastern Central African Republic and western Sudan, which threaten the security of the civilian population, the conduct of humanitarian operations in those areas and the stability of those countries, and which result in serious violations of human rights and international humanitarian law (fourth preambular paragraph)

Recognizing that the Governments of Chad and the Central African Republic bear primary responsibility for ensuring the security of civilians in their territories (eleventh preambular paragraph)

Reaffirms the obligation of all parties to implement fully the rules and principles of international humanitarian law, particularly those regarding the protection of humanitarian personnel, and furthermore requests all the parties involved to provide humanitarian personnel with immediate, free and unimpeded access to all persons in need of assistance, in accordance with applicable international law (para. 22)

S/PRST/2009/13

The Council calls upon all parties to abide by their obligations under international humanitarian law, in particular to respect the security of civilians, including women and children, humanitarian workers and United Nations personnel (fifth paragraph)

The situation in Côte d'Ivoire

Resolution 1795 (2008)
(Chapter VII)

Reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire (seventh preambular paragraph)

Invites the signatories to the Ouagadougou Political Agreement to take the necessary steps to protect vulnerable civilian populations, including by guaranteeing the voluntary return, reinstallation, reintegration and security of displaced persons, with the support of the United Nations system, and to fulfil in this regard their commitments in accordance with the Agreement and their obligations under international humanitarian law (para. 7)

Resolution 1826 (2008)
(Chapter VII)

Noting with concern, in spite of the sustained improvement of the overall human rights situation, the persistence of cases of human rights violations against civilians, including numerous acts of sexual violence, stressing that the perpetrators must be brought to justice, and reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire (ninth preambular paragraph)

- Invites the signatories to the Ouagadougou Political Agreement to take the necessary steps to protect vulnerable civilian populations, including by guaranteeing the voluntary return, reinstallation, reintegration and security of displaced persons, with the support of the United Nations system, and to fulfil in this regard their commitments in accordance with the Agreement and their obligations under international humanitarian law (para. 8)
- Resolution 1842 (2008)
(Chapter VII)
- Noting again with concern, in spite of the sustained improvement of the overall human rights situation, the persistence of cases of human rights violations against civilians, including numerous acts of sexual violence, stressing that the perpetrators must be brought to justice, reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire, and recalling its resolutions 1325 (2000) and 1820 (2008) on women and peace and security, its resolution 1612 (2005) on children and armed conflict and its resolution 1674 (2006) on the protection of civilians in armed conflict (seventh preambular paragraph)
- Underlines that it is fully prepared to impose targeted measures against persons to be designated by the Committee who are determined to be, among other things: [...] (e) responsible for serious violations of human rights and international humanitarian law committed in Côte d'Ivoire (para. 16 (e))
- Resolution 1865 (2009)
(Chapter VII)
- Recalling its resolution 1674 (2006) on the protection of civilians in armed conflict, and condemning all violations of international humanitarian law (ninth preambular paragraph)
- Noting with concern, in spite of the sustained improvement of the overall human rights situation, the persistence of cases of human rights violations against civilians in different parts of the country, including numerous acts of sexual violence, stressing that the perpetrators must be brought to justice, and reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire (tenth preambular paragraph)
- Calls upon all Ivorian parties to take appropriate measures to refrain from, prevent and protect civilians from all forms of sexual violence, which could include, inter alia, enforcing appropriate military disciplinary measures, upholding the principle of command responsibility, and training troops on the categorical prohibition of all forms of sexual violence (para. 12)
- Urges the signatories to the Ouagadougou Political Agreement to take the steps necessary to protect vulnerable civilian populations, including by guaranteeing the voluntary return, reinstallation, reintegration and security of displaced persons, with the support of the United Nations system, and to fulfil in this regard their commitments in accordance with the Agreement and their obligations under international humanitarian law (para. 14)
- Resolution 1880 (2009)
(Chapter VII)
- Recalling its resolution 1674 (2006) on the protection of civilians in armed conflict, noting with concern, in spite of the sustained improvement in the overall human rights situation, the persistence of human rights violations against civilians in different parts of the country, including numerous acts of sexual violence, stressing that the perpetrators must be brought to justice, and reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire (tenth preambular paragraph)

Decision

Provisions

Calls also upon all Ivorian parties to take appropriate measures to refrain from, prevent and protect civilians from all forms of sexual violence, which could include enforcing appropriate military disciplinary measures, upholding the principle of command responsibility, and training troops on the categorical prohibition of all forms of sexual violence (para. 15)

Urges the signatories of the Ouagadougou Political Agreement to take the steps necessary to protect vulnerable civilian populations, including by guaranteeing the voluntary return, reinstallation, reintegration and security of displaced persons, including by addressing land tenure issues, with the support of the United Nations system, and to fulfil in this regard their commitments in accordance with the Agreement and their obligations under international law (para. 17)

Resolution 1893 (2009)
(Chapter VII)

Noting again with concern, in spite of the sustained improvement of the overall human rights situation, the persistence of reported human rights and humanitarian law violations against civilians in different parts of the country, including numerous acts of sexual violence, stressing that the perpetrators must be brought to justice, reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire, and recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women and peace and security, its resolutions 1612 (2005) and 1882 (2009) on children and armed conflict and its resolution 1674 (2006) on the protection of civilians in armed conflict (fifth preambular paragraph)

Underlines that it is fully prepared to impose targeted measures against persons to be designated by the Committee who are determined to be, among other things: [...] (d) responsible for serious violations of human rights and international humanitarian law committed in Côte d'Ivoire (para. 20 (d))

The situation concerning the Democratic Republic of the Congo

S/PRST/2008/2

The Council is particularly pleased that the armed groups in North and South Kivu have undertaken [...] to abide strictly by the rules of international humanitarian and human rights law, set out in the statements of commitment (*Actes d'engagement*) which they signed with the Government of the Democratic Republic of the Congo on 23 January 2008 (second paragraph)

[...] It also encourages MONUC to support the implementation of the statements of commitment, within the limits of its capacity and in accordance with its mandate, including with regard to the protection of civilians (fourth paragraph)

Resolution 1807 (2008)
(Chapter VII)

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law (fourth preambular paragraph)

Decides also that the travel ban shall not apply: [...] (a) where the Committee determines in advance and on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; [...] and (c) where the Committee authorizes in advance, and on a case-by-case basis, the transit of individuals returning to the territory of the State of their nationality, or participating in efforts to bring to justice perpetrators of grave violations of human rights or international humanitarian law (para. 10 (a), (c))

[S/PRST/2008/38](#)

The Council expresses its deep concern over continued threats to the safety of the civilian population and to the conduct of humanitarian operations. The Council strongly condemns the continuing recruitment and use of children by armed groups as well as the continued prevalence of sexual and gender-based violence in the eastern region of the Democratic Republic of the Congo. It urges all parties to comply fully with their obligations under international law, including international humanitarian law, human rights law and refugee law (second paragraph)

The Council reiterates its strong support for MONUC in helping to restore peace in the Kivus and encourages MONUC to reinforce its action to ensure the protection of civilians. The Council expresses its full support for the disengagement plan elaborated by MONUC and accepted by the Government of the Democratic Republic of the Congo and urges all parties to abide by it (fifth paragraph)

[S/PRST/2008/40](#)

[...] The Council expresses its grave concern about the dramatic humanitarian consequences of the recent fighting. The Council urges all parties to respect fully their obligations under international law to protect civilians, to ensure access to the population in need and to guarantee the safety and security of humanitarian personnel. The Council affirms that any attack against the civilian population, including at major population centres, is totally unacceptable (first paragraph)

[Resolution 1843 \(2008\)](#)
(Chapter VII)

Urging all parties to ensure timely, safe and unhindered access of all humanitarian actors and to comply fully with their obligations under international law, including international humanitarian law, human rights law and refugee law (eighth preambular paragraph)

[Resolution 1856 \(2008\)](#)
(Chapter VII)

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law (third preambular paragraph)

Expressing its full support for MONUC, condemning all attacks against United Nations peacekeepers and humanitarian personnel, regardless of the perpetrators, and emphasizing that those responsible for such attacks must be brought to justice (fifteenth preambular paragraph)

Emphasizes that the protection of civilians [...] must be given priority in decisions about the use of available capacity and resources (para. 6)

Requests the Government of the Democratic Republic of the Congo, with the support of the international community and MONUC, to develop and implement as a matter of urgency a comprehensive national security sector reform strategy, including based on the outcome of the round table on security sector, held in February 2008, in order to establish professional security organizations in the areas of defence, police and the administration of justice that protect civilians, are well managed, and act in accordance with the Constitution and with respect for the rule of law, human rights and international humanitarian law, urges the Government to ensure the sustainability of the support given by its partners in this area, in particular by giving priority to the reform of the administration and command structures of the Armed Forces of the Democratic Republic of the Congo and all its other security forces, and reiterates its call upon the Congolese authorities to establish a vetting mechanism to take into

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account when they select candidates for official positions, including key posts in the armed forces, national police and other security services, the past actions of the candidates in terms of respect for international humanitarian law and human rights (para. 22)

Demands that all parties ensure timely, safe and unhindered access of all humanitarian actors and comply fully with their obligations under international law, including international humanitarian law, human rights law and refugee law (para. 23)

Resolution 1857 (2008)
(Chapter VII)

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians, with respect for the rule of law, human rights and international humanitarian law (fourth preambular paragraph)

Resolution 1896 (2009)
(Chapter VII)

Demanding that all armed groups, in particular the Forces démocratiques de libération du Rwanda and the Lord's Resistance Army, immediately lay down their arms and cease their attacks against the civilian population, demanding also that all the parties to the agreements of 23 March 2009 respect the ceasefire and implement their commitments effectively and in good faith (fifth preambular paragraph)

Noting with great concern the persistence of human rights and humanitarian law violations against civilians in the eastern part of the Democratic Republic of the Congo, including the killing and displacement of significant numbers of civilians, the recruitment and use of child soldiers, and widespread sexual violence, stressing that the perpetrators must be brought to justice, reiterating its firm condemnation of all violations of human rights and international humanitarian law in the country, and recalling all its relevant resolutions on women and peace and security, on children and armed conflict and on the protection of civilians in armed conflict (eighth preambular paragraph)

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law (ninth preambular paragraph)

Resolution 1906 (2009)
(Chapter VII)

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law, and stressing also the importance of urgently undertaking comprehensive and lasting security sector reform and of permanently disarming, demobilizing, resettling or repatriating, as appropriate, and reintegrating Congolese and foreign armed groups for the long-term stabilization of the Democratic Republic of the Congo, and of the contribution made by international partners in this field (third preambular paragraph)

Calling upon all parties to armed conflict in the Great Lakes region to comply with the obligations applicable to them under international humanitarian law to take all required steps to protect civilians and to facilitate the rapid and unimpeded passage of relief consignments, equipment and personnel (fourth preambular paragraph)

Expressing its extreme concern at the deteriorating humanitarian and human rights situation and the continued impunity of those responsible for human rights abuses and other atrocities, condemning, in particular the targeted attacks against the civilian population, widespread sexual violence, recruitment and use of child soldiers and extrajudicial executions, stressing the urgent need for the Government of the Democratic Republic of the Congo, in cooperation with MONUC and other relevant actors, to end violations of human rights and international humanitarian law, and to bring the perpetrators to justice, and calling upon Member States to assist in this regard and to continue to provide medical, humanitarian and other assistance to victims (eighth preambular paragraph)

Urges the Government of the Democratic Republic of the Congo to establish sustainable peace in the eastern part of the country, to effectively protect the civilian population, to develop sustainable security sector institutions which fully respect the rule of law, and to ensure respect for human rights and the fight against impunity by strengthening the capacity of the judicial and correctional systems (para. 3)

Demands that all armed groups, in particular the Forces démocratiques de libération du Rwanda and the Lord's Resistance Army, immediately cease all forms of violence and human rights abuse against the civilian population in the Democratic Republic of the Congo, in particular gender-based violence, including rape and other forms of sexual abuse (para. 10)

Demands also that the Government of the Democratic Republic of the Congo, in furtherance of resolution 1888 (2009), immediately take appropriate measures to protect civilians, including women and children, from violations of international humanitarian law and human rights abuses, including all forms of sexual violence; urges the Government of the Democratic Republic of the Congo to ensure the full implementation of its "zero-tolerance policy" with respect to discipline and human rights violations, including sexual and gender-based violence, committed by elements of the Armed Forces of the Democratic Republic of the Congo, and further urges that all reports of such violations be thoroughly investigated, with the support of MONUC, and that all those responsible be brought to justice through a robust and independent process (para. 11)

Calls upon the States in the region to ensure that any military actions against armed groups are carried out in accordance with international humanitarian, human rights and refugee law, and that they take appropriate measures to protect civilians and reduce the impact of military actions upon the civilian population, including through regular contacts with and early warning of the civilian population on potential attacks (para. 17)

Reiterates its call upon the Congolese authorities, with the support of MONUC, to establish an effective vetting mechanism, in accordance with international standards, for the Armed Forces of the Democratic Republic of the Congo and the national security forces, to ensure the exclusion of those persons associated with violations of international humanitarian law and human rights abuses and to trigger the judicial process against such persons where appropriate (para. 32)

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The situation in Georgia

Resolution 1808 (2008) Underlines that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement throughout the zone of conflict of UNOMIG, the peacekeeping force of the Commonwealth of Independent States and other international personnel, and calls upon both sides to fulfil their obligations in this regard and to extend full cooperation to UNOMIG and the peacekeeping force (para. 14)

The situation in the Great Lakes region

Resolution 1804 (2008) Deplores the persistence of violations of human rights and international humanitarian law carried out by the Forces démocratiques de libération du Rwanda, ex-Rwandan Armed Forces/Interahamwe and other Rwandan armed groups operating in the eastern part of the Democratic Republic of the Congo, condemning in particular sexual violence perpetrated by those groups, and recalling its resolution 1325 (2000) on women and peace and security, its resolution 1612 (2005) on children and armed conflict and the conclusions on children and armed conflict in the Democratic Republic of the Congo endorsed by [the Council] (S/AC.51/2007/17) (fourth preambular paragraph)

S/PRST/2008/48

The Council strongly condemns the recent attacks by the Lord's Resistance Army in the Democratic Republic of the Congo and Southern Sudan, which pose a continuing threat to regional security. It demands that the Lord's Resistance Army cease its recruitment and use of children and that it release immediately all women, children and other non-combatants, in accordance with Council resolution 1612 (2005). The Council reiterates its deep concern at the long-running and brutal insurgency by the Lord's Resistance Army, which has caused the death, abduction and displacement of thousands of innocent civilians in Uganda, the Sudan and the Democratic Republic of the Congo (fourth paragraph)

The Council recalls the International Criminal Court arrest warrants for certain leaders of the Lord's Resistance Army on charges of, among other things, war crimes and crimes against humanity, including murder, rape and the enlistment of children through abduction. The Council recalls the statement by its President of 22 June 2006, and reaffirms that it attaches vital importance to promoting justice and the rule of law, including respect for human rights, as an indispensable element for lasting peace. The Council reaffirms that ending impunity is essential for a society recovering from conflict to come to terms with past abuses committed against civilians and to prevent their recurrence (fifth paragraph)

The Council commends the States in the region for their increased cooperation, and welcomes the joint efforts they have made to address the security threat posed by the Lord's Resistance Army. The Council calls upon these States to ensure that all actions are carried out in accordance with international humanitarian, human rights and refugee law and to take appropriate measures to protect civilians. The Council encourages these States to keep the United Nations missions in the region informed about their actions (sixth paragraph)

The question concerning Haiti

- Resolution [1840 \(2008\)](#) (Chapter VII) Condemns any attack against personnel or facilities of MINUSTAH, and demands that no acts of intimidation or violence be directed against United Nations and associated personnel or facilities or other actors engaged in humanitarian, development or peacekeeping work (para. 16)
- Resolution [1892 \(2009\)](#) (Chapter VII) Condemns any attack against personnel or facilities of MINUSTAH, and demands that no acts of intimidation or violence be directed against United Nations and associated personnel or facilities or other actors engaged in humanitarian, development or peacekeeping work (para. 14)
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The situation concerning Iraq

- Resolution [1830 \(2008\)](#) Underscoring the sovereignty of the Government of Iraq, reaffirming that all parties should continue to take all feasible steps and develop modalities to ensure the protection of affected civilians, including children, and should create conditions conducive to the voluntary, safe, dignified, and sustainable return of refugees and internally displaced persons, welcoming new commitments of the Government for the relief of internally displaced persons, encouraging continued efforts for internally displaced persons and refugees and noting the important role of UNHCR, based on its mandate, in providing advice and support to the Government, in coordination with UNAMI (tenth preambular paragraph)
- Urging all those concerned, as set forth in international humanitarian law, including the Geneva Conventions of 1949 and the Regulations annexed to the Hague Convention IV of 1907, to allow full unimpeded access by humanitarian personnel to all people in need of assistance and to make available, as far as possible, all facilities necessary for their operations, and to promote the safety, security and freedom of movement of humanitarian personnel and United Nations and associated personnel and their assets (eleventh preambular paragraph)
- Resolution [1883 \(2009\)](#) Underscoring the sovereignty of the Government of Iraq, reaffirming that all parties should continue to take all feasible steps and develop modalities to ensure the protection of affected civilians, including children, women and members of religious and ethnic minority groups, and should create conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons, welcoming commitments of the Government for the relief of internally displaced persons, encouraging continued efforts for internally displaced persons and refugees, and noting the important role of UNHCR, based on its mandate, in providing advice and support to the Government, in coordination with UNAMI (eleventh preambular paragraph)
- Urging all those concerned, as set forth in international humanitarian law, including the Geneva Conventions of 1949 and the Regulations annexed to the Hague Convention IV of 1907, to allow full unimpeded access by humanitarian personnel to all people in need of assistance, and to make available, as far as possible, all facilities necessary for their operations, and to promote the safety, security, and freedom of movement of humanitarian personnel and United Nations and associated personnel and their assets (thirteenth preambular paragraph)

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Peace and security in Africa (Kenya)

[S/PRST/2008/4](#)

The Council expresses its strong concern at the continuing dire humanitarian situation in Kenya and calls for the protection of refugees and internally displaced persons. The Council further expresses its concern for the safety of humanitarian workers and United Nations personnel and calls upon all parties to facilitate their work and ensure their safety. The Council welcomes the decisions, following consultations with the Government of Kenya, of the United Nations High Commissioner for Human Rights and the Special Adviser of the Secretary-General for the Prevention of Genocide to dispatch missions to Kenya. It calls upon Kenya's political leaders to facilitate the work of these missions and looks forward to being informed by the Secretary-General of their findings (third paragraph)

The situation in Liberia

Resolution [1836 \(2008\)](#)
(Chapter VII)

Welcoming the progress achieved on the broad benchmarks laid down in the report of the Secretary-General of 12 September 2006 and the core benchmarks presented in the reports of the Secretary-General of 8 August 2007 and 19 March 2008, welcoming the continuing efforts of UNMIL to promote and protect, in cooperation with the Government of Liberia, the rights of civilians, in particular children and women, calling on the Liberian authorities to continue to cooperate with the United Nations country team and civil society in order to achieve further progress in these areas and, in particular, to combat violence against children and women, including gender-based violence, sexual exploitation and abuse, and recalling its resolutions [1674 \(2006\)](#) and [1612 \(2005\)](#), as well as its resolutions [1325 \(2000\)](#) and [1820 \(2008\)](#) on women, peace and security (twelfth preambular paragraph)

The situation in the Middle East, including the Palestinian question

Resolution [1860 \(2009\)](#)

Expressing grave concern at the escalation of violence and the deterioration of the situation, in particular the resulting heavy civilian casualties since the refusal to extend the period of calm, and emphasizing that the Palestinian and Israeli civilian populations must be protected (fourth preambular paragraph)

Condemns all violence and hostilities directed against civilians and all acts of terrorism (para. 5)

The situation in Somalia

Resolution [1801 \(2008\)](#)
(Chapter VII)

Reaffirms its resolution [1325 \(2000\)](#) on women and peace and security, and its resolutions [1674 \(2006\)](#) and [1738 \(2006\)](#) on the protection of civilians in armed conflict, and stresses the responsibility of all parties and armed groups in Somalia to take appropriate steps to protect the civilian population in the country, consistent with international humanitarian, human rights and refugee law, in particular by avoiding any indiscriminate attacks on populated areas (para. 13)

Strongly supports and encourages the ongoing humanitarian relief efforts in Somalia, recalls its resolution [1502 \(2003\)](#) on the protection of humanitarian and United Nations personnel, calls upon all parties and armed groups in Somalia to take appropriate steps to ensure the safety and security of AMISOM and humanitarian personnel, and to grant timely, safe and unhindered access for the delivery of humanitarian assistance to all those in need, and urges the countries in the region to facilitate the provision of humanitarian assistance by land or via airports and seaports (para. 14)

Resolution [1814 \(2008\)](#)
(Chapter VII)

Strongly supports and encourages the ongoing humanitarian relief efforts in Somalia, recalls its resolution [1502 \(2003\)](#) on the protection of humanitarian and United Nations personnel, calls upon all parties and armed groups in Somalia to take appropriate steps to ensure the safety and security of AMISOM personnel and United Nations and humanitarian personnel, demands that all parties ensure timely, safe and unhindered access for the delivery of humanitarian assistance to all those in need, wherever they may be, and urges the countries in the region to facilitate the provision of humanitarian assistance, including the timely, safe and unhindered passage of essential relief goods into Somalia by land or via airports and seaports (para. 12)

Condemns all and any violations of human rights and international humanitarian law, calls upon all parties in Somalia to respect fully their obligations in this regard, and calls for those responsible for such violations in Somalia to be brought to justice (para. 16)

Reaffirms its resolutions [1325 \(2000\)](#) on women and peace and security and its resolutions [1674 \(2006\)](#) and [1738 \(2006\)](#) on the protection of civilians in armed conflict, and stresses the responsibility of all parties and armed groups in Somalia to take appropriate steps to protect the civilian population in the country, consistent with international humanitarian, human rights and refugee law, in particular by avoiding any indiscriminate attacks on populated areas (para. 17)

[S/PRST/2008/33](#)

The Council calls upon the parties to meet all elements of the peace and reconciliation agreement in full. In particular, the Council underlines the crucial importance of the parties taking all necessary measures to ensure, without delay, unhindered humanitarian access and assistance to the Somali people, and of the parties and their allies terminating all acts of armed confrontation (fourth paragraph)

[S/PRST/2008/41](#)

[...] The Council reminds States that they must ensure that any measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law (sixth paragraph)

Resolution [1851 \(2008\)](#)

In response to the letter dated 9 December 2008 from the Transitional Federal Government, encourages Member States to continue to cooperate with the Transitional Federal Government in the fight against piracy and armed robbery at sea, notes the primary role of the Transitional Federal Government in rooting out piracy and armed robbery at sea, and decides that for a period of 12 months from the date of adoption of resolution 1846, States and regional organizations cooperating in the fight against piracy and armed robbery at sea off the coast of Somalia for which advance notification has been provided by the Transitional Federal Government to the Secretary-General may undertake all necessary measures that are appropriate in

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Somalia, for the purpose of suppressing acts of piracy and armed robbery at sea, pursuant to the request of the Transitional Federal Government, provided, however, that any measures undertaken pursuant to the authority of this paragraph shall be undertaken consistent with applicable international humanitarian and human rights law (para. 6)

Resolution 1863 (2009)
(Chapter VII)

Recognizing that serious crimes have been committed against civilians in the ongoing conflict in Somalia, and reaffirming the importance of the fight against impunity (tenth preambular paragraph)

Calls upon all parties to cooperate fully in the deployment and operations of AMISOM, in particular by guaranteeing the safety, security, and freedom of movement of African Union and United Nations personnel as well as associated personnel throughout Somalia, and to comply fully with their obligations under international law, including international humanitarian, human rights and refugee law (para. 15)

Reaffirms its resolutions 1325 (2000) and 1820 (2008) on women and peace and security, and its resolutions 1674 (2006) and 1738 (2006) on the protection of civilians in armed conflict, and stresses the responsibility of all parties and armed groups in Somalia to take appropriate steps to protect the civilian population in the country, consistent with international humanitarian, human rights and refugee law, in particular by avoiding any indiscriminate or excessive use of force in populated areas (para. 19)

S/PRST/2009/15

The Council expresses its concern at the loss of life and the worsening humanitarian situation arising out of the renewed fighting, and calls upon all parties to abide by their obligations under international humanitarian law, in particular to respect the security of civilians, humanitarian workers and AMISOM personnel (fourth paragraph)

Resolution 1872 (2009)
(Chapter VII)

Expressing its concern that serious crimes, in particular killing and maiming, have been committed against civilians and humanitarian staff, in the ongoing conflict in Somalia, and reaffirming the importance of the fight against impunity (thirteenth preambular paragraph)

S/PRST/2009/19

The Council deplores the loss of life in Somalia and the deteriorating humanitarian situation, which has resulted in increased flows of refugees and internally displaced persons, threatening stability in the region. The Council calls upon all parties to abide by their obligations under international humanitarian law, in particular to respect the security of civilians, humanitarian workers and AMISOM personnel (fourth paragraph)

S/PRST/2009/31

The Council reaffirms its demand that all opposition groups immediately end attacks, put down their arms, renounce violence and join reconciliation efforts. The Council further calls upon all parties to abide by their obligations under international humanitarian law, in particular to respect the security of civilians, humanitarian workers and AMISOM personnel (fifth paragraph)

Reports of the Secretary-General on the Sudan

Resolution [1812 \(2008\)](#) [...] urges [...] full cooperation of the National Congress Party and the Sudan People's Liberation Movement in carrying out the obligations of the Government of National Unity for the protection of civilians in armed conflict, in accordance with resolution [1674 \(2006\)](#) (para. 19)

Reiterates its concern over the restrictions and all impediments placed on the movements of UNMIS personnel and materiel in Sudan, and the adverse impact that such restrictions and impediments have on the ability of the Mission to perform its mandate effectively and on the ability of the humanitarian community to reach affected persons; and in this regard calls for all parties to cooperate fully with UNMIS and facilitate the performance of its mandate, and to abide by their obligations under international humanitarian law (para. 24)

[S/PRST/2008/15](#) The Council strongly condemns the attacks of 10 May perpetrated by the Justice and Equality Movement against the Government of the Sudan in Omdurman, and urges all parties to cease violence immediately, respect their obligations under international humanitarian law and commit to a peaceful resolution of all outstanding issues (first paragraph)

[S/PRST/2008/27](#) [...] The Council stresses that any attack or threat against UNAMID is unacceptable, and demands that there be no reoccurrence. It underlines that attacks on United Nations peacekeepers during an armed conflict can constitute war crimes under applicable international law and calls upon all parties to comply with their obligations under international humanitarian law (third paragraph)

Resolution [1828 \(2008\)](#) Noting with strong concern ongoing attacks on the civilian population and humanitarian workers and continued and widespread sexual violence, including as outlined in the reports of the Secretary-General (seventh preambular paragraph)

Emphasizing the need to bring to justice the perpetrators of such crimes and urging the Government of the Sudan to comply with its obligations in this respect, and reiterating its condemnation of all violations of human rights and international humanitarian law in Darfur (eighth preambular paragraph)

Reiterating its deep concern for the decreasing security of humanitarian personnel, including killings of humanitarian workers, in Darfur and the hindering of their access to populations in need, condemning the parties to the conflict who have failed to ensure the full, safe and unhindered access of relief personnel as well as the delivery of humanitarian assistance, further condemning all instances of banditry and carjackings, and recognizing that, with many civilians in Darfur having been displaced, humanitarian efforts remain a priority until a sustained ceasefire and inclusive political process are achieved (twelfth preambular paragraph)

Demanding an end to attacks on civilians, from any quarter, including by aerial bombing, and the use of civilians as human shields (thirteenth operative paragraph)

Demands an end to violence by all sides, to attacks on civilians, peacekeepers and humanitarian personnel, and to other violations of human rights and international humanitarian law in Darfur (para. 11)

Demands that the parties to the conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, in line with resolution 1820 (2008), and requests the Secretary-General to ensure, as appropriate, that resolutions 1325 (2000) and 1820 (2008) are implemented by UNAMID and to include information on this in his report requested in paragraph 17 below (para. 15)

Requests the Secretary-General to report to the Council every 60 days after the adoption of the present resolution on developments on UNAMID, the political process, the security and humanitarian situation, and compliance by all parties with their international obligations (para. 17)

Reiterates its readiness to take action against any party that impedes the peace process, humanitarian assistance or the deployment of UNAMID, and recognizes that due process must take its course (para. 18)

Resolution 1870 (2009)

Expresses its concern for the health and welfare of the civilian populations in the Sudan, calls upon the parties to the Comprehensive Peace Agreement and the communiqué signed between the United Nations and the Government of National Unity in Khartoum on 28 March 2007 to support, protect and facilitate all humanitarian operations and personnel in the Sudan, and urges the Government of the Sudan to continue working with the United Nations to support the three-track approach delineated by the Secretary-General to ensure the continuity of humanitarian assistance (para. 13)

Reiterates its concern over the restrictions and impediments placed on UNMIS personnel and materiel, and the adverse impact that such restrictions and impediments have on the ability of the Mission to perform its mandate effectively and on the ability of the humanitarian community to reach affected persons, and in this regard calls for all parties to cooperate fully with UNMIS and to facilitate the performance of its mandate, and to abide by their obligations under international humanitarian law (para. 25)

Resolution 1881 (2009)

Expressing its concern, two years after the adoption of its resolution 1769 (2007), at the continued seriousness of the security situation and deterioration of the humanitarian situation in Darfur and at the recurring attacks on the civilian population, reiterating its condemnation of all violations of human rights and international humanitarian law in Darfur, calling upon all parties to comply with their obligations under international humanitarian and human rights law, emphasizing the need to bring to justice the perpetrators of such crimes, and urging the Government of the Sudan to comply with its obligations in this respect (eighth preambular paragraph)

Demands that all parties to the conflict in Darfur immediately end violence and attacks on civilians, peacekeepers and humanitarian personnel, and comply with their obligations under human rights and international humanitarian law; calls for an immediate cessation of hostilities and for all parties to commit themselves to a sustained and permanent ceasefire; requests the Secretary-General to consult with relevant parties with a view to developing a more effective ceasefire monitoring mechanism; and underlines the need for UNAMID to report on major instances of violence which undermine the parties' full and constructive efforts towards peace (para. 7)

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	<p>Demands also that the parties to the conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, in line with resolution 1820 (2008); and requests the Secretary-General to develop a comprehensive strategy for providing protection to women and girls from sexual violence and gender-based violence and to ensure that the relevant provisions of resolutions 1325 (2000) and 1820 (2008) are implemented by UNAMID, and to include information on this in his reporting to the Council (para. 14)</p>
<p>Resolution 1891 (2009) (Chapter VII)</p>	<p>Noting with deep concern the ongoing violence, impunity and consequent deterioration of the humanitarian aid situation and humanitarian access to populations in need, and reiterating its deep concern about the security of civilians and humanitarian aid workers, and calling upon all parties in Darfur to cease offensive actions immediately and to refrain from further violent attacks (sixth preambular paragraph)</p> <p>Demanding also an immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians, in line with resolution 1888 (2009), recruitment and use of children, in line with resolutions 1612 (2005) and 1882 (2009), and indiscriminate attacks against civilians (eighth preambular paragraph)</p>

Peace and security in Africa (Zimbabwe)

[S/PRST/2008/23](#)

The Council condemns the campaign of violence against the political opposition ahead of the second round of the presidential elections scheduled for 27 June 2008, which has resulted in the killing of scores of opposition activists and other Zimbabweans and the beating and displacement of thousands of people, including many women and children (first paragraph)

The Council further expresses its concern at the grave humanitarian situation in Zimbabwe and condemns the suspension by the Government of Zimbabwe of the operations of humanitarian organizations, which has directly affected one and a half million people, including half a million children. The Council calls upon the Government of Zimbabwe to immediately allow humanitarian organizations to resume their services (fifth paragraph)

Abbreviations: AMISOM — African Union Mission in Somalia; ISAF — International Security Assistance Force; MINURCAT — United Nations Mission in the Central African Republic and Chad; MINUSTAH — United Nations Stabilization Mission in Haiti; MONUC — United Nations Organization Mission in the Democratic Republic of the Congo; UNAMI — United Nations Assistance Mission for Iraq; UNAMID — African Union-United Nations Hybrid Operation in Darfur; UNHCR — Office of the United Nations High Commissioner for Refugees; UNMIL — United Nations Mission in Liberia; UNMIS — United Nations Mission in the Sudan; and UNOMIG — United Nations Observer Mission in Georgia.

34. Small arms

Overview

During the period, the Security Council held one meeting relating to small arms. On 30 April 2008, the Council considered the report of the Secretary-General on small arms,⁶⁶⁶ which contained his analysis, observations and recommendations on various aspects of the issue of small arms, with an emphasis on the negative impact that illicit small arms had on security, human rights and socioeconomic development, in particular in areas of crisis and post-conflict situations. The report was introduced by the Director and Deputy to the High Representative for Disarmament Affairs.

Speakers concurred with the Director's observations on the role of small arms in stirring up and prolonging conflicts, in particular the adverse effects of illicit trade and the proliferation of small weapons on socioeconomic development, including the recruitment of child soldiers and disruption of peacebuilding. A number of speakers, in particular, expressed the concern that the majority of the victims were among the most vulnerable, including women, children and non-combatants. Some urged that the issue of small arms should be addressed even more urgently, given its implications for cross-border crimes and international terrorism.

A number of speakers welcomed the recommendations of the Secretary-General, such as

strengthening coordination among various bodies of the United Nations, curbing illicit trade and brokering, enhancing end-user certification and verification, strengthening national capacities in data collection and sharing, and addressing the issue of the destruction of surplus stocks. While affirming the role of the 2001 Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects⁶⁶⁷ in stemming the proliferation of small arms, many speakers noted its slow and inadequate implementation. They called for the establishment of an international legal framework by adopting a legally binding instrument to regulate the conventional arms trade. Several delegations also stressed the need to recognize the right of self-defence in dealing with the issue of small arms.

Many speakers welcomed the Secretary-General's recommendations directly relating to the work of the Council, including improving the effectiveness of peacekeeping missions mandated to monitor arms embargoes. However, the representative of the United States held that the inclusion of arms embargo monitoring functions in the mandate of peacekeeping operations should not be applied as a general rule, as the recommendation was drawn from the most complex cases. He also stressed that the enforcement of arms embargoes should rest with Member States, not with the Council, or the peacekeeping operations authorized by the Council.⁶⁶⁸

⁶⁶⁶ S/2008/258, submitted pursuant to S/PRST/2007/24, in which the Council requested the Secretary-General to submit a report on small arms to the Council biennially, beginning in 2008.

⁶⁶⁷ See A/CONF.192/15, sect. IV.

⁶⁶⁸ See S/PV.5881, p. 15.

Meetings: small arms

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5881st 30 April 2008	Report of the Secretary- General (S/2008/258)		Rule 37 32 Member States ^a Rule 39 Director and Deputy to the High Representative for Disarmament Affairs	All Council members and all invitees	

^a Argentina, Australia, Austria, Benin, Brazil, Canada, Chile, Colombia, Congo, Ecuador, Guatemala, Honduras, Iceland (on behalf of the five Nordic countries: Denmark, Finland, Norway, Sweden and Iceland), Israel, Jamaica, Japan, Kazakhstan, Kenya, Lesotho, Liechtenstein, Malawi, Mexico, Netherlands, Nigeria, Peru, Philippines, Slovenia (on behalf of the European Union), Sri Lanka, Switzerland, Syrian Arab Republic, Uganda and Uruguay.

35. Women and peace and security

Overview

During the period under review, the Security Council held five meetings and adopted three resolutions and one presidential statement in connection with women and peace and security. The decisions and accompanying discussions dealt primarily with sexual violence and the implementation of resolution 1325 (2000).

19 June 2008 to 30 September 2009: resolutions on sexual violence

At the meeting on 19 June 2008, there was widespread consensus on all major aspects of the draft resolution before the Council.⁶⁶⁹ Speakers highlighted the need to fight sexual violence during all aspects of conflict, including in conflict prevention, peace negotiations, peacebuilding and transitional justice, and to provide treatment for victims. Many delegations made reference to the International Criminal Court in connection with fighting impunity, and called for situations involving sexual violence to be referred to the Court. One representative opined that a reference to the Court should have been included in the draft resolution.⁶⁷⁰

The draft resolution was adopted as resolution 1820 (2008), in which the Council stressed that sexual violence, when used as a tactic of war or as part of a widespread or systematic attack against civilian populations, could significantly exacerbate situations of armed conflict and might impede the restoration of international peace and security. The Council also stressed the need for the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes, affirmed its intention to take into consideration targeted and graduated measures against parties responsible for sexual violence.

On 7 August 2009, the Council heard a briefing by the Secretary-General in which he stated that despite some progress in implementing resolution 1820 (2008), the deliberate targeting of civilians through sexual violence continued and had become part of the arsenal to pursue military, political and socioeconomic aims. He called for concrete action to prevent and respond to sexual violence, including through: (a) a multisectoral response; (b) a consistent focus on sexual violence in the planning and implementation of mission mandates; (c) conclusion of the General Assembly's deliberations on a United Nations institution to advance gender equality and women's human rights, which he proposed to support by appointing a new senior system-wide official to address sexual violence; and (d) improvement of the monitoring, investigation and documentation of sexual

⁶⁶⁹ S/2008/403.

⁶⁷⁰ S/PV.5916 and Corr.1, p. 31 (Liechtenstein).

violence. He urged the Council to immediately authorize an independent commission of inquiry to investigate violations of human rights and international humanitarian law in Chad, the Democratic Republic of the Congo and the Sudan.⁶⁷¹ Following the briefing, several representatives expressed the hope for early agreement on a new United Nations gender entity, which some held should take account of the mandates in resolutions 1325 (2000) and 1820 (2008). Many representatives called for the Council to address the issue of sexual violence systematically in its daily deliberations. Most speakers concurred with the recommendation to include provisions regarding sexual violence in Council mandates for both sanctions regimes and peacekeeping operations, as well as in reporting requirements.

On 30 September 2009, the Council, in resolution 1888 (2009), requested that the Secretary-General appoint a Special Representative to provide coherent and strategic leadership and to engage in advocacy efforts, in order to address sexual violence in armed conflict, primarily through the inter-agency initiative “United Nations Action Against Sexual Violence in Conflict”. In other provisions aimed at strengthening its response to the problem of sexual violence, the Council also decided to include specific provisions for the protection of women and children from rape and other sexual violence in the mandates of United Nations peacekeeping operations; and called upon the Secretary-General to deploy rapidly a team of experts to situations of particular concern with respect to sexual violence in armed conflict.

**29 October 2008 and 5 October 2009:
implementation of resolution 1325 (2000)**

At the 6005th meeting of the Council on 29 October 2008 speakers were unanimous in pointing

⁶⁷¹ S/PV.6180, pp 2-3.

out that while progress had been achieved since the adoption of resolution 1325 (2000) in terms of increased focus on the importance of involving women in peace processes and on the need to mainstream a gender perspective in matters of peace and security, a lot remained to be done to implement that resolution, particularly with regard to women’s protection and their involvement in peace processes. Several delegations expressed support for the Secretary-General’s recommendations for advancing the implementation of that resolution, especially the increased use of Arria-formula meetings.

The President then made a statement on behalf of the Council,⁶⁷² in which it reaffirmed its commitment to the implementation of resolutions 1325 (2000) and 1820 (2008), and also requested the Secretary-General to provide a report on the implementation of resolution 1325 (2000).

On 5 October 2009, the Council, in resolution 1889 (2009), reiterating its previous relevant resolutions, called upon the Secretary-General to develop a strategy to increase the number of women appointed to pursue good offices on his behalf, particularly as Special Representatives and Special Envoys, and to take measures to increase women’s participation in political, peacebuilding and peacekeeping missions. The Council requested the Secretary-General to submit to it within six months, for consideration, a set of indicators for use at the global level to track implementation of its resolution 1325 (2000), which could serve as a common basis for reporting by relevant United Nations entities and Member States on the implementation of the resolution.

⁶⁷² S/PRST/2008/39.

Meetings: women and peace and security

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5916th 19 June 2008	Letter dated 4 June 2008 from the Permanent Representative of the United States to the United Nations addressed to the Secretary-General (S/2008/364)	Letter dated 16 June 2008 from the representative of the United Kingdom (S/2008/402), Draft resolution submitted by 50 Member States ^a (S/2008/403)	Rule 37 60 Member States ^b Rule 39 President of the General Assembly, former Division Commander of MONUC, Chairperson of the Peacebuilding Commission, Commissioner for Peace and Security of the African Union	Secretary-General, Deputy Secretary-General, all Council members, ^c all invitees	Resolution 1820 (2008) 15-0-0
6005th 29 October 2008	Report of the Secretary-General on women, peace and security (S/2008/622) Letter dated 15 October 2008 from the Permanent Representative of China to the United Nations addressed to the Secretary-General (S/2008/655)		Rule 37 35 Member States ^d Rule 39 Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, Under-Secretary-General for Peacekeeping Operations, Executive Director of UNIFEM, Coordinator of the NGO Working Group on Women, Peace and Security, Permanent Observer of the African Union to the United Nations	All Council members and all invitees	S/PRST/2008/39

**Part I. Consideration of questions under the responsibility of
the Security Council for the maintenance of
international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6180th 7 August 2009	Report of the Secretary-General pursuant to Security Council resolution 1820 (2008) (S/2009/362)		Rule 37 28 Member States ^e	Secretary-General, all Council members, all invitees	
6195th 30 September 2009	Report of the Secretary-General pursuant to Security Council resolution 1820 (2008) (S/2009/362)	Draft resolution submitted by 68 Member States ^f (S/2009/489)	Rule 37 58 Member States ^g	Secretary-General, all Council members ^h	Resolution 1888 (2009) 15-0-0
6196th 5 October 2009	Report of the Secretary-General on women and peace and security (S/2009/465) Letter dated 18 September 2009 from the Permanent Representative of Viet Nam to the United Nations addressed to the Secretary-General (S/2009/490)	Draft resolution submitted by 21 Member States ⁱ (S/2009/500)	Rule 37 40 Member States ^j Rule 39 Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, Executive Director of UNIFEM, the Representative of the NGO Working Group on Women, Peace and Security, and Acting Permanent Observer of the African Union to the United Nations	Deputy Secretary-General, all Council members, ^k all invitees	Resolution 1889 (2009) 15-0-0

(Footnotes on following page)

(Footnotes to Meetings: women and peace and security Table)

Abbreviations: MONUC — United Nations Organization Mission in the Democratic Republic of the Congo; NGO — non-governmental organization; and UNIFEM — United Nations Development Fund for Women.

^a Armenia, Australia, Austria, Belgium, Bulgaria, Burkina Faso, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Nigeria, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, United Kingdom, United Republic of Tanzania and United States.

^b Afghanistan, Argentina, Armenia, Australia, Austria, Bangladesh, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Cyprus, Czech Republic, Democratic Republic of the Congo (Minister of Gender, Family and Child), Denmark, Ecuador, El Salvador, Estonia, Finland, Germany, Ghana, Greece, Hungary, Iceland, Iraq, Ireland, Israel, Jamaica, Japan, Kazakhstan, Latvia, Liberia, (Minister for Foreign Affairs), Liechtenstein, Lithuania, Luxembourg, Malta, Mauritania, Mexico, Myanmar, Netherlands, New Zealand, Nigeria, Norway, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tonga, Tunisia and United Republic of Tanzania.

^c Croatia was represented by its Vice-Prime Minister and Minister of the Family, Veterans Affairs and Intergenerational Solidarity; Belgium, by its Minister of Development Cooperation; France, by its Secretary of State for Foreign Affairs; China, by the Special Envoy of the Minister for Foreign Affairs; Italy, by its Under-Secretary of State for Foreign Affairs; and United Kingdom, by its Attorney General for England and Wales.

^d Afghanistan, Argentina, Australia, Austria, Bangladesh, Belarus (Deputy Head of the Administration of the President), Canada, Chile, Colombia, Congo, Denmark, Finland, Germany, Ghana, Iceland, Ireland, Israel, Japan, Kazakhstan, Kenya, Liechtenstein, Mexico, Morocco, Myanmar, Norway, Philippines, Portugal, Republic of Korea, Rwanda, Swaziland, Sweden, Switzerland, Tonga, Uganda and United Arab Emirates.

^e Afghanistan, Argentina, Australia, Bangladesh, Belgium, Brazil, Canada, Ecuador, Finland, Germany, Iceland, Israel, Italy, Kenya, Liechtenstein, Netherlands, Nigeria, Norway, Papua New Guinea, Peru, Republic of Korea, Rwanda, Sierra Leone, South Africa, Sweden, Switzerland, Timor-Leste and United Republic of Tanzania.

^f Albania, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, Rwanda, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United Republic of Tanzania and United States.

^g Albania, Argentina, Armenia, Australia, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Côte d'Ivoire, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Estonia, Finland, Georgia, Germany, Ghana, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, Rwanda, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and United Republic of Tanzania.

^h Burkina Faso was represented by its Minister for Foreign Affairs and Regional Cooperation; France, by its Minister of State for Cooperation and Francophonie; and the United States, by its Secretary of State.

ⁱ Austria, Burkina Faso, Cambodia, Costa Rica, Croatia, Finland, France, India, Italy, Japan, Lao People's Democratic Republic, Mexico, Norway, Philippines, Singapore, South Africa, Turkey, Uganda, United Kingdom, United States and Viet Nam.

^j Afghanistan, Argentina, Australia, Belgium, Brazil, Cambodia, Canada, Colombia, Denmark, Ecuador, Egypt, Finland, Germany, Iceland, India, Indonesia, Ireland, Italy, Lao People's Democratic Republic, Liechtenstein, Luxembourg, Micronesia (Federated States of), Netherlands, New Zealand, Nigeria, Norway, Papua New Guinea, Philippines, Portugal, Republic of Korea, Serbia, Sierra Leone, Singapore, South Africa, Sri Lanka, Sweden, Switzerland, Ukraine, United Republic of Tanzania and Venezuela (Bolivarian Republic of).

^k Viet Nam was represented by its Deputy Prime Minister and Minister for Foreign Affairs.

Mainstreaming of issues related to women and peace and security in the decisions of the Security Council

The Security Council has increasingly incorporated elements that relate to thematic items, such as women and peace and security, into its decisions on country-specific situations.⁶⁷³ The following table lists, by item, all such instances of provisions relating to women and peace and security that were included in decisions adopted under other items. The table does not reflect the integration of elements relating to women and peace and security into the mandates of subsidiary bodies, as those are covered in part X.

The provisions relate to gender equality, protection from sexual and gender-based violence, the importance of the participation of women in peace processes and political life, and mainstreaming a gender perspective in activities related to peace and security. The provisions were addressed either to Member States or to the Secretary-General and include expressions of condemnation of discrimination against women and girls or sexual and gender-based violence,

⁶⁷³ For information on the mainstreaming of other thematic items, see, in the present part, sect. 31, with regard to Children and armed conflict, and sect. 33, with regard to protection of civilians in armed conflict.

calls for protection or equal participation, calls for investigation or prosecution of sexual exploitation and violence, calls for preventive action or reporting requirements in reports of the Secretary-General and the imposition of sanctions.

The Council included the provisions in its decisions on Afghanistan, Burundi, Chad, the Central African Republic and the subregion, Cote d'Ivoire, Cyprus, the Democratic Republic of the Congo, Georgia, the Great Lakes region, Guinea, Haiti, Iraq, Liberia, the Middle East, Nepal, Somalia, the Sudan, Timor-Leste and Western Sahara. Of the 49 decisions (among them 4 presidential statements), 19 were adopted under Chapter VII of the Charter.

In line with resolutions 1820 (2008) and 1888 (2009), the Council included demands to take measures to protect civilians from sexual violence in its decisions on Côte d'Ivoire, the Democratic Republic of the Congo and the Sudan. The Council addressed the Secretary-General's zero-tolerance policy on sexual exploitation and abuse in decisions relating to 10 of 17 peacekeeping missions. In addition, in a decision concerning the Democratic Republic of the Congo, the Council decided to apply sanctions measures to individuals committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement.

Mainstreaming of issues related to women and peace and security in the decisions of the Security Council, 2008-2009: selected provisions

Decision

Provisions

The situation in Afghanistan

- | | |
|------------------------|---|
| Resolution 1806 (2008) | Recognizes the significant progress achieved on gender equality in Afghanistan in recent years, strongly condemns continuing forms of discrimination and violence against women and girls, stresses the importance of implementing Council resolution 1325 (2000), and requests the Secretary-General to continue to include in its reports to the Council relevant information on the process of integration of women into the political, economic and social life of Afghanistan (para. 28) |
| Resolution 1868 (2009) | Recognizes the significant progress achieved on gender equality in Afghanistan in recent years, strongly condemns continuing forms of discrimination and violence against women and girls, in particular violence aimed at preventing girls from attending schools, stresses the importance of implementing Council resolutions 1325 (2000) and 1820 (2008), and requests the Secretary-General to continue to include in his reports to the Council relevant information on the process of integration of women into the political, economic and social life of Afghanistan (para. 29) |

Decision

Provisions

Resolution [1890 \(2009\)](#)
(Chapter VII) Stressing [...] the importance of further progress by the Government of Afghanistan in ending impunity and strengthening judicial institutions, the rule of law and respect for human rights within Afghanistan, including for women and girls, and in the reconstruction and reform of the prison sector in Afghanistan (eighteenth preambular paragraph)

The situation in Burundi

Resolution [1858 \(2008\)](#) Encourages [...] the Government of Burundi, in collaboration with all international partners, to elaborate a disarmament, demobilization and reintegration strategy and to lay the foundations for the sustainable socioeconomic reintegration of demobilized soldiers, ex-combatants, returning refugees, the displaced and other vulnerable groups affected by the conflict, particularly women and children, in accordance with Security Council resolutions [1325 \(2000\)](#), [1612 \(2005\)](#), [1674 \(2006\)](#) and [1820 \(2008\)](#) (para. 11)

Expresses, in particular, its concern at the continuing sexual and gender-based violence, and urges the Government of Burundi to take the necessary steps, including through specific legislation, to prevent further violations and to ensure that those responsible are brought to justice, in accordance with international law (para. 14)

Resolution [1902 \(2009\)](#) Encourages the Government of Burundi to pursue its efforts regarding peace consolidation challenges, in particular democratic governance, security reforms, land tenure, justice and the protection of human rights, with a special focus on women's and children's rights (para. 12)

Encourages the Government of Burundi, in collaboration with all international partners, including BINUB, UNDP and the World Bank, to complete the disarmament and demobilization process and the strategy for the sustainable socioeconomic reintegration of demobilized soldiers, former combatants, returning refugees, the displaced and other vulnerable groups affected by the conflict, particularly women and children, and urges international partners, particularly the Peacebuilding Commission, to stand ready to support this (para. 15)

Expresses, in particular, its concern at the continuing sexual and gender-based violence, and urges the Government of Burundi to continue to take the necessary steps to prevent further violations and to ensure that those responsible are brought to justice (para. 19)

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

[S/PRST/2009/13](#) The Council calls upon all parties to abide by their obligations under international humanitarian law, in particular to respect the security of civilians, including women and children, humanitarian workers and United Nations personnel (fifth paragraph)

The situation in Côte d'Ivoire

Resolution [1795 \(2008\)](#)
(Chapter VII) Calls upon all parties concerned to ensure that the protection of women and children is addressed in the implementation of the Ouagadougou Political Agreement as well as the post-conflict reconstruction and recovery phases, including continued monitoring and reporting of the situation of women and children (para. 6)

Decision

Provisions

	<p>Also requests the Secretary-General to continue to take the necessary measures to ensure full compliance in UNOCI with the United Nations zero-tolerance policy on sexual exploitation and abuses and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel (para. 11)</p>
Resolution 1826 (2008) (Chapter VII)	<p>Calls upon all concerned parties to ensure that the protection of women and children is addressed in the implementation of the Ouagadougou Political Agreement as well as the post-conflict reconstruction and recovery phases, including continued monitoring and reporting of the situation of women and children (para. 6)</p> <p>Stresses the importance of ensuring the equal protection of and respect for the human rights of every Ivorian as they relate to the electoral system, and in particular of removing obstacles and challenges to the participation and full involvement of women in public life (para. 7)</p> <p>Requests the Secretary-General to continue to take the necessary measures to ensure full compliance in UNOCI with the United Nations zero-tolerance policy on sexual exploitation and abuses and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel (para. 15)</p>
Resolution 1842 (2008) (Chapter VII)	<p>Noting again with concern, in spite of the sustained improvement in the overall human rights situation, the persistence of cases of human rights violations against civilians, including numerous acts of sexual violence, stressing that the perpetrators must be brought to justice, reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire, and recalling its resolutions 1325 (2000) and 1820 (2008) on women and peace and security, its resolution 1612 (2005) on children and armed conflict and its resolution 1674 (2006) on the protection of civilians in armed conflict (seventh preambular paragraph)</p>
Resolution 1865 (2009) (Chapter VII)	<p>Noting with concern, in spite of the sustained improvement in the overall human rights situation, the persistence of cases of human rights violations against civilians in different parts of the country, including numerous acts of sexual violence, stressing that the perpetrators must be brought to justice, and reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire (tenth preambular paragraph)</p> <p>Recalling also its resolutions 1325 (2000) and 1820 (2008) on women and peace and security, condemning any sexual violence, stressing again the importance of the equal participation and full involvement of women in all efforts for the maintenance of peace and promotion of peace and security and the need to increase their role in decision-making with regard to conflict prevention and resolution, and encouraging the Secretary-General to mainstream a gender perspective in the implementation of the mandate of UNOCI (twelfth preambular paragraph)</p>

Calls upon all parties concerned to ensure that the protection of women and children is addressed in the implementation of the Ouagadougou Political Agreement as well as the post-conflict reconstruction and recovery phases, including continued monitoring and reporting of the situation of women and children, and that all reported abuses are investigated and those responsible brought to justice (para. 11)

Calls upon all Ivorian parties to take appropriate measures to refrain from, prevent and protect civilians from all forms of sexual violence, which could include, inter alia, enforcing appropriate military disciplinary measures, upholding the principle of command responsibility, and training troops on the categorical prohibition of all forms of sexual violence (para. 12)

Stresses the importance of an inclusive participation of Ivorian civil society in the electoral process, and of ensuring the equal protection of and respect for the human rights of every Ivorian as they relate to the electoral system, and in particular of removing obstacles and challenges to women's participation and full involvement in public life (para. 13)

Requests the Secretary-General to continue to take the necessary measures to ensure full compliance in UNOCI with the United Nations zero-tolerance policy on sexual exploitation and abuses and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel (para. 26)

Resolution [1880 \(2009\)](#)
(Chapter VII)

Stresses also the importance of an inclusive participation of Ivorian civil society in the electoral process, of ensuring equal protection of and respect for the human rights of every Ivorian as they relate to the electoral system, and, in particular, respect for freedom of opinion and expression, and of removing obstacles and challenges to women's participation and full involvement in public life (para. 9)

Calls upon all parties concerned to ensure that the protection of women and children is addressed in the implementation of the Ouagadougou Political Agreement as well as the post-conflict reconstruction and recovery phases, including continued monitoring and reporting of the situation of women and children and that all reported abuses are investigated and those responsible brought to justice (para. 14)

Calls upon all Ivorian parties to take appropriate measures to refrain from, prevent and protect civilians from all forms of sexual violence, which could include enforcing appropriate military disciplinary measures, upholding the principle of command responsibility, and training troops on the categorical prohibition of all forms of sexual violence (para. 15)

Decision

Provisions

Recalls the recommendation of its Working Group on Children and Armed Conflict that a national action plan to address sexual violence in Côte d'Ivoire be adopted, welcomes steps taken so far and urges the Government of Côte d'Ivoire, with the support of UNOCI and other relevant actors, to finalize and implement it, welcomes also the programme of action, signed by the Forces Nouvelles in January 2009, to combat sexual violence in the areas within their control, pursuant to the above-mentioned recommendations, as well as the communiqué issued by four militia groups indicating their willingness to combat sexual violence, and calls upon all relevant parties, with the continued support of UNOCI, to work together to implement their commitments (para. 16)

Requests the Secretary-General to continue to take the necessary measures to ensure full compliance in UNOCI with the United Nations zero-tolerance policy on sexual exploitation and abuses and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel (para. 29)

Resolution [1893 \(2009\)](#)
(Chapter VII)

Noting again with concern, in spite of the sustained improvement of the overall human rights situation, the persistence of reported human rights and humanitarian law violations against civilians in different parts of the country, including numerous acts of sexual violence, stressing that the perpetrators must be brought to justice, reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire, and recalling its resolutions [1325 \(2000\)](#), [1820 \(2008\)](#), [1888 \(2009\)](#) and [1889 \(2009\)](#) on women and peace and security, its resolutions [1612 \(2005\)](#) and [1882 \(2009\)](#) on children and armed conflict and its resolution [1674 \(2006\)](#) on the protection of civilians in armed conflict (fifth preambular paragraph)

The situation in Cyprus

Resolution [1818 \(2008\)](#)

Welcomes the efforts being undertaken by UNFICYP to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including conducting predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel (para. 8)

Resolution [1847 \(2008\)](#)

Welcomes the efforts being undertaken by UNFICYP to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including conducting predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel (para. 10)

- Resolution [1873 \(2009\)](#) Welcomes the efforts being undertaken by UNFICYP to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action including conducting predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel (para. 10)
- Resolution [1898 \(2009\)](#) Welcomes the efforts being undertaken by UNFICYP to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action including conducting predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel (para. 10)
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The situation in the Democratic Republic of the Congo

- Resolution [1807 \(2008\)](#)
(Chapter VII) Decides that the [arms embargo, travel ban and asset freeze] shall apply to the following individuals and, as appropriate, entities, as designated by the Committee: [...] (e) individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement (para. 13 (e))
- Resolution [1856 \(2008\)](#)
(Chapter VII) Takes note of the measures taken by MONUC to address instances of sexual exploitation and abuse and of the zero-tolerance policy, requests the Secretary-General to continue to investigate fully the allegations of sexual exploitation and violence by civilian and military personnel of MONUC, and to take the appropriate measures set out in the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse ([ST/SGB/2003/13](#)) (para. 15)
- Resolution [1857 \(2008\)](#)
(Chapter VII) Decides that the [arms embargo, travel ban and asset freeze] shall apply to the following individuals and, as appropriate, entities, as designated by the Committee: [...] (e) individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement (para. 4 (e))
- Requests in particular that MONUC share information with the Group of Experts, especially on the support received by armed groups, on the recruitment and use of children and on the targeting of women and children in situations of armed conflicts (para. 12)

Decision

Provisions

[S/PRST/2008/38](#)

The Council expresses its deep concern over continued threats to the safety of the civilian population and to the conduct of humanitarian operations. The Council strongly condemns the continuing recruitment and use of children by armed groups as well as the continued prevalence of sexual and gender-based violence in the eastern region of the Democratic Republic of the Congo. It urges all parties to comply fully with their obligations under international law, including international humanitarian law, human rights law and refugee law (second paragraph)

[Resolution 1896 \(2009\)](#)
(Chapter VII)

Noting with great concern the persistence of human rights and humanitarian law violations against civilians in the eastern part of the Democratic Republic of the Congo, including the killing and displacement of significant numbers of civilians, the recruitment and use of child soldiers and widespread sexual violence, stressing that the perpetrators must be brought to justice, reiterating its firm condemnation of all violations of human rights and international humanitarian law in the country, and recalling all its relevant resolutions on women and peace and security, on children and armed conflict and on the protection of civilians in armed conflict (eighth preambular paragraph)

[Resolution 1906 \(2009\)](#)
(Chapter VII)

Expressing its extreme concern at the deteriorating humanitarian and human rights situation and the continued impunity of those responsible for human rights abuses and other atrocities, condemning, in particular, the targeted attacks against the civilian population, widespread sexual violence, recruitment and use of child soldiers and extrajudicial executions, stressing the urgent need for the Government of the Democratic Republic of the Congo, in cooperation with MONUC and other relevant actors, to end violations of human rights and international humanitarian law, and to bring the perpetrators to justice, and calling upon Member States to assist in this regard and to continue to provide medical, humanitarian and other assistance to victims (eighth preambular paragraph)

Demands that all armed groups, in particular the Forces démocratiques de libération du Rwanda and the Lord's Resistance Army, immediately cease all forms of violence and human rights abuse against the civilian population in the Democratic Republic of the Congo, in particular gender-based violence, including rape and other forms of sexual abuse (para. 10)

Demands also that the Government of the Democratic Republic of the Congo, in furtherance of resolution [1888 \(2009\)](#), immediately take appropriate measures to protect civilians, including women and children, from violations of international humanitarian law and human rights abuses, including all forms of sexual violence; urges the Government to ensure the full implementation of its "zero-tolerance policy" with respect to discipline and human rights violations, including sexual and gender-based violence, committed by elements of the Armed Forces of the Democratic Republic of the Congo, and further urges that all reports of such violations be thoroughly investigated, with the support of MONUC, and that all those responsible be brought to justice through a robust and independent process (para. 11)

Requests the Secretary-General to continue to fully investigate the allegations of sexual exploitation and abuse by civilian and military personnel of MONUC, and to take the appropriate measures set out in the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse ([ST/SGB/2003/13](#)) (para. 12)

The situation in Georgia

Resolution [1808 \(2008\)](#)

Welcomes the efforts being undertaken by UNOMIG to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action, including conducting predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel (para. 15)

The situation in the Great Lakes region

Resolution [1804 \(2008\)](#)

Deplores the persistence of violations of human rights and international humanitarian law carried out by the Forces démocratique de libération du Rwanda, the ex-Rwandan Armed Forces/Interahamwe, and other Rwandan armed groups operating in the eastern part of the Democratic Republic of the Congo, condemning in particular sexual violence perpetrated by those groups, recalling its resolution [1325 \(2000\)](#) on women and peace and security, its resolution [1612 \(2005\)](#) on children and armed conflict and the conclusions on children and armed conflict in the Democratic Republic of the Congo endorsed by it (fourth preambular paragraph)

Demands also that the Forces démocratique de libération du Rwanda, the ex-Rwandan Armed Forces/Interahamwe and other Rwandan armed groups operating in the eastern part of the Democratic Republic of the Congo immediately stop recruiting and using children, release all children associated with them, and put an end to gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence, and stresses the need for those responsible to be brought to justice (para. 2)

[S/PRST/2008/48](#)

The Council strongly condemns the recent attacks by the Lord's Resistance Army in the Democratic Republic of the Congo and Southern Sudan, which pose a continuing threat to regional security. It demands that the Lord's Resistance Army cease its recruitment and use of children and that it release immediately all women, children and other non-combatants, in accordance with Council resolution [1612 \(2005\)](#). The Council reiterates its deep concern at the long-running and brutal insurgency by the Lord's Resistance Army, which has caused the death, abduction and displacement of thousands of innocent civilians in Uganda, the Sudan and the Democratic Republic of the Congo (fourth paragraph)

Decision

Provisions

Peace consolidation in West Africa (Guinea)

[S/PRST/2009/27](#)

The Council remains deeply concerned by the situation in Guinea, which might pose a risk to regional peace and security following the killings that occurred in Conakry on 28 September 2009, when members of the army opened fire on civilians attending a rally. It strongly condemns the violence that reportedly caused more than 150 deaths and hundreds of wounded and other blatant violations of human rights, including numerous rapes and sexual crimes against women, as well as the arbitrary arrest of peaceful demonstrators and opposition party leaders (first paragraph)

The Council reiterates the need for the national authorities to fight against impunity, bring the perpetrators to justice [and] uphold the rule of law, including respect for basic human rights (second paragraph)

The Council further recalls [...] its resolution [1888 \(2009\)](#), in which it urged the Secretary-General, Member States and the heads of regional organizations to take measures to increase the representation of women in mediation processes and decision-making processes with regard to conflict resolution and peacebuilding (sixth paragraph)

The question concerning Haiti

Resolution [1840 \(2008\)](#)
(Chapter VII)

Requests the Secretary-General to continue to take the necessary measures to ensure full compliance of all MINUSTAH personnel with the United Nations zero-tolerance policy on sexual exploitation and abuse, and to keep the Council informed, and urges troop-contributing countries to ensure that acts involving their personnel are properly investigated and punished (para. 22)

Resolution [1892 \(2009\)](#)
(Chapter VII)

Emphasizing the need for increased efforts to support the participation of women in the political process (fifth preambular paragraph)

Strongly condemns the grave violations against children affected by armed violence, as well as widespread rape and other sexual abuse of women and girls, and requests MINUSTAH and the United Nations country team, in close cooperation with the Government of Haiti, to continue to promote and protect the rights of women and children as set out in Security Council resolutions [1325 \(2000\)](#), [1612 \(2005\)](#), [1820 \(2008\)](#), [1882 \(2009\)](#), [1888 \(2009\)](#), and [1889 \(2009\)](#) (para. 19)

Requests the Secretary-General to continue to take the measures necessary to ensure full compliance of all MINUSTAH personnel with the United Nations zero-tolerance policy on sexual exploitation and abuse, and to keep the Council informed, and urges troop- and police-contributing countries to ensure that acts involving their personnel are properly investigated and punished (para. 20)

The situation concerning Iraq

- Resolution [1883 \(2009\)](#) Underscoring the sovereignty of the Government of Iraq, reaffirming that all parties should continue to take all feasible steps and develop modalities to ensure the protection of affected civilians, including children, women and members of religious and ethnic minority groups, and should create conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons, welcoming commitments of the Government for the relief of internally displaced persons, encouraging continued efforts for internally displaced persons and refugees, and noting the important role of the Office of the United Nations High Commissioner for Refugees, based on its mandate, in providing advice and support to the Government of Iraq, in coordination with UNAMI (eleventh preambular paragraph)
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The situation in Liberia

- Resolution [1836 \(2008\)](#) (Chapter VII) Welcoming the progress achieved on the broad benchmarks laid down in the report of the Secretary-General 12 September 2006 and the core benchmarks presented in his reports of 9 August 2007 and 19 March 2008, welcoming the continuing efforts of UNMIL to promote and protect, in cooperation with the Government of Liberia, the rights of civilians, in particular children and women, calling upon the Liberian authorities to continue to cooperate with the United Nations country team and civil society in order to achieve further progress in these areas and, in particular, to combat violence against children and women, including gender-based violence, sexual exploitation and abuse, and recalling its resolutions [1674 \(2006\)](#) and [1612 \(2005\)](#), as well as resolutions [1325 \(2000\)](#) and [1820 \(2008\)](#) on women and peace and security (twelfth preambular paragraph)
- Resolution [1885 \(2009\)](#) (Chapter VIII) [...] noting with appreciation that the Government strategy for the implementation of resolution [1325 \(2000\)](#) is in place, recognizing the challenges that remain in addressing the serious issues of gender-based violence and sexual exploitation and abuse, and calling upon Member States to increase support to the Government in its efforts (fourteenth preambular paragraph)
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The situation in the Middle East

- Resolution [1821 \(2008\)](#) Welcomes the efforts being undertaken by UNDOF to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel (para. 2)
- Resolution [1832 \(2008\)](#) Welcomes the efforts being undertaken by UNIFIL to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel (para. 5)

Decision

Provisions

- Resolution [1848 \(2008\)](#) Welcomes the efforts being undertaken by UNDOF to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel (para. 2)
- Resolution [1875 \(2009\)](#) Welcomes the efforts being undertaken by UNDOF to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel (para. 2)
- Resolution [1884 \(2009\)](#) Welcomes the efforts being undertaken by UNIFIL to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Council informed, and urges troop-contributing countries to take preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel (para. 5)
- Resolution [1899 \(2009\)](#) Welcomes the efforts being undertaken by UNDOF to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel (para. 2)

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

- Resolution [1864 \(2009\)](#) Recognizing the need to pay special attention to the needs of women, children and traditionally marginalized groups in the peace process, as mentioned in the Comprehensive Peace Agreement and in resolution [1325 \(2000\)](#) (fourteenth preambular paragraph)

The situation in Somalia

- Resolution [1801 \(2008\)](#) (Chapter VII) Reaffirms its resolution [1325 \(2000\)](#) on women and peace and security, and its resolutions [1674 \(2006\)](#) and [1738 \(2006\)](#) on the protection of civilians in armed conflict, and stresses the responsibility of all parties and armed groups in Somalia to take appropriate steps to protect the civilian population in the country, consistent with international humanitarian, human rights and refugee law, in particular by avoiding any indiscriminate attacks on populated areas (para. 13)

Resolution [1814 \(2008\)](#) (Chapter VII) Reaffirms its resolution [1325 \(2000\)](#) on women and peace and security and its resolutions [1674 \(2006\)](#) and [1738 \(2006\)](#) on the protection of civilians in armed conflict, and stresses the responsibility of all parties and armed groups in Somalia to take appropriate steps to protect the civilian population in the country, consistent with international humanitarian, human rights and refugee law, in particular by avoiding any indiscriminate attacks on populated areas (para. 17)

Reports of the Secretary-General on the Sudan

Resolution [1812 \(2008\)](#) Requests the Secretary-General to continue to take the necessary measures to ensure full compliance in UNMIS with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel (para. 25)

Resolution [1828 \(2008\)](#) [...] and underlines also the need for the engagement of civil society, including women and women-led organizations, community groups and tribal leaders (para. 10)

Demands that the parties to the conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, in line with resolution [1820 \(2008\)](#), and requests the Secretary-General to ensure, as appropriate, that resolutions [1325 \(2000\)](#) and [1820 \(2008\)](#) are implemented by UNAMID and to include information on this in his report (para. 15)

Resolution [1870 \(2009\)](#) Condemning all acts and forms of violence perpetrated by any party that prevent or hinder peace and stability in the Sudan and the region, and deploring its effect, in particular, on women and children (eighth preambular paragraph)

Requests the Secretary-General to continue to take the measures necessary to ensure full compliance by UNMIS with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council fully informed, and urges troop-contributing countries to take appropriate preventive action including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel (para. 28)

Resolution [1881 \(2009\)](#) [...] underlines the need for the engagement of civil society, including women and women-led organizations, community groups and tribal leaders, in order to create a conducive environment for peace and security through constructive and open dialogue (para. 8)

Demands also that the parties to the conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, in line with resolution [1820 \(2008\)](#); and requests the Secretary-General to develop a comprehensive strategy for providing protection to women and girls from sexual violence and gender-based violence and to ensure that the relevant provisions of resolutions [1325 \(2000\)](#) and [1820 \(2008\)](#) are implemented by UNAMID and to include information on this in his reporting to the Council (para. 14)

Decision

Provisions

Resolution 1891 (2009)
(Chapter VII) Demanding also an immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians, in line with resolution 1888 (2009), recruitment and use of children in line with resolutions 1612 (2005) and 1882 (2009), and indiscriminate attacks against civilians (eighth preambular paragraph)

The situation in Timor-Leste

Resolution 1802 (2008) Requests the Secretary-General to continue to take the necessary measures to ensure full compliance in UNMIT with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and urges those countries contributing troops and police to take appropriate preventive action and to ensure full accountability in cases of such conduct involving their personnel (para. 15)

Resolution 1867 (2009) Requests the Secretary-General to continue to take the measures necessary to ensure full compliance by UNMIT with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and urges those countries contributing troops and police to take appropriate preventive action and to ensure full accountability in cases of such conduct involving their personnel (para. 16)

The situation concerning Western Sahara

Resolution 1813 (2008) Requests the Secretary-General to continue to take the necessary measures to ensure full compliance in MINURSO with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel (para. 10)

Resolution 1871 (2009) Requests the Secretary-General to continue to take the measures necessary to ensure full compliance in MINURSO with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel (para. 10)

Abbreviations: BINUB — United Nations Integrated Office in Burundi; MINURSO — United Nations Mission for the Referendum in Western Sahara; MINUSTAH — United Nations Stabilization Mission in Haiti; MONUC — United Nations Organization Mission in the Democratic Republic of the Congo; UNAMI — United Nations Assistance Mission for Iraq; UNAMID — African Union-United Nations Hybrid Operation in Darfur; UNDOF — United Nations Disengagement Observer Force; UNDP — United Nations Development Programme; UNFICYP — United Nations Peacekeeping Force in Cyprus; UNIFIL — United Nations Interim Force in Lebanon; UNMIL — United Nations Mission in Liberia; UNMIS — United Nations Mission in the Sudan; UNMIT — United Nations Integrated Mission in Timor-Leste; UNOCI — United Nations Operation in Côte d'Ivoire; and UNOMIG — United Nations Observer Mission in Georgia.

36. Items relating to non-proliferation

A. Non-proliferation of weapons of mass destruction

Overview

During the period under review, the Security Council considered the item entitled “Non-proliferation of weapons of mass destruction” at two meetings in 2008: at one, the Council adopted a resolution to extend the mandate of the Security Council Committee established pursuant to resolution 1540 (2004) for three years⁶⁷⁴ and at the other it heard a briefing on the activities of the Committee.

25 April and 18 August 2008: extension of the mandate of the Committee and briefing by the Chairman

On 25 April 2008, the Council adopted resolution 1810 (2008), by which, acting under Chapter VII of the Charter, it extended the mandate of the Committee established pursuant to resolution 1540 (2004) for a period of three years, with the continued assistance of experts, until 25 April 2011. Moreover, the Council modified the Committee’s mandate, requesting it to consider a comprehensive review of the status of implementation of resolution 1540 (2004).

18 August 2008: briefing by the Chairman

On 18 August 2008, the Chairman of the Committee established pursuant to resolution 1540 (2004) provided a briefing on the work of the Committee, in line with its report on the implementation

of resolution 1540 (2004).⁶⁷⁵ He reported that since the adoption of resolution 1540 (2004), the Committee had made considerable progress through its intensive work programmes, particularly by assisting the Council in monitoring the implementation of that resolution by the Member States, organizing outreach activities, developing deeper and mutually beneficial cooperation with other counter-terrorism bodies of the Council and with global, regional and subregional organizations, creating new tools to facilitate assistance and transparency, and enhancing its dialogue with individual States. Notwithstanding that progress, the Committee concluded that further attention by the Council and more intensive action, particularly in regard to capacity-building and the sharing of lessons learned, were required to achieve the goals of resolution 1540 (2004). Among other recommendations, the Committee believed that it should strengthen its clearing-house role for channelling assistance to States in need, increase tailored dialogue with and among States to identify assistance needs and consider options for developing existing financial mechanisms to build capacity to implement resolution 1540 (2004). While acknowledging that the full implementation of resolution 1540 (2004) by all States would take time, he emphasized the need to nurture a sense of urgency, given the gravity of the threat facing the international community.⁶⁷⁶

⁶⁷⁴ For more information, see part IX, sect. I, with regard to the Committee established pursuant to resolution 1540 (2004).

⁶⁷⁵ The report (S/2008/493, annex) was submitted pursuant to paragraph 7 of resolution 1810 (2008).

⁶⁷⁶ S/PV.5955, pp. 2-3. The Chairman also briefed the Council on the activities of the Committee under the item entitled “Briefings by Chairmen of subsidiary bodies of the Security Council”. See sect. 41 in the present part.

Meetings: non-proliferation of weapons of mass destruction

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5877th 25 April 2008		Draft resolution submitted by 7 States ^a (S/2008/273)			Resolution 1810 (2008) 15-0-0
5955th 18 August 2008	Letter dated 8 July 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council (S/2008/493)			Chairman of the Security Council Committee established pursuant to resolution 1540 (2004)	

^a China, Croatia, France, Italy, Russian Federation, United Kingdom and United States.

B. Non-proliferation

Overview

During the period under review, the Council considered the item entitled “Non-proliferation”, in regard to the nuclear programme of the Islamic Republic of Iran, at nine meetings, hearing quarterly briefings on the Security Council Committee established pursuant to resolution 1737 (2006) at seven of those meetings.⁶⁷⁷ By resolution 1803 (2008) of 3 March 2008, the Council strengthened the sanctions regime imposed earlier against the Islamic Republic of Iran as a result of non-compliance with Council resolutions, and by resolution 1835 (2008) of 27 September 2008, the Council called upon the Islamic Republic of Iran to comply with its obligations under Council resolutions and to meet the requirements of the Board of Governors of the International Atomic Energy Agency (IAEA).⁶⁷⁸

⁶⁷⁷ For more information, see part IX, sect. I, with regard to the Committee established pursuant to resolution 1737 (2006).

⁶⁷⁸ For more information, see part VII, sect. III, with regard to Article 41 of the Charter.

**3 March 2008: strengthening of the
sanctions regime**

By resolution 1803 (2008) of 3 March 2008, noting with serious concern that, as confirmed in the reports of the Director General of IAEA,⁶⁷⁹ the Islamic Republic of Iran had not established full and sustained suspension of all enrichment-related and reprocessing activities and heavy water-related projects as set out in resolutions 1696 (2006), 1737 (2006), and 1747 (2007), nor resumed its cooperation with IAEA under the Additional Protocol, nor taken the other steps required by the Board of Governors, nor complied with the provisions of the aforementioned resolutions, which were essential to build confidence, and, deploring the refusal of the Islamic Republic of Iran to take those steps, and acting under Article 41 of Chapter VII of the Charter, the Council, while welcoming the agreement between the Islamic Republic of Iran and IAEA to resolve all outstanding issues concerning that country’s nuclear programme and progress made in that regard, as set out in the Director General’s report of 22 February 2008, decided to impose further sanctions measures on

⁶⁷⁹ Reports of 23 May 2007 (GOV/2007/22; see also S/2007/303, annex), 30 August 2007 (GOV/2007/48), 15 November 2007 (GOV/2007/58) and 22 February 2008 (GOV/2008/4).

the Islamic Republic of Iran. This was done by broadening the scope of the embargo on proliferation-sensitive nuclear activities and nuclear weapon delivery systems, the introduction of a travel ban on persons designated in annex I to the resolution and on any additional persons designated by the Council or the Committee, and the expansion of the list of persons and entities subject to the assets freeze and the travel notification requirement. In the same resolution, the Council called upon all States to exercise vigilance in entering into new commitments for public-provided financial support for trade with the Islamic Republic of Iran, and over the activities of financial institutions in their territories with all banks domiciled in the Islamic Republic of Iran, in order to avoid such financial support and activities contributing to the proliferation-sensitive nuclear activities, or to the development of nuclear weapon delivery systems. The Council further called upon all States to inspect the cargoes to and from the Islamic Republic of Iran of aircraft and vessels owned or operated by two Iranian companies, provided that there were reasonable grounds to suspect violations of the sanctions regime. The Council decided that the mandate of the Committee as set out in resolution 1737 (2006) should also apply to the measures imposed in resolution 1747 (2007) and 1803 (2008).

During the discussion preceding the vote, the representative of the Islamic Republic of Iran accused the Council of having been pushed to take an “unjust and irrational decision” on his country’s peaceful nuclear programme which had been and would remain absolutely peaceful, in no way posed any threat to international peace and security and, therefore, should be dealt with solely by IAEA. He provided his own account of cooperation of the Islamic Republic of Iran with IAEA, claiming that all the outstanding issues were now resolved.⁶⁸⁰

All Council members were in agreement with regard to recognizing the right of the Islamic Republic of Iran to use nuclear energy for peaceful purposes under the Treaty on the Non-Proliferation of Nuclear Weapons. However, many noted with concern the absence of full cooperation of the Islamic Republic of Iran with IAEA, and called upon the Government to cooperate with the Agency and heed the requirements of relevant Council decisions. In that regard, several

⁶⁸⁰ S/PV.5848, pp. 2-7.

Council members expressed their concern about the draft resolution,⁶⁸¹ which, in their view, lacked adequate references to positive developments cited in the IAEA report. Others, stressing that the progress made by the Islamic Republic of Iran had addressed only one of the outstanding issues, were critical about the lack of progress, particularly concerning the suspension of its enrichment-related and reprocessing activities. A number of Council members stressed the importance of a diplomatic solution to the issue and reaffirmed the commitment to a dual-track approach.

In regard to the additional measures imposed by the draft resolution, the representative of Indonesia, explaining his country’s abstention, was not convinced that however incremental, well-targeted and reversible, the imposition of more sanctions was the most sensible course of action to instil confidence and trust and engender cooperation between all the parties involved.⁶⁸² The representative of South Africa registered his country’s concern over the provision concerning the cargo inspection, as it could spark confrontation and further threaten international peace and security.⁶⁸³

27 September 2008: resolution concerning compliance by the Islamic Republic of Iran with its obligations

On 27 September 2008, in regard to a draft resolution before the Council,⁶⁸⁴ the representative of Indonesia stated that if it had provided for additional sanctions, Indonesia would not have been able to support it. He welcomed the inclusion of its amendment reaffirming the commitment to a negotiated solution of the issue, to which Indonesia attached the greatest weight.⁶⁸⁵

The Council then adopted resolution 1835 (2008), in which it reaffirmed its commitment to an early negotiated solution through a dual-track approach to the Iranian nuclear issue, and welcomed the continuing efforts in that regard. It called upon the Islamic Republic of Iran to comply fully and without delay with its obligations under resolutions 1696 (2006),

⁶⁸¹ S/2008/141.

⁶⁸² S/PV.5848, pp. 11-12.

⁶⁸³ Ibid., p. 8.

⁶⁸⁴ S/2008/624.

⁶⁸⁵ S/PV.5984, p. 2.

1737 (2006), 1747 (2007) and 1803 (2008) and to meet the requirements of the Board of Governors of IAEA.

Briefings by the Chairman of the Committee

During the reporting period, on seven occasions, the Chairman of the Committee established pursuant to resolution 1737 (2006) provided a 90-day report to the Council, in accordance with paragraph 18 of resolution 1737 (2006), and updated the Council on the activities of the Committee, including the receipt of implementation reports from Member States pursuant to relevant resolutions; notifications and requests for exceptions from Member States and IAEA; and consideration of alleged violations of the sanctions

regime reported to the Committee. Following the briefings, speakers in general expressed their concern over the lack of compliance by the Islamic Republic of Iran with its international nuclear obligations, including those set out in relevant resolutions, as well as over reported sanctions violations, and reiterated the determination to continue the dual-track approach for a negotiated solution in line with the framework provided by China, France, Germany, the Russian Federation, the United Kingdom and the United States.¹⁸⁶⁸⁶

⁶⁸⁶ See S/PV.5853, S/PV.5909, S/PV.5973, S/PV.6036, S/PV.6090, S/PV.6142 and S/PV.6235.

Meetings: non-proliferation

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5848th 3 March 2008		Draft resolution submitted by France, Germany, United Kingdom (S/2008/141)	Rule 37 Germany, Islamic Republic of Iran	14 Council members, ^a Islamic Republic of Iran	Resolution 1803 (2008) 14-0-1 (Indonesia)
		Letter from the representative of the Islamic Republic of Iran with regard to the report of the IAEA Director General on its nuclear programme (S/2008/116)			
5853rd 17 March 2008	Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)			Chairman of the Security Council Committee established pursuant to resolution 1737 (2006), 2 Council members (Burkina Faso, United States)	

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<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5909th 13 June 2008	Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)			Chairman of the Committee established pursuant to resolution 1737 (2006), 3 Council members (France, United Kingdom, United States)	
5973rd 11 September 2008	Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)			Chairman of the Committee established pursuant to resolution 1737 (2006), 6 Council members ^b	
5984th 27 September 2008		Draft resolution submitted by 9 States ^c (S/2008/624)	Rule 37 Germany	1 Council member (Indonesia)	Resolution 1835 (2008) 15-0-0
6036th 10 December 2008	Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)			Chairman of the Committee established pursuant to resolution 1737 (2006), 8 Council members ^d	
6090th 10 March 2009	Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)			Chairman of the Committee established pursuant to resolution 1737 (2006), 4 Council members (France, Libyan Arab Jamahiriya, United Kingdom, United States)	

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6142nd 15 June 2009	Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)			Chairman of the Committee established pursuant to resolution 1737 (2006), 6 Council members ^e	
6235th 10 December 2009	Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)			Chairman of the Committee established pursuant to resolution 1737 (2006), 6 Council members ^f	

^a Belgium, Burkina Faso, China, Costa Rica, Croatia, France, Indonesia, Libyan Arab Jamahiriya, Panama, Russian Federation, South Africa, United Kingdom, United States and Viet Nam. Italy did not make a statement. The representative of the United Kingdom, in part of his statement, read out the text of a statement agreed by the Ministers for Foreign Affairs of China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the support of the High Representative of the European Union (S/2008/147).

^b China, France, Italy, Russian Federation, United Kingdom and United States.

^c Belgium, China, Croatia, France, Germany, Italy, Russian Federation, United Kingdom and United States.

^d China, Costa Rica, France, Italy, Libyan Arab Jamahiriya, Russian Federation, United Kingdom and United States.

^e China, France, Mexico, Russian Federation, United Kingdom and United States.

^f China, France, Libyan Arab Jamahiriya, Russian Federation, United Kingdom and United States.

C. Non-proliferation/Democratic People's Republic of Korea

Overview

During the period 2008-2009, the Council held two meetings in connection with the item entitled "Non-proliferation/Democratic People's Republic of Korea". The first meeting was held following the launch on 5 April 2009 by the Government of the Democratic People's Republic of Korea using ballistic missile technology, which it maintained was an experimental communications satellite. In a statement by the President, the Council condemned the launch. At the other meeting, held after the nuclear test conducted by the Democratic People's Republic of Korea on 25 May

2009, the Council adopted a resolution strengthening the sanctions measures.⁶⁸⁷

13 April 2009: presidential statement on the launch

In a presidential statement dated 13 April 2009,⁶⁸⁸ the Council condemned the 5 April 2009 launch by the Democratic People's Republic of Korea, which was in contravention of resolution 1718 (2006), and agreed to adjust the sanctions measures imposed in that resolution through the designation of entities and goods. The Council called for an early resumption of the Six-Party Talks.

⁶⁸⁷ For more information, see part VII, sect. III, with regard to Article 41 of the Charter.

⁶⁸⁸ S/PRST/2009/7.

12 June 2009: strengthening of sanctions following the second nuclear test

On 12 June 2009, the Council unanimously adopted resolution [1874 \(2009\)](#) by which, acting under Chapter VII of the Charter, it condemned in the strongest terms the nuclear test conducted by the Democratic People's Republic of Korea on 25 May 2009, demanded that the country not conduct any further nuclear test or any launch using ballistic missile technology. The Council decided to expand the sanctions measures imposed by paragraph 8 of resolution [1718 \(2006\)](#) against the Democratic People's Republic of Korea, and established a panel of experts to assist the Security Council Committee established pursuant to resolution [1718 \(2006\)](#) to, inter alia, monitor and improve the implementation of the relevant measures.⁶⁸⁹

Speaking after the vote, speakers in general welcomed the adoption of the resolution as a unified

response to the nuclear test by the Democratic People's Republic of Korea, which was in violation of relevant Council decisions. At the same time, they called for a peaceful and comprehensive solution through dialogue, via the Six-Party Talks, to resolve the denuclearization issue on the Korean peninsula. The representative of the Republic of Korea underscored that the Democratic People's Republic of Korea must refrain from any action that would further aggravate the situation on the Korean peninsula.⁶⁹⁰ Concerning the strengthened sanctions, many Council members noted that the measures were targeted and did not affect the general population's ability to receive humanitarian and economic assistance. The representatives of China and the Russian Federation stressed that States should act in accordance with domestic and international law to implement the newly imposed cargo inspection regime.⁶⁹¹

⁶⁸⁹ For more information on the Panel of Experts, see part IX, sect. I, with regard to the Committee established pursuant to resolution 1718 (2006).

⁶⁹⁰ S/PV.6141, p. 11.

⁶⁹¹ *Ibid.*, p. 3 (China) and p. 8 (Russian Federation).

Meetings: non-proliferation/Democratic People's Republic of Korea

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for -against-abstaining)</i>
6106th 13 April 2009	Letter dated 4 April 2009 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/2009/176)				S/PRST/2009/7
6141st 12 June 2009	Letter dated 25 May 2009 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/2009/271)	Draft resolution submitted by France, Japan, Republic of Korea, United Kingdom, United States (S/2009/301) Letter from the representative of Mongolia concerning the 25 May 2009 nuclear test conducted by the Democratic People's Republic of Korea (S/2009/274)	Rule 37 Republic of Korea	All Council members, Republic of Korea	Resolution 1874 (2009) 15-0-0

37. United Nations peacekeeping operations

Overview

During the period under review, the Security Council held three meetings and adopted one presidential statement in connection with the item entitled “United Nations peacekeeping operations”. At the meetings, the representatives of the Department of Peacekeeping Operations and the Department of Field Support provided updates to the Council on the development of the “new horizon” initiative, which aimed to form a unique global partnership agenda for peacekeeping and establish a new field support strategy for peacekeeping missions. The Council also discussed the role of police- and troop-contributing countries, peacekeeping financing and support, partnerships with regional and other organizations and the political dimensions of peace operations, among other topics.

23 January 2009: challenges faced by peacekeeping operations

On 23 January 2009, in their briefings to the Council, the Under-Secretary-General for Peacekeeping Operations, the Under-Secretary-General for Field Support and the Special Representative of the Secretary-General and Head of the United Nations Stabilization Mission in Haiti outlined the main challenges faced by peacekeeping operations and addressed the details of the support strategy. The Under-Secretary-General for Peacekeeping Operations stated that it was clear that United Nations peacekeeping was overstretched, both operationally and politically. In regard to political support, he stressed that when operations were tested by circumstances, the unified voice of the Council and behind-the-scenes political pressure from key players in the Council and countries in the region were critical. Political support from the Council could assist in other ways too, for example in mobilizing troops and other resources through bilateral engagements with prospective troop and police contributors.⁶⁹² The Under-Secretary-General for Field Support noted that the Department of Field Support was the newest in the United Nations system, and its creation had also led to greater clarity of purpose concerning the role it was supposed to play. She expressed concern that the magnitude of the operational challenges often

overshadowed a more thorough assessment of how to find a more strategic approach to doing business and achieving the kinds of economies of scale one would expect from a global operation. She noted several proposals the Department was considering, including greater use of support hubs that could provide support services from more secure locations to missions in the region; greater delegation of managerial and administrative authority to managers in the field; a diversified approach to sourcing goods and services; and a smarter approach to technology by using different applications in the provision of aviation tasks, equipment usage, military support and rapid response.⁶⁹³ The Special Representative of the Secretary-General outlined the challenges facing peacekeeping, including the question of when missions should be deployed, what tasks they should undertake and how they could be more effective, drawing upon his specific experience in the United Nations Stabilization Mission in Haiti (MINUSTAH).⁶⁹⁴

Council members and other speakers agreed that the report of the Panel on Peace Operations, chaired by Lakhdar Brahimi,⁶⁹⁵ remained relevant as a basis for any discussion of peacekeeping. They emphasized the challenges in the following areas: peacekeeping financing and support, United Nations partnerships with regional and other organizations, protection of civilians and political dimensions of peace operations.

29 June 2009: relationship between the Council and troop- and police-contributing countries

On 29 June 2009, the Council met to discuss its relationship with police- and troop-contributing countries. The Under-Secretary-General for Peacekeeping Operations briefed the Council on the Department of Peacekeeping Operations/Department of Field Support new horizon initiative to form a new partnership agenda for peacekeeping. The Council had already received an executive brief of a non-paper that would be released in July and would focus on four main points: (a) critical peacekeeping tasks and functions that required a renewed consensus; (b) measures to improve mission design, resourcing and deployment;

⁶⁹³ Ibid., pp. 7-10.

⁶⁹⁴ Ibid., pp. 10-13.

⁶⁹⁵ S/2000/809.

⁶⁹² S/PV.6075, pp. 3-7.

(c) proposals on assessing and building the capacities needed for future peacekeeping; and (d) a strategy to create a stronger, more flexible support system.⁶⁹⁶ The Under-Secretary-General for Field Support highlighted several proposals that the Department was working on, including using a more targeted approach, with elements of mission support provided globally, others regionally and the rest at the level of individual missions. She noted that it was becoming increasingly important to calibrate support to the different stages of the mission life cycle — start-up, stabilization, maturity, surge, drawdown and liquidation — with different priorities in terms of deployment in each of those stages.⁶⁹⁷

Recognizing the challenges facing United Nations peacekeeping operations, including financial shortfalls, shortages of military and other personnel, as well as general overstretch, speakers generally welcomed the debate as part of ongoing reform efforts to increase their effectiveness. Recalling the need to build on the report of the Panel on Peace Operations and other reform proposals, delegations welcomed the Secretariat's new horizon initiative, in particular the proposed establishment of a new agenda for partnership to strengthen the unity and cohesion of various actors, ensure greater credibility for the missions themselves and strengthen their capacity. Speakers agreed that the success of current and future peacekeeping operations depended on strengthening the triangular communication between the Council, the Secretariat and police- and troop-contributing countries. Some speakers also called for expanding those working relationships with regional partners, especially with the African Union, within the framework of Chapter VIII of the Charter. Many speakers agreed that for peacekeeping to become more rapid and flexible, institutional and operational reforms to command-and-control mechanisms, procurement and supply systems were required.

5 August 2009: presidential statements on peacekeeping and relations with troop- and police-contributing countries

On 5 August 2009, in his briefing to the Council, the Under-Secretary-General for Peacekeeping Operations noted the release of the non-paper entitled "A new partnership agenda: charting a new horizon for

United Nations peacekeeping" on 17 July. He made several commitments with respect to the planning, monitoring and reporting of United Nations peacekeeping missions, including providing the Council with thorough assessments of situations into which a new peacekeeping operation might be deployed, presenting proposals for the full range of support that might be considered to assist with mission deployment, consulting with the Council and contributing countries in advance of the deployment of technical assessment missions and debriefing on their findings. He also underlined the Secretariat's commitment to enhancing meaningful dialogue with police- and troop-contributing countries in the planning for new and ongoing missions and to ensuring that the Council received, through the reports of the Secretary-General, a clear assessment of the views of those countries in advance of the renewal of the mission mandate. He stated that the Departments of Peacekeeping Operations and Field Support would also work to produce appropriate and high-quality benchmarks for missions, driven by a comprehensive understanding of conditions on the ground, and to research best practices in benchmarking.⁶⁹⁸

The Under-Secretary-General for Field Support also updated the Council on the progress in developing the new field support strategy, including the release on 3 August of a midpoint non-paper. The process would culminate in a report of the Secretary-General to the General Assembly at its sixty-fourth session, in spring 2010. She explained that the Department would seek guidance from Member States in the areas of the establishment of a new support framework for service delivery in field operations; the adoption of standardized mission support models to improve deployment timelines, achieve economies of scale and facilitate oversight; and the implementation of responsive resource management.⁶⁹⁹ The Force Commander of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) reported on the progress of the mission and the lessons learned for peacekeeping operations in general, including the importance of such strategic enablers as helicopters.⁷⁰⁰

Speakers reaffirmed the need to ensure that the mandates of peacekeeping operations were clear, credible and matched by appropriate resources. Speakers

⁶⁹⁶ S/PV.6153, pp. 3-6.

⁶⁹⁷ *Ibid.*, pp. 6-7.

⁶⁹⁸ S/PV.6178, pp. 3-5.

⁶⁹⁹ *Ibid.*, pp. 5-6.

⁷⁰⁰ *Ibid.*, pp. 7-8.

acknowledged that a peacekeeping operation was not an alternative to a political process but an accompaniment to it, underlining the necessity of a parallel peace process that included all parties. They also acknowledged the need for coherence between, and integration of, peacemaking, peacekeeping, peacebuilding and development to achieve an effective response to post-conflict situations from the outset. Many speakers reaffirmed their support for expanded mandates for peacekeeping operations in order to cope with the realities on the ground. Speakers stressed the importance of ensuring close cooperation between the Council on the one hand and the Secretariat and police- and troop-contributing countries on the other regarding the collective oversight of peacekeeping operations. Speakers called for more consistent use of benchmarks to monitor and evaluate the progress made in implementing mandates of peacekeeping operations. Many speakers reiterated the need to strengthen cooperation between the United Nations and regional organizations. The representative of the Russian Federation noted that the draft presidential statement did not sufficiently focus on the roles of the Special

Committee on Peacekeeping Operations and the Military Staff Committee.⁷⁰¹

At the conclusion of the meeting, the Council adopted a presidential statement,⁷⁰² by which it, inter alia, committed to strengthening the unique global partnership of United Nations peacekeeping. The Council stated that it had endeavoured to improve its dialogue with the Secretariat and with the police- and troop-contributing countries on the collective oversight of peacekeeping operations, and identified several areas where further reflection was required to improve the preparation, planning, monitoring and evaluation, and completion of peacekeeping operations. The Council also took note of the assessments and recommendations provided in the new horizon non-paper and the field support strategy contained therein, and intended to give them careful consideration.

⁷⁰¹ Ibid., p. 17.

⁷⁰² S/PRST/2009/24. For more information, see part X, sect. I, with regard to peacekeeping operations.

Meetings: United Nations peacekeeping operations

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6075th 23 January 2009			Rule 37 8 Member States ^a	All Council members and all invitees	
			Rule 39 Under-Secretary-General for Peacekeeping Operations, Under- Secretary-General for Field Support, Special Representative of the Secretary-General for Haiti and Head of MINUSTAH, Permanent Observer of the African Union to the United Nations		
6153rd 29 June 2009			Rule 37 18 Member States ^b	All Council members and all invitees	
			Rule 39 Senior Political Affairs Adviser in the Office of the Permanent Observer of the African Union to the United Nations, Under-Secretary- General for Peacekeeping Operations, Under-Secretary- General for Field Support		

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6178th 5 August 2009			Rule 37 22 Member States ^c	All Council members and all invitees	S/PRST/2009/24
			Rule 39 Under-Secretary-General for Peacekeeping Operations, Under- Secretary-General for Field Support, Force Commander of UNAMID		

^a Canada, Czech Republic, India, Jordan, Morocco, Nigeria, Pakistan and Uruguay.

^b Bangladesh, Brazil, Canada, Czech Republic (on behalf of the European Union), Egypt, Germany, Ghana, India, Italy, Jordan, Morocco (on behalf of the Non-Aligned Movement), Nepal, Nigeria, Pakistan, Republic of Korea, Rwanda, Spain and Uruguay.

^c Argentina, Australia, Bangladesh, Brazil, Canada, Guatemala, India, Indonesia, Morocco (on behalf of the Non-Aligned Movement), Nepal, New Zealand, Nigeria, Norway, Pakistan, Peru, Serbia, South Africa, Sweden (on behalf of the European Union), Thailand, Tunisia, Uruguay and Bolivarian Republic of Venezuela.

38. Post-conflict peacebuilding

Overview

During the period under review, the Security Council held four meetings, and adopted two presidential statements in connection with the item entitled “Post-conflict peacebuilding”. In response to a letter sent to the President of the Security Council from the representative of the United Kingdom and a report by the Secretary-General, two thematic debates were held to explore the challenges faced by United Nations peacebuilding efforts in immediate post-conflict settings. At the other two meetings, the Chair of the Peacebuilding Commission presented to the Council the annual report on the Commission’s work. The Council discussed key challenges faced by the Commission and important issues related to United Nations peacebuilding initiatives in general.

20 May 2008 and 22 July 2009: discussion and presidential statements concerning peacebuilding in post-conflict situations

On 2 May 2008, by a letter addressed to the President of the Council,⁷⁰³ the United Kingdom transmitted a concept paper that called for a Council discussion on the subject of post-conflict stabilization to identify and address the critical gaps that hampered international efforts to help countries stabilize and

build sustainable peace as they emerge from conflict. Gaps were found in three areas: leadership on the ground; rapidly deployable and skilled civilian capacity; and flexible funding.

On 20 May 2008, in response to that request, the Council held a debate on the subject of ensuring effective peacebuilding efforts, especially in the immediate aftermath of conflict. In his statement to the Council, the Secretary-General emphasized the importance of strengthening the collective response of the United Nations by taking coherent measures in cooperation with other actors, developing sufficient capacity by aligning the respective instruments in the United Nations system, building up civilian expertise and securing early and flexible funding.⁷⁰⁴

The Minister for Foreign Affairs and International Cooperation of Sierra Leone commented on the peacebuilding effort in his country and made several observations for further reflection, emphasizing the need to balance international intervention and national ownership, pay sufficient attention to local norms and sensitivities and let local actors take charge.⁷⁰⁵

The Senior Vice-President of the World Bank reflected on the expansion of its work in connection with fragile and conflict-affected countries from both

⁷⁰³ S/2008/291.

⁷⁰⁴ S/PV.5895, pp. 3-4.

⁷⁰⁵ Ibid., pp. 4-7.

operational and analytical perspectives. He expressed the aim of the World Bank to promote better global understanding of the dynamics that affected fragile situations and effective strategic and operational approaches to assisting them, promoting improved country-level collaboration and delivering visible results through a coherent World Bank Group approach.⁷⁰⁶

Mr. Lakhdar Brahimi asserted that the two important issues were the availability of sufficient funds and the hiring of local qualified staff to build up civilian capacity. He added that mandates had to be based on the actual needs of any given country. Those needs could not be fully understood until the United Nations had been engaged in a dialogue with leaders and civil society, and formed a joint understanding with them.⁷⁰⁷

The discussion that followed centred upon the need to coordinate peacebuilding efforts by various actors at the international level and on the ground, to build up national ownership for the eventual handover to national authorities, to gather sufficient funding for peacebuilding efforts, especially emergency funds in the immediate aftermath of conflict, and to send civilian components alongside peacekeeping troops. Speakers generally recognized that the assistance and advisory roles of the United Nations should not be perpetual and that national actors should be given the chance to build up their own capacity for sustained peace and development. Most speakers also acknowledged the current shortfall of civilian staff in peace missions and agreed that sending troops should not undercut the importance of enhancing civilian capacity. A number of speakers reiterated that the continued financing gap for supporting peacebuilding seriously undermined United Nations operations in post-conflict peacebuilding situations.

The Council then adopted a presidential statement⁷⁰⁸ by which it, *inter alia*, recognized that supporting States to recover from conflict and build sustainable peace was a major challenge facing the international community, and stressed the need to ensure that finance was available from the outset, and underlined that civilian expertise in post-conflict peacebuilding was essential. The Council also invited

the Secretary-General to provide advice within 12 months to the relevant United Nations organs on how best to take forward those issues within the United Nations system and, taking into consideration the views of the Peacebuilding Commission, how to coordinate peacebuilding activities and encourage the mobilization and most effective use of resources for urgent peacebuilding needs.

On 22 July 2009, the Council considered the report of the Secretary-General on peacebuilding in the immediate aftermath of conflict⁷⁰⁹ and discussed strategies through which the United Nations and the international community could effectively support countries emerging from conflict to move towards sustainable peace, reconstruction, economic recovery and development. The Secretary-General introduced his report and reiterated the importance of national ownership, international leadership, coherent efforts by the United Nations system and key partners, a common strategy with a shared approach addressing realistic priorities, and predictable and credible delivery backed by sufficient international capacity.⁷¹⁰

The Chair of the Peacebuilding Commission emphasized that national ownership would remain an abstract concept unless it was accompanied from the beginning by local capacity-building. He agreed that a common strategy that was nationally owned and internationally supported meant close coordination between the United Nations staff in-country and the Commission. He also reiterated the need for predictable international support, civilian experts and flexible and rapid funding. He emphasized the importance of diaspora communities as a significant resource for civilian capacity and of pooled funding mechanisms, such as the country-level multi-donor trust funds, as crucial funding instruments. He concluded by stressing that coordination and coherence of peacebuilding needed to be backed up by a realistic approach that minimized institutional positioning and turf disputes among multilateral actors, bilateral donors and civil society, including within the United Nations system.⁷¹¹

The Assistant Administrator and Director of the Bureau for Crisis Prevention and Recovery of the United Nations Development Programme (UNDP)

⁷⁰⁶ *Ibid.*, pp. 7-9.

⁷⁰⁷ *Ibid.*, pp. 9-11.

⁷⁰⁸ S/PRST/2008/16.

⁷⁰⁹ S/2009/304.

⁷¹⁰ S/PV.6165, pp. 4-5.

⁷¹¹ *Ibid.*, pp. 5-6.

expressed the commitment of UNDP to post-conflict peacebuilding. He added that peacebuilding should always be built on existing national capacities and draw on the expertise of the in-country United Nations presence, including the humanitarian and development actors, such as the UNDP resident coordinator. He called for special attention to be given to women and youth to make sure that they benefited from peace dividends and that they were fully engaged in planning and decision-making processes.⁷¹²

The Director of the Fragile and Conflict-Affected Countries Group of the World Bank emphasized the importance of coordinating different perceptions of priorities by the international community and partner countries and suggested several points for priority setting. Priorities should be driven by country demand and should provide some short-term results, consistent with midterm priorities and, at the same time, should lay the basis for sustainable development, growth and employment. They should also aim to strengthen the legitimate authority of the State, and include an exit strategy and a plan on how to transfer responsibility to the legitimate State as early as possible.⁷¹³

Speakers focused on the issues of coordinating the international response, civilian capacity-building in peace missions, access to rapid and flexible financing, harmonized partnership with other actors and the fostering of national ownership.

The Council then adopted a presidential statement,⁷¹⁴ by which it, *inter alia*, emphasized the importance of national ownership and the need for national authorities to take responsibility as soon as possible for re-establishing the institutions of Government, restoring the rule of law, revitalizing the economy, reforming the security sector, providing basic services and other key peacebuilding needs. The Council also underscored the vital role of the United Nations in providing support to national authorities in the development of an early strategy, in close consultation with international partners, to address those priorities. In addition, the Council welcomed the recommendation of the Secretary-General for a review to be undertaken to analyse how the United Nations and the international community could help to broaden and deepen the pool of civilian experts, recognized that

post-conflict situations require experienced leadership on the ground, and requested the United Nations to strengthen its efforts in this regard.

21 October 2008 to 25 November 2009: annual reports of the Peacebuilding Commission

On 21 October 2008, the Chair of the Peacebuilding Commission presented to the Council the Commission's annual report.⁷¹⁵ He noted that although the four country-specific configurations produced tangible results to support the respective national efforts in post-conflict peacebuilding, there were many more countries that were still facing the same challenges and could benefit from effective peacebuilding strategies developed by the Commission. He pointed out that the notions of national ownership, sustained partnership with the international community, and mutual accountability and dialogue, which represented a cooperative and participatory approach, were the greatest assets and had added value to the Commission. He also noted that in 2008 the Commission had made a serious effort to enhance partnerships at the highest level. He outlined four priority areas for the future: to produce tangible results on the ground, emphasizing the actual betterment of the population's livelihood and the appropriate United Nations mandate and capacity to support the work of the Commission; to deepen strategic and policy discussions, with post-conflict early recovery and the entry point for the Commission into additional countries as important issues; to strengthen partnerships with major donor agencies; and to ensure the coherence and efficiency of the Commission's activities in order to serve people on the ground.⁷¹⁶

Council members and other speakers commented on the importance of the Commission as it filled the gap between peacekeeping and achieving sustainable and tangible results in the host countries, especially in Burundi and Sierra Leone. They emphasized that peacebuilding should be a long-term investment and that it was very important for the Commission to keep close relations with other United Nations organs and agencies, the Bretton Woods institutions and relevant international, regional and subregional organizations. They also stressed that cooperation between the Commission and the Council, through regular

⁷¹² *Ibid.*, pp. 6-7.

⁷¹³ *Ibid.*, pp. 7-9.

⁷¹⁴ S/PRST/2009/23.

⁷¹⁵ S/2008/417.

⁷¹⁶ S/PV.5997, pp. 2-4.

dialogues and exchanges of information, remained crucial. The need to mobilize potential partners and resources was emphasized as well. Additional topics included participation of private sector entities, relations with host countries, the Council's referral of new countries to be put on the agenda of the Commission, national ownership and the operations of the Peacebuilding Fund.

On 25 November 2009, the Chair of the Peacebuilding Commission presented to the Council its annual report.⁷¹⁷ He addressed a number of critical policy questions and lessons learned of particular relevance to the Commission's overarching mandate as an institutional mechanism dedicated to addressing the special needs of post-conflict countries. He noted that in 2009, it had consolidated its core advisory role and demonstrated increasing support for the countries on its agenda. In doing so, it had continued to broaden and deepen its partnerships with critical actors, and was striving to ensure the operational relevance of its advice and promote the coherence of peacebuilding strategies. The Chair underscored the Commission's deepened relations with the Council, the General Assembly and the Economic and Social Council, as well as with such regional organizations as the African Union and the Organization of American States. He also stated that the Organizational Committee of the Commission, representing the core group of its members, continued to address possible approaches to enhancing its capacity to implement its core mandates and adapt to prevailing global realities and evolving approaches to critical peacebuilding priorities. On the country level, in the four countries that were on the

Commission's agenda, its country team collectively continued to promote inclusiveness and national ownership of the peacebuilding processes. The Chair also commended the working group on lessons learned for its effort to draw on expertise from within and outside the United Nations system and the Peacebuilding Support Office for its substantive support. He concluded by stating that despite the initial progress in linking the advisory role of the Commission with United Nations and non-United Nations operational entities, it remained underutilized. Therefore, a potential added value of the Commission at the country level was to leverage its weight in order to advance mutual accountability between national actors in the concerned country and its international and regional partners. In particular, it could promote seamless transition from humanitarian to early recovery assistance, synergy between peacekeeping and peacebuilding mandates, and national capacity development in critical peacebuilding priorities.⁷¹⁸

Council members commended the achievements of the Commission and discussed the challenges ahead, including building the linkages between mediation, peacekeeping and peacebuilding, shifting the focus of countries from a dependency on the United Nations to the cultivation of national ownership, referring new countries to the Commission and financing the Commission in the midst of the financial crisis. Many Council members also highlighted the need to implement the strategy proposed by the Secretary-General in his report on peacebuilding in the immediate aftermath of conflict.⁷¹⁹

⁷¹⁷ S/2009/444.

⁷¹⁸ S/PV.6224, pp. 2-5.

⁷¹⁹ S/2009/304.

Meetings: post-conflict peacebuilding

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5895th 20 May 2008	Letter dated 2 May 2008 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2008/291)		Rule 37 36 Member States ^a Rule 39 Senior Vice-President of the World Bank; Mr. Lakhdar Brahimi; Chair of the Peacebuilding Commission	Secretary-General, all Council members, all invitees ^b	S/PRST/2008/16
5997th 21 October 2008	Report of the Peacebuilding Commission on its second session (S/2008/417)		Rule 37 7 Member States ^c Rule 39 Chair of the Commission	All Council members and all invitees ^d	
6165th 22 July 2009	Report of the Secretary-General on peacebuilding in the immediate aftermath of conflict (S/2009/304)		Rule 37 24 Member States ^e Rule 39 Chair of the Commission, Assistant Administrator and Director of the Bureau for Crisis Prevention and Recovery of UNDP, Director of the Fragile and Conflict-Affected Countries Group of the World Bank	Secretary-General, all Council members, ^f all invitees ^g	S/PRST/2009/23

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6224th 25 November 2009	Report of the Peacebuilding Commission on its third session (S/2009/444)		Rule 37 10 Member States ^h Rule 39 Chair of the Commission	All Council members and all invitees ⁱ	

^a Afghanistan, Argentina, Australia, Bangladesh, Benin, Bosnia and Herzegovina (Chairman of the Council of Ministers), Brazil, Chile, Egypt, El Salvador, Georgia, Germany, Ghana, Guatemala, Honduras, India, Jamaica, Liechtenstein, Mexico, Netherlands (Minister for Foreign Affairs), New Zealand, Nigeria, Norway, Pakistan, Papua New Guinea, Peru, Qatar, Republic of Korea, Serbia, Sierra Leone (Minister for Foreign Affairs and International Cooperation), Slovakia, Slovenia, Spain (Minister for Foreign Affairs and Cooperation), Switzerland, Thailand and Turkey.

^b The representative of Jamaica made a statement on behalf of the Non-Aligned Movement, and the representative of Slovenia made a statement on behalf of the European Union.

^c Bangladesh, El Salvador, Guinea-Bissau, Netherlands, Norway and Sierra Leone (Deputy Minister for Foreign Affairs and International Cooperation).

^d The representative of France made a statement on behalf of the European Union.

^e Australia, Bangladesh, Brazil, Burundi, Canada, Central African Republic (Minister Delegate at the Presidency of the Central African Republic in charge of National Defence, Veterans' Affairs, Victims of War, Disarmament and Restructuring of the Army), Egypt, Germany, Guatemala, India, Italy, Morocco, New Zealand, Norway, Pakistan, Peru, Republic of Korea, Sierra Leone, Somalia (Minister for Foreign Affairs), South Africa (Deputy Minister for International Relations and Cooperation), Sweden, Switzerland, Thailand and Uruguay.

^f Uganda was represented by its Minister for Foreign Affairs, and the United Kingdom by its Minister for Africa, Asia and the United Nations.

^g The representative of Sweden made a statement on behalf of the European Union.

^h Bangladesh, Belgium, Brazil, Canada, El Salvador, Finland, India, Republic of Korea, Sweden and Switzerland.

ⁱ The representative of Sweden made a statement on behalf of the European Union.

39. Items relating to the maintenance of international peace and security

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

Overview

During the period under review, the Security Council held two consecutive meetings in connection with its role in supporting security sector reform, one at which it heard briefings on the role of the United Nations in security sector reform and the other at which it adopted a presidential statement on the importance of and the need for continued engagement of the United Nations in supporting security sector reform.

12 May 2008: presidential statement concerning security sector reform

On 12 May 2008, the Council heard briefings by the Secretary-General, who presented his report on the role of the United Nations in supporting security sector reform,⁷²⁰ and three other speakers. All speakers emphasized the sovereign right and responsibility of countries in implementing security sector reform and recognized the importance of coordinated support by the United Nations in sustaining the security sector reform process. The representative of Slovakia pointed out the need for continued United Nations capacity-building in security sector reform.⁷²¹ The representative of South Africa emphasized that the new concept of security included not only military aspects

⁷²⁰ S/2008/39.

⁷²¹ S/PV.5889, pp. 4-6.

but also political, cultural and socioeconomic dimensions, as agreed at the workshop organized jointly with Slovakia in Cape Town, South Africa, on 7 and 8 November 2007.⁷²² She stated that security sector reform implied an all-inclusive process addressing the needs of the people, including those of marginalized groups in society.⁷²³ The Chair of the Peacebuilding Commission noted that the Commission could be a valuable forum for coordinated efforts by all relevant actors on the basis of integrated strategies.⁷²⁴

⁷²² See statement of the Co-Chairs of the International Workshop on Enhancing United Nations Support for Security Sector Reform in Africa: Towards an African Perspective (S/2007/687, annex).

⁷²³ S/PV.5889, pp. 6-7.

⁷²⁴ Ibid., pp. 8-9.

At a meeting on the same date, the Council adopted a presidential statement,⁷²⁵ in which it underlined the need for continued United Nations engagement in security sector reform and emphasized the need for a holistic and coherent United Nations approach. The Council underlined that United Nations support to security sector reform must take place within a broad framework of the rule of law. It also recognized the importance of continued close cooperation and partnerships with non-United Nations actors, in particular regional, subregional and other intergovernmental organizations.

⁷²⁵ S/PRST/2008/14.

Meetings: role of the Security Council in supporting security sector reform

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5889th 12 May 2008	Report of the Secretary-General on securing peace and development: the role of the United Nations in supporting security sector reform (S/2008/39)		Rule 37 Slovakia (Minister for Foreign Affairs) Rule 39 Chair of the Peacebuilding Commission	Secretary-General, 1 Council member (South Africa ^a), Slovakia (Minister for Foreign Affairs), Chair of the Peacebuilding Commission	
5890th 12 May 2008	Report of the Secretary-General on securing peace and development: the role of the United Nations in supporting security sector reform (S/2008/39)				S/PRST/2008/14

^a South Africa was represented by its Deputy Minister for Foreign Affairs.

B. Maintenance of international peace and security

Overview

In 2008 and 2009, the Council held five meetings in connection with the item entitled “Maintenance of international peace and security”, including one high-level meeting and one private meeting,⁷²⁶ and adopted three presidential statements and one resolution. The Council considered four sub-items: (a) mediation and settlement of disputes; (b) strengthening collective security through general regulation and reduction of armaments; (c) respect for international humanitarian law; and (d) nuclear non-proliferation and nuclear disarmament.

23 September 2008 and 21 April 2009: mediation and settlement of disputes

On 23 September 2008, at the high-level meeting of the Council, the Secretary-General, acknowledging that the United Nations did not claim a monopoly on the settlement of disputes, considered that the Council played a central role in mediating and settling disputes. He observed that its most important contributions had come when it was unified, prepared to use its leverage, such as targeted sanctions, supported one clear chief mediator and gave the process space.⁷²⁷ Mr. Lakhdar Brahimi highlighted several principles at the heart of United Nations mediation efforts: understanding of a conflict in all its complexity before passing judgement and taking decisions; including all parties to the conflict in the political process; putting the interest of all the peoples first; and supporting the mediation efforts by all Council members and the membership of the Organization as a whole.⁷²⁸ Drawing upon past experiences of their own and the Organization, all Council members recognized the role of the United Nations, including the Security Council, in the mediation and settlement of disputes, and also the advantage of involving regional and subregional organizations in view of their geographical proximity to and familiarity with the context of the conflicts. Many speakers agreed with the assessment provided in the briefings on the various qualities and requirements of mediators for success, and emphasized the

importance of the good offices of the Secretary-General and his representatives. A number of speakers also highlighted the important role of women in the settlement of disputes, and took note of the establishment of the Mediation Support Unit in the Department of Political Affairs, which provides expertise to support the mediation efforts of the Organization and regional and subregional organizations.

The President of the Council then made a statement,⁷²⁹ in which the Council affirmed that, as the organ with the primary responsibility for the maintenance of international peace and security, it had a responsibility to promote and support mediation as an important means for the pacific settlement of disputes, and requested the Secretary-General to continue to ensure that mediation processes conducted by or under the auspices of the United Nations were guided by the purposes and principles of the Organization.

On 21 April 2009, the Under-Secretary-General for Political Affairs introduced the report of the Secretary-General on enhancing mediation and its support activities.⁷³⁰ Speakers were unanimous in recognizing the importance of mediation, with many citing Chapter VI and relevant Articles of the Charter as the basis for the role of the United Nations and the Council. A number of speakers held that mediation was an efficient and cost-effective tool in addressing conflicts, and in that context stressed the need to integrate mediation capacities in peacekeeping and peacebuilding mandates. Discussing the comparative advantage in mediation of actors other than the United Nations, especially regional and subregional organizations, several speakers emphasized the need for support to build their capacities. They also stressed the Council’s role in promoting, supporting and sustaining mediation efforts. During the discussion, some delegations touched upon the question of balance in Council actions under Chapters VI and VII of the Charter and such issues as transitional justice, the low representation of women in mediation processes and the handling of spoilers of peace processes, including by sanctions.⁷³¹

⁷²⁶ 6078th meeting, held on 29 January 2009.

⁷²⁷ S/PV.5979, pp. 4-5.

⁷²⁸ *Ibid.*, pp. 5-7.

⁷²⁹ S/PRST/2008/36.

⁷³⁰ S/2009/189.

⁷³¹ S/PV.6108 and S/PV.6108 (Resumption 1).

In a presidential statement of the same date,⁷³² the Council recognized the importance of mediation, to be launched in the earliest possible phases of conflicts as well as in the implementation phases of signed peace agreements. It urged the Secretariat to work with all partners to ensure the availability of well-trained, experienced and geographically diverse mediation experts at all levels to ensure the timely and highest quality support to mediation efforts. In addition, the Council requested the Secretary-General to work in partnership with Member States, regional and subregional organizations and other relevant partners in a coordinated and mutually complementary manner when cooperating in a mediation process.

19 November 2008: strengthening collective security through general regulation and reduction of armaments

During the discussion on 19 November 2008, concerning the strengthening of collective security through general regulation and reduction of armaments, speakers were unanimous in recognizing the importance of arms regulation, non-proliferation and disarmament, not only for the achievement of collective security but also for economic and social development. Many pointed to the vast resources used on weapons and growing military expenditures, which could instead be spent on development. Several speakers touched upon the role of the Council in strengthening collective security and arms regulation in accordance with Article 26 and within the context of its primary responsibility for the maintenance of international peace and security. While recognizing the central role of the United Nations in dealing with disarmament and non-proliferation, some speakers underscored the importance of preserving the mandate of the General Assembly and other multilateral disarmament machinery of the United Nations. At the same time, a number of speakers deplored the lack of progress in the Conference on Disarmament. Cooperation with regional and subregional organizations was also stressed in the context of promoting collective security. Several speakers expressed the view that the role of the Council in the areas of arms control, non-proliferation and disarmament was to support international arms control. Speakers also discussed, among other issues, the proliferation of weapons of mass destruction and

⁷³² S/PRST/2009/8.

conventional arms, including illicit trafficking in small arms and light weapons, and the related initiative on developing an arms trade treaty.⁷³³

By a presidential statement of the same date,⁷³⁴ the Council, *inter alia*, considered that the regulation and reduction of armaments and armed forces constituted one of the most important measures to promote international peace and security with the least diversion of the world's human and economic resources. The Council also called upon Member States, regional and subregional organizations, the Secretariat and the competent United Nations funds and programmes to make further efforts to preserve, facilitate, develop and strengthen international and regional cooperation in the areas of arms control, non-proliferation and disarmament, through, *inter alia*, further implementation, development and strengthening of relevant agreements and instruments.

29 January 2009: respect for international humanitarian law

At the 6078th meeting, held in private on 29 January 2009, the Council engaged in an exchange of views concerning respect for international humanitarian law.

24 September 2009: nuclear non-proliferation and nuclear disarmament

At the high-level summit meeting on 24 September 2009, the Council adopted resolution [1887 \(2009\)](#) by which it, *inter alia*, emphasized that a situation of non-compliance with non-proliferation obligations should be brought to the attention of the Council, which should determine if that situation constituted a threat to international peace and security. Emphasizing its primary responsibility in addressing such threats, the Council called upon States party to the Treaty on the Non-Proliferation of Nuclear Weapons to comply fully with all their obligations and fulfil their commitments under the Treaty. The Council also declared its resolve to monitor closely any situations involving the proliferation of nuclear weapons, their means of delivery or related material, including to or by non-State actors as they were defined in resolution [1540 \(2004\)](#), and to take such measures as might be necessary to ensure the maintenance of international peace and security.

⁷³³ S/PV.6017 and S/PV.6017 (Resumption 1).

⁷³⁴ S/PRST/2008/43.

Following the adoption of the resolution, the President explained that the meeting had been convened to address, at the highest level, the spread and use of nuclear weapons, which was a fundamental threat to the security of all peoples and all nations.⁷³⁵ The Secretary-General, praising the meeting as the first Council summit on nuclear non-proliferation and disarmament, held that nuclear disarmament was the only “sane path to a safer world” and hoped that the Council would sustain this momentum. He further urged the Council to start consultations on new ways to increase transparency regarding the weapons programmes of the recognized nuclear-weapon States, promote universal membership in key treaties, work to improve compliance and assess the need for new agreements, including a nuclear weapons convention.⁷³⁶ Council members emphasized the centrality of the Treaty as the global non-proliferation and disarmament regime, and several called for supporting the International Atomic Energy Agency (IAEA), particularly its safeguard functions. In respect of the three pillars of the Treaty, many speakers maintained the right of every country to the peaceful use of nuclear energy, while some underscored that such programmes needed to abide by non-proliferation agreements. Many speakers hoped that the present

Council meeting would bring the world closer to the ultimate objective of a nuclear-free world, as called for by the President of the United States.

The representative of the Russian Federation held that the measures contained in resolution 1887 (2009) were a realistic programme of action for the international community to respond effectively to common threats in the nuclear sphere.⁷³⁷ A number of speakers stressed the responsibility of the Council in dealing with the issue of nuclear non-proliferation and disarmament when international peace and security was threatened, drawing attention to the case of the Islamic Republic of Iran and that of the Democratic People’s Republic of Korea, as well as the issue of nuclear weapons falling in the hands of non-State actors. They also called for early entry into force of the Comprehensive Nuclear-Test-Ban Treaty and the advancement of negotiations on a fissile material cut-off treaty. The Director General of IAEA stated that the Agency depended on a supportive political process, with the Council at its core, and, therefore, emphasized that the Council needed to develop a comprehensive compliance mechanism to address cases of non-compliance with safeguards obligations or of countries withdrawing from the Treaty.⁷³⁸

⁷³⁵ S/PV.6191, p. 2.

⁷³⁶ Ibid., pp. 3-4.

⁷³⁷ Ibid., p. 6.

⁷³⁸ Ibid., pp. 17-18.

Meetings: maintenance of international peace and security

<i>Meeting date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5979th 23 September 2008	Mediation and settlement of disputes Letter dated 3 September 2008 from the Permanent Representative of Burkina Faso to the United Nations addressed to the Secretary- General (S/2008/590)		Rule 39 Mr. Lakhdar Brahimi	Secretary- General, all Council members, ^a Mr. Brahimi	S/PRST/2008/36

Repertoire of the Practice of the Security Council, 2008-2009

<i>Meeting date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6017th 19 November 2008	Strengthening collective security through general regulation and reduction of armaments Letter dated 10 November 2008 from the Permanent Representative of Costa Rica to the United Nations addressed to the President of the Security Council (S/2008/697)		Rule 37 23 Member States ^b Rule 39 High Representative for Disarmament Affairs, Permanent Observer of the Holy See	All Council members ^c and all invitees	S/PRST/2008/43
6108th 21 April 2009	Mediation and settlement of disputes Report of the Secretary-General on enhancing mediation and its support activities (S/2009/189)		Rule 37 26 Member States ^d Rule 39 Under-Secretary-General for Political Affairs	All Council members and all invitees	S/PRST/2009/8
6191st 24 September 2009	Nuclear non-proliferation and nuclear disarmament	Draft resolution S/2009/473 Concept paper for the Security Council Summit on Nuclear Non-Proliferation and Nuclear Disarmament (S/2009/463 , annex)	Rule 39 Director General of IAEA	Secretary-General, all Council members, ^e Director General of IAEA	Resolution 1887 (2009) 15-0-0

(Footnotes on following page)

(Footnotes to Meetings: maintenance of international peace and security Table)

- ^a Three Council members were represented at the level of Head of State or Government: Burkina Faso (President), Panama (President) and Croatia (Prime Minister). Seven Council members were represented at the ministerial level: Belgium, France, Indonesia, Italy and South Africa (Minister for Foreign Affairs); Russian Federation (Deputy Minister for Foreign Affairs); and United Kingdom (Minister of State for Africa, Asia and United Nations Affairs).
- ^b Algeria, Argentina, Armenia, Australia, Austria, Benin, Bolivia, Brazil, Canada, Chile (Special Envoy of the President and Chairman of Foreign Affairs Committee of the Chamber of Deputies), Colombia, Ecuador, Guatemala, Japan, Mexico, Morocco, Nigeria, Norway, Pakistan, Qatar, Spain, Switzerland and United Republic of Tanzania.
- ^c Costa Rica was represented by its President, and Panama was represented by its Vice-President and Minister for Foreign Affairs. France made a statement on behalf of the European Union.
- ^d Algeria, Armenia, Azerbaijan, Benin, Bosnia and Herzegovina, Brazil, Canada, Cuba (on behalf of the Non-Aligned Movement), Czech Republic (on behalf of the European Union), Egypt, Finland, Indonesia, Kenya, Liechtenstein, Morocco, Nigeria, Norway, Pakistan, Qatar, Republic of Korea, Senegal, South Africa, Sudan, Switzerland, United Republic of Tanzania and Uruguay.
- ^e Eleven Council members were represented by the President: Austria, Burkina Faso, China, Costa Rica, Croatia, France, Mexico, Russian Federation, Uganda, United States and Viet Nam; Japan, Turkey and the United Kingdom were represented by their respective Prime Ministers.

40. Security Council mission

Overview

During the period under review the Security Council completed four missions in which members of the Council visited the field. The destinations of the missions included several African countries,⁷³⁹ Afghanistan and Haiti, and consisted of all members of the Council. The Council held four meetings in connection with the item entitled “Security Council mission”, and held briefings by the heads of the missions on their findings in those countries. The table below provides an overview of all the missions and associated meetings.

18 June 2008: Security Council mission to Africa, 31 May to 10 June 2008

On 18 June 2008, the Council included in its agenda the item entitled “Briefing by the Security Council mission to Africa”. At the meeting the Council heard briefings by the representatives of South Africa and the United Kingdom, who jointly led the mission

to Djibouti in connection with the situation in Somalia, and to the Sudan; the representative of France who led the mission to Chad and the Democratic Republic of the Congo; and the representative of Burkina Faso, who led the mission to Côte d’Ivoire.

The representative of South Africa noted that the meetings in Djibouti between the mission and leaders of the Transitional Federal Government of Somalia and the opposition Alliance for the Re-Liberation of Somalia were an opportunity for the people of Somalia to put their case before the members of the Council. It also showed that the Somalis were committed to finding a political solution through dialogue. In that regard, he stated that the President of Somalia made it clear that the Transitional Federal Government was willing to engage in dialogue and reach agreement with all the parties in Somalia. Regarding the presence of Ethiopian troops, he noted that the Transitional Federal Government was adamant that those troops must remain until a political agreement was reached, while the opposition was equally adamant that they should leave Somalia as soon as possible. The mission had assured the Somali parties that should there be an improvement in the security situation and a solid political agreement, the Council would consider a

⁷³⁹ Chad, Côte d’Ivoire, Democratic Republic of the Congo, Djibouti (in connection with the situation in Somalia), Ethiopia (African Union headquarters in Addis Ababa), Liberia, Rwanda and Sudan.

mission that could take over from the United Nations Political Office in Somalia.⁷⁴⁰

The representative of the United Kingdom reported that the mission's discussions with the Government of the Sudan focused on the two crucial issues of the United Nations engagement: the Comprehensive Peace Agreement and Darfur. In regard to Darfur, he stated that the Council focused its discussion on the four tracks where progress was needed to solve the crisis: peacekeeping, political mediation, the humanitarian situation and impunity, including cooperation with the International Criminal Court in line with resolution 1593 (2005).⁷⁴¹

The representative of France, reporting on the mission's visit to eastern Chad, stated that they had visited camps and other facilities operated by the international community and Chadians and were able to speak freely with camp populations and humanitarian workers. There were reports from aid workers that armed groups from the Sudan, in particular the Janjaweed, posed the principal threat to those populations. In the subsequent meeting with the Prime Minister and other leaders in N'Djamena, the mission called on the Chadian authorities to commit themselves to the path of dialogue with the Sudan, and urged the two countries to distance themselves from armed groups from each others' territories.⁷⁴²

In regard to the Democratic Republic of the Congo, the representative of France reported on the mission's meetings with the President, ministers, other government officials and representatives from all political groups, including the opposition. The mission noted with satisfaction the planned and ongoing reforms in relation to the status of the opposition, the financing of political parties, in-depth reform of the justice and security sectors, and decentralization. It further stressed the importance of the local elections to complete the electoral cycle started in 2006.⁷⁴³

The representative of Burkina Faso, reporting on the mission's activities in Côte d'Ivoire, highlighted the meetings held with the President, other government officials and the leader of the opposition party, where they had discussed the requirements for the upcoming elections and the limited progress in the security and

humanitarian situations. In addition, the opposition party and civil society organizations had urged the Council to maintain the sanctions regime and the arms embargo until the peace process was irreversible and the disarmament, demobilization and reintegration process had been completed.⁷⁴⁴

4 December 2008: Security Council mission to Afghanistan, 21 to 28 November 2008

On 4 December 2008, the Council included in its agenda the item "Briefing by the Head of the Security Council mission to Afghanistan". In his briefing, the representative of Italy and head of the mission reported that the mission had achieved its main goal of developing a first-hand assessment of the situation in the country at a critical juncture. He described the programme of meetings and visits in Kabul, where they had met the President, ministers and representatives of national and international organizations, and in Herat, where they had met with the regional office of the United Nations Assistance Mission in Afghanistan.⁷⁴⁵

19 March 2009: Security Council mission to Haiti, 11 to 14 March 2009

On 19 March 2009, the Council included in its agenda the item "Briefing by the Head of the Security Council mission to Haiti". In his briefing, the representative of Costa Rica and head of the mission stated that the mission had gathered information and assessments on the security situation, political dialogue and the elections, the extension of State authority, rule of law and human rights, social/economic development and regional cooperation. Referring to meetings held with the President, Prime Minister and other high-level officials on political dialogue and the electoral processes, he stated that the Haitian leaders had agreed on the need for significant reforms, although there were differing nuances in the various points of view. In conclusion, he stressed the importance of promoting national consensus by the Haitian authorities to ensure stability and political security, as well as to establish a solid basis for the country's socioeconomic development.⁷⁴⁶

Following the briefing, the representative of Haiti acknowledged the improved security situation, but at

⁷⁴⁰ S/PV.5915, pp. 2-3.

⁷⁴¹ Ibid., pp. 3-6.

⁷⁴² Ibid., pp. 6-9.

⁷⁴³ Ibid.

⁷⁴⁴ S/PV.5915, pp. 9-12.

⁷⁴⁵ S/PV.6031, pp. 2-4.

⁷⁴⁶ S/PV.6093, pp. 2-6.

the same time highlighted the fragile social and economic situation. He further noted that the “meagre economic progress” that had been achieved in 2007 had been battered by repeated hurricanes. Nonetheless, he reaffirmed that his country was resolutely committed to reconstruction and development.⁷⁴⁷

28 May 2009: Security Council mission to Africa, 14 to 21 May 2009

On 28 May 2009, the Council included in its agenda the item entitled “Briefing by Security Council mission to Africa”. It heard briefings by the representatives of Uganda and the United Kingdom, who jointly led the mission to Ethiopia in connection with the African Union and the mission to the Great Lakes region in connection with Rwanda; the representative of France, who led the mission to the Great Lakes region in connection with the Democratic Republic of the Congo; and the representative of the United States, who led the mission to Liberia.

The representative of Uganda, reporting on the mission’s visit in Addis Ababa, elaborated on the meetings between the Council and the African Union, which had focused on the situations in the Sudan and Somalia, and on the resurgence of unconstitutional changes of government and the financing of peacekeeping operations in Africa. He added that, while in Addis Ababa, the mission had a discussion with the Prime Minister of Ethiopia on the peace and security situation in the region.⁷⁴⁸

The representative of the United Kingdom, in regard to the mission to Ethiopia and the Great Lakes region, reported that the Council and the African Union had discussed, inter alia, ways to address difficulties

facing the United Nations-African Union Hybrid Operation in Darfur (UNAMID), as well as ways to strengthen action on the ground in support of the African Union Mission in Somalia (AMISOM).⁷⁴⁹

The representative of France, reporting on the mission’s visit to the Democratic Republic of the Congo, stated that the situation in the Great Lakes region had improved considerably, which was particularly due to the rapprochement between the Governments of the Democratic Republic of the Congo and Rwanda. The representative of France also stated that the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) remained indispensable.⁷⁵⁰

Reporting on the last leg of the mission, the representative of the United States indicated that the purpose of the visit to Liberia was to reaffirm the Council’s support for the Government and people of Liberia, and for the efforts of the United Nations Mission in Liberia (UNMIL) to promote peace and security. She elaborated on the mission’s meetings in Liberia with the President and others.⁷⁵¹

Following the briefings, the representative of Costa Rica made a brief statement related to working methods, transparency in the decisions that affect the practical work of the Council and, in particular, the legal equality of the rights and obligations of Council members. He expressed concern about the existence of double standards and unwritten regulations related to Council missions, stating that this practice had led to inequalities between treatment of permanent and elected members.⁷⁵²

⁷⁴⁷ Ibid., p. 6.

⁷⁴⁸ S/PV.6131, pp. 2-3.

⁷⁴⁹ Ibid., pp. 3-4.

⁷⁵⁰ Ibid., pp. 4-6.

⁷⁵¹ Ibid., pp. 6-7.

⁷⁵² Ibid., pp. 7-8.

Meetings: Security Council mission

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Documents</i>	<i>Invitations</i>	<i>Speakers</i>
5915th 18 June 2008	Briefing by the Security Council mission to Africa (31 May to 10 June 2008)	Letter from the President of the Security Council to the Secretary-General containing the terms of reference for the mission (S/2008/347) Report of the Security Council mission to Djibouti (on Somalia), the Sudan, Chad, the Democratic Republic of the Congo and Côte d'Ivoire, 31 May to 10 June 2008 (S/2008/460)		Burkina Faso, France, South Africa, United Kingdom
6031st 4 December 2008	Briefing by the Head of the Security Council mission to Afghanistan	Letter from the President of the Security Council to the Secretary-General containing the terms of reference for the mission (S/2008/708) Report of the Security Council mission to Afghanistan, 21 to 28 November 2008 (S/2008/782)	Rule 37 Afghanistan	Italy
6093rd 19 March 2009	Briefing by Security Council mission to Haiti (11 to 14 March 2009)	Letter from the President of the Security Council to the Secretary-General containing the terms of reference for the mission (S/2009/139) Report of the Security Council mission to Haiti (11 to 14 March 2009) (S/2009/175)	Rule 37 Haiti	Costa Rica, Haiti
6131st 28 May 2009	Briefing by Security Council mission to Africa (14 to 21 May 2009)	Letter from the President of the Security Council to the Secretary-General containing the terms of reference for the mission (S/2009/243) Report of the Security Council mission to the African Union; Rwanda and the Democratic Republic of the Congo; and Liberia (S/2009/303)		Costa Rica, France, Uganda, United Kingdom, United States

41. Briefings

Overview

During the period under review, the Council heard a number of briefings which were not explicitly connected to any other item on the Council's agenda. They were included under various unique agenda items, and have been grouped together here for convenience.

A. Briefings by Chairmen of subsidiary bodies of the Security Council

During the period under review, the Council held six meetings in connection with "Briefings by Chairmen of subsidiary bodies of the Security Council", at which the Chairmen of sanctions committees, counter-terrorism committees and working groups provided to the Council an overview of their work.

Meetings: briefings by Chairmen of subsidiary bodies of the Security Council

<i>Meeting and date</i>	<i>Invitations</i>	<i>Speakers</i>
5886th 6 May 2008	Rule 37 9 Member States ^a	All Council members, all invitees, Chairman of the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, Chairman of the Committee established pursuant to resolution 1540 (2004)
6015th 12 November 2008	Rule 37 6 Member States ^b	All Council members, all invitees, Chairman of the Committee established pursuant to resolution 1267 (1999) , Chairman of the Committee established pursuant to resolution 1373 (2001) , Chairman of the Committee established pursuant to resolution 1540 (2004)
6043rd 15 December 2008		Chairman of the Committee established pursuant to resolution 1591 (2005) concerning the Sudan and of the Committee established pursuant to resolution 1718 (2006) , Chairman of the Committee established pursuant to resolution 751 (1992) concerning Somalia and of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, Chairman of the Committee established pursuant to resolution 918 (1994) concerning Rwanda, of the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and of the Working Group of the Whole on United Nations Peacekeeping Operations, Chairman of the Committee established pursuant to resolution 1267 (1999) , of the Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire and of the Committee established pursuant to resolution 1737 (2006) , Chairman of the Informal Working Group on Documentation and Other Procedural Questions
6128th 26 May 2009	Rule 37 15 Member States ^c	All Council members, all invitees, Chairman of the Committee established pursuant to resolution 1267 (1999) , Acting Chairman of the Committee established pursuant to resolution 1373 (2001) , Chairman of the Committee established pursuant to resolution 1540 (2004)
6217th 13 November 2009	Rule 37 14 Member States ^d	All Council members, all invitees, Chairman of the Committee established pursuant to resolution 1267 (1999) , Acting Chairman of the Committee established pursuant to resolution 1373 (2001) , Chairman of the Committee established pursuant to resolution 1540 (2004)

<i>Meeting and date</i>	<i>Invitations</i>	<i>Speakers</i>
6238th 14 December 2009		Chairman of Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone, Chairman of Committee established pursuant to resolution 1373 (2001) and of the Working Group established pursuant to resolution 1566 (2004) , Chairman of Committee established pursuant to resolution 1521 (2003) concerning Liberia, Chairman of Committee established pursuant to resolution 1540 (2004) , Chairman of Committee established pursuant to resolution 1518 (2003) and of the Committee established pursuant to resolution 1636 (2005)

^a Australia, Cuba, India, Israel, Japan, Qatar, Slovenia (on behalf of the European Union), Syrian Arab Republic and Venezuela (Bolivarian Republic of).

^b Australia, Cuba, Israel, Japan, Switzerland and Venezuela (Bolivarian Republic of).

^c Argentina, Australia, Brazil, Cuba, Czech Republic (on behalf of the European Union), Israel, Liechtenstein, Morocco, New Zealand, Norway, Pakistan, Qatar, Switzerland, Syrian Arab Republic and Venezuela (Bolivarian Republic of).

^d Australia, Brazil, Colombia, Cuba, India, Iran (Islamic Republic of), Liechtenstein, Netherlands (on behalf of the group of like-minded States on targeted sanctions), New Zealand, Spain, Sweden (on behalf of the European Union), Switzerland, Syrian Arab Republic and Venezuela (Bolivarian Republic of).

B. Other briefings

During the period under review, the Council also heard briefings by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the Chairperson in Office of the Organization for Security and Cooperation in Europe and the United Nations High Commissioner for Refugees, as well as two briefings, held in private, by the President of the International Court of Justice.⁷⁵³

25 February 2008: Briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator

On 25 February 2008, at its 5845th meeting, the Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, who reported on his visit to Kenya from 8 to 10 February after the post-electoral wave of violence in that country. During his visit, the Under-Secretary-General met with Government authorities and the opposition and visited refugee camps. In his briefing, he addressed the issues of internally displaced people, ethnic divisions within Kenyan society and the highly unsafe environment, especially for women and children. All those factors presented significant challenges for the humanitarian community. He stressed the need for an accountability mechanism for

the perpetrators of violence and for active United Nations involvement. He also transmitted the concern of humanitarian agencies to the donor community regarding insufficient funding, and announced the future revision of the emergency humanitarian response plan. Finally, he stressed that if there was no quick political response by the Government of Kenya, a new outbreak of violence was highly probable.

26 September 2008 and 27 February 2009: Briefings by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe

At the 5982nd meeting, on 26 September 2008, the Chairperson-in-Office of the Organization for Security and Cooperation in Europe (OSCE) briefed the Council on areas of cooperation between the United Nations and OSCE, focusing on three regional challenges that the United Nations and OSCE shared. With regard to the conflict between the Russian Federation and Georgia in August 2008, he proposed to follow up the ceasefire agreement with a new international platform with the authority and the resources to deal with both conflicts, adding that such a platform could be convened by the United Nations, OSCE and the European Union, together with other key stakeholders. He welcomed the close cooperation between the United Nations and OSCE in two other areas, Kosovo and Afghanistan, through the United Nations Interim Administration Mission in Kosovo (UNMIK) and the United Nations Assistance Mission in Afghanistan (UNAMA).

⁷⁵³ 6002nd meeting, held on 28 October 2008, and 6208th meeting, held on 29 October 2009.

At the 6088th meeting, on 27 February 2009, the Chairperson-in-Office of OSCE briefed the Council on the priorities of the Greek OSCE chairmanship for 2009. In Georgia, the objectives of OSCE included greater involvement and addressing humanitarian issues. In Kosovo, OSCE intended to continue implementing the mandate of its Mission and playing an important role in building institutions and supporting communities. In Afghanistan, OSCE would further contribute to border security management. Moreover, the Chairperson noted that the agenda of OSCE was expanding to address migration, climate change and energy security issues. It also included gender equality and the rule of law. Finally, she noted that the first high-level multilateral discussion for a renewed European security dialogue took place within OSCE, which confirmed that the Organization was uniquely placed to facilitate a dialogue on security.

8 January 2009: Briefing by the United Nations High Commissioner for Refugees

At its 6062nd meeting on 8 January 2009, the United Nations High Commissioner for Refugees

briefed the Council, informing it about his Office's efforts to facilitate the return of displaced persons who had fled interrelated conflicts in the Middle East, particularly in Afghanistan, Iraq and the Gaza Strip, as well as in the Horn of Africa, particularly in the Sudan and Somalia. He explained that other causes of displacement, besides conflict, included climate change, natural disaster, drought, rising sea levels and the current global economic recession. As there was no legal framework addressing the situation of internally displaced persons, the High Commissioner pointed out the need to discuss possible forms of collective response to address new forms of forced displacement. While peacebuilding missions had facilitated the work of the Office of United Nations High Commissioner for Refugees, most notably by supporting the voluntary return and reintegration of refugees and internally displaced persons, he observed that those processes had often been obstructed by the failure to resolve outstanding land and property issues. The most effective means to address the question of forced displacement, he said, was prevention — the most important element in the concept of the responsibility to protect.

Meetings: other briefings

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Invitations</i>	<i>Speakers</i>
5845th 25 February 2008		Rule 39 Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator	Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator
5982nd 26 September 2008	Letter dated 4 September 2008 from the Permanent Representative of Finland to the United Nations addressed to the President of the Security Council (S/2008/594)	Rule 39 Chairperson-in-Office of OSCE (Minister for Foreign Affairs of Finland)	7 Council members, ^a Chairperson-in-Office of OSCE
6062nd 8 January 2009		Rule 39 United Nations High Commissioner for Refugees	All Council members, United Nations High Commissioner for Refugees
6088th 27 February 2009		Rule 39 Chairperson-in-Office of OSCE (Minister for Foreign Affairs of Greece)	10 Council members, ^b Chairperson-in-Office of OSCE

^a Belgium, Croatia, France (Secretary of State for Foreign Affairs and Human Rights), Italy, Russian Federation, United Kingdom and United States.

^b Austria, Croatia, France, Japan, Libyan Arab Jamahiriya, Russian Federation, Turkey, Uganda, United Kingdom and United States.

Part II

Provisional rules of procedure and related procedural developments

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Introductory note

Part II covers the practice of the Security Council in relation to its provisional rules of procedure and relevant Articles of the Charter of the United Nations. Since the rules, complemented by established practice, are routinely applied by the Council at its formal meetings, part II is more focused on deviations from or special applications of the rules in the proceedings of the Council than on the standard applications of the rules.

The arrangement of the present part follows the order of the relevant chapters of the provisional rules of procedure: section I covers meetings (Article 28 of the Charter and rules 1-5) and records (rules 48-57); section II covers the agenda (rules 6-12); section III, representation and credentials (rules 13-17); section IV, the presidency (rules 18-20); section V, the Secretariat (rules 21-26); section VI, conduct of business (rules 27, 29, 30 and 33); section VII, participation (rules 37 and 39); section VIII, decision-making and voting (Article 27 of the Charter and rules 31 and 32, 34-36, 38 and 40); section IX, languages (rules 41-47); and section X, provisional status of the rules of procedure (Article 30). The remaining rules are dealt with in other parts as follows: rule 28 concerning subsidiary organs of the Council is covered in parts IX and X; rules 58-60 concerning admission of new members, in part IV (although no material relating to these rules has been included in the present Supplement, as there were no instances of their application during the period under review); and rule 61 regarding relations with other United Nations organs, in part IV.

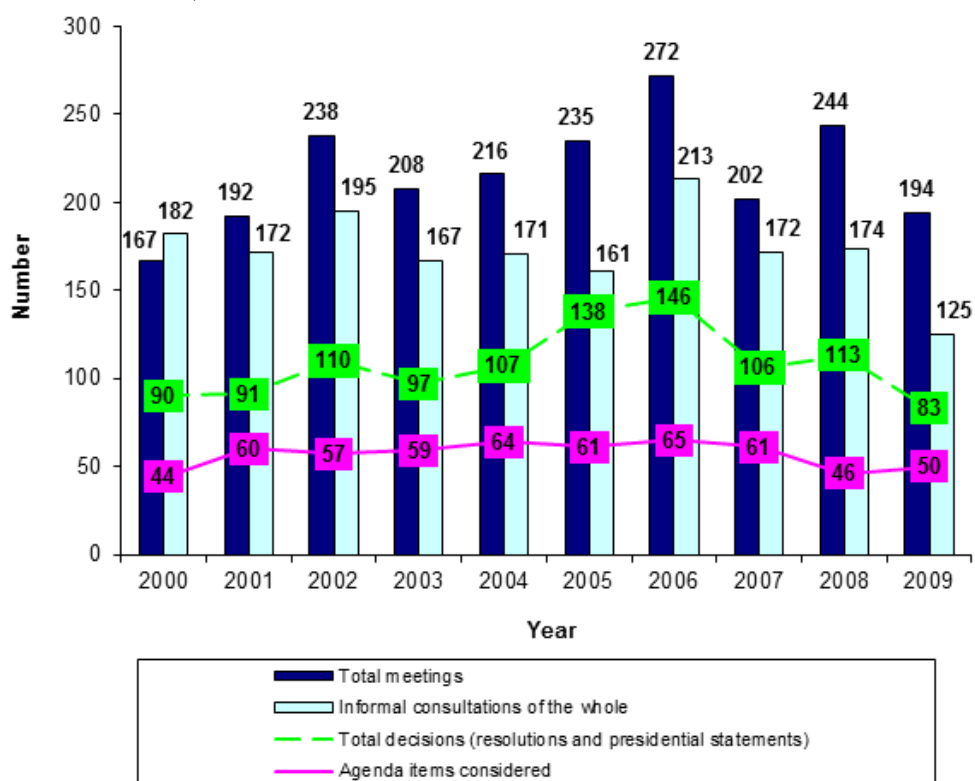
During the two-year period from 2008 to 2009, the Council held a total of 438 meetings, adopted 113 resolutions and 83 presidential statements and discussed 55 agenda items, evenly divided between country-specific and regional situations and general and thematic issues. The Council held one summit meeting in 2009 on the issue of nuclear non-proliferation and nuclear disarmament¹ and continued its practice of adopting most of its resolutions unanimously; only 2 out of 115 draft resolutions were not adopted by consensus owing to the negative vote of a permanent member.²

During the 10-year period from 2000 to 2009, in 2009 the Council held the lowest number of informal consultations of the whole and adopted the smallest number of resolutions and presidential statements combined. In terms of the number of agenda items considered at meetings per year, the period under review saw a significant drop compared to the prior seven-year period (2001-2007), during which the Council had introduced a number of items related to meetings with troop-contributing countries (see figure I).

¹ 6191st meeting, held on 24 September 2009, under the item entitled "Maintenance of international peace and security".

² [S/2008/447](#) and [S/2009/310](#).

Figure I
Number of meetings, informal consultations of the whole, decisions and items considered, 2000-2009



On 27 August 2008 the Council held a debate concerning its working methods, which was the first such debate since 1994,³ under a new item entitled “Implementation of the note by the President of the Security Council (S/2006/507)”. Furthermore, as an outcome of its discussions in the Informal Working Group on Documentation and Other Procedural Questions held during the course of 2008, the Council, by a note by the President dated 31 December 2008,⁴ modified the format of the summary statement of matters of which it was seized and of the stage reached in their consideration, as well as the procedure to delete items from the summary statement.

During the period 2008-2009, the Council’s procedures and working methods continued to evolve. A noteworthy example was the Council’s continuing efforts to streamline its agenda.⁵ By, for example, combining all items concerning meetings with countries contributing troops to specific missions under one general item, and utilizing existing items, such as “Peace and security in Africa” and “Peace consolidation in West Africa”, for discussion of specific country situations in the region, the Council significantly reduced the number of newly introduced items, to one item per year.

³ 3483rd meeting, held on 16 December 1994, under the item entitled “Security Council working methods and procedure”.

⁴ S/2008/847.

⁵ See S/2006/507, para. 2.

I. Meetings and records

Note

The present section covers the practice of the Security Council concerning meetings, publicity and records, in relation to Article 28 of the Charter of the United Nations and rules 1 to 5 and 48 to 57 of the provisional rules of procedure of the Council.

Article 28

1. *The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.*

2. *The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.*

3. *The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.*

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.

Rule 2

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

Rule 3

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

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.

Rule 5

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

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

Rule 48

Unless it decides otherwise, the Security Council shall meet in public. Any recommendation to the General Assembly regarding the appointment of the Secretary-General shall be discussed and decided at a private meeting.

Rule 49

Subject to the provisions of rule 51, the verbatim record of each meeting of the Security Council shall be made available to the representatives on the Security Council and to the representatives of any other States which have participated in the meeting not later than 10 a.m. of the first working day following the meeting.

Rule 50

The representatives of the States which have participated in the meeting shall, within two working days after the time indicated in rule 49, inform the Secretary-General of any corrections they wish to have made in the verbatim record.

Rule 51

The Security Council may decide that for a private meeting the record shall be made in a single copy alone. This record shall be kept by the Secretary-General. The representatives of the States which have participated in the meeting shall, within a period of ten days, inform the Secretary-General of any corrections they wish to have made in this record.

Rule 52

Corrections that have been requested shall be considered approved unless the President is of the opinion that they are sufficiently important to be submitted to the representatives on the Security Council. In the latter case, the representatives on the Security Council shall submit within two working days any comments they may wish to make. In the absence of objections in this period of time, the record shall be corrected as requested.

Rule 53

The verbatim record referred to in rule 49 or the record referred to in rule 51, in which no corrections have been requested in the period of time required by rules 50 and 51, respectively, or which has been corrected in accordance with the provisions of rule 52, shall be considered as approved. It shall be signed by the President and shall become the official record of the Security Council.

Rule 54

The official record of public meetings of the Security Council, as well as the documents annexed thereto, shall be published in the official languages as soon as possible.

Rule 55

At the close of each private meeting the Security Council shall issue a communiqué through the Secretary-General.

Rule 56

The representatives of the Members of the United Nations which have taken part in a private meeting shall at all times have the right to consult the record of that meeting in the office of the Secretary-General. The Security Council may at any time grant access to this record to authorized representatives of other Members of the United Nations.

Rule 57

The Secretary-General shall, once each year, submit to the Security Council a list of the records and documents which up to that time have been considered confidential. The Security Council shall decide which of these shall be made available to other Members of the United Nations, which shall be made public, and which shall continue to remain confidential.

During the two-year period 2008-2009, the Council held a total of 438 meetings,⁶ including one high-level meeting on 24 September 2009 concerning nuclear non-proliferation and nuclear disarmament.⁷ The number of meetings (244, including 27 private meetings) held in 2008 was the second highest during the 10-year period from 2000 to 2009 (see figure II).

Members of the Council, during the reporting period, also met 299 times in informal consultations of the whole, and in other informal settings such as Arria formula meetings and informal dialogues, in line with its past practice. For various formats of Security Council meetings, see table 1.

⁶ Resumptions are not included as separate meetings.

⁷ 6191st meeting.

Figure II
Public and private meetings and informal consultations of the whole: 2000-2009

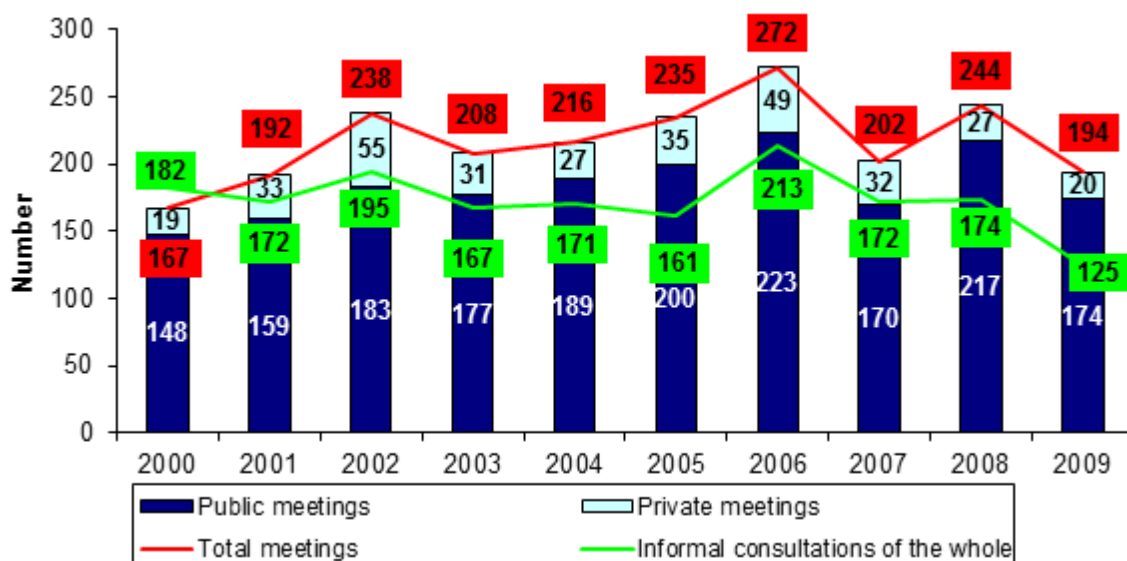


Table 1
Formats of Security Council meetings^a

Type of meeting	Participation of non-members of the Council ^b in the discussion	Briefing by the Secretariat	Official records	Venue
Meetings of the Security Council^c				
Public meetings				
Open debate	Non-members may be invited to participate in the discussion upon their request	May be conducted	Published	Security Council Chamber
Debate	Non-members that are directly concerned or affected or have special interest in the matter under consideration may be invited to participate in the discussion upon their request	May be conducted		
Briefing	Only Council members may deliver statements following briefings	Conducted		
Adoption	Non-members may or may not be invited to participate in the discussion upon their request	None		
Private meetings^d	Non-members may be invited to participate in the discussion upon their request	May be conducted	Made in a single copy only and kept by the Secretary-General	Security Council Chamber

<i>Type of meeting</i>	<i>Participation of non-members of the Council^b in the discussion</i>	<i>Briefing by the Secretariat</i>	<i>Official records</i>	<i>Venue</i>
Meetings with troop-contributing countries	Parties prescribed in resolution 1353 (2001) are invited to participate in the discussion, in accordance with the resolution	May be conducted		Economic and Social Council Chamber, Trusteeship Council Chamber or conference room
Meetings of members of the Security Council				
Informal consultations of the whole^e	Non-members not invited	May be conducted	None	Security Council Consultations Room
Informal dialogue^f	By invitation only	May or may not be conducted	None	Conference room
Arria formula meeting^g	By invitation only	Usually not conducted	None	Conference room or permanent mission of Security Council member

Source: United Nations, in cooperation with the Permanent Mission of Japan to the United Nations, *The Security Council Working Methods Handbook*, annex 3 (Sales No. E.11.VII.1).

^a The table is drawn mainly from the annex to the note by the President of the Security Council ([S/2010/507](#)), and shows only the types of meetings that are identified in the annex.

^b Any State Member of the United Nations which is not a member of the Security Council, whether participating by its own request or invited by the Council, is invited to formal meetings of the Council pursuant to rule 37 of its provisional rules of procedure. Members of the Secretariat or other persons participating in a formal meeting of the Council are invited pursuant to rule 39.

^c [S/2010/507](#), annex, para. 36.

^d Closed to the public; States Members of the United Nations that are not members of the Council may be invited to be present.

^e [S/2010/507](#), annex, paras. 20-27.

^f *Ibid.*, para. 59.

^g *Ibid.*, para. 65.

On the basis of the practice relating to meetings, including their formats during the period under review, section I includes four main subsections: (a) meetings, which contains material related to applications of rules 1-5, high-level meetings and the format of meetings in relation to rule 48; (b) informal consultations of the whole; (c) other informal meetings; and (d) records, which are maintained in accordance with rules 49-57. Two case studies are also included in this section.

A. Meetings

1. Application of rules related to meetings

Below examines the application of rules 1 to 5 of the provisional rules of procedure concerning meetings of the Security Council. During the period under review, there were no special instances in which the Council applied rule 4 concerning periodic meetings or rule 5 concerning meetings held away from Headquarters, nor did any discussion take place concerning the interpretation of rules 1 to 5.

(a) Interval between meetings (rule 1)

During the period under review, the Council continued to function without intervals between its meetings exceeding 14 days, as provided for in the provisions in rule 1. The longest interval was of 12 days

between the last meeting in 2007 (5816th meeting on 27 December 2007) and the first meeting in 2008 (5817th meeting on 9 January 2008).

(b) Meetings requested in accordance with rules 2 and 3

In 2008 and 2009, among the numerous communications from Member States requesting the Council to convene a meeting, nine communications explicitly cited rule 2 or rule 3 as the basis for the request⁸ (see table 2).

⁸ For more information, see part VI, sect. I, with regard to referrals of disputes or situations to the Security Council within the framework of Articles 11 (3), 35 and 99 of the Charter.

Table 2

Letters from Member States citing rule 2 or 3 in requesting a meeting, 2008-2009

<i>Letter addressed to the President of the Council</i>	<i>Summary</i>	<i>Meeting on basis of request</i>	<i>Item</i>
Letter dated 12 February 2008 from the representative of the Russian Federation (S/2008/93)	In accordance with rule 2, requesting an urgent meeting on 14 February 2008, to consider the dangerous developments in Kosovo (Serbia) caused by the preparatory activities of the provisional institutions of self-government for a unilateral declaration of independence	5835th (closed) 14 February 2008	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
Letter dated 17 February 2008 from the representative of the Russian Federation (S/2008/104)	In accordance with rule 2, requesting an emergency public meeting on 18 February 2008, in view of the dangerous situation with grave damaging consequences for peace and security in the Balkans, norms and principles of international law and, in particular, of the Charter	5839th 18 February 2008	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
Letter dated 7 August 2008 from the representative of the Russian Federation (S/2008/533)	In accordance with rule 2, requesting an emergency meeting on 7 August 2008 to consider the aggressive actions of Georgia against South Ossetia, an internationally recognized party to the conflict	5951st 8 August 2008	The situation in Georgia

<i>Letter addressed to the President of the Council</i>	<i>Summary</i>	<i>Meeting on basis of request</i>	<i>Item</i>
Letter dated 10 August 2008 from the representative of the United States (S/2008/538)	Pursuant to rule 2, requesting an emergency meeting on the morning of 10 August 2008, to address the escalation of violence in Georgia	5953rd 10 August 2008	The situation in Georgia
Letter dated 19 August 2008 from the representative of France (S/2008/561)	Pursuant to rule 2, requesting an emergency meeting on 19 August 2008 on the situation in Georgia	5961st 19 August 2008	The situation in Georgia
Letter dated 27 December 2008 from the representative of the Libyan Arab Jamahiriya (S/2008/815)	In accordance with rule 2, requesting an urgent meeting to discuss the criminal aggression by the Israeli occupation forces against the Palestinian people, which resulted in hundreds of deaths and casualties among the innocent civilians in the besieged Gaza Strip	No meeting was convened	The situation in the Middle East, including the Palestinian question
Letter dated 31 December 2008 from the representative of the Libyan Arab Jamahiriya (S/2008/843)	Pursuant to the letter dated 27 December 2008 (S/2008/815), and in accordance with rule 2, requesting an urgent meeting to discuss the criminal aggression by the Israeli occupation forces against the Palestinian people, which resulted in hundreds of deaths and casualties among the innocent civilians in the besieged Gaza Strip	6060th 31 December 2008	The situation in the Middle East, including the Palestinian question
Letter dated 22 September 2009 from the representative of Brazil (S/2009/487)	In the light of the recent developments in Honduras regarding the safety of the constitutional President of Honduras, José Manuel Zelaya Rosales, and the security of the Embassy of Brazil in Tegucigalpa, and in accordance with Article 35 (1) of the Charter and rule 3, requesting an urgent meeting to inform Council members of the current situation related to the presence of President Zelaya in the Embassy of Brazil in order to prevent any action that might further aggravate the situation	6192nd 25 September 2009	Letter dated 22 September 2009 from the Permanent Representative of Brazil to the United Nations addressed to the President of the Security Council (S/2009/487)
Letter dated 6 October 2009 from the representative of the Libyan Arab Jamahiriya (S/2009/510)	In accordance with rule 2, requesting an urgent meeting to discuss the report of the United Nations Fact-Finding Mission on the Gaza Conflict led by Justice Richard Goldstone	No meeting was convened	The situation in the Middle East, including the Palestinian question

2. High-level meetings

In 2008 and 2009, the Council held 12 high-level meetings⁹ at which five or more Council members were represented at the ministerial or higher level. Of

the 12 meetings, one high-level meeting was held on 24 September 2009 on the subject of nuclear non-proliferation and nuclear disarmament, under the item entitled “Maintenance of international peace and security”¹⁰ (see table 3).

⁹ For the present study, any meeting with five or more Council members represented at the ministerial or higher level was considered a high-level meeting.

¹⁰ See S/PV.6191.

Table 3
High-level meetings held in 2008 and 2009

<i>Meeting and date</i>	<i>Item</i>	<i>High-level participation</i>
5868 16 April 2008	Peace and security in Africa Letter dated 8 April 2008 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General (S/2008/229) Report of the Secretary-General on the relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security (S/2008/186) Report of the Secretary-General on the implementation of Security Council resolution 1625 (2005) on conflict prevention, particularly in Africa (S/2008/18)	Council members (9) Heads of State and Government (3). Italy (Prime Minister), South Africa (President), United Kingdom (Prime Minister) Ministerial level (6). Belgium (Special Envoy of the Ministry for Foreign Affairs), Burkina Faso (Minister for Foreign Affairs and Regional Cooperation), China (Special Envoy of the President), France (Secretary of State for Foreign Affairs and Human Rights), Indonesia (Minister for Foreign Affairs), Viet Nam (Special Envoy of the President) Non-members (19) Heads of State and Government (4). Côte d’Ivoire (President), Democratic Republic of the Congo (President), Somalia (President), United Republic of Tanzania (President) Ministerial level (15). Algeria (former Prime Minister and Personal Representative of the President), Angola (Minister for Foreign Affairs), Botswana (Vice President), Central African Republic (Minister for Foreign Affairs), Egypt (Deputy Minister for Foreign Affairs and Special Envoy of the President), Ethiopia (Prime Minister), Gabon (Minister for Foreign Affairs, Cooperation, Francophonie and Regional Integration), Liberia (Minister for Foreign Affairs), Nigeria (Minister for Foreign Affairs and Envoy of the President), Rwanda (Minister for Foreign Affairs), Senegal (Minister for Foreign Affairs), Sierra Leone (Minister for Foreign Affairs), Sudan (Special Envoy and Adviser to the President), Swaziland (Minister of Finance), Zambia (Minister for Home Affairs and Special Envoy)

<i>Meeting and date</i>	<i>Item</i>	<i>High-level participation</i>
5895 20 May 2008	Post-conflict peacebuilding Letter dated 2 May 2008 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2008/291)	Council members (6) Ministerial level (6). Belgium (Deputy Minister for Foreign Affairs), Croatia (Minister for Foreign Affairs and European Integration), France (Secretary of State for Foreign Affairs and Human Rights), Indonesia (Secretary-General of Department of Foreign Affairs), South Africa (Minister of Defence), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs) Non-members (4) Ministerial level (4). Bosnia and Herzegovina (Chairman of the Council of Ministers), Netherlands (Minister for Foreign Affairs), Sierra Leone (Minister for Foreign Affairs and International Cooperation), Spain (Minister for Foreign Affairs and Cooperation)
5916 19 June 2008	Women and peace and security Letter dated 4 June 2008 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General (S/2008/364)	Council members (9) Ministerial level (9). Belgium (Minister for Development Cooperation), Burkina Faso (Minister for Foreign Affairs and Regional Cooperation), China (Special Envoy of the Minister for Foreign Affairs), Croatia (Vice Prime Minister and Minister of the Family, Veterans Affairs and Intergenerational Solidarity), France (Secretary of State for Foreign Affairs and Human Rights), Italy (Under-Secretary of State for Foreign Affairs), South Africa (Minister for Foreign Affairs), United Kingdom (Attorney General for England and Wales), United States (Secretary of State) Non-members (2) Ministerial level (2). Democratic Republic of the Congo (Minister of Gender, Family and Child), Liberia (Minister for Foreign Affairs)
5979 23 September 2008	Maintenance of international peace and security Mediation and settlement of disputes Letter dated 3 September 2008 from the Permanent Representative of Burkina Faso to the United Nations addressed to the Secretary-General (S/2008/590)	Council members (10) Heads of State and Government (3). Burkina Faso (President), Panama (President), Croatia (Prime Minister) Ministerial level (7). Belgium (Minister for Foreign Affairs), France (Minister for Foreign Affairs), Indonesia (Minister for Foreign Affairs), Italy (Minister for Foreign Affairs), Russian Federation (Deputy Minister for Foreign Affairs), South Africa (Minister for Foreign Affairs), United Kingdom (Minister of State for Africa, Asia and United Nations Affairs)

<i>Meeting and date</i>	<i>Item</i>	<i>High-level participation</i>
5983 26 September 2008	The situation in the Middle East, including the Palestinian question Letter dated 22 September 2008 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	Council members (10) Ministerial level (10). Belgium (Minister for Foreign Affairs), Costa Rica (Minister for Foreign Affairs), Croatia (Minister for Foreign Affairs), France (Minister for Foreign Affairs), Indonesia (Minister for Foreign Affairs), Italy (Minister for Foreign Affairs), Russian Federation (Deputy Minister for Foreign Affairs), South Africa (Minister for Foreign Affairs), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs), United States (Secretary of State) Non-members (2) Heads of State and Government (1). Palestine (President of the Palestinian National Authority) Ministerial level (1). Saudi Arabia (Minister for Foreign Affairs)
6045 16 December 2008	The situation in the Middle East, including the Palestinian question	Council members (5) Heads of State and Government (1). Croatia (Prime Minister) Ministerial level (4). China (Vice Minister for Foreign Affairs), Russian Federation (Minister for Foreign Affairs), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs), United States (Secretary of State)
6046 16 December 2008	The situation in Somalia	Council members (5) Heads of State and Government (1). Croatia (Prime Minister) Ministerial level (4). China (Vice Minister for Foreign Affairs), Russian Federation (Minister for Foreign Affairs), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs), United States (Secretary of State) Non-members (3) Ministerial level (3). Greece (Deputy Minister for Defence), Japan (Parliamentary Vice-Minister for Foreign Affairs), Somalia (Minister of Foreign Affairs and International Cooperation)
6061 6 January 2009	The situation in the Middle East, including the Palestinian question	Council members (7) Ministerial level (7). Austria (Federal Minister for European and International Affairs), France (Minister for Foreign and European Affairs), Libyan Arab Jamahiriya (Secretary of the General People's Committee for Foreign Liaison and International Cooperation), Russian Federation (Deputy Minister for Foreign Affairs), Turkey (Minister for Foreign Affairs), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs), United States (Secretary of State)

<i>Meeting and date</i>	<i>Item</i>	<i>High-level participation</i>
		<p>Non-members (8)</p> <p>Heads of State and Government (1). Palestine (President of the Palestinian Authority)</p> <p>Ministerial level (7). Egypt (Minister for Foreign Affairs), Jordan (Minister for Foreign Affairs), Lebanon (Minister for Foreign Affairs), Morocco (Minister for Foreign Affairs), Norway (Minister for Foreign Affairs), Qatar (Minister of State for Foreign Affairs), Saudi Arabia (Minister for Foreign Affairs)</p>
6063 8 January 2009	The situation in the Middle East, including the Palestinian question	<p>Council members (6)</p> <p>Ministerial level (6). France (Minister for Foreign and European Affairs), Libyan Arab Jamahiriya (Secretary of the General People's Committee for Foreign Liaison and International Cooperation), Russian Federation (Deputy Minister for Foreign Affairs), Turkey (Minister for Foreign Affairs), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs), United States (Secretary of State)</p> <p>Non-members (3)</p> <p>Ministerial level (3). Egypt (Minister for Foreign Affairs), Palestine (Minister for Foreign Affairs), Saudi Arabia (Minister for Foreign Affairs)</p>
6123 11 May 2009	The situation in the Middle East, including the Palestinian question	<p>Council members (11)</p> <p>Ministerial level (11). Austria (Federal Minister for European and International Affairs), Burkina Faso (Minister for Foreign Affairs), Costa Rica (Minister for Foreign Affairs), Croatia (State Secretary for Foreign Affairs), France (Minister for Foreign and European Affairs), Japan (State Secretary for Foreign Affairs), Russian Federation (Minister for Foreign Affairs), Turkey (Minister for Foreign Affairs), United Kingdom (Secretary of State for Foreign and Commonwealth Affairs), United States,^a Viet Nam (Deputy Minister for Foreign Affairs)</p>
6191 24 September 2009	Maintenance of international peace and security Nuclear non-proliferation and nuclear disarmament	<p>Council members (14)</p> <p>Heads of State and Government (14). Austria (President), Burkina Faso (President), China (President), Costa Rica (President), Croatia (President), France (President), Japan (Prime Minister), Mexico (President), Russian Federation (President), Turkey (Prime Minister), Uganda (President), United Kingdom (Prime Minister), United States (President), Viet Nam (President)</p>

<i>Meeting and date</i>	<i>Item</i>	<i>High-level participation</i>
6233 8 December 2009	Peace and security in Africa Drug trafficking as a threat to international security Letter dated 30 November 2009 from the Permanent Representative of Burkina Faso to the United Nations addressed to the Secretary-General (S/2009/615)	Council members (5) Ministerial level (5). Austria (Vice-Minister for European and International Affairs), Burkina Faso (Minister for Foreign Affairs), United Kingdom (Minister of State for International Development), United States (Member of the Cabinet of the President), Viet Nam (Deputy Minister for Foreign Affairs)

^a The representative of the United States participated in her capacity as a member of President Obama's cabinet.

3. Format of meetings

Through its practice during the period under review, the Council reaffirmed its commitment, as stated in the note by the President dated 19 July 2006,¹¹ to increase recourse to open meetings, particularly at an early stage in its consideration of a matter, in order to increase the transparency of its work.

(a) Public meetings

The Council, during the period under review, continued to hold public meetings as provided for in rule 48 mainly for the purposes of: (a) receiving briefings on country-specific or regional situations or thematic issues under its consideration; (b) holding debates on particular agenda items; and (c) adopting decisions. In 2008 and 2009, public meetings accounted for approximately 90 per cent of the total meetings, as shown in figure II.

¹¹ S/2006/507, para. 26.

(b) Private meetings

According to the note by the President of 19 July 2006,¹² private, or closed, meetings are intended to conduct discussions and/or take actions, such as the recommendation of the Council regarding the appointment of the Secretary-General, without the attendance of the public or the press. In 2008 and 2009, private meetings accounted for approximately 10 per cent of the total number of meetings. Of the private meetings held during the period under review, approximately 70 per cent were devoted to discussions with the troop-contributing countries, a practice institutionalized since September 2001 pursuant to resolution 1353 (2001); 23 per cent to discussions concerning country-specific situations; 4 per cent to briefings by the President of the International Court of Justice; and 2 per cent to a thematic debate concerning respect for international humanitarian law (see figure III and table 4). No private meeting was held during the period concerning the recommendation to the General Assembly regarding the appointment of the Secretary-General pursuant to rule 48.

¹² Ibid., para. 35.

Figure III
Private meetings held in 2008 and 2009

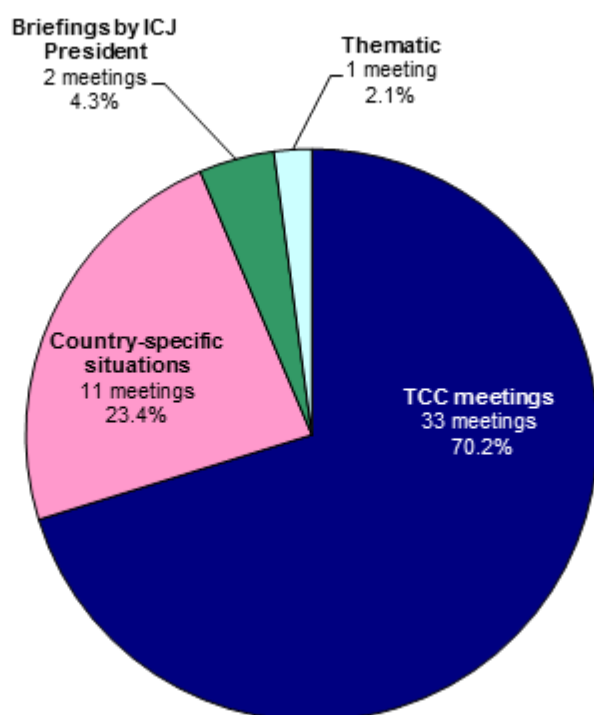


Table 4
Private meetings held in 2008 and 2009

<i>Item</i>	<i>Meeting and date</i>
Meetings with troop-contributing countries (33 meetings)	
Meeting of the Security Council with the troop-contributing countries pursuant to resolution 1353 (2001), annex II, sections A and B	5819 (14 January 2008), 5826 (25 January 2008), 5865 (14 April 2008), 5870 (21 April 2008), 5875 (24 April 2008), 5906 (9 June 2008), 5918 (23 June 2008), 5934 (16 July 2008), 5943 (24 July 2008), 5965 (25 August 2008), 5972 (9 September 2008), 5975 (19 September 2008), 5989 (8 October 2008), 5991 (9 October 2008), 6023 (26 November 2008), 6032 (5 December 2008), 6035 (10 December 2008), 6070 (21 January 2009), 6081 (10 February 2009), 6109 (22 April 2009), 6110 (23 April 2009), 6126 (22 May 2009), 6129 (27 May 2009), 6140 (12 June 2009), 6146 (19 June 2009), 6166 (23 July 2009), 6169 (24 July 2009), 6181 (13 August 2009), 6184 (3 September 2009), 6185 (4 September 2009), 6231 (7 December 2009), 6232 (7 December 2009), 6237 (10 December 2009)
Country-specific situations (11 meetings)	
Peace and security in Africa	5920 (23 June 2008), 6044 (15 December 2008)

<i>Item</i>	<i>Meeting and date</i>
Reports of the Secretary-General on the Sudan	6136 (5 June 2009), 6252 (21 December 2009)
Security Council resolutions 1160 (1998) , 1199 (1998) , 1203 (1998) , 1239 (1999) and 1244 (1999)	5822 (16 January 2008), 5835 (14 February 2008), 5871 (21 April 2008)
The situation in Georgia	5874 (23 April 2008), 5900 (30 May 2008), 5939 (21 July 2008), 5954 (11 August 2008)
Briefings by the President of the International Court of Justice (2 meetings)	
Briefing by the President of the International Court of Justice	6002 (28 October 2008), 6208 (29 October 2009)
Thematic (1 meeting)	
Maintenance of international peace and security	6078 (29 January 2009)

B. Informal consultations of the whole

During the period under review, members of the Council continued to hold informal consultations of the whole, meeting 174 times in 2008 and 125 times in 2009. Informal consultations of the whole are not meetings of the Security Council but gatherings of members of the Council to hold discussions and receive briefings from the Secretariat and representatives of the Secretary-General in private. As such, pursuant to past practice, no official records of informal consultations were made and non-Council members were not invited.

The Council, in the debate on its working methods held in 2008, engaged in discussions concerning the format of meetings, including the option of meeting in informal consultations of the whole, which is presented in the case study below (case 1).

Case 1 Implementation of the note by the President of the Security Council ([S/2006/507](#))

At its 5968th meeting, on 27 August 2008, in connection with the item entitled “Implementation of the note by the President of the Security Council ([S/2006/507](#))”, the Council had before it a concept

paper, in which, among others, the importance of private consultations as an indispensable tool to facilitate prompt and timely decisions was recognized, while arguing that this took nothing away from rule 48 of the provisional rules of procedure, which provided that “unless it decides otherwise, the Security Council shall meet in public”.¹³

Many speakers supported the Council’s efforts to hold more open meetings as a way to increase the transparency of its work,¹⁴ and called for more recourse to public meetings than to closed sessions such as informal consultations of the whole.¹⁵ In that

¹³ S/2008/528, p. 3.

¹⁴ S/PV.5968, pp. 3-4 (Indonesia); p. 5 (China); p. 8 (Croatia); p. 9 (France); p. 11 (United States); p. 11 (Viet Nam); p. 14 (Costa Rica); p. 16 (Russian Federation); p. 17 (United Kingdom); p. 22 (Japan); p. 23 (Slovakia); p. 25 (Switzerland, on behalf of the group of five small countries (Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland)); p. 29 (New Zealand); S/PV.5968 (Resumption 1), p. 4 (Kazakhstan).

¹⁵ S/PV.5968, p. 18 (Burkina Faso); p. 19 (Italy); p. 26 (Mexico); and p. 33 (Cuba, on behalf of the Non-Aligned Movement); S/PV.5968 (Resumption 1), p. 9 (Philippines); p. 10 (Canada); p. 13 (Ecuador); p. 19 (Republic of Korea); and p. 22 (Tonga, on behalf of the Pacific small island developing States).

regard, several speakers explicitly cited rule 48 of the provisional rules of procedure.¹⁶ The representative of Panama was of the view that unless there were important reasons justifying the opposite, all Member States should be allowed unconditional access to Council meetings.¹⁷ A few speakers stressed that private meetings and informal consultations of the whole should be resorted to only in exceptional circumstances and kept to a minimum.¹⁸ The representative of the Libyan Arab Jamahiriya questioned how important matters relating to Articles 24 and 30 of the Charter could be addressed when the Council, a nearly invisible body, was continuously in session behind closed doors, without any need or objective justification for such a format.¹⁹

The representative of France maintained, however, that the current balance between public meetings and informal consultations seemed satisfactory in that it enabled the Council to conduct the necessary negotiations to prepare decisions in private while interacting sufficiently with other Member States at official meetings. He further opined that informal consultations should remain what they were: for preparing decisions and negotiations, informal and interactive, in keeping their purpose, and not aim to replace the substance of official meetings. He expressed the view that it would not be desirable to regulate informal consultations more.²⁰ Similarly, the representative of the United Kingdom pointed out that the Council was meeting in more formal meetings and had fewer informal consultations in proportion to the year 2000. He cited the example of discussions on Timor-Leste conducted at both public meetings and private consultations, and emphasized the need to balance transparency with the need for the Council to

be able to work effectively, which was echoed by others.²¹

Several speakers, while discouraging lengthy statements, proposed that public meetings should not be pro forma and that their interactive nature should be strengthened.²² The representatives of Japan and Argentina held that at the meetings, more focused discussions, with specific and practical proposals and action-oriented follow-up, should be pursued.²³ In a similar vein, the representative of Mexico opined that it was imperative to consider the purpose and usefulness of holding open debates in the light of the need to make them results-oriented.²⁴ The representative of the United States, echoed by the representative of Australia, expressed his disappointment at the often low attendance of Member States in the Chamber despite the Council's efforts to have greater recourse to public meetings.²⁵

The representative of Italy, echoed by others, stated that in order to achieve better use of the existing format of private meetings, a mechanism should be established to allow interested Member States to be heard confidentially, at their request, in private consultations in the Chamber. In his opinion, in particular circumstances, all Member States should have the opportunity to explain their position in a formal setting, in a direct dialogue with Council members.²⁶

Other speakers made specific proposals about selection of the format of meetings. The representative of Indonesia proposed that unless there were strong, irrefutable arguments to the contrary, the reports of the Secretary-General should be presented and considered at public meetings, as hearing the views of interested Member States at an early stage of consideration was

¹⁶ S/PV.5968, p. 7 (Libyan Arab Jamahiriya); p. 9 (France); p. 12 (Panama); and p. 33 (Cuba, on behalf of the Non-Aligned Movement); S/PV.5968 (Resumption 1), p. 23 (Pakistan). The Movement of Non-Aligned Countries, in its final document of the Fifteenth Summit Conference of Heads of State and Government held in Sharm-el-Sheikh, Egypt, from 11 to 16 July 2009, reiterated its position concerning the publicity of Council meetings, as set out in the case study, explicitly citing rule 48 (see S/2009/514, para. 66.6).

¹⁷ S/PV.5968, p. 12.

¹⁸ Ibid., p. 6 (Libyan Arab Jamahiriya); and p. 33 (Cuba, on behalf of the Non-Aligned Movement); S/PV.5968 (Resumption 1), p. 13 (Ecuador).

¹⁹ S/PV.5968, p. 6.

²⁰ Ibid., p. 9.

²¹ Ibid., p. 17 (United Kingdom); and p. 29 (New Zealand); S/PV.5968 (Resumption 1), p. 19 (Republic of Korea); and p. 22 (Tonga, on behalf of the Pacific small island developing States).

²² S/PV.5968, p. 5 (China); p. 22 (Japan); and p. 25 (Switzerland, on behalf of Costa Rica, Jordan, Lichtenstein, Singapore and Switzerland); S/PV.5968 (Resumption 1), p. 6 (Germany); p. 13 (Ecuador); and p. 14 (Liechtenstein).

²³ S/PV.5968, p. 22 (Japan); and S/PV.5968 (Resumption 1), p. 15 (Argentina).

²⁴ S/PV.5968, p. 26.

²⁵ Ibid., pp. 10-11 (United States); and p. 31 (Australia).

²⁶ Ibid., p. 20 (Italy); p. 21 (Belgium); and p. 24 (Slovakia).

to the Council's advantage. Consideration of follow-up actions by the Council might take place at subsequent informal consultations.²⁷ The representative of Burkina Faso suggested that reports of Council missions should be discussed at public meetings so that the countries that the Council missions visited could participate.²⁸ According to the representative of the Libyan Arab Jamahiriya, an open debate, which was in his opinion closer to a public debate under rule 48 of the provisional rules of procedure, should be considered more important than debates in any other format, and should be chosen as a format without hesitation and be expanded as the rule, not as the exception, particularly on issues that had been under lengthy consideration of the Council.²⁹ The representative of Croatia stated that the primary mandate of the Council for the maintenance of international peace and security should be the only driving force in deciding the format of Council meetings and that the idea of having more open meetings should be tempered with a sense of what Council members wished to achieve in those meetings.³⁰ In the view of the representative of Costa Rica, the Secretariat had the duty to facilitate the application of the existing rules in the note by the President, by presenting open formats for all meetings as a first option in the proposed programme of work and it was then up to the Council members to argue and convince others regarding the use of a private format on an exceptional basis.³¹ Several speakers opted for briefings by senior officials of the Secretariat or chairpersons of subsidiary bodies to be held in public meetings.³²

The representative of France held that the list of possible formats for meetings, as set out in the annex to the note by the President³³ gave the Council enough flexibility to choose the best format depending on the issue under consideration.³⁴ The representative of the Libyan Arab Jamahiriya held, however, that reasons for selecting each one of the formats needed more

objective checks and definitions.³⁵ Some delegations agreed with the point made by the President of the Council (Belgium)³⁶ in the concept paper about the need for a clear understanding of the rationale for the adoption of a specific format, and proposed that an explanation to that effect should be provided in the introductory remarks by the President at meetings.³⁷ Furthermore, certain delegations called for the Council to decide the format of a meeting promptly and notify the general membership in a non-selective way, to allow States to prepare properly to make substantive contributions to the debate, with the representative of Singapore proposing to establish the time frame for such a decision to be 48 hours before the debate.³⁸

Stressing the need for the Council to hear the views of the general membership of the United Nations and to increase the number of meetings open to the general membership at the various stages of the consideration, the representative of the Philippines opined that necessary changes resulting from this approach could be set forth in chapter I of the provisional rules of procedure.³⁹

C. Other informal meetings

1. Arria-formula meetings

The members of the Council continued to utilize Arria-formula meetings as a flexible and informal forum for enhancing their deliberations by inviting any Member State, relevant organizations, including non-governmental organizations, or individuals to participate.

For example, the Secretary-General, in his report on women and peace and security, acknowledged that the Council had been working closely with civil society to address such issues through Arria-formula

²⁷ *Ibid.*, p. 4.

²⁸ *Ibid.*, p. 19.

²⁹ *Ibid.*, p. 7.

³⁰ *Ibid.*, p. 8.

³¹ *Ibid.*, p. 14.

³² *Ibid.*, p. 18 (Burkina Faso); and p. 33 (Cuba, on behalf of the Non-Aligned Movement); S/PV.5968 (Resumption 1), p. 10 (Canada); and p. 14 (Liechtenstein)

³³ S/2006/507, annex, para. 35

³⁴ S/PV.5968, p. 9.

³⁵ *Ibid.*, p. 7.

³⁶ See S/2008/528, annex.

³⁷ S/PV.5968, p. 25 (Switzerland, on behalf of Costa Rica, Jordan, Lichtenstein, Singapore and Switzerland); p. 28 (Iceland, on behalf of the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden)); and p. 29 (New Zealand); S/PV.5968 (Resumption 1), p. 10 (Canada).

³⁸ S/PV.5968, p. 7 (Libyan Arab Jamahiriya); S/PV.5968 (Resumption 1), p. 7 (Singapore); and p. 12 (Islamic Republic of Iran).

³⁹ S/PV.5968 (Resumption 1), p. 9.

meetings.⁴⁰ The proposal by the Secretary-General to use this arrangement more frequently for informal consultations with women's groups and non-governmental organizations on individual conflict situations on the Council's agenda⁴¹ received support from a few speakers at the 6005th meeting, on 29 October 2008, as a way to better consolidate and allow progress in Council actions and decisions.⁴²

In addition, the Secretary-General reported that in June 2009 an Arria-formula meeting on the topic focusing on the issue of conflict-related sexual violence had been organized by the United Kingdom for a briefing for Council members, representatives of the Secretariat and those from non-governmental organizations.⁴³ Arria-formula meetings that were mentioned in documents of the Council during the period under review are shown in table 5.

⁴⁰ S/2008/622, para. 15.

⁴¹ Ibid., para. 96 (d).

⁴² S/PV.6005, p. 20 (Burkina Faso); S/PV.6005 (Resumption 1), p. 7 (Mexico); p. 10 (Bangladesh); and p. 11 (Switzerland).

⁴³ S/2009/465, para. 59.

Table 5
Arria-formula meetings, 2008-2009

<i>Date</i>	<i>Subject</i>	<i>Organizer</i>	<i>Participants (non-members of the Council)</i>	<i>Source</i>
31 March 2008	The humanitarian and human rights situation in Somalia	United Kingdom	Various non-governmental organizations	S/2008/355 , p. 4
25 November 2008	The situation in the eastern Democratic Republic of the Congo	Belgium and France	Not available	S/2009/96 , p. 3
April 2009	Children and armed conflict	Mexico	Representatives from civil society and non-governmental organizations	S/2009/353 , p. 2
June 2009	Women and peace and security	United Kingdom	Representatives of the Secretariat and from non-governmental organizations	S/2009/465 , para. 59
8 October 2009	Residual issues of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda	Austria	Presidents of the Tribunals, Assistant Secretary-General for Legal Affairs, representatives of the International Committee of the Red Cross and the International Center for Transitional Justice	S/2009/687 , para. 5

A case study is featured below in which speakers emphasized the utility of Arria-formula meetings in the context of enhancing transparency and efficiency of the Council's work (case 2). In addition, the utility and the character of Arria-formula meetings were also discussed at the Finnish workshops for newly elected and present Security Council members held in November 2007 and November 2008. According to the reports, some

participants viewed the Arria-formula meetings as a useful means for broadening inputs and outreach with civil society. They observed that the meetings, with flexible procedures and an informal nature, allowed the Council to invite a range of interested parties to provide substantive and informative presentations on issues before the Council. However, others held that such informal gatherings should be used sparingly and keep

their unofficial character, especially when there was no consensus among Council members on the substance. They also cautioned that the issues discussed at Arria-formula meetings should not automatically be considered as matters of which the Council is seized.⁴⁴

**Case 2
Implementation of the note by the President of the Security Council (S/2006/507)**

At the 5968th meeting, on 27 August 2008, concerning implementation of the note by the President of the Security Council,⁴⁵ in advocating consultations with persons or groups other than Member States, the representative of Panama held that the adoption of the mechanism of the Arria-formula meeting had been a significant step forward in the process of enhancing the transparency of the Council's work. He suggested that the Arria-formula meetings needed to be formalized and broadened, with a view to greater participation.⁴⁶

⁴⁴ S/2008/195, pp. 15-16 and S/2009/193, p. 13.

⁴⁵ S/2006/507.

⁴⁶ S/PV.5968, pp. 12-13.

The representative of the United Kingdom referred to its own efforts to include a wide range of interlocutors in the discussions, citing one Arria-formula meeting on Somalia in March 2008 which had fed directly into the Council's work and another on sexual violence in conflict, followed by a debate on the subject later in June.⁴⁷ The representative of Slovakia made a similar point that more regular use of Arria-formula meetings was one way for the Council to enhance and widen the interaction and the dialogue with other Member States, particularly those directly affected, concerned and interested.⁴⁸ A few other speakers concurred with this point.⁴⁹

2. Informal dialogues

During the reporting period, the Council continued to utilize the informal dialogues which had been revitalized in 2007. Six such dialogues took place, and four of them concerned Sri Lanka, which was not on the agenda of the Council (see table 6).

⁴⁷ *Ibid.*, p. 17.

⁴⁸ *Ibid.*, p. 24.

⁴⁹ *Ibid.*, p. 19 (Burkina Faso); and p. 27 (Mexico).

Table 6
Informal dialogues, 2008-2009

<i>Date</i>	<i>Subject</i>	<i>Briefer</i>	<i>Participants (non-members of the Council)</i>
26 February 2008	Chad/Sudan	Minister for Foreign Affairs of Chad	None
12 February 2009	Darfur	Joint delegation of the African Union and the League of Arab States	None
26 March 2009	Sri Lanka (humanitarian situation)	Under-Secretary-General for Humanitarian Affairs	Sri Lanka
22 April 2009	Sri Lanka (humanitarian situation)	Chef de Cabinet of the Executive Office of the Secretary-General	Sri Lanka
30 April 2009	Sri Lanka (humanitarian situation)	Under-Secretary-General for Humanitarian Affairs	Sri Lanka
5 June 2009	Sri Lanka	Secretary-General	Sri Lanka

3. Other meetings

The Council held an informal joint meeting with the Peace and Security Council of the African Union, on 17 April 2008, on the subject of cooperation

between the two Councils, under the co-chairmanship of the President of the Council (South Africa), the United Kingdom and the Chair of the Peace and

Security Council of the African Union (Ethiopia).⁵⁰ This was the second such meeting between the two bodies since the first one held in Addis Ababa in June 2007.⁵¹

Moreover, Council members held two informal meetings with the Special Adviser to the Secretary-General on the Prevention of Genocide: one on 27 January 2009 to be briefed on his action on the matter and his visit to the Great Lakes region,⁵² and the

⁵⁰ A joint communiqué was issued after the meeting (S/2008/263).

⁵¹ During its mission to Africa from 14 to 21 May 2009, the Council met again with the Peace and Security Council of the African Union in Addis Ababa. For more information, see the report of the Security Council mission to the African Union, Rwanda and the Democratic Republic of the Congo, and Liberia, dated 11 June 2009 (S/2009/303).

⁵² S/2009/107, p. 7.

other on 25 August 2009 to hear an update on the work of his office.⁵³

D. Records

During the period under review, in line with its usual practice, the Council issued verbatim records following its public meetings in accordance with rule 49 and communiqués following private meetings in accordance with rule 55. There were no instances in which questions were raised regarding the applications of rules 49-57 in connection with preparation, access and issuance of verbatim records, communiqués and documents which took place according to standard practice.

⁵³ S/2009/557, p. 6.

II. Agenda

Note

Section II covers the interpretation and application of rules 6 to 12 of the provisional rules of procedure of the Security Council, relating to the agenda, during the period 2008-2009.

Rule 6 of the provisional rules of procedure relates to the circulation of communications by the Secretary-General concerning any matters for the consideration of the Council, and rules 7, 8 and 12 relate to the preparation and communication of the provisional agenda. Rule 9 provides for the adoption of the agenda. Rules 10 and 11 deal with the matters of which the Council is seized.

Rule 6

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.

Rule 7

The provisional agenda for each meeting of the Security Council shall be drawn up by the Secretary-General and approved by the President of the Security Council.

Only items which have been brought to the attention of the representatives on the Security Council in accordance with rule 6, items covered by rule 10, or matters which the Security Council had previously decided to defer, may be included in the provisional agenda.

Rule 8

The provisional agenda for a meeting shall be communicated by the Secretary-General to the representatives on the Security Council at least three days before the meeting, but in urgent circumstances it may be communicated simultaneously with the notice of the meeting.

Rule 9

The first item of the provisional agenda for each meeting of the Security Council shall be the adoption of the agenda.

Rule 10

Any item on the agenda of a meeting of the Security Council, consideration of which has not been completed at that meeting, shall, unless the Security Council otherwise decides, automatically be included in the agenda of the next meeting.

Rule 11

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.

Rule 12

The provisional agenda for each periodic meeting shall be circulated to the members of the Security Council at least twenty-one days before the opening of the meeting. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members at least five days before the meeting. The Security Council may, however, in urgent circumstances, make additions to the agenda at any time during a periodic meeting.

The provisions of rule 7, paragraph 1, and of rule 9, shall apply also to periodic meetings.

During the review period, the Secretary-General continued the practice of distributing communications as documents in the S/-series in accordance with rule 6, drawing up a provisional agenda for each meeting and communicating the provisional agenda to the representatives on the Security Council, in accordance with rules 7 and 8. There were no instances where the question of circulation of communications arose or instances where the subject of the preparation of the provisional agenda gave rise to a discussion in the Council. In addition, rule 12 was not applied during the period under review as no periodic meeting was held. Therefore, no material relating to rules 6, 7, 8 and 12 can be found for 2008 and 2009.

The present section is organized in three subsections: (a) adoption of the agenda (rule 9); (b) matters of which the Security Council is seized

(rules 10-11); and (c) discussions concerning matters of which the Security Council is seized. Subsection (a) deals with items newly introduced by the Council, as well as the continuing trend of subsuming new items under a single existing item and using of existing thematic items for country-specific discussions. The revision at the end of 2008 of the procedure relating to the retention and deletion of items and to the format of the summary statement of matters of which the Council is seized and of the stage reached in their consideration, or summary statement⁵⁴ (rules 10-11) is covered in subsection (b). A case study is presented in subsection (c).

A. Adoption of the agenda (rule 9)

In accordance with rule 9, the first item on the provisional agenda for each meeting of the Council is the adoption of the agenda. During the period under review, there was no occasion on which a procedural objection was raised on the adoption of the agenda. Neither were there objections raised nor discussions held on the substance of the item included in the provisional agenda. The practice of including a new item in the summary statement once it had been adopted at a formal meeting of the Council remained the same.

1. Newly introduced items

During the two-year period under review, the Council added one new item to its agenda each year: in 2008, an item regarding the working methods of the Security Council, and in 2009, another relating to Honduras (see table 7).

⁵⁴ See the note by the President dated 31 December 2008 (S/2008/847).

Table 7
Agenda items newly introduced, 2008-2009

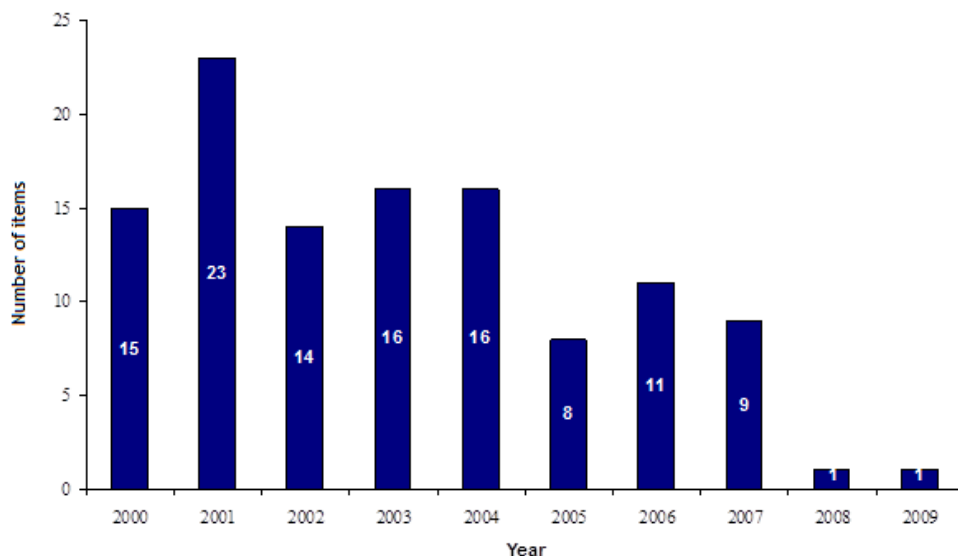
<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>
Implementation of the note by the President of the Security Council (S/2006/507)	5968th meeting 27 August 2008	S/2008/10/Add.34
Letter dated 22 September 2009 from the Permanent Representative of Brazil to the United Nations addressed to the President of the Security Council	6192nd meeting 25 September 2009	S/2009/10/Add.38

This represents a sharp drop when compared to the prior eight-year period (2000-2007), when on an average 14 new items were added each year. See

figure IV comparing the number of items introduced from 2000 to 2009.

Figure IV

Number of items newly introduced, 2000-2009⁵⁵



⁵⁵ For more information regarding items newly included in the list of matters of which the Council is seized during the period 2000-2007, see chapter II of Supplement 2000-2003 and Supplement 2004-2007 to the *Repetoire*.

2. Subsuming new items under a single existing item

In accordance with the notes by the President of the Security Council dated 19 July 2006⁵⁶ and 31 December 2008, respectively,⁵⁷ and to enhance the efficiency and transparency of the work of the Council, the period under review witnessed a continuing trend of subsuming earlier agenda items on the same subject under a descriptive formulation to avoid having a number of separate items on the same subject. For example, from 1 January 2008 onwards, all items for meetings with troop-contributing countries dealing with different peacekeeping operations entitled “Meetings of the Security Council with the troop-contributing countries to [name of peacekeeping mission] pursuant to resolution 1353 (2001), annex II, sections A and B”, were subsumed under one descriptive item entitled “Meeting of the Security

Council with the troop-contributing countries pursuant to resolution 1353 (2001), annex II, sections A and B”. Accordingly, three otherwise new items in 2008-2009, that is, meetings of the Council with the troop-contributing countries to the African Union-United Nations Hybrid Operation in Darfur (UNAMID), the United Nations Mission in the Central African Republic and Chad (MINURCAT) and the United Nations Integrated Mission in Timor-Leste (UNMIT), were subsumed under the same item.⁵⁸

⁵⁸ At the 5934th (closed) meeting, held on 16 July 2008; at the 5975th (closed) meeting, held on 19 September 2008; and the 6129th (closed) meeting, held on 27 May 2009, respectively.

⁵⁶ S/2006/507.

⁵⁷ S/2008/847.

3. Utilization of existing thematic items for country-specific discussions

The period under review also witnessed the practice of the Council of utilizing existing items relating to general or thematic issues to discuss newly developing, country-specific/regional situations. For example, under the item entitled “Peace and security in

Africa”, the Council discussed four country-specific situations in Africa related to Kenya, Djibouti/Eritrea, Zimbabwe and Mauritania, in addition to five thematic issues. Similarly, in 2009, under the item entitled “Peace consolidation in West Africa”, the Council discussed the situation in Guinea, while continuing to utilize the item to discuss the United Nations Office for West Africa (see table 8)

Table 8
Meetings convened under the items entitled “Peace and security in Africa” and “Peace consolidation in West Africa”, 2008-2009

<i>Meeting</i>	<i>Date</i>	<i>Subject</i>
Peace and security in Africa		
5831	6 February 2008	Kenya
5868	16 April 2008	Strengthening relations between the United Nations and regional organizations, in particular the Africa Union, in the maintenance of international peace and security
5908	12 June 2008	Djibouti and Eritrea
5919	23 June 2008	Zimbabwe
5920 (closed)	23 June 2008	Zimbabwe
5921	23 June 2008	Zimbabwe
5924	24 June 2008	Djibouti and Eritrea
5929	8 July 2008	Zimbabwe
5933	11 July 2008	Zimbabwe
5960	19 August 2008	Mauritania
6000	23 October 2008	Djibouti and Eritrea
6044 (closed)	15 December 2008	Zimbabwe
6065	14 January 2009	Djibouti and Eritrea
6092	18 March 2009	Report of the African Union-United Nations panel on modalities for support to African Union operations
6118	5 May 2009	Resurgence of unconstitutional changes of government in Africa
6206	26 October 2009	Report of the Secretary-General on support to African Union peacekeeping operations authorized by the United Nations
6233	8 December 2009	Drug trafficking as a threat to international security
6254	23 December 2009	Djibouti and Eritrea

<i>Meeting</i>	<i>Date</i>	<i>Subject</i>
Peace consolidation in West Africa		
6073	21 January 2009	United Nations Office for West Africa (UNOWA)
6157	7 July 2009	UNOWA
6160	10 July 2009	UNOWA
6207	28 October 2009	Guinea

B. Matters of which the Security Council is seized (rules 10 and 11)

1. Overview

In 2008 and 2009, the Security Council considered at its meetings a total of 55 agenda items, 28 items dealing with country-specific or regional situations and 27 dealing with thematic issues. In 2008, of the items

concerning country-specific or regional situations, 55 per cent were concerning Africa, followed by Europe (15 per cent), Asia (15 per cent), the Middle East (11 per cent) and the Americas (4 per cent). In 2009, the percentage of Africa-related items dropped to 48 per cent, followed by Europe and Asia (16 per cent, respectively), the Middle East (12 per cent) and the Americas (8 per cent). For a yearly breakdown, see table 9.

Table 9
Items considered at meetings, 2008-2009

<i>Item</i>	<i>2008</i>	<i>2009</i>
28 items dealing with country-specific/regional situations		
Africa		
Reports of the Secretary-General on the Sudan	•	•
The situation between Eritrea and Ethiopia	•	
The situation concerning Rwanda	•	
The situation concerning the Democratic Republic of the Congo	•	•
The situation concerning Western Sahara	•	•
The situation in Burundi	•	•
The situation in Chad and the Sudan	•	
The situation in Chad, the Central African Republic and the subregion	•	•
The situation in Côte d'Ivoire	•	•
The situation in Guinea-Bissau	•	•
The situation in Liberia	•	•
The situation in Sierra Leone	•	•
The situation in Somalia	•	•
The situation in the Central African Republic	•	•
The situation in the Great Lakes region	•	•
Africa subtotal	15 items	12 items

Repertoire of the Practice of the Security Council, 2008-2009

<i>Item</i>	<i>2008</i>	<i>2009</i>
Americas		
Letter dated 22 September 2009 from the Permanent Representative of Brazil to the United Nations addressed to the President of the Security Council (S/2009/487)		•
The question concerning Haiti	•	•
Americas subtotal	1 item	2 items
Asia		
Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)	•	•
The situation in Afghanistan	•	•
The situation in Myanmar	•	•
The situation in Timor-Leste	•	•
Asia subtotal	4 items	4 items
Europe		
Security Council resolutions 1160 (1998) , 1199 (1998) , 1203 (1998) , 1239 (1999) and 1244 (1999)	•	•
The situation in Bosnia and Herzegovina	•	•
The situation in Cyprus	•	•
The situation in Georgia	•	•
Europe subtotal	4 items	4 items
Middle East		
The situation concerning Iraq	•	•
The situation in the Middle East	•	•
The situation in the Middle East, including the Palestinian question	•	•
Middle East subtotal	3 items	3 items
Subtotal		
	27 items	25 items
27 items dealing with thematic issues		
Briefing by the Chairman-in-Office of the Organization for Security and Cooperation in Europe ^a	•	•
Briefing by the President of the International Court of Justice	•	•
Briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator	•	
Briefing by the United Nations High Commissioner for Refugees		•
Briefings by Chairmen of subsidiary bodies of the Security Council	•	•
Children and armed conflict	•	•
Consideration of the draft report of the Security Council to the General Assembly	•	•
Election of five members of the International Court of Justice	•	
Implementation of the note by the President of the Security Council (S/2006/507)	•	

Part II. Provisional rules of procedure and related procedural developments

<i>Item</i>	<i>2008</i>	<i>2009</i>
International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994	•	•
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	•	•
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	•	•
International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994		
Maintenance of international peace and security	•	•
Maintenance of international peace and security: role of the Security Council in supporting security sector reform	•	
Meeting of the Security Council with the troop-contributing countries pursuant to resolution 1353 (2001), annex II, sections A and B ^b	•	•
Non-proliferation	•	•
Non-proliferation of weapons of mass destruction	•	
Non-proliferation/Democratic People's Republic of Korea		•
Peace and security in Africa	•	•
Peace consolidation in West Africa		•
Post-conflict peacebuilding	•	•
Protection of civilians in armed conflict	•	•
Security Council mission	•	•
Small arms	•	
Threats to international peace and security caused by terrorist acts	•	•
United Nations peacekeeping operations		•
Women and peace and security	•	•
Subtotal	23 items	21 items
Total agenda items discussed per year	50 items	46 items

^a This item was considered, at the 5982nd meeting, on 26 September 2008, and the 6088th meeting, on 27 February 2009. At the latter meeting, the item was entitled "Briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe".

^b As from 1 January 2008, all items concerning meetings of the Security Council with countries contributing troops to specific peacekeeping missions pursuant to resolution 1353 (2001), annex II, sections A and B, were subsumed under this item.

2. Revised procedure for deletion of items

In 2008, 5 of the 25 items that had been identified for deletion from the list of matters of which the Security Council was seized at the beginning of the year⁷⁷ were deleted, while the others were retained for an additional year at the request of Member States.⁷⁸ In comparison, in 2009, 48 items were identified for deletion because they had not been considered in the preceding three years or because the Council had concluded the consideration of the items, as in the case of the item entitled “The situation concerning Rwanda”. Nearly half of the items proposed for deletion (22 items) were deleted.⁷⁹

⁷⁷ See S/2008/10.

⁷⁸ S/2008/10/Add.13.

⁷⁹ S/2009/10/Add.9.

As shown in table 10, the total number of matters of which the Security Council was seized was 106 at the end of 2008. That number sharply dropped, to 85 items, at the end of 2009.⁸⁰ For details of the items proposed for deletion in 2008 and 2009 and their status, see table 11.

⁸⁰ It has always been the practice not to include the items relating to the election of members of the International Court of Justice in the list of matters of which the Council is seized. Accordingly, the item entitled “Election of five members of the International Court of Justice” that the Council considered on 6 November 2008 at the 6011th and 6012th meetings has not been included among the items taken up in 2008. No item relating to the election of members of the Court was considered in 2009.

Table 10
Number of items of which the Security Council was seized in 2008 and 2009, as listed on the summary statement by the Secretary-General

Year	Total items in first summary statement of year	Items proposed for deletion	Items deleted	Items added	Total items in last summary statement of year
2008	110 ^a	25	5	1	106
2009	106	48	22	1	85

^a For the purpose of the *Repertoire* and in order to maintain consistency across the years, the item entitled “Consideration of the draft report of the Security Council to the General Assembly” was included as an item in 2008. The item appears in the list of matters of which the Council is seized from the summary statement dated 30 January 2009 (S/2009/10).

Table 11
Items proposed for deletion from the summary statement, 2008-2009

Item (Dates of first and last consideration)	Proposed for deletion in 2008	Status in April 2008	Proposed for deletion in 2009	Status in March 2009
The Palestine question (9 December 1947; 25 November 1966)	●	Retained	●	Retained
The India-Pakistan question (6 January 1948; 5 November 1965)	●	Retained	●	Retained
The Hyderabad question (16 September 1948; 24 May 1949)	●	Retained	●	Retained
Letter dated 20 February 1958 from the representative of the Sudan addressed to the Secretary-General (21 February 1958; 21 February 1958)	●	Retained	●	Retained

**Part II. Provisional rules of procedure and
related procedural developments**

<i>Item (Dates of first and last consideration)</i>	<i>Proposed for deletion in 2008</i>	<i>Status in April 2008</i>	<i>Proposed for deletion in 2009</i>	<i>Status in March 2009</i>
Letter dated 11 July 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (18 July 1960; 5 January 1961)	●	Retained	●	Retained
Letter dated 31 December 1960 from the Minister for External Affairs of Cuba addressed to the President of the Security Council (4 January 1961; 5 January 1961)	●	Retained	●	Retained
The situation in the India/Pakistan subcontinent (4 December 1971; 27 December 1971)	●	Retained	●	Retained
Letter dated 3 December 1971 from the Permanent Representatives of Algeria, Iraq, the Libyan Arab Republic and the People's Democratic Republic of Yemen to the United Nations addressed to the President of the Security Council (9 December 1971; 9 December 1971)	●	Retained	●	Retained
Complaint by Cuba (17 September 1973; 18 September 1973)	●	Retained	●	Retained
Arrangements for the proposed Peace Conference on the Middle East (15 December 1973; 15 December 1973)	●	Retained	●	Retained
The Middle East problem, including the Palestinian question (12 January 1976; 11 October 1985)	●	Retained	●	Retained
The situation in the occupied Arab territories (4 May 1976; 13 July 1998)	●	Retained	●	Retained
The question of the exercise by the Palestinian people of its inalienable rights (9 June 1976; 30 April 1980)	●	Retained	●	Retained
The situation between Iran and Iraq (26 September 1980; 31 January 1991)	●	Retained	●	Retained
Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (2 October 1985; 4 October 1985)	●	Retained	●	Retained
Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (4 February 1986; 6 February 1986)	●	Retained	●	Retained

Repertoire of the Practice of the Security Council, 2008-2009

<i>Item (Dates of first and last consideration)</i>	<i>Proposed for deletion in 2008</i>	<i>Status in April 2008</i>	<i>Proposed for deletion in 2009</i>	<i>Status in March 2009</i>
Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council;	●	Retained	●	Retained
Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of Burkina Faso to the United Nations addressed to the President of the Security Council;				
Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council;				
Letter dated 15 April 1986 from the Permanent Representative of Oman to the United Nations addressed to the President of the Security Council (15 April 1986; 24 April 1986)				
Letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (21 April 1988; 25 April 1988)	●	Retained	●	Retained
Letter dated 2 February 1990 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council (9 February 1990; 9 February 1990)	●	Retained	●	Retained
The situation between Iraq and Kuwait (2 August 1990; 11 April 2005)	–	–	●	Retained
The situation in Angola (29 January 1993; 17 December 2002)	●	Deleted	–	–
The situation concerning Rwanda (12 March 1993; 10 July 2008)	–	–	●	Deleted
Complaint by Ukraine regarding the decree of the Supreme Soviet of the Russian Federation concerning Sevastopol (20 July 1993; 20 July 1993)	●	Retained	●	Retained
The situation in Croatia (2 September 1993; 12 December 2002)	●	Deleted	–	–
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 (22 April 1998; 6 July 2005)	–	–	●	Deleted

**Part II. Provisional rules of procedure and
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<i>Item (Dates of first and last consideration)</i>	<i>Proposed for deletion in 2008</i>	<i>Status in April 2008</i>	<i>Proposed for deletion in 2009</i>	<i>Status in March 2009</i>
Protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones (9 February 2000; 26 August 2003)	–	–	●	Retained
The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations (17 July 2000; 18 July 2005)	–	–	●	Deleted
Wrap-up discussion on the work of the Security Council for the current month (31 August 2001; 30 March 2005)	–	–	●	Deleted
Food aid in the context of conflict settlement: Afghanistan and other crisis areas (4 April 2002; 4 April 2002)	●	Deleted	–	–
Strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security (22 October 2002; 31 October 2002)	●	Deleted	–	–
Africa's food crisis as a threat to peace and security (3 December 2002; 30 June 2005)	–	–	●	Deleted
Letter dated 29 November 2002 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council (9 December 2002; 9 December 2002)	●	Deleted	–	–
Kimberley Process Certification Scheme (28 January 2003; 28 January 2003)	–	–	●	Retained
Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa (18 March 2003; 18 March 2003)	–	–	●	Deleted
The role of the Security Council in the pacific settlement of disputes (13 May 2003; 13 May 2003)	–	–	●	Deleted
Response to the humanitarian situation in Iraq (22 May 2003; 22 May 2003)	–	–	●	Deleted
Justice and the rule of law: the United Nations role (24 September 2003; 6 October 2004)	–	–	●	Deleted

Repertoire of the Practice of the Security Council, 2008-2009

<i>Item (Dates of first and last consideration)</i>	<i>Proposed for deletion in 2008</i>	<i>Status in April 2008</i>	<i>Proposed for deletion in 2009</i>	<i>Status in March 2009</i>
Letter dated 5 October 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/2003/939);	–	–	●	Retained
Letter dated 5 October 2003 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/2003/943) (5 October 2003; 5 October 2003)				
Letter dated 2 October 2003 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2003/934) (10 October 2003; 10 October 2003)	–	–	●	Deleted
The importance of mine action for peacekeeping operations (13 November 2003; 19 November 2003)	–	–	●	Deleted
Central African region (24 November 2003; 24 November 2003)	–	–	●	Retained
Post-conflict national reconciliation: role of the United Nations (26 January 2004; 26 January 2004)	–	–	●	Deleted
Cross-border issues in West Africa (25 March 2004; 25 February 2005)	–	–	●	Deleted
The role of business in conflict prevention, peacekeeping and post-conflict peacebuilding (15 April 2004; 15 April 2004)	–	–	●	Deleted
Decision of the Libyan Arab Jamahiriya to abandon its weapons of mass destruction programmes (22 April 2004; 22 April 2004)	–	–	●	Deleted
Letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2004/425) (25 May 2004; 25 May 2004)	–	–	●	Deleted
Complex crises and United Nations response (28 May 2004; 28 May 2004)	–	–	●	Deleted
Role of civil society in post-conflict peacebuilding (22 June 2004; 22 June 2004)	–	–	●	Deleted

<i>Item (Dates of first and last consideration)</i>	<i>Proposed for deletion in 2008</i>	<i>Status in April 2008</i>	<i>Proposed for deletion in 2009</i>	<i>Status in March 2009</i>
Civilian aspects of conflict management and peacebuilding (22 September 2004; 22 September 2004)	–	–	●	Deleted
Institutional relationship with the African Union (19 November 2004; 19 November 2004)	–	–	●	Deleted
The maintenance of international peace and security: the role of the Security Council in humanitarian crises — challenges, lessons learned and the way ahead (12 July 2005; 12 July 2005)	–	–	●	Deleted
Letters dated 26 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2005/485 and S/2005/489) (27 July 2005; 27 July 2005)	–	–	●	Retained
The role of civil society in conflict prevention and the pacific settlement of disputes (20 September 2005; 20 September 2005)	–	–	●	Deleted

3. Revised format of the summary statements

During the period under review, in accordance with rule 11, the Secretary-General continued to communicate each week to the Security Council a summary statement of matters of which the Council is seized and of the stage reached in their consideration.

In a note by the President dated 31 December 2008,⁶³ issued on the basis of discussions in the Council's Informal Working Group on Documentation and Other Procedural Questions,⁶⁴ two changes were introduced at the end of 2008 to the procedure for managing the items on the list of matters of which the Security Council is seized: (a) the deletion of an item that had not been considered in the preceding three years, instead of five years as previously; and (b) issuance of the revised summary statement, reflecting any deletions, one month earlier than the

date established in the previous note by the President, dated 19 July 2006.⁶⁵

There were a number of changes to the format of the summary statement during the period under review. First, pursuant to paragraph 6 of the note by the President dated 19 December 2007,⁶⁶ beginning in January 2008, the references given for each item listed in the summary statement were changed to the date of the first consideration of the item at a formal meeting of the Council and the date of its most recent consideration. The format was introduced in the first summary statement issued in 2008.⁶⁷

In addition, pursuant to paragraph 7 of the note by the President dated 31 December 2008,⁶⁸ the summary statements issued from 2009,⁶⁹ comprised two lists: items considered by the Council at a meeting during the preceding three-year period, and items not considered during the preceding three-year period but

⁶³ S/2008/847.

⁶⁴ For more information, see part IX, with regard to the mandate of the Informal Working Group on Documentation and Other Procedural Questions.

⁶⁵ S/2006/507.

⁶⁶ S/2007/749.

⁶⁷ S/2008/10.

⁶⁸ S/2008/847.

⁶⁹ See, for example, S/2009/10/Add.9.

which the Council had decided to retain at the request of a Member State.

According to the Chairman of the Informal Working Group on Documentation and Other Procedural Questions, the Working Group strove to make the summary statement more accurate, reflect the items of which the Council was actually seized, and give the Council greater involvement in its preparation.⁷⁰

During the period under review, according to past practice, following the review of the summary statement at the end of the previous year, the preliminary annual summary statement was issued in January. The summary statements issued in January 2008 and January 2009⁷¹ identified the items to be deleted if they had not been considered by the Council during the preceding five years and three years, respectively. By the end of February, Member States notified the Council if they wished an item identified for deletion to remain on the summary statement, in which case the item was retained for one year, unless the Council decided otherwise. Following the consideration by the Council of such requests for retention, on the basis of the recommendation by the Informal Working Group, the summary statements issued in April 2008 and March 2009 reflected the deletion of items.⁷²

C. Discussions concerning the agenda

Prior to the agreement reached at the Informal Working Group on Documentation and Other Procedural Questions concerning the revised format of the summary statement, as reflected in the note by the President dated 31 December 2008,⁷³ the Security Council engaged in discussions on agenda management in a debate on its working methods (case 3).

⁷⁰ S/PV.6043, p. 11.

⁷¹ S/2008/10 and S/2009/10, respectively.

⁷² S/2008/10/Add.13 and S/2009/10/Add.9, respectively.

⁷³ S/2008/847.

Case 3 Implementation of the note by the President of the Security Council (S/2006/507)

At the 5968th meeting, on 27 August 2008, under the item entitled “Implementation of the note by the President of the Security Council (S/2006/507)”, speakers discussed, among other issues, the management of the agenda of the Security Council.

The representative of China pointed out that the Security Council should adopt a responsible and cautious attitude when including new items in its agenda, given the drastic growth in the number of items on the Council’s agenda. He agreed on the need for a review of the current items on the agenda in order to save resources and enhance efficiency. He also expressed concern about the excessive attention given to theoretical issues.⁷⁴

The representative of France opined that the current modalities for removing agenda items of which the Council was no longer seized were most restrictive and that adding items was difficult. Therefore, the list was not always as precise as it should be about the substance of the deliberations, as it either contained obsolete items or did not precisely identify other items. He called for a more flexible way of managing the list in order to make it a “better source of information” on the matters of which the Council was seized.⁷⁵ In a similar vein, the representative of the United Kingdom held that the agenda of the debate was a classic example of using bureaucratic language rather than something that all could readily understand. He stressed the need to keep the agenda up to date and self-explanatory and proposed that the Informal Working Group on Documentation and Other Procedural Questions should do further work on the issue.⁷⁶ The representative of Burkina Faso noted that a better presentation of agenda items and a rationalization of the agenda could enhance the work of the Council.⁷⁷

⁷⁴ S/PV.5968, p. 6.

⁷⁵ *Ibid.*, pp. 9-10.

⁷⁶ *Ibid.*, p. 18.

⁷⁷ *Ibid.*

III. Representation and credentials

The present section deals with the practice of the Security Council concerning representation and credentials of the members of the Security Council, in relation to rules 13-17 of the provisional rules of procedure.

Rule 13

Each member of the Security Council shall be represented at the meetings of the Security Council by an accredited representative. The credentials of a representative on the Security Council shall be communicated to the Secretary-General not less than twenty-four hours before he takes his seat on the Security Council. The credentials shall be issued either by the Head of the State or of the Government concerned or by its Minister of Foreign Affairs. The Head of Government or Minister of Foreign Affairs of each member of the Security Council shall be entitled to sit on the Security Council without submitting credentials.

Rule 14

Any Member of the United Nations not a member of the Security Council and any State not a Member of the United Nations, if invited to participate in a meeting or meetings of the Security Council, shall submit credentials for the representative appointed by it for this purpose. The credentials of such a representative shall be communicated to the Secretary-General not less than twenty-four hours before the first meeting which he is invited to attend.

Rule 15

The credentials of representatives on the Security Council and of any representative appointed in accordance with rule 14 shall be examined by the Secretary-General who shall submit a report to the Security Council for approval.

Rule 16

Pending the approval of the credentials of a representative on the Security Council in accordance with rule 15, such representative shall be seated provisionally with the same rights as other representatives.

Rule 17

Any representative on the Security Council, to whose credentials objection has been made within the Security Council, shall continue to sit with the same rights as other representatives until the Security Council has decided the matter.

During the period under review, in accordance with the above rules and past practice, the credentials of representatives were communicated to the Secretary-General, who submitted his report to the Council pursuant to rule 15 when changes in the representation of members of the Council were made⁷⁸ and when, before the beginning of each term, the representatives of the newly elected non-permanent members of the Council were designated.⁷⁹ No discussions or special cases arose during the period under review regarding the interpretation and application of rules 13-16.

⁷⁸ See S/2008/71, S/2008/91, S/2008/122, S/2008/134, S/2008/176, S/2008/231, S/2008/268, S/2008/317, S/2008/361, S/2008/511, S/2008/527, S/2008/539, S/2008/548, S/2008/550, S/2008/560, S/2008/626, S/2008/634, S/2008/671, S/2008/822, S/2008/831, S/2009/16, S/2009/77, S/2009/147, S/2009/159, S/2009/161, S/2009/223, S/2009/272, S/2009/286, S/2009/331, S/2009/337, S/2009/361, S/2009/366, S/2009/367, S/2009/384, S/2009/423, S/2009/424, S/2009/426, S/2009/449, S/2009/468, S/2009/471, S/2009/499, S/2009/576, S/2009/584, S/2009/624, S/2009/692 and S/2009/696.

⁷⁹ For the credentials of the representatives and deputy and alternate representatives of Council members elected for the periods 2008-2009 and 2009-2010, see S/2007/760 and S/2008/808 and Add.1, respectively.

IV. Presidency

Note

The present section presents information regarding the presidency of the Security Council under rules 18-20 of the provisional rules of procedure, namely, the monthly rotation of the presidency, the role of the President and the temporary cession of the chair by the President during consideration of issues in which his or her country is directly involved.

Rule 18

The presidency of the Security Council shall be held in turn by the members of the Security Council in the English alphabetical order of their names. Each President shall hold office for one calendar month.

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.

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.

The section focuses on the role of the President of the Security Council (rules 18-19) as there were no instances of the application of rule 20 requiring the President of the Council to temporarily cede the presidency to the next Council member.

The role of the President of the Security Council (rules 18 and 19)

In accordance with rule 18, the presidency of the Security Council rotated monthly in the English alphabetical order. Under rule 19, other than presiding over Council meetings, the President of the Council continued to perform functions which included (a) briefing non-Council members on the monthly programme of work of the Council at the beginning of the month; (b) with the concurrence of Council members, representing the Security Council and delivering statements on behalf of the Council;⁸⁰ and (c) also delivering statements or remarks to the press following the conclusion of discussions in informal consultations of the whole, whenever Council members reached an agreement on a text. Presidents, in their national capacities, continued to submit monthly assessments of the work of the Security Council during their presidency.⁸¹

In addition, in accordance with past practice, the Council member holding the presidency during the month of July continued to prepare the introduction to the annual report of the Security Council to the General Assembly. The delegation of Viet Nam, which held the presidency in July 2008, consulted with Council members and the United Nations membership at large in the process of outlining and finalizing the annual report, with a view to enhancing the openness, transparency and efficiency of the work of the Council.

⁸⁰ For example, at the 53rd plenary meeting of the sixty-third session of the General Assembly, on 18 November 2008, and at the 43rd plenary meeting of the sixty-fourth session, on 12 November 2009, with the concurrence of other Council members, the Presidents for the month of November 2008 and 2009, Costa Rica and Austria, respectively, introduced to the General Assembly the annual reports of the Council covering the periods from 1 August 2007 to 31 July 2008 (A/63/2) and from 1 August 2008 to 31 July 2009 (A/64/2), and delivered their statements on behalf of the Council (see A/63/PV.53, pp. 5-8 and A/64/PV.43, pp. 3-5). For other meetings that the President attended, see part IV, sects. I and II.

⁸¹ A list of the monthly assessments during the period under review is provided in the annual reports of the Council to the General Assembly (A/63/2, p. 61; A/64/2, p. 106; and A/65/2, p. 74).

The delegation of Viet Nam also convened an informal meeting at the end of its presidency to update non-Council members on the preparation of the annual report and seek their views and suggestions.⁸² At the adoption of the annual report by the Council for submission to the General Assembly at its sixty-fourth session, the representative of Uganda, whose delegation held the presidency in July 2009 and was

⁸² S/PV.6007, pp. 2-3.

responsible for drafting the introduction to the annual report, followed “the precedent set by Viet Nam”, and exchanged views informally with Member States on the annual report on 30 October 2009, before the consideration of the annual report by the General Assembly.⁸³

⁸³ S/PV.6210, p. 2.

V. Secretariat

Note

The present section relates to rules 21-26 of the provisional rules of procedure, which set out the administrative functions and powers of the Secretary-General in connection with meetings of the Security Council. It examines the administrative functions of the Secretariat during the period under review, and includes two case studies,

Rule 21

The Secretary-General shall act in that capacity in all meetings of the Security Council. The Secretary-General may authorize a deputy to act in his place at meetings of the Security Council.

Rule 22

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.

Rule 23

The Secretary-General may be appointed by the Security Council, in accordance with rule 28, as rapporteur for a specified question.

Rule 24

The Secretary-General shall provide the staff required by the Security Council. This staff shall form a part of the Secretariat.

Rule 25

The Secretary-General shall give to representatives on the Security Council notice of meetings of the Security Council and of its commissions and committees.

Rule 26

The Secretary-General shall be responsible for the preparation of documents required by the Security Council and shall, except in urgent circumstances, distribute them at least forty-eight hours in advance of the meeting at which they are to be considered.

Administrative functions of the Secretariat (rules 21-26)

During the period under review, in accordance with existing practice, the Secretary-General and senior officials of the Secretariat attended Council meetings and provided briefings to the Council as requested. The Secretariat also assisted in the functioning of Council meetings, preparation and dissemination of documents, and other activities.

In the debate on working methods of the Security Council in 2008, some speakers discussed the timeliness of the preparation of relevant documentation for the Council's consideration, particularly the reports of the Secretary-General (case 4). On another occasion, one Council member commented on the preparations by the Secretariat for a Security Council mission (case 5).

Case 4
Implementation of the note by the President of the Security Council (S/2006/507)

At the 5968th meeting, on 27 August 2008, concerning the item entitled “Implementation of the note by the President of the Security Council (S/2006/507)”, the Secretary-General reported that the Secretariat had taken steps to implement the recommendations in that note, including those related to the timeliness, length and content of his reports to the Council, familiarization of elected Council members with the work of the Council and its subsidiary bodies and wider and more user-friendly dissemination of information on the Council’s programme and activities to non-Council members.⁸⁴

Arguing that the question of documentation was relevant if the membership was to be kept updated on decisions and other information related to the Council’s work, the representative of Mexico stated that the reports of the Secretary-General and the special Secretariat briefings to the Council were of particular relevance and a prime source of information on the ground. He acknowledged that significant progress had been achieved in the prompt issuance of reports of the Secretary-General and the inclusion of a specific section on recommendations in those reports, which were useful when it came to the measures that the Council decided to adopt on a given issue.⁸⁵

Two speakers emphasized the need for timely issuance of the Secretary-General’s reports. The representative of Panama considered it vital that those reports be disseminated to all Member States in a timely manner.⁸⁶ Similarly, the representative of Burkina Faso stressed that the timely distribution of reports in all languages in compliance with the note by the President of 26 March 2002⁸⁷ was important for the effectiveness of the Council’s work, as that would enable delegations to make a substantial contribution to debates and allow national authorities to gain useful knowledge of those reports.⁸⁸

⁸⁴ S/PV.5968, p. 2.

⁸⁵ *Ibid.*, p. 26.

⁸⁶ *Ibid.*, p. 12.

⁸⁷ S/2002/316.

⁸⁸ S/PV.5968, p. 18.

Case 5
Security Council mission

At the 6131st meeting, on 28 May 2009, during the briefing on the Security Council mission to Africa carried out from 14 to 21 May 2009, the representative of Costa Rica expressed his dissatisfaction with the Secretariat’s handling of his request for taking his own expert on the Council mission, stating that there were double standards vis-à-vis Council members depending on their status as permanent or elected members. He argued that, although his delegation had given prior notice and indicated to the Secretariat its interest in taking an expert with all the expenses paid by his delegation, the Secretariat had first declined the request by pointing out the lack of space for press members accompanying the mission. When his delegation and others insisted on the inclusion of their respective experts, the Secretariat had invoked an unwritten rule according to which only the heads of the delegation for each country being visited would have the right to bring in experts. Given the rationale provided for the second response, the delegations, including his, had agreed not to bring in experts. Subsequently, he had been surprised to notice the presence of security officers for a specific delegation during the mission to Africa. What was unacceptable was the denial of room for experts whereas there appeared to be no restrictions on security staff and journalists and, worse yet, their participation at the discretion of the Secretariat. He argued that the quality and the work of the Council were ensured by the delegations, not by security personnel or members of the press. He regretted that this situation had arisen because preparation of Council missions was governed by unwritten regulations that could be interpreted arbitrarily. He called on the Council to end this situation and adopt clear standards guiding arrangements relating to Council missions.⁸⁹

⁸⁹ S/PV.6131, pp. 7-8.

VI. Conduct of business

Note

Rules 27-39 of the provisional rules of procedure concern the conduct of business at meetings of the Security Council. In section VI, rules 27, 29, 30 and 33 are featured, while materials relating to rule 28 concerning subsidiary organs of the Security Council are found in parts IX and X. Rules 31 and 32, 34-36 and 38 are covered in the present part in the section entitled “Decision-making and voting”, and rules 37 and 39 in the section entitled “Participation”.

Rule 27

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

Rule 29

The President may accord precedence to any rapporteur appointed by the Security Council.

The Chairman of a commission or committee, or the rapporteur appointed by the commission or committee to present its report, may be accorded precedence for the purpose of explaining the report.

Rule 30

If a representative raises a point of order, the President shall immediately state his ruling. If it is challenged, the President shall submit his ruling to the Security Council for immediate decision and it shall stand unless overruled.

Rule 33

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

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

6. *To introduce an amendment.*

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

In 2008 and 2009, procedural decisions regarding the suspension and adjournment of meetings were taken by the President without any debate or voting by the Security Council. There were no instances where a representative raised a point of order or the President needed to state his ruling. While there was no special application of the provisional rules of procedure concerning conduct of business, the Council continued to search for and implement efficient, effective and transparent ways to conduct meetings. For example, during the period under review, in accordance with paragraph 27 of the note by the President dated 19 July 2006,⁹⁰ the President frequently requested speakers to limit their statements, usually to five minutes, to circulate the full text of their statements in the Council chamber and to deliver a condensed version when speaking in the Chamber. A number of delegations complied with this request. For example, several speakers delivered abbreviated statements at the 5968th meeting, on 27 August 2008, concerning the item entitled “Implementation of the note by the President of the Security Council (S/2006/507)”,⁹¹ and one of them, the representative of the Philippines, later circulated his full statement as a Council document.⁹² At other meetings, without a request from the President, some delegations delivered their statements in an abridged form and circulated the full text.⁹³

In terms of the speaking order under rule 27, during the period under review, when non-Council members were invited to participate in a debate, Council members spoke before Member States invited under rule 37 of the provisional rules of procedure, except for some instances when parties directly

⁹⁰ S/2006/507.

⁹¹ S/PV.5968, pp. 23-24 (Slovakia); pp. 24-25 (Switzerland, on behalf of Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland); pp. 30-31 (Australia); S/PV.5968 (Resumption 1), pp. 8-9 (Philippines).

⁹² S/2008/589.

⁹³ For example, see S/PV.5904, p. 26 (Slovenia, on behalf of the European Union and associated countries); and S/PV.6075, p. 24 (Uganda).

involved spoke before Council members.⁹⁴ Some speakers expressed concern over the stage at which non-members of the Council were allowed to speak vis-à-vis Council members. This topic is covered under the heading entitled “Discussions relating to the speaking order” below.

Discussions relating to the order of speaking

During the period under review, there were instances in which speakers discussed the timing of statements by non-members of the Council vis-à-vis those of the Council members. One was in connection with a Member State that had a direct interest in the matter under consideration (case 6) and another was regarding the place in the speaking order of the representative of a regional organization (case 7).

Case 6 The situation concerning Iraq

At the 5878th meeting, on 28 April 2008, on the situation concerning Iraq, the representative of Costa Rica, citing paragraph 29 of the note by the President of 19 July 2006, which provided that when non-members were invited to speak to the Council, those who had a direct interest in the outcome of the matter under consideration might speak prior to Council members, if appropriate,⁹⁵ said he considered it logical that the representative of Iraq should have the opportunity to give the Council his views, together with the briefers at the meeting. In his opinion, the Council should have heard from the party having a direct interest, in this case Iraq, before members took the floor, as it would have given the Council a clearer view of the situation being discussed and allowed the

⁹⁴ For example, at the 5843rd meeting on 21 February 2008, concerning the situation in Timor-Leste, following a briefing by the Under-Secretary-General for Peacekeeping Operations, the representative of Timor-Leste spoke before Council members and other Member States invited under rule 37. At the 6024th meeting on 26 November 2008, on the situation concerning the Democratic Republic of the Congo, following a briefing by the Special Representative of the Secretary-General for the Democratic Republic of the Congo, the representative of the Democratic Republic of the Congo spoke before Council members and another representative invited under rule 37.

⁹⁵ S/2006/507.

Council to comply with its mandate in a more efficient and effective manner.⁹⁶

At that meeting, the representative of Iraq was invited under rule 37 and spoke after all Council members had spoken.⁹⁷

Case 7 The situation in Somalia

At the 6095th meeting, on 20 March 2009, concerning the situation in Somalia, following the briefings by the Special Representative of the Secretary-General for Somalia and the representative of Somalia, the President proposed to give the floor to the Commissioner for Peace and Security of the African Union, who had been invited under rule 39, to make a statement before the Council members. He emphasized that this was an exceptional proposal which should not be construed as setting a precedent. This was in view of the fact that the African Union was an important partner of the United Nations in the peace process in Somalia and had its peacekeeping mission there and that the information the Commissioner would be presenting was “complementary” to the two briefings the Council had heard.⁹⁸

In response, the representative of France expressed reservations concerning the motivation behind the decision. He observed that, given the important relations that the Security Council had with the African Union, it was entirely appropriate to “give due consideration” to the statements by representatives of the African Union. He would nonetheless have had objections to the change in procedure if it was not due to scheduling constraints on the part of the Commissioner. He added that he would have expressed “very serious reservations” if it had been argued that since it was a subject that concerned the African Union the floor would be given to a regional organization before it was given to the Security Council.⁹⁹

The Commissioner spoke immediately after this intervention which occurred before Council members made their statements.¹⁰⁰

⁹⁶ S/PV.5878, p. 20.

⁹⁷ *Ibid.*, pp. 22-25.

⁹⁸ S/PV.6095, pp. 6-7.

⁹⁹ *Ibid.*, p. 7.

¹⁰⁰ *Ibid.*, pp. 7-9.

VII. Participation

Note

The present section covers the practice of the Security Council in extending invitations to non-members of the Council to participate in Council proceedings. Articles 31 and 32 of the Charter and rules 37 and 39 of the provisional rules of procedure of the Security Council provide for invitations to be extended to non-members of the Council to participate, without vote, in specific circumstances.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

Rule 37

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.

Rule 39

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.

During the period 2008-2009, in line with its past practice, the Security Council extended invitations to participate in its meetings “under the relevant provisions of the Charter”, without explicitly referring to the relevant Articles, and under either rule 37 or rule 39 of the provisional rules of procedure. Member States continued to be invited under rule 37 while representatives of the Secretariat, subsidiary organs of the Security Council, United Nations organs, funds and programmes, specialized agencies, regional and other intergovernmental organizations, or other invitees, including representatives of non-governmental organizations, were invited under rule 39.

This section is organized under four main headings: A. Invitations extended under rule 37 (States Members of the United Nations); B. Invitations extended under rule 39 (members of the Secretariat or other persons); C. Invitations not expressly extended under rule 37 or rule 39; and D. Discussions relating to participation, which includes one case study.

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

1. Basis for invitations to Member States

In accordance with the relevant Articles and rules, all States, whether or not Members of the United Nations, can be invited to participate in Council meetings when (a) a State Member of the United Nations brings a matter to the attention of the Council in accordance with Article 35 (1) of the Charter (rule 37);¹⁰¹ (b) a Member State or a non-Member State is a party to a dispute under consideration by the Council (Article 32); and (c) the interests of a Member State are “specially affected” (Article 31 and rule 37).

2. Practice regarding invitations to Member States, 2008-2009

During the period under review, the procedure for extending invitations to Member States to participate in

¹⁰¹ For more information, see part VI, sect. I, with regard to referral of disputes or situations to the Security Council.

the Council's proceedings remained the same. Member States requested the invitations in letters addressed to the President of the Council, which were not issued as documents of the Council. At the beginning or during the course of Council meetings, the President informed the Council of the receipt of such letters and proposed that, with the consent of the Council, the invitations be extended "under the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure", without referring explicitly to the specific Articles. As controversial requests for invitations to Member States were discussed and agreed upon among Council members prior to the convening of the meeting, including, but not only, at informal consultations of the whole, invitations at Council meetings were extended as a matter of course and without discussion.

As in previous years, Member States invited under rule 37 sometimes spoke in other capacities, for example, on behalf of regional or international organizations or groups of States.¹⁰²

3. Renewal of invitations

Renewal of invitations to Member States was usually automatic if the meeting was resumed. Moreover, unless otherwise mentioned, invitations to Member States under rule 37 extended at the first of several consecutive meetings held concerning the same agenda item were automatically renewed at each of the meetings.¹⁰³

¹⁰² At the 5824th meeting, on 22 January 2008, the representative of Pakistan, invited under rule 37, spoke on behalf of the Organization of the Islamic Conference (OIC) (S/PV.5824 (Resumption 1), p. 4). At the 5834th meeting, on 12 February 2008, the representative of Iceland spoke on behalf of the five Nordic countries, Denmark, Finland, Iceland, Norway and Sweden (S/PV.5834, p. 28).

¹⁰³ At the 5921st meeting, held on 23 June 2008 concerning "Peace and security in Africa", the representative of Zimbabwe, who had been invited under rule 37 at the 5919th and 5920th (closed) meetings on the same item, was invited to take a seat at the Council table "pursuant to the decision taken at the 5919th meeting" (S/PV.5921, p. 2). Similarly, an invitation was extended to the representative of Chad at the 5981st meeting, held on 24 September 2008, on the basis of the invitation under rule 37 extended to him at the 5980th meeting (S/PV.5981, p. 2).

4. Complaints concerning requests for invitations denied or not acted upon

While there was no instance during the period under review where the request from a Member State to participate in a Council meeting was put to a vote or denied at a public meeting, there were a few occasions when Member States complained that their requests for participation in meetings were denied. For example, in his letter dated 26 September 2008 addressed to the President of the Security Council, the representative of Cuba, in his capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement, regretted that the Council had refused "once again" a "legitimate" request from the Movement to participate in the 5983rd meeting, held on that day, concerning the situation in the Middle East, including the Palestinian question. He held that the refusal had prevented the Movement from expressing its views and making proposals, as the issue discussed was of great relevance to the 118 States which made up the Movement, including the overwhelming majority of Middle Eastern States. The statement prepared by the Non-Aligned Movement for the 5983rd meeting was attached to the letter.¹⁰⁴

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

1. Basis for invitations to members of the Secretariat or other persons

In accordance with rule 39 of the provisional rules of procedure, "members of the Secretariat or other persons" are invited to supply the Council with information or give other assistance in examining matters within its competence.

Following past practice, invitations under rule 39 were extended to representatives of Member States on an exceptional basis, only if their participation was in a role other than as representative of their State, for example, as Chairpersons of the Peacebuilding Commission and its country-specific configurations.¹⁰⁵ The Council no longer invited its members under rule 39 in their role as heads of Security Council

¹⁰⁴ S/2008/625.

¹⁰⁵ See, for example, the 5860th meeting on 26 March 2008 and the 5889th meeting on 12 May 2008.

missions and Chairpersons of Security Council subsidiary bodies.¹⁰⁶

2. Practice concerning invitations under rule 39, 2008-2009

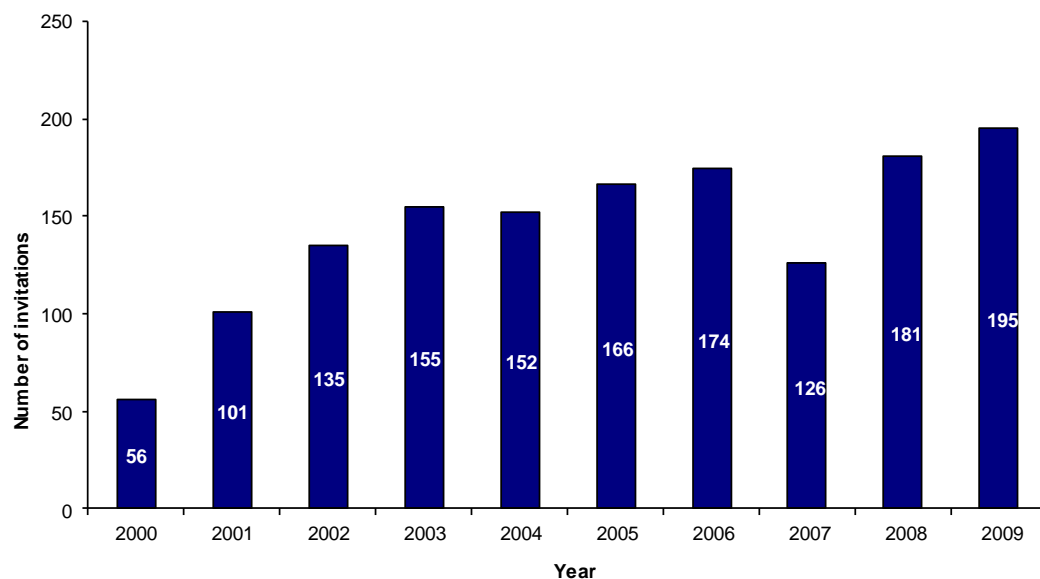
During the two years under review, a total of 376 invitations were extended under rule 39, 181 in 2008

¹⁰⁶ The Council had ceased to invite under rule 39 its members who served as heads of its missions and Chairpersons of Security Council subsidiary bodies since the 5315th meeting in 2005 and the 5601st meeting on 20 December 2006, respectively.

and 195 in 2009. The number of invitations extended under rule 39 jumped from 56 in 2000 to 195 in 2009, increasing nearly three and a half times.¹⁰⁷ The number of invitations under rule 39 in 2009 was the highest since 2000 (see figure V).

¹⁰⁷ For the list of invitees under rule 39 from 2000 to 2007, see chapter III, annex II, of Supplement 2000-2003 and Supplement 2004-2007 to the *Repertoire*.

Figure V
Invitations extended under rule 39, 2000-2009



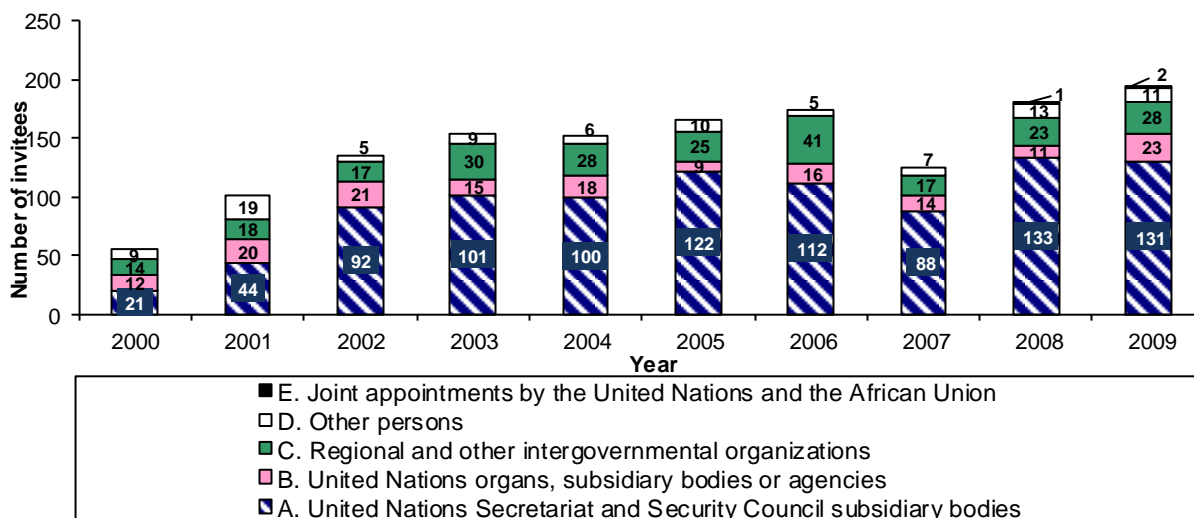
3. Invitees under rule 39 by category

The invitations under rule 39 during the period under review have been grouped into the following five categories, including a new category of joint appointments by the United Nations and the African Union which did not exist in the past: (a) United Nations Secretariat and Security Council subsidiary bodies; (b) United Nations organs, subsidiary bodies or agencies; (c) regional and other intergovernmental organizations; (d) other persons; and (e) joint appointments by the United Nations and the African Union.

The invitations extended to the category of the United Nations Secretariat and the Security Council subsidiary bodies continued to account for the highest proportion of the total number of invitations in both years under review, the number of which reached its highest in 2008 over the ten-year period (2000-2009). The invitations in this category jumped from 21 in 2000 to 133 in 2008 and 131 in 2009. For the breakdown of invitations by category from 2000 to 2009,¹⁰⁸ see figure VI.

¹⁰⁸ For the new category E, data is available only for 2008 and 2009.

Figure VI
Rule 39 invitees by category



4. First-time invitations under rule 39

During the period under review, 13 invitations were extended to participate for the first time in Council meetings under rule 39 (see table 12). Of those, three fell under the new category of joint appointments by the United Nations and the African Union. The representatives of the Holy See and the Sovereign Military Order of Malta were also invited under rule 39 for the first time.¹⁰⁹ In the past, the

representative of the Holy See had been invited to participate “in accordance with the understanding reached in prior consultations”, no rules or Articles being explicitly invoked.¹¹⁰ In the case of the representative of the Sovereign Military Order of Malta, the request for his participation at the 6216th meeting was made by the representative of Austria in a letter dated 10 November 2009.¹¹¹ This was the first time that an invitation had been extended to the representative of the Sovereign Military Order of Malta to participate in the Council proceedings since the Order was granted observer status at the United Nations in 1994.

¹⁰⁹ The first invitation under rule 39 to the representative of the Holy See was extended at the 6017th meeting, on 19 November 2008. The representative of the Sovereign Military Order of Malta was invited under rule 39 to participate in the 6216th meeting, on 11 November 2009.

¹¹⁰ See, for example, S/PV.4709 (Resumption 1), p. 2.

¹¹¹ S/PV.6216, p. 2.

Table 12
Invitations under rule 39, 2008-2009

<i>Category</i>	<i>Invitee</i>	<i>Meeting and date</i>	<i>Items</i>
United Nations Secretariat and Security Council subsidiary bodies	Special Adviser on the International Compact with Iraq and Other Issues	5910 13 June 2008	The situation concerning Iraq
	Chairman of the African Union-United Nations panel on modalities for support to African Union operations	6092 18 March 2009	Peace and security in Africa
	Director of United Nations Support Office for the African Union Mission in Somalia	6197 8 October 2009	The situation in Somalia
United Nations organs, subsidiary bodies or agencies	Secretary-General of the International Maritime Organization	6020 20 November 2008	The situation in Somalia
	Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East	6077 27 January 2009	The situation in the Middle East, including the Palestinian question
Regional and other intergovernmental organizations	General Manager of the Department of the Caribbean Countries of the Inter-American Development Bank	6101 6 April 2009	The question concerning Haiti
Other persons	Mr. Skender Hyseni	5944 25 July 2008	Security Council resolutions 1160 (1998) , 1199 (1998) , 1203 (1998) , 1239 (1999) and 1244 (1999)
	Permanent Observer of the Holy See to the United Nations	6017 19 November 2008	Maintenance of international peace and security
	Mr. Romano Prodi	6206 26 October 2009	Peace and security in Africa
	Minister for International Cooperation and Humanitarian Affairs of the Sovereign Military Order of Malta	6216 11 November 2009	Protection of civilians in armed conflict
Joint representative of the United Nations and the African Union	Joint African Union/United Nations Special Envoy	5872 22 April 2008	Reports of the Secretary-General on the Sudan

<i>Category</i>	<i>Invitee</i>	<i>Meeting and date</i>	<i>Items</i>
	Joint African Union-United Nations Special Representative for Darfur	6112 27 April 2008	Reports of the Secretary-General on the Sudan
	Joint African Union-United Nations Chief Mediator for Darfur	6227 30 November 2009	Reports of the Secretary-General on the Sudan

5. Other noteworthy invitations under rule 39

In 2008 and 2009, the Security Council continued the practice of extending invitations under rule 39 to representatives of Kosovo, under their names, in connection with the item entitled “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)”. Late in 2007, the Council extended the first formal invitation to Mr. Fatmir Sejdiu under rule 39 at a private meeting.¹¹² The Council invited Kosovo Albanian representatives under rule 39, under their names, eight times during the period under review.¹¹³ The first invitation to a Kosovo Albanian representative under rule 39 to participate in a public meeting was extended at the 5917th meeting, on 20 June 2008.¹¹⁴

6. Renewal of invitations extended under rule 39

As in the case of invitations extended under rule 37, the renewal of invitations under rule 39 was automatic if the meeting was resumed. Unless otherwise indicated, invitations extended at the first meeting of consecutive meetings concerning the same item were automatically renewed at each meeting without the need to invoke rule 39.¹¹⁵

¹¹² S/PV.5811, p. 2.

¹¹³ Mr. Hashim Thaçi was invited at the 5822nd (closed) and 5871st (closed) meetings, on 16 January and 21 April 2008, respectively. Mr. Fatmir Sejdiu was invited at the 5917th meeting, on 20 June 2008. Mr. Skender Hyseni was invited at the 5944th, 6025th, 6097th, 6144th and 6202nd meetings, on 25 July 2008, 26 November 2008, 23 March 2009, 17 June 2009 and 15 October 2009, respectively.

¹¹⁴ S/PV.5917, p. 2.

¹¹⁵ See, for example, the 6048th meeting, on 17 December

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

In 2008 and 2009, in addition to the invitations extended under rule 37 and rule 39 of provisional rules of procedure, the Security Council extended some invitations not expressly under rule 37 or rule 39 (see table 13).

Invitations to representatives of Palestine, who requested participation by means of letters, fell into this category, in accordance with past practice. They were invited to participate in the meeting “in accordance with the provisional rules of procedure and the previous practice in this regard” at 20 meetings during the two years under review.

There were two other instances in 2008-2009 when an invitation was extended without any rule being expressly invoked. At one meeting, on 21 January 2009, the Under-Secretary-General for Political Affairs, who delivered the statement of the Secretary-General, was not invited expressly under rule 39.¹¹⁶ At another meeting, on 29 April 2009, Grace Akallo, a former child soldier of Uganda, was not invited expressly under rule 39 when she spoke before the Council.¹¹⁷

2008, concerning the situation in the Middle East, at which the Commissioner of the International Independent Investigation Commission was invited “pursuant to the invitation extended at the 6047th meeting of the Council” (S/PV.6048, p. 2).

¹¹⁶ S/PV.6072, pp. 2-3. The Secretary-General was unable to deliver the statement and the Under-Secretary-General had to replace him at short notice.

¹¹⁷ S/PV.6114, pp. 10-11.

Table 13
Invitations not expressly extended under rule 37 or rule 39, 2008-2009

<i>Invitee</i>	<i>Meeting and date</i>	<i>Item</i>
Palestine ^a	5824 (22 January 2008), 5827 (30 January 2008)	The situation in the Middle East, including the Palestinian question
	5834 (12 February 2008)	Children and armed conflict
	5847 (1 March 2008), 5859 (25 March 2008)	The situation in the Middle East, including the Palestinian question
	5898 (27 May 2008)	Protection of civilians in armed conflict
	5940 (22 July 2008), 5983 (26 September 2008), 6030 (3 December 2008), 6049 (18 December 2008), 6060 (31 December 2008), 6061 (6 January 2009), 6063 (8 January 2009)	The situation in the Middle East, including the Palestinian question
	6066 (14 January 2009)	Protection of civilians in armed conflict
	6078 (closed) (29 January 2009)	Maintenance of international peace and security
	6100 (25 March 2009)	The situation in the Middle East, including the Palestinian question
	6151 (26 June 2009)	Protection of civilians in armed conflict
	6171 (27 July 2009), 6201 (14 October 2009)	The situation in the Middle East, including the Palestinian question
	6216 (11 November 2009)	Protection of civilians in armed conflict
Under-Secretary-General for Political Affairs	6072 (21 January 2009)	The situation in the Middle East, including the Palestinian question
Grace Akallo	6114 (29 April 2009)	Children and armed conflict

^a The representatives were at the level of the President or Minister for Foreign Affairs of the Palestinian National Authority, or Permanent Observer.

D. Discussions relating to participation

There was no formal discussion concerning invitations of Member States or individuals to participate in meetings in 2008 and 2009. However, during the meeting in 2008 concerning working methods of the Security Council, speakers engaged in

discussions underlining the importance of the participation of non-members of the Council, including Member States that were directly involved or specially affected, in the Council's discussions, including their right to speak (case 8).

Case 8
Implementation of the note by the President of
the Security Council (S/2006/507)

In the debate held on 27 August 2008 on the implementation of the note by the President of the Security Council dated 19 July 2006,¹¹⁸ a number of speakers stressed the need for the effective participation of non-Council members, including Member States that were directly involved or specifically affected, in discussions of the Council.¹¹⁹

The representative of Pakistan regretted that, while the Council was far from implementing Articles 31 and 32 of the Charter in the case of informal consultations, there had been instances in which the most directly concerned parties had been denied participation in open meetings.¹²⁰ Similarly, the representative of Cuba, speaking on behalf of the Non-Aligned Movement, maintained that the Council must comply with the provisions of Article 31 of the Charter which allowed any non-Council member to participate in discussions on matters affecting it. He further argued that it was necessary to increase the number of public meetings, in accordance with Articles 31 and 32, as those meetings provided real opportunities to take into account the views and contributions of all Member States, particularly the interests of non-Council members when issues concerning them were under discussion.¹²¹

Supporting the right of non-members of the Council to be invited to Council meetings, some speakers stressed the right of the invitees to be heard. The representative of Viet Nam commended the Council's commitment pursuant to paragraph 29 of the note by the President of 19 July 2006, stating that during the first six months of 2008 the concerned countries had spoken first on 25 occasions at 34 meetings.¹²² On the other hand, the representative of the Islamic Republic of Iran complained that on numerous occasions, the Council had failed to honour its responsibility with regard to "the rights of non-Council members", by refusing to allow non-Council members to participate

or brief the Council on matters affecting them and their interest, "in total disregard of Article 31". Furthermore, he expressed his dissatisfaction with the Council since on many occasions it had denied an opportunity to concerned countries to speak before a vote was taken, allowing them to speak only after the Council had taken a decision and its members had made their statements, despite the provision in paragraph 29 of the note by the President which stated that, when non-members were invited to speak to the Council, those who had a direct interest in the outcome of the matter under consideration might speak prior to Council members.¹²³

The representative of the Philippines demanded that Member States that were not members of the Security Council but were the subjects of the Council's scrutiny should have the right to appear before the Council at all stages of the proceedings concerning them to state or defend their positions on the issues. Calling it "a denial of due process" and "a violation of the basic principle of the rule of law", he argued that such participation by non-members of the Council was unfairly limited by rule 37, which allowed their participation only as a result of a Council decision and only when the Council considered that their interests were specially affected or when they brought a matter to the attention of the Council in accordance with Article 35 (1) of the Charter. He therefore recommended that rule 37 be amended to provide that such States had the right to be present and to be heard during all proceedings related to such scrutiny and in any subsequent action that might arise from there.¹²⁴

The representative of the Netherlands maintained that all States parties to or directly affected by a conflict on the Council's agenda, as well as relevant regional organizations, should have the right to speak before the Council and should be able to exercise that right by making a simple request to the Council which should be granted automatically. That right should also extend beyond the Council's subsidiary bodies and include the Security Council's plenary discussions, either in closed or open meetings, except for closed consultations on Council statements or resolutions. While arguing that non-State parties to a conflict should also be given the possibility to address the Council at their request, the representative of the

¹¹⁸ S/2006/507.

¹¹⁹ S/PV.5968, p. 8 (Croatia); p. 10 (France); S/PV.5968 (Resumption 1), p. 9 (Philippines); p. 12 (Islamic Republic of Iran); p. 17 (Austria); p. 20 (Netherlands); p. 24 (Pakistan); and p. 26 (Poland).

¹²⁰ S/PV.5968 (Resumption 1), p. 24.

¹²¹ S/PV.5968, p. 33.

¹²² S/PV.5968, p. 11.

¹²³ S/PV.5968 (Resumption 1), p. 12.

¹²⁴ *Ibid.*, p. 9.

Netherlands further opined that it must remain the Council's prerogative to decide which of those requests it would grant and in which specific situations. The Council might limit access to its deliberations to written contributions which should be all parties' basic right. This basic right could be denied only to those parties that had been blacklisted by the Council as terrorist organizations.¹²⁵

¹²⁵ Ibid., p. 20.

The representative of the United Kingdom proposed that the Informal Working Group on Documentation and Other Procedural Questions could consider the Council practice regarding the use of rule 39 of the provisional rules of procedure to allow parties to a conflict that were not Member States to take advantage of the scope offered by that rule.¹²⁶

¹²⁶ S/PV.5968, p. 18.

VIII. Decision-making and voting

Note

The present section examines the practice of the Security Council on decision-making, with a primary focus on Article 27 of the Charter of the United Nations and rule 40 of the provisional rules of procedure dealing with voting. It also deals with rules 31 and 32, 34-36 and 38, which govern the various aspects of voting on draft resolutions, amendments and substantive motions.

Article 27, together with rule 40, governs voting in the Council, providing that decisions on procedural matters require an affirmative vote of 9 out of 15 Council members and that decisions on substantive matters are made by an affirmative vote of nine Council members including all the permanent members. Rules 31, 32, 34-36 and 38 deal with the conduct of business in the context of voting: rule 31 concerns the introduction of proposed resolutions, amendments and substantive motions. Rules 32, 34, 36 and 38 specify the voting procedures, such as the order in which draft resolutions and amendments are put to a vote, separate voting on parts of a draft resolution or motions, seconding a draft resolution or motions, sponsorship by non-members of the Council, and withdrawal of draft resolutions.

Article 27

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of

nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

Rule 31

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

Rule 32

Principal motions and draft resolutions shall have precedence in the order of their submission.

Parts of a motion or of a draft resolution shall be voted on separately at the request of any representative, unless the original mover objects.

Rule 34

It shall not be necessary for any motion or draft resolution proposed by a representative on the Security Council to be seconded before being put to a vote.

Rule 35

A motion or draft resolution can at any time be withdrawn so long as no vote has been taken with respect to it.

If the motion or draft resolution has been seconded, the representative on the Security Council who has seconded it may require that it be put to the vote as his motion or draft resolution with the same right of precedence as if the original mover had not withdrawn it.

Rule 36

If two or more amendments to a motion or draft resolution are proposed, the President shall rule on the order in which they are to be voted upon. Ordinarily, the Security Council shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed until all amendments have been put to the vote, but when an amendment adds to or deletes from the text of a motion or draft resolution, that amendment shall be voted on first.

Rule 38

Any Member of the United Nations invited in accordance with the preceding rule, or in application of Article 32 of the Charter, to participate in the discussions of the Security Council may submit proposals and draft resolutions. These proposals and draft resolutions may be put to a vote only at the request of a representative on the Security Council.

Rule 40

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

During 2008-2009, rule 31 was routinely applied. As there were no instances of motions or amendments requiring voting, submission of competing draft resolutions, withdrawal of draft resolutions, or requests for separate voting on parts of a draft resolution, rules 32, 35 and 36 were not invoked during those two years.

This section, featuring six case studies, is organized under three main headings: A. Decisions of the Security Council in 2008 and 2009; B. Sponsorship in accordance with rule 38; C. Decision-making by voting; D. Decision-making without a vote; and E. Discussions concerning the decision-making process.

A. Decisions of the Security Council in 2008 and 2009

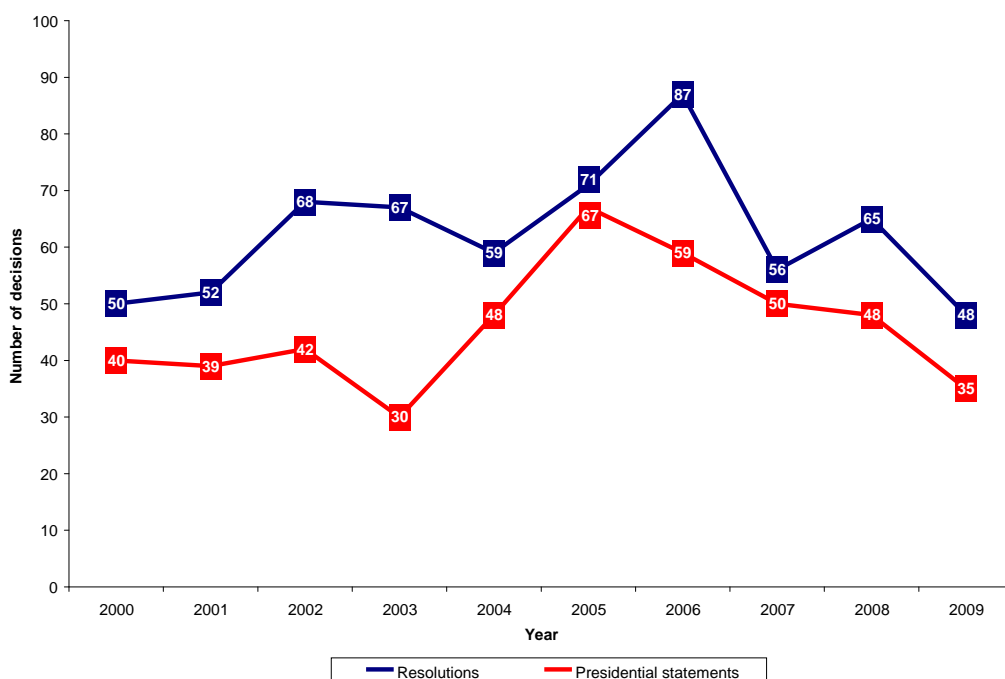
During the period under review, at its meetings, in addition to procedural decisions, the Security Council adopted resolutions and presidential statements. Decisions of the Council were also recorded in the form of notes or letters by the President of the Security Council which were issued as documents of the Council.¹²⁷

1. Resolutions and presidential statements: statistics

During the two-year period, the Security Council adopted 113 resolutions and 83 presidential statements. In 2009, 48 resolutions and 35 presidential statements were adopted, representing a significant drop in terms of the number of resolutions and presidential statements adopted annually since 2000 (see figure VII).

¹²⁷ For the texts of all resolutions, presidential statements and procedural decisions taken at Security Council meetings, and notes or letters issued by the President during the period under review, see the yearly volumes of *Resolutions and Decisions of the Security Council* (S/INF/63, S/INF/64 and S/INF/65).

Figure VII
Number of resolutions and presidential statements, by year, 2000-2009



2. Multiple decisions at one meeting

While the standard practice of the Council is to adopt a single decision at a meeting, there were five instances during this two-year reporting period when the Council took more than one decision at a single meeting. Four were in connection with the extension of the

mandate of the United Nations Disengagement Observer Force (UNDOF), as the Council had done in the past, and one related to the situation concerning the Democratic Republic of the Congo. In all five instances, a presidential statement was issued immediately following the adoption of a resolution (see table 14).

Table 14
Meetings at which more than one decision was taken, 2008-2009

Meeting and date	Item	Decisions
5828 30 January 2008	The situation concerning the Democratic Republic of the Congo	Resolution 1797 (2008) S/PRST/2008/2
5926 27 June 2008	The situation in the Middle East	Resolution 1821 (2008) S/PRST/2008/25
6039 12 December 2008	The situation in the Middle East	Resolution 1848 (2008) S/PRST/2008/46
6148 23 June 2009	The situation in the Middle East	Resolution 1875 (2009) S/PRST/2009/18
6241 16 December 2009	The situation in the Middle East	Resolution 1899 (2009) S/PRST/2009/34

B. Sponsorship in accordance with rule 38

A draft resolution may be submitted by any member of the Council. According to rule 38 of the provisional rules of procedure, a member of the United Nations which is not a member of the Council may also submit a proposal, but it can be put to the vote only at the request of a Council member. Those Member States which submit a draft resolution become sponsors/

co-sponsors of the draft resolution. A draft resolution can become a presidential text if all the Council members agree.

In 2008 and 2009, 115 draft resolutions in total were considered by the Council; 87 draft resolutions were sponsored texts, accounting for 76 per cent of the total, while 28 or 24 per cent of the total were presidential texts; 24 of the 87 draft resolutions were sponsored by non-Council members (see table 15).

Table 15

Draft resolutions sponsored by non-members of the Security Council, 2008-2009

<i>Draft resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Adopted resolution</i>	<i>Council member sponsors</i>	<i>Non-member sponsors</i>
S/2008/124	The situation in Timor-Leste	5844 25 February 2008	1802 (2008)	South Africa	Australia, New Zealand, Portugal
S/2008/284	The situation concerning Western Sahara	5884 30 April 2008	1813 (2008)	France, Russian Federation, United Kingdom, United States	Spain
S/2008/351	The situation in Somalia	5902 2 June 2008	1816 (2008)	Belgium, Croatia, France, Italy, Panama, United Kingdom, United States	Australia, Canada, Denmark, Greece, Japan, Netherlands, Norway, Republic of Korea, Spain
S/2008/403	Women and peace and security	5916 19 June 2008	1820 (2008)	Belgium, Burkina Faso, Costa Rica, Croatia, France, Italy, Panama, South Africa, United Kingdom, United States	Armenia, Australia, Austria, Bulgaria, Canada, Chile, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Ireland, Israel, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Nigeria, Norway, Poland, Portugal, Republic of Korea, Romania,

Part II. Provisional rules of procedure and related procedural developments

<i>Draft resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Adopted resolution</i>	<i>Council member sponsors</i>	<i>Non-member sponsors</i>
					San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Republic of Tanzania
S/2008/447	Peace and security in Africa	5933 11 July 2008	Not adopted owing to negative votes of China and Russian Federation	Belgium, Croatia, France, Italy, United Kingdom, United States	Australia, Canada, Liberia, Netherlands, New Zealand, Sierra Leone
S/2008/624	Non-proliferation	5984 27 September 2008	1835 (2008)	Belgium, China, Croatia, France, Italy, Russian Federation, United Kingdom, United States	Germany
S/2008/633	The situation in Somalia	5987 7 October 2008	1838 (2008)	Belgium, Croatia, France, Italy, Panama, United Kingdom, United States	Canada, Denmark, Greece, Japan, Lithuania, Malaysia, Netherlands, Norway, Portugal, Republic of Korea, Singapore, Spain
S/2008/642	The question concerning Haiti	5993 14 October 2008	1840 (2008)	Belgium, Costa Rica, Croatia, France, Italy, Panama, United States	Argentina, Brazil, Canada, Chile, Ecuador, Guatemala, Mexico, Paraguay, Peru, Spain, Uruguay
S/2008/720	The situation in Bosnia and Herzegovina	6021 20 November 2008	1845 (2008)	Belgium, Croatia, France, Italy, Russian Federation, United Kingdom, United States	Germany

Repertoire of the Practice of the Security Council, 2008-2009

<i>Draft resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Adopted resolution</i>	<i>Council member sponsors</i>	<i>Non-member sponsors</i>
S/2008/748	The situation in Somalia	6026 2 December 2008	1846 (2008)	Belgium, Croatia, France, Italy, United Kingdom, United States	Australia, Canada, Denmark, Greece, Japan, Malaysia, Netherlands, Norway, Portugal, Republic of Korea, Singapore, Spain, Ukraine
S/2008/789	The situation in Somalia	6046 16 December 2008	1851 (2008)	Belgium, Croatia, France, Panama, United States	Greece, Liberia, Republic of Korea, Spain
S/2009/37	The situation in Somalia	6068 16 January 2009	1863 (2009)	Burkina Faso, Libyan Arab Jamahiriya, Turkey, Uganda, United States	Burundi, Italy
S/2009/111	The situation in Timor-Leste	6086 26 February 2009	1867 (2009)	France, Japan, Turkey, United Kingdom, United States	Australia, Malaysia, New Zealand, Portugal
S/2009/154	The situation in Bosnia and Herzegovina	6099 25 March 2009	1869 (2009)	Austria, Croatia, France, Russian Federation, Turkey, United Kingdom, United States	Germany, Italy
S/2009/224	The situation concerning Western Sahara	6117 30 April 2009	1871 (2009)	France, Russian Federation, United Kingdom, United States	Spain
S/2009/301	Non-proliferation/ Democratic People's Republic of Korea	6141 12 June 2009	1874 (2009)	France, Japan, United Kingdom, United States	Republic of Korea
S/2009/310	The situation in Georgia	6143 15 June 2009	Not adopted owing to negative vote of Russian Federation	Austria, Croatia, France, Turkey, United Kingdom, United States	Germany

Part II. Provisional rules of procedure and related procedural developments

<i>Draft resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Adopted resolution</i>	<i>Council member sponsors</i>	<i>Non-member sponsors</i>
S/2009/399	Children and armed conflict	6176 4 August 2009	1882 (2009)	Austria, Burkina Faso, Costa Rica, Croatia, France, Japan, Mexico, Turkey, United Kingdom, United States	Argentina, Australia, Belgium, Benin, Canada, Chile, Comoros, Côte d'Ivoire, Czech Republic, Denmark, Finland, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Kazakhstan, Latvia, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Peru, Portugal, Republic of Korea, Rwanda, Slovenia, South Africa, Spain, Sweden, Switzerland, United Republic of Tanzania, Uruguay
S/2009/489	Women and peace and security	6195 30 September 2009	1888 (2009)	Austria, Burkina Faso, Costa Rica, Croatia, France, Japan, Mexico, Turkey, United Kingdom, United States	Albania, Argentina, Armenia, Australia, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Côte d'Ivoire, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Estonia, Finland, Georgia, Germany, Ghana, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Latvia, Liberia, Liechtenstein, Lithuania,

Repertoire of the Practice of the Security Council, 2008-2009

<i>Draft resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Adopted resolution</i>	<i>Council member sponsors</i>	<i>Non-member sponsors</i>
					Luxembourg, Malta, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, Rwanda, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Republic of Tanzania
S/2009/500	Women and peace and security	6196 5 October 2009	1889 (2009)	Austria, Burkina Faso, Costa Rica, Croatia, France, Japan, Mexico, Turkey, Uganda, United Kingdom, United States, Viet Nam	Cambodia, Finland, India, Italy, Lao People's Democratic Republic, Norway, Philippines, Singapore, South Africa
S/2009/530	The question concerning Haiti	6200 13 October 2009	1892 (2009)	Austria, Burkina Faso, Costa Rica, Croatia, France, Japan, Mexico, Turkey, Uganda, United Kingdom, United States, Viet Nam	Argentina, Brazil, Canada, Chile, Colombia, Guatemala, Peru, Spain, Uruguay

**Part II. Provisional rules of procedure and
related procedural developments**

<i>Draft resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Adopted resolution</i>	<i>Council member sponsors</i>	<i>Non-member sponsors</i>
S/2009/582	Protection of civilians in armed conflict	6216 11 November 2009	1894 (2009)	Austria, Burkina Faso, Costa Rica, Croatia, France, Japan, Mexico, United Kingdom, United States	Azerbaijan, Belgium, Benin, Canada, Cyprus, Czech Republic, Estonia, Finland, Germany, Greece, Italy, Liechtenstein, Lithuania, Luxembourg, Netherlands, Norway, Republic of Moldova, Slovakia, Slovenia, Sweden, Switzerland, United Republic of Tanzania
S/2009/591	The situation in Bosnia and Herzegovina	6220 18 November 2009	1895 (2009)	Austria, Croatia, France, Russian Federation, Turkey, United Kingdom, United States	Germany, Italy
S/2009/607	The situation in Somalia	6226 30 November 2009	1897 (2009)	France, Russian Federation, Turkey, United Kingdom, United States	Belgium, Bulgaria, Canada, Cyprus, Denmark, Germany, Greece, Italy, Liberia, Luxembourg, Marshall Islands, Netherlands, Norway, Panama, Portugal, Republic of Korea, Republic of Moldova, Romania, Seychelles, Singapore, Somalia, Spain, Sweden, Ukraine

On one occasion, a delegation called for amending rule 38 of the provisional rules of procedure to eliminate the requirement of endorsement by a Council member to bring to a vote a draft resolution sponsored by non-Council members (case 9).

Case 9

Implementation of the note by the President of the Security Council (S/2006/507)

At the 5968th meeting, on 27 August 2008, under the item entitled “Implementation of the note by the President of the Security Council (S/2006/507)”, the representative of the Philippines argued that Member States that were not members of the Council but were the subjects of the Council’s scrutiny should have the right to appear before the Council at all stages of the proceedings concerning them to state or defend their positions. He held that such participation was currently “unfairly limited” by rules 37 and 38 of the provisional rules of procedure. Citing rule 38, he stated that, while any Member State that was invited to participate under rule 37 or in application of Article 32 of the Charter might submit proposals and draft resolutions, those proposals or draft resolutions could be put to a vote only at the request of a Council member. If the sponsoring State had no friends in the Council, the right to make proposals was rendered meaningless, making the proposal or draft resolution an exercise in futility. He, therefore, recommended that rule 38 be amended to provide that proposals or draft resolutions submitted by such a State be discussed, acted upon and put to a vote by the Security Council without a prior request from a Council member.¹²⁸

C. Decision-making by voting

According to Article 27 (2) and 27 (3) of the Charter, Security Council decisions “on procedural

¹²⁸ S/PV.5968 (Resumption 1), p. 9; see also sect. VII above, case 8.

matters” shall be made by an affirmative vote of nine Council members, while an affirmative vote of nine Council members “including the concurring votes of the permanent members” is required for decisions on “all other matters”, that is, non-procedural matters. Most votes in the Council do not indicate by themselves whether the Council considers the matter voted upon to be procedural or substantive. This is particularly the case when a proposal is adopted by a unanimous vote; when all permanent members vote in favour of a proposal; or when a proposal fails to obtain the necessary nine votes in its favour. However, in the instances when a proposal obtains nine or more votes, with one or more permanent members casting a negative vote, and the proposal is adopted, it indicates that the matter considered by the Council is procedural. If the proposal is not adopted, that indicates that the matter is substantive. On certain occasions, in its early years, the Council found it necessary to decide, by vote, the question whether the matter under consideration was procedural within the meaning of Article 27 (2), which has come to be termed, after the language used in the San Francisco Statement on Voting Procedure, “the preliminary question”. In recent years, however, the Council has not had occasion to examine the preliminary question. Furthermore, procedural motions such as the adoption of the agenda, the extension of invitations to participants and the suspension or adjournment of a meeting were regularly approved by the Council without a vote and, when such motions were voted upon, they were treated as procedural matters. That continued to be the case in 2008 and 2009: no instances of voting on procedural matters were found in those two years.

1. Adoption of resolutions

During the period 2008-2009, the vast majority of resolutions — 106 out of 113 resolutions or 94 per cent — were adopted unanimously. Seven resolutions that were not adopted unanimously are listed in table 16.

Table 16
Resolutions not adopted unanimously, 2008-2009

<i>Resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Vote (for-against-abstaining)</i>	<i>Negative vote</i>	<i>Abstention</i>
1803 (2008)	Non-proliferation	5848 3 March 2008	14-0-1		Indonesia
1828 (2008)	Reports of the Secretary-General on the Sudan	5947 31 July 2008	14-0-1		United States
1850 (2008)	The situation in the Middle East, including the Palestinian question	6045 16 December 2008	14-0-1		Libyan Arab Jamahiriya
1860 (2009)	The situation in the Middle East, including the Palestinian question	6063 8 January 2009	14-0-1		United States
1873 (2009)	The situation in Cyprus	6132 29 May 2009	14-1-0	Turkey	
1898 (2009)	The situation in Cyprus	6239 14 December 2009	14-1-0	Turkey	
1907 (2009)	Peace and security in Africa	6254 23 December 2009	13-1-1	Libyan Arab Jamahiriya	China

2. Rejection of draft resolutions

According to Article 27 (3) of the Charter, a draft resolution on non-procedural matters is not adopted when it fails to obtain the necessary nine votes in favour or when a permanent member casts a negative vote. During the period 2008-2009, while there were

no instances of rejection of draft resolutions for lack of sufficient, that is, nine affirmative votes, two draft resolutions were rejected because of the negative vote of a permanent member (see table 17). Illustrated below are the interpretation of the use of the right of veto and related proposals made by Member States during the debate on working methods (case 10).

Table 17
Draft resolutions not adopted because of the negative vote of a permanent member, 2008-2009

<i>Draft resolution</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Vote (for-against-abstaining)</i>	<i>Permanent member(s) casting a negative vote</i>
S/2008/447	Peace and security in Africa	5933 11 July 2008	9-5-1	China, Russian Federation
S/2009/310	The situation in Georgia	6143 15 June 2009	10-1-4	Russian Federation

Case 10
Implementation of the note by the President of the Security Council (S/2006/507)

At the open debate concerning working methods of the Security Council, held on 27 August 2008 under the item entitled “Implementation of the note by the President of the Security Council (S/2006/507)”, a few speakers held that permanent members should not cast negative votes in the event of genocide, crimes against humanity and grave violations of international humanitarian law.¹²⁹ The representative of Cuba, speaking on behalf of the Non-Aligned Movement, reiterated the need to reform and democratize the decision-making process of the Council, including limiting and curtailing the use of the veto, with a view to its eventual elimination.¹³⁰ Similarly, the representative of Egypt added that the right of veto should not be used in connection with efforts to halt hostilities between warring parties.¹³¹

The representative of Canada held that the veto was not, and had never been meant to be, a “tool to avoid debate on certain issues”, although there had been several occasions in the recent past when the spectre of the veto had the effect of dampening debate and delaying much-needed action. For that reason, he proposed that any use of the veto should be publicly explained and justified.¹³²

The representative of Argentina voiced concern over the use of the veto, arguing that its use or the threat of its use operated as a procedural device when permanent members pursued their national interests, a process that affected both the working methods and the effectiveness of the Council in achieving its objective of enforcing international peace and security.¹³³

3. Abstention, non-participation or absence

In accordance with Article 27 (3), a party to a dispute under the scrutiny of the Council shall abstain

from voting in decisions under Chapter VI of the Charter. Such abstention is called an obligatory abstention, while abstention otherwise than in accordance with the proviso to Article 27 (3) is categorized as a voluntary abstention. During the period 2008-2009, there was no obligatory abstention. As shown in table 16, there were five voluntary abstentions by Council members. Among them, there were three cases in which a permanent member voluntarily abstained from voting. It should be noted, however, that the abstention of a permanent member did not prevent the adoption of these draft resolutions.

In 2008 and 2009, there were no instances of non-participation by any Council members, nor any instances in which votes were taken in their absence.

D. Decision-making without a vote

During the period 2008-2009, there was no instance of a resolution being adopted without a vote; all 113 resolutions were adopted by a show of hands. In accordance with the past practice of the Council, no votes were taken on decisions in the form of statements by the President on behalf of the Security Council, which required consensus to be adopted. A total of 83 presidential statements issued in 2008 and 2009 were all read out at the meetings.

Concerning notes or letters by the President of the Security Council issued during the period under review, no votes were taken on them and many were simply issued as documents of the Council.¹³⁴ In accordance with past practice, there were two occasions during the period 2008-2009 on which the issuance of the notes was announced at formal meetings. On both occasions, the President, by the notes, informed the Council that the draft report of the Security Council to the General Assembly had been adopted without a vote (see table 18).

¹²⁹ S/PV.5968, p. 25 (Switzerland, on behalf Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland); S/PV.5968 (Resumption 1), p. 3 (Egypt); and p. 10 (Canada).

¹³⁰ S/PV.5968, p. 33.

¹³¹ S/PV.5968 (Resumption 1), p. 3.

¹³² *Ibid.*, p. 10.

¹³³ *Ibid.*, p. 16.

¹³⁴ For the full list of notes by the President of the Security Council issued in 2008 and 2009, see part I of the reports of the Security Council to the General Assembly at its sixty-third, sixty-fourth and sixty-fifth sessions (A/63/2, A/64/2 and A/65/2). For the full list of letters from the President issued in 2008 and 2009, see appendix IV of those reports.

Table 18
Notes by the President announced at formal meetings, 2008-2009

<i>Meeting</i>	<i>Date</i>	<i>Item</i>	<i>Note by the President</i>
6007	30 October 2008	Consideration of the draft report of the Security Council to the General Assembly	S/2008/678
6210	29 October 2009	Consideration of the draft report of the Security Council to the General Assembly	S/2009/559

E. Discussions concerning the decision-making process

In 2008, 14 years after the Security Council held the first debate on its working methods,¹³⁵ the Council held a second debate on the same subject, during which the decision-making process of the Council was one of many issues discussed (see case 11). Three other case studies include material (a) underlining the need for a transparent decision-making process in negotiating the terms of reference of Security Council missions (case 12); (b) illustrating a call for full participation of all Council members in the decision-making process leading up to the adoption of a resolution (case 13); and (c) concerning the negotiation process on a draft resolution in the context of the situation concerning Western Sahara (case 14).

Case 11 Implementation of the note by the President of the Security Council ([S/2006/507](#))

The concept paper¹³⁶ for the debate under the item entitled “Implementation of the note by the President of the Security Council ([S/2006/507](#))”, recalled paragraph 42 of the annex to the note by the President, which expressed the commitment of Council members, when drafting resolutions, presidential statements and press statements, as appropriate, to informally consult with the broader United Nations membership, in particular interested Member States, including countries directly involved or specifically affected, neighbouring States and countries with particular contributions to make, as well as with regional organizations and groups of friends.

At the 5968th meeting, on 27 August 2008, in connection with the availability of draft decisions to non-Council members, a number of delegations emphasized the need for Council members to share such draft documents more frequently and systematically with non-members, preferably as soon as they had been introduced in informal consultations.¹³⁷

The representative of Tonga, speaking on behalf of the Pacific Islands Forum, held that draft resolutions and statements circulated among Council members were often trimmed and edited before reaching informal consultations and summaries of those discussions were not readily available to non-members. He argued that such a practice made it hard for non-members to be readily informed of the Council’s work and to provide meaningful input into the process, even in rare opportunities such as open debates.¹³⁸ In a similar vein, the representative of the Islamic Republic of Iran opined that despite paragraph 42 of the note by the President, interested Member States, including those directly involved or specifically affected countries, were “kept totally uninformed” of the negotiations on draft decisions directly affecting them, let alone being asked for their views on such decisions.¹³⁹ Other speakers also called for the inclusion of the views and concerns of non-members of the Council, particularly of concerned and affected States, and regional organizations, in the drafting and negotiation process.¹⁴⁰ The representative of Costa Rica stated that a decision-making process that did not include transparent and direct communication of the Council, as a whole, with interested parties, could

¹³⁵ 3483rd meeting, on 16 December 1994, under the item entitled “Security Council working methods and procedure”.

¹³⁶ [S/2008/528](#).

¹³⁷ [S/PV.5968](#), p. 28 (Iceland, on behalf of the five Nordic countries, Denmark, Finland, Iceland, Norway and Sweden); p. 29 (New Zealand); and p. 34 (Brazil).

¹³⁸ [S/PV.5968](#) (Resumption 1), p. 22.

¹³⁹ *Ibid.*, pp. 11-12.

¹⁴⁰ *Ibid.*, p. 3 (Egypt); p. 5 (Belarus); p. 10 (France); p. 13 (Ecuador); p. 17 (Austria); and p. 26 (Poland).

not be considered legitimate.¹⁴¹ The representative of Austria was of the view that, as the effectiveness of the implementation of Council decisions depended on participation by Member States, the legitimacy of those decisions might depend on the participation of Member States through their involvement in the decision-making process, particularly when the Council adopted a resolution of a legislative character under Chapter VII of the Charter.¹⁴²

With regard to the drafting process of decisions and circulation of texts among Council members, the representative of China held that such texts should be circulated to all as soon as possible, to allow Council members enough time to consult their capitals.¹⁴³ The representative of Burkina Faso, citing the note by the President issued in 1999,¹⁴⁴ which recommended that all Council members should be able to fully participate in the drawing up of Council decisions and have sufficient time for doing so, stressed that submitting the texts of draft decisions just before the deadline for their adoption, even if they were supported by groups of friends or other external partners, was “a practice to be avoided”. He further held that the Council should use the groups of friends as little as possible as they could hinder transparency and lead to frustration.¹⁴⁵ Expressing similar concern about the role of the groups of friends and contact groups in drafting process, the representative of South Africa argued that those small groups drew on Member States from outside the Council, mostly or entirely developed countries, usually operated in secrecy, and often imposed their views on the rest of the Council membership by drafting resolutions that the Council was then expected to endorse “without any further discussion”. He added that the Council’s work with such groups was an innovative and useful tool for reaching out to and consulting with the broader membership, but these innovations were beneficial only if they complemented the work of the Council in an open, accountable and transparent manner.¹⁴⁶

In terms of the process of finalizing decisions, the representative of Belarus proposed separating, in time, open meetings and the adoption of decisions by their

outcomes so that the results of the discussion could be reflected in the outcome decisions, therefore providing “genuine, and not just nominal, evidence of the Council’s greater openness”. He regretted that under the current practice of organizing open meetings, non-members of the Council had the right to address the Council but, in theory, no opportunity to have any impact on a Council decision.¹⁴⁷ In connection with interaction and consultations with troop-contributing countries, several speakers went further, to stress the need and importance of inputs from troop-contributing countries in decision-making, in particular, relating to the establishment, renewal and modification of the mandates of the relevant missions and in cases of deterioration of the situations.¹⁴⁸ The representative of India pointed out, as one of the problems besetting the Council, that troop-contributing countries had long sought to be involved in decision-making in peacekeeping operations, rather than being consulted in a pro forma manner.¹⁴⁹ The representative of Uruguay, echoed by the representative of Jordan, stated that troop-contributing countries wanted to have a “real” opportunity to express their views in instances where mandate changes were under discussion, given the possible consequences for their forces, including their safety and security. They considered it appropriate that meetings with troop-contributing countries be held with sufficient notice, and that those consultations be reflected in Council decisions.¹⁵⁰

Case 12 Security Council mission

At the 6131st meeting, on 28 May 2009, concerning the Security Council mission to Africa conducted from 14 to 21 May 2009, the representative of Costa Rica commented that some of the terms of reference were adopted very shortly before the departure date. Citing his experience with preparations for the Council mission to Haiti earlier that year, he opined that its terms of reference had been agreed upon in a transparent process of early negotiation, through broad

¹⁴¹ S/PV.5968, p. 14.

¹⁴² S/PV.5968 (Resumption 1), p. 17.

¹⁴³ S/PV.5968, p. 6.

¹⁴⁴ S/1999/165.

¹⁴⁵ S/PV.5968, p. 18.

¹⁴⁶ *Ibid.*, p. 15.

¹⁴⁷ S/PV.5968 (Resumption 1), p. 5.

¹⁴⁸ S/PV.5968, p. 4 (Indonesia); p. 25 (Switzerland, on behalf of Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland); pp. 31-32 (Uruguay); p. 36 (Jordan); S/PV.5968 (Resumption 1), p. 10 (Canada); p. 13 (Ecuador); p. 19 (Republic of Korea); and p. 24 (Pakistan).

¹⁴⁹ S/PV.5968 (Resumption 1), p. 18.

¹⁵⁰ S/PV.5968, pp. 31-32 (Uruguay); and p. 36 (Jordan).

participation of all the delegations and with adequate time for discussion. On the other hand, although most of the suggestions were ultimately accepted, the process of preparing for the terms of reference for the Council mission to Africa did not benefit from transparency or the necessary time for reflection. He held that the situation occurred because Council missions were ruled by unwritten regulations that could be interpreted arbitrarily, and that should end.¹⁵¹

Case 13
Non-proliferation/Democratic People's Republic of Korea

At the 6141st meeting, on 12 June 2009, after the unanimous adoption of resolution 1874 (2009) by which, inter alia, the Council condemned the nuclear test conducted by the Democratic People's Republic of Korea on 25 May 2009, the representative of Mexico pointed out that the fuller and more cohesive the participation of the Council members, the stronger the message of the resolution. He emphasized that addressing issues of international security — non-proliferation, nuclear disarmament and the use of nuclear energy for peaceful purposes — could not be the monopoly of a group of States. Indeed, since it concerned the whole international community and the Security Council acted on behalf of the Member States in accordance with the Charter, every member of the Council, not just a few of them, had the responsibility to actively participate in seeking resolutions to those issues that jeopardized the maintenance of international peace and security.¹⁵²

¹⁵¹ S/PV.6131, p. 7.

¹⁵² S/PV.6141, p. 5.

Case 14
The situation concerning Western Sahara

At the 5884th meeting, on 30 April 2008, before the voting on the draft resolution¹⁵³ on the situation concerning Western Sahara, the representative of Costa Rica expressed his concern at the manner in which the draft resolution had been negotiated. Regretting that the proposals of his delegation to include a reference to the human rights component and respect for international law were not reflected, he was concerned that the Group of Friends had sidelined the members of the Security Council in preparing the texts of draft resolutions and in consensus-building. He warned that such a negotiation process would harm the Council's legitimacy and transparency. He stated that those proposals were withdrawn by his delegation before the voting only to maintain the unity of the Council.¹⁵⁴

The representative of South Africa added that the Group of Friends had once again failed to be receptive to any substantial changes to the text that had initially been agreed to by the Group. He pointed out that the Group of Friends was not interested in genuinely negotiating with the Security Council on the text. He regretted that through this process the Security Council, which bore the primary responsibility for the maintenance of international peace and security under the Charter, was undermined by a group of like-minded countries and individuals who chose to determine the fate of the people of Western Sahara.¹⁵⁵

¹⁵³ S/2008/251.

¹⁵⁴ S/PV.5884, p. 3.

¹⁵⁵ Ibid., p. 4.

IX. Languages

Rules 41-47, covered in section IX, concern the official and working languages of the Security Council, interpretation and the languages of meeting records and published resolutions and decisions.

Rule 41

Arabic, Chinese, English, French, Russian and Spanish shall be both the official and the working languages of the Security Council.

Rule 42

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

Rule 43

[Deleted]

Rule 44

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

Rule 45

Verbatim records of meetings of the Security Council shall be drawn up in the languages of the Council.

Rule 46

All resolutions and other documents shall be published in the languages of the Security Council.

Rule 47

Documents of the Security Council shall, if the Security Council so decides, be published in any language other than the languages of the Council.

During the period under review, rules 41-47 were consistently applied. There were several meetings at which speakers delivered their statements in a language other than the six official languages of the Security Council in accordance with rule 44.¹⁵⁶

¹⁵⁶ For example, at the 5930th meeting, on 9 July 2008, concerning the situation in Afghanistan, the Foreign Minister of Afghanistan spoke in Dari (S/PV.5930, p. 8) and at the 6191st meeting, on 24 September 2009, concerning the maintenance of international peace and security, the President of Croatia and the Prime Minister of Turkey spoke in Croatian and Turkish, respectively, and English texts were provided by the delegations (S/PV.6191, p. 5 and p. 16).

X. Provisional status of the rules of procedure

Note

Although Article 30 of the Charter provides that the Security Council shall adopt its own rules of procedure, since the adoption of the provisional rules of procedure at its first meeting, held on 17 January 1946, the Council has continued to use its provisional rules of procedure, as last amended in 1982.¹⁵⁷ This section covers relevant discussions in the Council concerning the provisional status of the rules of procedure.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

¹⁵⁷ The provisional rules of procedure of the Security Council were amended 11 times between 1946 and 1982: five times during its first year, at the 31st, 41st, 42nd, 44th and 48th meetings, on 9 April, 16 and 17 May and 6 and 24 June 1946; twice in its second year, at the 138th and 222nd meetings, on 4 June and 9 December 1947; at the 468th meeting on 28 February 1950; 1463rd meeting, on 24 January 1969; 1761st meeting, on 17 January 1974; and 2410th meeting, on 21 December 1982. The provisional rules have been issued under the symbol S/96 and Rev.1-7, the latest version under the symbol S/96/Rev.7.

Discussions concerning the provisional status of the rules of procedure

During the period, there was one meeting on the topic of working methods of the Council at which speakers touched upon the issue of the provisional status of the rules of procedure of the Council (see case 15).

Case 15 Implementation of the note by the President of the Security Council (S/2006/507)

At the 5968th meeting, on 27 August 2008, on the item entitled "Implementation of the note by the President of the Security Council" (S/2006/507), a few speakers touched upon the provisional status of the rules of procedure of the Security Council.¹⁵⁸

¹⁵⁸ S/PV.5968, p. 7 (Libyan Arab Jamahiriya); p. 15 (South Africa); p. 19 (Burkina Faso); p. 33 (Cuba, on behalf of the Non-Aligned Movement); S/PV.5968 (Resumption 1), pp. 8-9 (Philippines); and p. 18 (India).

The representative of the United States said that the Council took seriously the Charter mandate in Article 30 that it should adopt its rules of procedure.¹⁵⁹

In the view of the representative of South Africa, although the Council in recent years had adopted various measures aimed at improving its working methods, as long as the rules of procedure remained provisional, those changes would always seem “inadequate”.¹⁶⁰ Some speakers called for a formal adoption of the rules of procedure that had remained provisional for over 60 years.¹⁶¹ The representative of Cuba, speaking on behalf of the Non-Aligned Movement, added that formalization of the rules would improve the Council’s transparency and accountability.¹⁶² The representative of the Philippines

opined that, given that there had been only six revisions to the rules in 62 years, the rules of procedure had gained a very high degree of permanency. The Security Council was the only principal organ of the United Nations which had retained or maintained provisional rules of procedure. The provisional character of the 62-year-old rules of procedure of the Council appeared to be a conundrum in judicial practice. Therefore, he pressed the Council to adopt formal rules of procedure as part of its commitment to the rule of law.¹⁶³ The representative of Austria¹⁶⁴ referred to the report on the United Nations Security Council and the rule of law, prepared by the Austrian Initiative, in which the Council’s continued reliance on provisional rules of procedure, rather than its adopting formal rules under Article 30 of the Charter, was considered to be a small and easily-remedied example of ongoing indeterminacy in the work of an important institution.¹⁶⁵

¹⁵⁹ S/PV.5968, p. 10.

¹⁶⁰ *Ibid.*, p. 15.

¹⁶¹ *Ibid.*, p. 19 (Burkina Faso); p. 33 (Cuba, on behalf of the Non-Aligned Movement); S/PV.5968 (Resumption 1), pp. 8-9 (Philippines).

¹⁶² S/PV.5968, p. 33. The same position was reiterated in the final document of the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, held at Sharm el-Sheikh from 11 to 16 July 2009 (S/2009/514, para. 66.9).

¹⁶³ S/PV.5968 (Resumption 1), p. 9.

¹⁶⁴ *Ibid.*, p. 16.

¹⁶⁵ S/2008/270, annex, para. 13.

Part III

Purposes and principles of the Charter of the United Nations

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Introductory note

Part III covers the consideration by the Security Council of Articles contained in Chapter I of the Charter of the United Nations pertaining to the purposes and principles of the United Nations, namely Articles 1 (2), 2 (4), 2 (5) and 2 (7), and is accordingly divided into four sections. In section I, material is considered relating to the self-determination of peoples according to Article 1 (2); section II covers material pertaining to the non-threat or non-use of force as enshrined in Article 2 (4); section III looks at the obligation to refrain from assisting a target of the Council's enforcement action as stipulated in Article 2 (5); section IV deals with the Council's consideration of the principle of non-intervention by the United Nations as regulated in Article 2 (7).

Each section is introduced with a note which gives a general explanation of the arrangement of the material contained in the section in relation to the practice of the Council. The note also gives a brief overview of the main aspects of Council practice and noteworthy developments during the two-year period under review and draws attention to the case studies, if any, in the section. Following the note, material selected to illustrate how the provisions of the relevant Articles were interpreted and applied in decisions and deliberations of the Council is presented.

During the two-year period 2008 to 2009, the Security Council deliberated the unilateral declaration of independence by the Kosovo Assembly, which had a bearing on the interpretation of the purpose enshrined in Article 1 (2) (case 1) as well as on the principle contained in Article 2 (4) (case 5), the latter in relation to respect for territorial integrity. In connection with Article 2 (4), the use of force by one State against another was extensively discussed under two items, namely, "Peace and security in Africa" in relation to the border dispute between Djibouti and Eritrea (case 3) and "The situation in Georgia" (case 4).

With regard to Article 2 (7), the principle of non-intervention by the United Nations in the internal affairs of States was discussed equally in the context of country-specific situations, particularly, under "Peace and security in Africa", in relation to the situation in Zimbabwe (case 6), and in the context of thematic issues, prominently under "Protection of civilians in armed conflict" (case 7).

I. The principle of equal rights and self-determination of peoples under 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 other appropriate measures to strengthen universal peace.

Note

This section concerns the practice of the Security Council with regard to the principle of equal rights and self-determination of peoples as enshrined in Article 1 (2) of the Charter of the United Nations. It is structured in three subsections. Subsection A highlights the references in the Council's decisions to the right of self-determination, which were made mainly in support of the holding of elections and referendums, and subsection B gives a brief overview of communications in which reference was made to the right of self-determination. Subsection C covers discussions in which Member States invoked the right of self-determination and contains two case studies.

A. Decisions relating to Article 1 (2)

Explicit references to Article 1 (2)

During the period under review, the Security Council made an explicit reference to Article 1 (2) of

the Charter in a decision on protection of civilians in armed conflict, in which it reaffirmed "its commitment also to the purposes of the Charter of the United Nations as set out in Article 1, paragraphs 1 to 4, and to the principles of the Charter as set out in Article 2, paragraphs 1 to 7, including its commitment to the principles of the political independence, sovereign equality and territorial integrity of all States, and respect for the sovereignty of all States".¹

Implicit references to Article 1 (2)

The Council also made several references that could be understood as having an implicit bearing on Article 1 (2) and that are reflected in table 1. These references were made notably in decisions relating to the holding of elections or referendums in Afghanistan, Myanmar and Western Sahara. In connection with the situation concerning Western Sahara, the Council stressed that a just, lasting, and mutually acceptable political solution would provide for the "self-determination of the people of Western Sahara".

¹ Resolution 1894 (2009) of 11 November 2009, second preambular paragraph.

Table 1

Decisions containing implicit reference to Article 1 (2)

Decision

Provisions

The situation in Afghanistan

[S/PRST/2009/21](#)
15 July 2009

The Security Council welcomes the Afghan-led preparations for the upcoming presidential and provincial council elections and stresses the importance that the elections be free, fair, transparent, credible, secure and inclusive. The Council also calls upon the people of Afghanistan to exercise their vote in this historic opportunity for all Afghans to make their voices heard (first paragraph)

The situation in Myanmar

[S/PRST/2008/13](#)
2 May 2008

The Council takes note of the announcement by the Government of Myanmar of a referendum on a draft constitution in May 2008 and elections in 2010. It further notes the commitment by the Government to ensure that the referendum process will be free and fair (second paragraph)

The Council affirms its commitment to the sovereignty and territorial integrity of Myanmar and, in that context, reiterates that the future of Myanmar lies in the hands of all of its people (fifth paragraph)

The situation concerning Western Sahara

Resolution [1813](#)
(2008)
30 April 2008

Reaffirming its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect (third preambular paragraph)

Resolution [1871](#)
(2009)
30 April 2009

Calls upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting and mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect (para. 4)

B. Communications relating to Article 1 (2)

During the period under review, explicit references to Article 1 (2) were made in a letter from the representative of Azerbaijan, transmitting a national report in the context of the situation relating to Nagorny-Karabakh and relations between Armenia and Azerbaijan.² In several other communications, the principle of self-determination was invoked. While such references were too numerous to cite here, the majority of those implicit references to the principle of self-determination were made in connection with the situation relating to Nagorny-Karabakh and relations between Armenia and Azerbaijan and the situation in the Middle East, including the Palestinian question.³

² S/2008/823, annex, paras. 99, 129 and 130. The report was entitled "Report on the fundamental norm of the territorial integrity of States and the right to self-determination in the light of Armenia's revisionist claims".

³ See, for example, note verbale dated 7 April 2008 from the Permanent Mission of the Syrian Arab Republic to the President of the Security Council (S/2008/232,

C. Discussions relating to Article 1 (2)

In the deliberations of the Council, the principle of self-determination was often invoked without giving rise to a constitutional discussion. Numerous references to the principle of self-determination were made, in particular, in discussions relating to the situation in the Middle East, including the Palestinian question⁴ and the

pp. 2-3); and letters dated 22 May 2009 (S/2009/269, p. 2) and 13 August 2009 (S/2009/420, pp. 4-5) from the Permanent Observer of Palestine to the Secretary-General and the President of the Security Council.

⁴ See, for example, S/PV.6061, p. 5 (Palestine); pp. 33-34 (Qatar); S/PV.6061 (Resumption 1), p. 5 (Cuba, on behalf of the Non-Aligned Movement); p. 11 (Pakistan); S/PV.6100 (Resumption 1), p. 12 (Bangladesh); p. 18 (Mauritania); p. 19 (South Africa); p. 24 (Nicaragua); p. 30 (Bolivarian Republic of Venezuela); and S/PV.6201 (Resumption 1), p. 11 (Sudan); p. 14 (South Africa); p. 22 (Bangladesh); p. 25 (Islamic Republic of Iran); and p. 30 (Maldives).

situation concerning Western Sahara.⁵ In 2009, Council members, in connection with the situation in Myanmar, emphasized the importance of the holding of free and fair general elections in 2010 that were inclusive and assuring full participation of the people.⁶ Similarly, in connection with the reports of the Secretary-General on the Sudan, the Council was informed through briefings about the impact of the self-determination referendum in southern Sudan scheduled in January 2011.⁷

The two cases set out below reflect instances in which the Council discussed extensively questions relating to the principle enshrined in Article 1 (2) in connection with the unilateral declaration of independence by the Kosovo Assembly (case 1); and the first elections held under full Iraqi ownership after the transfer of power from the Coalition Provisional Authority to the Government of Iraq (case 2).

Case 1
Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

At the 5839th meeting, held on 18 February 2008 following the unilateral declaration of independence of Kosovo on 17 February 2008, the discussion in the Security Council revealed strong differences between supporters of an independent Kosovo, some of whom made reference to the “will of the people”,⁸ and opponents who criticized either the unilateral nature of the decision, or its very legitimacy, or both.⁹ Some speakers, while regretting that the declaration came about as a “fait accompli”, expressed support for the independence of Kosovo.¹⁰

The representative of Serbia denounced the declaration of independence as illegal. He maintained that the argument that Kosovo’s independence was legitimized by the wish of a large majority of its

population was logically and legally flawed. He maintained that, should such a principle be acknowledged as valid, stability and peace would be at risk worldwide due to secessionist regions claiming their right to independence.¹¹

The representative of the Russian Federation argued that the unilateral declaration of independence and its recognition by other States were contrary to the provisions of the Helsinki Final Act, which allowed changes to State frontiers only in accordance with international law and by peaceful means and agreement.¹² The representative of South Africa regretted that the declaration of independence had been proclaimed outside of the legal and political process envisaged by resolution 1244 (1999).¹³

The representative of Belgium argued, on the other hand, that, despite the lack of a negotiated solution, Belgium would recognize Kosovo as an independent State since the declaration of independence reflected the will of a broad majority of the population, and sought to promote a democratic society respectful of the rights of all its minorities. He added that Kosovo’s independence needed to be understood in the context of the disintegration of Yugoslavia, which had given rise to many independent States, and that the declaration of independence, therefore, could not be considered as setting a precedent. Recalling that independence was not only a privilege but first and foremost a responsibility, he argued that an independent Kosovo was a necessary condition for lasting peace and stability in the region.¹⁴ Supporting Kosovo’s independence, the representative of the United Kingdom reminded the Council that resolution 1244 (1999) had recognized that the human rights of the people of Kosovo and the stability of the region could be secured only if Serbia did not govern Kosovo. He added that United Nations Interim Administration Mission in Kosovo was mandated to help Kosovo to establish its own institutions of self-government and to facilitate a process to determine Kosovo’s future status, based on the “will of its people”. The representative of the United Kingdom emphasized that the international community could not support a settlement opposed by more than 90 per cent of Kosovo’s population.¹⁵ Similarly, the representative of the United States stated that the people of Kosovo had

⁵ See, for example, S/PV.5884, p. 3 (Costa Rica); pp. 4-5 (South Africa); p. 5 (France); and S/PV.6117, p. 3 (France); p. 4 (United Kingdom); and p. 6 (Mexico).

⁶ See S/PV.6161, p. 6 (United Kingdom); p. 7 (Mexico); p. 9 (Japan); p. 10 (United States); p. 12 (Viet Nam); p. 14 (Croatia); p. 16 (Turkey); p. 17 (Libyan Arab Jamahiriya); p. 17 (Costa Rica); and pp. 18-19 (Uganda).

⁷ See S/PV.5840, p. 3; and S/PV.6251, p. 8.

⁸ S/PV.5839, p. 8 (Belgium); and p. 17 (Costa Rica).

⁹ Ibid., pp. 4-6 (Serbia); p. 7 (Russian Federation); p. 8 (China); p. 11 (Indonesia); p. 14 (Viet Nam); p. 15 (Burkina Faso); and p. 16 (South Africa).

¹⁰ Ibid., p. 17 (Costa Rica); and pp. 20-21 (Panama).

¹¹ Ibid., pp. 4-5 and p. 22.

¹² Ibid., pp. 6-7.

¹³ Ibid., p. 16.

¹⁴ Ibid., pp. 8-9.

¹⁵ Ibid., p. 13.

put an end to the interim status quo in a mature, non-violent and responsible manner. Kosovo's declaration of independence was a logical, legitimate and legal response to the situation and his country would support the commitments that Kosovo had freely undertaken to achieve a multi-ethnic democracy and ensure regional peace and stability.¹⁶

The representative of the Libyan Arab Jamahiriya stressed that Kosovo's declaration of independence found its origin in the lack of respect for the legitimate rights of minorities and basic freedom of the population. Nevertheless, he insisted that the Council should confirm its adherence to the principle of respect for the territorial integrity of States, and that the events in Kosovo should not be used in the future as "a term of reference or as an excuse".¹⁷ The representative of Costa Rica, while deploring the failure to reach a negotiated solution, declared that his country would recognize Kosovo, taking into account the will of the people of Kosovo, a people who found it impossible to live together with the Serb majority in the same country after the 1998 campaign of ethnic cleansing.¹⁸

On 26 November 2008, at the 6025th meeting, several speakers affirmed that the independence of Kosovo was "irreversible",¹⁹ while others welcomed the referral of the issue to the International Court of Justice following the request of Serbia.²⁰ Insisting that the new status of Kosovo as an independent State was "settled and irreversible", Mr. Skender Hyseni, representing Kosovo, deplored the fact that the question had been referred to the International Court of Justice but remained hopeful that the Court would reconfirm Kosovo's independence.²¹

Case 2

The situation concerning Iraq

In his report of 20 February 2009 pursuant to paragraph 6 of resolution 1830 (2008), the Secretary-General commended the successful holding of provincial elections in Iraq on 30 January 2009. He observed that Iraq had come a long way in taking its own affairs in hand.²² At the 6087th meeting, on 26 February 2009,

the Special Representative of the Secretary-General for Iraq pointed out that Iraq had "emerged sovereign" by conducting the "first fully Iraqi-led and owned elections". He further highlighted the fact that voters had bridged the sectarian divide which had caused large constituencies to boycott the previous elections in 2005. He stressed that with more sovereignty came more responsibility and that, therefore, all communities in Iraq had to build on the encouraging, optimistic outcome of the elections and move ahead with a common vision.²³

The representative of Iraq conveyed to Council members the pride of his Government and people over the elections, which had been held in a democratic and stable security situation. He stated that the elections had given Iraqi citizens the freedom to select those they considered most suitable to manage their provinces. He also stressed that the elections had marked a turning point in Iraq's pursuit of democracy thanks to the active participation of those voters who had boycotted the provincial elections in 2005. He added that the people of Iraq, by making the elections a success, had expressed their firm ambition to build a responsible democracy through the exercise of their rights within the context of public administration, as set forth in their constitution. He welcomed the positive feedback on the ability and potential demonstrated by the people of Iraq in their handling and protection of the electoral process.²⁴

During the debate, most Council members congratulated the people of Iraq for the successful outcome of the elections and commended both the good security conditions in which the elections were held and the broad participation in the polls.²⁵

The representative of Mexico acknowledged the success of the elections as a triumph for the people of Iraq and for democracy as a whole and as a step towards national reconciliation.²⁶ The representative of France concurred with this view and commended the people of Iraq for assuming full ownership of the democratic process and increasingly reassuming full responsibility for their country's affairs.²⁷ Similarly, the representative of Burkina Faso noted that the overall absence of incident throughout the electoral process was a clear

¹⁶ *Ibid.*, p. 19.

¹⁷ *Ibid.*, p. 15.

¹⁸ *Ibid.*, p. 17.

¹⁹ S/PV.6025, p. 8 (Mr. Skender Hyseni on behalf of Kosovo); p. 10 (United States); and p. 18 (United Kingdom).

²⁰ *Ibid.*, p. 12 (South Africa); and pp. 4-7 (Serbia).

²¹ *Ibid.*, pp. 8-9.

²² S/2009/102, para. 60.

²³ S/PV.6087, pp. 2-6.

²⁴ *Ibid.*, pp. 6-8.

²⁵ *Ibid.*, p. 10 (Burkina Faso); p. 11 (Mexico); p. 14 (Austria); p. 17 (France); p. 20 (Croatia); p. 21 (China); p. 24 (Costa Rica); pp. 24-25 (United States); and p. 26 (Japan).

²⁶ *Ibid.*, p. 11.

²⁷ *Ibid.*, p. 17.

indication that Iraqis had gradually reasserted control over their country and their future.²⁸ The representative of Turkey expressed the support of his country for the democratic transformation under way in Iraq, which was in the hands of the people of Iraq themselves.²⁹

With regard to the level of participation in the elections, the representative of Croatia welcomed the “first Iraqi-led and Iraqi-owned” electoral process as well as the participation of citizens from all communities. He stressed that the hope and confidence expressed by the people of Iraq through casting their votes should be collectively translated into concrete action.³⁰ The representative of the Libyan Arab Jamahiriya welcomed the high turnout at the polls, in particular from the factions that had boycotted the 2005 elections.³¹ Similarly, the representative of Uganda noted with appreciation the greater participation of voters as well as the inclusion of a larger number of political sectors.³² The representative of China added that the successful outcome of the elections marked a “significant step toward having Iraqis govern Iraq”.³³

²⁸ Ibid., p. 10.

²⁹ Ibid., p. 20.

³⁰ Ibid.

³¹ Ibid., p. 13.

³² Ibid., p. 18.

³³ Ibid., p. 21.

On the other hand, the representative of the Russian Federation, while acknowledging the holding of competitive elections as a positive development, underlined that in Baghdad the voter turnout had in fact reached barely 40 per cent, which meant that half of the population had not yet taken civic ownership of the key issues in the life of the country. He also stressed that important segments of the population such as refugees and displaced persons had not been able to participate and remained outside the electoral campaign. Recalling that a significant segment of Iraqi society rejected the presence of foreign forces in the country, he further held that the popular referendum on the security agreement scheduled by July 2009 should “formalize the attitude of the Iraqis to such agreements once and for all”.³⁴

The representative of the United States expressed strong support for the democratic process in Iraq and stressed that the ongoing cooperation and partnership between Iraq and his country benefited both their free and sovereign peoples and the region. She emphasized that the recently held provincial elections, in which the voters chose new councils in 14 out of 18 provinces, were a free and peaceful vote with widely respected legitimacy and thus a “heartening moment in the evolution of Iraqi democracy”.³⁵

³⁴ Ibid., p. 23.

³⁵ Ibid., pp. 24-25.

II. Prohibition of the threat or use of force under 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

This section deals with the practice of the Security Council concerning the principle of the prohibition of the threat or use of force in accordance with Article 2 (4) of the Charter. It is structured in three subsections. Subsection A highlights the references made by the Council in its decisions to the principle of the non-threat or non-use of force. Subsection B illustrates

communications which contained explicit references to Article 2 (4). Subsection C covers instances when Member States discussed the principle of the non-threat or non-use of force and contains four case studies reflecting the debates most relevant to the content of Article 2 (4) in the period under review.

A. Decisions relating to Article 2 (4)

During the period under review, the Security Council adopted three resolutions containing an explicit reference to Article 2 (4): two decisions were adopted in connection with the border dispute between Djibouti and Eritrea under the item “Peace and security in Africa”, while the other was adopted in connection with protection of civilians in armed conflict (see table 2).

Table 2
Decisions explicitly referring to Article 2 (4)

<i>Decision</i>	<i>Provisions</i>
Peace and security in Africa	
Resolution 1862 (2009) 14 January 2009	Demands that Eritrea ... abide by its international obligations as a Member of the United Nations, respect the principles mentioned in Article 2, paragraphs 3, 4 and 5, and Article 33 of the Charter of the United Nations ... (para. 5 (iii))
Resolution 1907 (2009) 23 December 2009	Reiterates its demand that Eritrea ... abide by its international obligations as a Member of the United Nations, respect the principles mentioned in Article 2, paragraphs 3, 4 and 5, and Article 33 of the Charter of the United Nations ... (para. 3 (iii))
Protection of civilians in armed conflict	
Resolution 1894 (2009) 11 November 2009	Reaffirming its commitment also to the purposes of the Charter of the United Nations as set out in Article 1, paragraphs 1 to 4, and to the principles of the Charter as set out in Article 2, paragraphs 1 to 7, including its commitment to the principles of the political independence, sovereign equality and territorial integrity of all States, and respect for the sovereignty of all States (second preambular paragraph)

Affirmation of the principle of the non-threat or non-use of force with respect to the territorial integrity of any State

The Council, by its decisions, reaffirmed the principle of the non-threat or non-use of force with

respect to the territorial integrity of any State in considering the situation between Eritrea and Ethiopia and the border dispute between Djibouti and Eritrea (see table 3).

Table 3
Decisions affirming the principle of the non-threat or non-use of force with respect to the territorial integrity of any State

<i>Decision</i>	<i>Provisions</i>
The situation between Eritrea and Ethiopia	
Resolution 1798 (2008) 30 January 2008	Reiterates its call for the parties to show maximum restraint and refrain from any threat or use of force against each other, avoid provocative military activities and put an end to the exchange of hostile statements (para. 2)
S/PRST/2008/12 30 April 2008	The Council urges both sides to show maximum restraint and to refrain from any threat or use of force against each other (fifth paragraph)
Resolution 1827 (2008) 30 April 2008	Demands that Ethiopia and Eritrea ... show maximum restraint and refrain from any threat or use of force against each other, and avoid provocative military activities (para. 2)
Peace and security in Africa	
S/PRST/2008/20 12 June 2008	The Security Council expresses its strong concern about the serious incidents that occurred on 10 June 2008 along the frontier between Djibouti and Eritrea, which led to several deaths and dozens of wounded (first paragraph)

The Council condemns Eritrea's military action against Djibouti in Ras Doumeira and Doumeira Island (second paragraph)

The Council calls upon the parties to commit to a ceasefire and urges both parties, in particular Eritrea, to show maximum restraint and withdraw forces to the status quo ante (third paragraph)

Resolution 1862 (2009)
14 January 2009

Expressing its deep concern that, as mentioned in the report of the fact-finding mission ..., Eritrea has not withdrawn its forces to the status quo ante, as called for by the Council in the statement by its President of 12 June 2008 (S/PRST/2008/20) (fourth preambular paragraph)

Noting that Djibouti has withdrawn its forces to the status quo ante and has cooperated fully with the fact-finding mission ..., as well as with other missions sent by subregional and regional organizations (sixth preambular paragraph)

Welcomes the fact that Djibouti has withdrawn its forces to the status quo ante, as called for by the Security Council in the statement by its President of 12 June 2008 (S/PRST/2008/20) and as established by the fact-finding mission, and condemns the refusal of Eritrea to do so (para. 4)

Demands that Eritrea: withdraw its forces and all their equipment to the positions of the status quo ante, and ensure that no military presence or activity is being pursued in the area where the conflict occurred in Ras Doumeira and Doumeira Island in June 2008; ... abide by its international obligations as a Member of the United Nations, respect the principles mentioned in Article 2, paragraphs 3, 4 and 5, and Article 33 of the Charter of the United Nations ... (para. 5 (i) and (iii))

Resolution 1907 (2009)
23 December 2009

Expressing its deep concern that Eritrea has not withdrawn its forces to the status quo ante, as called for by the Council in its resolution 1862 (2009) and the statement by its President of 12 June 2008 (S/PRST/2008/20) (thirteenth preambular paragraph)

Noting that Djibouti has withdrawn its forces to the status quo ante and cooperated fully with all concerned, including the United Nations fact-finding mission and the good offices of the Secretary-General (sixteenth preambular paragraph)

Reiterates its demand that Eritrea immediately comply with resolution 1862 (2009) and withdraw its forces and all their equipment to the positions of the status quo ante, and ensure that no military presence or activity is being pursued in the area where the conflict occurred in Ras Doumeira and Doumeira Island in June 2008; ... abide by its international obligations as a Member of the United Nations, respect the principles mentioned in Article 2, paragraphs 3, 4, and 5, and Article 33 of the Charter ... (para. 3 (i) and (iii))

Reiteration of the principle of non-interference by States in the internal affairs of others

The Council also reiterated the principle of non-interference by States in the internal affairs of others, mainly by recalling the principles of good-neighbourliness, non-interference and regional cooperation in a number of country-specific situations.

Notably, when considering the question of piracy in connection with the situation in Somalia, the Council reaffirmed its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, "including Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law" (see table 4).

Table 4

Decisions reiterating the principle of non-interference by States in the internal affairs of others

<i>Decision</i>	<i>Provisions</i>
The situation in Côte d'Ivoire	
Resolution 1795 (2008) 15 January 2008	Reaffirming its strong commitment to respect for the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation (second preambular paragraph) <i>Same provision in resolutions 1826 (2008), second preambular paragraph; 1842 (2008), second preambular paragraph; 1865 (2009), third preambular paragraph; 1880 (2009), second preambular paragraph; and 1893 (2009), second preambular paragraph</i>
The situation concerning Iraq	
Resolution 1859 (2008) 22 December 2008	Reaffirming the independence, sovereignty, unity, and territorial integrity of Iraq, and reaffirming further the importance of the principle of non-interference in the internal affairs of Iraq (third preambular paragraph)
Peace and security in Africa	
Resolution 1862 (2009) 14 January 2009	Affirming its strong commitment to the sovereignty, independence, territorial integrity and unity of both Djibouti and Eritrea, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation (first preambular paragraph)
The situation in Somalia	
Resolution 1851 (2008) 16 December 2008	Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, including Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law (third preambular paragraph) <i>Same provision in resolution 1897 (2009), third preambular paragraph</i>
Reports of the Secretary-General on the Sudan	
Resolution 1841 (2008) 15 October 2008	Reaffirming its commitment to the sovereignty, unity, independence and territorial integrity of the Sudan, and recalling the importance of the principles of good-neighbourliness, non-interference and cooperation in the relations among States in the region (second preambular paragraph) <i>Same provision in resolution 1891 (2009), second preambular paragraph</i>

Calls for respect for the sovereignty, territorial integrity and political independence of States

There was one instance in the period under review in which the Council, in connection with the situation in Chad, the Central African Republic and the subregion, supported a call by the African Union on all the countries of the region to respect the unity and territorial integrity of the member States of the African

Union.³⁶ During the period under review, the Council did not explicitly call upon any State to respect the sovereignty, territorial integrity and political independence of another State. However, it consistently reaffirmed, in numerous resolutions concerning country-specific situations, its respect for or commitment to the

³⁶ S/PRST/2008/3, second paragraph.

sovereignty, unity, independence, territorial integrity or political independence of States.³⁷

Condemnation of hostile action and movements of armed groups across the border of a State

There were a number of instances in which the Council condemned hostile acts across the border of a

³⁷ For example, in connection with the situation in Afghanistan, the Council reaffirmed “its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan” (see resolution 1806 (2008), second preambular paragraph).

State and the support by States of foreign armed groups, including through use of their territory. In particular, the Council repeatedly encouraged the respective Governments of the Sudan, Chad and the Central African Republic to ensure that their territories were not used to undermine the sovereignty of others and to cooperate with a view to putting an end to the activities of armed groups in the region and their attempts to seize power by force. In connection with the situation concerning the Democratic Republic of the Congo, the Council called upon the Governments in the region to cease all support to the armed groups in the eastern region of the country (see table 5).

Table 5

Decisions condemning hostile action and movements of armed groups across the border of a State

<i>Decision</i>	<i>Provisions</i>
The situation in Chad, the Central African Republic and the subregion	
<p>S/PRST/2008/3 4 February 2008</p>	<p>The Council supports the decision of the African Union of 2 February 2008 strongly condemning the attacks perpetrated by armed groups against the Government of Chad, demanding to put an immediate end to the violence and calling upon all the countries of the region to respect the unity and territorial integrity of the member States of the African Union (second paragraph)</p> <p>The Council strongly condemns these attacks and all attempts at destabilization by force, and recalls its commitment to the sovereignty, unity, territorial integrity and political independence of Chad (fourth paragraph)</p> <p>The Council calls upon the States of the region to deepen their cooperation with a view to putting an end to the activities of armed groups and their attempt to seize power by force (sixth paragraph)</p>
<p>S/PRST/2008/22 16 June 2008</p>	<p>The Council calls upon States in the region to implement their commitments under the Dakar Agreement of 13 March 2008 and prior agreements, and to cooperate with a view to putting an end to the activities of armed groups in the region and their attempts to seize power by force (third paragraph)</p>
<p>Resolution 1834 (2008) 24 September 2008</p>	<p>Deeply concerned at the activities of armed groups and other attacks in eastern Chad, the north-eastern Central African Republic and western Sudan, which threaten the security of the civilian population, the conduct of humanitarian operations in those areas and the stability of those countries, and which result in serious violations of human rights and international humanitarian law (fourth preambular paragraph)</p> <p>Encourages the respective Governments of the Sudan, Chad and the Central African Republic to ensure that their territories are not used to undermine the sovereignty of others, to cooperate actively with a view to implementing the Dakar Agreement of 13 March 2008 and previous agreements, and to cooperate with a view to putting an end to the activities of armed groups in the region and their attempts to seize power by force ... (para. 11)</p>

Decision

Provisions

Resolution 1861 (2009)
14 January 2009

Deeply concerned at armed activities and banditry in eastern Chad, the north-eastern Central African Republic and western Sudan, which threaten the security of the civilian population, the conduct of humanitarian operations in those areas and the stability of those countries, and which result in serious violations of human rights and international humanitarian law (fourth preambular paragraph)

Encourages the respective Governments of the Sudan, Chad and the Central African Republic to ensure that their territories are not used to undermine the sovereignty of others ... and to cooperate with a view to putting an end to the activities of armed groups in the region and their attempts to seize power by force ... (para. 19)

S/PRST/2009/13
8 May 2009

The Security Council condemns the renewed military incursions in eastern Chad of Chadian armed groups coming from outside (first paragraph)

The Council calls upon the Sudan and Chad to ... cooperate to put an end to cross-border activities of armed groups ... The Council expresses its concern at the external support received by Chadian armed groups, as reported by the Secretary-General (third paragraph)

The situation concerning the Democratic Republic of the Congo

S/PRST/2008/2
30 January 2008

The Council reiterates the importance of the commitments undertaken by the Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda in their joint communiqué on a common approach to end the threat posed by illegal armed groups in the eastern part of the Democratic Republic of the Congo to peace and stability in both countries and the Great Lakes region ... It calls upon the two Governments to ... [take] appropriate measures to induce the Forces démocratiques de libération du Rwanda (FDLR) and other foreign armed groups to lay down their arms without preconditions and return to their home countries (sixth paragraph)

S/PRST/2008/38
21 October 2008

The Council urges the Government of the Democratic Republic of the Congo to take effective steps to ensure that there is no cooperation between elements of the Armed Forces of the Democratic Republic of the Congo and FDLR. The Council also calls upon the Governments in the region to cease all support to the armed groups in the eastern region of the Democratic Republic of the Congo (seventh paragraph)

S/PRST/2008/40
29 October 2008

The Council urges the Government of the Democratic Republic of the Congo to take effective steps to ensure that there is no cooperation between elements of the Armed Forces of the Democratic Republic of the Congo and FDLR. The Council also calls upon the Governments of the region to cease all support to the armed groups in the eastern region of the Democratic Republic of the Congo. The Council expresses its concern at the reports of heavy weapons fire across the Democratic Republic of the Congo-Rwanda border ... (third paragraph)

Resolution [1856 \(2008\)](#)
22 December 2008

Underlining that a major obstacle to lasting peace in the Kivus is the presence and activities of illegal armed groups on Congolese territory, including FDLR, as acknowledged in its resolution [1804 \(2008\)](#), which represent one of the primary causes for the conflict in the region (fifth preambular paragraph)

Urges all Governments in the region, in particular those of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda, to resolve in a constructive manner their shared security and border problems, to prevent the use of their respective territories in support of violations of the arms embargo reaffirmed by resolution [1807 \(2008\)](#) or in support of activities of armed groups present in the region, and to abide by their commitments to establish bilateral diplomatic relations made at the meeting of the Tripartite Plus Joint Commission of September 2007 (para. 20)

Resolution [1896 \(2009\)](#)
30 November 2009

Expressing its concern about the support received by armed groups operating in the eastern part of the Democratic Republic of the Congo from regional and international networks (sixth preambular paragraph)

Welcoming the commitments of the Democratic Republic of the Congo and the countries of the Great Lakes region to jointly promote peace and stability in the region, and reiterating the importance of the Government of the Democratic Republic of the Congo and all Governments, particularly those in the region, taking effective steps to ensure that there is no support, in and from their territories, for the armed groups in the eastern part of the Democratic Republic of the Congo (seventh preambular paragraph)

The situation in Somalia

[S/PRST/2009/19](#)
9 July 2009

The Council condemns the recent attacks on the Transitional Federal Government and the civilian population by armed groups and foreign fighters who undermine peace and stability in Somalia. The Council reaffirms its demand of 15 May 2009 that violent opposition groups immediately end their offensive, put down their arms, renounce violence and join reconciliation efforts. The Council condemns the flow of foreign fighters into Somalia (third paragraph)

Reports of the Secretary-General on the Sudan

[S/PRST/2008/15](#)
13 May 2008

The Council reiterates the urgent need for all parties to engage fully and constructively in the political process. The Council calls upon the States of the region to implement their commitments under the Dakar Agreement, and to cooperate with a view to putting an end to the activities of armed groups and their attempts to seize power by force (third paragraph)

The Council strongly condemns all attempts at destabilization by force, and reaffirms its commitment to the sovereignty, unity, independence and territorial integrity of the Sudan (fourth paragraph)

Resolution [1881 \(2009\)](#)
30 July 2009

Calls upon the Sudan and Chad to abide by their obligations under the Doha Agreement of 3 May 2009, the Dakar Agreement of 13 March 2008 and previous bilateral agreements; and reaffirms the need for both countries to engage constructively with the Dakar Contact Group with a view to normalizing relations, ceasing support for armed groups ... (para. 9)

B. Communications relating to Article 2 (4)

A number of communications during the period under review contained explicit references to Article 2 (4), many of them in connection with the situation relating to Nagorny Karabakh and relations between Armenia and Azerbaijan, the situation between Eritrea and Ethiopia and the situation in Georgia.³⁸

C. Discussions relating to Article 2 (4)

The four case studies below reflect the debates of the Security Council most relevant to the principles enshrined in Article 2 (4) during the period under review, including two instances in which Article 2 (4) was explicitly referred to.³⁹ The first case study relates to discussions concerning the situation on the border between Djibouti and Eritrea (case 3). The second case

³⁸ For communications concerning the situation relating to Nagorny Karabakh and relations between Armenia and Azerbaijan, see letters dated 22 December 2008 (S/2008/812, pp. 3-6), 26 December 2008 (S/2008/823, pp. 7 and 19) and 23 January 2009 (S/2009/51, p. 3) from the representative of Azerbaijan to the Secretary-General. For communications relating to the situation between Eritrea and Ethiopia, see letter dated 24 July 2008 (S/2008/487, p. 1) from the representative of Eritrea to the Secretary-General; letters dated 1 February 2008 (S/2008/68, p. 3) and 10 November 2008 (S/2008/700, p. 2) from the representative of Eritrea to the President of the Security Council; and letter dated 18 April 2008 (S/2008/262, p. 1) from the representative of Ethiopia to the President of the Security Council. For communications concerning the situation in Georgia, see letters dated 27 May 2008 (S/2008/345, p. 2) and 10 July 2008 (S/2008/464, p. 3) from the representative of Georgia to the Secretary-General and the President of the Security Council. For communications concerning relations between Cambodia and Thailand, see letter dated 16 October 2008 (S/2008/657, p. 1) from the representative of Thailand to the President of the Security Council. For communications concerning relations between Colombia and Venezuela (Bolivarian Republic of), see letter dated 3 December 2009 (S/2009/608, p. 7) from the representative of the Bolivarian Republic of Venezuela to the President of the Security Council. For communications relating to peace and security in Africa (Djibouti and Eritrea), see letter dated 30 March 2009 (S/2009/163, p. 1) from the Secretary-General to the President of the Security Council.

³⁹ S/PV.5953, p. 6 (United States); and S/PV.6100, p. 32 (Lebanon).

concerns discussions around the principles of non-use of force and respect for territorial integrity in connection with the situation in Georgia (case 4). The third case reflects references to the principles enshrined in Article 2 (4) in connection with the situation in Lebanon (case 5). The last case revolves around references made to respect for territorial integrity in connection with the unilateral declaration of independence by the Kosovo Assembly (case 6).

Case 3 Peace and security in Africa

Following the adoption on 12 June 2008 of a presidential statement concerning the border dispute between Djibouti and Eritrea, by which the Security Council called upon the parties to commit to a ceasefire and urged both parties, particularly Eritrea, to show maximum restraint and withdraw forces to the status quo ante,⁴⁰ the Council, at its 5924th meeting on 24 June 2008, discussed the border issue between Djibouti and Eritrea with both countries participating.

The representative of Djibouti declared that Eritrea had acted in violation of the Charter since both the use of force and the violation of the territory of Djibouti were a “reality”. While the regional policy of Djibouti was based on respect for good-neighbourly relations and non-interference in the internal affairs of the countries in the region, he announced that his country would “if necessary”, act in self-defence in accordance with the Charter in order to secure “in every way possible” its political and territorial integrity. The representative welcomed the unequivocal condemnation of Eritrea’s military attack expressed in statements by the President of the Council as well as regional and subregional organizations, which he interpreted as a confirmation that the use of force could not, in any way, be an alternative to dialogue or diplomacy.⁴¹

In response, the representative of Eritrea denied all the allegations of incursion in the territory of Djibouti and stated that his country had no “territorial ambitions” in the region. Rather, he argued that Djibouti itself had launched an unprovoked attack and that his Government had used “restraint and patience” against what could be described as “unwarranted hostile anti-Eritrean campaigns”.⁴²

⁴⁰ S/PRST/2008/20, third paragraph.

⁴¹ S/PV.5924, p. 5.

⁴² Ibid., pp. 6-7.

Various speakers highlighted the obligation under the Charter of the United Nations to refrain from the use or threat of use of force.⁴³ A large number of speakers also emphasized the need to respect the sovereignty and territorial integrity of States, in particular their borders.⁴⁴ Speakers specifically renewed the call contained in the presidential statement of 12 June 2008 for the parties to exercise restraint and withdraw forces,⁴⁵ the representative of Costa Rica pointing out that the Horn of Africa region could not “afford to resort to violence to settle yet another conflict”.⁴⁶

The representative of Viet Nam asserted that the principle of respect for national sovereignty and territorial integrity was fundamental to resolving situations such as the frontier situation between Eritrea and Djibouti and should be applied in a manner consistent with international law and with the Charter.⁴⁷ The representative of Panama reminded all Member States that they were called upon to respect the sovereignty and territorial integrity of States, which included respecting international borders.⁴⁸ The representative of the Libyan Arab Jamahiriya declared that any attempt to undermine the principle of respect for the sovereignty and territorial integrity of States constituted “a threat to peace and security”.⁴⁹ The representative of the United States strongly urged both parties to withdraw their forces from their common border and to engage in negotiations. He encouraged the Security Council to consider “appropriate actions or measures” should Eritrea fail to comply with these calls.⁵⁰

⁴³ Ibid., p. 5 (Djibouti); p. 8 (France); p. 9 (Indonesia); p. 10 (Burkina Faso, Russian Federation); p. 11 (China, South Africa); p. 12 (Viet Nam, Libyan Arab Jamahiriya); p. 15 (Croatia); p. 17 (African Union); and pp. 17-18 (League of Arab States).

⁴⁴ Ibid., p. 4 (Djibouti); p. 10 (Burkina Faso); p. 12 (Viet Nam, Libyan Arab Jamahiriya); p. 13 (Panama); p. 15 (Croatia); p. 17 (African Union); and pp. 17-18 (League of Arab States).

⁴⁵ Ibid., p. 8 (France); p. 13 (Panama, United Kingdom); p. 14 (Italy); and p. 15 (Croatia, United States).

⁴⁶ Ibid., p. 4.

⁴⁷ Ibid., p. 12.

⁴⁸ Ibid., p. 13.

⁴⁹ Ibid., p. 12.

⁵⁰ Ibid., p. 15.

Case 4 **The situation in Georgia**

By the letter dated 7 August 2008 addressed to the President of the Security Council, the representative of the Russian Federation requested that an emergency meeting be held to consider the aggressive actions of Georgia against “South Ossetia, an internationally recognized party to the conflict”.⁵¹ In response to that letter the Council held its 5951st meeting on 8 August 2008. During the meeting, the representative of the Russian Federation pointed out that Georgia was intending to resolve a long-standing conflict in South Ossetia by military means which explained Georgia’s persistent refusal to reach an agreement with South Ossetia and Abkhazia on the non-use of force in the past. He argued that, had Georgia accepted an agreement on the non-use of force, it would have protected Georgia from “any attempt to use force by anyone at all”.⁵² He further recalled that the non-use of force had been the main element of several Council resolutions, and urged the Council to call for an end to the hostilities and a rejection of the use of force.⁵³

In response, the representative of Georgia held that South Ossetian separatist authorities and armed forces were under the control and direction of the Russian Federation. That was a clear violation of the obligation of the Russian Federation to remain neutral; in fact it had become a party to the conflict. He further maintained that his Government’s military action was taken in self-defence, following repeated armed provocations, and in order to protect its civilians. He demanded that the international community condemn the continuing infringements of Georgia’s sovereignty and territorial integrity by the Russian Federation.⁵⁴

The representative of France called on all parties to respect the territorial integrity and sovereignty of Georgia.²³⁵⁵ The representative of the United States specifically called on the Russian Federation to withdraw its troops and to refrain from sending its forces to Georgia, so as not to inflame the situation.⁵⁶ The representative of Croatia asked all parties to

⁵¹ S/2008/533.

⁵² S/PV.5951, p. 8.

⁵³ Ibid., pp. 3 and 8.

⁵⁴ Ibid., p. 5.

⁵⁵ Ibid., p. 6.

⁵⁶ Ibid.

refrain from any further acts of provocation and called for an immediate ceasefire and for the resumption of negotiations. He reiterated his country's support for the sovereignty, independence and territorial integrity of Georgia, which had also been reaffirmed in various resolutions, including resolution 1808 (2008).⁵⁷

At the 5952nd meeting, held also on 8 August 2008 in response to a request by the representative of Georgia,⁵⁸ the representative of the Russian Federation declared that the aggression by Georgia against South Ossetia had been carried out in violation of the fundamental principle of the Charter concerning the non-use of force. He emphasized that the Russian Federation was present and continued to be present on the territory of Georgia on an absolutely legal basis, pursuant to its peacekeeping mission in accordance with international agreements.⁵⁹

The representative of Georgia, describing the "premeditated military intervention from the Russian Federation", stated that the world was witnessing a direct and open violation of universally recognized norms and principles of international law and demanded that the Russian Federation immediately terminate the aerial bombardments, immediately pull out the occupying forces and, together with the relevant international actors, negotiate a ceasefire and mechanisms to ensure lasting peace and stability in that part of Georgia.⁶⁰

The representative of the United States considered that the military attacks against Georgia and the deployment of additional troops by the Russian Federation into the Georgian territory represented a "dangerous downturn". It raised serious concerns about the commitment of the Russian Federation to respect Georgia's sovereignty and territorial integrity, as well as questions about ultimate Russian intentions and objectives. He specifically called on the Russian Federation to respect Georgia's territorial integrity, end its air and missile attacks and withdraw its troops from Georgia.⁶¹

At the 5953rd meeting, on 10 August 2008, the representative of the United States urged the Council to condemn the military assault against the sovereign

State of Georgia carried out by the Russian Federation and the violation of Georgia's sovereignty and territorial integrity. He stated that the Russian Federation must affirm that its aim was not to change the democratically elected Government of Georgia and that it accepted the territorial integrity and sovereignty of Georgia.⁶² He also emphasized that the Council must ensure adherence to the provisions of the Charter and take actions to address this threat to international peace and security. This meant respect for Article 2 (4), which called for all Member States to refrain from the threat or use of force against the territorial integrity or political independence of any State.⁶³

At the 5961st meeting, held on 19 August 2008, following the signature of a ceasefire by the Russian Federation and Georgia, under a European Union-sponsored six-point agreement which included the commitment of all parties to renounce the use of force, the definitive and immediate cessation of hostilities as well as the withdrawal of both Georgian and Russian forces to their lines of prior deployment, several Council members reaffirmed their commitment to Georgia's sovereignty and territorial integrity, and voiced grave concern over the failure of the Russian Federation to withdraw its forces despite its formal commitment to implement the provisions of the ceasefire agreement.⁶⁴

The representative of Georgia declared that the Russian Federation continued to occupy parts of the Georgian territory with the aim of "destroying Georgia as a sovereign independent State" and in contravention of the commitments undertaken by the Russian Federation to stop the violence and withdraw. He demanded that the Russian Federation withdraw its forces to the pre-conflict locations and fully respect the territorial integrity and sovereignty of Georgia within its internationally recognized borders.⁶⁵

A number of speakers emphasized the importance of the principle of respect for the sovereignty and territorial integrity of Georgia and expressed their support for a draft resolution circulated by France.⁶⁶

⁵⁷ *Ibid.*, p. 7.

⁵⁸ See S/2008/536.

⁵⁹ S/PV.5952, pp. 3 and 5.

⁶⁰ *Ibid.*, pp. 2-3.

⁶¹ *Ibid.*, p. 7.

⁶² S/PV.5953, p. 18.

⁶³ *Ibid.*, p. 6.

⁶⁴ S/PV.5961, p. 7 (France); p. 8 (Italy); p. 9 (United States); p. 10 (United Kingdom); p. 11 (Croatia); and p. 13 (Belgium).

⁶⁵ *Ibid.*, p. 5.

⁶⁶ *Ibid.* p. 8 (Italy); p. 9 (United States); p. 10 (United

Noting that another attempt had been made to portray the aggressor as the victim and calling on the Council to be guided by objective criteria, the representative of the Russian Federation recalled that his country had requested the first Council meeting on the issue, at which it had warned the Council that Georgia “had been on the verge of unleashing a military adventure”. He further stated that the withdrawal of the Russian troops would be commensurate with the effectiveness of Georgia’s implementation of its obligations under the Moscow peace plan, which stipulated first and foremost the return of Georgian troops to their places of permanent deployment.⁶⁷

Case 5
Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

At the 5839th meeting, on 18 February 2008, held following the unilateral declaration of independence of Kosovo, speakers largely encouraged all parties to the dispute to exercise restraint and refrain from acts of violence or any actions which could endanger stability and security in the region.⁶⁸ Several speakers held the view that the declaration of independence challenged the international legal order based on the principle of sovereignty and territorial integrity as enshrined in the Charter, and constituted a dangerous precedent for international peace and security.⁶⁹

The representative of Serbia declared that the “illegal” declaration of independence by Kosovo contravened the Charter principles of respect for sovereignty and territorial integrity. He added that such a declaration constituted a flagrant violation of resolution 1244 (1999), which guaranteed the sovereignty and territorial integrity of Serbia, and therefore his country would not accept the violation of its sovereignty and territorial integrity. He further

Kingdom); p. 11 (Croatia); and p. 13 (Belgium).

⁶⁷ Ibid., pp. 11-13.

⁶⁸ S/PV.5839, p. 3 (Secretary-General); p. 5 (Serbia); p. 9 (Belgium); p. 11 (Italy); p. 12 (Indonesia); p. 13 (United Kingdom); p. 14 (Viet Nam); and p. 15 (Burkina Faso).

⁶⁹ Ibid., pp. 6-7 (Russian Federation); pp. 7-8 (China); p. 12 (Indonesia); p. 14 (Viet Nam); and p. 16 (South Africa).

argued that the supporters of Kosovo’s independence recognized the illegal establishment of a State on the territory of a sovereign State and had to realize that the declaration legalized the threat of violence as a means of creating new States and promoting one’s own political agendas and interests. He warned against the strong precedent this unilateral act would set for international law. He stressed that his Government had declared the decision of the Pristina authorities null and void and would not accept the deprivation of a part of its territory, while affirming that his country would not resort to force and would opt for a peaceful and negotiated settlement of the dispute.⁷⁰

The representative of the Russian Federation expressed support for Belgrade’s “legitimate” demands to restore its territorial integrity, stressing that the Russian Federation continued to recognize Serbia within its internationally recognized borders. He further deplored the unilateral declaration of independence of Kosovo as an open violation of Serbia’s sovereignty and a blatant breach of the norms and principles of international law, including the Charter. He firmly believed that a sustainable solution to the question of Kosovo’s status could be achieved only on the basis of a decision to be worked out with the Council in compliance with the norms of international law and on the basis of agreements between Belgrade and Pristina.⁷¹

At the 5917th meeting, on 20 June 2008, Mr. Fatmir Sejdiu, speaking on behalf of Kosovo, defended the view that the independence of his country had been declared in conformity with the recommendation of the Special Envoy of the Secretary-General, and stressed that 43 Member States had already recognized Kosovo as an independent State. Recalling that Kosovo had adopted an integrative multi-ethnic policy, he noted that the promulgation by the Government of Serbia of a functional separation of ethnic Serbs from ethnic Albanians in Kosovo was perceived as a threat to the sovereignty of Kosovo.⁷²

⁷⁰ Ibid., pp. 4-6; and pp. 21-23.

⁷¹ Ibid., pp. 6-7; for more information on this statement, see part I, sect. 25.B.

⁷² S/PV.5917, pp. 6-8.

III. Obligation to refrain from assisting the target of enforcement action under Article 2, paragraph 5

Article 2, paragraph 5

All members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

During the period under review, there were no explicit references to Article 2 (5) of the Charter in the communications and deliberations of the Security Council. However, the Council explicitly referred to Article 2 (5) in two decisions concerning the border dispute between Djibouti and Eritrea under the item “Peace and security in Africa”, in which the Council demanded that Eritrea “abide by its international obligations as a Member of the United Nations to respect the principles mentioned in Article 2, paragraphs 3, 4 and 5, and Article 33 of the Charter of the United Nations”.⁷³ In another decision, on protection of civilians in armed conflict, the Council reaffirmed “its commitment also to the purposes and principles of the Charter of the United Nations as set out in Article 1, paragraphs 1 to 4, and Article 2, paragraphs 1 to 7, including its commitment to the principles of the political independence, sovereign equality and territorial integrity of all States, and respect for the sovereignty of all States”.⁷⁴

The Council also adopted several resolutions which might have an implicit bearing on the principle enshrined in Article 2 (5), in particular regarding the obligation of Member States to refrain from giving assistance to a State against which the United Nations was taking preventive or enforcement action.

⁷³ Resolutions 1862 (2009), para. 5 (iii); and 1907 (2009), para. 3 (iii).

⁷⁴ Resolution 1894 (2009) of 11 November 2009, second preambular paragraph.

A few decisions touched upon the obligation of Member States in connection with the arms embargo against Somalia. In two resolutions concerning the situation in Somalia, the Council reiterated its insistence that “all States, in particular those in the region, should refrain from any action in contravention of the arms embargo”.⁷⁵ The Council also adopted a presidential statement in which it expressed its concern over reports that Eritrea had supplied arms to those opposing the Transitional Federal Government of Somalia in breach of the United Nations arms embargo.⁷⁶

In connection with the situation concerning the Democratic Republic of the Congo, the Council, emphasizing the responsibility of the Government of the Democratic Republic of the Congo and the Governments of the region to prevent the use of their respective territories in support of violations of the arms embargo reaffirmed by resolution 1807 (2008), urged all Governments in the region to do so, in particular those of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda.⁷⁷

⁷⁵ Resolutions 1811(2008), eighth preambular paragraph; and 1853 (2008), ninth preambular paragraph.

⁷⁶ S/PRST/2009/15, fifth paragraph. After the Monitoring Group on Somalia found that Eritrea had provided political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability (S/2008/769), the Council, by resolution 1907 (2009) of 23 December 2009, imposed an arms embargo, asset freeze and travel ban against Eritrea. For more information on the sanctions imposed against Eritrea, see part VII, sect. III.

⁷⁷ Resolution 1856 (2008), eighth preambular paragraph and para. 20.

IV. Non-intervention in the internal affairs of States by the United Nations under Article 2, paragraph 7

Article 2, paragraph 7

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Note

During the period under review, the Security Council explicitly referred to the principle contained in Article 2 (7) in a decision on the protection of civilians in armed conflict, reaffirming “its commitment also to the purposes of the Charter of the United Nations as set out in Article 1, paragraphs 1 to 4, and to the principles of the Charter as set out in Article 2, paragraphs 1 to 7, including its commitment to the principles of the political independence, sovereign equality and territorial integrity of all States, and respect for the sovereignty of all States”.⁷⁸ In the period under review, the Council adopted no decisions containing provisions which could be considered to have an implicit bearing on the principle of non-intervention by the United Nations in matters which are essentially within the domestic jurisdiction of any State in accordance with Article 2 (7).

Discussions relating to Article 2 (7)

Article 2 (7) was not explicitly referred to in any of the Council’s communications or deliberations. In deliberations, however, the principle enshrined in Article 2 (7) was touched upon frequently without giving rise to a constitutional discussion, notably in connection with the situation concerning Iraq,⁷⁹ the maintenance of international peace and security: role of

the Security Council in supporting security sector reform⁸⁰ and United Nations peacekeeping operations.⁸¹ The deliberations during which this principle was invoked and interpreted in detail are illustrated in two case studies: case 6 deals with the situation in Zimbabwe following the outbreak of violence in that country; case 7 covers discussions on protection of civilians in armed conflict.

Case 6 Peace and security in Africa

At its 5933rd meeting, held on 11 July 2008 under the item entitled “Peace and security in Africa”, the Security Council failed to adopt a draft resolution⁸² by which it would have imposed sanctions on Zimbabwe, owing to the negative vote of a permanent member.⁸³

The representative of Zimbabwe strongly opposed any Council action against his country, arguing that the situation in Zimbabwe represented no threat to international peace and security. He therefore emphasized that the draft resolution was a clear abuse of Chapter VII of the Charter. He held that it was not the role of the Council to certify the national elections of Member States and that Zimbabweans had a right to choose their own leaders. He further argued that trying to impose a solution from outside would be unfair to Zimbabwe and the Southern African Development Community as well as the African Union.⁸⁴

The representative of the Libyan Arab Jamahiriya noted that the draft resolution infringed on the sovereignty and internal affairs of Zimbabwe and deliberately omitted any reference to Zimbabwe’s sovereignty.⁸⁵ Similarly, the representative of Viet Nam

⁷⁸ Resolution 1894 (2009) of 11 November 2009, second preambular paragraph.

⁷⁹ See, for example, S/PV.5878, p. 8 (Libyan Arab Jamahiriya); and p. 10 (Indonesia); S/PV.5910, p. 22 (Viet Nam); and p. 25 (Russian Federation); S/PV.5949, p. 18 (Russian Federation); and p. 20 (Indonesia); and S/PV.6059, p. 6 (Indonesia).

⁸⁰ See, for example, S/PV.5889.

⁸¹ See, for example, S/PV.6075, p. 31 (Viet Nam); S/PV.6153, p. 21 (Libyan Arab Jamahiriya); p. 22 (Viet Nam); S/PV.6153 (Resumption 1), p. 5 (Morocco, on behalf of the Non-Aligned Movement); and p. 18 (Nepal); S/PV.6178, p. 15 (Viet Nam); S/PV.6178 (Resumption 1), p. 2 (Morocco, on behalf of the Non-Aligned Movement); p. 21 (Bolivarian Republic of Venezuela); and p. 22 (Nepal).

⁸² S/2008/447.

⁸³ For more information, see part I, sect. 17.

⁸⁴ S/PV.5933, pp. 2-4.

⁸⁵ *Ibid.*, p. 5.

held that the situation in Zimbabwe was not within the mandated purview of the Council and warned that subjecting Zimbabwe to sanctions under Chapter VII of the Charter would set a dangerous precedent for intervention in the internal affairs of sovereign States and ran counter to the fundamental principles of international law and the Charter.⁸⁶ The representative of the Russian Federation observed that there had been an “increasingly obvious attempt by some Council members to take the Council beyond its Charter prerogatives and beyond the maintenance of peace and security”, and argued that such practices were illegitimate and dangerous and could lead to a realignment of the entire United Nations system. Turning to the problems of Zimbabwe, he said that the imposition of sanctions under Chapter VII of the Charter was unjustified and excessive, stressing that the draft resolution represented an attempt by the Council to interfere in the internal affairs of a State, in violation of the Charter.⁸⁷

Case 7 **Protection of civilians in armed conflict**

At the 5898th meeting, on 27 May 2008, concerning the protection of civilians in armed conflict, several speakers maintained that national Governments had the primary responsibility for the protection of civilians, stressing a supportive role of the United Nations, which must respect the sovereignty and territorial integrity of States. The representative of China stressed that constructive help and support by the international community and external forces should be provided in compliance with the provisions of the Charter and in full respect for the will of the countries concerned. He emphasized that the international community should not undermine the sovereignty and territorial integrity of the countries concerned and, still less, intervene forcibly.⁸⁸ The representative of Viet Nam similarly held that the creation and application of any international mechanism for the protection of civilians should respect national sovereignty, territorial integrity, ownership and self-determination in accordance with the Charter and international law.⁸⁹

The representative of the United Arab Emirates stressed that the procedures to ensure compliance by parties with their obligations to protect civilians should include full respect for the sovereignty of States and non-interference in their internal affairs and should not prejudice the specificities of their cultures and beliefs.⁹⁰

Some speakers pointed to the role of the United Nations when national Governments were unable or unwilling to take up their responsibility to protect. The representative of the United States emphasized that, while the primary responsibility for protecting civilians lay with the parties to the armed conflict and the national Governments concerned, the efforts of the United Nations should support and reinforce that role. In situations where either the national Government or the parties to an armed conflict were unable or unwilling to protect civilians, he stressed that the international community could play an important role.⁹¹ The representative of Panama cited the concept of the responsibility to protect set out in the 2005 World Summit Outcome,⁹² which stated that, if the State did not wish to protect its population or was unable to do so, the international community was obliged to help with that task, or to assume it, through an effective and transparent response. To prevent that concept from becoming a mere footnote to history, he maintained that the Council must be clear about its definition so that it could provide a concrete mandate for those entrusted with the protection of civilians.⁹³ The representative of France, referring to General Assembly resolution 43/131, which set out, if not legal, then at least political, obligations, expressed the view that, by virtue of the principle of subsidiarity, the territorially competent State bore the primary role in organizing, carrying out and distributing assistance. If, and only if, that State was not in a position to cope with the situation, because of a lack of means or political will, the international community took over and replaced the State that was failing to assist the endangered population.⁹⁴

⁸⁶ Ibid. p. 7.

⁸⁷ Ibid., p. 9.

⁸⁸ S/PV.5898, p. 9.

⁸⁹ Ibid., p. 14.

⁹⁰ S/PV.5898 (Resumption 1), p. 17.

⁹¹ S/PV.5898, pp. 12-13.

⁹² General Assembly resolution 60/1.

⁹³ S/PV.5898, pp. 14-15.

⁹⁴ Ibid., pp. 17-19.

Part IV

Relations with other United Nations organs

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Introductory note

Part IV, as in previous volumes, deals with the relations of the Security Council with the other principal organs of the United Nations: the General Assembly (sect. I); the Economic and Social Council (sect. II); and the International Court of Justice (sect. III). During the period under review, no material relating to the Trusteeship Council required treatment. Material relating to the relations of the Security Council with the Secretariat is featured in part II, section V, of the present Supplement, which deals with the administrative functions and powers of the Secretary-General in connection with meetings of the Security Council, under rules 21 to 26 of the provisional rules of procedure.

I. Relations with the General Assembly

Note

Section I concerns various aspects of the relationship between the Security Council and the General Assembly.

Subsection A deals with the election by the General Assembly of non-permanent members of the Security Council. Subsection B considers the practice of the Assembly in making recommendations to the Council under Articles 10 and 11 of the Charter of the United Nations and in calling its attention under Article 11 (3) to situations which are likely to endanger international peace and security. Subsection C concerns the limitation imposed by Article 12 (1) on the authority of the Assembly to make recommendations with respect to any dispute or situation while the Council is exercising the functions assigned to it by the Charter in respect of that dispute or situation. It also describes the procedure under Article 12 (2) by which the Secretary-General notifies the Assembly of matters relating to the maintenance of international peace and security which are being dealt with by the Council, and when the Council ceases to deal with such matters. Subsection D considers those instances in which a decision by the Council must be taken prior to that of the Assembly, for example, the admission, suspension or expulsion of members, the appointment of the Secretary-General, and the election of the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, respectively. Subsection E describes the annual and special reports submitted by the Council to the Assembly. Subsection F concerns relations between the Council and certain subsidiary organs established by the Assembly which have reported to or otherwise played a part in the work of the Council.

During the period under review, the President of the General Assembly participated in one meeting of the Security Council held in connection with women and peace and security.¹

The President of the Security Council participated in two meetings of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, a subsidiary organ of the General Assembly.

¹ See S/PV.5916.

The Chairman of the Committee participated in several meetings of the Council (case 5).

With regard to the offices mandated by the General Assembly, notably the Office of the Special Adviser on Myanmar² and the Office of the United Nations Special Coordinator for the Middle East Peace Process,³ the Security Council received regular briefings on their activities. On two occasions, the Council was briefed by the Secretary-General and his Special Adviser on Myanmar⁴ in the implementation of the good offices role entrusted to him by the General Assembly. On several occasions, the Special Coordinator for the Middle East Peace Process briefed the Council on the developments in the region, including the political negotiations between the Israeli and Palestinian Governments and the situation in the West Bank, Gaza and southern Israel.⁵

A. Election by the General Assembly of non-permanent members of the Security Council

Article 23

1. *The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in*

² The General Assembly, in its resolution 49/197, requested the Secretary-General to continue his discussions with the Government of Myanmar in order to assist in its efforts to achieve national reconciliation and, in its resolution 64/238, reaffirmed its support for the good offices of the Secretary-General pursued through his Special Adviser on Myanmar.

³ The General Assembly, in its resolution 48/58, considered that an active United Nations role in the Middle East peace process and in assisting in the implementation of the Declaration of Principles could make a positive contribution.

⁴ See S/PV.5854 and S/PV.6161.

⁵ See S/PV.5846, S/PV.5899, S/PV.5974, S/PV.6049, S/PV.6084, S/PV.6150, S/PV.6190 and S/PV.6248.

the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

Note

During the period under review, in accordance with Article 23 of the Charter, the General Assembly, at each regular session, elected five non-permanent members of the Security Council to replace those members whose terms of office were to expire on 31 December of the respective year. At the sixty-third and sixty-fourth sessions, the Assembly elected five non-permanent members in the course of one plenary meeting. A table of the elections is set out below.¹

<i>General Assembly decision</i>	<i>Plenary meeting and date of election</i>	<i>Members elected to two-year terms beginning in January of the following year</i>
63/403	28th meeting 17 October 2008	Austria Japan Mexico Turkey Uganda
64/402	20th meeting 15 October 2009	Bosnia and Herzegovina Brazil Gabon Lebanon Nigeria

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 Assembly under Articles 10 and 11 (1) of the Charter, respectively. A table of those recommendations is set out below.

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 or 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 power and functions or with regard to the general principles of cooperation in the maintenance of international peace and security

<i>General Assembly resolution</i>	<i>Item</i>	<i>Recommendation</i>
62/275 11 September 2008	Implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa	<p>Welcomes efforts to enhance practical cooperation, within the framework of an effective partnership, between the United Nations and the African Union in the realm of conflict prevention and resolution, crisis management, peacemaking, peacekeeping and post-conflict peacebuilding in Africa, and in this context urges the United Nations system and the international community to increase, coordinate and sustain their efforts aimed at assisting African countries in addressing the full range of causes of conflict in Africa (para. 5)</p> <p>Calls upon the United Nations system and Member States to support the African Union in its effort to effectively integrate training in international humanitarian law and international human rights law, with particular emphasis on the rights of women and children, in the training of civilian and military personnel of national standby contingents at both the operational and tactical levels, as set out in article 13 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (para. 14)</p> <p>Takes note of the conclusions of the expert group meeting on "Youth in Africa: participation of youth as partners in peace and development in post-conflict countries", held in Namibia on 29 November 2006, and calls upon the United Nations system and Member States to adopt strategies to include youth as central stakeholders and key actors in the rehabilitation, reconciliation and rebuilding of war-torn communities and in contributing to sustainable development in their countries (para. 18)</p>

<i>General Assembly resolution</i>	<i>Item</i>	<i>Recommendation</i>
		<p>Calls upon the United Nations system and invites Member States to assist African countries emerging from conflict in their efforts to build national capacities of governance, including the rehabilitation of the security sector, disarmament, demobilization and the reintegration of ex-combatants, provision for the safe return of internally displaced persons and refugees, the launch of income-generation activities, particularly for youth and women, and the delivery of basic public services (para. 24)</p> <p>Stresses the importance of effectively addressing challenges that continue to hamper the achievement of peace, stability and sustainable development on the continent, inter alia, the increased prevalence of infectious disease such as HIV/AIDS, the effects of global warming and climate change, the extremely high rates of youth unemployment, human trafficking, massive displacements of people, the illegal exploitation of natural resources, the illicit trade in small arms and light weapons, the emergence of terrorist networks and the increased activity of transnational organized crime, and in this regard encourages the United Nations system and Member States to assist African countries to effectively address these challenges (para. 25)</p>
<p>63/114 5 December 2008</p>	<p>Cooperation between the United Nations and the Organization of the Islamic Conference</p>	<p>Requests the United Nations and the Organization of the Islamic Conference to continue to cooperate in their common search for solutions to global problems, such as questions relating to international peace and security, disarmament, self-determination, promotion of a culture of peace through dialogue and cooperation, decolonization, human rights and fundamental freedoms, terrorism, capacity-building, health-related issues such as combating pandemic and endemic diseases, emergency relief and rehabilitation and technical cooperation (para. 5)</p>
<p>63/159 18 December 2008</p>	<p>Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly</p>	<p>Urges Governments and the United Nations system to take further steps to ensure the integration of a gender perspective and the full and equal participation of women in all efforts to promote peace and security, including in peace negotiations, peacekeeping, peacebuilding and post-conflict situations, as well as to increase their role in decision-making at all levels, including through the development of national action plans and strategies (para. 24)</p>

<i>General Assembly resolution</i>	<i>Item</i>	<i>Recommendation</i>
63/185 18 December 2008	Protection of human rights and fundamental freedoms while countering terrorism	<p>Recognizes the need to continue ensuring that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomes and encourages the Security Council's continued enhancement of efforts in support of these objectives, while emphasizing the importance of these sanctions in countering terrorism (para. 19)</p> <p>Welcomes the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the links and to continue to develop cooperation with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and other relevant special procedures and mechanisms of the Human Rights Council, giving due regard to the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism (para. 22)</p>
63/304 23 July 2009	Implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa	<p>Calls upon the United Nations system and Member States to support the peace consolidation mechanisms and processes, including the Panel of the Wise, the African Union Post-Conflict Reconstruction and Development Framework and the early warning system, as well as the operationalization of the African Standby Force (para. 4)</p> <p>Calls upon the United Nations system and Member States to support the African Union in its effort to effectively integrate training in international humanitarian law and international human rights law, with particular emphasis on the rights of women and children, in the training of civilian and military personnel of national standby contingents at both the operational and tactical levels, as set out in article 13 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (para. 8)</p>

Welcomes the ongoing efforts of the African Union to ensure the protection of the rights of women in conflict and post-conflict situations, recalls in this regard the adoption and entry into force of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003), the Solemn Declaration on Gender Equality in Africa (2004) and the African Union Gender Policy (2009), as well as the Southern African Development Community Protocol on Gender and Development (2008), stresses the significance of those instruments for all countries in Africa in strengthening the role of women in peace and conflict prevention on the continent, and strongly urges the United Nations and all parties to redouble their efforts and support in this regard (para. 15)

Takes note of the conclusions of the expert group meeting on "Promoting partnerships in support of African Peer Review Mechanism implementation", held in Ethiopia in November 2007, and invites the United Nations system and Member States to take those conclusions into account in support of good governance in Africa (para. 19)

Calls upon the United Nations system and invites Member States to assist African countries emerging from conflict in their efforts to build national capacities of governance, including the rehabilitation of the security sector, the disarmament, demobilization and reintegration of ex-combatants, provision for the safe return of internally displaced persons and refugees, the launch of income-generation activities, particularly for youth and women, and the delivery of basic public services (para. 20)

Stresses the importance of effectively addressing challenges that continue to hamper the achievement of peace, stability and sustainable development on the continent, inter alia, the food, fuel and financial crises, the increased prevalence of infectious diseases such as HIV/AIDS, the effects of global warming and climate change, the extremely high rates of youth unemployment, human trafficking, massive displacements of people, the illegal exploitation of natural resources, the illicit trade in small arms and light weapons, the emergence of terrorist networks and the increased activity of transnational organized crime, including drug trafficking, and in this regard encourages the United Nations system and Member States to assist African countries in effectively addressing these challenges (para. 21)

<i>General Assembly resolution</i>	<i>Item</i>	<i>Recommendation</i>
63/310 14 September 2009	Cooperation between the United Nations and the African Union	<p>Recalls the primary responsibility of the Security Council in the maintenance of international peace and security, and requests the United Nations system to intensify its assistance to the African Union, as appropriate, in strengthening the institutional and operational capacity of its Peace and Security Council, and in coordinating with other international partners when needed (para. 2)</p> <p>Emphasizes the need to pursue the ongoing measures to improve the effectiveness and efficiency of United Nations and African Union cooperation, recommends the continued improvement of the field presence of the United Nations Secretariat at the headquarters of the African Union, recognizing the need to ensure an appropriate level of representation at the United Nations Liaison Office at Addis Ababa commensurate with the increasing political integration of the African Union, the responsibilities for implementing all aspects of the ten-year capacity-building programme, coordinating the United Nations system in existing and emerging areas of cooperation in peace and security and political and humanitarian affairs, in order to enhance the strategic and operational partnership between the United Nations and the African Union and its subregions (para. 3)</p> <p>Stresses the urgent need for the United Nations and the African Union to develop close cooperation and concrete programmes aimed at addressing the problems posed by illicit trafficking in small arms and light weapons and anti-personnel mines, within the framework of the relevant declarations and resolutions adopted by the two organizations (para. 5)</p> <p>Calls upon the United Nations system, the African Union and the international community to intensify their cooperation in the global fight against terrorism through the implementation of the relevant international and regional treaties and protocols and, in particular, the African Plan of Action adopted in Algiers on 14 September 2002, as well as their support for the operation of the African Centre for Studies and Research on Terrorism inaugurated in Algiers in October 2004 (para. 6)</p> <p>Calls upon the United Nations system to intensify its efforts, in collaboration with the African Union, in combating the illegal exploitation of natural resources, particularly in conflict areas, in accordance with relevant resolutions and decisions of the United Nations and the African Union (para. 7)</p>

<i>General Assembly resolution</i>	<i>Item</i>	<i>Recommendation</i>
64/168 18 December 2009	Protection of human rights and fundamental freedoms while countering terrorism	<p>Recognizes the need to continue ensuring that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomes and encourages the ongoing efforts of the Security Council in support of these objectives, including by continuing to review all the names of individuals and entities in the regime, while emphasizing the importance of these sanctions in countering terrorism (para. 9)</p> <p>Welcomes the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the links, cooperation and dialogue with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, other relevant special procedures and mechanisms of the Human Rights Council, and relevant treaty bodies, giving due regard to the promotion and protection of human rights and the rule of law in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism (para. 13)</p>

C. Practice in relation to Article 12 of the Charter

session, immediately the Security Council ceases to deal with such matters.

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*

Note

During the period under review, there was no discussion in the Security Council of the nature of the limitation placed by Article 12 (1) on the authority of the General Assembly to make recommendations, nor did the Council request the Assembly to make a recommendation in respect of a dispute or situation in accordance with the exception provided for in Article 12 (1). The Assembly did, however, adopt a resolution at its tenth emergency special session under the item “Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory”, which followed the earlier adoption of a resolution by the Council on the same matter. Thus, in effect, the Council and the Assembly considered and made decisions on the same 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 which the Council had ceased to deal with.⁶ These notifications were based on the summary statement of matters of which the Council was seized and of the stage reached in their consideration, circulated each week to the members of the Council in accordance with rule 11 of the provisional rules of procedure of the Council⁷ and notes by the President of the Council.⁸

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.⁹ The General Assembly formally took note of the various notifications.¹⁰

Case 1

Consideration of the application of Article 12 (1) by the General Assembly

Following the escalation of violence in the Gaza Strip, several Member States sent letters to the President of the General Assembly in which they requested the convening of an emergency special session of the Assembly in accordance with resolution 377 (V) of 3 November 1950, on uniting for peace, to

consider the situation and demand the cessation of hostilities in Gaza.¹¹

The Security Council, at its 6063rd meeting on 8 January 2009, in connection with the situation in the Middle East, including the Palestinian question, adopted resolution 1860 (2009). While expressing grave concern at the escalation of violence and the deterioration of the situation, the Council stressed the urgency of and called for an immediate, durable and fully respected ceasefire leading to the full withdrawal of Israeli forces from Gaza.¹²

In a letter dated 14 January 2009 addressed to the President of the General Assembly, the representative of Israel stated that the meeting of the tenth emergency special session of the General Assembly, scheduled for 15 January 2009, represented a violation of the Charter, as the Security Council was actively addressing the situation. He explicitly invoked Article 12 (1) of the Charter and stated that, according to General Assembly resolution 377 (V), emergency special sessions of the Assembly were designed to act only when the Council failed to exercise its primary responsibility for the maintenance of international peace and security, which was not the case. Given that the Council remained deeply engaged in the matter, he called for a cancellation of the meeting.¹³

On 15 and 16 January 2009, the tenth emergency special session of the General Assembly was resumed to discuss the matter under the item "Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory".¹⁴ At the outset of the meeting, the representative of Israel raised a point of order, stating that the convening of the emergency special session violated Article 12 (1) of the Charter.

⁶ See notes by the Secretary-General entitled "Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations" (A/63/300 and A/64/300).

⁷ 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".

⁸ S/2007/749 and S/2008/847.

⁹ For more information, see part II, sect. A, with regard to the agenda.

¹⁰ General Assembly decisions 63/514 (see A/63/PV.53, p. 3) and 64/509 (see A/64/PV.43, p. 1).

¹¹ See communications dated 7 January 2009 from the representative of Malaysia (A/ES-10/434) and the Chargé d'affaires a.i. of the Bolivarian Republic of Venezuela (A/ES-10/436) and dated 8 January 2009 from the representative of Indonesia (A/ES-10/440) and the Permanent Mission of the Syrian Arab Republic (A/ES-10/441). Pursuant to General Assembly resolution 377 (V), an emergency special session shall be convened within 24 hours of a request from 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.

¹² Resolution 1860 (2009), para. 1.

¹³ A/ES-10/439.

¹⁴ The resumed tenth emergency special session held its 32nd to 36th meetings.

He stressed that the session was taking place as the Council was actively addressing the situation in southern Israel and the Gaza Strip. The Charter stated that, while the Council was exercising its function, the Assembly should not make any recommendation with regard to a disputed situation.¹⁵ Taking the floor, the Under-Secretary-General for General Assembly and Conference Management stated that this was not a new emergency special session. He had sought the advice of the Office of Legal Affairs, which noted that the President of the General Assembly was authorized under Assembly resolution ES-10/17 to resume the meeting of the tenth emergency special session upon request from Member States.¹⁶

The President of the General Assembly stated that there seemed to be a presumption that, if the Security Council had decided to respond to the current crisis in Gaza within the grouping of the Quartet, or other Member States, the Assembly was bound and had to confine itself to supporting and following their lead. He underlined, however, that all Member States shared an individual and collective responsibility, as the General Assembly, to uphold the Charter and ensure compliance with United Nations resolutions and international law. The President also stated that he had convened the meeting at the request of the 118 Member States that made up the Non-Aligned Movement and was fully aware that the Security Council had adopted resolution 1860 (2009). However, the resolution failed to bring about either an immediate ceasefire or unimpeded humanitarian access and had been rejected by the two sides, Israel and Hamas. The President suggested that the Assembly adopt a resolution that reflected the situation's urgency and the Assembly's commitment "to end this slaughter". Lastly, he emphasized that he had convened the meeting in order to place the power and prestige of the General Assembly in motion towards the demands of an immediate ceasefire and unimpeded humanitarian access.¹⁷

Speaking on behalf of the Non-Aligned Movement, the representative of Cuba said that a resolution that effectively contributed to the implementation of resolution 1860 (2009) and efforts to halt Israeli aggression against Palestinians in Gaza should be adopted. He strongly condemned Israel's

massive military aggression and its disregard of resolution 1860 (2009) and demanded the implementation of the resolution, including its call for an immediate ceasefire and the withdrawal of the Israeli forces from Gaza.¹⁸

The representative of France, speaking in his capacity as President of the Security Council, stated that the Council remained seized of the issue and called for compliance with Article 12 of the Charter. He hoped that the emergency special session would fully support the implementation of resolution 1860 (2009), notably through the completion of diplomatic efforts and the French-Egyptian plan.¹⁹

The representative of the United States stressed that the session of the General Assembly should not undermine ongoing diplomatic activity. He stated that this was especially so, as the Security Council was addressing the matter as provided for in the Charter. Nor should the session be allowed to devolve into "vituperative criticism" just as every effort was being made to find a mechanism to bring the conflict to a halt.²⁰

Most representatives expressed concern at the situation in Gaza and condemned Israel's massive military aggression. At the same time, many speakers welcomed the adoption by the Council of resolution 1860 (2009),²¹ while others expressed the view that the Council was failing to assume its Charter responsibility.²² Several speakers cited Article 12 of the Charter to emphasize the limitations placed on the General Assembly on matters relating to the maintenance of international peace and security.

At the end of the session, the General Assembly adopted resolution ES-10/18, which was similar in substance to Security Council resolution 1860 (2009). In paragraph 1 of that resolution, the Assembly,

¹⁸ *Ibid.*, p. 16.

¹⁹ A/ES-10/PV.33, p. 2.

²⁰ A/ES-10/PV.34, p. 15.

²¹ A/ES-10/PV.32, p. 18 (Czech Republic, on behalf of the European Union); A/ES-10/PV.33, p. 3 (Uganda, on behalf of the Organization of the Islamic Conference); p. 8 (Egypt); and p. 16 (Bahrain); A/ES-10/PV.34, p. 26 (Maldives); A/ES-10/PV.35, p. 2 (United Kingdom); p. 6 (Republic of Korea); p. 13 (Slovenia); p. 14 (Ireland); and p. 19 (Sweden).

²² A/ES-10/PV.33, pp. 17-19 (Syrian Arab Republic); A/ES-10/PV.34, p. 11 (Nicaragua); and p. 21 (Pakistan); A/ES-10/PV.35, p. 7 (Panama).

¹⁵ A/ES-10/PV.32, p. 2, and A/ES-10/PV.33, p. 5.

¹⁶ A/ES-10/PV.32, pp. 2-3.

¹⁷ *Ibid.*, pp. 3-8.

inter alia, demanded full respect for resolution 1860 (2009), including its urgent call for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from the Gaza Strip, and its call for the unimpeded provision and distribution throughout the Gaza Strip of humanitarian assistance, including food, fuel and medical treatment.

D. Practice in relation to provisions of the Charter involving recommendations by the Security Council to the General Assembly

Note

On a number of matters, the Charter provides for joint decision-making by the Security Council and the General Assembly but requires a 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 Member of the United Nations may become a party to the Statute of the International Court of Justice (Article 93 (2)).²³ In addition, the statutes of the International Tribunals for Rwanda and the Former Yugoslavia²⁴ provide for the Council to submit a list of candidates to the 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 and article 13 of

the statute of the International Criminal Tribunal for Rwanda).²⁵

The present 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 the International Criminal Tribunal for Rwanda, respectively. No questions arose concerning the conditions of accession to the Statute of the International Court of Justice.

1. Membership in the United Nations

The admission of a State to membership in the United Nations, and the suspension or expulsion of a Member State from the Organization, is effected by the General Assembly upon the recommendation of the Security Council (Articles 4 (2), 5 and 6 of the Charter). In accordance with rule 60 of its provisional rules of procedure, the Council submits to the Assembly, within specified time limits, its recommendations concerning each application for membership together with a record of its discussions in relation to the application.

During the period under review, the Council did not recommend the admission of any State for membership in the United Nations. It made no negative recommendations, which would have required the submission of a special report to the General Assembly. The Council did not discuss or recommend the suspension or expulsion of any Member.

²³ The Statute of the International Court of Justice provides for the Security Council to make recommendations to the General Assembly regarding the conditions under which a State which is a party to the Statute but is not a Member of the United Nations may participate in electing members of the Court, and in making amendments to the Statute (Articles 4 (3) and 69 of the Statute).

²⁴ The full titles of the two Tribunals are: International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994; and 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.

²⁵ 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. In each case, in accordance with the statute, the Secretary-General forwards to the President of the Council the nominations received. The Council then convenes a meeting, in accordance with the understanding reached in its prior consultations, and adopts a resolution establishing the list of candidates for judges. Subsequently, the President of the Council formally transmits, through a letter, the text of the resolution to the President of the Assembly. The Assembly then proceeds to elect the judges from the list contained in that resolution.

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 are held in private, and the Council votes by secret ballot. A communiqué circulated at the end of each meeting, in accordance with rule 55, indicates the stage reached in the consideration of the recommendation.

During the period under review, the Council did not consider or make any recommendation of this nature.

3. Election of the judges of the International Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda

Note

During the period covered, there were no elections of judges of the two Tribunals. However, the Secretary-General transmitted to the Security Council letters from the Presidents of the Tribunals in which they requested, inter alia, the extension of terms of office of judges currently serving the Tribunals and authorization for the expansion of the maximum number of judges. In each case, the Council adopted resolutions and the General Assembly endorsed them (cases 2 and 3).

Case 2

International Tribunal for the Former Yugoslavia

In two letters addressed to the President of the Security Council, the Secretary-General transmitted

letters from the President of the International Tribunal for the Former Yugoslavia in which the latter requested, inter alia, the appointment of two ad litem judges to enable the Tribunal to start conducting new trials in furtherance of its completion strategy.²⁶ In response to the request, on 20 February 2008 the Council adopted resolution 1800 (2008), by which it decided that the Secretary-General may appoint, within existing resources, additional ad litem judges upon the request of the President of the Tribunal in order to conduct additional trials.²⁷

By a letter dated 24 September 2008 addressed to the President of the General Assembly,²⁸ the Secretary-General transmitted a letter from the President of the Tribunal in which the latter requested the extension of the term of office of the permanent and ad litem judges elected to serve with the Tribunal in 2005 and whose terms of office would expire on 16 November 2009 and 23 August 2009, respectively. In response to that request, on 29 September 2008 the Council adopted resolution 1837 (2008), by which it decided to extend the terms of four permanent judges of the Tribunal who were members of the Appeals Chamber until 31 December 2010 or until the completion of cases before the Appeals Chamber, if sooner. The Council also decided, without prejudice to the provisions of resolution 1800 (2008), to amend articles 12 (1) and (2) of the statute of the Tribunal regarding the composition of the Chambers. By a letter dated 29 September 2008 addressed to the President of the General Assembly,²⁹ the President of the Security Council transmitted the text of resolution 1837 (2008). At the 23rd plenary meeting of its sixty-third session, on 9 October 2008, the Assembly endorsed the recommendations contained in resolution 1837 (2008).³⁰

By a letter dated 5 December 2008 addressed to the President of the Security Council, the Secretary-General transmitted a letter from the President of the Tribunal in which the latter requested an extension of the terms of resolution 1800 (2008) so that the Tribunal might be authorized to have more than the statutory maximum of 12 ad litem judges beyond 31 December

²⁶ S/2008/44 (22 January 2008) and S/2008/99 (8 February 2008).

²⁷ Resolution 1800 (2008), para. 1.

²⁸ A/63/458-S/2008/621.

²⁹ A/63/470.

³⁰ General Assembly decision 63/402.

2008.³¹ In response to that request, on 12 December 2008 the Security Council adopted resolution 1849 (2008), by which it decided that the Secretary-General may appoint, within existing resources, additional ad litem judges upon the request of the President of the Tribunal in order to complete existing trials or conduct additional trials.

By a letter dated 19 June 2009 addressed to the President of the Security Council, the Secretary-General transmitted a letter from the President of the Tribunal in which the latter requested, inter alia, an expansion of the membership of the Appeals Chamber, an extension of the term of office of judges of the Tribunal and authorization for the Tribunal to exceed temporarily the statutory maximum of ad litem judges.³² In response to that request, on 7 July 2009 the Council adopted resolution 1877 (2009), by which it decided that, upon the request of the President of the Tribunal, the Secretary-General may appoint additional ad litem judges in order to complete existing trials or conduct additional trials, notwithstanding the fact that the total number of ad litem judges would from time to time temporarily exceed the maximum of 12 to a maximum of 13, returning to a maximum of 12 by 31 December 2009.³³ The Council further amended articles 14 (3) and (4) of the statute.³⁴ By a letter dated 8 July 2009 addressed to the President of the General Assembly, the President of the Security Council transmitted the text of resolution 1877 (2009).³⁵ At the 104th plenary meeting of its sixty-third session, on 9 September 2009, the General Assembly endorsed the recommendations contained in resolution 1877 (2009).³⁶

By a letter dated 28 October 2009 addressed to the President of the Security Council, the Secretary-General transmitted a letter from the President of the Tribunal in which the latter requested an extension of the terms of office of two ad litem judges until the end of March 2010.³⁷ In response to that request, on 16 December 2009 the Council adopted resolution 1900 (2009), by which it underlined its intention to

extend, by 30 June 2010, the terms of office of all trial judges of the Tribunal on the basis of its projected trial schedule and the terms of office of all appeals judges until 31 December 2012 or until the completion of the cases to which they were assigned, if sooner.³⁸ By a letter dated 22 December 2009 addressed to the President of the General Assembly, the President of the Security Council transmitted the text of resolution 1900 (2009).³⁹ At the 68th plenary meeting of its sixty-fourth session, on 23 December 2009, the General Assembly decided to endorse the recommendations of resolution 1900 (2009).⁴⁰

Case 3 International Criminal Tribunal for Rwanda

By identical letters dated 13 June 2008 addressed to the Presidents of the General Assembly and the Security Council,⁴¹ the Secretary-General transmitted a letter from the President of the International Criminal Tribunal for Rwanda in which the latter sought the extension of the terms of office of nine permanent judges and eight ad litem judges whose terms were to expire on 31 December 2008. He sought for each of those judges an extension to 31 December 2009 or until the completion of the cases to which they were assigned. In response to that request, on 18 July 2008 the Council adopted resolution 1824 (2008), by which it extended the term of office of the permanent judges and ad litem judges until 31 December 2010. The Council also amended articles 11 (1) and (2) of the statute of the Tribunal regarding the composition of the Chambers.⁴² By a letter dated 21 July 2008 addressed to the President of the General Assembly, the President of the Security Council transmitted the text of resolution 1824 (2008).⁴³ At the 116th plenary meeting of its sixty-second session, on 28 July 2008, the General Assembly decided to endorse the recommendations contained in resolution 1824 (2008).⁴⁴

By a letter dated 19 June 2009 addressed to the President of the Security Council, the Secretary-General transmitted a letter from the President of the

³¹ S/2008/767.

³² S/2009/333.

³³ Resolution 1877 (2009), para. 7.

³⁴ *Ibid.*, para. 8. For the amended paragraphs, see the annex.

³⁵ A/63/957.

³⁶ General Assembly decision 63/426.

³⁷ S/2009/570.

³⁸ Resolution 1900 (2009), para. 1.

³⁹ A/64/591.

⁴⁰ General Assembly decision 64/416.

⁴¹ A/62/896-S/2008/436.

⁴² Paras. 1-5.

⁴³ A/62/910.

⁴⁴ General Assembly decision 62/421.

Tribunal in which the latter requested the expansion of the membership of the Appeals Chamber by authorizing the President to redeploy four permanent judges from the Trial Chambers to the Appeals Chamber.⁴⁵ In response to that request, on 7 July 2009 the Council adopted resolution 1878 (2009), by which it decided, *inter alia*, to review the extension of the terms of office of the permanent judges of the Tribunal who were members of the Appeals Chamber, by 31 December 2009, in the light of the progress of the Tribunal in the implementation of the completion strategy. The Council also decided to amend article 13 (3) of the statute.⁴⁶ By a letter dated 8 July 2009 addressed to the President of the General Assembly, the President of the Security Council transmitted the text of resolution 1878 (2009).⁴⁷ At the 104th plenary meeting of its sixty-third session, on 9 September 2009, the Assembly decided to endorse the recommendations contained in resolution 1878 (2009).⁴⁸

In a letter addressed to the President of the Security Council, the Secretary-General transmitted letters from the President of the Tribunal in which the latter requested the Council to permit the Tribunal to exceed the maximum number of *ad litem* judges allowed by article 11 (1) of the statute of the Tribunal by extending to 31 December 2010 the authorization granted in resolution 1855 (2008).⁴⁹ In response to that request, on 16 December 2009 the Council adopted resolution 1901 (2009), by which it underlined its intention to extend, by 30 June 2010, the terms of office of all trial judges of the Tribunal on the basis of its projected trial schedule and the terms of office of all appeals judges until 31 December 2012 or until the completion of the cases to which they were assigned, if sooner. By a letter dated 22 December 2009 addressed to the President of the General Assembly, the President of the Security Council transmitted the text of resolution 1901 (2009).⁵⁰ At the 68th plenary meeting of its sixty-fourth session, on 23 October 2009, the General Assembly decided to endorse the

recommendations contained in resolution 1901 (2009).⁵¹

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.

Note

In accordance with Article 24 (3) of the Charter, the Security Council continued to submit annual reports to the General Assembly.⁵² Each report covered the period from 1 August of one year to 31 July of the next. The format of the report remained unaltered during the period under review.

During the period under review, the Council adopted a practice whereby the introduction to the annual report was prepared under the leadership and responsibility of the President of the Council for the month of July of each calendar year, and the Secretariat prepared the body of the report.⁵³ At its 6007th meeting, held on 30 October 2008, the Council adopted its draft annual report to the General Assembly for the period from 1 August 2007 to 31 July 2008. Prior to the adoption of the annual report, the President stated that the introduction to the draft report had been

⁴⁵ S/2009/333.

⁴⁶ Resolution 1878 (2009), paras. 1 and 8. For the amended paragraph, see the annex to the resolution.

⁴⁷ A/63/956.

⁴⁸ General Assembly decision 63/425.

⁴⁹ S/2009/571 (2 November 2009).

⁵⁰ A/64/590.

⁵¹ General Assembly decision 64/415 A.

⁵² Annual reports were adopted by the Security Council at the following public meetings: 63rd report (covering the period from 1 August 2007 to 31 July 2008), adopted at the 6007th meeting, held on 30 October 2008; 64th report (covering the period from 1 August 2008 to 31 July 2009), adopted at the 6210th meeting, held on 29 October 2009; 65th report (covering the period from 1 August 2009 to 31 July 2010), adopted at the 6413rd meeting, held on 28 October 2010.

⁵³ Note by the President of the Security Council dated 19 December 2007 (S/2007/749).

prepared by the delegation of Viet Nam, as President of the Council in July 2008. He pointed out that the format of the draft report before the Council corresponded to the relevant provisions contained in the notes by the President.⁵⁴

During the period under consideration, one communication from a Member State addressed to the Secretary-General made an explicit reference to Article 24 (3), in the context of annual and special reports of the Security Council to the General Assembly.⁵⁵

During the period covered by the present Supplement, the Security 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.⁵⁶

F. Relations with subsidiary organs established by the General Assembly

Note

Certain subsidiary organs established by the General Assembly continued to play a part in the work of the Security Council, either because they had been placed in a special relationship to the Council by a resolution of the General Assembly, or because the Council had made use of their services or invited their officers to participate in its meetings.

During the period under review, there was no constitutional discussion bearing on the relations between such subsidiary organs and the Security Council. The subsidiary organs still active included the following: the Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council; the Special

Committee on Peacekeeping Operations; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; the Human Rights Council; the Disarmament Commission; and the Peacebuilding Commission.

During the period under consideration, the decisions adopted by the Security Council contained no references to the aforementioned subsidiary organs. However, three decisions adopted by the Council contained a reference to the Special Committee on Peacekeeping Operations (case 4). For decisions containing references to the Peacebuilding Commission, see part IX of the present Supplement.

Case 4 Special Committee on Peacekeeping Operations

By a presidential statement dated 5 August 2009 in connection with the item “United Nations peacekeeping operations”, the Security Council expressed the belief that United Nations peacekeeping was a unique global partnership that drew together the contributions and commitment of the entire United Nations system, and expressed its commitment to strengthening this partnership. In this connection, the Council recognized the important work conducted by the Special Committee on Peacekeeping Operations.⁵⁷

By its resolution 1820 (2008) of 19 June 2008, in connection with the item entitled “Women and peace and security”, the Council requested the Secretary-General, in consultation with the Council, the Special Committee on Peacekeeping Operations and its Working Group on Peacekeeping Operations, to develop and implement appropriate training programmes for all peacekeeping and humanitarian personnel deployed by the United Nations in the context of missions as mandated by the Council to help them better prevent, recognize and respond to sexual violence and other forms of violence against civilians.⁵⁸

By its resolution 1894 (2009) of 11 November 2009, in connection with the item entitled “Protection of civilians in armed conflict”, the Council took note of

⁵⁴ S/2006/507 and S/2007/749.

⁵⁵ See the letter dated 24 July 2009 addressed to the Secretary-General by the representative of Egypt, transmitting the Final Document of the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries (S/2009/514, annex, para. 58 ff).

⁵⁶ 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.

⁵⁷ S/PRST/2009/24.

⁵⁸ Resolution 1820 (2008), para. 6.

the report of the Secretary-General on the protection of civilians and its annex on constraints on humanitarian access, which identified the core challenges to the effective protection of civilians. In that regard, the Council welcomed the proposals, conclusions and recommendations on the protection of civilians included in the report of the Special Committee on Peacekeeping Operations and its Working Group.⁵⁹

**Case 5
Committee on the Exercise of Inalienable Rights of the Palestinian People**

On 24 November 2008 and 30 November 2009, the President of the Security Council made statements

at meetings of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in observance of the International Day of Solidarity with the Palestinian People.⁶⁰

During the period under review, the President of the Security Council received requests on several occasions from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to participate in Council meetings (see table). The requests were read into the record of the meeting by the President of the Council and were not issued as documents. For each meeting, invitations were extended as a matter of course and without any discussion.

⁵⁹ A/63/19; see resolution 1894 (2009), twentieth preambular paragraph.

⁶⁰ A/AC.183/PV.314 and A/AC.183/PV.320, respectively.

<i>Invitee</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	The situation in the Middle East, including the Palestinian question	5940	22 July 2008
		6049	18 December 2008
		6061	6 January 2009
		6100	25 March 2009
		6201	14 October 2009

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/2008/243	15 April 2008	Letter dated 10 April 2008 from the Chairman reiterating the Committee's objection to the deletion from the list of items of which the Security Council is seized of matters relating to the exercise of the inalienable rights of the Palestinian people, the question of Palestine and the situation in the Middle East
S/2009/265	21 May 2009	Letter dated 19 May 2009 from the Chairman transmitting the statement adopted by the Committee on the Exercise of the Inalienable Rights of the Palestinian People at the 316th meeting of the Committee on the situation in Occupied East Jerusalem

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

The present section concerns the relationship between the Security Council and the Economic and Social Council. Subsection A deals with decisions of the Security Council which contain a reference to either Article 65 of the Charter or the Economic and Social Council. Subsection B covers deliberations of the Security Council during the course of which the importance of closer ties between the two organs was emphasized, particularly in the context of post-conflict peacebuilding (cases 6 to 8).

During the period under review, the President of the Economic and Social Council was invited to brief the Security Council at a meeting held in connection with the question of Haiti (case 6).⁶¹ Conversely, there

⁶¹ At the resumed 6233rd meeting, the representative of Luxembourg spoke partly in her national capacity and partly in her capacity as President of the Economic and Social Council. She was invited under rule 37 of the provisional rules of procedure (S/PV.6233 (Resumption 1), pp. 12-13).

was one instance in which the President of the Security Council was invited to participate in a meeting of the Economic and Social Council.⁶²

A. Requests or references to the Economic and Social Council in decisions of the Security Council

Note

During the period under consideration, the Security Council did not formally address any requests for information or assistance to the Economic and Social Council. The Security Council did, however, make an explicit reference to Article 65 of the Charter in one decision relating to the situation in Somalia.⁶³ In several other decisions, relating to other items, the Council made references to the Economic and Social Council (see subsections 1 and 2 below).

⁶² The President of the Security Council for May 2008 attended a special meeting of the Economic and Social Council held on 20 May 2008 to discuss the global food crisis (see E/2008/SR.7).

⁶³ Resolution 1814 (2008).

1. Resolutions containing references to the Economic and Social Council

<i>Resolution</i>	<i>Item</i>	<i>Relevant provisions</i>
1814 (2008)	The situation in Somalia	The Security Council recalls that, pursuant to Article 65 of the Charter of the United Nations, the Economic and Social Council may furnish information to the Council and shall assist the Council upon its request (para. 19)
1817 (2008)	The situation in Afghanistan	The Council acknowledges the role of the Commission on Narcotic Drugs of the Economic and Social Council as the central policymaking and coordinating body within the United Nations system on international drug control issues and welcomes its intention to consider the issue of precursors control as one of the central questions to be discussed during the high-level segment of the fifty-second session of the Commission on Narcotic Drugs (thirteenth preambular paragraph)
1892 (2009)	The question concerning Haiti	The Council takes note of the report of the Economic and Social Council Ad Hoc Advisory Group on Haiti (twenty-third preambular paragraph)

2. Presidential statements containing references to the Economic and Social Council

<i>Statement</i>	<i>Item</i>	<i>Relevant provisions</i>
S/PRST/2009/32	Peace and security in Africa	The Security Council recognizes the importance of the actions undertaken by the General Assembly, the Economic and Social Council, the Commission on Narcotic Drugs, the United Nations Office on Drugs and Crime and other relevant United Nations organs and agencies in facing numerous security risks caused by drug trafficking in many countries and regions, including in Africa. The Council encourages them to undertake further actions in this regard (para. 4)

B. Constitutional discussion arising in connection with the Economic and Social Council

Note

The issue of relations between the Security Council and the Economic and Social Council arose frequently in Security Council debates, particularly in the context of children and armed conflict; protection of civilians in armed conflict; women and peace and security; maintenance of international peace and security; and post-conflict peacebuilding. During the debates of the Security 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 prevention.

In his report to the Security Council on the implementation of resolution [1625 \(2005\)](#) on conflict prevention, particularly in Africa, the Secretary-General touched upon the relevance of the oversight role of the Economic and Social Council in matters of development cooperation and humanitarian assistance. He stressed that the Charter-mandated responsibilities of the Economic and Social Council to coordinate the activities of the specialized agencies, funds and programmes, as well as its custodianship of the United Nations development agenda, were of particular value in promoting better integration between the relevant policy and operational dimensions of conflict prevention and peacebuilding. Thus, he believed that the Security Council should continue to engage the Economic and Social Council, in the context of its coordination role, to facilitate better flow of

information to it from the funds, programmes and agencies.⁶⁴

The present section highlights several case studies grouped under thematic headings, 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 three case studies analysed concern a briefing by the President of the Economic and Social Council in accordance with Article 65 of the Charter (case 6); calls for increased cooperation and coordination between the Security Council and the Economic and Social Council (case 7); and calls for increased interaction between the Security Council, the Economic and Social Council and the Peacebuilding Commission (case 8).

Case 6 Briefing by the President of the Economic and Social Council

In accordance with Article 65 of the Charter, the Economic and Social Council may furnish information to the Security Council. Following the food and fuel crises in Haiti, the President of the Economic and Social Council was invited to brief the Security Council at its 6101st meeting, on 6 April 2009, during its consideration of the item entitled “The question concerning Haiti”.

During the debate, the President of the Economic and Social Council briefed the Security Council on the most recent report of the Ad Hoc Advisory Group on Haiti and its recommendations. While highlighting the correlations between socioeconomic development and political stability, she asserted that it was vital that the

⁶⁴ S/2008/18, para. 55.

two Councils work together to support Haiti in meeting challenges. She stated that the Ad Hoc Advisory Group was established to draft recommendations for the long-term development of Haiti and that, in its most recent report in 2008, the Group had noted the economic, social and political instability in Haiti. The Group made three groups of recommendations: first, donors should align their efforts to the facts on the ground and aim to enhance national capacities; second, the reform of Haitian institutions should be stepped up, particularly in the area of justice and the rule of law, as well as customs and public administration in general; and third, the further involvement of the private sector and the Haitian diaspora to create jobs in the structured sector. Lastly, she stated that the Economic and Social Council, in particular through its Ad Hoc Advisory Group, would visit Haiti in May and would continue to be committed in this process and to assisting the country.⁶⁵

Case 7
Calls for increased cooperation and coordination between the Security Council, the Economic and Social Council and other United Nations bodies

During the review period, there were calls for increased interaction and coordination between the Security Council, the Economic and Social Council and other United Nations bodies, underlining a shared responsibility for maintaining peace and protecting women, children and civilians. These calls were made in various specific contexts, under the items entitled “Children and armed conflict”, “Protection of civilians in armed conflict”, “Women and peace and security”, “Maintenance of international peace and security” and “Implementation of the note by the President of the Security Council (S/2006/507)”.

(a) Children and armed conflict

At its 5834th meeting, on 12 February 2008, the Council held an open debate on the item entitled “Children and armed conflict”. During the debate, the representative of Brazil stated that, in recent years, United Nations efforts to focus international attention on child-specific issues in the context of armed conflicts had been expanding given the seriousness of the issue and the growing number of conflicts affecting

children in various parts of the world. In this regard, she expected that the Council performed its work in close coordination with the General Assembly and the Economic and Social Council.⁶⁶

At its 5936th meeting, held on 17 July 2008, the Council met to consider the same item. During the debate, the representative of the Russian Federation emphasized that the task of protecting children in conflicts and securing their normal life in the post-conflict period was system-wide in nature and required a consolidated approach on the part of the Security Council, the General Assembly, the Peacebuilding Commission, the Human Rights Council, and the Economic and Social Council and its functional committees alike.⁶⁷ The representative of Egypt stressed that special emphasis should be placed on the reintegration and rehabilitation of children, their reintroduction to normal life and the creation of the conditions necessary for them to enjoy standards of education, nutrition and health similar to those enjoyed by children in advanced countries. In his view, this would require the commitment of more financial resources and better coordination between the Security Council, the General Assembly and the Economic and Social Council.⁶⁸ Referring to the call made by the President of the Security Council on 12 February 2008 to adopt a broad strategy of conflict prevention that would address the root causes of armed conflict in a comprehensive manner in order to enhance the protection of children on a long-term basis, the representative of Malawi stressed that this could be achieved only if the Security Council worked in full cooperation with relevant organs of the United Nations, such as the General Assembly and the Economic and Social Council, that were mandated to deal with development issues.⁶⁹

At its 6114th meeting, held on 29 April 2009, the Council met to consider the same item. During the debate, the representative of China emphasized that, since it was the common task of all the relevant organs of the United Nations to protect children in armed conflict and to ensure that they return to normal lives in the aftermath of conflict, an integrated approach and a joint response were needed from the Security Council, the General Assembly, the Human Rights

⁶⁵ S/PV.6101, pp. 22-23.

⁶⁶ S/PV.5834 (Resumption 1), p. 8.

⁶⁷ S/PV.5936, pp. 23-24.

⁶⁸ S/PV.5936 (Resumption 1), pp. 16-17.

⁶⁹ *Ibid.*, pp. 18-19.

Council, the Economic and Social Council and other relevant entities.⁷⁰ The representative of Thailand asserted that, because challenges relating to children were multidimensional and diverse, greater coordination and coherence among relevant United Nations forums and agencies were needed. In addition to the Security Council, his delegation welcomed the active interest in child-related issues in the General Assembly, the Economic and Social Council, the Human Rights Council and United Nations funds and programmes, as well as relevant human rights treaty bodies, since each of those forums and agencies had its uniqueness, strengths and constraints, in line with their respective mandates. In his view, with better coordination and coherence among those diverse instruments, the United Nations system as a whole would be able to better respond to the challenges pertaining to children around the world.⁷¹

(b) Protection of civilians in armed conflict

At its 5898th meeting, on 27 May 2008, the Council held an open debate on the item entitled "Protection of civilians in armed conflict". During the debate, the representative of China emphasized that the protection of civilians in armed conflict could not rely solely on the efforts of the Security Council and that he expected the General Assembly, the Economic and Social Council and the Human Rights Council to play a greater role.⁷² Likewise, the representative of the United Arab Emirates called for strengthening the Security Council's role in cooperation with the Secretariat's various specialized departments and agencies, including the Economic and Social Council, particularly in taking effective, prompt and decisive action to prevent civilian suffering in conflict zones.⁷³

(c) Women and peace and security

At its 5916th meeting, on 19 June 2008, the Council held an open debate on the item entitled "Women and peace and security". During the debate, while stressing that sexual violence should be addressed through a comprehensive approach in the context of the peace process and the political situation, the representative of China emphasized that the Security Council should enhance its consultation with

⁷⁰ S/PV.6114, p. 17.

⁷¹ S/PV.6114 (Resumption 1), p. 42.

⁷² S/PV.5898, p. 9.

⁷³ S/PV.5898 (Resumption 1), p. 17.

the General Assembly, the Economic and Social Council, the Secretariat and the relevant treaty bodies in a joint effort to address violence against women.⁷⁴ The representative of Brazil asserted that the participation of women in peacebuilding efforts was critical and, in that respect, more interaction was necessary between the Security Council and the Economic and Social Council under Article 65 of the Charter.⁷⁵

At its 6005th meeting, held on 29 October 2008, the Council met to consider the same item. During the debate, the representative of China stressed that the Security Council had a unique role to play in the question of women and peace and security. The Council should step up its efforts towards the prevention and resolution of conflicts so that the root causes of the suffering of women in conflict could be addressed. Thus, the Security Council should strengthen its coordination and cooperation with the Economic and Social Council and the United Nations Development Fund for Women in addressing the relevant issues.⁷⁶

At its 6196th meeting, on 5 October 2009, the Council met to consider the same item. During the debate, the representative of Luxembourg suggested that Member States could ensure that the Security Council and the Economic and Social Council launched a dialogue on the best way to address the negative impacts of conflict on women and considered how to involve women in full participation in peacebuilding efforts and post-conflict reconstruction.⁷⁷

(d) Maintenance of international peace and security

At its 6108th meeting, on 21 April 2009, the Council held an open debate on the item entitled "Maintenance of international peace and security". During the debate, the representative of Senegal recalled the Secretary-General's report dated 14 January 2008,⁷⁸ in which it was noted that prevention was a multidimensional task involving political decisions, humanitarian activities and development activities, which required that organizations work in close

⁷⁴ S/PV.5916, pp. 19-20.

⁷⁵ S/PV.5916 (Resumption 1), p. 12.

⁷⁶ S/PV.6005, p. 26.

⁷⁷ S/PV.6196 (Resumption 1), p. 7.

⁷⁸ S/2008/18.

cooperation with the United Nations, in particular the Security Council, the Human Rights Council and the Economic and Social Council and its specialized agencies. In this regard, he emphasized that cooperation between the Economic and Social Council, the Security Council and the regional organizations was particularly necessary, since growing attention should likewise be given to peacebuilding strategies and reconciliation.⁷⁹

(e) Implementation of the note by the President of the Security Council (S/2006/507)

At its 5968th meeting, on 27 August 2008, the Council held an open debate on the item entitled “Implementation of the note by the President of the Security Council (S/2006/507)”. In connection with improving the Council’s working methods, many speakers underlined the need for strengthened cooperation and coordination between the Security Council and other United Nations bodies, especially the General Assembly, the Economic and Social Council and the Peacebuilding Commission.⁸⁰ The representative of China, whose view was echoed by the representatives of Pakistan and Iceland, emphasized the importance of improving the flow of information between the Security Council and the Economic and Social Council.⁸¹ The representative of China suggested that the Council should establish ways to carry out dialogue with the General Assembly, the Economic and Social Council and other international partners.⁸² The representative of Viet Nam, however, warned, that the Council should take care not to step outside its mandate for the purpose of transparency and that such actions would weaken the coordination of other bodies.⁸³

The representative of Mexico believed that greater coordination was required among United Nations organs, in particular the Security Council, the General Assembly and the Economic and Social Council, in order to avoid any duplication of work. In his view, this could be achieved through better

communication among those organs and by holding periodic meetings among the Presidents of those organs, as indicated in paragraph 51 of document S/2006/507.⁸⁴ The representative of the Russian Federation believed that the Council had the task of establishing ways and means to carry out dialogue between the Security Council, the General Assembly, the Economic and Social Council, other United Nations bodies, regional organizations and international partners.²⁴⁸⁵

The representative of Cuba, speaking on behalf of the Non-Aligned Movement, stated that close cooperation and coordination among all principal organs were indispensable in order to enable the United Nations to remain relevant and capable of meeting the existing, new and emerging threats and challenges. In that context, she reiterated the call of the Non-Aligned Movement upon the Presidents of the Security Council, the General Assembly and the Economic and Social Council to meet periodically to discuss and to coordinate among themselves issues on their agendas and the programmes of work of the respective principal organs that they represented in order to establish increased coherence and complementarity among those organs in a mutually reinforcing manner, respectful of each other’s mandates, and with a view to generating a mutual understanding among them.⁸⁶

**Case 8
Calls for increased interaction between the Security Council, the Economic and Social Council and the Peacebuilding Commission**

During the period covered, the Council discussed various aspects of its relationship with the Economic and Social Council and the Peacebuilding Commission under the item entitled “Post-conflict peacebuilding”. In their statements, speakers encouraged more systematic interaction between the Economic and Social Council and the Peacebuilding Commission and welcomed the role of the latter as a nexus for linking the various topics taken up at the Security Council and the Economic and Social Council. Instances in which the relationships between these organs were discussed are detailed below under the following subheadings: Roles of the Security Council and the Economic and Social Council; and Coordination mechanism.

⁷⁹ S/PV.6108 (Resumption 1), p. 16.

⁸⁰ S/PV.5968, p. 6 (China); pp. 11-12 (Viet Nam); p. 16 (Russian Federation); p. 27 (Mexico); p. 28 (Iceland); p. 29 (New Zealand); and p. 34 (Cuba, on behalf of members of the Non-Aligned Movement); S/PV.5968 (Resumption 1), p. 15 (Argentina); p. 24 (Pakistan); and p. 25 (Guatemala).

⁸¹ S/PV.5968, p. 6 (China); and p. 28 (Iceland); S/PV.5968 (Resumption 1), p. 24 (Pakistan).

⁸² S/PV.5968, p. 6.

⁸³ Ibid., pp. 11-12.

⁸⁴ Ibid., p. 27.

⁸⁵ Ibid., p. 16.

⁸⁶ Ibid., p. 34.

(a) Roles of the Security Council and the Economic and Social Council

At the 5895th meeting, held on 20 May 2008, the representative of China stressed that, as the organ entrusted with the sacred mission of maintaining international peace and security, the Security Council should play a crucial role in peacebuilding and that, to that end, it should work together with other United Nations organs, such as the General Assembly, the Economic and Social Council and the Peacebuilding Commission.⁸⁷

At the 5997th meeting, held on 21 October 2008, the representative of Indonesia stated that the Peacebuilding Commission could play a very important role as a nexus for linking the political and security components taken up at the Security Council with the social, humanitarian and economic aspects on which the Economic and Social Council focused. In that regard, he stated that the close relationship between the Security Council and the Peacebuilding Commission should be nurtured.⁸⁸

At the 6165th meeting, held on 22 July 2009, the Secretary-General presented his report on peacebuilding in the immediate aftermath of conflict.⁸⁹ The representative of Egypt expressed concern that the report gave the impression that the Security Council was the major player when it came to peacebuilding efforts in the immediate aftermath of conflict. He noted that the General Assembly and the Economic and Social Council should play an equal role.⁹⁰ The representative of Guatemala welcomed reference to the latter in the report, while regretting the fact that it was limited to the issue of financing for development. In his view, it ignored one of the main functions of the Economic and Social Council, which was to coordinate the activities of the specialized agencies and make recommendations to them, especially in the context of the humanitarian segment and the operational activities segment.⁹¹

(b) Coordination mechanism

At the 5895th meeting, held on 20 May 2008, the representative of the Libyan Arab Jamahiriya stated that it was imperative that mechanisms for full

coordination and expertise-sharing between the Peacebuilding Commission and the Economic and Social Council be established so as to guarantee the effective performance of those United Nations organs in the area of post-conflict peacebuilding.⁹²

At the 5997th meeting, held on 21 October 2008, the Chair of the Peacebuilding Commission, while presenting the annual report of the Commission,⁹³ emphasized that the Commission had established regular consultations with the Presidents of the Security Council, the General Assembly and the Economic and Social Council, with a view to enhancing partnerships.²⁵⁹⁴ The representative of Italy stated that system-wide coherence was therefore a unique opportunity to make the Commission's strategies in the field more effective and prevent gaps in the transition from peacebuilding to development.⁹⁵ The representative of the Russian Federation, whose view was echoed by the representative of Viet Nam, stressed that strengthening the organic relations between the Security Council and the Commission should continue in parallel with the development of a dialogue between the General Assembly, the Economic and Social Council and the Commission.⁹⁶ In that context, the representative of South Africa commended the establishment of regular contacts between the Chairperson of the Commission and the Presidents of the General Assembly, the Security Council and the Economic and Social Council on issues relating to the work of the Commission.⁹⁷

At the 6165th meeting, held on 22 July 2009, the Secretary-General presented his report on peacebuilding in the immediate aftermath of conflict.⁹⁸ The representative of Mexico stated that it was not only the Security Council that should be proactive in seeking the advice of the Peacebuilding Commission, but that the General Assembly and the Economic and Social Council should do the same in terms of coherence, greater mobilization of resources and coordination of efforts with entities outside the system, along with working with local actors to devise and implement peacebuilding

⁸⁷ S/PV.5895, p. 25.

⁸⁸ S/PV.5997, p. 6.

⁸⁹ S/2009/304.

⁹⁰ S/PV.6165 (Resumption 1), p. 3.

⁹¹ *Ibid.*, p. 13.

⁹² S/PV.5895, p. 27.

⁹³ S/2008/417.

⁹⁴ S/PV.5997, p. 3.

⁹⁵ *Ibid.*, p. 6.

⁹⁶ *Ibid.*, p. 8 (Russian Federation); and p. 10 (Viet Nam).

⁹⁷ *Ibid.*, p. 15.

⁹⁸ S/2009/304.

strategies.⁹⁹ The representative of the Russian Federation stressed the need for strengthening the organic relationship between the Security Council and the Commission, in particular on issues on the agendas of both entities, as well as for timely exchanges of information between them and clear division of labour and complementarity. In his view, this should be done in parallel with the strengthening of the linkages between the General Assembly, the Economic and Social Council and the Commission.¹⁰⁰

At the 6224th meeting, held on 25 November 2009, the Chair of the Peacebuilding Commission presented the report of the Commission on its third session.¹⁰¹ He reported that the Commission had consolidated its core advisory role and provided increasing support for the countries on its agenda while

broadening and deepening its partnerships with critical actors. In that respect, the Commission had strengthened its linkages with the General Assembly, the Security Council and the Economic and Social Council.¹⁰² The representative of the Libyan Arab Jamahiriya expressed his high appreciation for the efforts exerted by the Commission to collaborate effectively with other bodies of the United Nations, such as the General Assembly, the Security Council and the Economic and Social Council.¹⁰³ The representative of Bangladesh asserted that he was encouraged to see that the Commission had continued to combine and deepen its linkage to the three principal organs of the United Nations, namely the General Assembly, the Security Council and the Economic and Social Council.¹⁰⁴

⁹⁹ S/PV.6165, p. 15.

¹⁰⁰ *Ibid.*, p. 25.

¹⁰¹ S/2009/444.

¹⁰² S/PV.6224, p. 3.

¹⁰³ *Ibid.*, p. 12.

¹⁰⁴ *Ibid.*, p. 31.

III. Relations with the International Court of Justice

Note

The present section concerns the relationship between the Security Council and the International Court of Justice. Subsection A deals with the election of the members of the Court, which requires that action be taken by the Council in conjunction with the General Assembly, but with both organs proceeding independently. Subsection B reflects the discussion that arose in the Council concerning the application of Articles 94 and 96 of the Charter.

In a letter dated 24 July 2009 addressed to the Secretary-General, the representative of Egypt, in his capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement, transmitted the Final Document of the Fifteenth Summit Conference of Heads of State and Government of the Movement of

Non-Aligned Countries. In the document, the Heads of State and Government urged the Security Council to make greater use of the Court, the principal judicial organ of the United Nations, as a source of advisory opinions and interpretation of relevant norms of international law, and on controversial issues; also urged the Council to use the Court as a source of interpreting relevant international law; and further urged the Council to have its decisions be reviewed by the Court, bearing in mind the need to ensure their adherence to the Charter and international law.¹⁰⁵

During the period under consideration, the President of the Court was invited to participate in two private meetings of the Security Council (see table).

¹⁰⁵ S/2009/514, annex, para. 18.9.

<i>Invitee</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Judge Rosalyn Higgins, President of the International Court of Justice	Briefing by the President of the International Court of Justice	6002 (closed)	28 October 2008
Judge Hisashi Owada, President of the International Court of Justice	Briefing by the President of the International Court of Justice	6208 (closed)	29 October 2009

A. Practice in relation to the election of members of the International Court of Justice

Note

The procedure for election of members of the Court is set out in Articles 4, 8 and 10 to 14 of the Statute of the Court; rules 150 and 151 of the rules of procedure of the General Assembly; and rules 40 and 61 of the provisional rules of procedure of the Security Council. During the period under review, one round of elections was held to elect five members to fill regular vacancies of the Court (case 9).

With regard to the election held during the period under review, the Security Council began the procedure to fill vacancies by fixing the date of the election, in accordance with Article 14 of the Court's Statute and the Council's practice. The Council and the General Assembly then proceeded independently with the election.¹⁰⁶ During the meeting of the Security Council, the President of the Council 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.¹⁰⁷ He reminded the Council that Article 10 (1) of the Court's Statute provides that, "Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected", adding that the required majority in the Council was, therefore, eight votes. He further explained that the voting would proceed by secret ballot.

Case 9

Election of members of the International Court of Justice

At its 6011th meeting, on 6 November 2008, the Security Council met to proceed with the election of five members of the Court to fill the seats that would become vacant on 5 February 2009. On the first ballot, 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. Subsequently, he announced that he had received a letter from the President of the Assembly informing him that five candidates had received the required majority in the Assembly at the 39th plenary meeting of its sixty-third session. As both the Council and the Assembly had agreed to the same four out of five candidates, the candidates in question were therefore elected to the Court for a period of nine years, beginning on 6 February 2009. The President subsequently announced that, in accordance with Article 11 of the Statute of the Court, the Council would hold a second meeting to elect a candidate by further ballots for the seat remaining to be filled.

At its 6012th meeting, also held on 6 November 2008, the Security Council proceeded with a second meeting to elect a member of the Court through a new vote, in order to fill the remaining position. On the second ballot, one candidate received a majority of the Council's vote. The President subsequently announced that he had been informed that, in the second ballot of the General Assembly, no candidate had obtained an absolute majority and proposed that the meeting be suspended pending the outcome of the third round of voting in the Assembly.

Following the outcome, the President of the Council stated that no candidate had received an absolute majority and that the Assembly would proceed to a fourth ballot. He noted that the Council was not required to conduct a further ballot, since one candidate for the remaining one vacancy had received an absolute majority during the second ballot.

At the resumption of the meeting, the President announced that the votes had been counted in the General Assembly and that one candidate had obtained an absolute majority. He then read the results of the earlier vote during which one candidate had obtained the required majority of votes in the Council. The President then communicated the result of the vote to the President of the General Assembly. Subsequently, he announced that he had received a letter from the President of the Assembly informing him that the same candidate had received the required majority in the Assembly at the 40th plenary meeting of its sixty-third session. The candidate in question was therefore elected a member of the Court for a term of office of nine years, beginning on 6 February 2009.

¹⁰⁶ For the verbatim records of the relevant Security Council and General Assembly meetings, see S/PV.6011 and S/PV.6012 and A/63/PV.39 and A/63/PV.40, respectively.

¹⁰⁷ For the composition of the Court and the procedure to be followed in the conduct of the election, see S/2008/502.

B. Consideration of the relationship between the Security Council and the Court

Article 94 of the Charter

1. *Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.*

2. *If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.*

Article 96

1. *The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.*

2. *Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.*

Article 41 of the Statute of the International Court of Justice

1. *The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.*

2. *Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.*

Note

During the period under review, there were two cases concerning the application of Article 94 of the Charter, in connection with the advisory opinion of the Court on the legal consequences of the construction of a wall in the Occupied Palestinian Territory (case 10) and the implementation of the Court's ruling on the Bakassi peninsula (case 11). In addition, there was another case

concerning the application of Article 96 of the Charter in connection with the request by the General Assembly for an advisory opinion of the Court on the declaration of independence by Kosovo (case 12).

Case 10

Consideration of the advisory opinion of the Court on the legal consequences of the construction of a wall in the Occupied Palestinian Territory

During the period under review, the Security Council was seized of the Court's ruling of 9 July 2004 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory. Subsequent to the ruling, the Council received several communications from the Permanent Observer of Palestine in which he condemned the actions of Israel in continuing with the construction of the wall, which Palestine deemed illegal, stating that it was in violation of the ruling contained in the advisory opinion.¹⁰⁸ This position was also reiterated in several communications addressed to the President of the Council by Member States.¹⁰⁹

During the period under consideration, the Council held several meetings in connection with the situation in the Middle East, including the Palestinian question, during which the advisory opinion rendered by the Court was discussed. At the meetings, Member States made statements in which they condemned the action of Israel in continuing with the construction of the wall and stated that it was illegal and contrary to international law, particularly the Court's ruling.¹¹⁰ The

¹⁰⁸ See, for example, S/2008/170; S/2008/365; S/2009/420; and S/2008/513.

¹⁰⁹ See, for example, the letters dated 7 April 2008 from the representative of the Syrian Arab Republic (S/2008/232); 17 June 2008 from the representative of Cuba, on behalf of the Coordinating Bureau of the Non-Aligned Movement (S/2008/396); 3 July 2008 from the representative of Pakistan (S/2008/440); and 14 October 2009 from the Permanent Observer of the League of Arab States to the United Nations (S/2009/537).

¹¹⁰ See, for example, S/PV.5827, p. 27 (Libyan Arab Jamahiriya); S/PV.5859 (Resumption 1), p. 6 (Sudan); and p. 10 (Cuba); S/PV.5983, p. 19 (Libyan Arab Jamahiriya); S/PV.6049, p. 19 (Indonesia); p. 25 (Syrian Arab Republic); and p. 27 (Lebanon); S/PV.6171 (Resumption 1), p. 5 (Brazil); p. 9 (Malaysia); p. 15 (Cuba); p. 17 (Nicaragua); and p. 23 (South Africa); S/PV.6201, p. 11 (Libyan Arab Jamahiriya).

representative of Cuba, on behalf of the Coordinating Bureau of the Non-Aligned Movement, stated that such actions by Israel not only constituted flagrant violations and grave breaches of international law but also heightened tensions, further destabilized the fragile situation on the ground and had a very negative impact on the peace process involving the two sides.¹¹¹ The Permanent Observer of Palestine repeatedly stated that the Israeli settlements established in the Occupied Palestinian Territory constituted grave breaches of international law, jeopardized the peace process and undermined the prospects for a viable Palestinian State. He deplored Israeli attempts to challenge the role of the Palestinian Authority and to obstruct Palestinian efforts in the security realm, adding that those actions cast doubt on Israeli intentions in the negotiations.¹¹² At the same time, the Under-Secretary-General for Political Affairs and the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General continued to report that construction work on the barrier continued within the Occupied Palestinian Territory in deviation from the Green Line and contrary to the advisory opinion of the Court.¹¹³

In two reports of the Secretary-General on the peaceful settlement of the question of Palestine, dated 22 September 2008 and 15 September 2009, submitted in accordance with General Assembly resolutions 62/83 and 63/29, respectively, he reported that, contrary to the advisory opinion of 9 July 2004 of the International Court of Justice, Israel's settlement activities had intensified, in particular in and around occupied East Jerusalem and the Jordan Valley.¹¹⁴ Included in the latter report was the text of a note verbale dated 26 June 2009 from the Permanent Observer of Palestine in which he asserted that the solution to the Israeli-Palestinian conflict remained the same: two States for two peoples to live side by side in peace and security, the foundation of which he believed could be found, among other instruments, within the

advisory opinion of 2004. The Permanent Observer noted, however, that Israel's continued settlement activities represented a "blatant disrespect" of the advisory opinion.

In a letter dated 24 July 2009 addressed to the Secretary-General, the representative of Egypt, in his capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement, transmitted the Final Document of the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries. In the document, the Heads of State and Government called for Israel to fully respect the advisory opinion, noting that its settlement activities and construction of the wall were in "flagrant defiance" of the advisory opinion of the Court.¹¹⁵

In identical letters dated 13 August 2009 addressed to the Secretary-General and the President of the Council, the Permanent Observer of Palestine transmitted a memorandum from the Head of the Palestinian National Committee for the Register of Damage Caused by the Construction of the Wall. In the memorandum, he referred to the advisory opinion which called for the General Assembly and the Security Council to implement measures to end the illegal situation caused by the construction of the wall. The Committee called upon the Secretary-General and the President and the members of the General Assembly "to press the State of Israel" and its Government to abide by the advisory opinion of the Court with regard to the wall.¹¹⁶

Case 11 Implementation of the Court ruling concerning the maritime boundary between Nigeria and Cameroon

During the period covered, the Security Council was seized of the maritime boundary dispute between Cameroon and Nigeria and the subsequent ruling of the Court on the issue.¹¹⁷ While the Council itself did not address this issue at a meeting or adopt any decisions thereon, it received several communications from the Secretary-General and Member States concerning the implementation of the judgment of the Court.

¹¹¹ S/2008/396.

¹¹² See, for example, S/PV.5827, pp. 7-8; S/PV.5859, p. 8; S/PV.6100, p. 8; S/PV.6171, p. 25.

¹¹³ See the following for briefings by the Secretariat: S/PV.5827, p. 4; S/PV.5846, p. 4; S/PV.5859, p. 4; S/PV.5873, p. 4; S/PV.5963, p. 3; S/PV.5974, p. 3; S/PV.5999, p. 3; S/PV.6022, p. 4; S/PV.6049, p. 5; S/PV.6084, p. 4; S/PV.6100, p. 5; S/PV.6150, p. 2; S/PV.6107, p. 4; and S/PV.6248, p. 3.

¹¹⁴ S/2008/612 and S/2009/464.

¹¹⁵ S/2009/514, annex, para. 188.

¹¹⁶ S/2009/420.

¹¹⁷ On 10 October 2002, the International Court of Justice ruled that the Bakassi peninsula should be ceded to Cameroon.

In his report on the United Nations Office for West Africa dated 30 June 2008, the Secretary-General stated that his Special Representative, in his capacity as Chairman of the Cameroon-Nigeria Mixed Commission, had met with high-level government officials in Nigeria and Cameroon and strongly urged both sides to recommit themselves to an effective and peaceful implementation of the ruling of the Court of 10 October 2002 and the Greentree Agreement of 12 June 2006 settling the boundary dispute between the two countries and defining the modalities for the transfer of authority in the Bakassi peninsula in August 2008.¹¹⁸

In a letter dated 3 December 2008 addressed to the President of the Security Council, the Secretary-General reported that he had, through his good offices, and with the support of the Secretariat, continued to facilitate the implementation of the ruling of the Court. He noted that achievements to date in the implementation of the ruling of included the withdrawal and transfer of authority in the Lake Chad area (December 2003), along the land boundary (July 2004) and in the Bakassi peninsula (June 2006). Furthermore, he reported that, in accordance with the Greentree Agreement, the transfer of authority from Nigeria to Cameroon of the remaining “Zone” of the Bakassi peninsula was successfully completed on 14 August 2008, marking a critical milestone in the implementation of the ruling of the Court and the peaceful resolution of the boundary dispute between the two countries.¹¹⁹

In his report on the United Nations Office for West Africa dated 19 June 2009, the Secretary-General commended Cameroon and Nigeria for their continued commitment to the peaceful implementation of the ruling of the Court on the land and maritime boundary between the two countries, as well as the donor countries for their support to the process.¹²⁰

In a letter dated 30 November 2009 addressed to the President of the Security Council, the Secretary-General reported that he had, through his good offices, and with the support of the Secretariat, continued to facilitate the implementation of the ruling of the Court.¹²¹

Case 12

Request by the General Assembly for an advisory opinion on the unilateral declaration of independence by Kosovo

On 8 October 2008, the General Assembly adopted resolution 63/3 on the request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law. While recalling that on 17 February 2008 the provisional institutions of self-government of Kosovo declared independence from Serbia, the General Assembly decided, in accordance with Article 96 of the Charter, to request the Court, pursuant to Article 65 of its Statute, to render an advisory opinion on the following question: “Is the unilateral declaration of independence by the provisional institutions of self-government of Kosovo in accordance with international law?”

Subsequent to the adoption by the General Assembly of that resolution, the Security Council, at its 6025th meeting, held on 26 November 2008, addressed the issue under the item entitled “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)”. During the debate, the Minister for Foreign Affairs of Serbia referred to the unilateral declaration of independence by Kosovo as a “serious challenge to the foundations of the international system” and asserted that the Assembly had supported Serbia’s position by an overwhelming majority with the adoption of a resolution to refer the question of Kosovo’s status to the Court.¹²² Mr. Skender Hyseni, “Minister for Foreign Affairs” of Kosovo, stated that he expected more recognitions in the coming months, in spite of the fact that the Serbian Government had requested from the Court an advisory opinion on Kosovo’s independence and regretted the fact that such a request had been made. He also stated that Kosovo would take an active part in presenting its case before the International Court of Justice. Mr. Hyseni concluded by emphasizing that Kosovo was confident that the Court’s deliberations would be fair and impartial and that it strongly believed that its position would be reconfirmed.¹²³ The representative of South Africa emphasized that it had constantly expressed its concern over the manner in which Kosovo had declared its independence from Serbia,

¹¹⁸ S/2008/426, para. 55.

¹¹⁹ S/2008/756.

¹²⁰ S/2009/332, para. 58.

¹²¹ S/2009/642.

¹²² S/PV.6025, pp. 4-5

¹²³ *Ibid.*, p. 8.

especially at the fact that it had not been achieved through a negotiated settlement, and consequently welcomed the decision of the General Assembly to refer the question to the Court.¹²⁴ The representative of the United Kingdom, referring to the statement by the Minister for Foreign Affairs of Serbia, emphasized that it was not the case that, in adopting the draft resolution submitted by Serbia in which it requested the advisory opinion, the General Assembly supported Serbia's position on Kosovo's status. The Assembly merely agreed that the Court should be asked to render an opinion on the question which Serbia had asked, and this did not prejudice the answer to that question, on which the views of the United Kingdom delegation were well known and set out in the document¹²⁵ that it had circulated at the time.¹²⁶

At the 6097th meeting, held on 23 March 2009, the President of Serbia emphasized that all Member States should respect the fact that the Court would decide the issue and that no one should in any way prejudice its deliberations. He called upon Member States that had not recognized the unilateral declaration of independence to stay the course while the Court conducted its work.¹²⁷

At the 6144th meeting, held on 17 June 2009, the Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK) reported that the Mission's ability to promote status-neutral solutions to practical issues was being affected by the positions taken by the parties in anticipation of the issuance of the advisory opinion requested by the General Assembly from the Court on Kosovo's declaration of independence. He noted that, whether justified or not, Belgrade and Pristina had been viewing every action that they or UNMIK took through the prism of how it might be perceived or interpreted by the Court as potentially either weakening or strengthening the case of one side or the other.¹²⁸ The President of Serbia emphasized that the conclusions reached by the Court would have far-reaching consequences for the international system as a whole and therefore it was

vitaly important that the legal process be allowed to run its course, free of political interference. He then stated that new recognitions of the unilateral declaration of independence should not be encouraged and that multilateral bodies should refrain from extending membership to the secessionist authorities in Pristina.¹²⁹ Mr. Skender Hyseni noted that Kosovo had submitted its written contribution to the Court on 17 April and had informed the Court of its intention to participate in all subsequent proceedings.¹³⁰ The representative of the Russian Federation believed it necessary that the Court consider, objectively and impartially, the submission of the Assembly on whether the unilateral declaration of Kosovo's independence was consistent with international law. He stated that his delegation had presented a written report to the Court reflecting the fundamental position of the Russian Federation on the issue.¹³¹

At the 6202nd meeting, held on 15 October 2009, the Special Representative of the Secretary-General and Head of UNMIK reported that actions by Pristina and Belgrade continued to be aimed at bolstering their respective legal positions before the Court.¹³² The President of Serbia noted that this was the first time in history that the Court would rule on the legality of an attempt at secession by an ethnic group from a Member State in peacetime and that it was also the first time that all five permanent members of the Security Council would participate in a proceeding before the Court. He added that the Court's proceedings should be allowed to run their course unhindered by political pressures, such as further recognitions of Kosovo's unilateral declaration of independence.¹³³ The representative of the Russian Federation reiterated his delegation's readiness to continue political efforts to elaborate a legally correct, fair and effective settlement of the Kosovo issue. He announced his delegation's intention to participate in the oral proceedings before the Court on the question of Kosovo's declaration of independence.¹³⁴

¹²⁴ *Ibid.*, p. 12.

¹²⁵ A/63/461.

¹²⁶ S/PV.6025, p. 20.

¹²⁷ S/PV.6097, p. 6.

¹²⁸ S/PV.6144, p. 3.

¹²⁹ *Ibid.*, p. 6.

¹³⁰ *Ibid.*, p. 9.

¹³¹ *Ibid.*, p. 14.

¹³² S/PV.6202, p. 4.

¹³³ *Ibid.*, p. 5.

¹³⁴ *Ibid.*, p. 18.

Part V

Functions and powers of the Security Council

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Introductory note

Part V covers the functions and powers of the Security Council under Articles 24, 25 and 26 of Chapter V of the Charter of the United Nations, and is accordingly divided into three sections. Under each section, a list of implicit and explicit references to those Articles found in documents of the Council is provided. Each section also includes case studies that examine specific instances where those Articles were discussed or which otherwise illustrate how the Security Council has applied the Articles in its decision-making.

I. Article 24

Article 24

1. *In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.*

2. *In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII and XII.*

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

Note

This section covers Article 24 of the Charter, which deals with the practice of the Security Council concerning its primary responsibility for the maintenance of international peace and security.¹ It is divided into three subsections, dealing with decisions, communications and discussions referring to the Council's primary mandate.

During the period under review, none of the decisions adopted by the Security Council contained an explicit reference to Article 24 of the Charter, but explicit references to Article 24 were found in several communications.² Explicit references were also made on several occasions in the proceedings of the

Council.³ For example, at the 5858th meeting on 20 March 2008, in connection with the situation in Somalia, the representative of Uganda stated that, while the Council had authorized the African Union Mission in Somalia (AMISOM) to take all necessary measures as appropriate for the maintenance of international peace and security, most recently under resolution 1801 (2008), the maintenance of international peace and security was the primary responsibility of the Council under Article 24 of the Charter and as such it was a delegation of its authority which did not amount to abdication.⁴

A. Decisions referring to the primary responsibility of the Security Council for the maintenance of international peace and security

The provision by which Members of the United Nations conferred on the Council primary responsibility for the maintenance of peace and security was implicitly referred to in a number of resolutions and presidential statements. In those decisions, most of which related to thematic and crosscutting issues, the Council indicated that it was acting in accordance with its responsibilities under the Charter or affirmed that certain matters were closely linked to its primary responsibilities.

¹ Article 24 (3), concerning the annual report of the Security Council to the General Assembly, is dealt with in part IV, sect. 1.E.

² See the following letters addressed to the President of the Council: letter dated 20 March 2008 from the representative of Finland (S/2008/195, p. 6); letter dated 29 August 2008 from the representative of the Philippines (S/2008/589, pp. 3 and 5); letter dated 10 November 2008 from the representative of Costa Rica (S/2008/697, p. 2); and addressed to the Secretary-General: letter dated 31 January 2008 from the representative of Cuba (S/2008/70, p. 1); letter dated 22 December 2008 from the representative of Azerbaijan (S/2008/812, p. 19); letter dated 24 July 2009 from the representative of Egypt (S/2009/514, pp. 33, 34, 36, 38 and 39).

³ In connection with the situation in Somalia, see S/PV.5858, p. 8 (Uganda). In connection with the situation in the Middle East, including the Palestinian question, see S/PV.5859, p. 16 (Libyan Arab Jamahiriya). In connection with the item entitled "Implementation of the note by the President of the Security Council (S/2006/507)", see S/PV.5968, p. 7 (Libyan Arab Jamahiriya); p. 13 (Costa Rica); pp. 20-21 (Belgium); pp. 32-33 (Cuba); and p. 34 (Brazil); S/PV.5968 (Resumption 1), p. 8 (Philippines); p. 11 (Islamic Republic of Iran); p. 17 (India); and p. 23 (Pakistan). In connection with the item entitled "Maintenance of international peace and security", see S/PV.6017, p. 19 (Libyan Arab Jamahiriya); S/PV.6017 (Resumption 1), p. 3 (Ecuador); and p. 18 (Qatar). In connection with the item entitled "United Nations peacekeeping operations", see S/PV.6075, p. 15 (Costa Rica); and p. 33 (India). In connection with the item entitled "Peace and security in Africa", see S/PV.6206, p. 10 (France).

⁴ S/PV.5858, p. 8.

Decision and date

Provision

Threats to international peace and security caused by terrorist acts

[S/PRST/2008/19](#)
2 June 2008

The Council reiterates its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter (fifth paragraph)

Same provision in [S/PRST/2008/31](#), fifth paragraph; [S/PRST/2008/32](#), fifth paragraph; [S/PRST/2008/35](#), fifth paragraph; [S/PRST/2009/22](#), fifth paragraph

The situation in Somalia

[S/PRST/2008/41](#)
30 October 2008

The Council reiterates its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter (seventh paragraph)

Resolution [1863 \(2009\)](#)
16 January 2009

Welcomes the recommendations on strengthening the African Union Mission in Somalia (AMISOM) contained in the letter dated 19 December 2008 from the Secretary-General to the President of the Security Council;^a recalls that the Council bears primary responsibility for the maintenance of international peace and security and that cooperation with regional and subregional organizations can improve collective security; further recalls that in resolution [1772 \(2007\)](#) it called for planning for possible deployment of a United Nations peacekeeping operation replacing AMISOM and that in resolution [1744 \(2007\)](#) it noted that AMISOM was intended to contribute to an initial stabilization phase evolving into a possible United Nations operation; welcomes in this regard the proposal of the Secretary-General for immediate in-kind enhancement of AMISOM through the transfer of assets following the liquidation of the United Nations Mission in Ethiopia and Eritrea (UNMEE); and requests the Secretary-General, in order for the AMISOM forces to be incorporated into a United Nations peacekeeping operation, to provide a United Nations logistical support package to AMISOM, including equipment and services, as described in paragraphs 7 and 8 of his proposal, but not including transfer of funds to AMISOM, until 1 June 2009 or until the decision referred to in paragraph 4 [of the resolution], whichever is earlier (para. 10)

Children and armed conflict

[S/PRST/2008/6](#)
12 February 2008

The Council, reiterating its primary responsibility for the maintenance of international peace and security, reaffirms its commitment to address the widespread impact of armed conflict on children, its determination to ensure respect for and the implementation of resolution [1612 \(2005\)](#) and all of its previous resolutions on children and armed conflict, as well as respect for other international norms and standards for the protection of children affected by armed conflict (second paragraph)

Resolution [1882 \(2009\)](#)
4 August 2009

Reiterating its primary responsibility for the maintenance of international peace and security and, in this connection, its commitment to address the widespread impact of armed conflict on children (ninth preambular paragraph)

Peace and security in Africa

Resolution [1809 \(2008\)](#)
16 April 2008

Recalling its primary responsibility for the maintenance of international peace and security, and recognizing that cooperation with regional and subregional organizations in matters relating to the maintenance of peace and security and consistent with Chapter VIII of the Charter of the United Nations can improve collective security (third preambular paragraph)

<i>Decision and date</i>	<i>Provision</i>
S/PRST/2009/3 18 March 2009	The Security Council reiterates its primary responsibility for the maintenance of international peace and security and recalls that cooperation with regional and subregional organizations in matters relating to the maintenance of peace and security, and consistent with Chapter VIII of the Charter of the United Nations, can improve collective security (first paragraph)
S/PRST/2009/11 5 May 2009	The Council reiterates its primary responsibility for the maintenance of international peace and security and recalls that cooperation with regional and subregional organizations, consistent with Chapter VIII of the Charter of the United Nations, can improve collective security (second paragraph)
S/PRST/2009/26 26 October 2009	The Council reiterates its primary responsibility under the Charter for the maintenance of international peace and security, and recalls that cooperation with regional and subregional organizations in matters relating to the maintenance of international peace and security, and consistent with Chapter VIII of the Charter, can improve collective security (second paragraph)
S/PRST/2009/32 8 December 2009	The Security Council reaffirms its primary responsibility for the maintenance of international peace and security in accordance with the Charter of the United Nations (first paragraph)

Peace consolidation in West Africa

S/PRST/2009/20 10 July 2009	The Council reiterates its primary responsibility for the maintenance of international peace and security and recalls that cooperation with regional and subregional organizations, consistent with Chapter VIII of the Charter of the United Nations, can improve collective security (third paragraph)
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Maintenance of international peace and security: mediation and settlement of disputes

S/PRST/2008/36 23 September 2008	The Council affirms that, as the organ with the primary responsibility for the maintenance of international peace and security, it has a responsibility to promote and support mediation as an important means for the pacific settlement of disputes (third paragraph)
S/PRST/2009/8 21 April 2009	The Council, in accordance with the Charter of the United Nations and as the organ with the primary responsibility for the maintenance of international peace and security, underscores its intention to remain engaged in all stages of the conflict cycle, including in support of mediation, and expresses its readiness to explore further ways and means to reinforce the promotion of mediation as an important means for the pacific settlement of disputes, wherever possible before they evolve into violence (second paragraph)

Maintenance of international peace and security: strengthening collective security through general regulation and reduction of armaments

S/PRST/2008/43 19 November 2008	The Security Council recalls its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security (first paragraph)
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Decision and date

Provision

Maintenance of international peace and security: nuclear non-proliferation and nuclear disarmament

Resolution [1887 \(2009\)](#)
24 September 2009

Emphasizes that a situation of non-compliance with non-proliferation obligations shall be brought to the attention of the Security Council, which shall determine if that situation constitutes a threat to international peace and security, and emphasizes the primary responsibility of the Council in addressing such threats (para. 1)

Women and peace and security

Resolution [1888 \(2009\)](#)
30 September 2009

Reiterating its primary responsibility for the maintenance of international peace and security and, in this connection, its commitment to continue to address the widespread impact of armed conflict on civilians, including with regard to sexual violence (ultimate preambular paragraph)

Resolution [1889 \(2009\)](#)
5 October 2009

Guided by the purposes and principles of the Charter of the United Nations, and bearing in mind the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security (second preambular paragraph)

Post-conflict peacebuilding

[S/PRST/2008/16](#)
20 May 2008

The Security Council recalls its primary responsibility for the maintenance of international peace and security and emphasizes the critical importance of post-conflict peacebuilding in laying the foundation for sustainable peace and development after the scourge of war (first paragraph)

Non-proliferation

Resolution [1803 \(2008\)](#)
3 March 2008

Concerned by the proliferation risks presented by the Iranian nuclear programme and, in this context, by the Islamic Republic of Iran's continuing failure to meet the requirements of the Board of Governors of the International Atomic Energy Agency and to comply with the provisions of resolutions [1696 \(2006\)](#), [1737 \(2006\)](#) and [1747 \(2007\)](#), and mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security (penultimate preambular paragraph)

Non-proliferation of weapons of mass destruction

Resolution [1810 \(2008\)](#)
25 April 2008

Affirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the Charter of the United Nations (fifth preambular paragraph)

^a [S/2008/204](#).

B. Discussions referring to the primary responsibility of the Security Council for the maintenance of international peace and security

To illustrate the interpretation and application of Article 24 by the Council, the following three case studies were drawn from deliberations in which the Council considered its responsibilities under the Charter and the appropriateness for the Council to include a situation or thematic issue on its agenda. The case study covering a regional situation precedes the other two case studies, which relate to thematic issues and are arranged chronologically. Case 1, concerning the situation in Zimbabwe, presents the discussion with respect to a draft resolution on the matter. Case 2 examines the Council's deliberation of its working methods in the context of its responsibilities under the Charter for the maintenance of international peace and security. Case 3 features discussions in the Council regarding its involvement in situations it deems to be under its purview.

Case 1 Peace and security in Africa

At its 5933rd meeting, on 11 July 2008, the Council met to consider the item entitled "Peace and security in Africa". During the debate, the representative of Zimbabwe, referring to a draft resolution before the Council, in which, inter alia, the Council would condemn the Government of Zimbabwe's "campaign of violence" against the political opposition and the civilian population during the period prior to the presidential election held on 27 June,⁵ asserted that his country was at peace with itself and its neighbours, posed absolutely no threat to international peace and security and should therefore not be a focus of the Council. In view of that, he held that the situation in Zimbabwe did not warrant the adoption of a Council resolution under Chapter VII of the Charter.⁶ The representative of the Libyan Arab Jamahiriya noted that the draft resolution before the Council was based on the assumption that the situation in Zimbabwe posed a threat to peace and security in the region. He further asserted that this assumption was undermined by the fact that the dispute was between

⁵ S/2008/447.

⁶ S/PV.5933, p. 2.

Zimbabwean parties, and that neighbouring countries had affirmed that the situation was in no way a threat to regional peace and security, therefore the situation in Zimbabwe did not fall within the purview of the Council's mandate.⁷ The representative of Viet Nam said that, while sharing the concerns about the current situation in Zimbabwe, his delegation was of the view that the situation prevailing there did not constitute a threat to regional or international peace and security. He further noted that this view was shared not only by regional countries, especially the neighbours of Zimbabwe, but also by a great majority of Member States. Therefore, in his view, the situation in Zimbabwe was not currently within the mandated purview of the Council.⁸ Following a vote on the draft resolution, which was not adopted, the representative of the Russian Federation observed that, in the positions of a number of Council members, there had been some attempts to take the Council beyond its Charter prerogatives of maintaining international peace and security. Such illegitimate and dangerous practices could lead to a realignment of the entire United Nations system.⁹

At its 6233rd meeting, on 8 December 2009, the Council met to consider the same item with a focus on the sub-item "Drug trafficking as a threat to international security: letter dated 30 November 2009 from the Permanent Representative of Burkina Faso to the United Nations addressed to the Secretary-General (S/2009/615)". The representative of the Bolivarian Republic of Venezuela, noting that he had been invited to an open Council debate on drug trafficking in Africa as a threat to international security, opined that, under the Charter, drug trafficking was not within the purview of the Council. He further asserted that the meeting should not set a precedent or legitimize any action the Council might contemplate on the issue.¹⁰

Case 2 Implementation of the note by the President of the Security Council (S/2006/507)

At the 5968th meeting, on 27 August 2008, the representative of the Libyan Arab Jamahiriya said that there was no doubt that more transparency would enhance the legitimacy of the Council's resolutions and

⁷ Ibid., p. 5.

⁸ Ibid., p. 7.

⁹ Ibid., p. 9.

¹⁰ S/PV.6233 (Resumption 1), pp. 20-21.

promote their wider acceptance. He stated that such acceptance would be achieved when the background and the different points of view in the Council's debates were known by all and the Council's commitment to the principles of the United Nations and Article 24 of the Charter could be verified by all.¹¹ The representative of Viet Nam asserted that more open debates should be convened in order to give the general United Nations membership greater opportunities to express views on related issues, and also emphasized that this should be coupled with efforts to avoid Council involvement in issues not falling within the purview of its mandate.¹² The representative of the Islamic Republic of Iran stated that the Security Council's increasing encroachment on the prerogatives of other main organs of the United Nations — particularly those of the General Assembly and the Economic and Social Council and their subsidiary bodies, as well as such technical bodies as the International Atomic Energy Agency — was also of particular concern to Member States.¹³

Case 3 Maintenance of international peace and security

At its 6017th meeting, on 19 November 2008, the Council held a high-level debate under the item entitled "Maintenance of international peace and security" with a focus on the sub-item "Strengthening collective security through general regulation and reduction of armaments".¹⁴ During the debate, the

representative of the Libyan Arab Jamahiriya expressed the view that achieving collective security for all States continued to be the ultimate purpose for which the Council was established, and Article 24 of the Charter conferred upon the Council the primary responsibility for the maintenance of international peace and security and mandated it to act on behalf of all Member States.¹⁵ The representative of Ecuador noted that, in the light of various areas of insecurity and violence around the world, there had been criticism by public opinion against what had been observed as the inability of the United Nations to prevent conflicts, to restore peace and to prevent the loss of innocent civilian lives. However, since the United Nations was what its Members made of it and not a super-State with coercive prerogatives over its Members, he underlined the crucial responsibility that the Council had, in accordance with Article 24 of the Charter.¹⁶

At its 6108th meeting, on 21 April 2009, the Council met to consider the same item with a focus on the sub-item "Mediation and settlement of disputes: report of the Secretary-General on enhancing mediation and its support activities (S/2009/189)". While recognizing the Council as the highest organ of the United Nations entrusted with the primary responsibility for maintaining international peace and security, including by means of mediation, the representative of Viet Nam stated that the Council should avoid unjustified and counterproductive involvement in the work that fell under the purview of the mandates of other United Nations organs, as defined in the Charter.¹⁷

¹¹ S/PV.5968, p. 7.

¹² Ibid., pp. 11-12.

¹³ S/PV.5968 (Resumption 1), p. 12.

¹⁴ See letter dated 10 November 2008 from the Permanent Representative of Costa Rica to the United Nations addressed to the President of the Security Council (S/2008/697).

¹⁵ S/PV.6017, p. 19.

¹⁶ S/PV.6017 (Resumption 1), p. 3. See also case 6 under Article 26 below.

¹⁷ S/PV.6108, pp. 7-8.

II. 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

This section covers Article 25 of the Charter, which deals with the practice of the Security Council concerning the obligation of Members of the United Nations to accept and carry out the decisions of the Council.

During the period under review, the Council adopted one presidential statement that explicitly invoked Article 25 of the Charter. In connection with the item entitled “Maintenance of international peace and security: strengthening collective security through general regulation and reduction of armaments”, the Council recalled the obligation of all States to accept and carry out its decisions in accordance with Article 25 and affirmed its commitment to continue monitoring and promoting the effective implementation of its decisions, in order to avoid conflict, promote and maintain international peace and security and further confidence in collective security.¹⁸ The Council did not adopt any decisions which referred to Article 25 implicitly.

There were several instances in which Article 25 was explicitly invoked in communications. Those communications questioned the applicability of Article 25 in the context of their respective interpretations of Council decisions.¹⁹

¹⁸ S/PRST/2008/43.

¹⁹ Identical letters dated 29 July 2008 from the representative of the Sudan addressed to the Secretary-General and the President of the Security Council (S/2008/500, p. 5); letter dated 29 August 2008 from the representative of the Philippines addressed to the President of the Security Council (S/2008/589, p. 3); letter dated 22 December 2008 from the representative of Azerbaijan addressed to the Secretary-General (S/2008/812, p. 19); letter dated 31 December 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) addressed to the President of the Security Council (S/2009/688, p. 6).

On several occasions, Article 25 was explicitly invoked in the deliberations of the Council.²⁰ For example, in connection with the situation between Eritrea and Ethiopia, the representative of Italy, while reflecting on his tenure in the Council, noted that Article 25 of the Charter was fading from the Council’s radar screen, and urged the Council to adopt a stance of listening and understanding in order to nurture within the membership at large a perception of ownership of the Council’s proceedings, since implementation and compliance with the Council’s decisions were possible only if ownership was preserved.²¹

The following cases are drawn from deliberations of Council members on the interpretation of Article 25 in connection with the items entitled “Non-proliferation” (case 4) and “Reports of the Secretary-General on the Sudan” (case 5).

Case 4 Non-proliferation

At the 5848th meeting, on 3 March 2008, the representative of the Islamic Republic of Iran asserted that the Council’s decision to coerce his country into suspension of its peaceful nuclear programme was a gross violation of Article 25 of the Charter. He further stated that while Member States had agreed, in accordance with Article 25, to accept and carry out the decisions of the Council in accordance with the Charter, the Security Council could not coerce countries into submitting either to its decisions taken in bad faith or to its demands negating the fundamental purposes and principles of the Charter.²² While deploring the failure of the Islamic Republic of Iran to suspend its enrichment activities as reported by the International Atomic Energy Agency (IAEA), the representative of the United Kingdom opined that, overall, the country had clearly failed to abide by its legal obligations under successive Security Council

²⁰ In connection with non-proliferation, see S/PV.5848, p. 5 (Islamic Republic of Iran). In connection with reports of the Secretary-General on the Sudan, see S/PV.5905, p. 11 (Italy); and S/PV.6230, p. 12 (Costa Rica). In connection with the situation between Eritrea and Ethiopia, see S/PV.5946, p. 2 (Italy).

²¹ S/PV.5946, p. 2.

²² S/PV.5848, p. 5.

resolutions.²³ The representative of Panama asserted that the Islamic Republic of Iran had not complied and continued to be in non-compliance with the mandate of the Council, thereby flouting the obligations that the Charter imposed on each and every Member State.²⁴ The representative of China also called upon the Islamic Republic of Iran to comply with IAEA and Council resolutions.²⁵

At its 6235th meeting, on 10 December 2009, the Council met to consider the same item with a focus on the sub-item “Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)”. The representative of Japan, speaking in his capacity as Chairman of the Committee established pursuant to resolution 1737 (2006), briefed the Council on the Committee’s twelfth 90-day report, which covered the period from 10 September to 10 December. He reported, *inter alia*, that the Committee had dispatched letters to the two States involved in the transfer of arms-related materiel, reminding them of their obligation to accept and carry out the decisions of the Security Council under Article 25 of the Charter.²⁶

Case 5 Reports of the Secretary-General on the Sudan

At its 5905th meeting, on 5 June 2008, the Council heard a briefing by the Prosecutor of the International

Criminal Court pursuant to resolution 1593 (2005). The representative of Panama asserted that one year since the Court had issued arrest warrants against the two Sudanese individuals for their alleged commission of war crimes and crimes against humanity, the Government of the Sudan had refused to arrest and hand over those individuals in compliance with due process. He emphasized that all resolutions of the Council were legally binding for all States Members of the United Nations and called upon the Government of the Sudan to comply with its responsibility to the international community by arresting those individuals.²⁷ The representative of Italy, explicitly citing Article 25, called upon the Government of the Sudan and all other parties to the conflict in Darfur to comply with their obligations under all Council resolutions. He wondered whether a process of modification and erosion of Article 25 by acquiescence was taking place.²⁸

At its 6230th meeting, on 4 December 2009, the Council met to consider the same item. The representative of Costa Rica emphasized that any State that had joined the United Nations was committed to accepting its obligations under the Charter. He stated that when the Republic of the Sudan became a Member of the United Nations it had solemnly committed itself to respect the obligations imposed by the Charter, including its obligation under Article 25 to accept and comply with the Council’s decisions.²⁹

²³ *Ibid.*, p. 13.

²⁴ *Ibid.*, p. 20.

²⁵ *Ibid.*, p. 17.

²⁶ S/PV.6235, p. 2.

²⁷ *Ibid.*, p. 10.

²⁸ S/PV.5905, p. 11.

²⁹ S/PV.6230, p. 12.

III. Article 26

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world’s human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

Note

This section covers Article 26 of the Charter, which deals with the practice of the Security Council concerning its responsibility for formulating plans for the establishment of a system for a regulation of armaments.

During the period under review, the Security Council did not adopt any decisions that explicitly invoked Article 26 of the Charter. At two meetings, however, Article 26 was explicitly referred to in the deliberations of the Council in connection with the item entitled “Maintenance of international peace and

security”.³⁰ In addition, explicit references to Article 26 were made in two communications.³¹

The following case is drawn from the deliberations of Council members on the interpretation of Article 26 under the item entitled “Maintenance of international peace and security” (case 6).

Case 6
Maintenance of international peace and security

At its 6017th meeting, on 19 November 2008, the Council held a high-level open debate under the item entitled “Maintenance of international peace and security” with a focus on the sub-item “Strengthening collective security through general regulation and reduction of armaments”. During the debate, many speakers explicitly referred to Article 26 in the context of possible mechanisms for arms control and

regulation, with some speakers noting its noble objectives and visionary nature, while others expressed support for Costa Rica’s proposals towards implementation of Article 26, such as an enhanced system of regional arrangements, and called for the Council to take a more proactive role in achieving the aims of Article 26.³²

At its 6191st meeting, on 24 September 2009, the Council met to consider the same item under the sub-item “Nuclear non-proliferation and nuclear disarmament”. The representative of Costa Rica expressed the view that the United Nations was founded on a promise that was reflected in Article 26 of the Charter, which was that the Council would promote “the establishment and maintenance of international peace and security with the least diversion for armaments of the world’s human and economic resources”.³³

³⁰ S/PV.6017 and S/PV.6017 (Resumption 1); S/PV.6191.

³¹ Letters dated 10 November 2008 and 13 February 2009 from the Permanent Representative of Costa Rica to the United Nations addressed to the President of the Security Council (S/2008/697, pp. 2-4; and S/2009/96, p. 7).

³² S/PV.6017, p. 2 (Costa Rica); p. 5 (Viet Nam); p. 11 (Indonesia); p. 15 (Belgium); pp. 20-21 (Costa Rica); S/PV.6017 (Resumption 1), p. 3 (Ecuador); p. 5 (Switzerland); p. 11 (Colombia); p. 15 (Morocco); p. 16 (Canada); p. 18 (Qatar); and p. 20 (Benin).

³³ S/PV.6191, p. 4.

Part VI

Consideration of the provisions of Chapter VI of the Charter

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Introductory note

Part VI deals with the practice of the Security Council during 2008-2009 aimed at promoting and implementing recommendations and methods or procedures for the peaceful settlement of disputes within the framework of Articles 33 to 38 of Chapter VI and Articles 11 and 99 of the Charter of the United Nations.

The period under review was marked by a considerable expansion of the scope of Council action within the framework of Chapter VI of the Charter. While reaffirming its commitment to the pacific settlement of disputes, in conformity with the Charter, in particular Chapter VI, the Council at a high-level meeting on mediation and settlement of disputes, held on 23 September 2008, underlined the importance of mediation as a means of pacific settlement of disputes, encouraged the further use of this mechanism in the settlement of disputes and highlighted the crucial role of the United Nations in this regard.¹ Following the issuance of the first report of the Secretary-General on enhancing mediation and its support activities,² the Council by its decisions underlined its intention to remain engaged in all stages of the conflict cycle, including in support of mediation, and expressed its readiness to explore further ways and means to reinforce the promotion of mediation as an important means for the pacific settlement of disputes, wherever possible before they evolved into violence. Moreover, the Council in a number of decisions increasingly called upon the Secretary-General's good offices to use mediation as a tool to respond to emerging and existing crises, and highlighted the importance of the actions undertaken by him in promoting mediation.

Against this background, mindful of the need to respect the principle of sovereignty and non-interference in matters of domestic jurisdiction of States, the Council increasingly expanded the use of instruments aimed at preventing the outbreak and/or the recurrence of conflicts, including Security Council and fact-finding missions, to determine whether in line with Article 34 of the Charter any dispute or any situation might lead to international friction or give rise to a dispute; support for the good offices of the Secretary-General and his Special Representatives and Envoys; establishment of special political missions in post-conflict situations which included in their mandates elements relating to the implementation of peace agreements and/or ceasefire agreements as well as to political dialogue, national reconciliation and capacity-building; and inclusion of elements of conflict prevention and peacebuilding in integrated peacekeeping operations.

As part I of this Supplement sets out a full account of Council proceedings, including with regard to the pacific settlement of disputes, this part will not discuss the practice of the Council aimed at the peaceful settlement of disputes in a comprehensive manner. Instead, it will focus on selected material which may best serve to highlight how the provisions of Chapter VI of the Charter were applied and interpreted in the relevant decisions and deliberations of the Council.

The manner of presenting and classifying the relevant material has been devised in a readily accessible form which sets forth the practices and procedures to which the Council has had recourse. In line with the Supplement to the *Repertoire* covering the period 2004-2007, the material has been categorized under thematic headings rather than individual Articles of the Charter, so as to avoid ascribing Council proceedings or decisions to specific Articles of the Charter, which do not themselves refer to any such Article.

¹ S/PRST/2008/36.

² S/2009/189.

Section I illustrates how, under Article 35, Member States and States which are not Members of the United Nations had brought new disputes or any situation of the nature referred to in Article 34 of the Charter to the attention of the Security Council. This section also touches upon the functions and practice of the General Assembly and the Secretary-General, under Articles 11 (3) and 99 of the Charter respectively, in calling the attention of the Council to situations which are likely to threaten the maintenance of international peace and security. Section II sets out investigative and fact-finding activities initiated and performed by the Council that may be deemed to fall under the scope of Article 34. Section III provides an overview of the recommendations and decisions of the Council made with regard to the peaceful settlement of disputes. Specifically, it illustrates the recommendations of the Council to the parties to a conflict, and its support for the endeavours of the Secretary-General in the peaceful settlement of disputes. Section 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 part:

Article 11

3. *The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.*

Article 33

1. *The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.*

2. *The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.*

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. *Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.*

2. *A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of peaceful settlement provided in the present Charter.*

3. *The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.*

Article 36

1. *The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.*

2. *The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.*

3. *In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.*

Article 37

1. *Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.*

2. *If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.*

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

I. Referral of disputes or situations to the Security Council

Note

Within the framework of the Charter, Articles 35 (1) and (2) and 37 (1) are generally regarded as the provisions on the basis of which States “may” or, in the case of Article 37 (1), “shall” refer disputes to the Security Council. The practice of the Council in this regard is described below in five subsections.

The first subsection, entitled “Referrals by States”, provides an overview of the referrals of disputes or situations to the Security Council under Article 35 (1) and (2). During the period under review, disputes or situations were referred to the Security Council, generally by means of a communication, mainly by Members of the United Nations, either by those directly affected and/or through third States and regional groups. The section also outlines, in a table, new disputes or situations referred to the Council concerning which the Council convened meetings under existing or new agenda items during the period under consideration. Following the trend of previous years, the number of new referrals to the Council significantly decreased during the period 2008-2009.

The second subsection, entitled “Nature of matters referred to the Security Council”, describes the subject matter of the relevant communications referred by Member States to the Council. This is followed by a third subsection entitled “Action requested of the Security Council” which analyses the type of action requested of the Council by Member States submitting a dispute or a situation to its attention.

The last two subsections, entitled respectively “Referrals by the Secretary-General” and “Referrals by the General Assembly”, refer to Articles 11 (3) and 99 of the Charter, according to which the General Assembly and the Secretary-General, respectively, may refer matters which are likely to endanger international peace and security to the Security Council. During the period under review, neither the General Assembly nor the Secretary-General explicitly referred any such matters to the Council. However, the Secretary-General referred several such situations implicitly to the attention of the Council.

Referrals by States

Article 35 of the Charter, 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”. While Article 35 was expressly referred to in several communications, most communications did not cite any specific Article as the basis on which they were submitted.³

According to Article 35 (2) of the Charter, a State which is not a Member of the United Nations may bring to the attention of the Security Council any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the Charter. During the period under consideration, no State which was not a Member of the United Nations submitted any dispute or situation to the attention of the Council. Situations were referred to the Council exclusively under the provisions of Article 35 (1) directly by the affected Member States, either on their own⁴ or through

³ For explicit references to Article 35, see the following communications addressed to the President of the Security Council: letters dated 12 February 2008 (S/2008/92), 17 February 2008 (S/2008/103) and 6 March 2008 (S/2008/162) from the representative of Serbia in connection with the unilateral declaration of independence of the Serbian province of Kosovo and Metohija; letters dated 17 April 2008 (S/2008/257), 27 May 2008 (S/2008/342), 10 July 2008 (S/2008/453), 8 August 2008 (S/2008/536), 9 August 2008 (S/2008/537), 11 August 2008 (S/2008/540) and 27 August 2008 (S/2008/587) from the representative of Georgia in connection with the situation in Georgia; letter dated 22 September 2009 (S/2009/487) from the representative of Brazil in connection with the presence of the President of Honduras in the Embassy of Brazil at Tegucigalpa.

⁴ See, for example, the following letters addressed to the President of the Security Council: letter dated 12 February 2008 from the representative of Serbia requesting a meeting to consider the unilateral declaration of independence of the Serbian province of Kosovo and Metohija (S/2008/92); letter dated 17 April 2008 from the representative of Georgia requesting a meeting in connection with the launching of formal cooperation between the Russian Government and the de facto authorities of Abkhazia, Georgia, and the Tskhinvali region/South Ossetia (S/2008/257); and letter dated 21 July 2008 from the representative of Cambodia requesting a meeting to consider “Thailand’s violation of the sovereignty and occupation of the territory of the Kingdom of Cambodia” (S/2008/475).

communications from third States and/or regional groups.⁵

Communications by which new disputes or situations were referred to the Council and in response to which the Council convened meetings under new agenda items during the period under review are listed in table 1.⁶

In some instances, the Security Council did not respond positively to requests to convene a meeting. Whereas, under Article 35, States have the power to draw the Council's attention to a matter, this does not imply that the Council has an obligation to consider the matter. For instance, by a letter dated 27 May 2008 addressed to the President of the Security Council, the representative of Georgia, explicitly referring to Article 35, requested a meeting in connection with the downing of a Georgian unmanned aerial vehicle by Russian military aircraft over the territory of Abkhazia, Georgia.⁷ By a letter dated 21 July 2008 addressed to the President of the Security Council, the representative of Cambodia requested a meeting to consider "Thailand's violation of the sovereignty and occupation of the territory of the Kingdom of Cambodia".⁸ No meetings of the Security Council were held following the aforementioned requests.

Communications by which Member States merely conveyed information about a dispute or situation 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 was the case in the earlier Supplements, table 1 does not include communications referring to disputes or situations considered by the Council under then existing agenda items, so as not to classify separately new developments and the deterioration of situations in ongoing conflicts.

It should, however, be noted that table 1 contains five letters relating to the situation in the Middle East. Although the situation in the Middle East is not a new item, they were included in the table because the five communications, from the representatives of Saudi Arabia, the Libyan Arab Jamahiriya and Egypt, on behalf of the Arab Group, requesting the Security Council to convene an urgent meeting, brought to the Council's attention a deteriorating situation arising in the Occupied Palestinian Territory, leading to hostilities and armed conflict.⁹ In addition, as a result of Kosovo's unilateral declaration of independence, the Council received three communications from the representatives of Serbia and the Russian Federation requesting the Council to convene an emergency meeting under the item relating to the situation in Kosovo entitled "Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)".¹⁰ The situation in Georgia, which was not a new item, was included in table 1 because four communications from the representatives of the Russian Federation, the United States of America and Georgia requested the convening of an emergency meeting as a result of the outbreak of hostilities in South Ossetia and Georgia.¹¹ Lastly, while the situation in the Democratic People's Republic of Korea was not a new item, it was included in table 1 because two communications from the representative of Japan, requesting the Security Council to convene an urgent meeting, brought to the Council's attention a new situation arising in connection with the nuclear test conducted by the Democratic People's Republic of Korea.¹²

⁵ See, for example, the following letters addressed to the President of the Security Council: letter dated 21 January 2008 from the representative of Saudi Arabia, on behalf of the States members of the League of Arab States, requesting an urgent meeting of the Security Council to consider "Israeli aggression in the Occupied Palestinian Territory, including East Jerusalem" (S/2008/31); and letter dated 5 December 2008 from the representative of Egypt, as Chair of the Arab Group, requesting the Security Council to convene an urgent meeting to address the situation in the Occupied Palestinian Territory, including East Jerusalem (S/2008/765).

⁶ The adoption of a new agenda item does not necessarily imply the existence of a new dispute or situation: it may simply be a new formulation of an item already before the Council.

⁷ S/2008/342.

⁸ S/2008/475.

⁹ S/2008/31, S/2008/142, S/2008/615, S/2008/842 and S/2008/843.

¹⁰ S/2008/103, S/2008/104 and S/2008/162.

¹¹ S/2008/533, S/2008/536, S/2008/537 and S/2008/538.

¹² S/2009/176 and S/2009/271.

Table 1

Communications bringing disputes or situations to the attention of the Security Council during the period 2008-2009

<i>Communications</i>	<i>Action requested of the Security Council</i>	<i>Meeting and date</i>
The situation in the Middle East, including the Palestinian question		
Letter dated 21 January 2008 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 (S/2008/31)	The convening of an urgent meeting of the Security Council to consider Israeli aggression in the Occupied Palestinian Territory, including East Jerusalem	5824th meeting 22 January 2008
Letter dated 1 March 2008 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/2008/142)	The convening of an urgent meeting of the Security Council to consider the deteriorating situation in the Occupied Palestinian Territory, due to continuing Israeli military attacks on the civilian population, under the item "The situation in the Middle East, including the Palestinian question"	5847th meeting 1 March 2008
Letter dated 22 September 2008 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 (S/2008/615)	The convening of an urgent meeting of the Security Council on Israeli settlement activities in the occupied Palestinian territories	5983rd meeting 26 September 2008
Letter dated 31 December 2008 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/2008/842)	The convening of an emergency meeting of the Security Council "to consider the continued Israeli military aggression" against the occupied Palestinian territory in the Gaza Strip	6060th meeting 31 December 2008
Letter dated 31 December 2008 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/2008/843)		
Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)		
Letter dated 17 February 2008 from the Permanent Representative of Serbia to the United Nations addressed to the President of the Security Council (S/2008/103)	The convening of an emergency meeting of the Security Council to consider the unilateral declaration of independence by the provisional institutions of self-government of the Serbian province of Kosovo and Metohija in violation of Security Council resolution 1244 (1999) and the territorial integrity of the Republic of Serbia	5839th meeting 18 February 2008
Letter dated 17 February 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/2008/104)		

<i>Communications</i>	<i>Action requested of the Security Council</i>	<i>Meeting and date</i>
Letter dated 6 March 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Serbia to the United Nations addressed to the President of the Security Council (S/2008/162)	The convening of an emergency meeting to consider the aggravation of the situation concerning the Serbian province of Kosovo and Metohija owing to the illegal unilateral declaration of independence by the provisional institutions of self-government and the subsequent recognition of this illegal act by some States Members of the United Nations in violation of the sovereignty and territorial integrity of the Republic of Serbia	5850th meeting 11 March 2008
The situation in Georgia		
Letter dated 7 August 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/2008/533)	The convening of an emergency meeting to consider the aggressive actions of Georgia against South Ossetia, an internationally recognized party to the conflict	5951st meeting 8 August 2008
Letter dated 8 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council (S/2008/536)	The convening of a meeting of the Security Council to address the alleged intrusion of Russian military aircraft into Georgian airspace	5952nd meeting 8 August 2008
Letter dated 9 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council (S/2008/537)	The convening of an emergency meeting of the Security Council to address the escalation of violence in Georgia	5953rd meeting 10 August 2008
Letter dated 10 August 2008 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/2008/538)		
Letter dated 27 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council (S/2008/587)	The convening of a meeting of the Security Council to consider the illegal unilateral actions of the Russian Federation with regard to two Georgian provinces (Abkhazia and South Ossetia) in violation of the Charter, all Security Council resolutions on Georgia, fundamental norms and principles of international law, the Helsinki Final Act, the six-point accord and the sovereignty, independence and territorial integrity of Georgia	5969th meeting 28 August 2008

Communications	Action requested of the Security Council	Meeting and date
Non-proliferation/Democratic People's Republic of Korea		
Letter dated 4 April 2009 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/2009/176)	The convening of a meeting of the Security Council to consider the launch by the Democratic People's Republic of Korea, under the item entitled "Non-proliferation/Democratic People's Republic of Korea"	6106th meeting 13 April 2009
Letter dated 25 May 2009 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/2009/271)	The convening of an urgent meeting of the Security Council to consider the announcement by the Democratic People's Republic of Korea that it had conducted a nuclear test	6141st meeting 12 June 2009
Letter dated 22 September 2009 from the Permanent Representative of Brazil to the United Nations addressed to the President of the Security Council (S/2009/487)		
Letter dated 22 September 2009 from the Permanent Representative of Brazil to the United Nations addressed to the President of the Security Council (S/2009/487)	The convening of an urgent meeting of the Security Council to inform members of the situation related to the presence of the President of Honduras in the Embassy of Brazil at Tegucigalpa in order to prevent any action that might further aggravate the situation	6192nd meeting 25 September 2009

Nature of matters referred to the Security Council

During the period under review, matters that were brought to the Council's attention were usually referred to as "situations".¹³ In some instances, the subject matter of the relevant communications was referred to as "developments",¹⁴ or described in narrative form.¹⁵

¹³ See, for example, letter dated 1 March 2008 from the representative of the Libyan Arab Jamahiriya to the President of the Security Council in connection with the situation in the Middle East, including the Palestinian question (S/2008/142).

¹⁴ See, for example, the following letters addressed to the President of the Security Council: in connection with the "grave situation in the Serbian province of Kosovo and Metohija", letter dated 12 February 2008 from the representative of the Russian Federation (S/2008/93); and in connection with "the Libyan ship *Al-Marwa* which was bound for the port of Gaza carrying humanitarian aid", letter dated 2 December 2008 from the representative of the Libyan Arab Jamahiriya (S/2008/754).

¹⁵ See, for example, the following letters addressed to the President of the Security Council: in connection with the dispute between Thailand and Cambodia, letter dated

It should be noted that, while the Charter provisions setting out the basis on which States may bring matters likely to endanger international peace and security to the attention of the Council 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. For instance, during the period under review, several communications submitted to the Council described situations as threatening or endangering regional peace and security,¹⁶ and/or as

21 July 2008 from the representative of Cambodia (S/2008/475); and in connection with the situation in the Occupied Palestinian Territory, including East Jerusalem, letter dated 5 December 2008 from the representative of Egypt (S/2008/765).

¹⁶ In a letter dated 21 July 2008 addressed to the President of the Security Council, the representative of Cambodia stated that the escalating situation with Thailand was "a grave threat to peace and security" in the region (S/2008/475).

acts of aggression.¹⁷ In connection with those communications, however, the Council did not always determine the existence of any threat to the peace, breach of the peace or act of aggression.

Action requested of the Security Council

In their communications to the Security Council, States most often requested the Council to convene an urgent emergency meeting to consider the dispute or situation.¹⁸ In a number of cases, the submitting States also called upon the Council, in general terms, to take “action” or “concrete measures” on the specific issue brought to its attention.

For example, in a letter dated 31 December 2008 addressed to the President of the Security Council, the representative of Egypt, in his capacity as Chair of the Arab Group, requested the Council to convene an emergency meeting to adopt “an enforceable and binding resolution that would ensure an immediate ceasefire, cessation of the Israeli military aggression, lifting of the blockade, opening of border-crossing points, end of the Israeli policy of collective punishment, providing international protection to the Palestinian people and ensuring calm”.¹⁹

Referrals by the Secretary-General

While Article 99 of the Charter stipulates that the Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security, 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 number of deteriorating situations which were not on its agenda and also conveyed to the Council his intention to establish a commission of inquiry. For example, in connection with the assassination of the

former Prime Minister of Pakistan, Mohtarma Benazir Bhutto, the Secretary-General noted, by a letter dated 2 February 2009, that he had received a request from the Government of Pakistan that he establish an international commission of inquiry. He acceded to that request and expressed his intention to establish a three-member Commission of Inquiry. The terms of reference of the proposed Commission were annexed to his letter.²⁰ In a letter dated 3 February 2009 addressed to the Secretary-General, the President of the Security Council subsequently stated that the former’s intention to accede to the request of the Government of Pakistan and establish a commission of inquiry had been brought to the attention of the members of the Council, who had taken note of it with appreciation.²¹

In another instance, by a letter dated 28 October 2009 addressed to the President of the Security Council, the Secretary-General informed the Council that he had decided “to establish an international Commission of Inquiry to investigate the many killings, injuries and alleged gross human rights violations that took place in the Republic of Guinea on 28 September 2009”.²² The terms of reference for the proposed Commission were annexed to his letter. By a statement of the President dated 28 October 2009, the Council took note of the fact that the authorities of Guinea had officially committed to support the work of the international commission of inquiry in secure conditions, and welcomed the statement of the summit of the Economic Community of West African States (ECOWAS) supporting the Secretary-General’s decision to establish a commission to investigate the events.²³

Referrals by the General Assembly

Under Article 11 (3) of the Charter, the General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security. During the period under review, the General Assembly did not refer any matters to the Security Council under this Article.²⁴

¹⁷ By a letter dated 10 July 2008 addressed to the President of the Security Council, the representative of Georgia requested the Council to convene a meeting in order to consider the intrusion of a Russian military aircraft on 8 July 2008 into Georgian sovereign airspace, as “a fact of aggression” which had been explicitly confirmed by the Ministry of Foreign Affairs of the Russian Federation (S/2008/453).

¹⁸ See table 1.

¹⁹ S/2008/842.

²⁰ S/2009/67.

²¹ S/2009/68.

²² S/2009/556.

²³ S/PRST/2009/27.

²⁴ For more information, see part IV, sect. I.

II. Investigation of disputes and fact-finding

Note

Article 34 of the Charter provides that “the Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security”. Article 34 does not exclude other organs from performing investigative functions nor does it limit the Council’s general competence to obtain knowledge of the relevant facts of any dispute or situation by dispatching a fact-finding mission.

During the period under consideration, the Council initiated, performed or requested the Secretary-General to undertake a number of investigative and/or fact-finding activities that may be deemed to fall within the scope of Article 34 or be related to its provisions. This section provides an overview of the practice of the Security Council in connection with Article 34, including decisions in which the Council either referred to or endorsed the Secretary-General’s initiative to establish bodies entrusted with investigative and/or fact-finding functions (see table 2).

In connection with the situation in the Middle East, by a letter dated 30 January 2008 addressed to the President of the Security Council, the Secretary-General transmitted a request of the Government of Lebanon for technical assistance from the International Independent Investigation Commission in the investigation of the murder of Major Wissam Eid of the Internal Security Forces, Adjutant Oussama Merheb and other civilians in an explosion in Beirut on 25 January 2008. Since the Commission reported to the Council, the Secretary-General requested the Council

to take appropriate action regarding this matter.²⁵ The following day, members of the Security Council responded by inviting the Commission to extend the appropriate technical assistance to the Lebanese authorities.²⁶ In another instance, following the conflict in the Gaza Strip and southern Israel during which United Nations personnel, premises and operations were affected, by a letter dated 4 May 2009 addressed to the President of the Security Council, the Secretary-General informed the Council that, in his capacity as the Chief Administrative Officer of the Organization, he had decided to establish a United Nations Headquarters Board of Inquiry to review and investigate nine of those incidents, in which death or injuries occurred at, or damage was done to, United Nations premises or in which death or injuries occurred, or damage was sustained, in the course of United Nations operations. A summary of the report of the Board of Inquiry was attached to the letter.²⁷

In addition to those investigative and/or fact-finding missions, the Council continued to request the Secretary-General to report on developments relating to matters of which the Council was seized. In a number of instances, the Council dispatched missions consisting of Council members to conflict areas, including Afghanistan, Chad, Côte d’Ivoire, the Democratic Republic of the Congo, Djibouti, Haiti, Liberia, Rwanda and the Sudan. The Council missions were not expressly charged with investigative tasks, but did serve, *inter alia*, to allow the Council members to form an impression of the respective situations on the ground (see table 3).

²⁵ S/2008/60.

²⁶ S/2008/61.

²⁷ S/2009/250.

Table 2

Decisions of the Security Council relating to investigative and/or fact-finding missions

Decision and date

Provisions

Protection of civilians in armed conflict

[S/PRST/2009/1](#)
14 January 2009

The Council adopted an updated version of the aide-memoire first adopted on 15 March 2002 as a practical guide for its consideration of issues pertaining to the protection of civilians. It suggested in the aide-memoire the establishment of ad hoc judicial mechanisms at the national or international level to investigate and prosecute war crimes and serious violations of human rights law in situations where local judicial mechanisms were overwhelmed (annex, section I.F)

The situation in Guinea-Bissau

[S/PRST/2009/6](#)
9 April 2009

The Council stressed the importance of national reconciliation and the fight against impunity in Guinea-Bissau, and called upon the international community to support the commission of inquiry established to investigate the assassinations of the President and of the Chief of Staff of the armed forces (sixth paragraph)

Peace consolidation in West Africa

[S/PRST/2009/27](#)
28 October 2009

Taking note of the fact that the authorities of Guinea had officially committed to support the work of the international commission of inquiry in secure conditions, the Council welcomed the statement of the Economic Community of West African States summit supporting the decision of the Secretary-General to establish an international commission of inquiry to investigate the events of 28 September (fourth paragraph)

Peace and security in Africa

Resolution [1907 \(2009\)](#)
23 December 2009

The Council noted that Djibouti had withdrawn its forces to the status quo ante and cooperated fully with all concerned, including the United Nations fact-finding mission and the good offices of the Secretary-General (sixteenth preambular paragraph)

Table 3
Security Council missions, 2008-2009

<i>Duration of the mission</i>	<i>Destination</i>	<i>Composition</i>	<i>Terms of reference</i>	<i>Final report</i>	<i>Meeting and date</i>
31 May-10 June 2008	Djibouti (on Somalia), the Sudan, Chad, the Democratic Republic of the Congo and Côte d'Ivoire	South Africa and United Kingdom (co-heads of mission for Somalia and the Sudan), France (head of mission for Chad and the Democratic Republic of the Congo), Burkina Faso (head of mission for Côte d'Ivoire), Belgium, China, Costa Rica, Croatia, Indonesia, Italy, Libyan Arab Jamahiriya, Panama, Russian Federation, United States and Viet Nam	S/2008/347	S/2008/460	5915th 18 June 2008
21-28 November 2008	Afghanistan	Italy (head of mission), Belgium, Burkina Faso, China, Costa Rica, Croatia, France, Indonesia, Italy, Libyan Arab Jamahiriya, Panama, Russian Federation, South Africa, United Kingdom, United States and Viet Nam	S/2008/708 , annex	S/2008/782	6031st 4 December 2008
11-14 March 2009	Haiti	Costa Rica (head of mission), Austria, Burkina Faso, China, Croatia, France, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Turkey, Uganda, United Kingdom, United States and Viet Nam	S/2009/139	S/2009/175	6093rd 19 March 2009
14-21 May 2009	Africa (Ethiopia, Rwanda, Democratic Republic of the Congo, Liberia)	Uganda and United Kingdom (co-heads of mission for Ethiopia and Rwanda), France (head of mission for the Democratic Republic of the Congo), United States (head of mission for Liberia), Austria, Burkina Faso, China, Costa Rica, Croatia, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Turkey and Viet Nam	S/2009/243	S/2009/303	6131st 28 May 2009

The four case studies below illustrate Council action on investigation and/or fact-finding: (1) in connection with the item entitled “Peace and security in Africa”, developments leading to the establishment of a fact-finding mission to investigate the border dispute between Eritrea and Djibouti; (2) in connection with the item entitled “Peace consolidation in West Africa”, the establishment of the international commission of inquiry to investigate the killings in Guinea; (3) in connection with the item entitled “Protection of civilians in armed conflict”, discussion on the use of investigations and fact-finding missions to determine perpetrators of crimes against civilians; and (4) in connection with the item entitled “Women and peace and security”, discussion on the recommendation by the Secretary-General for the Security Council to establish a commission of inquiry to investigate reports of sexual violence.

Case 1 Peace and security in Africa

Following a border dispute between Djibouti and Eritrea, the Security Council endorsed the Secretary-General’s initiative to send a fact-finding mission to investigate the situation. Subsequently, by resolution [1862 \(2009\)](#) of 14 January 2009, the Council welcomed the fact that Djibouti had withdrawn its forces to the status quo ante and demanded that Eritrea do the same.

By a letter dated 5 May 2008, the representative of Djibouti brought to the attention of the Security Council “a looming crisis” at the common border with Eritrea. He stated that there had been a progressive growth in the number of Eritrean troops at the common border since February 2008, which included preparation of fortifications and battlements; equipment flow; and well-armed Eritrean soldiers on the Djibouti side of the promontory of the Ras-Doumeira mountain range.²⁸

In a letter dated 11 June 2008 addressed to the President of the Security Council, the representative of Djibouti transmitted a letter from the Minister for Foreign Affairs and International Cooperation of Djibouti informing the Council of recent developments

²⁸ S/2008/294.

in the situation on the border between Djibouti and Eritrea at Ras Doumeira.²⁹

In response, by a presidential statement of 12 June 2008, the Council expressed its strong concern about the serious incidents that had occurred on 10 June 2008 along the frontier between Djibouti and Eritrea, called upon the parties to commit to a ceasefire and urged both parties, in particular Eritrea, to show maximum restraint and withdraw forces to the status quo ante. Moreover, the Council encouraged the Secretary-General urgently to use his good offices to facilitate bilateral discussions to determine arrangements for decreasing the military presence along the border and to develop confidence-building measures to resolve the border situation.³⁰

The Council held its 5924th meeting, on 24 June 2008, in response to a request from the representative of Djibouti concerning the border dispute between his country and Eritrea.³¹ During the meeting, the Director of the Africa Division of the Department of Political Affairs, providing an update on the situation, stated that interlocutors had described the situation on the border as calm but tense, with military regroupings occurring on either side of the border.³² The representative of France, supported by the representative of Belgium, said that it would be useful for the Secretary-General to deploy a fact-finding mission to the region, which should have the full cooperation of both parties.³³ While underlining the role of the Security Council as an instrument of conflict prevention, as mandated by Article 34 of the Charter, the representative of Italy supported the launch of a fact-finding mission by the Secretariat, which would provide essential elements for the Council to develop its position and approach to the issue.³⁴

²⁹ S/2008/387.

³⁰ S/PRST/2008/20, first and sixth paragraphs.

³¹ By a letter dated 11 June 2008 addressed to the President of the Security Council, the representative of Djibouti reported that on 10 June 2008 Eritrean armed forces launched unprovoked attacks with light and heavy weapons against the positions of the army of Djibouti, thereby demonstrating the Eritrean Government’s bellicose nature and its intention to destabilize the region (S/2008/387).

³² S/PV.5924, p. 2.

³³ *Ibid.*, p. 9 (France); and p. 15 (Belgium).

³⁴ *Ibid.*, p. 14.

By a letter dated 11 September 2008 addressed to the President of the Security Council, the Secretary-General transmitted the report of the United Nations fact-finding mission which visited Djibouti and Ethiopia from 28 July to 6 August 2008 in accordance with consultations held by the Security Council on 24 June 2008. The Department of Political Affairs had dispatched the mission to Djibouti and Eritrea to assess the political, security and humanitarian situation in the area. However, the Eritrean authorities had refused to issue visas, and therefore it had not been possible for the fact-finding mission to visit Asmara or the Eritrean side of the border. The mission recommended, *inter alia*, that the offer of the good offices of the Secretary-General to defuse the tension between Djibouti and Eritrea be renewed as a matter of the utmost priority.³⁵

Responding to the report, by a letter dated 16 September 2008 addressed to the President of the Security Council, the representative of Eritrea outlined what he called “the vexing schemes of the United States Administration to embroil our region in an endless crisis only in order to control the region”. He stated that his Government could not be expected to be “party to a futile exercise where the outcome was determined *a priori*”, and that “what is being recklessly set in motion in the name of the United Nations ‘fact-finding mission’ is the revival of the ‘crisis’ that was frustrated and contained at its inception”.³⁶

The 6000th meeting of the Council, on 23 October 2008, was convened under the item entitled “Peace and security in Africa” in response to a note verbale dated 3 October 2008 from the representative of Djibouti addressed to the President of the Security Council.³⁷ During the meeting, the President of Djibouti drew attention to the results of the Security Council fact-finding mission to the region of Doumeira and reiterated his country’s determination to recover all territory “now illegally occupied by Eritrea”. He called on the Council to require both countries to devote themselves to resolving the crisis and stated that any failure to implement such a decision should give rise to the implementation of sanctions by the Council.³⁸ The representative of Eritrea described the conflict as “manufactured” and “fabricated”, but affirmed his Government’s desire for the restoration and cultivation

of good-neighbourly relations.³⁹ The representative of France referred to the report of the United Nations fact-finding mission⁴⁰ which established that Eritrea had not withdrawn its troops to the status quo ante and similarly did not issue visas to the fact-finding mission even when the President of the Security Council had called upon the parties to facilitate the mission.⁴¹ A few Council members echoed France’s frustration that the mission had not been received by Eritrea.⁴² In a letter dated 4 December 2008 addressed to the President of the Security Council, the representative of Djibouti transmitted a letter from the President of Djibouti, who drew attention to Eritrea’s build up along the common border at Ras Doumeira. He expressed regret that the fact-finding mission was not received by Eritrea and stated that his people were anxiously awaiting action by the Security Council.⁴³

In a letter dated 12 January 2009 addressed to the President of the Security Council, the representative of Eritrea stated that the condemnation of Eritrea in June, followed by the dispatching of a fact-finding mission, amounted to “putting the cart before the horse”. He further stated that this demonstrated that certain members of the Council were pursuing national interests without regard to the facts on the ground and urged the Council to exercise utmost caution before considering a draft resolution.⁴⁴

By resolution 1862 (2009) of 14 January 2009, the Council welcomed the fact that Djibouti had withdrawn its forces to the status quo ante, as established by the fact-finding mission, and condemned the refusal of Eritrea to do so. Noting that Djibouti had cooperated fully with the fact-finding mission, the Council deeply regretted that Eritrea had continuously refused to grant visas to the members of the mission. The Council requested the Secretary-General to provide to it a report on the evolution of the situation, and on compliance by both parties.⁴⁵

In a letter dated 30 March 2009 addressed to the President of the Security Council, the Secretary-

³⁵ S/2008/602.

³⁶ S/2008/605.

³⁷ S/2008/635.

³⁸ S/PV.6000, pp. 3-4.

³⁹ *Ibid.*, p. 5.

⁴⁰ S/2008/602.

⁴¹ S/PV.6000, p. 6.

⁴² *Ibid.*, p. 7 (Burkina Faso); p. 9 (Indonesia); and p. 13 (United States).

⁴³ S/2008/766.

⁴⁴ S/2009/28.

⁴⁵ Resolution 1862 (2009), sixth preambular paragraph, paras. 4 and 7.

General noted that, despite the diplomatic overture by the Eritrean authorities, attempts to send a fact-finding mission to Eritrea had not received a positive response from the Government. In addition, his continuing efforts to engage the Government of Eritrea by dispatching a high-level official to Eritrea and the region had yet to produce results.⁴⁶

Case 2 **Peace consolidation in West Africa**

Following the mass killings and injuries that occurred on 28 September 2009 in the Republic of Guinea, the Secretary-General set up an international Commission of Inquiry to establish the facts and circumstances of the events of that day and related events in their aftermath.

By a letter dated 28 October 2009 addressed to the President of the Security Council, the Secretary-General informed members of his decision to establish the Commission to investigate the many killings, injuries and alleged gross human rights violations that had taken place in Guinea on 28 September 2009, and in response to widespread appeals from Member States, including the Government of Guinea, members of ECOWAS, the African Union and the Security Council.⁴⁷

At its 6207th meeting, on 28 October 2009, the Council adopted a presidential statement, in which it, *inter alia*, stated that it remained deeply concerned by the situation in Guinea, which might pose a risk to regional peace and security following the killings that had occurred in Conakry on 28 September, when members of the army opened fire on civilians attending a rally. It strongly condemned the violence that had reportedly caused more than 150 deaths and hundreds of wounded and other blatant violations of human rights, including numerous rapes and sexual crimes against women, as well as the arbitrary arrest of peaceful demonstrators and opposition party leaders. The Council welcomed the statement of the ECOWAS summit supporting the Secretary-General's decision to establish an international commission of inquiry, in order to ascertain the facts, to identify the perpetrators with a view to ensuring that those responsible for violations were held accountable and to make recommendations to him.⁴⁸

⁴⁶ S/2009/163.

⁴⁷ S/2009/556.

⁴⁸ S/PRST/2009/27, first and fourth paragraphs.

In a letter dated 18 December 2009 addressed to the President of the Security Council, the Secretary-General informed members that the Commission of Inquiry had completed its mission and had submitted its final report, which he transmitted by his letter.⁴⁹

Case 3 **Protection of civilians in armed conflict**

At several meetings, Member States and Council members supported the Secretary-General's recommendations for the Security Council to mandate commissions of inquiry to examine situations where violations of international humanitarian law existed.

At the 6066th meeting, on 14 January 2009, the Under-Secretary-General for Humanitarian Affairs, referring to the situation in southern Israel and Gaza, stated that violations of international humanitarian law by one party to a conflict offered no justification for non-compliance by other parties. He asserted that allegations of violations must be fully investigated and those responsible held to account.⁵⁰ This sentiment was supported by several speakers.⁵¹ The representative of the United Arab Emirates noted that an international commission of inquiry should be established to investigate war crimes committed by Israel against civilians in Gaza.⁵² At the end of the debate, the Council adopted a statement by the President with an annexed aide-memoire, in which was suggested the establishment, in situations where local judicial mechanisms were overwhelmed, of ad hoc judicial mechanisms at the national or international level to investigate and prosecute war crimes and serious violations of human rights law.⁵³

At its 6151st meeting, on 26 June 2009, the Council considered the report of the Secretary-General on the protection of civilians in armed conflict.⁵⁴ Referring to the report, the Under-Secretary-General for Humanitarian Affairs noted that the Security Council had an important role to play in promoting systematic compliance with the law in situations of which it was seized. This included requests for reports on violations and the mandating of commissions of

⁴⁹ S/2009/693.

⁵⁰ S/PV.6066, p. 3.

⁵¹ *Ibid.*, p. 8 (Costa Rica); p. 11 (Austria); p. 19 (Croatia); and S/PV.6066 (Resumption 1), p. 2 (Switzerland).

⁵² S/PV.6066 (Resumption 1), p. 8.

⁵³ S/PRST/2009/1, annex, sect. I.F.

⁵⁴ S/2009/277.

inquiry where concerns existed regarding serious violations of international humanitarian and human rights law.⁵⁵

In the debate which followed, a few speakers supported the recommendations in the report about the Council mandating commissions of inquiry and also supported the use of the International Criminal Court.⁵⁶ The representative of Liechtenstein stated that repeated violations of international humanitarian law, such as in the conflicts in Sri Lanka and Gaza, warranted a clear response from the Council. He further stated that where national accountability mechanisms failed, the Council should establish commissions of inquiry or similar bodies in order to enhance accountability for serious violations.⁵⁷ The Permanent Observer of Palestine stated that several investigations, including those by the Secretary-General's Board of Inquiry, the League of Arab States Independent Fact-Finding Committee on Gaza, and humanitarian organizations operating on the ground, had determined that civilians were directly targeted by the occupying Power, and thus he fully agreed with the recommendation in the report that the Council mandate commissions of inquiry to examine situations where there were violations of international humanitarian law and international human rights law.⁵⁸ While noting that the Council should systematically demand reports on allegations of violations of law and consider the creation of commissions of inquiry, the representative of Switzerland recalled the existence of the International Humanitarian Fact-Finding Commission established under Protocol I additional to the Geneva Conventions.⁵⁹ While welcoming the efforts of the Office for the Coordination of Humanitarian Affairs to better monitor access constraints and report to the Council, the representative of Canada said that timely and credible information and analysis were crucial in developing effective responses. However, when issues of access were brought to the Council's attention, follow-up was vital. He stated that the Council should be willing to draw consistently upon key tools at its disposal, including fact-finding missions, good offices,

envoys, monitoring missions and preventive deployments, when civilians were at risk.⁶⁰

At its 6216th meeting, on 11 November 2009, the Council adopted resolution 1894 (2009), in which it emphasized the importance of addressing in its country-specific deliberations the compliance of parties to armed conflict with international humanitarian, human rights and refugee law, noted the range of existing methods used, on a case-by-case basis, for gathering information on alleged violations of applicable international law relating to the protection of civilians, and underlined the importance in this regard of receiving information that is timely, objective, accurate and reliable. To this end, it considered the possibility of using the International Humanitarian Fact-Finding Commission established under article 90 of Protocol I additional to the Geneva Conventions.⁶¹

After the adoption of the resolution, the Deputy United Nations High Commissioner for Human Rights stated that the dispatch of credible, independent, law-based commissions of inquiry that were focused on accountability and reported their findings publicly had proved to be an important catalyst in the Council's efforts to combat impunity, and that more use could be made of such mechanisms.⁶² Several speakers emphasized that investigations were highly important for the protection of civilians.⁶³ The representative of Burkina Faso asserted that the Council must establish independent commissions of inquiry to establish the facts in cases of serious violations and prosecute perpetrators before the appropriate international judicial body.⁶⁴ The representative of Egypt reiterated the importance of the role of the General Assembly and the Security Council, not only with regard to enhanced involvement with respect to the protection of civilians in conflict situations but also in order to focus on the need to investigate violations of international humanitarian law, without discrimination.⁶⁵ The representative of Switzerland stated that the Security Council should ensure that investigations were carried out in all situations where there were allegations of serious violations of international law. She stated that

⁵⁵ S/PV.6151, p. 4.

⁵⁶ S/PV.6151 (Resumption 1), p. 3 (Liechtenstein); and p. 5 (Palestine).

⁵⁷ *Ibid.*, p. 3.

⁵⁸ *Ibid.*, pp. 4-5.

⁵⁹ *Ibid.* p. 6.

⁶⁰ *Ibid.*, p. 9.

⁶¹ Resolution 1894 (2009), paras. 8 and 9.

⁶² S/PV.6216, p. 8.

⁶³ *Ibid.*, p. 23 (Burkina Faso); p. 29 (Austria); S/PV.6216 (Resumption 1), p. 9 (Egypt); p. 14 (Switzerland); and p. 27 (Saudi Arabia).

⁶⁴ S/PV.6216, p. 23.

⁶⁵ S/PV.6216 (Resumption 1), p. 9.

this could be done through ad hoc machinery or by mandates from the International Humanitarian Fact-Finding Commission.⁶⁶ The representative of Saudi Arabia stated that there were numerous instruments for the protection of civilians and the Security Council was an important tool for preserving and maintaining the dignity and lives of civilians. He noted that the dispatch of fact-finding missions was a powerful instrument to prevent the recurrence of such violations.⁶⁷

Case 4 Women and peace and security

In his report pursuant to Security Council resolution 1820 (2008), the Secretary-General suggested that the Security Council should establish a commission of inquiry to investigate reports of sexual violence. During the debate, members of the Council were divided on this recommendation.

At its 6180th meeting, on 7 August 2009, the Council considered the report of the Secretary-General pursuant to resolution 1820 (2008).⁶⁸ In the report, the Secretary-General urged the Council to establish a commission of inquiry, supported by the Office of the United Nations High Commissioner for Human Rights, to investigate and report on violations of international humanitarian and human rights law, with a dedicated focus on sexual violence in ongoing conflict situations in Chad, the Democratic Republic of the Congo and the Sudan, and to recommend to the Security Council the most effective mechanisms for ensuring accountability. The Council should also consider establishing such commissions in other conflicts where sexual violence occurred.⁶⁹

During the meeting, many speakers expressed their support for the establishment of a commission of inquiry to investigate sexual violence particularly in Chad, the Democratic Republic of the Congo and the Sudan.⁷⁰ While welcoming the recommendation to establish a

commission of inquiry, the representative of the United States stated that it deserved serious consideration and that the Council should also explore deployment of technical assistance teams to develop the capacity to combat sexual violence in all conflict zones.⁷¹ The representative of Mexico added that the commission of inquiry should also identify those responsible for crimes of sexual violence and report on the measures that States and other parties to the conflict may take or fail to take. Such information would be useful to the work of the various sanctions committees.⁷² While underlining the need for the Council to follow up any investigation by taking concrete measures, the representative of Canada proposed creating a dedicated working group as a more effective response.⁷³

While expressing support for the eradication of sexual violence in conflict situations, some members questioned whether the establishment of a commission of inquiry in conflict countries was the best approach. The representative of Japan expressed the view that it was important to carefully consider the feasibility of establishing a commission of inquiry, specifically how information would be collected and shared, and whether the aim would be to facilitate prosecution of perpetrators or simply to build a strong informational resource.⁷⁴ The representative of the Russian Federation considered that focusing only on sexual violence could be “excessively narrow” and stated that the proposal merited careful study perhaps in a broader context.⁷⁵ The representative of Croatia cautioned that regular reporting on resolution 1820 (2008) would require further development of United Nations capacities in the strategic collection and analysis of violations against women and girls in conflict situations and thus the establishment of a commission of inquiry warranted serious consideration.⁷⁶ While noting the Secretary-General’s proposal to investigate sexual violence in the Sudan, the Democratic Republic of the Congo and Chad, the representative of China requested the Secretary-General to fully communicate and coordinate with the countries concerned and to seek their prior consent to a commission of inquiry.⁷⁷

⁶⁶ Ibid., p. 14.

⁶⁷ Ibid., p. 27.

⁶⁸ S/2009/362.

⁶⁹ Ibid., para. 56 (i).

⁷⁰ S/PV.6180, p. 4 (United States); p. 8 (France); p. 9 (Austria); p. 12 (Libyan Arab Jamahiriya); p. 15 (Mexico); p. 23 (United Kingdom); p. 24 (Norway); p. 26 (Israel). S/PV.6180 (Resumption 1), p. 3 (Liechtenstein); p. 4 (Canada); p. 8 (Germany); p. 9 (Australia); p. 10 (Italy); p. 16 (Netherlands); and p. 24 (Timor-Leste).

⁷¹ S/PV.6180, pp. 4-5.

⁷² Ibid., p. 15.

⁷³ S/PV.6180 (Resumption 1), p. 4.

⁷⁴ S/PV.6180, p. 10.

⁷⁵ Ibid., p. 14.

⁷⁶ Ibid., p. 17.

⁷⁷ Ibid., p. 21.

III. Decisions of the Security Council concerning the pacific settlement of disputes

Note

Chapter VI of the Charter contains 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 shall 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 procedures or methods of adjustment”. Article 37 (2) envisages that the Council shall decide whether to “recommend such terms of settlement as it may consider appropriate”, and Article 38 provides that it may “make recommendations to the parties with a view to a pacific settlement of the dispute”.

As part of its efforts aimed at the peaceful settlement of conflicts within the framework of Chapter VI of the Charter, the Council frequently endorsed or supported peace agreements concluded by the parties to a conflict, or recommended various procedures or methods of settlement, such as bilateral or multilateral negotiations,⁷⁸ political settlement or dialogue aimed at achieving national reconciliation,⁷⁹ elections or the establishment of a representative government,⁸⁰ as well as peace consolidating activities such as the peaceful return of refugees and internally displaced persons.⁸¹ In several instances, the Council made recommendations with regard to good offices, mediation or conciliation efforts to be undertaken by the Secretary-General,⁸² or with regard to such efforts undertaken by Governments of neighbouring countries⁸³

or regional leaders,⁸⁴ by expressing its support and calling upon the parties to a conflict to cooperate with such efforts.

During the period under review, the Council increasingly looked to elections to promote national dialogue, reconciliation, and the reinforcement of the democratic process. In countries such as Burundi, the Central African Republic, Chad, Côte d’Ivoire, Guinea-Bissau, Liberia, Nepal and the Sudan, several peace agreements laid out plans and time tables for elections. In that context, the Council called on the Government and parties to provide the necessary conditions, including material support and security, for the conduct of free and fair elections. The Council also requested peacekeeping and peacebuilding missions, consistent with their mandate and within their capabilities, to support the electoral process. For example, the Council urged the United Nations Mission in the Sudan (UNMIS), consistent with its mandate, to begin immediate preparations to support the conduct of national elections, including support for the development of a national strategy for the conduct of elections in close collaboration with the United Nations Development Programme and the parties to the Comprehensive Peace Agreement.⁸⁵

In setting out the parameters for a peace process or settlement to achieve its objective and to prevent a relapse into conflict, the Council often made precise recommendations. For instance, in connection with the situation in Georgia, the Council called upon the Georgian and Abkhaz parties to increase their bilateral contacts by making full use of all existing mechanisms as described in the relevant Council resolutions in order to come to a peaceful settlement, and to commit themselves to fulfil within a reliable time frame the conditions necessary for the safe, dignified and swift return of refugees and internally displaced persons.⁸⁶ Similarly, in connection with the item entitled “Maintenance of international peace and security: mediation and settlement of disputes”, the Council, recognizing the importance of mediation, to be

⁷⁸ See, for example, in connection with the situation in Burundi, resolution 1858 (2008).

⁷⁹ See, for example, in connection with the situation in the Central African Republic, S/PRST/2009/5.

⁸⁰ See, for example, in connection with the situation in Chad, the Central African Republic and the subregion, resolution 1861 (2009).

⁸¹ See for example, in connection with the situation in Georgia, resolution 1808 (2008).

⁸² See, for example, in connection with the situation concerning the Democratic Republic of the Congo, S/PRST/2008/40.

⁸³ See, for example, in connection with the situation in Chad, the Central African Republic and the subregion, resolution 1861 (2009).

⁸⁴ See, for example, in connection with the situation in Côte d’Ivoire, S/PRST/2008/11.

⁸⁵ Resolution 1812 (2008), para. 15.

⁸⁶ Resolution 1808 (2008), para. 10.

launched in the earliest possible phases of conflicts as well as in the implementation phases of signed peace agreements, underlined the need to design mediation processes that addressed the root causes of conflicts and contributed to peacebuilding, in order to ensure sustainable peace.⁸⁷

In a number of instances, the Council dispatched Security Council missions to conflict areas to, inter alia, express its support for efforts towards peaceful settlement of disputes undertaken either by local actors or by regional organizations and to examine how those efforts could best be supported. In the terms of reference for the Sudan segment of its mission to Africa from 31 May to 10 June 2008, for example, the Council stated that the mission would “stress that successful implementation of the Comprehensive Peace Agreement is essential to sustainable peace and stability throughout the Sudan, including Darfur, and in the region and to encourage further cooperation between the National Congress Party and the Sudan People’s Liberation Movement in carrying out their responsibilities to further implement the Comprehensive Peace Agreement.”⁸⁸ In the terms of reference for its mission to Haiti, the Council stated that one of the objectives of the mission would be “to urge the Government of Haiti to intensify its efforts to promote an effective and all-inclusive political dialogue aimed at national reconciliation, good governance and sustainable development.”⁸⁹ In the terms of reference for its mission to Africa from 14 to 21 May 2009, the Council noted that the mission would, inter alia, “stress that all parties should reinvigorate their participation in the Goma and Nairobi processes, which are the agreed framework for stabilizing the eastern part of the Democratic Republic of the Congo.”⁹⁰

This section provides an overview of the Council’s practice in relation to the peaceful settlement of disputes by highlighting relevant decisions adopted by the Council during the period under review. As it is not always possible to ascertain the specific provisions

of the Charter on which individual Council decisions have been based, the overview will aim to set out the decisions in a systematic order, without relating them to specific Articles of the Charter. Since Council decisions relating to investigation and fact-finding missions are covered in section II of this part, they will not be reflected here.

The practice of the Council under Chapter VI of the Charter is described below in three subsections. Subsection A captures the decisions of the Council on thematic issues touching upon the provisions of Chapter VI of the Charter. Subsection B illustrates various ways in which the Council, in dealing with specific situations under its consideration, encouraged and supported efforts in the peaceful settlement of disputes. Subsection C provides an overview of the decisions of the Council, within the framework of its efforts towards the pacific settlement of disputes, involving the Secretary-General. Subsection D briefly illustrates various ways in which the Council, in dealing with specific situations under its consideration, encouraged and supported efforts by regional organizations in the peaceful settlement of disputes.⁹¹

A. Decisions of the Security Council on thematic issues relating to the pacific settlement of disputes

The present subsection provides an overview of the decisions of the Council on thematic issues relating to the pacific settlement of disputes. By such decisions, the Council underlined the centrality of Chapter VI of the Charter in the United Nations system of collective security and its responsibility to promote and support mediation as an important means for the pacific settlement of disputes. The Council also underlined the importance of engaging women and regional organizations in mediation efforts.

⁸⁷ S/PRST/2009/8, third paragraph.

⁸⁸ S/2008/347.

⁸⁹ S/2009/139.

⁹⁰ S/2009/243.

⁹¹ The present Supplement presents the decisions of the Council, in resolutions and presidential statements, in table form. The summaries in the right-hand column serve as a guide to how the Security Council invoked Chapter VI during this period.

Table 4

Decisions of the Security Council on thematic issues relating to the pacific settlement of disputes

Decision and date

Provision

Peace and security in Africa

Resolution
1809 (2008)
16 April 2008

Welcoming the role of the African Union in efforts to settle conflicts on the African continent and expressing its support for the peace initiatives conducted by the African Union and through subregional organizations, the Council welcomed regional dialogue and the promotion of shared experiences as well as common regional approaches to the settlement of disputes and other issues relating to peace and security. The Council expressed its determination to strengthen and enhance cooperation between the United Nations and regional organizations, in particular the African Union, in conflict prevention, resolution and management including good offices, mediation support, effective use of sanctions, electoral assistance and preventive field presence (fourth preambular paragraph, paras. 3 and 8)

Maintenance of international peace and security: mediation and settlement of disputes

S/PRST/2008/36
23 September 2008

Reaffirming its commitment to the pacific settlement of disputes, including through mediation, in conformity with the Charter, in particular Chapter VI, the Council underlined the importance of mediation as a means of pacific settlement of disputes, encouraged the further use of this mechanism in the settlement of disputes and reaffirmed the crucial role of the United Nations in that regard. The Council underlined the importance of engaging the potential and the existing capacities and capabilities of regional and subregional organizations in mediation efforts, and welcomed the promotion of regional approaches to the pacific settlement of disputes. Moreover, while noting that women had an important role to play in the settlement of disputes, the Council stressed the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security (first, second, seventh and eighth paragraphs)

Women and peace and security

S/PRST/2008/39
29 October 2008

The Council urged Member States and international, regional and subregional organizations to take measures to increase the participation of women in conflict prevention, conflict resolution and peacebuilding and to strengthen the role of women as decision makers in those areas (fourth paragraph)

Maintenance of international peace and security: mediation and settlement of disputes — report of the Secretary-General on enhancing mediation and its support activities (S/2009/189)

S/PRST/2009/8
21 April 2009

Recognizing the importance of mediation, to be launched at the earliest possible phases of conflicts as well as in the implementation phases of signed peace agreements, the Council underlined the need to design mediation processes that addressed the root causes of conflicts and contributed to peacebuilding, in order to ensure sustainable peace. The Council stressed that the principal responsibility for the peaceful settlement of disputes rested with the parties to the conflict and that it was only through their full participation and genuine commitment to resolve the conflict, including its underlying causes, that peace could be achieved and sustained. The Council noted with concern the very low numbers of women in formal roles in mediation processes, and stressed the need to ensure that women were appropriately appointed at decision-making levels, as high-level mediators, and within the composition of the mediators' teams in line with resolutions 1325 (2000) and 1820 (2008) (third, fourth and ninth paragraphs)

B. Recommendations relating to methods, procedures or terms of the pacific settlement of disputes

This subsection provides an overview of the Council's practices aimed at the pacific settlement of disputes in application of Chapter VI of the Charter. It lists decisions, within a regional context, by agenda item and in chronological order, in which the Council requested or called upon parties to settle their disputes

by peaceful means; recommended procedures or methods of settlement; or proposed or endorsed, welcomed or supported terms of settlement. Although the relevant decisions are presented by agenda item, it should be noted that, during the period under review, the Council increasingly resorted in its decisions to a regional approach, calling on neighbouring countries and regional leaders to assist in the settlement of disputes, particularly as mediators.

Table 5

Decisions containing recommendations relating to methods, procedures or terms of the pacific settlement of disputes

<i>Decision and date</i>	<i>Provision</i>
Africa	
The situation in Burundi	
S/PRST/2008/10 24 April 2008	Expressing serious concern at the confrontations between the Parti pour la libération du peuple hutu-Forces nationales de libération and the National Defence Forces of Burundi, the Council called upon the two parties to scrupulously respect the ceasefire concluded on 7 September 2006 and to resume their dialogue to overcome the obstacles that hindered the implementation of the Comprehensive Ceasefire Agreement and delayed the conclusion of the peace process in Burundi (second and third paragraphs)
Resolution 1858 (2008) 22 December 2008	Welcoming the agreements reached between the Government of Burundi and the Parti pour la libération du peuple hutu-Forces nationales de libération, the Council urged the parties to make every effort to implement, before 31 December 2008, the agreements they had reached on 4 December 2008 so as to bring this last phase of the peace process to a successful conclusion (third preambular paragraph and para. 2)
Resolution 1902 (2009) 17 December 2009	The Council urged the Government of Burundi to take the measures necessary to create an environment conducive to the holding of free, fair and peaceful elections in 2010, and encouraged the Government and the political parties to remain engaged in dialogue, in particular through the Permanent Forum for Dialogue (para. 6)
The situation in the Central African Republic	
S/PRST/2009/5 7 April 2009	The Council welcomed the recent progress towards implementing the recommendations of the inclusive political dialogue, and called upon all parties to sustain the momentum created by the dialogue and the spirit of compromise and cooperation that enabled its successful holding. The Council called upon all parties to respect and implement the comprehensive peace agreement signed at Libreville on 21 June 2008 and their earlier commitments contained in the Sirte agreement of 2 February 2007 and the Birao agreement of 13 April 2007 (first and second paragraphs)

Decision and date

Provision

[S/PRST/2009/35](#)
21 December 2009

The Council welcomed ongoing efforts aimed at national reconciliation in the Central African Republic based on the Libreville comprehensive peace agreement of 21 June 2008 and the commitments contained in the Sirte Agreement of 2 February 2007 and the Birao agreement of 13 April 2007, and encouraged the Government of the Central African Republic to continue to ensure that the recommendations of the inclusive political dialogue were expeditiously and fully implemented (first paragraph)

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

[S/PRST/2008/22](#)
16 June 2008

The Council urged all parties to respect the Sirte Agreement of 25 October 2007, and called upon States in the region to implement their commitments under the Dakar Agreement of 13 March 2008 and prior agreements (second and third paragraphs)

Resolution [1834 \(2008\)](#)
24 September 2008

The Council demanded that armed groups ceased violence immediately, and urged all parties in Chad and the Central African Republic respectively to respect and implement the Sirte Agreement of 25 October 2007 and the comprehensive peace agreement signed in Libreville on 21 June 2008. The Council encouraged the authorities and political stakeholders in Chad and the Central African Republic to continue to pursue their efforts at national dialogue, with respect for the constitutional frameworks, and noted the positive efforts of the Government of Gabon to support a national dialogue in the Central African Republic (paras. 12 and 13)

Resolution [1861 \(2009\)](#)
14 January 2009

Welcoming the recent resumption of diplomatic relations between the Governments of Chad and the Sudan and the efforts by the Government of the Libyan Arab Jamahiriya to promote it, the Council stressed that a further improvement of relations between the Sudan, Chad and the Central African Republic would contribute to long-term peace and stability in the region. The Council encouraged the authorities and political stakeholders in Chad and the Central African Republic to continue to pursue their efforts of national dialogue, and welcomed the holding of the inclusive political dialogue in the Central African Republic. Moreover, it emphasized the importance of the political agreement for the reinforcement of the democratic process signed at N'Djamena on 13 August 2007 and encouraged the parties to proceed with its implementation, in particular with a view to holding early elections (fifth preambular paragraph and para. 21)

The situation in Côte d'Ivoire

[S/PRST/2008/11](#)
29 April 2008

Commending the Facilitator, President Blaise Compaoré of Burkina Faso, for his continued efforts to support the peace process in Côte d'Ivoire, in particular through the Ouagadougou Political Agreement follow-up and consultation mechanisms, the Council stated that the support to the actions of President Laurent Gbagbo and Prime Minister Guillaume Soro, with the active engagement of the Special Representative of the Secretary-General for Côte d'Ivoire, had been instrumental towards achieving the establishment of a consensus among all political parties to hold presidential elections in 2008 (third paragraph)

<i>Decision and date</i>	<i>Provision</i>
S/PRST/2008/42 7 November 2008	The Council commended the Facilitator for convening a meeting of the Permanent Consultative Framework of the Ouagadougou Political Agreement on 10 November 2008, in order for the Ivorian political actors to address all the main difficulties of the electoral process. The Council urged all the Ivorian political actors to cooperate fully with the Facilitator, with the support of the Special Representative of the Secretary-General, and to demonstrate their political determination to fulfil the commitments made in the Ouagadougou Political Agreement and within the framework of its follow-up mechanisms (second paragraph)
S/PRST/2009/16 29 May 2009	The Council welcomed the communiqué of 18 May 2009 of the Permanent Consultative Framework of the Ouagadougou Political Agreement, which provided a comprehensive electoral time frame leading to the first round of the presidential elections in Côte d'Ivoire on 29 November 2009 (first paragraph)
The situation concerning the Democratic Republic of the Congo	
S/PRST/2008/2 30 January 2008	Welcoming the resolutions adopted at the Goma Conference, the Council underscored the need for the Congolese authorities and all political and social stakeholders in North and South Kivu to continue, through dialogue, to seek long-term and comprehensive ways to address the root causes of instability (fifth paragraph)
S/PRST/2008/38 21 October 2008	The Council urged the Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda to urgently engage in efforts to settle their differences, including by reactivating the Joint Verification Mechanism, and called upon them to implement fully the Nairobi communiqué of 9 November 2007 (eighth paragraph)
S/PRST/2008/40 29 October 2008	Urging all the signatories to the Goma and Nairobi processes to implement their commitments effectively and in good faith, the Council called upon the authorities of the Democratic Republic of the Congo and Rwanda to take concrete steps to defuse tensions and to restore stability in the region (second paragraph)
The situation between Eritrea and Ethiopia	
S/PRST/2008/12 30 April 2008	The Council urged both sides to show maximum restraint and to refrain from any threat or use of force against each other and called upon the parties to address forthwith the unresolved issues in accordance with the commitments made in the Algiers Agreements (fifth paragraph)
Resolution 1827 (2008) 30 July 2008	Terminating the mandate of the United Nations Mission in Ethiopia and Eritrea, the Council demanded that Ethiopia and Eritrea comply fully with their obligations under the Algiers Agreements (para. 2)
The situation in Guinea-Bissau	
S/PRST/2009/2 3 March 2009	Condemning in the strongest terms the assassinations of the President of Guinea-Bissau and the Chief of Staff of the armed forces, the Council urged all parties to resolve their disputes through political and peaceful means within the framework of the democratic institutions (first and second paragraphs)

Decision and date

Provision

Resolution 1876 (2009)
26 June 2009

The Council called upon the Government and all political stakeholders of Guinea-Bissau to work together in order to set up the best conditions for national reconciliation and to consolidate peace and security throughout Guinea-Bissau. The Council urged Guinea-Bissau's political leaders to refrain from involving the military in politics, and requested them to use legal and peaceful means to solve their differences (paras. 7 and 9)

[S/PRST/2009/29](#)
5 November 2009

Taking note of the plans of the National Assembly to convene a national conference on the theme "Conflicts in Guinea-Bissau: causes, prevention, resolution and consequences", the Council underscored the need to conduct an inclusive political dialogue process aimed at ensuring national reconciliation in the country (third paragraph)

Reports of the Secretary-General on the Sudan^a

Resolution 1812 (2008)
30 April 2008

Stressing the importance of full and expeditious implementation of all elements of the Comprehensive Peace Agreement, the Darfur Peace Agreement and the Eastern Sudan Peace Agreement, the Council called for all the parties to respect their commitments to those agreements without delay. It welcomed the sustained commitment of the parties to work together in the Government of National Unity, and urged the cooperation of the National Congress Party and the Sudan Peoples Liberation Movement in carrying out their responsibilities to further implement the Comprehensive Peace Agreement (paras. 3 and 4)

[S/PRST/2008/15](#)
13 May 2008

Strongly condemning the attacks of 10 May 2008 perpetrated by the Justice and Equality Movement against the Government of the Sudanese Government in Omdurman, the Council urged all parties to cease violence immediately, respect their obligations under international humanitarian law and commit to a peaceful resolution of all outstanding issues (first paragraph)

[S/PRST/2008/24](#)
24 June 2008

The Council welcomed the road map for the return of internally displaced persons and the implementation of the Abyei Protocol signed by the National Congress Party and the Sudan People's Liberation Movement on 8 June 2008, and emphasized that the peaceful resolution of the situation in Abyei was vital to the effective implementation of the Comprehensive Peace Agreement and peace in the region. The Council urged the parties to use the opportunity created by the signing of the road map to resolve all outstanding issues related to implementation of the Agreement and welcomed the commitment of the parties to take unresolved issues to arbitration as necessary (first paragraph)

Resolution 1870 (2009)
30 April 2009

Stressing the importance of full and expeditious implementation of all elements of the Comprehensive Peace Agreement, and implementation of the Abyei road map, agreements on Darfur and the Eastern Sudan Peace Agreement, the Council called upon all parties to respect and abide by their commitments to those agreements without delay. The Council welcomed the sustained commitment of the parties to work together in the Government of National Unity, and urged the continued cooperation of the National Congress Party and the Sudan People's Liberation Movement in carrying out their responsibilities in further implementing the Comprehensive Peace Agreement. Moreover, the Council welcomed the agreement by the parties to submit the Abyei boundary dispute to the Abyei Arbitration Tribunal

Decision and date

Provision

at the Permanent Court of Arbitration for resolution, and called upon the parties to abide by and implement the decision of the Tribunal on the final settlement of the Abyei boundary dispute (paras. 4, 5 and 8)

Resolution 1881 (2009)
30 July 2009

Calling upon the Sudan and Chad to abide by their obligations under the Doha Agreement of 3 May 2009, the Dakar Agreement of 13 March 2008 and previous bilateral agreements, the Council reaffirmed the need for both countries to engage constructively with the Dakar Contact Group with a view to normalizing relations, ceasing support for armed groups, strengthening actions to combat arms trafficking in the region, establishing effective joint border monitoring, and cooperating through diplomatic means to establish peace and stability in Darfur and the wider region (para. 9)

Peace and security in Africa

S/PRST/2008/4
6 February 2008

Kenya. Expressing its deep concern that civilians continued to be killed, subjected to sexual and gender-based violence and displaced from their homes, the Council emphasized that the only solution to the crisis lay through dialogue, negotiation and compromise and strongly urged Kenya's political leaders to foster reconciliation and to elaborate and implement the actions agreed to on 1 February without delay (second paragraph)

S/PRST/2008/20
12 June 2008

Djibouti and Eritrea. Calling upon Djibouti and Eritrea to commit to a ceasefire, the Council urged both parties, in particular Eritrea, to cooperate and engage in diplomatic efforts to resolve the matter peacefully and in a manner consistent with international law (third and fourth paragraphs)

S/PRST/2008/23
23 June 2008

Zimbabwe. Expressing its concern over the impact of the situation in Zimbabwe on the wider region, the Council welcomed the recent international efforts, including those of the Southern African Development Community and particularly President Mbeki. The Council called on the Zimbabwean authorities to cooperate fully with all efforts, including through the United Nations, aimed at finding a peaceful way forward, through dialogue between the parties, that allowed a legitimate government to be formed that reflected the will of the Zimbabwean people (fourth paragraph)

S/PRST/2008/30
19 August 2008

Mauritania. The Security Council demanded the immediate release of President Sidi Mohamed Ould Cheikh Abdallahi and the restoration of the legitimate, constitutional, democratic institutions immediately (fourth paragraph)

Asia

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920) (Nepal)

Resolution 1796 (2008)
23 January 2008

Expressing its full support for the Comprehensive Peace Agreement, the Council called upon all parties to maintain momentum in the implementation of the Agreement, to continue constructive engagement with the United Nations, including reaching an early status-of-mission agreement, and to work together to progress to Constituent Assembly elections (para. 2)

Decision and date

Provision

Resolution [1825 \(2008\)](#)
23 July 2008

Expressing its continued readiness to support the peace process in Nepal in the timely and effective implementation of the Comprehensive Peace Agreement and subsequent agreements, the Council welcomed the successful conclusion of the Constituent Assembly elections on 10 April 2008, and the progress made by the parties since the formation of the Assembly in working towards a democratic government. The Council called upon all parties in Nepal to work together in a spirit of cooperation, consensus and compromise in order to continue the transition to a durable long-term solution to enable the country to move to a peaceful, democratic and more prosperous future (fifth and sixth preambular paragraphs and para. 7)

Resolution [1879 \(2009\)](#)
23 July 2009

Renewing the mandate of the United Nations Mission in Nepal, the Council called upon all political parties to take full advantage of the expertise and readiness of the Mission, within its mandate, to support the peace process to facilitate the completion of outstanding aspects of the mandate of the Mission by 23 January 2010 (paras. 1 and 2)

The situation in Timor-Leste

[S/PRST/2008/5](#)
11 February 2008

Condemning in the strongest possible terms the attempt on the life of the President and the attack on the Prime Minister of Timor-Leste, the Council urged all parties in Timor-Leste to resolve any disputes through political and peaceful means within the framework of its democratic institutions (first and third paragraphs)

Resolution [1802 \(2008\)](#)
25 February 2008

The Council urged all parties in Timor-Leste, in particular political leaders, to continue to work together and engage in political dialogue and consolidate peace, democracy, the rule of law, sustainable social and economic development and national reconciliation in the country (para. 5)

Resolution [1867 \(2009\)](#)
26 February 2009

The Council commended the political leadership and State institutions of Timor-Leste for restoring and securing stability, and welcomed the return of a significant number of internally displaced persons and the disbandment of the “petitioners” group, while recognizing the importance of additional measures to achieve meaningful reconciliation and their reintegration into their respective communities (sixth preambular paragraph)

Europe

The situation in Georgia

Resolution [1808 \(2008\)](#)
15 April 2008

The Council called upon the Georgian and Abkhaz parties to increase their bilateral contacts by making full use of all existing mechanisms as described in the relevant Council resolutions in order to come to a peaceful settlement, and to commit themselves to fulfil within a reliable time frame the conditions necessary for the safe, dignified and swift return of refugees and internally displaced persons (para. 10)

Middle East

The situation in the Middle East, including the Palestinian question

Resolution [1860 \(2009\)](#)
8 January 2009

The Council called for renewed and urgent efforts by the parties and the international community to achieve a comprehensive peace based on the vision of a region where two democratic States, Israel and Palestine, live side by side in peace with secure and recognized borders, as envisaged in resolution [1850 \(2008\)](#) (para. 8)

<i>Decision and date</i>	<i>Provision</i>
S/PRST/2009/14 11 May 2009	The Council called upon the parties to fulfil their obligations under the performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict, refraining from any steps that could undermine confidence or prejudice the outcome of negotiations on all core issues. The Council encouraged tangible steps towards intra-Palestinian reconciliation, including in support of Egypt's efforts (fifth and sixth paragraphs)

^a For additional references to the Sudan, see the item "The situation in Chad, the Central African Republic and the subregion", above.

C. Decisions involving the Secretary-General in the Council's efforts at the pacific settlement of disputes

While Article 99 of the Charter provides that the Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security, the Charter does not otherwise describe or define the role of the Secretary-General in relation to matters of peace and security. The Council's efforts aimed at conflict prevention and the peaceful settlement of disputes did, however, increasingly require the involvement of the Secretary-General, who, in coordination with the Council or at its request, facilitated peace efforts in various ways.

During the period under review, the Council frequently called upon the Secretary-General to make use of mediation as a tool and further emphasized the importance of the actions undertaken by him in promoting mediation. For example, by resolution [1809 \(2008\)](#) of 16 April 2008, the Council recognized the important role of the good offices of the Secretary-General in Africa, and encouraged him to continue to use mediation as often as possible to help to resolve conflicts peacefully, working in coordination and closely with the African Union and other subregional organizations in that regard.⁹² In another instance, in a statement of the President dated 23 September 2008, emphasizing the importance of the actions undertaken by the Secretary-General, in using his good offices and his representatives and special envoys and United Nations mediators in promoting mediation and in the pacific settlement of disputes, the Council took note of

⁹² Resolution 1809 (2008), para. 15.

the establishment of the Mediation Support Unit of the Department of Political Affairs of the United Nations Secretariat, which provided expertise for supporting the mediation efforts of the United Nations and regional and subregional organizations.⁹³

The report of the Secretary-General on enhancing mediation and its support activities⁹⁴ was acknowledged by the Council in its presidential statement dated 21 April 2009. By that statement, the Council emphasized the importance of the actions undertaken by the Secretary-General in promoting mediation and in the pacific settlement of disputes, and welcomed the continued efforts of the Department of Political Affairs, in particular through the Mediation Support Unit, to respond to emerging and existing crises. It also underscored that mediation support efforts should be responsive to the demands of fast-moving peace processes. The Council requested the Secretary-General to keep it informed of the action undertaken by him in promoting and supporting mediation and pacific settlement of disputes, ensuring coherence with the ongoing efforts to strengthen peacebuilding and peacekeeping.⁹⁵

During the period under review, in accordance with the provisions of Article 33 of the Charter, the Council frequently called on the parties to a dispute to cooperate in negotiations held under the auspices of the Secretary-General, expressed support for conciliation efforts undertaken by him, expressly requested that he assume an active role in the process of achieving dialogue and reconciliation, or endorsed his initiatives within the framework of his good offices. In this context, the Secretary-General increasingly used his

⁹³ S/PRST/2008/36, fourth paragraph.

⁹⁴ S/2009/189.

⁹⁵ S/PRST/2009/8, fifth and tenth paragraphs.

Special Envoys, Advisers and Representatives to assist him in his efforts. For instance, he appointed a Joint African Union-United Nations Chief Mediator for Darfur to conduct the mediation efforts in the Sudan on a full-time basis.⁹⁶ With respect to Burundi, after the adoption of the Declaration of the Summit of the Heads of State and Government of the Great Lakes Region on the Burundi Peace Process, the Council requested the Executive Representative of the Secretary-General for Burundi to facilitate and promote dialogue among national and international stakeholders, in particular in the context of the upcoming elections, while continuing to support their efforts to sustain peace and stability.⁹⁷

Beyond the discharge of his good offices, the Secretary-General increasingly proposed the establishment or continuation of special political missions to undertake peacebuilding efforts to prevent conflicts or the re-emergence of conflicts, which included political, humanitarian and development assistance, as well as assistance to transitional national governments in establishing viable institutions. In a statement of the President dated 7 April 2009, the Council for example welcomed the recommendation of the Secretary-General to establish a United Nations Integrated Peacebuilding Office in the Central African

Republic (BINUCA) to succeed the United Nations Peacebuilding Support Office.⁹⁸ It noted with satisfaction that BINUCA, inter alia, would assist national and local efforts in implementing the dialogue outcomes, in particular through support for governance reforms and electoral processes.⁹⁹ Likewise, by resolution 1876 (2009), the Council requested the Secretary-General to establish a United Nations Integrated Peacebuilding Office in Guinea-Bissau to succeed the United Nations Peacebuilding Support Office in Guinea-Bissau, as recommended by him in his report.¹⁰⁰ The Office was mandated, inter alia, with supporting an inclusive political dialogue and national reconciliation process.¹⁰¹

The following overview sets out examples, by region and in chronological order, of decisions by which the Security Council specifically requested, supported, endorsed, encouraged or welcomed the Secretary-General's endeavours in the peaceful settlement of disputes and the prevention of outbreak or recurrence of conflict. The practice described below is illustrative and does not purport to be comprehensive.

⁹⁸ See S/2009/128.

⁹⁹ S/PRST/2009/5, sixth paragraph.

¹⁰⁰ S/2009/302.

¹⁰¹ Resolution 1876 (2009), para. 3.

⁹⁶ See S/2008/439.

⁹⁷ Resolution 1858 (2008), para. 7.

Table 6

Decisions involving the Secretary-General in the Council's efforts at the pacific settlement of disputes

Decision and date

Provision

Africa

The situation in Burundi

Resolution 1858 (2008)
22 December 2008

The Council requested the Executive Representative of the Secretary-General for Burundi to facilitate and promote dialogue among national and international stakeholders, in particular in the context of the upcoming elections, while continuing to support their efforts to sustain peace and stability (para. 7)

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

Resolution 1834 (2008)
24 September 2008

Looking forward to the implementation of the commitment of the Sudan and Chad to restore diplomatic ties with a view to normalizing their relations, the Council welcomed the role played in particular by the regional contact group, the Governments of the Libyan Arab Jamahiriya and the Republic of the Congo as African co-mediators, as well as the African Union and the United Nations, including through the Special Representative of the Secretary-General for the Central African Republic and Chad and Head of Mission, in support of the Dakar process (para. 11)

Decision and date

Provision

The situation in the Central African Republic

[S/PRST/2009/5](#)
7 April 2009

Welcoming the recommendation of the Secretary-General to establish a United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) to succeed the United Nations Peacebuilding Support Office, the Council noted with satisfaction that BINUCA inter alia, would assist national and local efforts in implementing the dialogue outcomes, in particular through support for governance reforms and electoral processes (sixth paragraph)

The situation concerning the Democratic Republic of the Congo

[S/PRST/2008/38](#)
21 October 2008

The Council encouraged the Secretary-General to step up his efforts to facilitate dialogue between Rwanda and the Democratic Republic of the Congo (eighth paragraph)

[S/PRST/2008/40](#)
29 October 2008

The Council expressed its strong support for the efforts of the Secretary-General to facilitate the dialogue between the leaders of the Democratic Republic of the Congo and Rwanda and encouraged him to send a special envoy tasked with that mission as soon as possible (second paragraph)

The situation between Eritrea and Ethiopia

Resolution [1798 \(2008\)](#)
30 January 2008

The Council expressed its strong support for the ongoing efforts of the Secretary-General and the international community to engage with Eritrea and Ethiopia to help them to normalize their relations, to promote stability between the parties and to lay the foundation for a comprehensive and lasting settlement of the dispute, and urged the parties to accept the Secretary-General's good offices (para. 9)

Resolution [1827 \(2008\)](#)
30 July 2008

The Council expressed its strong support for the ongoing efforts of the Secretary-General and the international community to engage with Ethiopia and Eritrea to help them to implement the Algiers Agreements, to normalize their relations, to promote stability between them and to lay the foundation for a comprehensive and lasting peace between them, and urged again Ethiopia and Eritrea to accept the Secretary-General's good offices (para. 3)

The situation in Guinea-Bissau

Resolution [1876 \(2009\)](#)
26 June 2009

The Council requested the Secretary-General to establish a United Nations Integrated Peacebuilding Office in Guinea-Bissau to succeed the United Nations Peacebuilding Support Office in Guinea-Bissau, with the task, inter alia, of supporting an inclusive political dialogue and national reconciliation process (para. 3)

Reports of the Secretary-General on the Sudan

Resolution [1812 \(2008\)](#)
30 April 2008

The Council urged the United Nations Mission in the Sudan, consistent with its mandate, to begin immediate preparations to support the conduct of national elections, including support for the development of a national strategy for the conduct of elections in close collaboration with United Nations Development Programme and the parties to the Comprehensive Peace Agreement (para. 15)

Peace and security in Africa

[S/PRST/2008/20](#)
12 June 2008

Djibouti and Eritrea. The Council encouraged the Secretary-General urgently to use his good offices and reach out to both parties, in coordination with regional efforts, to facilitate bilateral discussions to determine arrangements for decreasing the military presence along the border and to develop confidence-building measures to resolve the border situation (sixth paragraph)

Resolution [1862 \(2009\)](#)
14 January 2009

Djibouti and Eritrea. Welcoming the offer of good offices made by the Secretary-General, the Council deeply regretted that Eritrea had continuously refused to grant visas to the members of the fact-finding mission or to receive any envoy by the Secretary-General, and welcomed the continued readiness of the Secretary-General to send a fact-finding mission or an envoy to Eritrea (para. 3)

Asia

The situation in Timor-Leste

Resolution [1802 \(2008\)](#)
25 February 2008

Recognizing the important role that the United Nations Integrated Mission in Timor-Leste continued to play in promoting peace, stability and development in Timor-Leste, the Council expressed its full support for the continued efforts of the Special Representative of the Secretary-General for Timor-Leste aimed at addressing critical political and security-related issues facing the country through inclusive and collaborative processes, including the High-level Coordination Committee and the Trilateral Coordination Forum (ultimate preambular paragraph and para. 5)

Europe

The situation in Georgia

Resolution [1808 \(2008\)](#)
15 April 2008

Having extended the mandate of the United Nations Observer Mission in Georgia, the Council requested that the Secretary-General make use of the mandate in order to encourage and support the parties in implementing measures to build confidence and to establish an intensive and meaningful dialogue, with a view to achieving a lasting and comprehensive settlement, including the facilitation of a meeting at the highest level (para. 17)

Thematic issues

Peace and security in Africa

Resolution [1809 \(2008\)](#)
16 April 2008

The Council recognized the important role of the good offices of the Secretary-General in Africa, and encouraged the Secretary-General to continue to use mediation as often as possible to help to resolve conflicts peacefully, working in coordination and closely with the African Union and other subregional organizations in that regard, as appropriate (para. 15)

Decision and date

Provision

Maintenance of international peace and security: mediation and settlement of disputes

[S/PRST/2008/36](#)

23 September 2008

The Council requested the Secretary-General to continue to ensure that mediation processes conducted by or under the auspices of the United Nations were guided by the purposes and principles of the Organization and that mediators were experienced, impartial, had a good knowledge of all the stakeholders, facts and circumstances of any dispute to which they had been assigned, and were provided with the necessary support and flexibility to approach mediation according to the specificities of the disputes (fifth paragraph)

[S/PRST/2009/8](#)

21 April 2009

The Council emphasized the importance of the actions undertaken by the Secretary-General in promoting mediation and in the pacific settlement of disputes, and welcomed the continued efforts of the Department of Political Affairs, in particular through the Mediation Support Unit, to respond to emerging and existing crises. It further requested the Secretary-General to work in partnership with Member States, regional and subregional organizations and other relevant partners in a coordinated and mutually complementary manner when cooperating in a mediation process (fifth and eighth paragraphs)

Women and peace and security

[S/PRST/2008/39](#)

29 October 2008

Urging Member States and international, regional and subregional organizations to take measures to increase the participation of women in conflict prevention, conflict resolution and peacebuilding and to strengthen the role of women as decision makers in these areas, the Council called upon the Secretary-General to appoint more women to pursue good offices on his behalf, particularly as Special Representatives and Special Envoys (fourth paragraph)

D. Decisions involving regional arrangements or agencies

During the period under review, the Security Council not only called upon parties to a conflict to cooperate with regional arrangements or agencies, 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 agencies or requested the Secretary-General to undertake such efforts in conjunction with them. Decisions of the Council regarding the joint or parallel efforts undertaken by the Council and regional arrangements or agencies in the pacific settlement of disputes during the period under review are covered in detail in part VIII of this Supplement.

IV. Constitutional discussion bearing on the interpretation or application of the provisions of Chapter VI of the Charter

Note

This section highlights the main arguments raised in the deliberations of the Security Council with regard to the interpretation of specific provisions of the Charter concerning the role of the Council in the

peaceful settlement of disputes. It includes, in particular, discussions regarding the competence of the Council to consider a dispute or situation and its power to make appropriate recommendations within the framework of Chapter VI of the Charter.

According to the 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. This section focuses on the deliberations of the Security Council with regard to the interpretation of specific provisions 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 of 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 (3) became the subject of deliberations are also considered below.

During the course of thematic and country-specific debates held in the Council the measures available under Chapter VI, notably mediation, were often referred to as a tool that the Council could employ in resolving conflicts.¹⁰² Many speakers emphasized that mediation should be part of a comprehensive approach to the pacific settlement of disputes and called on it to be widely utilized by all parties and the United Nations.

The information in this section, on discussions concerning the provisions of Chapter VI and the good offices of the Secretary-General as a primary tool for the mediation of disputes provided for under Article 99 of the Charter, is set out under four headings, namely: Relevance of the provisions of Chapter VI in comparison to the provisions of Chapter VII; Obligation of Member States to settle their disputes by peaceful means in the light of Article 33 (1) and recommendations for the settlement of disputes by the Security Council in the light of Article 33 (2); Referral of legal disputes in the light of Article 36 (3); and Referrals by the Secretary-General in the light of Article 99. In several instances, Member States provided different interpretations of the provisions of Chapter VI or challenged the Security Council's interpretation of those provisions, or even its role in the pacific settlement of disputes.

¹⁰² See, for example, the 5979th and 6108th meetings on the item "Maintenance of international peace and security: mediation and settlement of disputes".

Relevance of the provisions of Chapter VI in comparison to the provisions of Chapter VII

Case 5

Maintenance of international peace and security: mediation and settlement of disputes

At its 6108th meeting, on 21 April 2009, the Council held an open debate on ways to promote the use of mediation in the peaceful settlement of disputes. During the debate, several speakers highlighted the need to exhaust the provisions of Chapter VI before resorting to those provided for under Chapter VII.¹⁰³ The representative of Viet Nam stressed that mediation efforts should focus on addressing the root causes of the conflicts, with due attention to the need to help countries overcome conditions of absolute poverty and the lack of socioeconomic development. In his view, mediation would help to avoid escalation and the unnecessary application of measures of last resort, such as those invoked by Chapter VII.¹⁰⁴ While underlining the need for a "new international vision for mediation", the representative of the Libyan Arab Jamahiriya stressed that tools provided for in Chapters VI and VIII should be exhausted before resorting to Chapter VII.¹⁰⁵ The representative of Brazil said that further recourse to Chapter VI contributed to the long-term sustainability of action under Chapter VII. He stated that early efforts to peacefully resolve disputes reduced threats to peace and security and therefore helped to maintain the demand for peacekeeping operations at levels that the United Nations and Member States could manage adequately.¹⁰⁶ The representative of Qatar added that the deployment of peacekeeping forces and "other measures of the use of force" resulted in a much greater financial burden than the cost of diplomatic mediation.¹⁰⁷

The representative of Cuba, speaking on behalf of the Non-Aligned Movement, echoed by the representative of Qatar, expressed alarm regarding the prevalent use of Chapter VII measures long before the

¹⁰³ S/PV.6108, p. 7 (Viet Nam); p. 9 (Libyan Arab Jamahiriya); p. 23 (Mexico); p. 24 (Brazil); S/PV.6108 (Resumption 1), p. 11 (Cuba, on behalf of the Non-Aligned Movement); and p. 13 (Qatar).

¹⁰⁴ S/PV.6108, p. 7.

¹⁰⁵ *Ibid.*, p. 9.

¹⁰⁶ *Ibid.*, p. 24.

¹⁰⁷ S/PV.6108 (Resumption 1), p. 13.

full range of Chapter VI measures had been utilized.¹⁰⁸ Specifically, the representative of Cuba stated that the Council was increasingly resorting to Chapter VII action as an “umbrella” for addressing issues that did not necessarily pose a threat to international peace and security.¹⁰⁹ The representative of Pakistan stressed that “injudicious use” of Chapter VII created the wrong impression that non-Chapter VII resolutions were not equally binding. Experience had shown that Chapter VII measures were not always ideal and could, in fact, worsen disputes. In contrast, measures taken under Chapter VI built confidence and fostered respect for the sovereignty of States.¹¹⁰

Obligation of Member States to settle their disputes by peaceful means in the light of Article 33 (1) and recommendations for the settlement of disputes by the Security Council in the light of Article 33 (2)

Article 33 refers to the obligation of Member States to settle their disputes by peaceful means. Article 33 (1) allocates primary responsibility for resolving a dispute to the parties concerned. Article 33 (2) gives the Security Council discretionary power to request the parties to settle their disputes by peaceful means, when it deems necessary. Two case studies are set out below, concerning (a) the maintenance of international peace and security: mediation and settlement of disputes, indicating general support for making broader use of mediation and for a strong role for the United Nations in such a domain; and (b) peace and security in Africa, exemplifying how the Council called upon the parties to resolve their dispute through dialogue and negotiation.

**Case 6
Maintenance of international peace and security: mediation and settlement of disputes**

At its 5979th (high-level) meeting, on 23 September 2008, the Council considered a concept paper prepared by the presidency (Burkina Faso).¹¹¹

The concept paper, inter alia, underlined that mediation was one among the wide range of methods defined in Article 33 of the Charter, and the increasingly frequent recourse to mediation had made it one of the principal alternatives for the settlement of contemporary conflicts. Opening the debate, the representative of Burkina Faso stressed the importance of tackling disputes through peaceful means in conformity with the Charter. He emphasized that bilateral and multilateral partners should be proactive in any mediation process by promoting the leadership role of the mediator and supporting each step of the process in a timely and appropriate manner, and that the United Nations and especially the Security Council could and should play a crucial role in that regard. The representative held that no mediation could succeed without the full participation of the protagonists and underlined three elements as key for meditation to bear fruit: (1) all parties concerned must have ownership of the peace process; (2) any final document must reassure each party and answer all fundamental questions underlying the dispute; and (3) follow-up mechanisms must be taken to prevent possible pitfalls.¹¹²

The Secretary-General said that while the United Nations had increasingly been asked to rapidly deploy peacekeeping operations to save lives in conflict situations, mediation was indispensable to prevent further bloodshed. He therefore called on the Council and all Member States to invest “up front” in mediation efforts. While acknowledging that the United Nations did not claim a monopoly on the settlement of disputes, he considered that the Security Council played a central role in mediating and settling disputes, as laid out in Articles 33 and 36 of the Charter. He observed that mediation would be most effective when it was supported by a unified Council which was also prepared to use its leverage, such as targeted sanctions, supported one clear chief mediator and gave the process space.¹¹³

Mr. Lakhdar Brahimi noted that while regional organizations had acquired remarkable skills in the field of mediation, the United Nations remained the leading actor in this field. He highlighted two of the principles at the heart of United Nations mediation: first, the mediator should include in the peace process

¹⁰⁸ Ibid., p. 11 (Cuba, on behalf of the Non-Aligned Movement); and p. 13 (Qatar).

¹⁰⁹ Ibid., p. 11.

¹¹⁰ Ibid., p. 18.

¹¹¹ S/2008/590.

¹¹² S/PV.5979, pp. 2-4.

¹¹³ Ibid., pp. 4-5.

all the parties to the conflict without any exception; secondly, the mediator's efforts could be significantly strengthened when the principles and approaches he or she adhered to while conducting the mediation were seen to be supported by all Council members and Member States. He further maintained that the United Nations universality, impartiality and consistent adherence to the principles of the Charter were powerful weapons in its mediator's arsenal.¹¹⁴

In the subsequent discussion, a few speakers explicitly invoked Article 33 of the Charter, highlighting mediation as an important tool for the peaceful settlement of disputes.¹¹⁵ Drawing examples from past experiences, all Council members recognized the role of the United Nations in mediation and the settlement of disputes. Citing the situation in Zimbabwe, the representative of the United Kingdom noted that the agreement between the ruling party and the opposition was the product of a long and difficult mediation effort led by President Thabo Mbeki with the support of the United Nations and the African Union. He emphasized that mediation required strong and capable leadership, a coherent international effort and the resources to make sure it could deliver.¹¹⁶ The representative of the United States believed that formal negotiations and mediation, where States engaged fully and inclusively and real political effort was to be expended, were often the best way to address the most serious international disputes.¹¹⁷

Several speakers touched on the role of the Security Council in mediation and dispute settlement. The representative of the United Kingdom emphasized the need to strengthen the Council's role through each phase of conflict prevention, the mediation of conflicts, conflict resolution and the implementation of peace agreements.¹¹⁸ The representative of France held that sanctions could be a tool for mediation and conflict settlement,¹¹⁹ while the representative of South Africa warned that the Council should avoid the temptation to pre-empt the outcome of mediation efforts through the use of coercive tools and otherwise avoid interfering in

mediation efforts of either the Secretary-General or regional organizations.¹²⁰

A number of speakers maintained that mediators should remain neutral and impartial, and should have the consent and full participation of all parties concerned.¹²¹ The representative of China, advocating for international support for mediators, stated that neutrality and fairness constituted the basic conditions for successful mediation.¹²² The representative of the Libyan Arab Jamahiriya, however, held that the effectiveness of mediation did not depend only on the impartiality of the mediator but also on the unity and coordination of regional and international efforts. He further noted that the option of mediation offered ideas and proposals to urge the parties to a dispute to resort to dialogue.¹²³

At the end of the meeting, the Council adopted a presidential statement, in which it affirmed that, as the organ with the primary responsibility for the maintenance of international peace and security, it had a responsibility to promote and support mediation as an important means for the pacific settlement of disputes, and underlined the importance of engaging the potential and existing capabilities of regional and subregional organizations in mediation efforts.¹²⁴

On 21 April 2009, the Council held another debate on the topic, at which the Under-Secretary-General for Political Affairs introduced the report of the Secretary-General on enhancing mediation and its support activities,¹²⁵ submitted pursuant to the presidential statement of 23 September 2008.¹²⁶ The report examined the experience and challenges faced by the United Nations and its partners in providing professional mediation assistance to parties in conflict. It also highlighted that mediation had proved to be the most promising among the various means contained in Article 33 for the peaceful settlement of conflict. In his recommendations, the Secretary-General emphasized the need for early United Nations engagement to strengthen conflict prevention and resolution; professionalize operational support to mediators;

¹¹⁴ *Ibid.*, pp. 5-7.

¹¹⁵ *Ibid.*, p. 4 (Secretary-General); p. 10 (South Africa); p. 18 (United States); p. 19 (Libyan Arab Jamahiriya); and p. 21 (China).

¹¹⁶ *Ibid.*, p. 16.

¹¹⁷ *Ibid.*, pp. 18-19.

¹¹⁸ *Ibid.*, p. 17.

¹¹⁹ *Ibid.*, p. 14.

¹²⁰ *Ibid.*, p. 11.

¹²¹ *Ibid.*, p. 2 (Burkina Faso); p. 15 (Russian Federation); p. 17 (Viet Nam); and p. 21 (China).

¹²² *Ibid.*, p. 21.

¹²³ *Ibid.*, p. 19.

¹²⁴ S/PRST/2008/36.

¹²⁵ S/2009/189.

¹²⁶ S/PRST/2008/36.

develop the next generation of United Nations mediators; and integrate mediation support into United Nations field presences.¹²⁷

During the debate, many delegations welcomed the recommendations of the Secretary-General on enhancing mediation and its support activities as described in the report.¹²⁸ Speakers were unanimous in recognizing the importance of mediation, many citing Chapter VI and Article 33 as the basis for the role of the United Nations, and they called on States to resolve their disputes by peaceful means.¹²⁹ Several delegations pointed out that the peaceful settlement of disputes constituted an integral part of the Charter.¹³⁰ The representative of China emphasized that the peaceful settlement of disputes would reap an abundant peace dividend and added that the Charter had provided theoretical guidance and a basis of action for mediation and dispute settlement.¹³¹ The representative of Qatar noted that the United Nations had to make mediation and dispute settlement a central feature of its Charter-based charge to save present and future generations from the scourge of war.¹³² The representative of South Africa, invoking Article 33 of the Charter, stated that the United Nations had played a useful role over the years in helping to mediate inter- and intra-State conflicts before they escalated into armed conflict, after the outbreak of violence and during the implementation of peace agreements. However, he maintained that the peaceful resolution of disputes was a sovereign responsibility, and that building effective local and national capacity should be a priority within States.¹³³

Several speakers stressed that mediation was a highly efficient and cost-effective tool, and urged that mediation efforts be properly resourced in order to prevent the escalation of conflicts and thus obviate the need for costly peacekeeping operations.¹³⁴ At the same time, the representative of Costa Rica pointed out that the Organization had to move away from the “simple equation” that mediation was important solely because it was cost-effective, but rather support should be given to the human dimension of a timely intervention, whereby lives were saved, human rights protected and institutions preserved.¹³⁵ While some representatives emphasized that mediation could be utilized at all stages of the conflict cycle,¹³⁶ other representatives stressed the need for early intervention.¹³⁷ The representative of Brazil noted that early mediation would be easier if the United Nations and other actors developed and kept expertise needed for immediate and/or rapid use.¹³⁸ The representatives of Austria and Uganda observed that mediation should complement other crisis prevention and management activities, such as peacekeeping and peacebuilding.¹³⁹ In addition, the representative of the United Kingdom stressed that mediation could not be conducted in “a vacuum”, but must be a core part of any institutional architecture to address conflict and thus the necessary linkages should be made between mediators and those engaged in the planning and implementation of peace agreements.¹⁴⁰

Several delegations emphasized that the United Nations did not hold a monopoly on mediation and urged that issues of mediation should be approached on the basis of the principle of a judicious division of labour with relevant actors, including regional and

¹²⁷ S/2009/189, paras. 2 and 62.

¹²⁸ S/PV.6108, p. 7 (Viet Nam); p. 8 (Costa Rica); p. 10 (Austria); p. 21 (Mexico); p. 24 (Brazil); p. 28 (Switzerland); p. 29 (Bosnia and Herzegovina); and S/PV.6108 (Resumption 1), p. 6 (Uruguay).

¹²⁹ S/PV.6108, p. 6 (Russian Federation); p. 17 (Burkina Faso); p. 23 (Mexico, Brazil); S/PV.6108 (Resumption 1), p. 2 (South Africa); p. 11 (Cuba, on behalf of the Non-Aligned Movement); p. 13 (Qatar); p. 17 (Pakistan); and p. 24 (Sudan).

¹³⁰ S/PV.6108, p. 9 (Libyan Arab Jamahiriya); p. 11 (China); p. 13 (United States); p. 17 (Burkina Faso); p. 31 (Morocco); S/PV.6108 (Resumption 1), p. 11 (Cuba, on behalf of the Non-Aligned Movement); p. 13 (Qatar); and p. 21 (Armenia).

¹³¹ S/PV.6108, p. 11.

¹³² S/PV.6108 (Resumption 1), p. 13.

¹³³ *Ibid.*, p. 2.

¹³⁴ S/PV. 6108, p. 8 (Costa Rica); p. 9 (Libyan Arab Jamahiriya); p. 10 (Austria); p. 14 (Uganda); p. 15 (Croatia); p. 17 (Burkina Faso); p. 19 (Japan); p. 20 (Turkey); p. 24 (Canada); p. 30 (Algeria); S/PV.6108 (Resumption 1), p. 2 (South Africa); p. 7 (Republic of Korea); p. 8 (Czech Republic, on behalf of the European Union); p. 9 (Liechtenstein); and p. 16 (Kenya).

¹³⁵ S/PV.6108, p. 8.

¹³⁶ *Ibid.*, p. 10 (Austria); p. 14 (Uganda); and S/PV.6108 (Resumption 1), p. 7 (Czech Republic, on behalf of the European Union).

¹³⁷ S/PV.6108, p. 24 (Brazil); p. 29 (Bosnia and Herzegovina); and S/PV.6108 (Resumption 1), p. 2 (South Africa).

¹³⁸ S/PV.6108, p. 24.

¹³⁹ *Ibid.*, p. 10 (Austria); and p. 14 (Uganda).

¹⁴⁰ *Ibid.*, p. 13.

subregional organizations.¹⁴¹ The representative of the Republic of Korea held that, although the United Nations did not have a monopoly on mediation, the Organization was in an ideal position to provide mediation in most cases and thus the only global intergovernmental organization recognized by the parties concerned.¹⁴² The representative of China cautioned that mediation was a process with “inevitable setbacks and fluctuations”, and thus it was important for the international community to speak with one voice.¹⁴³ The representatives of Turkey and Norway pointed out that the challenge was to find the right composition and combination of actions among the interested actors.¹⁴⁴ The representatives of Viet Nam and Turkey called for enhanced coordination and cooperation between the United Nations and regional organizations in order to avoid duplication, waste of resources, and rivalry that could negate each other’s role and to ensure productive synergy.¹⁴⁵

Most speakers emphasized that the success of mediation processes required that mediators remained neutral, impartial and should have an in-depth understanding of local history, politics, cultures and personalities before assuming any substantive role.¹⁴⁶ The representative of the Sudan cautioned that, regardless of the independence, impartiality, objectivity and expertise of mediators, it was essential that all influential parties, particularly the Security Council and regional organizations directly involved with the parties to a conflict, contributed to the solution.¹⁴⁷ The representative of the Russian Federation noted the importance of the careful selection of United Nations mediators, which should be conducted in a balanced way and on the basis of objective, universally accepted criteria, in order to avoid “any excessive bias” towards any regional or political group. He called for transparency with regard

to the activities of mediators and stressed that mediators should be held accountable against their mandates, in the case that the Council had provided one.¹⁴⁸

At the end of the meeting the Council adopted a presidential statement, in which it underlined its intention to remain engaged in all stages of the conflict cycle, including in support of mediation, and expressed its readiness to explore further ways and means to reinforce the promotion of mediation as an important means for the pacific settlement of disputes, wherever possible before they evolved into violence. It also recognized the importance of mediation, to be launched at the earliest possible phases of conflict as well as in the implementation phases of signed peace agreements. The Council underlined the need to design mediation processes that addressed the root causes of conflicts and contributed to peacebuilding, in order to ensure sustainable peace.¹⁴⁹

Case 7 Peace and security in Africa (Djibouti and Eritrea)

The 5924th meeting of the Council, on 24 June 2008, was an emergency meeting held in response to a request from the representative of Djibouti concerning the border dispute between his country and Eritrea.¹⁵⁰ The Director of the Africa Division of the Department of Political Affairs, providing an update on the situation, stated that interlocutors had described the situation on the border as calm but tense, with military regrouping occurring on either side. He informed the Council that during an emergency meeting held on 12 June with the League of Arab States, the League had called on Eritrea to withdraw its forces from the border area. France and Egypt had also called on Eritrea to allow mediation efforts, and the African Union had joined the United Nations in calling for talks between the parties to end the border clashes.¹⁵¹

Taking the floor, the representative of Djibouti held that the conflict, which had already caused many casualties since Eritrean troops had attacked the positions of Djibouti’s army on 10 June, deserved the Council’s attention. He pointed out the necessary steps

¹⁴¹ Ibid., p. 6 (Russian Federation); p. 15 (Uganda); p. 16 (Croatia); p. 23 (Mexico); and S/PV.6108 (Resumption 1), p. 2 (South Africa).

¹⁴² S/PV.6108 (Resumption 1), p. 6.

¹⁴³ S/PV.6108, p. 11.

¹⁴⁴ Ibid., p. 21 (Turkey); and S/PV.6108 (Resumption 1), p. 12 (Norway).

¹⁴⁵ S/PV.6108, p. 7 (Viet Nam); and p. 21 (Turkey).

¹⁴⁶ Ibid., p. 9 (Libyan Arab Jamahiriya); p. 11 (China); p. 15 (Uganda); p. 19 (Japan); p. 29 (Bosnia and Herzegovina); p. 31 (Morocco); S/PV.6108 (Resumption 1), p. 10 (Nigeria); p. 12 (Norway); and p. 13 (Qatar).

¹⁴⁷ S/PV.6108 (Resumption 1), p. 25.

¹⁴⁸ S/PV.6108, p. 6.

¹⁴⁹ S/PRST/2009/8.

¹⁵⁰ S/2008/387.

¹⁵¹ S/PV.5924, pp. 2-3.

that Djibouti had taken to find a diplomatic solution to the current crisis with Eritrea; he hoped that a settlement of the dispute with Eritrea would come by peaceful means and indicated his country's efforts to engage in dialogue with a view to establishing lasting peace and stability throughout the region. He emphasized that Djibouti was prepared to cooperate with the Security Council and the Secretary-General in their efforts to resolve the situation.¹⁵²

In response, the representative of Eritrea stated that his country had made no incursions into the territory of Djibouti, nor did it have any territorial ambitions in the region. He further stated that there had been numerous contacts between officials of the two countries at the highest levels, but Djibouti had taken the matter to the public arena, with unwarranted hostile anti-Eritrean campaigns. He added that Eritrea would continue to value close cooperation with Djibouti, as demonstrated by the signing of several bilateral ventures in the areas of trade, health, fishing and infrastructure. Lastly, he reaffirmed his country's commitment to exercising restraint and remaining politically committed to solving peacefully any dispute with Djibouti.¹⁵³

Speakers expressed concern about the incidents that had occurred on the border between Eritrea and Djibouti and urged both parties to peacefully resolve the dispute.

The representatives of Indonesia and Italy explicitly invoked Article 33, urging the parties to seek diplomatic and judicial approaches to a peaceful settlement of the dispute, as well as to resort to regional agencies or other peaceful means of their choice.¹⁵⁴ The representative of Costa Rica noted that the conflict between Djibouti and Eritrea should be settled through consultations and negotiations that explored ways of reaching new agreements through arbitration and mediation.¹⁵⁵ The representative of the United States called on both sides, particularly Eritrea, to withdraw military forces from the common border area and to engage in dialogue to resolve the matter peacefully in accordance with international law.¹⁵⁶

On the role of the Security Council, the representative of Burkina Faso asserted that it was its duty to urge the parties to refrain from any action that could lead to an escalation of the conflict, adding that the Council should emphasize dialogue over military action.¹⁵⁷ The representative of China held that the Council could strengthen its contact and communication with Djibouti and Eritrea, listen to the views and requests of the parties concerned, and coordinate with and support the good offices of the African Union and other regional organizations.¹⁵⁸ The representative of the Libyan Arab Jamahiriya urged the Council to work towards putting an end to these conflicts by assisting the parties to reach a peaceful solution.¹⁵⁹ The representative of the United States stated that, should Eritrea fail to engage in a peaceful solution and pull its forces back from its border with Djibouti, the Council should consider appropriate actions or measures.¹⁶⁰

On 23 October 2008, the Council met in response to a note verbale dated 3 October 2008 from the representative of Djibouti.¹⁶¹ During the debate, the representative of Djibouti recounted his Government's efforts to find a diplomatic and peaceful solution to its dispute with Eritrea. He noted that, while his Government had been tireless in the search for a peaceful and diplomatic solution, Eritrea had continued to reinforce its troops and had carried out further incursions into the territory of Djibouti. Thus, he believed that the Council should, within three weeks, call on both sides to devote themselves to solving the crisis.¹⁶² The representative of Eritrea stated that on 1 June 2008 Djibouti had unleashed an unprovoked attack against Eritrean units within Eritrean territory and that his Government had chosen the path of restraint and patience in order not to escalate the crisis. As a result of an approach by the Emir of Qatar, the President of Eritrea had called on the President of Djibouti with a view to addressing the situation and ensuring peace and security in the subregion.¹⁶³

Council members expressed concern over the situation between Djibouti and Eritrea and called for the peaceful settlement of the border dispute. Several

¹⁵² *Ibid.*, pp. 4-6.

¹⁵³ *Ibid.*, pp. 6-8.

¹⁵⁴ *Ibid.*, p. 9 (Indonesia); and p. 14 (Italy).

¹⁵⁵ *Ibid.*, p. 14.

¹⁵⁶ *Ibid.*, p. 15.

¹⁵⁷ *Ibid.*, p. 10.

¹⁵⁸ *Ibid.*, p. 11.

¹⁵⁹ *Ibid.*, p. 12.

¹⁶⁰ *Ibid.*, p. 15.

¹⁶¹ S/2008/635.

¹⁶² S/PV.6000, pp. 2-4.

¹⁶³ *Ibid.*, pp. 4-5.

speakers stressed the need for both parties to engage in dialogue with a view to finding a peaceful solution to the dispute in conformity with the principles of international law and the Charter.¹⁶⁴ Members commended the Government of Djibouti for having complied with the Council's presidential statement of 12 June 2008,¹⁶⁵ in which the Council had called on both sides to show restraint and withdraw their forces to the status quo ante, and urged Eritrea to comply with the Council's demands. The representative of the United States believed that Eritrea should be given a timeframe by which it must accept mediation; should that proposal be rebuffed, the Council must react immediately.¹⁶⁶

At its 6065th meeting, on 14 January 2009, the Council adopted resolution 1862 (2009), in which it demanded that Eritrea abide by its international obligations as a Member of the United Nations, respect the principles mentioned in Article 2, paragraphs 3, 4 and 5, and Article 33 of the Charter, and cooperate fully with the Secretary-General, in particular through his proposal of good offices.¹⁶⁷

Referral of legal disputes in the light of Article 36 (3)

Article 36 (3) of the Charter stipulates that the Security Council, in making recommendations under Article 36, "should 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".

As set out in case 8, Member States debated the referral by the General Assembly to the International Court of Justice of the question of Kosovo's unilateral declaration of independence.

Case 8 Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

At its 6025th meeting, on 26 November 2008, the Council considered the report of the Secretary-General

on the United Nations Interim Administration Mission in Kosovo (UNMIK), which informed it that, on 8 October 2008, the General Assembly had adopted a resolution submitted by Serbia requesting the International Court of Justice to issue an advisory opinion on the question: "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government in Kosovo in accordance with international law?"¹⁶⁸ The report further indicated that the Kosovo authorities had expressed regret over the adoption of that resolution, stressing that Kosovo's independence was irreversible and that the review by the International Court of Justice of the legality of the declaration of independence would not prevent other countries from appreciating the constant progress in Kosovo or recognizing it as an independent State.¹⁶⁹

During the debate, the representative of Serbia noted that, in order to avoid any dispute regarding the territorial integrity of any Member State, the world community should work constructively together to solve that issue through international institutions of indisputable and universal legitimacy. He was pleased to state that the General Assembly had supported Serbia's position by adopting the resolution to refer the question of status to the International Court of Justice. He expressed the view that referring the matter to the judicial arena was a reaffirmation by the world community of Serbia's strategic choice to respond to the universal declaration of independence peacefully with maximum restraint.¹⁷⁰ The representative of Kosovo, on the other hand, regretted that the Government of Serbia had requested an advisory opinion from the International Court of Justice on Kosovo's independence. He expressed the view that the question of independence was settled and irreversible and said he was confident that the referral to the Court would not hinder nations around the world from assessing Kosovo's continued progress or their eventual decision to recognize its independence. He maintained that Kosovo would play an active part in presenting its case before the Court and was confident that the Court's deliberations would be fair and impartial.¹⁷¹

The representative of South Africa expressed concern over the manner in which Kosovo had declared

¹⁶⁴ Ibid., p. 6 (France); p. 7 (Belgium); p. 8 (Italy); p. 9 (United Kingdom); p. 11 (Croatia); p. 12 (Costa Rica, Viet Nam); p. 13 (Panama); and p. 14 (China).

¹⁶⁵ S/PRST/2008/20.

¹⁶⁶ S/PV.6000, pp. 13-14.

¹⁶⁷ Resolution 1862 (2009), para. 5 (iii).

¹⁶⁸ General Assembly resolution 63/3.

¹⁶⁹ S/2008/692, para. 3.

¹⁷⁰ S/PV.6025, p. 5.

¹⁷¹ Ibid., p. 8.

its independence from Serbia, especially at the fact that it was not achieved through a negotiated settlement based on international law, and consequently welcomed the decision of the General Assembly to refer the question to the Court.¹⁷²

Referring to the statement by the representative of Serbia, the representative of the United Kingdom sought to clarify that the General Assembly did not approve Serbia's position on Kosovo's status by that resolution. The General Assembly had merely agreed that the Court should be asked for an opinion on the question which Serbia had asked and this did not prejudice the answer to that question.¹⁷³

At the 6097th meeting, on 23 March 2009, the representative of Serbia affirmed that the legal aspect of the Kosovo case was before the International Court of Justice. He stated that the Court was the principal judicial organ of the United Nations mandated to provide an advisory opinion on the question whether the unilateral declaration of independence by the provisional institutions of self-government of Kosovo was in accordance with international law. He emphasized that all Member States should respect the fact that the Court would decide the issue and that no one should in any way prejudice its deliberations. He therefore called on Member States that had not recognized the unilateral declaration of independence to stay the course while the Court conducted its work.¹⁷⁴

Referring to Security Council resolution 1244 (1999) as the legal framework for the search for a solution to the situation in Kosovo, the representative of Mexico urged the United Nations to be the competent forum for the achievement of a long-term resolution. He underlined that his Government continued to be a firm and constant promoter of the principles of justice and international law enshrined in the Charter of the United Nations, as well as of the International Court of Justice as the jurisdictional body par excellence for peacefully settling differences arising from interpretations of international law. He would await the Court's advisory opinion on Kosovo as requested by the General Assembly.¹⁷⁵

At its 6144th meeting, on 17 June 2009, the Council was briefed by the Special Representative of the Secretary-General and Head of UNMIK, who expressed regret that the Mission's ability to promote "status-neutral" solutions to practical issues had been affected by the positions taken by the parties in anticipation of the issuance of the advisory opinion requested by the General Assembly from the Court on Kosovo's declaration of independence. He further expressed concern that since then all action taken by the parties or UNMIK was being viewed through the prism of how it might be perceived or interpreted by the Court, which could potentially weaken or strengthen the case of one side or the other.¹⁷⁶ The representative of Serbia said that the judicial proceedings marked the first time that the Court had been asked to consider the legality of a unilateral attempt by an ethnic minority to secede from a Member State, in defiance of that State's democratic constitution and the will of the Security Council. To that end, he emphasized that the conclusions of the Court would have far-reaching consequences for the international system. At the same time, he cautioned that the legal process should not be politically influenced.¹⁷⁷ The representative of Kosovo informed the Council of his Government's collaborative efforts to comply with requests from the Court. He said that his country's written contribution had been submitted to the Court in compliance with the set deadlines and that the Court had been notified of Kosovo's intention to present an oral contribution. He further emphasized Kosovo's commitment to justice and hoped that the Court's deliberations and ruling would be fair and impartial.¹⁷⁸

The representative of the Russian Federation cautioned that the Court should objectively and impartially consider the submission of the General Assembly on whether the unilateral declaration of Kosovo's independence was consistent with international law.¹⁷⁹

Referrals by the Secretary-General in the light of Article 99

Article 99 of the Charter empowers the Secretary-General to bring to the attention of the Security

¹⁷² Ibid., p. 12.

¹⁷³ Ibid., p. 20.

¹⁷⁴ S/PV.6097, pp. 6-7.

¹⁷⁵ Ibid., p. 17.

¹⁷⁶ S/PV.6144, p. 3.

¹⁷⁷ Ibid., p. 6.

¹⁷⁸ Ibid., p. 9.

¹⁷⁹ Ibid., p. 14.

Council any matter which in his opinion may threaten the maintenance of international peace and security. In the discussions of the Council presented below, Member States encouraged the Secretary-General to fully and effectively exercise his power as stipulated in Article 99. At the same time, they advocated for strengthening the effectiveness of the good offices missions of the Secretary-General and his mediation capacities in conflict prevention and resolution. They also welcomed the establishment of a Mediation Support Unit in the Department of Political Affairs.

Case 9
Peace and security in Africa: report of the Secretary-General on the implementation of Security Council resolution 1625 (2005) on conflict prevention, particularly in Africa

At its 5868th (high-level) meeting, on 16 April 2008, the Council considered the report of the Secretary-General on the implementation of resolution 1625 (2005) on conflict prevention, particularly in Africa. In his report, the Secretary-General, *inter alia*, emphasized that his good offices were a primary tool for the prevention of conflict, as provided for under Article 99 of the Charter.¹⁸⁰

Taking the floor, the Under-Secretary-General for Political Affairs stated that the report reviewed recent efforts to develop more multifaceted approaches to dealing with conflicts, particularly in Africa. It also emphasized the need for a broad strategy to assist in building national and regional capacities for preventive action. Although conflict prevention was not always highly visible, it remained the most cost-effective and efficient way to promote international peace and security. He noted that the Secretary-General had proposed strengthening the Department of Political Affairs with a view to enhancing the United Nations capacity for early warning, conflict prevention and mediation.¹⁸¹

During the debate, the representatives of the Democratic Republic of the Congo and Botswana stressed the importance of strengthening the good offices missions and mediation capacities of the Secretary-General in order to ensure the implementation of, and follow-up to, the prevention

and resolution of conflicts.¹⁸² The representative of Slovenia, speaking on behalf of the European Union, applauded the Secretary-General's commitment in promoting dialogue between the United Nations and regional organizations and stated that the European Union had recognized the importance of different conflict prevention tools as highlighted in the Secretary-General's report. He added that the use of quiet diplomacy and preventive mediation, for example through the Mediation Support Unit of the Department of Political Affairs, as well as the effective use of sanctions and the Secretary-General's good offices, were essential in de-escalating potential violent conflicts.¹⁸³

At the end of the meeting, the Council unanimously adopted resolution 1809 (2008), in which it recognized the important role of the good offices of the Secretary-General in Africa, and encouraged the Secretary-General to continue to use mediation as often as possible to help resolve conflicts peacefully, working in coordination and closely with the African Union and other subregional organizations in that regard.¹⁸⁴

Case 10
Peace and security in Africa (Djibouti and Eritrea)

In a presidential statement of 12 June 2008, the Council expressed its strong concern about the serious incidents that had occurred on 10 June 2008 along the frontier between Djibouti and Eritrea. The Council called upon the parties to commit to a ceasefire and urged both parties, in particular Eritrea, to show maximum restraint and withdraw forces to the status quo ante. The Council encouraged the Secretary-General to urgently use his good offices to facilitate bilateral discussions to determine arrangements for decreasing the military presence along the border and to develop confidence-building measures to resolve the border situation.¹⁸⁵

On 23 October 2008, following the refusal of Eritrea to cooperate with the Secretary-General's good offices, the Council convened an open meeting at the

¹⁸⁰ S/2008/18, para. 22.

¹⁸¹ S/PV.5868, p. 3.

¹⁸² *Ibid.*, p. 15 (Democratic Republic of the Congo); and p. 26 (Botswana).

¹⁸³ S/PV.5868 (Resumption 1), pp. 17-18.

¹⁸⁴ Resolution 1809 (2008), para. 15.

¹⁸⁵ S/PRST/2008/20.

request of the Government of Djibouti.¹⁸⁶ During the meeting, the representative of Djibouti expressed the view that the Council should call on Eritrea to meet its international obligations and to cooperate with the Organization with a view to accepting the Secretary-General's good offices.¹⁸⁷ Several members condemned Eritrea for having failed to respond positively to the Secretary-General's offer to deploy his good offices and supported his offer to do so. The representative of France was convinced that the United Nations Secretariat had a very positive role to play and hoped that the Secretary-General could formalize his proposal of good offices to Eritrea and dispatch a mission to the area.¹⁸⁸ Regretting Eritrea's action, the representative of the United Kingdom warned that, should Eritrea continue to block international efforts to facilitate dialogue, the Security Council would need to consider what steps it might take to break the impasse.¹⁸⁹ The representative of the Libyan Arab Jamahiriya supported the use of the Secretary-General's good offices and urged both nations to respond positively to that proposal.¹⁹⁰

Case 11
Maintenance of international peace and security: mediation and settlement of disputes

At the 5979th (high-level) meeting, on 23 September 2008, the Secretary-General affirmed that his good offices were always available to parties wishing to avail themselves of an honest broker, who could help them stay or return to what was sometimes a difficult path to peace. That role, which successive Secretaries-General had played in cases such as Iran (Islamic Republic of), Iraq, El Salvador, Guatemala, Nigeria, Cameroon and Afghanistan, was a critical tool for the international community in settling a dispute. He further stated that such good offices could be useful when intergovernmental bodies were deadlocked or the parties actively resisted intergovernmental involvement. Noting that many peace processes had benefited from his ability to speak to relevant parties, he asserted that those efforts had usually been made discreetly and that such a low visibility had often led to progress. He lamented, however, that this came at a price for the

Organization, as it often struggled to convey to a sceptical world the breadth and depth of its efforts. Finally, noting the establishment in the Department of Political Affairs of a small Mediation Support Unit as well as a standby team of mediation experts pursuant to the 2005 World Summit Outcome, the Secretary-General urged Member States to ensure that the Unit, which was currently operating on a meagre budget had the requisite resources.¹⁹¹

During the debate, most speakers agreed that the United Nations should play a greater role in mediation and underlined the Secretary-General's potential to perform this function through his good offices.¹⁹² The representative of Croatia highlighted the role that Special Envoys and Special Representatives of the Secretary-General played in the mediation of conflicts. He also pointed out the need to re-examine the Council's strategies in "static situations", such as the case of Cyprus, and expressed his country's support for the good offices of the Special Adviser of the Secretary-General in that country.¹⁹³

The representative of South Africa warned that the Council should avoid interfering with coercive measures in mediation efforts either of the Secretary-General or regional organizations. He stressed that the Council's role should be limited to the support of the appointed mediators.¹⁹⁴ The representative of Italy opined that the Council should strengthen and improve its mechanism for interacting with the Secretary-General and with his representatives and envoys engaged in various Chapter VI actions to settle international disputes.¹⁹⁵

The representative of Costa Rica emphasized the "huge value of proximity and impartiality" with regard to the good offices of the Secretariat, whose effectiveness could be weakened by obstruction from the Council. He stressed the importance of giving the Secretary-General a margin to act that was as broad as possible, and of distinguishing between those situations in which the Secretary-General acted on his own accord or at the request of the interested parties, and those situations in which he acted at the request of the

¹⁸⁶ S/2008/635.

¹⁸⁷ S/PV.6000, p. 3.

¹⁸⁸ *Ibid.*, p. 6.

¹⁸⁹ *Ibid.*, p. 9.

¹⁹⁰ *Ibid.*, p. 13.

¹⁹¹ S/PV.5979, pp. 4-5.

¹⁹² *Ibid.*, p. 8 (Croatia); p. 9 (Belgium); p. 12 (Italy); p. 16 (United Kingdom); and p. 21 (Costa Rica).

¹⁹³ *Ibid.*, p. 8.

¹⁹⁴ *Ibid.*, p. 11.

¹⁹⁵ *Ibid.*, p. 12.

Security Council. He further called for a broader scope for the Secretary-General's good offices functions. He drew the Council's attention to the difference between Security Council-mandated situations and the Secretary-General's own initiatives or acts requested by the parties. In the latter cases, he pointed out it was important for the Secretary-General to be discreet and independent from the political dynamic of the Council.¹⁹⁶

Many speakers welcomed the establishment in 2008 of the Mediation Support Unit designed to assist peace processes through its team of mediation experts and to provide mediators with the necessary resources, and called for it to be properly resourced.¹⁹⁷ The representative of France stated that the establishment of a Mediation Support Unit was indeed progress, but asserted that the Unit was a bit like "humanitarian affairs" which he opined had become like "university teaching".¹⁹⁸

The representative of China implicitly invoked Article 99 by encouraging the Council to follow closely matters brought to its attention by Member States and the Secretary-General, in accordance with the relevant provisions of the Charter, and to work out a comprehensive preventive strategy in the light of each particular crisis.¹⁹⁹

At the end of the meeting, the Council adopted a presidential statement, in which it emphasized the importance of the actions undertaken by the Secretary-General, in using his good offices and his representatives and special envoys and United Nations mediators in promoting mediation and in the pacific settlement of disputes. The Council also took note of the establishment of the Mediation Support Unit, which provided expertise for supporting the mediation efforts of the United Nations and regional and subregional organizations.²⁰⁰

At its 6108th meeting, on 21 April 2009, the Council considered the report of the Secretary-General on enhancing mediation and its support activities.²⁰¹ Introducing the report, the Under-Secretary-General for

Political Affairs briefed members on some key initiatives taken by the Department of Political Affairs in the mediation field. On the establishment of the Mediation Support Unit, he stated that it had been further complemented with a standby team of mediation experts who could provide advice and assistance to mediators on themes such as peace process design, security arrangements, power-sharing, wealth-sharing, natural resource management and constitution-making. In the past year, the Department had provided mediation support to over 20 peace processes, and the Unit had exerted a "multiplier effect" on those efforts.²⁰²

Several delegations welcomed the establishment of the Unit and highlighted the role it played in preparing and supporting a growing number of mediation processes and in providing expertise to its partners. The representative of Viet Nam stated that the Unit had become a very important tool in supporting the good offices and mediation efforts conducted by the United Nations.²⁰³ The representative of Costa Rica noted that strengthening mediation was a solid investment in the future of the Organization and that the Department of Political Affairs had made significant strides to that end, including through the creation of the Unit.²⁰⁴ The representative of Burkina Faso noted that the international community was familiar with the Secretary-General's good offices and mediation missions, which had grown in number in response to the increased number of conflicts and, in particular, to their increasing complexity. In this regard, he pondered how to further build the capacities of the Secretariat, in particular those of the Unit, which was increasingly being called upon but was equipped with limited resources.²⁰⁵ The representative of Liechtenstein stressed that the establishment of the Unit was an important step, that the momentum had to be carried forward and that the recommendations in the report of the Secretary-General had to be followed up on by the Council, the General Assembly and the Secretariat.²⁰⁶

The representative of the Russian Federation, however, stated that the Secretary-General's analysis of the provision of mediation assistance required "study

¹⁹⁶ *Ibid.*, pp. 20-21.

¹⁹⁷ *Ibid.*, p. 8 (Croatia); p. 11 (South Africa); p. 12 (Italy); p. 16 (United Kingdom); and p. 17 (Viet Nam).

¹⁹⁸ *Ibid.*, p. 14.

¹⁹⁹ *Ibid.*, p. 21.

²⁰⁰ S/PRST/2008/36.

²⁰¹ S/2009/189.

²⁰² S/PV.6108, p. 3.

²⁰³ *Ibid.*, p. 7.

²⁰⁴ *Ibid.*, p. 8.

²⁰⁵ *Ibid.*, p. 17.

²⁰⁶ S/PV.6108 (Resumption 1), p. 9.

and analysis". He stated that the report elicited a number of questions, including the "overreaching objective" of having a standing rapid mediation response capacity, and hoped that its funding would not come from the regular budget.²⁰⁷ The representative of Egypt criticized the report for confusing mediation activities aimed at preventing conflicts through diplomatic means, including the good offices of the Secretary-General and facilitation of dialogue, and the settlement of disputes and post-conflict peacebuilding activities. He stressed the importance of impartiality on the part of the Secretary-General and his mediation team as well as the need for them to pay close attention to the local context of the conflict including religious, cultural, ethnic and political aspects, independent of the views of the Security Council members.²⁰⁸

Several speakers held that the Secretary-General had a special role in the peaceful settlement of disputes.²⁰⁹ Some called for greater international support for the Secretary-General's good offices.²¹⁰ The representative of France lauded the Secretary-General's initiative in dispatching his Special Envoy to mediate in a number of conflict-ridden areas, such as the Great Lakes region, Madagascar and Sri Lanka.²¹¹ The representative of China emphasized that it was necessary both to engage in "shuttle diplomacy" and to employ the Secretary-General's good offices in order to make best use of the Organization's advantages in resources to cultivate local mediation capacities.²¹² The representatives of Japan and Mexico requested the Secretary-General to continue to exercise his good offices functions and to keep the Council informed of his activities. They suggested that the Council should hold periodic reviews of the progress in that area.²¹³

At the end of the meeting, the Council adopted a statement, in which it emphasized the importance of the actions undertaken by the Secretary-General in promoting mediation and in the pacific settlement of disputes and welcomed the continued efforts of the

Department of Political Affairs, in particular through the Mediation Support Unit, to respond to emerging and existing crises. The Council requested the Secretary-General to keep it informed of the action undertaken by him in promoting and supporting mediation and pacific settlement of disputes.²¹⁴

Case 12 The situation in Myanmar

At the 6161st meeting, on 13 July 2009, the Secretary-General briefed the Council on his visit to Myanmar on 3 and 4 July 2009 within the framework of his good offices. He stated that the objective of his trip was to engage Myanmar's senior leadership directly on a number of serious and long-standing concerns that could not be left unaddressed at that critical stage of Myanmar's transition, and to offer the help of the United Nations in advancing national reconciliation, democracy, respect for human rights and sustainable development. The Secretary-General further stated that he had made a number of specific proposals to Myanmar's leadership, which included the resumption of a substantive dialogue between the Government and the opposition.²¹⁵ The representative of Myanmar viewed his Government's acceptance of the good offices role of the Secretary-General as evidence of the country's movement towards greater cooperation with the United Nations.²¹⁶

In the subsequent discussion, members unanimously supported the Secretary-General's good offices initiative along with the efforts of his Special Adviser on Myanmar. Several speakers highlighted the special role of the Secretary-General in the reconciliation process and requested him to continue to exercise this function with their full support.²¹⁷ The representative of Japan pointed out that the Secretary-General was one of the very few political leaders who could directly convey the concerns of the international community to the country's highest leadership.²¹⁸ Affirming that the Government of Myanmar had the opportunity to strengthen the process of national reconciliation, the representative of Mexico stated that that objective should be pursued with the support of the

²⁰⁷ S/PV.6108, p. 6.

²⁰⁸ *Ibid.*, p. 26.

²⁰⁹ *Ibid.*, p. 19 (Japan); p. 23 (Mexico); and p. 32 (Morocco).

²¹⁰ *Ibid.*, p. 15 (Uganda); p. 17 (Burkina Faso); p. 30 (Algeria); p. 31 (Morocco); S/PV.6108 (Resumption 1), p. 7 (Republic of Korea); and p. 14 (Qatar).

²¹¹ S/PV.6108, p. 18.

²¹² *Ibid.*, p. 12.

²¹³ *Ibid.*, p. 20 (Japan); and p. 23 (Mexico).

²¹⁴ S/PRST/2009/8.

²¹⁵ S/PV.6161, p. 2.

²¹⁶ *Ibid.*, p. 5.

²¹⁷ *Ibid.*, p. 6 (United Kingdom); pp. 9-10 (Japan); p. 11 (Austria); p. 12 (Viet Nam); p. 14 (Croatia); and p. 17 (Costa Rica).

²¹⁸ *Ibid.*, p. 9.

United Nations through the good offices of the Secretary-General with the support of States in the region.²¹⁹

Referring to the Secretary-General's mission to Myanmar, the representative of the Russian Federation emphasized that the good offices was a process that required time and patience, and added that he was counting on the constructive efforts of the Special Adviser to the Secretary-General on Myanmar. He pointed out that the mission had provided an important

²¹⁹ Ibid., p. 7.

and effective channel of communication between the Security Council, the United Nations and Myanmar.²²⁰ The representative of China, similarly, emphasized that the Secretary-General's good offices was a process and hoped that it would help Myanmar to achieve domestic stability and national reconciliation. He credited the Secretary-General's good offices for the projected general elections scheduled for the following year.²²¹

²²⁰ Ibid., p. 13.

²²¹ Ibid., pp. 14-15.

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Introduction

The present publication constitutes the sixteenth 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 5817th meeting, on 9 January 2008, to the 6254th meeting, on 23 December 2009. The original *Repertoire* and previous supplements may be consulted at www.un.org/en/sc/repertoire.

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. For ease of reference, this introduction contains a table indicating the membership of the Security Council during the period under review.

In recording the Council’s practice, the headings under which the practices and procedures of the Council were presented in the original volume have been largely retained. Where necessary, however, adjustments have been made to better reflect the Council’s practice. For example, the studies contained in part I of the present publication are organized according to region or thematic issues.

The *Repertoire of the Practice of the Security Council* covers four primary areas, namely, the application of the provisional rules of procedure, the application of Articles of the Charter of the United Nations, the subsidiary organs of the Security Council, including peacekeeping and peacebuilding missions, and an overview of Council activities for each item on its agenda. From 1946-2007, each Supplement to the *Repertoire*, generally covering a period of two to four years, comprised 12 chapters. Since 2008, each Supplement to the *Repertoire* covers a period of two years and comprises 10 parts.

From 1946 to 2007, the 12 chapters cover the following topics:

- | | |
|-------------|---|
| Chapter I | Provisional rules of procedure of the Security Council (Articles 28, 30, 98; rules 1-5, 13-36, 40-67 of the rules of procedure) |
| Chapter II | Agenda (rules 6-12 of the rules of procedure) |
| Chapter III | Participation in the proceedings of the Security Council (Articles 31, 32, 35 (1); rules 37-39 of the rules of procedure) |
| Chapter IV | Voting (Article 27; rule 40 of the rules of procedure) |
| Chapter V | Subsidiary organs of the Security Council |
| Chapter VI | Relations with other United Nations organs |

Chapter VII	Practice relative to recommendations to the General Assembly regarding membership in the United Nations
Chapter VIII	Consideration of questions under the responsibility of the Security Council for the maintenance of international peace and security (overview by agenda item)
Chapter IX	Decisions taken by the Security Council in the exercise of its other functions and powers
Chapter X	Consideration of the provisions of Chapter VI of the Charter
Chapter XI	Consideration of the provisions of Chapter VII of the Charter
Chapter XII	Consideration of the provisions of other Articles (Articles 1 (2), 2 (4), 2 (5), 2 (6), 2 (7), 24, 25, 52-54, 102, 103)

From 2008 onwards, the 10 parts of the *Repertoire* cover the following topics:

Part I	Consideration of questions under the responsibility of the Security Council for the maintenance of international peace and security (by agenda item)
Part II	Provisional rules of procedure
Part III	Purposes and principles of the Charter of the United Nations (Chapter I of the Charter)
Part IV	Relations with other United Nations organs
Part V	Functions and powers of the Security Council (Chapter V of the Charter)
Part VI	Consideration of the provisions of Chapter VI of the Charter
Part VII	Action with respect to threats to the peace, breaches of the peace, and acts of aggression (Chapter VII of the Charter)
Part VIII	Regional arrangements (Chapter VIII of the Charter)
Part IX	Subsidiary organs of the Security Council: committees, tribunals and other bodies
Part X	Subsidiary organs of the Security Council: peacekeeping operations and peacebuilding missions

The *Repertoire* is based on published documents of the Security Council. Symbols of United Nations documents are composed of letters combined with figures. Security Council documents are indicated by a symbol such as [S/2008/662](#). References to the verbatim records of meetings of the Council are given in the form [S/PV.6200](#), 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 and other decisions adopted by the Security Council, including statements and notes issued by the President of the Council and relevant exchanges of letters between the President and the Secretary-General, 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 [1795 \(2008\)](#). References to the statements by the President on behalf of the Council are given in the form [S/PRST/2008/48](#), for example.

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/63](#) for 2007/08, [S/INF/64](#) for 2008/09, [S/INF/65](#) for 2009/10).

Members of the Security Council, 2008-2009

2008	Belgium	2009	Austria
	Burkina Faso		Burkina Faso
	China		China
	Costa Rica		Costa Rica
	Croatia		Croatia
	France		France
	Indonesia		Japan
	Italy		Libyan Arab Jamahiriya
	Libyan Arab Jamahiriya		Mexico
	Panama		Russian Federation
	Russian Federation		Turkey
	South Africa		Uganda
	United Kingdom of Great Britain and Northern Ireland		United Kingdom of Great Britain and Northern Ireland
	United States of America		United States of America
	Viet Nam		Viet Nam

Part VII

Actions with respect to threats to the peace, breaches of the peace, and acts of aggression (Chapter VII of the Charter)

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Introductory note

Part VII deals with action taken by the Security Council with respect to threats to the peace, breaches of the peace or acts of aggression, within the framework of Chapter VII of the Charter.

In the period under review, the Council invoked Chapter VII in roughly half of the resolutions it adopted: 35 out of 65 resolutions in 2008 (53.8 per cent), and 22 out of 47 resolutions in 2009 (46.8 per cent) were adopted under Chapter VII.

With regard to the determination of a threat to the peace according to Article 39, the Council expressed its concern about growing or emerging threats to security in West Africa, notably terrorist activities in the Sahel region, maritime insecurity in the Gulf of Guinea, and illicit drug trafficking. The Council determined the situations in Afghanistan, Bosnia and Herzegovina, Chad, the Central African Republic and the subregion, Darfur (Sudan), Lebanon and the Sudan as ongoing threats to international peace and security while excluding the situation in Iraq from this determination. In connection with the situations in Côte d'Ivoire, the Democratic Republic of the Congo, Haiti, Liberia and Somalia, the Council determined that such situations continued to pose a threat to "international peace and security in the region", while it did not make this determination for the situations in Burundi and Sierra Leone. The Council regularly determined that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbated the situation in Somalia, which continued to constitute a threat to international peace and security in the region. In its consideration of thematic issues, the Council stressed that sexual violence, when used or commissioned as a tactic of war, could significantly exacerbate situations of armed conflict and might impede the restoration of international peace and security.

The Council imposed new measures under Chapter VII, of the type provided for in Article 41, against Eritrea, and expanded the measures against the Democratic People's Republic of Korea and the Islamic Republic of Iran, while modifying the measures against Côte d'Ivoire, the Democratic Republic of the Congo and Liberia. The Council terminated the remaining measures imposed under Article 41 against Rwanda. There were no new judicial measures established during the period, but the tribunals for Rwanda, the former Yugoslavia and Lebanon continued to function.

The Council adopted several resolutions authorizing United Nations peacekeeping missions, as well as multinational forces, to undertake enforcement actions under Article 42. In connection with the mission deployed in the Central African Republic and Chad, the Council authorized the deployment of a United Nations military component for the first time in 2009 to follow up operations by the European Union in Chad and the Central African Republic. The Council continued to authorize enforcement action for United Nations peacekeeping missions in Côte d'Ivoire, Darfur (Sudan), the Democratic Republic of the Congo, Lebanon and the Sudan. With regard to multinational forces, the Council authorized enforcement action for operations by the European Union in Bosnia and Herzegovina and in Chad and the Central African Republic, and by the African Union in Somalia. The Council also renewed the authorization of the use of force for the multinational forces already deployed in Afghanistan, while the mandate of multinational forces deployed in Iraq was allowed to lapse in the period under review.

The mission deployed in the Central African Republic and Chad was given a more robust mandate, partially under Chapter VII, that included authorization to use all necessary means to protect civilians under threat. In connection with piracy off the coast of Somalia, the Council adopted a series of resolutions under Chapter VII and progressively expanded the authorization of anti-piracy measures involving the use of force by States cooperating with the Transitional Federal Government of Somalia.

In the period under review, the Council often stressed that the measures it was taking under Chapter VII of the Charter should be consistent with applicable international human rights law. It did so in the context of piracy and in the context of counter-terrorism by stressing that States must ensure that any measures taken to implement the relevant resolutions comply with all of their obligations under international law, in particular international human rights law, refugee law and international humanitarian law.

Part VII focuses on selected material (in sections I to X) that may best serve to highlight how the provisions of Chapter VII of the Charter were interpreted by the Council in its deliberations and applied in its decisions. Individual Articles of the Charter are covered in separate sections of this part.

Sections I to IV focus on the practice of the Council relevant to Articles 39 to 42, while sections V and VI focus on Articles 43 to 47 regarding command and deployment of military forces. Sections VII and VIII address, respectively, the obligations of Member States under Articles 48 and 49, and sections IX and X deal with the practice of the Council with respect to Articles 50 and 51. Each section contains subsections on the relevant decisions and deliberations of the Council, as appropriate.

I. Determination of a threat to the peace, breach of the peace or act of aggression in accordance with Article 39 of the Charter

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Note

This section concerns the practice of the Security Council with regard to the determination of the existence of a threat to the peace, breach of the peace, or act of aggression in accordance with Article 39. It provides information on when the Council has determined the existence of a threat and examines instances where the existence of a threat was debated. Accordingly, this section is divided into two subsections. Subsection A gives an overview of the decisions of the Council in which determinations were made regarding the existence of a threat to the peace, whereas subsection B presents case studies reflecting the arguments advanced during the Council's deliberations in connection with the adoption of some of the resolutions reflected in subsection A.

A. Decisions of the Security Council relating to Article 39

During the period under review, the Council did not explicitly invoke Article 39 of the Charter in any of its decisions nor did it determine the existence of any breach of the peace or act of aggression. The Council, however, adopted numerous resolutions determining,

or expressing concern at, the existence of threats to the peace.

New threats

During the period under review, the Security Council determined for the first time that “the dispute between Djibouti and Eritrea” constituted a “threat to international peace and security” in one resolution adopted in connection with peace and security in Africa.

In a series of presidential statements under two items relating to Africa, particularly West Africa, the Council also expressed concern at the issue of drug trafficking and organized crime as threats to regional or international peace, stability or security. In 2009, the Council was concerned by “growing and emerging threats to security in West Africa” such as illicit drug trafficking which posed a threat to regional stability. At the end of 2009, the Council noted with concern the “serious threats” posed by drug trafficking and related transnational organized crime “to international security in different regions of the world, including in Africa” (see table 1).

With regard to women and peace and security, in resolution 1820 (2008), the Council stressed that sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, could significantly exacerbate situations of armed conflict and might impede the restoration of international peace and security.¹

¹ Resolution 1820 (2008), para. 1; reaffirmed in resolution 1888 (2009), para. 1 (see table 2).

Table 1
Determination of new threats to regional or international peace and security in 2008-2009

<i>Decision and date</i>	<i>Provision</i>
Peace consolidation in West Africa	
S/PRST/2009/20 10 July 2009	The Council also expresses its concern over the fact that the progress achieved remains fragile. The Council is concerned, in particular, by growing or emerging threats to security in West Africa, notably terrorist activities in the Sahel band, maritime insecurity in the Gulf of Guinea and illicit drug trafficking, which pose a threat to regional stability with possible impact on international security (fifth paragraph)
Peace and security in Africa	
S/PRST/2009/32 8 December 2009	The Council notes with concern the serious threats posed, in some cases, by drug trafficking and related transnational organized crime to international security in different regions of the world, including in Africa. The increasing link, in some cases, between drug trafficking and the financing of terrorism is also a source of growing concern (second paragraph)
Resolution 1907 (2009) 23 December 2009	Determining that Eritrea's actions undermining peace and reconciliation in Somalia as well as the dispute between Djibouti and Eritrea constitute a threat to international peace and security (penultimate preambular paragraph)

Continuing threats

The Council determined in 2008 and 2009 that the situations in Afghanistan, Lebanon, the Sudan and Darfur continued to constitute threats to international peace and security; in connection with Bosnia and Herzegovina and with Chad, the Central African Republic and the subregion, respectively, the Council determined that the situation “in the region” and the situation “in the region of the border” between the three countries continued to constitute a threat to international peace and security; the Council further determined that the situations in Côte d’Ivoire, the Democratic Republic of the Congo, Haiti, Liberia and Somalia continued to pose a threat to “international peace and security in the region” (see table 2).

In all of those instances, following the determination of the existence of a threat to the peace, the Council, in the same resolutions, took measures in accordance with Articles 40, 41 or 42 of the Charter to maintain or restore international peace and security, such as the imposition and extension of sanctions measures or the authorization of United Nations, regional or multinational peacekeeping operations

under Chapter VII of the Charter, which sometimes included the use of force.²

During the period under review the Council also recognized a new issue as having an exacerbating impact on a situation which had been determined to be a continuing threat to international peace and security. With regard to Somalia, by a series of resolutions, the Council determined that the incidents of piracy and armed robbery against vessels at sea off the coast of Somalia exacerbated the situation in Somalia, which continued to constitute a threat to international peace and security in the region. Subsequent to this determination, the Council authorized measures under Article 42 of the Charter to be taken by Member States cooperating with the Transitional Government of Somalia in the combat against piracy.³

In connection with the Great Lakes region, the Council considered that the continued presence of Rwandan armed groups operating in the eastern Democratic Republic of the Congo continued to pose a “serious threat to the peace and security of the entire Great Lakes region.” It also strongly condemned attacks by the Lord’s Resistance Army in the

² For more information, see sections II, III and IV below.

³ For more information, see sect. IV, case 16, below.

Democratic Republic of the Congo and southern Sudan, which posed a continuing threat to regional security.

It is to be noted that during the period under review it was determined that the situations in Burundi, Iraq and Sierra Leone, which had been determined to be threats to the peace during the previous period under review (2004-2007), no longer constituted such threats.

In its decisions on thematic items, the Council also identified generic threats to peace and security caused by the proliferation of nuclear, chemical and biological weapons; deliberate targeting of civilians; and sexual violence when used or commissioned as a tactic of war, and expressed its readiness to consider all such situations and where necessary adopt appropriate and effective measures. For example, the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, was reaffirmed as a threat to international peace and security under three items concerning non-proliferation. With regard to non-proliferation/Democratic People's Republic of Korea, following the country's nuclear test on 25 May 2009, the Council adopted resolution 1874 (2009), in which it expressed the gravest concern that the nuclear test and missile activities carried out by the Democratic

People's Republic of Korea had further generated increased tension in the region and beyond, and determined that there continued to "exist a clear threat to international peace and security". In connection with the maintenance of international peace and security, the Council emphasized in resolution 1887 (2009) that a situation of non-compliance with non-proliferation obligations should be brought to its attention with a view to determining if that situation constituted a threat to international peace and security. The Council stressed its primary responsibility in addressing such threats.

As had been the case during the previous period under review, the Council reaffirmed that terrorism in all its forms and manifestations constituted "one of the most serious threats to international peace and security", and that reaffirmation was often made in the context of responses to terrorist attacks around the world. In connection with the protection of civilians in armed conflict, the Council reiterated that the deliberate targeting of civilian populations and the commission of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict might constitute a threat to international peace and security.

Table 2

Decisions in which the Council referred to continuing threats to the peace in 2008-2009

<i>Decision and date</i>	<i>Provision</i>
The situation in Afghanistan	
Resolution 1833 (2008) 22 September 2008	Determining that the situation in Afghanistan still constitutes a threat to international peace and security (twenty-second preambular paragraph) <i>Same provision in resolution 1890 (2009), twenty-fourth preambular paragraph</i>
The situation in Bosnia and Herzegovina	
Resolution 1845 (2008) 20 November 2008	Determining that the situation in the region continues to constitute a threat to international peace and security (penultimate preambular paragraph) <i>Same provision in resolution 1895 (2009), penultimate preambular paragraph</i>
The situation in Chad, the Central African Republic and the subregion	
Resolution 1834 (2008) 24 September 2008	Determining that the situation in the region of the border between the Sudan, Chad and the Central African Republic constitutes a threat to international peace and security (ultimate preambular paragraph) <i>Same provision in resolution 1861 (2009), ultimate preambular paragraph</i>

Decision and date

Provision

The situation in Côte d'Ivoire

- Resolution [1795 \(2008\)](#)
15 January 2008
- Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region (penultimate preambular paragraph)
- Same provision in resolutions [1826 \(2008\)](#), penultimate preambular paragraph, and [1842 \(2008\)](#), penultimate preambular paragraph*
- Resolution [1842 \(2008\)](#)
29 October 2008
- Decides that any threat to the electoral process in Côte d'Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution [1572 \(2004\)](#) (para. 6)
- [S/PRST/2008/42](#)
7 November 2008
- The Council recalls that, pursuant to resolutions [1572 \(2004\)](#) and [1842 \(2008\)](#), any threat to the electoral process in Côte d'Ivoire shall constitute a threat to the peace and national reconciliation process and it reaffirms its determination to impose targeted measures against any person designated by its sanctions committee concerning Côte d'Ivoire to be responsible for these threats (fifth paragraph)
- Resolution [1865 \(2009\)](#)
27 January 2009
- Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region (penultimate preambular paragraph)
- Same provision in resolutions [1880 \(2009\)](#), penultimate preambular paragraph, and [1893 \(2009\)](#), penultimate preambular paragraph*

The situation concerning the Democratic Republic of the Congo

- Resolution [1799 \(2008\)](#)
15 February 2008
- Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)
- Same provision in resolutions [1807 \(2008\)](#), penultimate preambular paragraph; [1843 \(2008\)](#), penultimate preambular paragraph; [1856 \(2008\)](#), penultimate preambular paragraph; [1857 \(2008\)](#), penultimate preambular paragraph; [1896 \(2009\)](#), penultimate preambular paragraph; and [1906 \(2009\)](#), penultimate preambular paragraph*

The situation in Guinea-Bissau

- [S/PRST/2008/37](#)
15 October 2008
- The Council remains seriously concerned by the continued growth in drug trafficking as well as organized crime, which threatens peace and security in Guinea-Bissau and in the subregion (sixth paragraph)
- [S/PRST/2009/29](#)
5 November 2009
- The Council further notes that the situation in Guinea-Bissau continues to be extremely fragile, in particular as a result of increased drug trafficking and organized crime that could pose a threat to regional stability, and should be addressed by an approach of shared responsibility (sixth paragraph)

The situation in the Great Lakes region

Resolution [1804 \(2008\)](#)
13 March 2008

Expressing its grave concern at the continued presence of the Forces démocratiques de libération du Rwanda, ex-Rwandan Armed Forces/Interahamwe and other Rwandan armed groups referred to in the joint communiqué of the Governments of the Democratic Republic of the Congo and the Republic of Rwanda signed at Nairobi on 9 November 2007 (“the Nairobi communiqué”) operating in the eastern part of the Democratic Republic of the Congo, which continues to pose a serious threat to the peace and security of the entire Great Lakes region (third preambular paragraph)

[S/PRST/2008/48](#)
22 December 2008

The Council strongly condemns the recent attacks by the Lord’s Resistance Army in the Democratic Republic of the Congo and Southern Sudan, which pose a continuing threat to regional security (fourth paragraph)

The question concerning Haiti

Resolution [1840 \(2008\)](#)
14 October 2008

Determining that the situation in Haiti continues to constitute a threat to international peace and security in the region, despite the progress achieved thus far (penultimate preambular paragraph)

Same provision in resolution [1892 \(2009\)](#), penultimate preambular paragraph

The situation in Liberia

Resolution [1819 \(2008\)](#)
18 June 2008

Determining that, despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)

Same provision in resolutions [1854 \(2008\)](#), penultimate preambular paragraph, and [1903 \(2009\)](#), penultimate preambular paragraph

Resolution [1836 \(2008\)](#)
29 September 2008

Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)

Same provision in resolution [1885 \(2009\)](#), penultimate preambular paragraph

The situation in the Middle East

Resolution [1832 \(2008\)](#)
27 August 2008

Determining that the situation in Lebanon continues to constitute a threat to international peace and security (ultimate preambular paragraph)

Same provision in resolution [1884 \(2009\)](#), ultimate preambular paragraph

The situation in Somalia

Resolution [1801 \(2008\)](#)
20 February 2008

Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)

Same provision in resolutions [1811 \(2008\)](#), penultimate preambular paragraph; [1814 \(2008\)](#), penultimate preambular paragraph; [1831 \(2008\)](#), penultimate preambular paragraph; [1844 \(2008\)](#), penultimate preambular paragraph; [1853 \(2008\)](#), penultimate preambular paragraph; [1863 \(2009\)](#), penultimate preambular paragraph; and [1872 \(2009\)](#), penultimate preambular paragraph

<i>Decision and date</i>	<i>Provision</i>
Resolution 1816 (2008) 2 June 2008	Determining that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph) <i>Same provision in resolutions 1838 (2008), penultimate preambular paragraph; 1846 (2008), penultimate preambular paragraph; 1851 (2008), penultimate preambular paragraph; and 1897 (2009), penultimate preambular paragraph</i>
S/PRST/2008/41 30 October 2008	The Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed (fifth paragraph)

Reports of the Secretary-General on the Sudan

Resolution 1812 (2008) 30 April 2008	Determining that the situation in the Sudan continues to constitute a threat to international peace and security (ultimate preambular paragraph) <i>Same provision in resolutions 1870 (2009), ultimate preambular paragraph, and 1881 (2009), ultimate preambular paragraph</i>
Resolution 1828 (2008) 31 July 2008	Determining that the situation in Darfur, Sudan, continues to constitute a threat to international peace and security (ultimate preambular paragraph)
Resolution 1841 (2008) 15 October 2008	Determining that the situation in the Sudan continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph) <i>Same provision in resolution 1891 (2009), penultimate preambular paragraph</i>

Threats to international peace and security caused by terrorist acts

S/PRST/2008/19 2 June 2008	The Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed (third paragraph) <i>Same provision in S/PRST/2008/31, third paragraph; S/PRST/2008/32, third paragraph; S/PRST/2008/35, third paragraph; and S/PRST/2009/22, third paragraph</i> The Council further reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts. The Council reminds States that they must ensure any measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law (fourth paragraph) The Council reiterates its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter (fifth paragraph)
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Decision and date

Provision

Resolution [1822 \(2008\)](#)
30 June 2008

Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed (second preambular paragraph)

Same provision in resolution [1904 \(2009\)](#), second preambular paragraph

Noting with concern the continued threat posed to international peace and security by Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, and reaffirming its resolve to address all aspects of that threat (penultimate preambular paragraph)

[S/PRST/2008/45](#)
9 December 2008

The Security Council, underlining that peace and security in the world are indivisible and taking into account the interconnection and interdependence of the world, reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed. It further reaffirms its determination to combat threats to international peace and security caused by acts of terrorism by all possible means in accordance with the Charter of the United Nations (first paragraph)

Resolution [1904 \(2009\)](#)
17 December 2009

Noting with concern the continued threat posed to international peace and security, 10 years after the adoption of resolution [1267 \(1999\)](#), by Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, and reaffirming its resolve to address all aspects of that threat (penultimate preambular paragraph)

Maintenance of international peace and security

Resolution [1887 \(2009\)](#)
24 September 2009

Reaffirming that the proliferation of weapons of mass destruction, and their means of delivery, constitutes a threat to international peace and security (fourth preambular paragraph)

Emphasizes that a situation of non-compliance with non-proliferation obligations shall be brought to the attention of the Security Council, which shall determine if that situation constitutes a threat to international peace and security, and emphasizes the primary responsibility of the Council in addressing such threats (para. 1)

Non-proliferation/Democratic People's Republic of Korea

Resolution [1874 \(2009\)](#)
12 June 2009

Reaffirming that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security (second preambular paragraph)

Expressing the gravest concern that the nuclear test and missile activities carried out by the Democratic People's Republic of Korea have further generated increased tension in the region and beyond, and determining that there continues to exist a clear threat to international peace and security (eighth preambular paragraph)

Decision and date

Provision

Non-proliferation of weapons of mass destruction

Resolution 1810 (2008)
25 April 2008

Affirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the Charter of the United Nations (fifth preambular paragraph)

Protection of civilians in armed conflict

Resolution 1894 (2009)
11 November 2009

Notes that the deliberate targeting of civilians as such and other protected persons, and the commission of systematic, flagrant and widespread violations of applicable international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security, and reaffirms in this regard its readiness to consider such situations and, where necessary, to adopt appropriate steps (para. 3)

Women and peace and security

Resolution 1888 (2009)
30 September 2009

Reaffirms that sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security, affirms in this regard that effective steps to prevent and respond to such acts of sexual violence can significantly contribute to the maintenance of international peace and security, and expresses its readiness, when considering situations on the agenda of the Security Council, to take, where necessary, appropriate steps to address widespread or systematic sexual violence in situations of armed conflict (para. 1)

B. Discussion relating to Article 39

During the period under review, questions regarding the interpretation of Article 39 and the determination of threats to peace and security arose several times in the Council's debates.

With regard to the situation in Georgia, the Council, while not determining this situation to be a threat to the peace, discussed the destabilizing effect of conflict in South Ossetia on security in the region (case 1). Under the item "Women and peace and security", the Council discussed the occurrence of sexual violence in armed conflict as a threat to international peace and security (case 2). In connection with the situation in Somalia, the Council deliberated on the impact which piracy and armed robbery off the coast of Somalia had on the situation in Somalia (case 3). Finally, under the item "Peace and security in Africa", Council members discussed whether the situation in Zimbabwe could be determined to be a

threat, in connection with a draft resolution on Zimbabwe which it failed to adopt (case 4).

Case 1 The situation in Georgia

The Security Council convened its 5951st meeting, on 8 August 2008, in response to the request by the Russian Federation to consider "the aggressive actions of Georgia against South Ossetia".⁴ The representative of the Russian Federation noted that, although his country had previously warned Council members of the likely escalation of the South Ossetian conflict, those warnings had been ignored and, as a consequence, the Council now had to discuss a situation that represented a "threat to regional security and peace".⁵ The representative of Italy emphasized

⁴ S/2008/533.

⁵ S/PV.5951, p. 2.

that even though the conflict did not appear on the Council's agenda, the Council could not dismiss its responsibilities vis-à-vis a situation that could further deteriorate and affect the stability of the entire region.⁶

At the 5952nd meeting, on 8 August 2008, the representative of the United Kingdom expressed his concern regarding the situation in Georgia, which involved an escalation in the fighting and further casualties. He pointed out that the situation was “a threat to peace and security in the region and beyond”.⁷ Similarly, the representative of the United States stressed that the situation in Georgia “clearly poses a threat to international peace and security” that affected all Council members.⁸

At the 5953rd meeting, on 10 August 2008, the representative of the United States stated that the Council should do what it could to ensure adherence to the provisions of the Charter and take actions to address the threat to international peace and security.⁹ Referring to an increasing number of victims, refugees and displaced persons, the representative of France expressed grave concern at the possible implications of the deteriorating situation for the peace and stability of the region. He called on the Council to shoulder its responsibilities and end a deteriorating process that was likely to have serious consequences for international peace and security.¹⁰

At the 5961st meeting, on 19 August 2008, the representative of France, referring to events following 7 August 2008, stated that instability had once again flared up on the flank of Europe, threatening peace in the region and risking serious tensions in international relations.¹¹

Case 2

Women and peace and security

At the 5916th meeting, on 19 June 2008, a number of speakers touched upon the relationship between sexual violence and international peace and security: the representative of the United States reminded the Council that for years there had been a debate about whether sexual violence against women

was a security issue to be taken up by the Council. She was proud that the response to that lingering question was a resounding “yes”, as the Council had now acknowledged that sexual violence in conflict zones was, indeed, a security concern, affirming that sexual violence profoundly affected not only the health and safety of women, but also the economic and social stability of their nations.¹² While the Secretary-General stressed that sexual violence undermined efforts to cement peace,¹³ the President of the General Assembly stated that sexual violence against women was an inherent and grave threat to human security.¹⁴ The former Division Commander of the United Nations Organization Mission in the Democratic Republic of the Congo stated that sexual violence must be perceived as a threat to peace and security in the entire world, and in Africa in particular.¹⁵

Overall, speakers acknowledged that sexual violence against women could potentially and under specific circumstances constitute a threat to international peace and security.¹⁶ The Chairman of the Peacebuilding Commission added that sexual violence undermined and threatened the potential for peace and stability.¹⁷ The representative of Canada stressed that sexual and other forms of violence against civilians in conflict-affected situations could, in many circumstances, constitute a threat to international peace and security, and that it was more than clear in the Sudan, the Democratic Republic of the Congo and the Great Lakes region, for example, that sexual violence was a security problem requiring a security response.¹⁸ The representative of Germany concurred that sexual violence was a security problem requiring a systematic security response.¹⁹

¹² S/PV.5916, p. 3.

¹³ *Ibid.*, p. 4.

¹⁴ *Ibid.*, p. 7.

¹⁵ *Ibid.*, p. 9.

¹⁶ *Ibid.*, p. 10 (Croatia); p. 14 (United Kingdom); S/PV.5916 (Resumption 1), p. 6 (Netherlands); p. 8 (Iceland); pp. 14-15 (Ireland); pp. 17-18 (Republic of Korea); p. 19 (Austria); p. 22 (United Republic of Tanzania); p. 25 (Panama); p. 29 (Afghanistan); p. 32 (Tonga, on behalf of the Pacific small island developing States); p. 33 (Bosnia and Herzegovina); and p. 39 (Mauritania).

¹⁷ *Ibid.*, p. 27.

¹⁸ S/PV.5916 (Resumption 1), p. 15.

¹⁹ *Ibid.*, p. 23.

⁶ *Ibid.*, p. 7.

⁷ S/PV.5952, pp. 5-6.

⁸ *Ibid.*, p. 7.

⁹ S/PV.5953, p. 6.

¹⁰ *Ibid.*, pp. 10-11.

¹¹ S/PV.5961, pp. 6-7.

At the end of the meeting, the Council unanimously adopted resolution 1820 (2008), in which it stressed that sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, could significantly exacerbate situations of armed conflict and might impede the restoration of international peace and security, and affirmed in that regard that effective steps to prevent and respond to such acts of sexual violence could significantly contribute to the maintenance of international peace and security.

Case 3 The situation in Somalia

At its 5902nd meeting, on 2 June 2008, the Council unanimously adopted resolution 1816 (2008), by which it expressed grave concern at the threat that acts of piracy and armed robbery posed to the delivery of humanitarian aid to Somalia, the safety of commercial maritime routes and international navigation. The Council determined that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbated the situation in Somalia which continued to constitute a threat to international peace and security in the region.²⁰

In the debate following the adoption of the resolution, the representative of Viet Nam stated that his country shared the concern regarding acts of piracy and armed robbery off the coast of Somalia, which posed a great threat to international navigation and the delivery of humanitarian aid to Somalia.²¹ The representative of China pointed out that piracy constituted a grave threat not only to the political and peace processes of Somalia but also to the international efforts for humanitarian relief, and noted that piracy interfered with the safety and security of international shipping.²² The representative of South Africa emphasized that the Council should be clear that it was the situation in Somalia, not piracy in and of itself, that constituted a threat to international peace and security, as piracy was a symptom of the situation in Somalia.²³

At its 5987th meeting, on 7 October 2008, the Council unanimously adopted resolution 1838 (2008), by which, expressing grave concern at the recent proliferation of acts of piracy and armed robbery off the coast of Somalia, and the serious threat that posed to the delivery of humanitarian aid to Somalia, international navigation and the safety of commercial maritime routes and fishing activities in accordance with international law, the Council determined that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbated the situation in Somalia.

During the debate following the adoption of the resolution, the representative of France noted that the news in recent months had indicated that the threat posed by pirates in Somalia and to the international community as a whole was now global.²⁴

At the 6020th meeting, on 20 November 2008, the representative of Costa Rica expressed concern over the increasing number of cases of armed robbery and kidnappings at sea. He noted that the establishment of links between the African Union Mission in Somalia, the current anti-piracy operation and future interventions should make it possible to respond effectively to the causes and consequences of lawlessness in Somalia, which now posed a threat to international peace and security.²⁵

At the 6026th meeting, on 2 December 2008, following the unanimous adoption of resolution 1846 (2008), by which the Council reiterated that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbated the situation in Somalia, the representative of China stated that combating piracy was a new threat facing the international community and that, as it had an impact on the fundamental interests of Member States, it was obvious that the United Nations should play a leadership and coordinating role.²⁶

At its 6046th meeting, on 16 December 2008, the Council unanimously adopted resolution 1851 (2008), in view of the dramatic increase in the incidents of piracy and armed robbery at sea off the coast of

²⁰ Resolution 1816 (2008), second and twelfth preambular paragraphs.

²¹ S/PV.5902, p. 4.

²² Ibid., p. 5.

²³ Ibid., p. 4.

²⁴ S/PV.5987, p. 3.

²⁵ S/PV.6020, p. 25.

²⁶ S/PV.6026, pp. 2-3.

Somalia in the past six months and determining that the incidents exacerbated the situation in Somalia.

During the debate that followed the adoption of the resolution, the representative of China, categorizing piracy off the coast of Somalia as an international matter, noted that the long-term delay in the settlement of the Somali issue was posing a serious threat to international peace and security, while the rampant piracy off the Somali coast had worsened the security situation in Somalia.²⁷ Similarly, the representatives of Viet Nam and Turkey pointed out that piracy and armed robbery in the waters off the coast of Somalia further aggravated the situation in that country, which continued to constitute a threat to international peace and security in the region.²⁸ The representative of Egypt said that there was no doubt that the current high-level meeting of the Security Council to discuss piracy and the means of combating it was ample testimony to the fact that the phenomenon had become a serious threat to international peace and security.²⁹

At the 6158th meeting, on 9 July 2009, the representative of the Russian Federation noted that piracy off the coast of Somalia remained a serious destabilizing factor in the subregion and that there was also a growing risk that it would spread to other vulnerable areas off the African coast.³⁰ The representative of Uganda stressed that the situation in Somalia continued to disrupt international trade, through piracy, and posed a threat to international peace and security.³¹ In resolution 1897 (2009) of 30 November 2009, the Council continued to be gravely concerned by the extended range of the piracy threat into the western Indian Ocean.

Case 4 Peace and security in Africa

At its 5933rd meeting, on 11 July 2008, under the item entitled “Peace and security in Africa”, owing to the negative vote of a permanent member, the Council failed to adopt a draft resolution³² by which it would have imposed sanctions on Zimbabwe, and would also

have determined that the situation in Zimbabwe posed a threat to international peace and security in the region.³³

Strongly opposing any Council action against his country, the representative of Zimbabwe argued that the situation in Zimbabwe did not represent a threat to international peace and security and emphasized that the draft resolution was a clear abuse of Chapter VII of the Charter, as it sought to impose sanctions on Zimbabwe under the pretext that the country was a threat to international peace and security “simply because the elections held did not yield a result favourable to the United Kingdom and its allies”.³⁴ The representative of the Libyan Arab Jamahiriya agreed that the situation in Zimbabwe did not fall within the purview of the mandate of the Council, as it did not constitute a threat to international peace and security and was a dispute between national Zimbabwean parties.³⁵ The representative of Viet Nam added that that view was shared by regional countries, especially the neighbours of Zimbabwe.³⁶ The representative of the Russian Federation argued that the problems of Zimbabwe could not be resolved by artificially elevating them to the level of a threat to peace and security.³⁷ The representative of China stressed that the development of the situation in Zimbabwe to date had not gone beyond the realm of internal affairs and did not constitute a threat to the world’s peace and security.³⁸

On the other hand, several speakers held the view that the situation in Zimbabwe did constitute a threat to peace and security³⁹ or a “potential danger and threat to peace in southern Africa”.⁴⁰ The representative of the United Kingdom maintained that the draft resolution did not interfere in the internal affairs of an African State and that the Security Council had often determined that political instability and violence in one country had consequences for wider peace and security, which therefore required it to act. He affirmed that that remained true in Zimbabwe, and that the African Union had acknowledged the risk of the conflict spreading across the region.⁴¹

²⁷ S/PV.6046, p. 5.

²⁸ *Ibid.*, p. 19 (Viet Nam); and p. 26 (Turkey).

²⁹ *Ibid.*, p. 30.

³⁰ S/PV.6158, p. 16.

³¹ *Ibid.*, p. 24.

³² S/2008/447.

³³ S/PV.5933, pp. 2-4.

³⁴ *Ibid.*, p. 5.

³⁵ *Ibid.*, p. 7.

³⁶ *Ibid.*, p. 9.

³⁷ *Ibid.*, p. 13.

³⁸ *Ibid.*, p. 10 (Costa Rica); p. 12 (Croatia); pp. 13-14 (Panama); and p. 14 (United States).

³⁹ *Ibid.*, p. 6 (Burkina Faso).

⁴⁰ *Ibid.*, p. 8.

II. Provisional measures to prevent the aggravation of a situation in accordance with Article 40 of the Charter

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Note

This section deals with the practice of the Security Council vis-à-vis Article 40 regarding provisional measures with which the Council called upon the parties to comply in order to “prevent an aggravation of the situation”. Given that there was no constitutional discussion regarding Article 40 during the period 2008-2009, this section focuses on the decisions adopted during the period which may be of relevance to the Council’s interpretation and application of Article 40.

With regard to the item entitled “Non-proliferation”, in a communication sent to the Secretary-General dated 26 March 2008, the representative of the Islamic Republic of Iran asserted that the engagement of the Security Council in his country’s nuclear programme was “clearly contrary to the Charter”, arguing that the Council had never determined that nuclear programme to be a threat to international peace and security under Article 39 of the Charter and, thus, it could not adopt any measures against the Islamic Republic of Iran under Chapter VII of the Charter. Moreover, the representative of the Islamic Republic of Iran opined that the Council, before resorting to the measures stipulated in Articles 40 and 41 of the Charter, must have exhausted all required procedures under Chapter VI of the Charter.⁴¹

⁴¹ S/2008/203, p. 6.

Decisions of the Security Council relating to Article 40

During the period under consideration, the Security Council did not adopt any resolution explicitly citing Article 40 of the Charter. However, in a number of instances, having determined the existence of a threat to the peace, the Council adopted decisions acting under Chapter VII of the Charter, without expressly referring to Article 40, which may be of relevance to the Council’s interpretation and application of Article 40.

From the present Supplement onward, materials covered in this section generally do not include demands or calls made by the Security Council in situations where it had already adopted measures under Article 41 or Article 42 of the Charter. An exception was made in cases where, although measures under Article 41 or Article 42 were already in place, the Council made a clear demand which was new and not directly related to the measures adopted previously under Article 41 or Article 42, such as the occurrence of a specific incident, the escalation of which needed to be prevented. For instance, while considering the item “Reports of the Secretary-General on the Sudan”, the Council, deeply regretting the recent outbreak of fighting in Abyei, the ensuing displacement of civilians and the obstruction to the freedom of movement of the United Nations Mission in the Sudan, urged the parties to facilitate immediate humanitarian support for the displaced citizens and support for their voluntary return as soon as an interim administration and the agreed security arrangements were in place.⁴²

The present Supplement also covers cases in which provisional measures were adopted simultaneously with measures under Article 41 or Article 42. For example, under the item “Peace and security in Africa”, the Council determined that the dispute between Djibouti and Eritrea constituted a threat to international peace and security and called upon all Member States, including Eritrea, to support the Djibouti peace process and support reconciliation efforts by the Transitional Federal Government in Somalia, and demanded that Eritrea cease all efforts to destabilize or overthrow, directly or indirectly, the Transitional Federal

⁴² S/PRST/2008/24, second paragraph.

Government.⁴³ In the same resolution, the Council demanded that all Member States, in particular Eritrea, cease arming, training and equipping armed groups and their members, including Al-Shabaab, that aimed to destabilize the region or incite violence and civil strife in Djibouti.⁴⁴

During the period under review, the Council adopted a number of decisions calling upon the parties

to comply with a measure to prevent the aggravation of a situation. The types of measures that were assumed to have relevance to Article 40 in 2008 and 2009 included the following: (a) withdrawal of armed forces; (b) cessation of hostilities, respectively cessation of support of armed groups involved in hostilities; (c) negotiation of differences and disputes; and (d) creation of the conditions necessary for unimpeded delivery of humanitarian assistance (see table 3).

⁴³ Resolution 1907 (2009), para. 2.

⁴⁴ Resolution 1907 (2009), para. 16.

Table 3

Calls upon parties to comply with a measure to prevent the aggravation of a situation

<i>Type of measure</i>	<i>Decision and date</i>	<i>Provision</i>
Reports of the Secretary-General on the Sudan		
Withdrawal of armed forces	Resolution 1812 (2008) 30 April 2008	Calls upon the parties to address and find a mutually agreeable solution to the Abyei issue, and further urges all parties to redeploy their forces away from the disputed 1 January 1956 border and fully establish an interim administration in Abyei in accordance with the Comprehensive Peace Agreement (para. 7)
	Resolution 1870 (2009) 30 April 2009	Welcomes the agreement by the parties to submit the Abyei boundary dispute to the Abyei Arbitration Tribunal at the Permanent Court of Arbitration for resolution, calls upon the parties to abide by and implement the decision of the Tribunal on the final settlement of the Abyei boundary dispute, urges the parties to reach agreement on providing the funding of the Abyei Interim Administration in accordance with the Comprehensive Peace Agreement, and urges all parties to redeploy their military forces away from the disputed border of 1 January 1956 (para. 8)
Negotiation of differences and disputes	S/PRST/2008/24 24 June 2008	The Council emphasizes that the peaceful resolution of the situation in Abyei is vital to the effective implementation of the Comprehensive Peace Agreement and peace in the region. The Council welcomes the agreements in the road map, including its provisions regarding revenue-sharing and the interim boundaries in Abyei. The Council urges the parties to use the opportunity created by the signing of the road map to resolve all outstanding issues related to implementation of the Agreement and welcomes the commitment of the parties to take unresolved issues to arbitration as necessary (first paragraph)

Type of measure	Decision and date	Provision
Creation of the conditions necessary for unimpeded delivery of humanitarian assistance	S/PRST/2008/24 24 June 2008	The Council deeply regrets the recent outbreak of fighting in Abyei, the ensuing displacement of civilians and the obstruction to the freedom of movement of the United Nations Mission in the Sudan. The Council urges the parties to facilitate immediate humanitarian support for the displaced citizens and support for their voluntary return as soon as an interim administration and the agreed security arrangements are in place (second paragraph)

Peace and security in Africa

Cessation of hostilities, including support of armed groups involved in hostilities, negotiation of differences and disputes	Resolution 1907 (2009) 23 December 2009	<p>Calls upon all Member States, including Eritrea, to support the Djibouti peace process and support reconciliation efforts by the Transitional Federal Government in Somalia, and demands that Eritrea cease all efforts to destabilize or overthrow, directly or indirectly, the Transitional Federal Government (para. 2)</p> <p>Demands that all Member States, in particular Eritrea, cease arming, training and equipping armed groups and their members including Al-Shabaab, that aim to destabilize the region or incite violence and civil strife in Djibouti (para. 16)</p>
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III. Measures not involving the use of armed force in accordance with Article 41 of the Charter

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Note

During the period under review, the Security Council imposed new measures under Chapter VII, of the type provided for in Article 41, against Eritrea, and expanded the measures against the Democratic People's Republic of Korea and the Islamic Republic of Iran, while modifying the measures against Côte d'Ivoire, the Democratic Republic of the Congo and Liberia. The Council also terminated the remaining

measures imposed under Article 41 against Rwanda. There were no new judicial measures established during the period, but the tribunals for Rwanda, the former Yugoslavia and Lebanon continued to function.

There was also one instance where the Council considered but did not impose measures under Article 41. At its 5933rd meeting, on 11 July 2008, during consideration of the item entitled "Peace and security in Africa", the Council rejected a draft resolution⁴⁵ by which it would have condemned the Government of Zimbabwe's campaign of violence against the political opposition and the civilian population which had made it impossible for a free and fair election to occur, and imposed sanctions, under

⁴⁵ The draft resolution (S/2008/447) was put to the vote, received 9 votes in favour, 5 against (China, Libyan Arab Jamahiriya, Russian Federation, South Africa, Viet Nam) and 1 abstention (Indonesia), and was not adopted owing to the negative votes of two permanent members of the Council. For more information, see sect. 1, case 4, above, and part I, sect. 17.

Chapter VII of the Charter, including an arms embargo and travel ban and assets freeze on certain individuals and entities.

Subsection A outlines the decisions of the Council imposing, modifying or terminating measures under Article 41 of the Charter. It is organized under three main headings, dealing with decisions on issues of a thematic nature, country-specific decisions, and judicial measures, respectively. Subsection B is organized under three headings also, each highlighting the salient issues that were raised in the Council's deliberations in connection with Article 41 of the Charter.

A. Decisions of the Security Council relating to Article 41

Decisions on thematic issues

The Council adopted several decisions on issues of a thematic nature which contain relevant information

concerning sanctions measures and their implementation (see table 4). Such decisions were taken in relation to the items "Children and armed conflict", "Protection of civilians in armed conflict" and "Women and peace and security". In its decisions the Council, respectively, encouraged enhanced communication between its Working Group on Children and Armed Conflict and the sanctions committees; reiterated its willingness to respond to situations where civilians were being targeted through consideration of "appropriate measures" and affirmed its intention, when establishing sanctions regimes, to consider targeted measures against parties who commit rape and other forms of sexual violence against women and girls in situations of armed conflict.

Table 4

Decisions on thematic issues relating to Article 41

<i>Decision</i>	<i>Provision</i>
Children and armed conflict	
S/PRST/2009/9 29 April 2009	The Council welcomes the sustained engagement of its Working Group on Children and Armed Conflict and requests it to adopt, with the administrative support of the Secretariat, timely conclusions and recommendations in line with resolution 1612 (2005) . The Council encourages the Working Group to continue its review process, to enhance its ability to follow up the implementation of its recommendations and the development and implementation of action plans to halt the recruitment and use of children, and to consider and react in a timely manner to information on situations of children and armed conflict, in collaboration with the Office of the Special Representative of the Secretary-General and UNICEF. It also invites the Working Group to enhance its communication with relevant sanctions committees of the Council, including by forwarding pertinent information (fifteenth paragraph)
Resolution 1882 (2009) 4 August 2009	Requests enhanced communication between the Working Group and relevant Security Council sanctions committees, including through the exchange of pertinent information on violations and abuses committed against children in armed conflict (para. 7 (b))
Protection of civilians in armed conflict	
Resolution 1894 (2009) 11 November 2009	Reiterates 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 of the United Nations (para. 4)

Decision

Provision

Women and peace and security

Resolution 1820 (2008) 19 June 2008	Affirms its intention, when establishing and renewing State-specific sanctions regimes, to take into consideration the appropriateness of targeted and graduated measures against parties to situations of armed conflict who commit rape and other forms of sexual violence against women and girls in situations of armed conflict (para. 5)
Resolution 1888 (2009) 30 September 2009	Reiterates its intention, when adopting or renewing targeted sanctions in situations of armed conflict, to consider including, where appropriate, designation criteria pertaining to acts of rape and other forms of sexual violence; and calls upon all peacekeeping and other relevant United Nations missions and United Nations bodies, in particular the Working Group on Children and Armed Conflict, to share with relevant Security Council sanctions committees, including through relevant monitoring groups and groups of experts of sanctions committees, all pertinent information about sexual violence (para. 10)

Country-specific decisions relating to Article 41

The present subsection covers the country-specific decisions adopted during the period under review, by which the Council imposed, modified, strengthened or terminated sanctions regimes, in chronological order of the imposition of the sanctions. It includes references to the establishment of subsidiary bodies of the Council tasked to oversee the implementation of the relevant sanctions measures, namely sanctions committees, monitoring groups and panels of experts. It should be noted that the short descriptions of the mandatory measures — arms embargo, asset freeze, travel restrictions, restriction of air traffic and the like — are used for clarification only and are not intended to serve as legal definitions of the measures. The decisions of the Council relating to its committees or other subsidiary bodies are described in more detail in part IX of the present Supplement.

Measures imposed against Iraq

Background

The Security Council first imposed a comprehensive trade and financial embargo following Iraq's invasion in Kuwait in 1990. This was modified by resolutions 1483 (2003) and 1546 (2004) and since

then active measures have included an arms embargo, an asset freeze, and an asset transfer to the Development Fund for Iraq, applying to senior officials of the former Iraqi regime, an embargo on chemical and biological weapons, non-proliferation measures requiring that Iraq halt all nuclear activities of any kind, except for use of isotopes for medical, agricultural or industrial purposes, a petroleum embargo requiring that all the proceeds of all sales of petroleum be put into the Development Fund for Iraq with 5 per cent going to the Compensation Fund for Kuwait, and restrictions on ballistic missiles with a range of over 150 kilometres. During the period, the sanctions regime was overseen by a sanctions committee established pursuant to resolution 1518 (2003).⁴⁶

Developments during 2008 and 2009

During 2008 and 2009, the sanctions regime did not undergo any modifications.

Provisions of all decisions containing sanctions measures under Article 41 are set out in table 5.

⁴⁶ For more information, see part IX. Until 2003, the sanctions measures were overseen by the Committee established pursuant to resolution 661 (1990).

Table 5
Sanctions measures

<i>Decision</i>	<i>Provision</i>
Arms embargo: measures prior to 2008-2009^a	
Resolution 661 (1990) 6 August 1990	Decides that all States shall prevent: (a) The import into their territories of all commodities and products originating in Iraq or Kuwait exported therefrom after the date of the present resolution; (b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export or trans-shipment of any commodities or product from Iraq or Kuwait; and any dealings by their nationals or their flag vessels or in their territories in any commodities or products originating in Iraq or Kuwait and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Iraq or Kuwait for the purposes of such activities or dealings; (c) The sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait or to any person or body for the purposes of any business carried on in or operated from Iraq or Kuwait, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products (para. 3)
Resolution 1483 (2003) 22 May 2003	Decides that, with the exception of prohibitions related to the sale or supply to Iraq of arms and related materiel other than those arms and related materiel required by the Authority to serve the purposes of this and other related resolutions, all prohibitions related to trade with Iraq and the provision of financial or economic resources to Iraq established by resolution 661 (1990) and subsequent relevant resolutions, including resolution 778 (1992), shall no longer apply (para. 10)
Resolution 1546 (2004) 8 June 2004	Decides that the prohibitions related to the sale or supply to Iraq of arms and related materiel under previous resolutions shall not apply to arms or related materiel required by the Government of Iraq or the multinational force to serve the purposes of the present resolution, stresses the importance for all States to abide strictly by them, and notes the significance of Iraq's neighbours in this regard, and calls upon both the Government of Iraq and the multinational force to ensure that appropriate implementation procedures are in place (para. 21)
Asset freeze: measures prior to 2008-2009^a	
Resolution 1483 (2003) 22 May 2003	Decides that all Member States in which there are: (a) Funds or other financial assets or economic resources of the previous Government of Iraq or its state bodies, corporations, or agencies, located outside Iraq as of the date of adoption of the present resolution; or

Decision

Provision

(b) Funds or other financial assets or economic resources that have been removed from Iraq, or acquired, by Saddam Hussein or other senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, shall freeze without delay those funds or other financial assets or economic resources and, unless these funds or other financial assets or economic resources are themselves the subject of a prior judicial, administrative or arbitral lien or judgement, immediately shall cause their transfer to the Development Fund for Iraq, it being understood that, unless otherwise addressed, claims made by private individuals or non-government entities on those transferred funds or other financial assets may be presented to the internationally recognized, representative government of Iraq; and decides also that all such funds or other financial assets or economic resources shall enjoy the same privileges, immunities, and protections as provided under paragraph 22 [of the resolution] (para. 23)

Resolution [1546 \(2004\)](#)
8 June 2004

Recalls the continuing obligations of Member States to freeze and transfer certain funds, assets and economic resources to the Development Fund for Iraq in accordance with paragraphs 19 and 23 of resolution [1483 \(2003\)](#) and with resolution [1518 \(2003\)](#) (para. 29)

Chemical and biological weapons embargo: measures prior to 2008-2009^a

Resolution [687 \(1991\)](#)
3 April 1991

Decides that Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of:

(a) All chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities related thereto;

(b) All ballistic missiles with a range greater than 150 kilometers, and related major parts and repair and production facilities (para. 8)

Decides also, for the implementation of paragraph 8, the following:

(a) Iraq shall submit to the Secretary-General, within 15 days of the adoption of the present resolution, a declaration of the locations, amounts and types of all items specified in paragraph 8 and agree to urgent, on-site inspection as specified below;

(b) The Secretary-General, in consultation with the appropriate Governments and, where appropriate, with the Director-General of the World Health Organization, within 45 days of the adoption of the present resolution shall develop and submit to the Council for approval a plan calling for the completion of the following acts within 45 days of such approval:

(i) The forming of a special commission which shall carry out 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;

(ii) The yielding by Iraq of possession to the Special Commission for destruction, removal or rendering harmless, taking into account the requirements of public safety, of all items specified under paragraph 8 (a), including items at the additional locations designated by the Special Commission under paragraph (i) and the destruction by Iraq, under the supervision of the Special Commission, of all its missile capabilities, including launchers, as specified under paragraph 8 (b);

(iii) The provision by the Special Commission to the Director General of the International Atomic Energy Agency (IAEA) of the assistance and cooperation required in paragraphs 12 and 13 [of the resolution] (para. 9)

Decides further that Iraq shall unconditionally undertake not to use, develop, construct or acquire any of the items specified in paragraphs 8 and 9, and requests the Secretary-General, in consultation with the Special Commission, to develop a plan for the future ongoing monitoring and verification of Iraq's compliance with the present paragraph, to be submitted to the Council for approval within 120 of the adoption of the present resolution (para. 10)

Non-proliferation measures: measures prior to 2008-2009^a

Resolution [687 \(1991\)](#)
3 April 1991

See paragraph 9 of the resolution, under "Chemical and biological weapons embargo", above

Decides that Iraq shall unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapon-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to the above; to submit to the Secretary-General and the Director General of IAEA within 15 days of the adoption of the present resolution a declaration of the locations, amounts and types of all items specified above; to place all of its nuclear-weapon-usable materials under the exclusive control, for custody and removal, of the Agency, with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General discussed in paragraph 9 (b); to accept, in accordance with the arrangements provided for in paragraph 13, urgent on-site inspection and the destruction, removal or rendering harmless as appropriate of all items specified above; and to accept the plan discussed in paragraph 13 for the future ongoing monitoring and verification of its compliance with these undertakings (para. 12)

Resolution [707 \(1991\)](#)
15 August 1991

Demands that Iraq:

...

(f) Halt all nuclear activities of any kind, except for use of isotopes for medical, agricultural or industrial purposes until the Council determines that Iraq is in full compliance with the present resolution and paragraphs 12 and 13 of resolution [687 \(1991\)](#) and IAEA determines that Iraq is in full compliance with its safeguards agreement with the Agency (para. 3)

Decision

Provision

Petroleum embargo: measures prior to 2008-2009^a

Resolution 1483 (2003)
22 May 2003

Decides that all export sales of petroleum, petroleum products and natural gas from Iraq following the date of adoption of the present resolution shall be made consistent with prevailing international market best practices, to be audited by independent public accountants reporting to the International Advisory and Monitoring Board referred to in paragraph 12 [of the resolution] in order to ensure transparency, and decides that, except as provided in paragraph 21 below, all proceeds from such sales shall be deposited into the Development Fund for Iraq until such time as an internationally recognized, representative Government of Iraq is properly constituted (para. 20)

Decides that 5 per cent of the proceeds referred to in paragraph 20 above shall be deposited into the Compensation Fund established pursuant to resolution 687 (1991) and subsequent relevant resolutions and that, unless an internationally recognized, representative Government of Iraq and the Governing Council of the United Nations Compensation Commission, in the exercise of its authority over methods of ensuring that payments are made into the Compensation Fund, decide otherwise, this requirement shall be binding upon a properly constituted, internationally recognized, representative Government of Iraq and any successor thereto (para. 21)

Restrictions on ballistic missiles: measures prior to 2008-2009^a

Resolution 687 (1991)
3 April 1991

See paragraphs 8, 9 and 10 of the resolution, under “Chemical and biological weapons embargo”, above

^a No modifications were made in 2008-2009.

Measures imposed against Somalia and Eritrea

Background

The sanctions regime against Somalia was established in 1992 with a comprehensive ban on all arms. This was expanded to prohibit the direct or indirect supply to Somalia of technical advice, financial and other assistance, and training related to military activities. Exemptions to the embargo have also been granted, including for supplies and technical assistance by States intended solely for the purpose of helping to develop security sector institutions, as well as for equipment related to the African Union Mission in Somalia (AMISOM).

During the period, a sanctions committee established pursuant to resolution 751 (1992) and a monitoring group oversaw the regimes.⁴⁷

Developments during 2008 and 2009

During the period under review, the Council made several major changes to the regime by imposing a range of targeted sanctions to cover specific groups in Somalia and, at the end of 2009, expanding the arms embargo and targeted measures to include Eritrea. In addition to these major changes, a number of minor adjustments, exemptions and clarifications were made to the regime by means of 10 resolutions.

In the first major expansion of the sanctions, by resolution 1844 (2008) of 20 November 2008, the Council imposed a targeted arms embargo, including the supply of financial services related to military activities, asset freeze and travel ban on individuals or entities that threatened the peace, security or stability of Somalia, the Djibouti Agreement, the political process, or threaten the transitional federal institutions or AMISOM by force; acted in violation of the general arms embargo, or obstructed the delivery of humanitarian assistance to Somalia.

⁴⁷ For more information, see part IX.

By resolution [1907 \(2009\)](#) of 23 December 2009, the Council imposed a general arms embargo on Eritrea, as well as a targeted arms embargo, including the provision of financial services related to military activities, asset freeze and travel ban on individuals or entities that violated the arms embargo, provided support from Eritrea to armed opposition groups which aim to destabilize the region; obstructed implementation

of resolution [1862 \(2009\)](#) concerning Djibouti; provided support to individuals or groups to perpetrate acts of violence or terrorist acts against other States or their citizens in the region; or obstructed the investigations or work of the Monitoring Group.

Provisions of all decisions containing sanctions measures, enforcement measures and other measures under Article 41 are set out in tables 6, 7 and 8.

Table 6
Sanctions measures

<i>Decision</i>	<i>Provision</i>
Arms embargo: measures taken prior to 2008-2009	
Resolution 733 (1992) 23 January 1992	Decides, under Chapter VII of the Charter of the United Nations, that all States shall, for the purposes of establishing peace and stability in Somalia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Somalia until the Council decides otherwise (para. 5)
Resolution 1356 (2001) 19 June 2001	Reiterates to all States their obligation to comply with the measures imposed by resolution 733 (1992) , and urges each State to take the necessary steps to ensure full implementation and enforcement of the arms embargo (para. 1) Decides that the measures imposed by paragraph 5 of resolution 733 (1992) shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Somalia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only (para. 2) Decides also that the measures imposed by paragraph 5 of resolution 733 (1992) shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee established pursuant to resolution 751 (1992) (para. 3)
Resolution 1425 (2002) 22 July 2002	Stresses that the arms embargo on Somalia prohibits financing of all acquisitions and deliveries of weapons and military equipment (para. 1) Decides that the arms embargo prohibits the direct or indirect supply to Somalia of technical advice, financial and other assistance, and training related to military activities (para. 2)
Resolution 1725 (2006) 6 December 2006	Decides that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated in paragraphs 1 and 2 of resolution 1425 (2002) shall not apply to supplies of weapons and military equipment and technical training and assistance intended solely for the support of or use by the force referred to in paragraph 3 [of the resolution] (para. 5)

Decision

Provision

Arms embargo: modifications in 2008-2009

Resolution 1844 (2008) 20 November 2008	<p>Reaffirms the general and complete arms embargo against Somalia imposed by resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007) (para. 6)</p> <p>Decides that all Member States shall take the measures necessary to prevent the direct or indirect supply, sale or transfer of weapons and military equipment and the direct or indirect supply of technical assistance or training, financial and other assistance, including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals or entities designated by the Committee pursuant to paragraph 8 below (para. 7)</p> <p>Decides also that the provisions of paragraphs 1, 3 and 7 [of the resolution] shall apply to individuals, and that the provisions of paragraphs 3 and 7 shall apply to entities, designated by the Committee:</p> <p>(a) As engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti agreement of 19 August 2008 or the political process, or threaten the transitional federal institutions or the African Union Mission in Somalia by force;</p> <p>(b) As having acted in violation of the general and complete arms embargo reaffirmed in paragraph 6;</p> <p>(c) As obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia (para. 8)</p>
Resolution 1846 (2008) 2 December 2008	<p>Affirms also that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon in paragraphs 1 and 2 of resolution 1425 (2002) do not apply to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 5 [of the resolution], which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007) (para. 12)</p>
Resolution 1851 (2008) 16 December 2008	<p>Affirms also that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) shall not apply to weapons and military equipment destined for the sole use of Member States and regional organizations taking measures in accordance with paragraph 6 [of the resolution] (para. 11)</p>
Resolution 1853 (2008) 19 December 2008	<p>Stresses the obligation of all States to comply fully with the measures imposed by resolution 733 (1992), as well as resolution 1844 (2008) (para. 1)</p>
Resolution 1872 (2009) 26 May 2009	<p>Affirms that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon in paragraphs 1 and 2 of resolution 1425 (2002) shall not apply to supplies and technical assistance provided in accordance with paragraph 11 (b) of resolution 1772 (2007) to the Transitional Federal Government for the purposes of the development of its security sector institutions, consistent with the Djibouti peace process and subject to the notification procedure set out in paragraph 12 of resolution 1772 (2007) (para. 14)</p>

<i>Decision</i>	<i>Provision</i>
Resolution 1897 (2009) 30 November 2009	Notes again with concern the findings contained in the report of the Monitoring Group on Somalia of 20 November 2008 that escalating ransom payments and the lack of enforcement of the arms embargo established by resolution 733 (1992) are fuelling the growth of piracy off the coast of Somalia, ^a and calls upon all States to fully cooperate with the Monitoring Group (para. 2)
Resolution 1907 (2009) 23 December 2009	<p>Reiterates that all Member States, including Eritrea, shall comply fully with the terms of the arms embargo imposed by paragraph 5 of resolution 733 (1992), as elaborated upon and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007) on Somalia, and the provisions of resolution 1844 (2008) (para. 1)</p> <p>Decides that all Member States shall immediately take the measures necessary to prevent the sale or supply to Eritrea, 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, and technical assistance, training, financial and other assistance related to military activities or to the provision, manufacture, maintenance or use of these items, whether or not originating in their territories (para. 5)</p> <p>Decides also that Eritrea shall not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all Member States shall prohibit the procurement of the items, training and assistance described in paragraph 5 above from Eritrea by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of Eritrea (para. 6)</p> <p>Decides further that all Member States shall take the measures necessary to prevent the direct or indirect supply, sale or transfer 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 and the direct or indirect supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment to the individuals or entities designated by the Committee pursuant to paragraph 15 below (para. 12)</p> <p>Decides that the provisions of paragraph 10 [of the resolution] shall apply to individuals, including but not limited to the Eritrean political and military leadership, and that the provisions of paragraphs 12 and 13 shall apply to individuals and entities, including but not limited to Eritrean political and military leadership, governmental, and parastatal entities, and entities privately owned by Eritrean nationals living within or outside of Eritrean territory, designated by the Committee as:</p> <ul style="list-style-type: none">(a) Violating the measures established by paragraphs 5 and 6 above;(b) Providing support from Eritrea to armed opposition groups which aim to destabilize the region;

Decision

Provision

(c) Obstructing the implementation of resolution 1862 (2009) concerning Djibouti;

(d) Harboring, financing, facilitating, supporting, organizing, training, or inciting individuals or groups to perpetrate acts of violence or terrorist acts against other States or their citizens in the region;

(e) Obstructing the investigations or work of the Monitoring Group on Somalia (para. 15)

Asset freeze: measures taken in 2008-2009^b

Resolution 1844 (2008)
20 November 2008

Decides that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee pursuant to paragraph 8 [of the resolution], or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and further decides that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals, or by any individuals or entities within their territories, to or for the benefit of such individuals or entities (para. 3)

Decides that the measures imposed by paragraph 3 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources, and in the absence of a negative decision by the Committee within three working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee; or

(c) To be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement, provided that the lien or judgement was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 3 above, and has been notified by the relevant State or Member States to the Committee (para. 4)

Decides that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 3 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of the present resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen (para. 5)

See also paragraph 8 of the resolution, under “Arms embargo” above

Resolution [1853 \(2008\)](#)
19 December 2008

Stresses the obligation of all States to comply fully with the measures imposed by resolution [733 \(1992\)](#), as well as resolution [1844 \(2008\)](#) (para. 1)

Resolution [1907 \(2009\)](#)
23 December 2009

Decides that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories on the date of adoption of the present resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the entities and individuals designated by the Committee pursuant to paragraph 15 [of the resolution], or by individuals or entities acting on their behalf or at their direction, and decides further that all Member States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any individuals or entities within their territories to or for the benefit of such individuals or entities (para. 13)

Decides also that the measures imposed by paragraph 13 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant Member State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources, and in the absence of a negative decision by the Committee within three working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant Member State(s) to the Committee and has been approved by the Committee;

(c) To be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment, provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 15 below,, and has been notified by the relevant Member State(s) to the Committee (para. 14)

See also paragraph 15 of the resolution, under “Arms embargo” above

Decision

Provision

Financial services restrictions: measures taken in 2008-2009^b

- Resolution 1844 (2008)
20 November 2008
- See paragraphs 7 and 8 of the resolution, under “Arms embargo” above
- Resolution 1853 (2008)
19 December 2008
- Stresses the obligation of all States to comply fully with the measures imposed by resolution 733 (1992), as well as resolution 1844 (2008) (para. 1)
- Resolution 1907 (2009)
23 December 2009
- See paragraphs 12 and 15 of the resolution, under “Arms embargo” above
- Demands that Eritrea cease facilitating travel and other forms of financial support to individuals or entities designated by the Committee and other sanctions committees, in particular the Committee established pursuant to resolution 1267 (1999), in line with the provisions set out in the relevant resolutions (para. 17)

Travel ban or restrictions: measures taken in 2008-2009^b

- Resolution 1844 (2008)
20 November 2008
- Decides that all Member States shall take the measures necessary to prevent the entry into or transit through their territories of individuals designated by the Committee pursuant to paragraph 8 [of the resolution], provided that nothing in the present paragraph shall oblige a State to refuse its own nationals entry into its territory (para. 1)
- Decides also that the measures imposed by paragraph 1 above shall not apply:
- (a) Where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or
- (b) Where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and national reconciliation in Somalia and stability in the region (para. 2)
- See also paragraph 8 of the resolution, under “Arms embargo” above
- Resolution 1853 (2008)
19 December 2008
- Stresses the obligation of all States to comply fully with the measures imposed by resolution 733 (1992), as well as resolution 1844 (2008) (para. 1)
- Resolution 1907 (2009)
23 December 2009
- Decides that all Member States shall take the measures necessary to prevent the entry into or transit through their territories of individuals designated by the Committee pursuant to the criteria in paragraph 15 [of the resolution], provided that nothing in the present paragraph shall oblige a State to refuse entry into its territory to its own nationals (para. 10)
- Decides also that the measures imposed by paragraph 10 above shall not apply:
- (a) Where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or
- (b) Where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and stability in the region (para. 11)
- See also paragraph 15 of the resolution, under “Arms embargo” above, and paragraph 17, under “Financial services restrictions” above

^a S/2008/769, enclosure, sect. VIII.C.

^b No measures were taken prior to this period.

Table 7

Enforcement measures

<i>Decision</i>	<i>Provision</i>
Cargo inspections: measures taken in 2008-2009^a	
Resolution 1907 (2009) 23 December 2009	Calls upon all Member States to inspect, in their territories, including seaports and airports, in accordance with their national authorities and legislation, and consistent with international law, all cargo to and from Somalia and Eritrea, if the State concerned has information that provides reasonable grounds to believe the cargo contains items, the supply, transfer or export of which is prohibited by paragraphs 5 and 6 of the present resolution or the general and complete arms embargo to Somalia established pursuant to paragraph 5 of resolution 733 (1992) and elaborated upon and amended by subsequent resolutions for the purpose of ensuring strict implementation of those provisions (para. 7)
Seizure of arms: measures taken in 2008-2009^a	
Resolution 1907 (2009) 23 December 2009	Decides to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraphs 5 and 6 of the present resolution, seize and dispose of (either by destroying or rendering inoperable) items, the supply, sale, transfer or export of which is prohibited by paragraphs 5 and 6, and decides further that all Member States shall cooperate in such efforts (para. 8)

^a No measures were taken prior to this period.

Table 8

Other measures under Article 41

<i>Decision</i>	<i>Provision</i>
Conditions for termination or review	
Resolution 1844 (2008) 20 November 2008	Decides that the measures outlined in paragraphs 1, 3 and 7 [of the resolution] cease to apply in respect of such individuals or entities if and at such time as the Committee removes them from the list of designated individuals and entities (para. 9)
Intention to consider imposing measures	
Resolution 1801 (2008) 20 February 2008	Reaffirms its intention to take measures against those who seek to prevent or block a peaceful political process, or those who threaten the transitional federal institutions or the African Union Mission in Somalia (AMISOM) by force, or take action that undermines stability in Somalia or the region (para. 5)
Resolution 1814 (2008) 15 May 2008	Recalls its intention to take measures against those who seek to prevent or block a peaceful political process, or those who threaten the transitional federal institutions or AMISOM by force, or take action that undermines stability in Somalia or the region, and therefore requests the Committee established pursuant to resolution 751 (1992) to provide, within 60 days of the adoption of the present resolution, recommendations on specific targeted measures to be imposed against such individuals or entities (para. 6)

<i>Decision</i>	<i>Provision</i>
Resolution 1907 (2009) 23 December 2009	Affirms that it shall keep Eritrea's actions under review and that it shall be prepared to adjust the measures, including through their strengthening, modification or lifting, in the light of Eritrea's compliance with the provisions of the present resolution (para. 21)
Intention to review sanctions	
Resolution 1811 (2008) 29 April 2008	Reiterates its intention, in the light of the report of the Monitoring Group of 24 April 2008, ^a to consider specific action to improve implementation of and compliance with measures imposed by resolution 733 (1992) (para. 2)
Resolution 1844 (2008) 20 November 2008	Decides to review the measures outlined in paragraphs 1, 3 and 7 [of the resolution] within 12 months (para. 26)
Resolution 1853 (2008) 19 December 2008	Reiterates its intention to consider specific action to improve implementation of and compliance with measures imposed by resolution 733 (1992), as well as resolution 1844 (2008) (para. 2)
Resolution 1907 (2009) 23 December 2009	See paragraph 21 of the resolution, under "Intention to consider imposing Article 41 measures" above

^a S/2008/274.

Measures imposed against Liberia

Background

The Security Council first established an arms embargo against Liberia in 1992 by resolution 788 (1992) and subsequently imposed a variety of measures, several of which were subsequently terminated.⁴⁸ In 2008, the arms embargo, an asset freeze against former President of Liberia Charles Taylor, his immediate family members, senior officials of the former Taylor regime, or other close allies or associates, and a travel ban for individuals who constituted a threat to the peace process and stability in Liberia, including certain senior members of former President Charles Taylor's Government were in force following a 12-month renewal to 19 December 2008.⁴⁹

⁴⁸ Terminated measures included embargoes on the export of diamonds and timber.

⁴⁹ Resolution 1792 (2007), para. 1.

During the period, a sanctions committee established pursuant to resolution 1521 (2003) and a panel of experts oversaw the regime.⁵⁰

Developments during 2008 and 2009

The arms embargo was extended for a period of 12 months by resolution 1854 (2008) and was then replaced, by resolution 1903 (2009), with an arms embargo limited to all non-governmental entities and individuals operating in the territory of Liberia, while still requiring that States provide notification to the Committee of any shipments of arms to the Government of Liberia for a period of 12 months. The travel ban was extended twice for periods of 12 months, while the asset freeze, which had been established for an open-ended period, remained in force.

Provisions of all decisions containing sanctions measures and other measures under Article 41 are set out in tables 9 and 10.

⁵⁰ For more information, see part IX.

Table 9
Sanctions measures

<i>Decision</i>	<i>Provision</i>
Arms embargo: measures prior to 2008-2009	
Resolution 788 (1992) 19 November 1992	Decides, under Chapter VII of the Charter of the United Nations, that all States shall, for the purposes of establishing peace and stability in Liberia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Liberia until the Council decides otherwise (para. 8)
Resolution 1343 (2001) 7 March 2001	Decides to terminate the prohibitions imposed by paragraph 8 of resolution 788 (1992) and to dissolve the Committee established pursuant to resolution 985 (1995) (para. 1) <ul style="list-style-type: none"> (a) Decides that all States shall take the necessary measures to prevent the sale or supply to Liberia, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not originating in their territories; (b) Decides also that all States shall take the necessary measures to prevent any provision to Liberia by their nationals or from their territories of technical training or assistance related to the provision, manufacture, maintenance or use of the items referred to in subparagraph (a) above; (c) Decides further that the measures imposed by subparagraphs (a) and (b) above shall not apply to supplies of non-lethal military equipment, intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee established by paragraph 14 [of the resolution]; (d) Affirms that the measures imposed by subparagraph (a) above do not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Liberia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only (para. 5)
Resolution 1521 (2003) 22 December 2003	Decides to terminate the prohibitions imposed by paragraphs 5 to 7 of resolution 1343 (2001) and paragraphs 17 and 28 of resolution 1478 (2003) and to dissolve the Committee established pursuant to resolution 1343 (2001) (para. 1) <ul style="list-style-type: none"> (a) Decides also that all States shall take the necessary measures to prevent the sale or supply to Liberia, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not originating in their territories; (b) Decides further that all States shall take the necessary measures to prevent any provision to Liberia by their nationals or from their territories of technical training or assistance related to the provision, manufacture, maintenance or use of the items in subparagraph (a) above;

(c) Reaffirms that the measures in subparagraphs (a) and (b) above apply to all sales or supply of arms and related materiel destined for any recipient in Liberia, including all non-State actors, such as Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia, and to all former and current militias and armed groups;

(d) Decides that the measures imposed by subparagraphs (a) and (b) above shall not apply to supplies of arms and related materiel and technical training and assistance intended solely for support of or use by the United Nations Mission in Liberia (UNMIL);

(e) Decides also that the measures imposed by subparagraphs (a) and (b) above shall not apply to supplies of arms and related materiel and technical training and assistance intended solely for support of or use in an international training and reform programme for the Liberian armed forces and police, as approved in advance by the Committee established by paragraph 21 [of the resolution];

(f) Decides further that the measures imposed by subparagraphs (a) and (b) above shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee;

(g) Affirms that the measures imposed by subparagraph (a) above do not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Liberia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only (para. 2)

Resolution 1579 (2004)
21 December 2004

Decides, on the basis of its assessments of progress made by the National Transitional Government of Liberia towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):

(a) To renew the measures on arms and travel imposed by paragraphs 2 and 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution, and to review them after six months (para. 1)

Resolution 1607 (2005)
21 June 2005

Notes that the measures on arms, travel and timber imposed by paragraphs 2, 4 and 10 respectively of resolution 1521 (2003) and renewed by paragraph 1 of resolution 1579 (2004) remain in force until 21 December 2005 (para. 9)

Resolution 1683 (2006)
13 June 2006

Decides that the measures imposed by paragraphs 2 (a) and (b) of resolution 1521 (2003) shall not apply to the weapons and ammunition already provided to members of the Special Security Service for training purposes pursuant to advance approval, under paragraph 2 (e) of that resolution, by the Committee established by paragraph 21 of that resolution, and that those weapons and ammunition may remain in the custody of the Special Security Service for unencumbered operational use (para. 1)

Decides also that the measures imposed by paragraphs 2 (a) and (b) of resolution 1521 (2003) shall not apply to limited supplies of weapons and ammunition, as approved in advance on a case-by-case basis by the Committee, intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of UNMIL in October 2003 (para. 2)

Decision

Provision

- Resolution 1731 (2006)
20 December 2006
- Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):
- (a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution;
- (b) That the measures on arms imposed by paragraphs 2 (a) and (b) of resolution 1521 (2003) shall not apply to supplies of non-lethal military equipment, excluding non-lethal weapons and ammunition, as notified in advance to the Committee established pursuant to paragraph 21 of resolution 1521 (2003), intended solely for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of UNMIL in October 2003 (para. 1)
- Resolution 1792 (2007)
19 December 2007
- Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):
- (a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution (para. 1)

Arms embargo: modifications in 2008-2009

- Resolution 1854 (2008)
19 December 2008
- Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):
- (a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution;
- (b) That Member States shall notify the Committee established pursuant to paragraph 21 of resolution 1521 (2003) upon delivery of all arms and related materiel supplied in accordance with paragraph 2 (e) or paragraph 2 (f) of resolution 1521 (2003), paragraph 2 of resolution 1683 (2006) or paragraph 1 (b) of resolution 1731 (2006) (para. 1)
- Resolution 1903 (2009)
17 December 2009
- Decides that the measures on arms, previously imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006), are replaced by paragraph 4 below, and shall not apply to the supply, sale or transfer of arms and related materiel and the provision of any assistance, advice or training, related to military activities to the Government of Liberia for the period set forth in paragraph 4 below (para. 3)

Decides also that all States shall take the measures necessary to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel and the provision of any assistance, advice or training related to military activities, including financing and financial assistance, to all non-governmental entities and individuals operating in the territory of Liberia for a period of 12 months from the date of adoption of the present resolution (para. 4)

Decides further that the measures in paragraph 4 above shall not apply to:

- (a) Supplies of arms and related materiel as well as technical training and assistance intended solely for the support of or use by UNMIL;
- (b) Protective clothing, including flak jackets and military helmets, temporarily exported to Liberia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;
- (c) Other supplies of non-lethal military equipment intended solely for humanitarian or protective use and related technical assistance and training, as notified in advance to the Committee in accordance with paragraph 6 [of the resolution] (para. 5)

Decides that, for the period time set forth in paragraph 4 above, all States shall notify in advance to the Committee any shipment of arms and related materiel to the Government of Liberia, or any provision of assistance, advice or training related to military activities for the Government, except those referred to in paragraphs 5 (a) and (b) above, and stresses the importance of such notifications containing all relevant information, including, where applicable, the type and quantity of weapons and ammunitions delivered, the end-user, the proposed date of delivery and the itinerary of shipments; and reiterates that the Government shall subsequently mark the weapons and ammunition, maintain a registry of them and formally notify the Committee that these steps have been taken (para. 6)

Asset freeze: measures prior to 2008-2009

Resolution [1532 \(2004\)](#)
12 March 2004

Decides that, to prevent former President of Liberia Charles Taylor, his immediate family members, in particular Jewel Howard Taylor and Charles Taylor, Jr., senior officials of the former Taylor regime, or other close allies or associates as designated by the Committee established pursuant to paragraph 21 of resolution [1521 \(2003\)](#) from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the subregion, all States in which there are, at the date of adoption of the present resolution or at any time thereafter, funds, other financial assets and economic resources owned or controlled directly or indirectly by Charles Taylor, Jewel Howard Taylor and Charles Taylor, Jr. and/or those other individuals designated by the Committee, including funds, other financial assets and economic resources held by entities owned or controlled, directly or indirectly, by any of them or by any persons acting on their behalf or at their direction, as designated by the Committee, shall freeze without delay all such funds, other financial assets and economic resources and shall ensure that neither these nor any other funds, other financial assets or economic resources are made available, by their nationals or by any persons within their territory, directly or indirectly, to or for the benefit of such persons (para. 1)

Decides also that the provisions of paragraph 1 above do not apply to funds, other financial assets and economic resources:

(a) That have been determined by relevant State(s) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State(s) to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within two working days of such notification;

(b) That have been determined by relevant State(s) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State(s) to the Committee and has been approved by the Committee; or

(c) That have been determined by relevant State(s) to be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement, provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 1 above or an individual or entity identified by the Committee, and has been notified by the relevant State(s) to the Committee (para. 2)

Decides further that all States may allow for the addition to accounts subject to the provisions of paragraph 1 above of:

(a) Interest or other earnings due on those accounts; and

(b) Payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of paragraph 1 above;

provided that any such interest, other earnings and payments continue to be subject to those provisions (para. 3)

Expresses its intention to consider whether and how to make available the funds, other financial assets and economic resources frozen pursuant to paragraph 1 above to the Government of Liberia, once that Government has established transparent accounting and auditing mechanisms to ensure the responsible use of government revenue to benefit directly the people of Liberia (para. 6)

Resolution [1731 \(2006\)](#)
20 December 2006

Notes that the measures imposed by paragraph 1 of resolution [1532 \(2004\)](#) remain in force, and reconfirms its intention to review those measures at least once a year (para. 2)

<i>Decision</i>	<i>Provision</i>
Resolution 1792 (2007) 19 December 2007	Recalls that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force, notes with concern the findings of the Panel of Experts on Liberia on the lack of progress in this regard, and calls upon the Government of Liberia to continue to make all necessary efforts to fulfil its obligations (para. 2)
Asset freeze: modifications in 2008-2009	
Resolution 1854 (2008) 19 December 2008	Recalls that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force, notes with concern the findings of the Panel of Experts on the lack of progress in this regard, and calls upon the Government of Liberia to continue to make all necessary efforts to fulfil its obligations (para. 2)
Resolution 1903 (2009) 17 December 2009	Recalls that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force, notes with serious concern the findings of the Panel of Experts on the lack of progress with regard to the implementation of the financial measures imposed by paragraph 1 of resolution 1532 (2004), and demands that the Government of Liberia make all necessary efforts to fulfil its obligations (para. 2)
Travel ban or restrictions: measures prior to 2008-2009	
Resolution 1521 (2003) 22 December 2003	<p>Decides to terminate the prohibitions imposed by paragraphs 5 to 7 of resolution 1343 (2001) and paragraphs 17 and 28 of resolution 1478 (2003) and to dissolve the Committee established pursuant to resolution 1343 (2001) (para. 1)</p> <p>(a) Decides also that all States shall take the necessary measures to prevent the entry into or transit through their territories of all such individuals, as designated by the Committee, who constitute a threat to the peace process in Liberia, or who are engaged in activities aimed at undermining peace and stability in Liberia and the subregion, including those senior members of the Government of former President Charles Taylor and their spouses and members of Liberia's former armed forces who retain links to former President Charles Taylor, those individuals determined by the Committee to be in violation of paragraph 2 [of the resolution], and any other individuals, or individuals associated with entities, providing financial or military support to armed rebel groups in Liberia or in countries in the region, provided that nothing in the present paragraph shall oblige a State to refuse entry into its territory to its own nationals;</p> <p>(b) Decides also that the measures in paragraph 4 (a) above shall continue to apply to the individuals already designated pursuant to paragraph 7 (a) of resolution 1343 (2001), pending the designation of individuals by the Committee as required by and in accordance with paragraph 4 (a) above;</p> <p>(c) Decides that the measures imposed by paragraph 4 (a) above shall not apply where the Committee determines that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of the resolutions of the Council, for the creation of peace, stability and democracy in Liberia and lasting peace in the subregion (para. 4)</p>

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<i>Decision</i>	<i>Provision</i>
Resolution 1579 (2004) 21 December 2004	Decides, on the basis of its assessments of progress made by the National Transitional Government of Liberia towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003): (a) To renew the measures on arms and travel imposed by paragraphs 2 and 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution, and to review them after six months (para. 1)
Resolution 1607 (2005) 21 June 2005	Notes that the measures on arms, travel and timber imposed by paragraphs 2, 4 and 10 respectively of resolution 1521 (2003) and renewed by paragraph 1 of resolution 1579 (2004) remain in force until 21 December 2005 (para. 9)
Resolution 1647 (2005) 20 December 2005	Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003): (a) To renew the measures on arms and travel imposed by paragraphs 2 and 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution (para. 1)
Resolution 1688 (2006) 16 June 2006	Decides that the measures imposed by paragraph 4 (a) of resolution 1521 (2003) shall not apply to former President Taylor for the purposes of any travel related to his trial before the Special Court [for Sierra Leone], as well as any travel related to the execution of the judgment, and decides to exempt from the travel ban the travel of any witnesses whose presence at the trial is required (para. 9)
Resolution 1731 (2006) 20 December 2006	Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003): (a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution (para. 1)
Resolution 1792 (2007) 19 December 2007	Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003): (a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution (para. 1)

Travel ban or restrictions: modifications in 2008-2009

Resolution 1854 (2008) 19 December 2008	Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003): (a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution (para. 1)
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<i>Decision</i>	<i>Provision</i>
Resolution 1903 (2009) 17 December 2009	Decides to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a period of 12 months from the date of adoption of the present resolution (para. 1)

Table 10
Other measures under Article 41

<i>Decision</i>	<i>Provision</i>
Intention to review sanctions	
Resolution 1854 (2008) 19 December 2008	Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003): ... (c) To review any of the measures at the request of the Government of Liberia, once the Government reports to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met and provides the Council with information to justify its assessment (para. 1) Reconfirms its intention to review the measures imposed by paragraph 1 of resolution 1532 (2004) at least once a year, and directs the Committee, in coordination with the relevant designating States and with the assistance of the Panel of Experts, to update as necessary the publicly available reasons for listing for entries on the travel ban and assets freeze lists as well as the Committee's guidelines, particularly with regard to listing and delisting procedures (para. 3)
Resolution 1903 (2009) 17 December 2009	Reconfirms its intention to review the measures imposed by paragraph 1 of resolution 1532 (2004) at least once a year, and directs the Committee, in coordination with the relevant designating States and with the assistance of the Panel of Experts, to update as necessary the publicly available reasons for listing for entries on the travel ban and assets freeze lists as well as the Committee's guidelines (para. 7) Decides to review any of the measures at the request of the Government of Liberia, once the Government reports to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met, and provides the Council with information to justify its assessment (para. 8)

Measures imposed against Rwanda

Background

The sanctions regime against Rwanda was established in 1994 with a comprehensive arms embargo. By resolution 1011 (1995), the arms embargo was limited to non-governmental forces. During the period, a sanctions committee established pursuant to resolution 918 (1994) oversaw the regime.⁵¹

Developments during 2008 and 2009

By resolution 1823 (2008) of 10 July 2008, the Council decided to terminate the prohibitions imposed by paragraphs 9 and 10 of resolution 1011 (1995) and to dissolve the Committee established pursuant to resolution 918 (1994) concerning Rwanda.

Provisions of all decisions containing sanctions measures under Article 41 are set out in table 11.

⁵¹ For more information, see part IX.

Table 11
Sanctions measures

<i>Decision</i>	<i>Provision</i>
Arms embargo: measures prior to 2008-2009	
Resolution 918 (1994) 17 May 1994	<p>Decides that all States shall prevent the sale or supply to Rwanda 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 police equipment and spare parts (para. 13)</p> <p>Decides that the provisions set forth in paragraphs 13 and 15 [of the resolution] do not apply to activities related to the United Nations Assistance Mission for Rwanda and the United Nations Observer Mission Uganda-Rwanda (para. 16)</p>
Resolution 1005 (1995) 17 July 1995	<p>Decides that, notwithstanding the restrictions imposed in paragraph 13 of resolution 918 (1994), appropriate amounts of explosives intended exclusively for use in established humanitarian demining programmes may be supplied to Rwanda upon application to and authorization by the Security Council Committee established pursuant to resolution 918 (1994) (para. 1)</p>
Resolution 1011 (1995) 16 August 1995	<p>Decides that, with immediate effect and until 1 September 1996, the restrictions imposed by paragraph 13 of resolution 918 (1994) shall not apply with regard to the sale or supply of arms and related materiel to the Government of Rwanda 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 (para. 7)</p> <p>Decides also that on 1 September 1996 the restrictions imposed by paragraph 13 of resolution 918 (1994) on the sale or supply of arms and related materiel to the Government of Rwanda shall terminate, unless the Council decides otherwise after its consideration of the second report of the Secretary-General referred to in paragraph 12 [of the resolution] (para. 8)</p> <p>Decides further, with a view to prohibiting the sale and supply of arms and related materiel to non-governmental forces for use in Rwanda, that all States shall continue to 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 police equipment and spare parts, to Rwanda, or to persons in the States neighbouring Rwanda if such sale or supply is for the purpose of the use of such arms or materiel within Rwanda, other than to the Government of Rwanda as specified in paragraphs 7 and 8 above (para. 9)</p> <p>Decides that no arms or related materiel sold or supplied to the Government of Rwanda may be resold to, transferred to, or made available for use by, any State neighbouring Rwanda, or person not in the service of the Government of Rwanda, either directly or indirectly (para. 10)</p> <p>Decides also that States shall notify the Committee established pursuant to resolution 918 (1994) of all exports from their territories of arms or related materiel to Rwanda, that the Government of Rwanda shall mark and register and notify the Committee of all imports made by it of arms and related materiel, and that the Committee shall report regularly to the Council on notifications so received (para. 11)</p>

<i>Decision</i>	<i>Provision</i>
Resolution 1053 (1996) 23 April 1996	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) (para. 3) 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 (para. 5)
Resolution 1749 (2007) 28 March 2007	Decides to terminate with immediate effect the measures imposed by paragraph 11 of resolution 1011 (1995) (para. 1)
Arms embargo: modifications in 2008-2009	
Resolution 1823 (2008) 10 July 2008	Decides to terminate the prohibitions imposed by paragraphs 9 and 10 of resolution 1011 (1995) (para. 1)

Measures imposed against Sierra Leone

Background

The sanctions regime against Sierra Leone was established by resolution 1132 (1997), by which the Council imposed an embargo on arms and related materiel and petroleum, as well as a travel ban against members of the military junta. In 1998, the earlier measures were terminated, and a targeted arms embargo and travel ban were imposed against non-governmental forces in Sierra Leone, and leading

members of the former military junta and of the Revolutionary United Front.⁵²

Developments during 2008 and 2009

During the period under review, there were no changes to the sanctions regime.

Provisions of all decisions containing sanctions measures under Article 41 are set out in table 12.

⁵² An embargo on the export of diamonds was imposed from 2000 to 2003. For more information, see previous volumes of the *Repertoire*.

Table 12

Sanctions measures

<i>Decision</i>	<i>Provision</i>
Arms embargo: measures prior to 2008-2009^a	
Resolution 1132 (1997) 8 October 1997	Decides 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 (para. 6)

Decision

Provision

Resolution 1171 (1998)
5 June 1998

Decides to terminate the remaining prohibitions imposed by paragraphs 5 and 6 of resolution 1132 (1997) (para. 1)

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 (para. 2)

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 (para. 3)

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 (para. 4)

Resolution 1306 (2000)
5 July 2000

Reminds States of their obligation to implement fully the measures imposed by resolution 1171 (1998), and calls upon them, where they have not already done so, to enforce, strengthen or enact, as appropriate, legislation making it a criminal offence under domestic law for their nationals or other persons operating on their territory to act in violation of the measures imposed by paragraph 2 of that resolution, and to report to the Committee no later than 31 July 2000 on the implementation of those measures (para. 17)

Travel ban or restrictions: measures prior to 2008-2009^a

Resolution 1132 (1997)
8 October 1997

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) [of the resolution], 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 for verified humanitarian purposes or purposes consistent with paragraph 1, and provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals (para. 5)

Resolution 1171 (1998)
5 June 1998

Decides to terminate the remaining prohibitions imposed by paragraphs 5 and 6 of resolution 1132 (1997) (para. 1)

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 (para. 5)

<i>Decision</i>	<i>Provision</i>
Resolution 1306 (2000) 5 July 2000	See paragraph 17 of the resolution, under “Arms embargo” above
Resolution 1793 (2007) 21 December 2007	Acting under Chapter VII of the Charter of the United Nations, decides to exempt from the measures imposed by paragraph 5 of resolution 1171 (1998) the travel of any witnesses whose presence at trial before the Special Court for Sierra Leone is required (para. 8)

^a No modifications were made in 2008-2009.

Measures imposed against Al-Qaida and the Taliban

Background

The Security Council initially imposed an asset freeze and other measures against the Taliban by resolution 1267 (1999), which were expanded by a series of resolutions, including in particular resolutions 1333 (2000) and 1390 (2002), to include an arms embargo, asset freeze and travel ban on Osama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them.

During the period, a committee and an analytical and monitoring group oversaw the sanctions measures.

In addition, an Office of the Ombudsperson was established to assist with delisting requests.⁵³

Developments during 2008 and 2009

During the period under consideration, the Council reaffirmed the arms embargo, asset freeze and travel ban on Al-Qaida and the Taliban by two separate resolutions.

Provisions of all decisions containing sanctions measures and other measures under Article 41 are set out in tables 13 and 14.

⁵³ For more information, see part IX.

Table 13
Sanctions measures

<i>Decision</i>	<i>Provision</i>
Arms embargo: measures prior to 2008-2009	
Resolution 1333 (2000) 19 December 2000	Decides that all States shall: <ol style="list-style-type: none"> (a) Prevent the direct or indirect supply, sale and transfer to the territory of Afghanistan under Taliban control as designated by the Committee established pursuant to resolution 1267 (1999) 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; (b) Prevent the direct or indirect sale, supply and transfer to the territory of Afghanistan under Taliban control, as designated by the Committee, by their nationals or from their territories, of technical advice, assistance, or training related to the military activities of the armed personnel under the control of the Taliban; (c) Withdraw any of their officials, agents, advisers, and military personnel employed by contract or other arrangement present in Afghanistan to advise the Taliban on military or related security matters, and in this context urge other nationals to leave the country (para. 5)

	<p>Decides that the measures imposed by paragraph 5 above shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee, and affirms that the measures imposed by paragraph 5 above do not apply to protective clothing, including flak jackets and military helmets, exported to Afghanistan by United Nations personnel, representatives of the media and humanitarian workers for their personal use only (para. 6)</p>
<p>Resolution 1390 (2002) 16 January 2002</p>	<p>Decides that all States shall take the following measures with respect to Osama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000), to be updated regularly by the Committee established pursuant to resolution 1267 (1999):</p> <p>...</p> <p>(c) Prevent the direct or indirect supply, sale and transfer to those individuals, groups, undertakings and entities from their territories or by their nationals outside 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, and technical advice, assistance, or training related to military activities (para. 2)</p>
<p>Resolution 1526 (2004) 30 January 2004</p>	<p>Decides to improve, as set out below, the implementation of the measures imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002) with respect to Osama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000), namely:</p> <p>...</p> <p>(c) To prevent the direct or indirect supply, sale or transfer, to those individuals, groups, undertakings and entities from their territories or by their nationals outside 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, and technical advice, assistance, or training related to military activities;</p> <p>and recalls that all States shall implement the measures with respect to listed individuals and entities (para. 1)</p>
<p>Resolution 1617 (2005) 29 July 2005</p>	<p>Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002) with respect to Al-Qaida, Osama bin Laden and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000):</p> <p>...</p>

Decision

Provision

(c) Prevent the direct or indirect supply, sale or transfer, to those individuals, groups, undertakings and entities from their territories or by their nationals outside 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, and technical advice, assistance, or training related to military activities (para. 1)

Arms embargo: modifications in 2008-2009

Resolution [1822 \(2008\)](#)
30 June 2008

Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution [1267 \(1999\)](#), paragraph 8 (c) of resolution [1333 \(2000\)](#), and paragraphs 1 and 2 of resolution [1390 \(2002\)](#), with respect to Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions [1267 \(1999\)](#) and [1333 \(2000\)](#):

...

(c) Prevent the direct or indirect supply, sale or transfer to those individuals, groups, undertakings and entities, from their territories or by their nationals outside 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, and technical advice, assistance or training related to military activities (para. 1)

Resolution [1904 \(2009\)](#)
17 December 2009

Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution [1267 \(1999\)](#), paragraph 8 (c) of resolution [1333 \(2000\)](#) and paragraphs 1 and 2 of resolution [1390 \(2002\)](#), with respect to Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions [1267 \(1999\)](#) and [1333 \(2000\)](#):

...

(c) Prevent the direct or indirect supply, sale, or transfer to those individuals, groups, undertakings and entities, from their territories or by their nationals outside 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, and technical advice, assistance or training related to military activities (para. 1)

Asset freeze: measures prior to 2008-2009

Resolution [1267 \(1999\)](#)
15 October 1999

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 [of the resolution] (para. 3)

Decides also that, in order to enforce paragraph 2, all States shall:

...

	<p>(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 [of the resolution], 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 (para. 4)</p>
Resolution 1333 (2000) 19 December 2000	<p>Reminds all States of their obligation to implement strictly the measures imposed by paragraph 4 of resolution 1267 (1999) (para. 4)</p> <p>Decides that all States shall take further measures:</p> <p>...</p> <p>(c) To freeze without delay funds and other financial assets of Osama bin Laden and individuals and entities associated with him as designated by the Committee, including those in Al-Qaida, and including funds derived from or generated by property owned or controlled directly or indirectly by Osama bin Laden and individuals and entities associated with him, and to ensure that neither they nor any other funds or financial resources are made available, by their nationals or by any persons within their territory, directly or indirectly for the benefit of Osama bin Laden, his associates or any entities owned or controlled, directly or indirectly, by Osama bin Laden or individuals and entities associated with him, including Al-Qaida, and requests the Committee to maintain an updated list, based on information provided by States and regional organizations, of the individuals and entities designated as being associated with Osama bin Laden, including those in Al-Qaida (para. 8)</p>
Resolution 1388 (2002) 15 January 2002	<p>Decides that the provisions of paragraphs 4 (a) and (b) of resolution 1267 (1999) do not apply to Ariana Afghan Airlines aircraft or its funds and other financial resources (para. 1)</p>
Resolution 1390 (2002) 16 January 2002	<p>Decides to continue the measures imposed by paragraph 8 (c) of resolution 1333 (2000) and notes the continued application of the measures imposed by paragraph 4 (b) of resolution 1267 (1999), in accordance with paragraph 2 below, and decides to terminate the measures imposed in paragraph 4 (a) of resolution 1267 (1999) (para. 1)</p> <p>Decides also that all States shall take the following measures with respect to Osama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000), to be updated regularly by the Committee established pursuant to resolution 1267 (1999):</p> <p>(a) Freeze without delay the funds and other financial assets or economic resources of those individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for the benefit of such persons by their nationals or by any persons within their territory (para. 2)</p>

<i>Decision</i>	<i>Provision</i>
Resolution 1452 (2002) 20 December 2002	<p>Decides that the provisions of paragraph 4 (b) of resolution 1267 (1999), and paragraphs 1 and 2 (a) of resolution 1390 (2002), do not apply to funds and other financial assets or economic resources that have been determined by the relevant State(s) to be:</p> <p>(a) Necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources, after notification by the relevant State(s) to the Committee established pursuant to resolution 1267 (1999) of the intention to authorize, where appropriate, access to such funds, assets or resources and in the absence of a negative decision by the Committee within 48 hours of such notification;</p> <p>(b) Necessary for extraordinary expenses, provided that such determination has been notified by the relevant State(s) to the Committee and has been approved by the Committee (para. 1)</p> <p>Also decides that all States may allow for the addition to accounts subject to the provisions of paragraph 4 (b) of resolution 1267 (1999) and paragraphs 1 and 2 (a) of resolution 1390 (2002) of:</p> <p>(a) Interest or other earnings due on those accounts; or</p> <p>(b) Payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of resolutions 1267 (1999), 1333 (2000), or 1390 (2002), provided that any such interest, other earnings and payments continue to be subject to those provisions (para. 2)</p> <p>Decides that the exception provided for in paragraph 4 (b) of resolution 1267 (1999) will cease to have effect from the date of adoption of the present resolution (para. 4)</p>
Resolution 1526 (2004) 30 January 2004	<p>Decides to improve, as set out below, the implementation of the measures imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002) with respect to Osama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000), namely:</p> <p>(a) To freeze without delay the funds and other financial assets or economic resources of those individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for the benefit of such persons by their nationals or by any persons within their territory (para. 1)</p>

Calls upon States to move vigorously and decisively to cut the flows of funds and other financial assets and economic resources to individuals and entities associated with Al-Qaida, Osama bin Laden and/or the Taliban, taking into account, as appropriate, international codes and standards for combating the financing of terrorism, including those designed to prevent the abuse of non-profit organizations and informal/alternative remittance systems (para. 4)

Resolution [1735 \(2006\)](#)
22 December 2006

Decides that all States shall take the following measures as previously imposed by paragraph 4 (b) of resolution [1267 \(1999\)](#), paragraph 8 (c) of resolution [1333 \(2000\)](#) and paragraphs 1 and 2 of resolution [1390 \(2002\)](#) with respect to Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions [1267 \(1999\)](#) and [1333 \(2000\)](#):

(a) Freeze without delay the funds and other financial assets or economic resources of those individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for the benefit of such persons by their nationals or by persons within their territory (para. 1)

Reminds States of their obligation to freeze without delay the funds and other financial assets or economic resources pursuant to paragraph 1 (a) above (para. 2)

Confirms that the requirements in paragraph 1 (a) apply to economic resources of every kind (para. 3)

Stresses that the measures imposed by paragraph 1(a) apply to all forms of financial resources, including but not limited to those used for the provision of Internet hosting or related services, used for the support of Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them (para. 20)

Asset freeze: modifications in 2008-2009

Resolution [1822 \(2008\)](#)
30 June 2008

Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution [1267 \(1999\)](#), paragraph 8 (c) of resolution [1333 \(2000\)](#), and paragraphs 1 and 2 of resolution [1390 \(2002\)](#), with respect to Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions [1267 \(1999\)](#) and [1333 \(2000\)](#):

(a) Freeze without delay the funds and other financial assets or economic resources of those individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for the benefit of such persons by their nationals or by persons within their territory (para. 1)

Decision

Provision

Confirms that the requirements in paragraph 1 (a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related services, used for the support of Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings or entities associated with them (para. 4)

Decides that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen (para. 6)

Reaffirms the provisions regarding available exemptions to the measures in paragraph 1 (a) above, set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006), and reminds Member States to use the procedures for exemptions as set out in the Committee guidelines (para. 7)

Resolution 1904 (2009)
17 December 2009

Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002), with respect to Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000):

(a) Freeze without delay the funds and other financial assets or economic resources of those individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for the benefit of such persons by their nationals or by persons within their territory (para. 1)

Confirms that the requirements in paragraph 1 (a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related services, used for the support of Al-Qaida, Osama bin Laden or the Taliban, and other individuals, groups, undertakings or entities associated with them (para. 4)

Confirms also that the requirements in paragraph 1 (a) above shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the Consolidated List (para. 5)

Decides that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen (para. 6)

Encourages Member States, when unfreezing the assets of a deceased individual or defunct entity as a result of a delisting, to recall the obligations set forth in resolution 1373 (2001) and, in particular, to prevent unfrozen assets from being used for terrorist purposes (para. 24)

Travel ban or restrictions: measures prior to 2008-2009

Resolution 1390 (2002)
16 January 2002

Decides that all States shall take the following measures with respect to Osama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000), to be updated regularly by the Committee established pursuant to resolution 1267 (1999):

...

(b) Prevent the entry into or the transit through their territories of those individuals, provided that nothing in this paragraph shall oblige any State to deny entry into or require the departure from its territories of its own nationals and that this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process, or the Committee determines on a case-by-case basis only that entry or transit is justified (para. 2)

Resolution 1526 (2004)
30 January 2004

Decides to improve, as set out below, the implementation of the measures imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002) with respect to Osama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000), namely:

...

(b) To prevent the entry into or the transit through their territories of those individuals, provided that nothing in the present paragraph shall oblige any State to deny entry into or require the departure from its territories of its own nationals and that the present paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process, or the Committee determines on a case-by-case basis only that entry or transit is justified (para. 1)

Resolution 1617 (2005)
29 July 2005

Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002) with respect to Al-Qaida, Osama bin Laden and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000):

...

(b) Prevent the entry into or the transit through their territories of those individuals, provided that nothing in the present paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and that the present paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee established pursuant to resolution 1267 (1999) determines on a case-by-case basis only that entry or transit is justified (para. 1)

Decision

Provision

Travel ban or restrictions: modifications in 2008-2009

Resolution [1822 \(2008\)](#)
30 June 2008

Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution [1267 \(1999\)](#), paragraph 8 (c) of resolution [1333 \(2000\)](#), and paragraphs 1 and 2 of resolution [1390 \(2002\)](#), with respect to Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions [1267 \(1999\)](#) and [1333 \(2000\)](#):

...

(b) Prevent the entry into or transit through their territories of those individuals, provided that nothing in the present paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and that the present paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process, or the Committee determines on a case-by-case basis only that entry or transit is justified (para. 1)

Resolution [1904 \(2009\)](#)
17 December 2009

Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution [1267 \(1999\)](#), paragraph 8 (c) of resolution [1333 \(2000\)](#) and paragraphs 1 and 2 of resolution [1390 \(2002\)](#), with respect to Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions [1267 \(1999\)](#) and [1333 \(2000\)](#):

...

(b) Prevent the entry into or transit through their territories of those individuals, provided that nothing in the present paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and that the present paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process, or the Committee determines on a case-by-case basis only that entry or transit is justified (para. 1)

Table 14
Other measures under Article 41

<i>Decision</i>	<i>Provision</i>
Criteria for listing	
Resolution 1822 (2008) 30 June 2008	<p>Reaffirms that acts or activities indicating that an individual, group, undertaking or entity is “associated with” Al-Qaida, Osama bin Laden or the Taliban include:</p> <ul style="list-style-type: none"> (a) Participating in the financing, planning, facilitating, preparing or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of; (b) Supplying, selling or transferring arms and related materiel to; (c) Recruiting for; or (d) Otherwise supporting acts or activities of: Al-Qaida, Osama bin Laden or the Taliban, or any cell, affiliate, splinter group or derivative thereof (para. 2) <p>Further reaffirms that any undertaking or entity owned or controlled, directly or indirectly, by, or otherwise supporting, such an individual, group, undertaking or entity associated with Al-Qaida, Osama bin Laden or the Taliban shall be eligible for designation (para. 3)</p>
Resolution 1904 (2009) 17 December 2009	<p>Reaffirms that acts or activities indicating that an individual, group, undertaking or entity is associated with Al-Qaida, Osama bin Laden or the Taliban include:</p> <ul style="list-style-type: none"> (a) Participating in the financing, planning, facilitating, preparing or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of; (b) Supplying, selling or transferring arms and related materiel to; (c) Recruiting for; or (d) Otherwise supporting acts or activities of Al-Qaida, Osama bin Laden or the Taliban, or any cell, affiliate, splinter group or derivative thereof (para. 2) <p>Further reaffirms that any undertaking or entity owned or controlled, directly or indirectly, by, or otherwise supporting, such an individual, group, undertaking or entity associated with Al-Qaida, Osama bin Laden or the Taliban shall be eligible for designation (para. 3)</p>
Intention to review sanctions	
Resolution 1822 (2008) 30 June 2008	Decides to review the measures described in paragraph 1 [of the resolution] with a view to their possible further strengthening in 18 months, or sooner if necessary (para. 40)
Resolution 1904 (2009) 17 December 2009	Decides to review the measures described in paragraph 1 [of the resolution] with a view to their possible further strengthening in 18 months, or sooner if necessary (para. 48)

Measures imposed against the Democratic Republic of the Congo

Background

The Security Council imposed an arms embargo by resolution [1493 \(2003\)](#) on all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and on groups not parties to the Global and All-Inclusive Agreement, in the Democratic Republic of the Congo. Subsequently, by resolutions [1596 \(2005\)](#), [1649 \(2005\)](#) and [1698 \(2006\)](#), it extended the arms embargo to any recipient in the country, excluding most units of the national army and police, and imposed an asset freeze and travel ban on anyone violating the arms embargo and political and military leaders impeding the disarmament and the voluntary repatriation or resettlement of combatants, recruiting or using children in armed conflict and individuals committing serious violations of international law involving the targeting of children in situations of armed conflict. The Council also required the Democratic Republic of the Congo and States bordering Ituri and the Kivus to ensure that all civilian and military airports or airfields in their respective territories would not be used for a purpose inconsistent with the arms embargo.

During the period, a committee established pursuant to resolution [1533 \(2004\)](#) and a group of experts oversaw the sanctions.⁵⁴

Developments during 2008 and 2009

The arms embargo, asset freeze, travel ban and aviation measures were extended four times during the period, the last extension for a period of one year until 30 November 2010. The Council also made some adjustments to the measures. By resolution [1807 \(2008\)](#) of 31 March 2008, the Council decided that the arms

embargo would apply to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo and would no longer apply to the military activities of the Government of the Democratic Republic of the Congo. The Council also adjusted the asset freeze and travel ban to apply to: (a) persons or entities violating the arms embargo; (b) political and military leaders of foreign armed groups who impeded the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups; (c) political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo, who impeded the participation of their combatants in disarmament, demobilization and reintegration processes; (d) political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflicts in violation of applicable international law; and (e) individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement.

The Council also re-established the transportation and aviation measures that required, inter alia, that Governments in the region ensure that aircraft operate in accordance with the Convention on International Civil Aviation, in particular by verifying the validity of documents, maintaining a registry of all information concerning flights to and from the Democratic Republic of the Congo, and generally ensuring that all means of transport on their respective territories would not be used in violation of the arms embargo.

Provisions of all decisions containing sanctions measures, enforcement measures and other measures under Article 41 are set out in tables 15, 16 and 17.

⁵⁴ For information on these bodies, see part IX.

Table 15
Sanctions measures

<i>Decision</i>	<i>Provision</i>
Arms embargo: measures prior to 2008-2009	
<p>Resolution 1493 (2003) 28 July 2003</p>	<p>Decides that all States, including the Democratic Republic of the Congo, shall, for an initial period of 12 months from the adoption of the present resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-Inclusive Agreement, in the Democratic Republic of the Congo (para. 20)</p> <p>Decides also that the measures imposed by paragraph 20 above shall not apply to:</p> <p style="padding-left: 40px;">(a) Supplies to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), the Interim Emergency Multinational Force deployed in Bunia and the integrated Congolese national army and police forces;</p> <p style="padding-left: 40px;">(b) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training as notified in advance to the Secretary-General through his Special Representative (para. 21)</p>
<p>Resolution 1533 (2004) 12 March 2004</p>	<p>Reaffirms the demand, laid down in paragraph 20 of resolution 1493 (2003), that all States take the necessary measures to prevent the supply of arms and any related materiel or assistance to armed groups operating in North and South Kivu and in Ituri, and to groups not party to the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed at Pretoria on 17 December 2002 (para. 1)</p>
<p>Resolution 1596 (2005) 18 April 2005</p>	<p>Reaffirms the measures established by paragraph 20 of resolution 1493 (2003) extended until 31 July 2005 by resolution 1552 (2004), decides that these measures shall from now on apply to any recipient in the territory of the Democratic Republic of the Congo, and reiterates that assistance includes financing and financial assistance related to military activities (para. 1)</p> <p>Decides that the measures above shall not apply to:</p> <p style="padding-left: 40px;">(a) Supplies of arms and related materiel or technical training and assistance intended solely for support of or use by units of the army and police of the Democratic Republic of the Congo, provided that the said units:</p> <ul style="list-style-type: none"> – Have completed the process of their integration; or – Operate under the command, respectively, of the état-major intégré of the armed forces or of the national police of the Democratic Republic of the Congo; or – Are in the process of their integration, in the territory of the Democratic Republic of the Congo outside the provinces of North and South Kivu and the Ituri district;

Decision

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(b) Supplies of arms and related materiel as well as technical training and assistance intended solely for support of or use by MONUC;

(c) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as notified in advance to the Committee in accordance with paragraph 8 (e) of resolution [1533 \(2004\)](#) (para. 2)

Decides that all future authorized shipments of arms and related materiel consistent with such exemptions noted in paragraph 2 (a) above shall only be made to receiving sites as designated by the Government of National Unity and Transition, in coordination with MONUC, and notified in advance to the Committee (para. 4)

Resolution [1649 \(2005\)](#)
21 December 2005

Demands that the Governments of Uganda, Rwanda, the Democratic Republic of the Congo and Burundi take measures to prevent the use of their respective territories in support of violations of the arms embargo imposed by resolutions [1493 \(2003\)](#) and [1596 \(2005\)](#), and renewed by resolution [1616 \(2005\)](#), or in support of activities of armed groups present in the region (para. 15)

Resolution [1771 \(2007\)](#)
10 August 2007

Reaffirms paragraph 21 of resolution [1493 \(2003\)](#) and paragraph 2 of resolution [1596 \(2005\)](#), and recalls in particular that the measures referred to in paragraph 1 [of the resolution] shall not apply to supplies of arms and related materiel or technical training and assistance intended solely for support of or use by units of the army and police of the Democratic Republic of the Congo, provided that the said units:

(a) Have completed the process of their integration; or

(b) Operate under the command, respectively, of the état-major intégré of the armed forces or of the national police of the Democratic Republic of the Congo; or

(c) Are in the process of their integration, in the territory of the Democratic Republic of the Congo outside the provinces of North and South Kivu and the Ituri district (para. 2)

Decides that the measures referred to in paragraph 1 shall not apply to technical training and assistance agreed to by the Government and intended solely for support of units of the army and police of the Democratic Republic of the Congo that are in the process of their integration in the provinces of North and South Kivu and the Ituri district (para. 3)

Decides that the conditions specified in paragraph 4 of resolution [1596 \(2005\)](#), as now applied to the Government, shall apply to supplies of arms and related materiel as well as technical training and assistance which are consistent with such exemptions noted in paragraph 2 and 3 above, and notes in this regard that States have an obligation to notify such supplies in advance to the Committee referred to in paragraph 7 (para. 4)

Arms embargo: modifications in 2008-2009

Resolution [1799 \(2008\)](#)
15 February 2008

Decides to extend until 31 March 2008 the measures on arms imposed by paragraph 20 of resolution [1493 \(2003\)](#) as amended and expanded by paragraph 1 of resolution [1596 \(2005\)](#) (para. 1)

<i>Decision</i>	<i>Provision</i>
Resolution 1804 (2008) 13 March 2008	Stresses that the arms embargo imposed by resolution 1493 (2003), as expanded by resolution 1596 (2005), prohibits the provision of arms and any related materiel or technical training and assistance to all foreign armed groups and illegal Congolese militias in the Democratic Republic of the Congo, including the Forces démocratiques de libération du Rwanda (FDLR), the ex-Rwandan Armed Forces/Interahamwe and other Rwandan armed groups (para. 7)
Resolution 1807 (2008) 31 March 2008	<p>Decides, for a further period ending on 31 December 2008, that all States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, including financing and financial assistance, to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo (para. 1)</p> <p>Decides also that the measures on arms previously imposed by paragraph 20 of resolution 1493 (2003) and paragraph 1 of resolution 1596 (2005), as renewed in paragraph 1 above, shall no longer apply to the supply, sale or transfer of arms and related materiel, and the provision of any assistance, advice or training related to military activities to the Government of the Democratic Republic of the Congo (para. 2)</p> <p>Decides further that the measures in paragraph 1 above shall not apply to:</p> <ul style="list-style-type: none">(a) Supplies of arms and related materiel as well as technical training and assistance intended solely for the support of or use by MONUC;(b) Protective clothing, including flak jackets and military helmets, temporarily exported to the Democratic Republic of the Congo by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;(c) Other supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as notified in advance to the Committee in accordance with paragraph 5 (para. 3) <p>Decides to terminate the obligations set out in paragraph 4 of resolution 1596 (2005) and paragraph 4 of resolution 1771 (2007) (para. 4)</p>
Resolution 1856 (2008) 22 December 2008	Urges all Governments in the region, in particular those of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda, to resolve in a constructive manner their shared security and border problems, to prevent the use of their respective territories in support of violations of the arms embargo reaffirmed by resolution 1807 (2008) or in support of activities of armed groups present in the region, and to abide by their commitments to establish bilateral diplomatic relationships made at the meeting of the Tripartite Plus Commission of September 2007 (para. 20)
Resolution 1857 (2008) 22 December 2008	Decides to renew until 30 November 2009 the measures on arms imposed by paragraph 1 of resolution 1807 (2008), and reaffirms the provisions of paragraphs 2, 3 and 5 of that resolution (para. 1)

<i>Decision</i>	<i>Provision</i>
Resolution 1896 (2009) 30 November 2009	Decides to renew until 30 November 2010 the measures on arms imposed by paragraph 1 of resolution 1807 (2008), and reaffirms the provisions of paragraphs 2, 3 and 5 of that resolution (para. 1)

Asset freeze: measures prior to 2008-2009

Resolution 1596 (2005) 18 April 2005	Decides that all States shall, during the period of enforcement of the measures referred to in paragraph 1 [of the resolution], immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of the present resolution, which are owned or controlled, directly or indirectly, by persons designated by the Committee pursuant to paragraph 13, or that are held by entities owned or controlled, directly or indirectly, by any persons acting on their behalf or at their direction, as designated by the Committee, and decides further that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories, to or for the benefit of such persons or entities (para. 15)
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Decides that the provisions of the previous paragraph do not apply to funds, other financial assets and economic resources that:

(a) Have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within four working days of such notification;

(b) Have been determined by relevant States to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) Have been determined by relevant States to be the subject of a judicial, administrative or arbitration lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee pursuant to paragraph 15 above, and has been notified by the relevant States to the Committee (para. 16)

Resolution 1649 (2005) 21 December 2005	Decides that, for a period expiring on 31 July 2006, the provisions of paragraphs 13 to 16 of resolution 1596 (2005) shall extend to the following individuals, as designated by the Committee established pursuant to resolution 1533 (2004):
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(a) Political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;

(b) Political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo, and in particular those operating in Ituri, who impede the participation of their combatants in disarmament, demobilization and reintegration processes (para. 2)

Resolution 1698 (2006)
31 July 2006

Decides that, for a period expiring on 31 July 2007, the provisions of paragraphs 13 to 16 of resolution 1596 (2005) shall extend to the following individuals, operating in the Democratic Republic of the Congo and designated by the Committee:

– Political and military leaders recruiting or using children in armed conflict in violation of applicable international law;

– Individuals committing serious violations of international law involving the targeting of children in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement (para. 13)

Resolution 1771 (2007)
10 August 2007

Decides to renew, for the period specified in paragraph 1 [of the resolution] the financial and travel measures imposed by paragraphs 13 and 15 of resolution 1596 (2005), paragraph 2 of resolution 1649 (2005) and paragraph 13 of resolution 1698 (2006), and reaffirms the provisions of paragraph 14 and 16 of resolution 1596 (2005) and paragraph 3 of resolution 1698 (2006) (para. 6)

Asset freeze: modifications in 2008-2009

Resolution 1799 (2008)
15 February 2008

Decides to extend, for the period specified in paragraph 1 above, the financial and travel measures imposed by paragraphs 13 and 15 of resolution 1596 (2005), paragraph 2 of resolution 1649 (2005) and paragraph 13 of resolution 1698 (2006) (para. 3)

Resolution 1804 (2008)
13 March 2008

Recalls that the targeted measures, including a travel ban and an asset freeze imposed by paragraphs 13 and 15 of resolution 1596 (2005) were extended by resolutions 1649 (2005) and 1698 (2006) to apply, in particular, to political and military leaders of armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups, and stresses that those measures are applicable to leaders of FDLR, the ex-Rwandan Armed Forces/Interahamwe and other Rwandan armed groups designated in accordance with the provisions of those resolutions (para. 5)

Undertakes to consider, in its forthcoming review of the measures described in paragraph 5 above, expanding their applicability, as appropriate and taking into account participation in or contribution to the disarmament, demobilization, repatriation, resettlement and reintegration process, to other members of FDLR, the ex-Rwandan Armed Forces/Interahamwe or other Rwandan armed groups operating in the territory of the Democratic Republic of the Congo or to persons providing other forms of assistance to them (para. 6)

Decision

Provision

Resolution 1807 (2008)
31 March 2008

Decides that all States shall, during the period of enforcement of the measures referred to in paragraph 1 [of the resolution], immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of the present resolution, which are owned or controlled, directly or indirectly, by persons or entities designated by the Committee pursuant to paragraph 13, or that are held by entities owned or controlled, directly or indirectly, by them or by any persons or entities acting on their behalf or at their direction, as designated by the Committee, and decides that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities (para. 11)

Decides that the provisions of paragraph 11 above do not apply to funds, other financial assets and economic resources that:

(a) Have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges, or for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within four working days of such notification;

(b) Have been determined by relevant States to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) Have been determined by relevant States to be the subject of a judicial, administrative or arbitration lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement, provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee pursuant to paragraph 13 below, and has been notified by the relevant States to the Committee (para. 12)

Decides also that the provisions of paragraphs 9 and 11 shall apply to the following individuals and, as appropriate, entities, as designated by the Committee:

(a) Persons or entities acting in violation of the measures taken by Member States in accordance with paragraph 1;

(b) Political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;

(c) Political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo who impede the participation of their combatants in disarmament, demobilization and reintegration processes;

(d) Political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflicts in violation of applicable international law;

(e) Individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement (para. 13)

Decides further that, for a further period ending on the date referred to in paragraph 1, the measures in paragraphs 9 and 11 shall continue to apply to individuals and entities already designated pursuant to paragraphs 13 and 15 of resolution [1596 \(2005\)](#), paragraph 2 of resolution [1649 \(2005\)](#) and paragraph 13 of resolution [1698 \(2006\)](#), unless the Committee decides otherwise (para. 14)

Resolution [1857 \(2008\)](#)
22 December 2008

Decides to renew, for the period specified in paragraph 1 [of the resolution], the financial and travel measures imposed by paragraphs 9 and 11 of resolution [1807 \(2008\)](#), and reaffirms the provisions of paragraphs 10 and 12 of that resolution (para. 3)

Decides that the measures referred to in paragraph 3 above shall apply to the following individuals and, as appropriate, entities, as designated by the Committee:

(a) Persons or entities acting in violation of the measures taken by Member States in accordance with paragraph 1;

(b) Political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;

(c) Political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo who impede the participation of their combatants in disarmament, demobilization and reintegration processes;

(d) Political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflicts in violation of applicable international law;

(e) Individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement;

(f) Individuals obstructing the access to or the distribution of humanitarian assistance in the eastern part of the Democratic Republic of the Congo;

(g) Individuals or entities supporting the illegal armed groups in the eastern part of the Democratic Republic of the Congo through illicit trade of natural resources (para. 4)

Decision

Provision

Decides also that, for a further period ending on the date referred to in paragraph 1, the measures in paragraph 3 above shall continue to apply to individuals and entities already designated pursuant to paragraphs 13 and 15 of resolution 1596 (2005), paragraph 2 of resolution 1649 (2005), paragraph 13 of resolution 1698 (2006) and paragraphs 9 and 11 of resolution 1807 (2008), unless the Committee decides otherwise (para. 5)

Resolution 1896 (2009)
30 November 2009

Decides to renew, for the period specified in paragraph 1 [of the resolution], the financial and travel measures imposed by paragraphs 9 and 11 of resolution 1807 (2008), and reaffirms the provisions of paragraphs 10 and 12 of that resolution regarding the individuals and entities referred to in paragraph 4 of resolution 1857 (2008) (para. 3)

Measures on transport and aviation: measures prior to 2008-2009

Resolution 1596 (2005)
18 April 2005

Decides that, during the period of enforcement of the measures referred to in paragraph 1 [of the resolution], all Governments in the region, and in particular those of the Democratic Republic of the Congo and of States bordering Ituri and the Kivus, shall take the necessary measures:

(a) To ensure that aircraft operate in the region in accordance with the Convention on International Civil Aviation, signed in Chicago on 7 December 1944, in particular by verifying the validity of documents carried in aircraft and the licences of pilots;

(b) To prohibit immediately in their respective territories operation of any aircraft inconsistent with the conditions in that Convention or the standards established by the International Civil Aviation Organization, in particular with respect to the use of falsified or out-of-date documents, and to notify the Committee, and to maintain such prohibition until the Committee is informed by States or by the Group of Experts that these aircraft meet the said conditions and standards set forth in chapter V of the Chicago Convention and determines that they will not be used for a purpose inconsistent with the resolutions of the Security Council;

(c) To ensure that all civilian and military airports or airfields on their respective territories will not be used for a purpose inconsistent with the measures imposed by paragraph 1 (para. 6)

Also decides that each Government in the region, in particular those of States bordering Ituri and the Kivus, as well as that of the Democratic Republic of the Congo, shall maintain a registry for review by the Committee and the Group of Experts of all information concerning flights originating in their respective territories en route to destinations in the Democratic Republic of the Congo, as well as flights originating in the Democratic Republic of the Congo en route to destinations in their respective territories (para. 7)

Decides that, during the period of enforcement of the measures referred to in paragraph 1, the Government of the Democratic Republic of the Congo on the one hand, and those of States bordering Ituri and the Kivus on the other hand, shall take the necessary measures:

(a) To strengthen, as far as each of them is concerned, customs controls on the borders between Ituri or the Kivus and the neighbouring States;

(b) To ensure that all means of transport on their respective territories will not be used in violation of the measures taken by Member States in accordance with paragraph 1, and to notify MONUC of such actions;

and requests MONUC and the United Nations Operation in Burundi, in accordance with their respective mandates, to provide assistance to this end, where they have a permanent presence, to the competent customs authorities of the Democratic Republic of the Congo and of Burundi (para. 10)

Urges all States to conduct inquiries into the activities of their nationals who operate or are associated with the operation of aircraft or other means of transport such as those referred to in paragraphs 6 and 10 used for the transfer of arms or related materiel in violation of the measures imposed by paragraph 1, and if necessary to institute the appropriate legal proceedings against them (para. 12)

Resolution 1771 (2007)
10 August 2007

Decides to renew, for the period specified in paragraph 1 [of the resolution], the measures on transport imposed by paragraphs 6, 7 and 10 of resolution 1596 (2005) (para. 5)

Measures on transport and aviation: modifications in 2008-2009

Resolution 1799 (2008)
15 February 2008

Decides to extend, for the period specified in paragraph 1 above, the measures on transport imposed by paragraphs 6, 7 and 10 of resolution 1596 (2005) (para. 2)

Resolution 1807 (2008)
31 March 2008

Decides that, for a further period ending on the date referred to in paragraph 1 [of the resolution], all Governments in the region, and in particular those of the Democratic Republic of the Congo and of States bordering Ituri and the Kivus, shall take the necessary measures:

(a) To ensure that aircraft operate in the region in accordance with the Convention on International Civil Aviation, signed at Chicago on 7 December 1944, in particular by verifying the validity of documents carried in aircraft and the licenses of pilots;

(b) To prohibit immediately in their respective territories the operation of any aircraft inconsistent with the conditions in that Convention or the standards established by the International Civil Aviation Organization, in particular with respect to the use of falsified or out-of-date documents, and to notify the Committee of the measures they take in this regard;

(c) To ensure that all civilian and military airports or airfields on their respective territories will not be used for a purpose inconsistent with the measures imposed by paragraph 1 (para. 6)

Recalls that, pursuant to paragraph 7 of resolution 1596 (2005), each Government in the region, in particular those of States bordering Ituri and the Kivus, as well as that of the Democratic Republic of the Congo, must maintain a registry for review by the Committee and the Group of Experts of all information concerning flights originating in their respective territories en route to destinations in the Democratic Republic of the Congo, as well as flights originating in the Democratic Republic of the Congo en route to destinations in their respective territories (para. 7)

<i>Decision</i>	<i>Provision</i>
	Decides that, for a further period ending on the date referred to in paragraph 1, the Government of the Democratic Republic of the Congo on the one hand, and those of States bordering Ituri and the Kivus on the other hand, shall take the necessary measures:
	(a) To strengthen, as far as each of them is concerned, customs controls on the borders between Ituri or the Kivus and the neighbouring States;
	(b) To ensure that all means of transport on their respective territories will not be used in violation of the measures taken by Member States in accordance with paragraph 1, and notify the Committee of such actions (para. 8)
Resolution 1857 (2008) 22 December 2008	Decides to renew, for the period specified in paragraph 1 [of the resolution], the measures on transport imposed by paragraphs 6 and 8 of resolution 1807 (2008), and reaffirms the provisions of paragraph 7 of that resolution (para. 2)
Resolution 1896 (2009) 30 November 2009	Decides to renew, for the period specified in paragraph 1 [of the resolution], the measures on transport imposed by paragraphs 6 and 8 of resolution 1807 (2008), and reaffirms the provisions of paragraph 7 of that resolution (para. 2)
Travel ban or restrictions: measures prior to 2008-2009	
Resolution 1596 (2005) 18 April 2005	Decides that, during the period of enforcement of the measures referred to in paragraph 1 [of the resolution], all States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee as acting in violation of the measures taken by Member States in accordance with paragraph 1, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals (para. 13) Decides also that the measures imposed by the previous paragraph shall not apply where the Committee determines in advance and on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would further the objectives of the Council's resolutions, that is peace and national reconciliation in the Democratic Republic of the Congo and stability in the region (para. 14)
Resolution 1649 (2005) 21 December 2005	See paragraph 2 of the resolution, under "Asset freeze" above Decides that the measures imposed under paragraph 2 as well as those under paragraph 13 of resolution 1596 (2005) shall not apply where the Committee authorizes in advance, and on a case-by-case basis, the transit of individuals returning to the territory of the State of their nationality, or participating in efforts to bring to justice perpetrators of grave violations of human rights or international humanitarian law (para. 3)
Resolution 1698 (2006) 31 July 2006	See paragraph 13 of the resolution, under "Asset freeze" above
Resolution 1771 (2007) 10 August 2007	See paragraph 6 of the resolution, under "Asset freeze" above

Travel ban or restrictions: modifications in 2008-2009

Resolution [1799 \(2008\)](#) See paragraph 3 of the resolution, under “Asset freeze” above
15 February 2008

Resolution [1804 \(2008\)](#) See paragraphs 5 and 6 of the resolution, under “Asset freeze” above
13 March 2008

Resolution [1807 \(2008\)](#) Decides that, during the period of enforcement of the measures referred to in
31 March 2008 paragraph 1 [of the resolution], all States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee pursuant to paragraph 13, provided that nothing in the present paragraph shall obligate a State to refuse entry into its territory to its own nationals (para. 9)

Decides also that the measures imposed by paragraph 9 above shall not apply:

(a) Where the Committee determines in advance and on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;

(b) Where the Committee concludes that an exemption would further the objectives of the resolutions of the Security Council, that is, peace and national reconciliation in the Democratic Republic of the Congo and stability in the region;

(c) Where the Committee authorizes in advance, and on a case-by-case basis, the transit of individuals returning to the territory of the State of their nationality, or participating in efforts to bring to justice perpetrators of grave violations of human rights or international humanitarian law (para. 10)

See also paragraphs 13 and 14 of the resolution, under “Asset freeze” above

Resolution [1857 \(2008\)](#) See paragraphs 3, 4 and 5 of the resolution, under “Asset freeze” above
22 December 2008

Resolution [1896 \(2009\)](#) See paragraph 3 of the resolution, under “Asset freeze” above
7 December 2009

Table 16
Enforcement measures

<i>Decision</i>	<i>Provision</i>
Border/customs controls: measures prior to 2008-2009	
Resolution 1596 (2005) 18 April 2005	Decides that, during the period of enforcement of the measures referred to in paragraph 1 [of the resolution], the Government of the Democratic Republic of the Congo on the one hand, and those of States bordering Ituri and the Kivus on the other hand, shall take the necessary measures: (a) To strengthen, as far as each of them is concerned, customs controls on the borders between Ituri or the Kivus and the neighbouring States; (b) To ensure that all means of transport on their respective territories will not be used in violation of the measures taken by Member States in accordance with paragraph 1, and to notify the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) of such actions; and requests MONUC and the United Nations Operation in Burundi, in accordance with their respective mandates, to provide assistance to this end, where they have a permanent presence, to the competent customs authorities of the Democratic Republic of the Congo and of Burundi (para. 10)
Resolution 1771 (2007) 10 August 2007	See paragraph 5 of the resolution, under “Measures on transport and aviation” in table 15 above
Border/customs controls: modifications in 2008-2009	
Resolution 1807 (2008) 31 March 2008	See paragraph 8 of the resolution, under “Measures on transport and aviation” in table 15 above
Cargo inspections: measures prior to 2008-2009	
Resolution 1533 (2004) 12 March 2004	Requests MONUC to continue to use all means, within its capabilities, to carry out the tasks outlined in paragraph 19 of resolution 1493 (2003) , and in particular to inspect, without notice as it deems it necessary, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri (para. 3)
Cargo inspections: modifications in 2008-2009	
Resolution 1856 (2008) 22 December 2008	Decides that MONUC shall, from the adoption of the present resolution, have the following mandate, in this order of priority, working in close cooperation with the Government of the Democratic Republic of the Congo: ... (n) To monitor the implementation of the measures imposed by paragraph 1 of resolution 1807 (2008) , in cooperation, as appropriate, with the Governments concerned and with the Group of Experts established by resolution 1533 (2004) , including by inspecting, as it deems necessary and without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri (para. 3)

Decision

Provision

Seizure of arms: measures taken in 2008-2009^a

Resolution 1856 (2008) 22 December 2008 Decides that MONUC shall, from the adoption of the present resolution, have the following mandate, in this order of priority, working in close cooperation with the Government of the Democratic Republic of the Congo:

...

(o) To seize or collect, as appropriate, the arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violates the measures imposed by paragraph 1 of resolution 1807 (2008) and to dispose of such arms and related materiel as appropriate (para. 3)

^a No measures were taken prior to this period.

Table 17

Other measures under Article 41

Decision

Provision

Intention to consider imposing measures

Resolution 1804 (2008) 13 March 2008 See paragraph 6 of the resolution, under “Asset freeze” in table 15 above

Intention to review sanctions

Resolution 1804 (2008) 13 March 2008 See paragraph 6 of the resolution, under “Asset freeze” in table 15 above

Resolution 1807 (2008) 31 March 2008 Decides that, when appropriate and no later than 31 December 2008, it shall review the measures set forth in the present resolution, with a view to adjusting them, as appropriate, in the light of consolidation of the security situation in the Democratic Republic of the Congo, in particular progress in security sector reform, including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups (para. 22)

Resolution 1857 (2008) 22 December 2008 Decides that, when appropriate and no later than 30 November 2009, it shall review the measures set forth in the present resolution, with a view to adjusting them, as appropriate, in the light of the consolidation of the security situation in the Democratic Republic of the Congo, in particular progress in security sector reform, including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups (para. 26)

Resolution 1896 (2009) 30 November 2009 Decides that, when appropriate and no later than 30 November 2010, it shall review the measures set forth in the present resolution, with a view to adjusting them, as appropriate, in the light of the security situation in the Democratic Republic of the Congo, in particular progress in security sector reform, including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups (para. 21)

Measures imposed against the Sudan

Background

In 2004, in the light of developments in the region of Darfur, Sudan, the Council decided to impose, by resolution 1556 (2004), an arms embargo on all non-governmental entities and individuals, including the Janjaweed militias, operating in Darfur. Subsequently, by resolution 1591 (2005), the Council expanded the arms embargo to all the parties to the N'Djamena Ceasefire Agreement and all other belligerents in the region and imposed an asset freeze and a travel ban on individuals who were identified as impeding the peace process, constituting a threat to stability in Darfur and the region, committing violations of international humanitarian or human rights law or

other atrocities, violating the arms embargo, or were responsible for offensive military overflights.

During the period, a sanctions committee established pursuant to resolution 1591 (2005) and a panel of experts oversaw the regime.⁵⁵

Developments during 2008 and 2009

During the period under review the above-mentioned measures remained in force; the Council did not make any modifications to the sanctions regime.

Provisions of all decisions containing sanctions measures under Article 41 are set out in table 18.

⁵⁵ For more information, see part IX.

Table 18
Sanctions measures

Decision	Provision
Arms embargo: measures prior to 2008-2009^a	
Resolution 1556 (2004) 30 July 2004	<p>Decides that all States shall take the necessary measures to prevent the sale or supply to all non-governmental entities and individuals, including the Janjaweed militias, operating in the states of North Darfur, South Darfur and West Darfur, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, whether or not originating in their territories (para. 7)</p> <p>Decides also that all States shall take the necessary measures to prevent any provision to the non-governmental entities and individuals identified in paragraph 7 above operating in the states of North Darfur, South Darfur and West Darfur by their nationals or from their territories, of technical training or assistance related to the provision, manufacture, maintenance or use of the items listed in paragraph 7 (para. 8)</p> <p>Decides further that the measures imposed by paragraphs 7 and 8 above shall not apply to:</p> <ul style="list-style-type: none">(a) Supplies and related technical training and assistance to monitoring, verification or peace support operations, including such operations led by regional organizations, that are authorized by the United Nations or are operating with the consent of the relevant parties;(b) Supplies of non-lethal military equipment intended solely for humanitarian, human rights monitoring or protective use, and related technical training and assistance;(c) Supplies of protective clothing, including flak jackets and military helmets, for the personal use of United Nations personnel, human rights monitors, representatives of the media and humanitarian and development workers and associated personnel (para. 9)

Decision

Provision

Resolution 1591 (2005)
29 March 2005

Reaffirms the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004) and decides that these measures shall, immediately upon adoption of the present resolution, also apply to all the parties to the N'Djamena ceasefire agreement and any other belligerents in the states of Northern Darfur, Southern Darfur and Western Darfur; decides that these measures shall not apply to the supplies and related technical training and assistance listed in paragraph 9 of resolution 1556 (2004); decides also that these measures shall not apply with respect to assistance and supplies provided in support of implementation of the Comprehensive Peace Agreement; decides further that these measures shall not apply to movements of military equipment and supplies into the Darfur region that are approved in advance by the Committee established under paragraph 3 (a) [of the resolution] upon a request by the Government of the Sudan; and invites the African Union Ceasefire Commission to share pertinent information as appropriate in this regard with the Secretary-General, the Committee or the Panel of Experts established under paragraph 3 (b) (para. 7)

Asset freeze: measures prior to 2008-2009^a

Resolution 1591 (2005)
29 March 2005

Decides, in the light of the failure of all parties to the conflict in Darfur to fulfil their commitments:

...

(c) That those individuals, as designated by the Committee, based on the information provided by Member States, the Secretary-General, the United Nations High Commissioner for Human Rights or the Panel of Experts, and other relevant sources, who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the measures implemented by Member States in accordance with paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 [of the present resolution] as implemented by a State, or are responsible for offensive military overflights, shall be subject to the measures identified in subparagraphs (d) and (e) of the present paragraph;

...

(e) That all States shall freeze all funds, financial assets and economic resources that are on their territories on the date of adoption of the present resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons designated by the Committee pursuant to subparagraph (c) above, or that are held by entities owned or controlled, directly or indirectly, by such persons or by persons acting on their behalf or at their direction, and decides also that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities;

...

(g) That the measures imposed by subparagraph (e) of the present paragraph do not apply to funds, other financial assets and economic resources:

Decision

Provision

(i) That have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges or for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within two working days of such notification;

(ii) That have been determined by relevant States to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(iii) That have been determined by relevant States to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, or other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee, and has been notified by the relevant States to the Committee (para. 3)

Resolution [1672 \(2006\)](#)
25 April 2006

Decides that all States shall implement the measures specified in paragraph 3 of resolution [1591 \(2005\)](#) with respect to the following individuals:

- Major General Gaffar Mohamed Elhassan (Commander of the Western Military Region for the Sudanese Armed Forces)
- Sheikh Musa Hilal (Paramount Chief of the Jalul Tribe in North Darfur)
- Adam Yacub Shant (Sudanese Liberation Army Commander)
- Gabril Abdul Kareem Badri (National Movement for Reform and Development Field Commander) (para. 1)

Travel ban or restrictions: measures prior to 2008-2009^a

Resolution [1591 \(2005\)](#)
29 March 2005

Decides, in the light of the failure of all parties to the conflict in Darfur to fulfil their commitments:

...

(c) That those individuals, as designated by the Committee established by subparagraph (a) [of the resolution], based on the information provided by Member States, the Secretary-General, the United Nations High Commissioner for Human Rights or the Panel of Experts established under subparagraph (b), and other relevant sources, who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the measures implemented by Member States in accordance with paragraphs 7 and 8 of resolution [1556 \(2004\)](#) and paragraph 7 [of resolution [1591 \(2005\)](#)] as implemented by a State, or are responsible for offensive military overflights described in paragraph 6., shall be subject to the measures identified in subparagraphs (d) and (e);

(d) That all States shall take the necessary measures to prevent entry into or transit through their territories of all persons as designated by the Committee pursuant to subparagraph (c) above, provided that nothing in the present subparagraph shall obligate a State to refuse entry into its territory to its own nationals;

...

(f) That the measures imposed by subparagraph (d) above shall not apply where the Committee established by subparagraph (a) determines on a case by case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of the Council's resolutions for the creation of peace and stability in the Sudan and the region (para. 3)

^a No modifications were made in 2008-2009.

Measures imposed against Côte d'Ivoire

Background

By resolution [1572 \(2004\)](#) of 15 November 2004, the Security Council adopted a general arms embargo and an asset freeze and travel restrictions on individuals who constituted a threat to the national reconciliation process, in particular those who blocked the implementation of the Linas-Marcoussis and Accra III Agreements, were responsible for serious violations of human rights and international humanitarian law, publicly incited hatred and violence, or violated the arms embargo. By resolution [1643 \(2005\)](#), the Council added an embargo on diamonds to the existing regime. The measures were regularly renewed, the last extension being until 31 October 2008 by resolution [1782 \(2007\)](#).

During the period, a sanctions committee established pursuant to resolution [1572 \(2004\)](#) and a panel of experts oversaw the regime.⁵⁶

Developments during 2008 and 2009

During the period, the Council twice renewed the arms embargo, asset freeze, travel restrictions and diamond embargo for periods of 12 months, the last extension until 31 October 2010. By resolution

[1842 \(2008\)](#) of 29 October 2008, the Council also decided that any threat to the electoral process in Côte d'Ivoire shall constitute a threat to the national reconciliation process for the purposes of the asset freeze and travel ban. For the diamond embargo, the Council, by resolution [1893 \(2008\)](#) of 29 October 2009, clarified and expanded the exemptions, including by allowing imports that would be used solely for the purposes of scientific research and analysis to facilitate the development of specific technical information concerning Ivorian diamond production coordinated by the Kimberley Process. On several occasions the Council also reiterated its intention to impose the targeted measures on persons determined to be threatening the peace process, obstructing the United Nations Operation in Côte d'Ivoire and the French forces that supported it, violating human rights or the arms embargo or inciting hatred. Finally, the Council repeatedly promised to review the measures no later than three months after the holding of open, free, fair and transparent presidential elections in accordance with international standards.

Provisions of all decisions containing sanctions measures, enforcement measures and other measures under Article 41 are set out in tables 19, 20 and 21.

⁵⁶ For more information, see part IX.

Table 19
Sanctions measures

<i>Decision</i>	<i>Provision</i>
Arms embargo: measures prior to 2008-2009	
Resolution 1572 (2004) 15 November 2004	<p>Decides that all States shall, for a period of 13 months from the date of adoption of the present resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire from their territories or by their nationals, or using their flag vessels or aircraft, of arms or any related materiel, in particular military aircraft and equipment, whether or not originating in their territories, as well as the provision of any assistance, advice or training related to military activities (para. 7)</p> <p>Decides that the measures imposed by paragraph 7 above shall not apply to:</p> <p>(a) Supplies and technical assistance intended solely for the support of or use by the United Nations Operation in Côte d'Ivoire and the French forces supporting them;</p> <p>(b) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as approved in advance by the Committee established by paragraph 14 [of the resolution];</p> <p>(c) Supplies of protective clothing, including flak jackets and military helmets, temporarily exported to Côte d'Ivoire by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;</p> <p>(d) Supplies temporarily exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire, as notified in advance to the Committee (para. 8)</p>
Resolution 1584 (2005) 1 February 2005	<p>Reaffirms its decision in paragraph 7 of resolution 1572 (2004) that all States, particularly those bordering Côte d'Ivoire, shall take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire of arms or any related materiel as well as the provision of any assistance, advice or training related to military activities (para. 1)</p>
Arms embargo: modifications in 2008-2009	
Resolution 1842 (2008) 29 October 2008	<p>Decides to renew until 31 October 2009 the measures on arms and the financial and travel measures imposed by paragraphs 7 to 12 of resolution 1572 (2004) and the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005) (para. 1)</p>
Resolution 1893 (2009) 29 October 2009	<p>Decides to renew until 31 October 2010 the measures on arms and the financial and travel measures imposed by paragraphs 7 to 12 of resolution 1572 (2004) and the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005) (para. 1)</p>

Asset freeze: measures prior to 2008-2009

Resolution [1572 \(2004\)](#)
15 November 2004

Decides that all States shall, for the same period of 12 months, freeze immediately the funds, other financial assets and economic resources that are in their territories at the date of adoption of the present resolution or at any time thereafter, that are owned or controlled directly or indirectly by the persons designated pursuant to paragraph 9 [of the resolution] by the Committee, or that are held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction, as designated by the Committee, and decides further that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities (para. 11)

Decides that the provisions of paragraph 11 do not apply to funds, other financial assets and economic resources:

(a) That have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within two working days of such notification;

(b) That have been determined by relevant States to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) That have been determined by relevant States to be subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement, provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 11 above or an individual or entity identified by the Committee, and has been notified by the relevant States to the Committee (para. 12)

Asset freeze: modifications in 2008-2009

Resolution [1842 \(2008\)](#)
29 October 2008

See paragraph 1 of the resolution, under “Arms embargo” above

Decides that any threat to the electoral process in Côte d’Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution [1572 \(2004\)](#) (para. 6)

Decision

Provision

Resolution [1893 \(2009\)](#) See paragraph 1 of the resolution, under “Arms embargo” above
29 October 2009

Travel ban or restrictions: measures prior to 2008-2009

Resolution [1572 \(2004\)](#) Decides that all States shall take the necessary measures, for a period of 12 months, to prevent the entry into or transit through their territories of all persons designated by the Committee who constitute a threat to the peace and national reconciliation process in Côte d’Ivoire, in particular those who block the implementation of the Linas-Marcoussis and Accra III Agreements, any other person determined to be responsible for serious violations of human rights and international humanitarian law in Côte d’Ivoire on the basis of relevant information, any other person who publicly incites hatred and violence, and any other person determined by the Committee to be in violation of the measures imposed by paragraph 7 [of the resolution], provided that nothing in the present paragraph shall oblige a State to refuse entry into its territory to its own nationals (para. 9)

Decides that the measures imposed by paragraph 9 above shall not apply where the Committee determines that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would further the objectives of the resolutions of the Council, for peace and national reconciliation in Côte d’Ivoire and stability in the region (para. 10)

Travel ban or restrictions: modifications in 2008-2009

Resolution [1842 \(2008\)](#) See paragraph 1 of the resolution, under “Arms embargo” above, and paragraph 6, under “Asset freeze” above
29 October 2008

Resolution [1893 \(2009\)](#) See paragraph 1 of the resolution, under “Arms embargo” above
29 October 2009

Diamond embargo: measures prior to 2008-2009

Resolution [1643 \(2005\)](#) Decides that all States shall take the necessary measures to prevent the import of all rough diamonds from Côte d’Ivoire to their territory, welcomes the measures agreed upon by participants in the Kimberley Process Certification Scheme to this effect, and calls upon the States in the region which are not participants in the Kimberley Process to intensify their efforts to join the Kimberley Process in order to increase the effectiveness of monitoring the import of diamonds from Côte d’Ivoire (para. 6)

Diamond embargo: modifications in 2008-2009

Resolution [1842 \(2008\)](#) See paragraph 1 of the resolution, under “Arms embargo” above
29 October 2008

Resolution [1893 \(2009\)](#) Decides that the measures imposed by paragraph 6 of resolution [1643 \(2005\)](#) shall not apply to an import that will be used solely for the purposes of scientific research and analysis to facilitate the development of specific technical information concerning Ivorian diamond production, provided the research is coordinated by the Kimberley Process and approved on a case-by-case basis by the Committee (para. 16)

<i>Decision</i>	<i>Provision</i>
	Decides also that a request made in accordance with paragraph 16 above shall be submitted to the Committee jointly by the Kimberley Process and the importing Member State, and decides further that, where the Committee has approved an exemption pursuant to this paragraph, the importing Member State shall notify the Committee of the results of the study and share the results, without delay, with the Group of Experts [on Côte d'Ivoire] to assist it in its investigations (para. 17)

Table 20

Enforcement measures

<i>Decision</i>	<i>Provision</i>
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Cargo inspections: measures prior to 2008-2009^a

Resolution 1739 (2007) 10 January 2007	Decides that the United Nations Operation in Côte d'Ivoire (UNOCI) ^b shall have the following mandate from the date of adoption of the present resolution:
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...

(g) Monitoring of the arms embargo:

- To monitor the implementation of the measures imposed by paragraph 7 of resolution 1572 (2004), in cooperation with the Group of Experts established pursuant to resolution 1584 (2005) and, as appropriate, with the United Nations Mission in Liberia and Governments concerned, including by inspecting, as they deem it necessary and without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings of Côte d'Ivoire (para. 2)

Seizure of arms: measures prior to 2008-2009^a

Resolution 1739 (2007) 10 January 2007	Decides that UNOCI shall have the following mandate from the date of adoption of the present resolution:
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(g) Monitoring of the arms embargo:

...

- To collect, as appropriate, arms and any related materiel brought into Côte d'Ivoire in violation of the measures imposed by paragraph 7 of resolution 1572 (2004), and to dispose of such arms and related materiel as appropriate (para. 2)

^a No modifications were made in 2008-2009.

^b For more information on the mandate of UNOCI, see part X.

Table 21

Other measures under Article 41

<i>Decision</i>	<i>Provision</i>
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Conditions for termination or review

Resolution 1842 (2008) 29 October 2008	See paragraph 2 (a) of the resolution, under "Intention to review sanctions" below
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Decision

Provision

Resolution [1893 \(2009\)](#) 29 October 2009 See paragraph 2 (a) of the resolution, under “Intention to review sanctions” below

Intention to consider imposing measures

Resolution [1842 \(2008\)](#) 29 October 2008 Underlines that it is fully prepared to impose targeted measures against persons to be designated by the Committee who are determined to be, among other things:

(a) A threat to the peace and national reconciliation process in Côte d’Ivoire, in particular by blocking the implementation of the peace process as referred to in the Ouagadougou Political Agreement;

(b) Attacking or obstructing the action of the United Nations Operation in Côte d’Ivoire (UNOCI), of the French forces supporting it, of the Special Representative of the Secretary-General, of the Facilitator or his Special Representative in Côte d’Ivoire;

(c) Responsible for obstacles to the freedom of movement of UNOCI and of the French forces supporting it;

(d) Responsible for serious violations of human rights and international humanitarian law committed in Côte d’Ivoire;

(e) Publicly inciting hatred and violence;

(f) Acting in violation of the measures imposed by paragraph 7 of resolution [1572 \(2004\)](#) (para. 16)

Resolution [1865 \(2009\)](#) 27 January 2009 Recalls that it is fully prepared to impose targeted measures pursuant to paragraph 16 of resolution [1842 \(2008\)](#), including against persons who are determined to be a threat to the peace and national reconciliation process in Côte d’Ivoire, and recalls further that, pursuant to paragraph 6 of the above-mentioned resolution, any threat to the electoral process in Côte d’Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement, shall constitute a threat to the peace and national reconciliation process for the purposes of paragraph 9 and 11 of resolution [1572 \(2004\)](#) (para. 9)

Resolution [1880 \(2009\)](#) 30 July 2009 Recalls that it is fully prepared to impose targeted measures pursuant to paragraph 16 of resolution [1842 \(2008\)](#), including against persons who are determined to be a threat to the peace and national reconciliation process in Côte d’Ivoire, and recalls further that, pursuant to paragraph 6 of the above-mentioned resolution, any threat to the electoral process in Côte d’Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the actions of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement, shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution [1572 \(2004\)](#) (para. 11)

Resolution [1893 \(2009\)](#) 29 October 2009 Underlines that it is fully prepared to impose targeted measures against persons to be designated by the Committee who are determined to be, among other things:

- (a) A threat to the peace and national reconciliation process in Côte d'Ivoire, in particular by blocking the implementation of the peace process as referred to in the Ouagadougou Political Agreement;
- (b) Attacking or obstructing the action of UNOCI, of the French forces supporting it, the Special Representative of the Secretary-General, the Facilitator, or his Special Representative in Côte d'Ivoire;
- (c) Responsible for obstacles to the freedom of movement of UNOCI and of the French forces supporting it;
- (d) Responsible for serious violations of human rights and international humanitarian law committed in Côte d'Ivoire;
- (e) Publicly inciting hatred and violence;
- (f) Acting in violation of the measures imposed by paragraph 7 of resolution [1572 \(2004\)](#) (para. 20)

Intention to review sanctions

Resolution [1842 \(2008\)](#)
29 October 2008

Decides to review the measures renewed in paragraph 1 [of the resolution] in the light of the progress achieved in the implementation of the key steps of the peace process and of the progress of the electoral process, as referred to in resolution [1826 \(2008\)](#), by the end of the period mentioned in paragraph 1, and decides further to carry out during the period mentioned in paragraph 1:

- (a) A review of the measures renewed in paragraph 1 no later than three months after the holding of open, free, fair and transparent presidential elections in accordance with international standards; or
- (b) A midterm review no later than 30 April 2009 if no review has been scheduled on the basis of paragraph 2 (a) of the present resolution at that date (para. 2)

Resolution [1893 \(2009\)](#)
29 October 2009

Decides to review the measures renewed in paragraph 1 [of the resolution] in the light of the progress achieved in the electoral process and in the implementation of the key steps of the peace process, as referred to in resolution [1880 \(2009\)](#), by the end of the period mentioned in paragraph 1, and decides further to carry out during the period mentioned in paragraph 1:

- (a) A review of the measures renewed in paragraph 1 no later than three months after the holding of open, free, fair and transparent presidential elections in accordance with international standards, with a view to possibly modifying the sanctions regime; or
 - (b) A midterm review no later than 30 April 2010 if no review has been scheduled on the basis of paragraph 2 (a) of the present resolution at that date (para. 2)
-

Measures imposed against Lebanon

Background

By resolution 1636 (2005) of 31 October 2005, the Council imposed targeted sanctions, comprising an assets freeze as well as travel restrictions against individuals designated by the International Independent Investigation Commission or the Government of Lebanon as suspected of involvement in the terrorist bombing in Beirut on 14 February 2005 that killed the former Prime Minister of Lebanon, Rafiq Hariri, and 22 others. A Committee established pursuant to resolution 1636 (2005) was tasked with registering individuals and supporting the implementation of the sanctions measures.⁵⁷ Subsequently, by resolution 1701 (2006) of 11 August 2006, the Council imposed an arms embargo, including a ban on training, on any

individuals or entities in Lebanon, unless authorized by the Government or the United Nations Interim Force in Lebanon.

The Council also decided that the Committee and any measures still in force would terminate when the Committee reported to the Council that all investigative and judicial proceedings relating to the terrorist attack of 14 February 2005 had been completed, unless otherwise decided by the Council.

Developments during 2008 and 2009

The Council made no modifications to the regime during the period. As at the end of 2009, no individuals had been designated and registered by the Committee.

Provisions of all decisions containing sanctions measures and other measures under Article 41 are set out in tables 22 and 23.

⁵⁷ For more information on the Committee, see part IX.

Table 22

Sanctions measures

Decision

Provision

Arms embargo: measures prior to 2008-2009^a

Resolution 1701 (2006)
11 August 2006

Decides that all States shall take the necessary measures to prevent, by their nationals or from their territories or using their flag vessels or aircraft:

(a) The sale or supply to any entity or individual in Lebanon of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, whether or not originating in their territories; and

(b) The provision to any entity or individual in Lebanon of any technical training or assistance related to the provision, manufacture, maintenance or use of the items listed in subparagraph (a) above;

except that these prohibitions shall not apply to arms, related material, training or assistance authorized by the Government of Lebanon or by the United Nations Interim Force in Lebanon as authorized in paragraph 11 [of the resolution] (para. 15)

Asset freeze: measures prior to 2008-2009^a

Resolution 1636 (2005)
31 October 2005

Decides, as a step to assist in the investigation of this crime and without prejudice to the ultimate judicial determination of the guilt or innocence of any individual:

(a) That all individuals designated by the Commission or the Government of Lebanon as suspected of involvement in the planning, sponsoring, organizing or perpetrating of this terrorist act, upon notification of such designation to and agreement of the Committee established in subparagraph (b), shall be subject to the following measures:

...

- All States shall freeze all funds, financial assets and economic resources that are on their territories that are owned or controlled, directly or indirectly, by such individuals, or that are held by entities owned or controlled, directly or indirectly, by such individuals or by persons acting on their behalf or at their direction; ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such individuals or entities; and cooperate fully in accordance with applicable law with any international investigations related to the assets or financial transactions of such individuals, entities or persons acting on their behalf, including through sharing of financial information (para. 3)

Travel ban or restrictions: measures prior to 2008-2009^a

Resolution 1636 (2005) 31 October 2005 Decides, as a step to assist in the investigation of this crime and without prejudice to the ultimate judicial determination of the guilt or innocence of any individual:

(a) That all individuals designated by the Commission or the Government of Lebanon as suspected of involvement in the planning, sponsoring, organizing or perpetrating of this terrorist act, upon notification of such designation to and agreement of the Committee established in subparagraph (b), shall be subject to the following measures:

- All States shall take the measures necessary to prevent entry into or transit through their territories of such individuals, provided that nothing in the present paragraph shall obligate a State to refuse entry into its territory to its own nationals, or, if such individuals are found within their territory, shall ensure in accordance with applicable law that they are available for interview by the Commission if it so requests (para. 3)

^a No modifications were made in 2008-2009.

Table 23

Other measures under Article 41

<i>Decision</i>	<i>Provision</i>
Conditions for termination or review: measures prior to 2008-2009^a	
Resolution 1636 (2005) 31 October 2005	Decides, as a step to assist in the investigation of this crime and without prejudice to the ultimate judicial determination of the guilt or innocence of any individual: ... (c) That the Committee and any measures still in force under subparagraph (a) will terminate when the Committee reports to the Council that all investigative and judicial proceedings relating to this terrorist attack have been completed, unless otherwise decided by the Council (para. 3)

^a No modifications were made in 2008-2009.

Measures imposed against the Democratic People’s Republic of Korea

Background

In 2006, the Security Council, condemning the nuclear test proclaimed by the Democratic People’s Republic of Korea on 9 October 2006 and deciding that the Democratic People’s Republic of Korea should abandon all nuclear weapons and existing nuclear programmes, imposed targeted sanctions by resolution 1718 (2006). The sanctions included arms embargoes on battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems, as well as on luxury goods and material and equipment related to nuclear programmes. The Council also imposed travel restrictions and an asset freeze on individuals associated with the Democratic People’s Republic of Korea’s nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes.

During the period, a sanctions committee was established pursuant to resolution 1718 (2006) to oversee the implementation and enforcement and to grant exceptions. In addition, the Council, by resolution 1874 (2009) of 12 June 2009, established a panel of experts to assist the committee.⁵⁸

Developments during 2008 and 2009

On 12 June 2009, by resolution 1874 (2009), the Council condemned the nuclear test conducted by the

Democratic People’s Republic of Korea on 25 May 2009 in violation and flagrant disregard of its relevant resolutions, in particular resolutions 1695 (2006) and 1718 (2006). The Council expanded the arms embargo and refined the enforcement mechanisms, including by ordering inspections of cargo to and from the Democratic People’s Republic of Korea. It expanded the sanctions on heavy weaponry and those items specified by the sanctions committee to apply to all “arms and related materiel”. The Council also strengthened the enforcement measures and required members to investigate all cargo to and from the Democratic People’s Republic of Korea and to investigate vessels on the high seas if a Member State believed them to contain banned items. It prohibited provision of bunkering services, such as provision of fuel or supplies, for vessels of the Democratic People’s Republic of Korea. Moreover, the Council called on Member States to stop public financial support for trade and prevent the provision of financial services or resources that could contribute to the nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes. It also called upon Member States and financial institutions not to enter into new financial relationships with or provide public support to the Democratic People’s Republic of Korea except for humanitarian and developmental purposes or the promotion of denuclearization.

Provisions of all decisions containing sanctions measures, enforcement measures and other measures under Article 41 are set out in tables 24 to 26.

⁵⁸ For more information, see part IX.

Table 24
Sanctions measures

<i>Decision</i>	<i>Provision</i>
Arms embargo: measures prior to 2008-2009	
Resolution 1718 (2006) 14 October 2006	Decides that: <ul style="list-style-type: none"> (a) All Member States shall prevent the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of: <ul style="list-style-type: none"> (i) Any battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel, including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 [of the resolution]; ... (ii) The Democratic People's Republic of Korea shall cease the export of all items covered in subparagraphs (a) (i) and (ii) above and that all Member States shall prohibit the procurement of such items from the Democratic People's Republic of Korea by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the Democratic People's Republic of Korea; (c) All Member States shall prevent any transfers to the Democratic People's Republic of Korea by their nationals or from their territories, or from the Democratic People's Republic of Korea by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (ii) above (para. 8)
Arms embargo: modifications in 2008-2009	
Resolution 1874 (2009) 12 June 2009	Decides that the measures in paragraph 8 (b) of resolution 1718 (2006) shall also apply to all arms and related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms or materiel (para. 9) <p>Decides that the measures in paragraph 8 (a) of resolution 1718 (2006) shall also apply to all arms and related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms, except for small arms and light weapons and their related materiel, and calls upon States to exercise vigilance over the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea of small arms or light weapons, and further decides that States shall notify the Committee at least five days prior to selling, supplying or transferring small arms or light weapons to the Democratic People's Republic of Korea (para. 10)</p>

Decision

Provision

Asset freeze: measures prior to 2008-2009

Resolution 1718 (2006) Decides that:
14 October 2006

...

(d) All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of the present resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Council as being engaged in or providing support for, including through other illicit means, Democratic People's Republic of Korea's nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities (para. 8)

Decides that the provisions of paragraph 8 (d) above do not apply to financial or other assets or resources that have been determined by relevant States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) To be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement, provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 8 (d) above or an individual or entity identified by the Council or the Committee, and has been notified by the relevant States to the Committee (para. 9)

Asset freeze: modifications in 2008-2009

- Resolution 1874 (2009) 12 June 2009 Calls upon Member States, in addition to implementing their obligations pursuant to paragraphs 8 (d) and (e) of resolution 1718 (2006), to prevent the provision of financial services or the transfer to, through or from their territory, or to or by their nationals or entities organized under their laws (including branches abroad), or persons or financial institutions in their territory, of any financial or other assets or resources that could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes or activities, including by freezing any financial or other assets or resources on their territories or that hereafter come within their territories, or that are subject to their jurisdiction or that hereafter become subject to their jurisdiction, that are associated with such programmes or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation (para. 18)
- Emphasizes that all Member States should comply with the provisions of paragraphs 8 (a) (iii) and 8 (d) of resolution 1718 (2006) without prejudice to the activities of the diplomatic missions in the Democratic People's Republic of Korea pursuant to the Vienna Convention on Diplomatic Relations (para. 21)

Luxury goods embargo: measures prior to 2008-2009

- Resolution 1718 (2006) 14 October 2006 Decides that:
- (a) All Member States shall prevent the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:
 - ...
 - (iii) Luxury goods (para. 8)

Luxury goods embargo: modifications in 2008-2009

- Resolution 1874 (2009) 12 June 2009 See paragraph 21 of the resolution, under "Asset freeze" above

Non-proliferation measures: measures prior to 2008-2009

- Resolution 1718 (2006) 14 October 2006 Decides that:
- (a) All Member States shall prevent the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:

Decision

Provision

...

(ii) All items, materials, equipment, goods and technology as set out in the lists in documents [S/2006/814](#) and [S/2006/815](#), unless within 14 days of adoption of the present resolution the Committee has amended or completed their provisions, also taking into account the list in document [S/2006/816](#), as well as other items, materials, equipment, goods and technology, determined by the Council or the Committee, which could contribute to Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;

(b) The Democratic People's Republic of Korea shall cease the export of all items covered in subparagraphs (a) (i) and (ii) above and that all Member States shall prohibit the procurement of such items from the Democratic People's Republic of Korea by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the Democratic People's Republic of Korea;

(c) All Member States shall prevent any transfers to the Democratic People's Republic of Korea by their nationals or from their territories, or from the Democratic People's Republic of Korea by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (ii) above;

...

(f) In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action, including through inspection of cargo to and from the Democratic People's Republic of Korea, as necessary (para. 8)

Non-proliferation measures: modifications in 2008-2009

Resolution [1874 \(2009\)](#)
12 June 2009

Calls upon all Member States not to provide public financial support for trade with the Democratic People's Republic of Korea (including the granting of export credits, guarantees or insurance to their nationals or entities involved in such trade) where such financial support could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes or activities (para. 20)

Decides that the measures set out at paragraphs 8 (a), 8 (b) and 8 (c) of resolution [1718 \(2006\)](#) shall also apply to the items listed in INFCIRC/254/Rev.9/Part 1 and INFCIRC/254/Rev.7/Part 2 (para. 23)

Travel ban or restrictions: measures prior to 2008-2009^a

Resolution 1718 (2006) Decides that:
14 October 2006

...

(e) All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Council as being responsible for, including by supporting or promoting, policies of the Democratic People's Republic of Korea in relation to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory (para. 8)

Decides that the measures imposed by paragraph 8 (e) above shall not apply where the Committee determines on a case-by-case basis, that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of the present resolution (para. 10)

Financial services restrictions: measures taken in 2008-2009^b

Resolution 1874 (2009) See paragraph 18 of the resolution, under "Asset freeze" above
12 June 2009

Calls upon all Member States and international financial and credit institutions not to enter into new commitments for grants, financial assistance or concessional loans to the Democratic People's Republic of Korea, except for humanitarian and development purposes directly addressing the needs of the civilian population or the promotion of denuclearization, and also calls upon States to exercise enhanced vigilance with a view to reducing current commitments (para. 19)

Prohibition of bunkering services: measures taken in 2008-2009^b

Resolution 1874 (2009) Decides that Member States shall prohibit the provision by their nationals or from their territory of bunkering services, such as provision of fuel or supplies, or other servicing of vessels, to vessels of the Democratic People's Republic of Korea if they have information that provides reasonable grounds to believe they are carrying items, the supply, sale, transfer or export of which is prohibited by paragraph 8 (a), 8 (b) or 8 (c) of resolution 1718 (2006) or by paragraph 9 or 10 of the present resolution, unless the provision of such services is necessary for humanitarian purposes or until such time as the cargo has been inspected, and seized and disposed of if necessary, and underlines that the present paragraph is not intended to affect legal economic activities (para. 17)

Public financial support for trade restrictions: measures taken in 2008-2009^b

Resolution 1874 (2009) See paragraph 20 of the resolution under "Non-proliferation measures" above
12 June 2009

^a No modifications were made in 2008-2009.

^b No measures were taken prior to this period.

Table 25
Enforcement measures

<i>Decision</i>	<i>Provision</i>
Cargo inspections: measures prior to 2008-2009	
Resolution 1718 (2006) 14 October 2006	<p>Decides that:</p> <p>...</p> <p>(f) In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action including through inspection of cargo to and from the Democratic People's Republic of Korea, as necessary (para. 8)</p>
Cargo inspections: modifications in 2008-2009	
Resolution 1874 (2009) 12 June 2009	<p>Calls upon all States to inspect, in accordance with their national authorities and legislation, and consistent with international law, all cargo to and from the Democratic People's Republic of Korea, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items, the supply, sale, transfer or export of which is prohibited by paragraph 8 (a), 8 (b) or 8 (c) of resolution 1718 (2006) or by paragraph 9 or 10 of the present resolution, for the purpose of ensuring strict implementation of those provisions (para. 11)</p> <p>Calls upon all Member States to inspect vessels, with the consent of the flag State, on the high seas, if they have information that provides reasonable grounds to believe that the cargo of such vessels contains items, the supply, sale, transfer or export of which is prohibited by paragraph 8 (a), 8 (b) or 8 (c) of resolution 1718 (2006) or by paragraph 9 or 10 of the present resolution, for the purpose of ensuring strict implementation of those provisions (para. 12)</p> <p>Calls upon all States to cooperate with inspections pursuant to paragraphs 11 and 12 [of the resolution], and, if the flag State does not consent to inspection on the high seas, decides that the flag State shall direct the vessel to proceed to an appropriate and convenient port for the required inspection by the local authorities pursuant to paragraph 11 (para. 13)</p> <p>Decides to authorize all Member States to, and that all Member States shall, seize and dispose of items, the supply, sale, transfer or export of which is prohibited by paragraph 8 (a), 8 (b) or 8 (c) of resolution 1718 (2006) or by paragraph 9 or 10 of the present resolution, that are identified in inspections pursuant to paragraph 11, 12, or 13 above in a manner that is not inconsistent with their obligations under applicable Council resolutions, including resolution 1540 (2004), as well as any obligations of parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 13 January 1993 and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10 April 1972, and decides further that all States shall cooperate in such efforts (para. 14)</p>

<i>Decision</i>	<i>Provision</i>
	Requires any Member State, when it undertakes an inspection pursuant to paragraph 11, 12 or 13 above, or seizes and disposes of cargo pursuant to paragraph 14, to submit promptly reports containing relevant details to the Committee on the inspection, seizure and disposal (para. 15)
	Also requires any Member State, when it does not receive the cooperation of a flag State pursuant to paragraph 12 or 13 above, to submit promptly to the Committee a report containing relevant details (para. 16)
	Decides that Member States shall prohibit the provision by their nationals or from their territory of bunkering services, such as provision of fuel or supplies, or other servicing of vessels, to vessels of the Democratic People's Republic of Korea if they have information that provides reasonable grounds to believe they are carrying items, the supply, sale, transfer or export of which is prohibited by paragraph 8 (a), 8 (b) or 8 (c) of resolution 1718 (2006) or by paragraph 9 or 10 of the present resolution, unless the provision of such services is necessary for humanitarian purposes or until such time as the cargo has been inspected, and seized and disposed of if necessary, and underlines that the present paragraph is not intended to affect legal economic activities (para. 17)

Reporting: measures prior to 2008-2009

Resolution 1718 (2006) 14 October 2006	Calls upon all Member States to report to the Council within 30 days of the adoption of the present resolution on the steps they have taken with a view to implementing effectively the provisions of paragraph 8 [of the resolution] (para. 11)
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Reporting: modifications in 2008-2009

Resolution 1874 (2009) 12 June 2009	Calls upon all Member States to report to the Security Council within 45 days of the adoption of the present resolution and thereafter upon request by the Committee on concrete measures they have taken in order to implement effectively the provisions of paragraph 8 of resolution 1718 (2006) as well as paragraphs 9 and 10 of the present resolution, as well as financial measures set out in paragraphs 18, 19 and 20 of the present resolution (para. 22)
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Table 26

Other measures under Article 41

<i>Decision</i>	<i>Provision</i>
Intention to review sanctions: measures prior to 2008-2009	
Resolution 1718 (2006) 14 October 2006	Affirms that it shall keep the actions of the Democratic People's Republic of Korea under continuous review and that it shall be prepared to review the appropriateness of the measures contained in paragraph 8 [of the resolution] including the strengthening, modification, suspension or lifting of the measures, as may be needed at that time in the light of the Democratic People's Republic of Korea's compliance with the provisions of the resolution (para. 15)

Decision

Provision

Intention to review sanctions: modifications in 2008-2009

<p>Resolution 1874 (2009) 12 June 2009</p>	<p>Affirms that it shall keep the actions of the Democratic People’s Republic of Korea under continuous review and that it shall be prepared to review the appropriateness of the measures contained in paragraph 8 of resolution 1718 (2006) and relevant paragraphs of the present resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed at that time in the light of compliance by the Democratic People’s Republic of Korea with relevant provisions of resolution 1718 (2006) and the present resolution (para. 32)</p>
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Measures imposed against the Islamic Republic of Iran

Background

On 29 March 2006, the Security Council expressed serious concern with the decision by the Islamic Republic of Iran to resume enrichment-related activities and called upon that country to take the steps which were essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions.⁵⁹ After the Islamic Republic of Iran failed to meet the expectations of the Council, the Council, by resolutions [1737 \(2006\)](#) and [1747 \(2007\)](#), imposed a proliferation-sensitive nuclear activities and nuclear weapons delivery systems-related embargo, an export ban on all arms and related materiel from the Islamic Republic of Iran, an asset freeze on designated individuals and entities, and a travel notification requirement on designated individuals. The Council also established a sanctions committee to oversee the implementation and enforcement of the measures.⁶⁰

Developments during 2008 and 2009

During the period, the Council, by resolution [1803 \(2008\)](#), imposed additional measures on the Islamic Republic of Iran because of its non-compliance with resolutions [1737 \(2006\)](#) and [1747 \(2007\)](#). The Council broadened the scope of the proliferation-sensitive nuclear activities and nuclear weapons delivery systems-related embargo, introduced a travel ban on designated individuals, and expanded the lists of persons and entities subject to the asset freeze and of persons subject to the travel notification requirement. In addition, the Council called upon Member States to inspect the cargoes to and from the Islamic Republic of Iran, of aircraft and vessels, at their airports and seaports if there were suspicions that they might be transporting prohibited items.

Provisions of all decisions containing sanctions measures, enforcement measures and other measures under Article 41 are set out in tables 27 to 29.

⁵⁹ S/PRST/2006/15.

⁶⁰ For more information, see part IX.

Table 27

Sanctions measures

Decision

Provision

Arms embargo: measures prior to 2008-2009^a

<p>Resolution 1747 (2007) 24 March 2007</p>	<p>Decides that the Islamic Republic of Iran shall not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all States shall prohibit the procurement of such items from the Islamic Republic of Iran by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of the Islamic Republic of Iran (para. 5)</p>
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Asset freeze: measures prior to 2008-2009

Resolution 1737 (2006)
23 December 2006

Decides that all States shall freeze the funds, other financial assets and economic resources which are on their territories at the date of adoption of the present resolution or at any time thereafter, that are owned or controlled by the persons or entities designated in the annex, as well as those of additional persons or entities designated by the Council or by the Committee as being engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them, including through illicit means, and that the measures in this paragraph shall cease to apply in respect of such persons or entities if, and at such time as, the Council or the Committee removes them from the annex, and decides further that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of these persons and entities (para. 12)

Decides also that the measures imposed by paragraph 12 above do not apply to funds, other financial assets or economic resources that have been determined by relevant States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee;

(c) To be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement, provided that the lien or judgement was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraphs 10 and 12 [of the resolution], and has been notified by the relevant States to the Committee;

(d) To be necessary for activities directly related to the items specified in subparagraphs 3 (b) (i) and (ii) and have been notified by the relevant States to the Committee (para. 13)

Decision

Provision

Decides further that States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 12 above of interest or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of the present resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen (para. 14)

Decides that the measures in paragraph 12 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that:

(a) The contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in paragraphs 3, 4 and 6 [of the resolution];

(b) The payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 12 above;

and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, 10 working days prior to such authorization (para. 15)

See also annex I to the resolution

Resolution [1747 \(2007\)](#)
24 March 2007

Decides that the measures specified in paragraphs 12, 13, 14 and 15 of resolution [1737 \(2006\)](#) shall apply also to the persons and entities listed in annex I to the present resolution (para. 4)

See also annex I to the resolution

Asset freeze: modifications in 2008-2009

Resolution [1803 \(2008\)](#)
3 March 2008

Decides that the measures specified in paragraphs 12 to 15 of resolution [1737 \(2006\)](#) shall apply also to the persons and entities listed in annexes I and III to the present resolution, and any persons or entities acting on their behalf or at their direction, and to entities owned or controlled by them and to persons and entities determined by the Council or the Committee to have assisted designated persons or entities in evading sanctions of, or in violating the provisions of, the present resolution, resolution [1737 \(2006\)](#) or resolution [1747 \(2007\)](#) (para. 7)

See also annexes I and III to the resolution

Financial services restrictions: measures prior to 2008-2009

Resolution [1737 \(2006\)](#)
23 December 2006

Decides that all States shall also take the necessary measures to prevent the provision to the Islamic Republic of Iran of any technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of the prohibited items, materials, equipment, goods and technology specified in paragraphs 3 and 4 [of the resolution] (para. 6)

Decision

Provision

Resolution [1747 \(2007\)](#)
24 March 2007

Calls upon all States and international financial institutions not to enter into new commitments for grants, financial assistance and concessional loans to the Government of the Islamic Republic of Iran, except for humanitarian and development purposes (para. 7)

Financial services restrictions: modifications in 2008-2009

Resolution [1803 \(2008\)](#)
3 March 2008

Calls upon all States to exercise vigilance in entering into new commitments for public-provided financial support for trade with the Islamic Republic of Iran, including the granting of export credits, guarantees or insurance, to their nationals or entities involved in such trade, in order to avoid such financial support contributing to the proliferation-sensitive nuclear activities, or to the development of nuclear weapon delivery systems, as referred to in resolution [1737 \(2006\)](#) (para. 9)

Also calls upon all States to exercise vigilance over the activities of financial institutions in their territories with all banks domiciled in the Islamic Republic of Iran, in particular with Bank Melli and Bank Saderat, and their branches and subsidiaries abroad, in order to avoid such activities contributing to the proliferation-sensitive nuclear activities, or to the development of nuclear weapon delivery systems, as referred to in resolution [1737 \(2006\)](#) (para. 10)

Non-proliferation measures: measures prior to 2008-2009

Resolution [1737 \(2006\)](#)
23 December 2006

Summary. Ban on all items, materials, equipment, goods and technology which could contribute to the Islamic Republic of Iran's enrichment-related, reprocessing or heavy water-related activities, including related services such as technical assistance or training (paras. 3-7, 9, 16 and 17)

Non-proliferation measures: modifications in 2008-2009

Resolution [1803 \(2008\)](#)
3 March 2008

Decides that all States shall take the necessary measures to prevent the supply, sale or transfer directly or indirectly from their territories or by their nationals or using their flag vessels or aircraft to, or for use in or benefit of, the Islamic Republic of Iran, and whether or not originating in their territories, of:

(a) All items, materials, equipment, goods and technology set out in INFCIRC/254/ Rev.7/Part 2^b in document [S/2006/814](#), except the supply, sale or transfer, in accordance with the requirements of paragraph 5 of resolution [1737 \(2006\)](#), of items, materials, equipment, goods and technology set out in sections 1 and 2 of the annex to that document, and sections 3 to 6 as notified in advance to the Committee, only when for exclusive use in light water reactors, and where such supply, sale or transfer is necessary for technical cooperation provided to the Islamic Republic of Iran by the International Atomic Energy Agency (IAEA) or under its auspices as provided for in paragraph 16 of resolution [1737 \(2006\)](#);

(b) All items, materials, equipment, goods and technology set out in 19.A.3^c of Category II in document [S/2006/815](#) (para. 8)

Decision

Provision

Travel ban or restrictions: measures prior to 2008-2009

Resolution [1737 \(2006\)](#)
23 December 2006

Calls upon all States to exercise vigilance regarding the entry into or transit through their territories of individuals who are engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems, and decides in this regard that all States shall notify the Committee of the entry into or transit through their territories of the persons designated in the annex to the present resolution, as well as of additional persons designated by the Council or the Committee as being engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities and for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 [of the resolution], except where such travel is for activities directly related to the items in paragraphs 3 (b) (i) and (ii) (para. 10)

Underlines that nothing in paragraph 10 above requires a State to refuse its own nationals entry into its territory, and that all States shall, in the implementation of paragraph 10 above, take into account humanitarian considerations as well as the necessity to meet the objectives of the present resolution, including where article XV of the statute of IAEA is engaged (para. 11)

Resolution [1747 \(2007\)](#)
24 March 2007

Calls upon all States also to exercise vigilance and restraint regarding the entry into or transit through their territories of individuals who are engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems, and decides in this regard that all States shall notify the Committee established pursuant to paragraph 18 of resolution [1737 \(2006\)](#) of the entry into or transit through their territories of the persons designated in the annex to resolution [1737 \(2006\)](#) or annex I to the present resolution, as well as of additional persons designated by the Council or the Committee as being engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 of resolution [1737 \(2006\)](#), except where such travel is for activities directly related to the items in subparagraphs 3 (b) (i) and (ii) of that resolution (para. 2)

Underlines that nothing in paragraph 2 above requires a State to refuse its own nationals entry into its territory, and that all States shall, in the implementation of paragraph 2 above, take into account humanitarian considerations, including religious obligations, as well as the necessity to meet the objectives of the present resolution and resolution [1737 \(2006\)](#), including where article XV of the statute of IAEA is engaged (para. 3)

Travel ban or restrictions: modifications in 2008-2009

Resolution 1803 (2008)
3 March 2008

Calls upon all States to exercise vigilance and restraint regarding the entry into or transit through their territories of individuals who are engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems, and decides in this regard that all States shall notify the Committee established pursuant to paragraph 18 of resolution 1737 (2006) of the entry into or transit through their territories of the persons designated in the annex to resolution 1737 (2006), annex I to resolution 1747 (2007) or annex I to the present resolution, as well as of additional persons designated by the Council or the Committee as being engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 of resolution 1737 (2006), except where such entry or transit is for activities directly related to the items in paragraphs 3 (b) (i) and (ii) of resolution 1737 (2006) (para. 3)

Underlines that nothing in paragraph 3 above requires a State to refuse its own nationals entry into its territory, and that all States shall, in the implementation of paragraph 3 above, take into account humanitarian considerations, including religious obligations, as well as the necessity to meet the objectives of the present resolution and resolutions 1737 (2006) and 1747 (2007), including where article XV of the statute of IAEA is engaged (para. 4)

Decides that all States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated in annex II to the present resolution as well as of additional persons designated by the Council or the Committee as being engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 of resolution 1737 (2006), except where such entry or transit is for activities directly related to the items in paragraphs 3 (b) (i) and (ii) of resolution 1737 (2006) and provided that nothing in the present paragraph shall oblige a State to refuse its own nationals entry into its territory (para. 5)

Decides also that the measures imposed by paragraph 5 above shall not apply where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of the present resolution (para. 6)

See also annexes I, II and III to the resolution

^a No modifications were made in 2008-2009.

^b Communications received from certain Member States regarding guidelines for transfers of nuclear-related dual-use equipment, materials, software and related technology.

^c Complete unmanned aerial vehicle systems.

Table 28

Enforcement measures

<i>Decision</i>	<i>Provision</i>
Cargo inspections: measures taken in 2008-2009^a	
Resolution 1803 (2008) 3 March 2008	<p>Calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, to inspect the cargoes to and from the Islamic Republic of Iran of aircraft and vessels, at their airports and seaports, owned or operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line, provided that there are reasonable grounds to believe that the aircraft or vessel is transporting goods prohibited under the present resolution or resolution 1737 (2006) or resolution 1747 (2007) (para. 11)</p> <p>Requires all States, in cases when inspection mentioned in paragraph 11 above is undertaken, to submit to the Council within five working days a written report on the inspection containing, in particular, an explanation of the grounds for the inspection, as well as information on its time, place, circumstances, results and other relevant details (para. 12)</p>
Reporting: measures prior to 2008-2009	
Resolution 1737 (2006) 23 December 2006	Decides that all States shall report to the Committee within 60 days of the adoption of the present resolution on the steps they have taken with a view to implementing effectively paragraphs 3, 4, 5, 6, 7, 8, 10, 12 and 17 [of the resolution] (para. 19)
Resolution 1747 (2007) 24 March 2007	Calls upon all States to report to the Committee within 60 days of the adoption of the present resolution on the steps they have taken with a view to implementing effectively paragraphs 2, 4, 5, 6 and 7 [of the resolution] (para. 8)
Reporting: modifications in 2008-2009	
Resolution 1803 (2008) 3 March 2008	Calls upon all States to report to the Committee within 60 days of the adoption of the present resolution on the steps they have taken with a view to implementing effectively paragraphs 3, 5 and 7 to 11 [of the resolution] (para. 13)

^a No measures were taken prior to this period.

Table 29

Other measures under Article 41

<i>Decision</i>	<i>Provision</i>
Conditions for termination or review: measures prior to 2008-2009	
Resolution 1737 (2006) 23 December 2006	<p>Affirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 23 [of the resolution], to be submitted within 60 days, and:</p> <p>(a) That it shall suspend the implementation of measures if and for so long as the Islamic Republic of Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by the International Atomic Energy Agency (IAEA), to allow for negotiations;</p>

(b) That it shall terminate the measures specified in paragraphs 3, 4, 5, 6, 7, 10 and 12 [of the resolution] as soon as it determines that the Islamic Republic of Iran has fully complied with its obligations under the relevant resolutions of the Council and met the requirements of the IAEA Board of Governors, as confirmed by the Board (para. 24)

Resolution [1747 \(2007\)](#)
24 March 2007

Affirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 12 [of the resolution], to be submitted within 60 days, and:

(a) That it shall suspend the implementation of measures if and for so long as the Islamic Republic of Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by IAEA, to allow for negotiations in good faith in order to reach an early and mutually acceptable outcome;

(b) That it shall terminate the measures specified in paragraphs 3, 4, 5, 6, 7 and 12 of resolution [1737 \(2006\)](#) as well as in paragraphs 2, 4, 5, 6 and 7 [of resolution [1747 \(2007\)](#)] as soon as it determines, following receipt of the report referred to in paragraph 12 [of resolution [1747 \(2007\)](#)], that the Islamic Republic of Iran has fully complied with its obligations under the relevant resolutions of the Council and met the requirements of the IAEA Board of Governors, as confirmed by the Board (para. 13)

Conditions for termination or review: modifications in 2008-2009

Resolution [1803 \(2008\)](#)
3 March 2008

Reaffirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 18 [of the resolution], and:

(a) That it shall suspend the implementation of measures if and for so long as the Islamic Republic of Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by IAEA, to allow for negotiations in good faith in order to reach an early and mutually acceptable outcome;

(b) That it shall terminate the measures specified in paragraphs 3 to 7 and 12 of resolution [1737 \(2006\)](#), as well as in paragraphs 2 and 4 to 7 of resolution [1747 \(2007\)](#) and in paragraphs 3, 5 and 7 to 11 [of resolution [1803 \(2008\)](#)], as soon as it determines, following receipt of the report referred to in paragraph 18 [of resolution [1803 \(2008\)](#)], that the Islamic Republic of Iran has fully complied with its obligations under the relevant resolutions of the Council and met the requirements of the IAEA Board of Governors, as confirmed by the Board;

(c) That it shall, in the event that the report shows that the Islamic Republic of Iran has not complied with resolutions [1696 \(2006\)](#), [1737 \(2006\)](#), [1747 \(2007\)](#) and the present resolution, adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade the Islamic Republic of Iran to comply with these resolutions and the requirements of IAEA, and underlines that further decisions will be required should such additional measures be necessary (para. 19)

Decision

Provision

Intention to consider imposing measures: measures prior to 2008-2009

Resolution [1696 \(2006\)](#)
31 July 2006

Expresses its intention, in the event that the Islamic Republic of Iran has not by that date complied with the present resolution, then to adopt appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade the Islamic Republic of Iran to comply with the present resolution and the requirements of IAEA, and underlines that further decisions will be required should such additional measures be necessary (para. 8)

Resolution [1737 \(2006\)](#)
23 December 2006

Affirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 23 [of the resolution], to be submitted within 60 days, and:

...

(c) That it shall, in the event that the report referred to in paragraph 23 shows that the Islamic Republic of Iran has not complied with the present resolution, adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade the Islamic Republic of Iran to comply with the present resolution and the requirements of IAEA, and underlines that further decisions will be required should such additional measures be necessary (para. 24)

Resolution [1747 \(2007\)](#)
24 March 2007

Affirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 12 [of the resolution], to be submitted within 60 days, and:

...

(c) That it shall, in the event that the report referred to in paragraph 12 shows that the Islamic Republic of Iran has not complied with resolution [1737 \(2006\)](#) and the present resolution, adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade the Islamic Republic of Iran to comply with these resolutions and the requirements of IAEA, and underlines that further decisions will be required should such additional measures be necessary (para. 13)

Intention to consider imposing measures: modifications in 2008-2009

Resolution [1803 \(2008\)](#)
3 March 2008

Reaffirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 18 [of the resolution], and:

...

(c) That it shall, in the event that the report shows that the Islamic Republic of Iran has not complied with resolutions [1696 \(2006\)](#), [1737 \(2006\)](#), [1747 \(2007\)](#) and the present resolution, adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade the Islamic Republic of Iran to comply with these resolutions and the requirements of IAEA, and underlines that further decisions will be required should such additional measures be necessary (para. 19)

Intention to review sanctions: measures prior to 2008-2009

Resolution 1737 (2006) 23 December 2006 Affirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 23 [of the resolution], to be submitted within 60 days (para. 24)

Intention to review sanctions: modifications in 2008-2009

Resolution 1803 (2008) 3 March 2008 Requests within 90 days a further report from the Director General of IAEA on whether the Islamic Republic of Iran has established full and sustained suspension of all activities mentioned in resolution 1737 (2006), as well as on the process of Iranian compliance with all the steps required by the IAEA Board of Governors and with the other provisions of resolutions 1737 (2006) and 1747 (2007) and the present resolution, to the Board and, in parallel, to the Council for its consideration (para. 18)

Reaffirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 18 above (para. 19)

3. Judicial measures relating to Article 41

Although the Council did not establish any new judicial measures during this period, the measures that the Council had previously authorized, the International Tribunals for the former Yugoslavia and Rwanda, respectively, and the Special Tribunal for Lebanon, continued to function.⁶¹ The Council also reiterated its support for the Special Court for Sierra Leone.⁶² The Council, which had previously referred the situation in Darfur to the Prosecutor of the International Criminal Court, also recalled its decision, under Chapter VII of the Charter of the United Nations, in resolution 1593 (2005) that the Government of the Sudan and all other parties to the conflict in Darfur shall cooperate fully with and provide any necessary assistance to the International Criminal Court and the Prosecutor pursuant to that resolution, while stressing the principle of complementarity of the International Criminal Court.⁶³

B. Discussion relating to Article 41

The following subsection covers discussions in the Council that touched on the appropriate role and use of sanctions and other measures taken under Article 41. Discussions relating to specific countries

are covered first, followed by discussions on thematic issues. For country-specific discussions, the main focus was on non-proliferation concerns and the nuclear programmes in the Islamic Republic of Iran and the Democratic People’s Republic of Korea and the question of “Peace and security in Africa”, where the Council considered the application of measures under Article 41 against Zimbabwe and Eritrea. Overall, the thematic discussions considered the relevance of using targeted measures to help enforce other Council decisions on children and armed conflict, protection of civilians, mediation and women and peace and security, including sexual violence.

The case studies below are ordered chronologically by the date of the Council meeting. For the broader context in which these discussions were held, see the relevant sections of part I.

Country-specific discussion relating to Article 41

**Case 5
Non-proliferation**

At its 5848th meeting, on 3 March 2008, the Security Council, noting with serious concern that, as confirmed by the reports of the Director General of the International Atomic Energy Agency (IAEA),⁶⁴ the

⁶¹ For more information on the Tribunals, see part IX.

⁶² Resolutions 1829 (2008), ninth preambular paragraph, and 1886 (2009), ninth preambular paragraph.

⁶³ S/PRST/2008/21, second paragraph.

⁶⁴ Reports of 23 May 2007 (GOV/2007/22, see S/2007/303, annex), 30 August 2007 (GOV/2007/48), 15 November 2007 (GOV/2007/58) and 22 February 2008 (GOV/2008/4).

Islamic Republic of Iran had not established full and sustained suspension of all enrichment-related and reprocessing activities and heavy water-related projects as set out in resolutions 1696 (2006), 1737 (2006) and 1747 (2007), or resumed its cooperation with IAEA under the Additional Protocol, or taken the other steps required by the Board of Governors, or complied with the provisions of those aforementioned resolutions, which were essential to build confidence, and deploring the refusal by the Islamic Republic of Iran to take those steps had, by 14 votes in favour and one abstention (Indonesia), imposed an expanded sanctions regime as detailed in table 27 above.⁶⁵

At the meeting, the Islamic Republic of Iran rejected the basis for imposing sanctions, arguing that the consideration of its peaceful nuclear programme in no way fell within the purview of the Security Council. In fact, based on the IAEA reports and as a result of the country's cooperation and the closure of the outstanding questions, not only did there remain "no single reason or shred of legality for any new action by the Council, but also the illegality of the previous actions of the Council have become more abundantly clear." On the question of the suspension of enrichment and reprocessing activities, the representative of the Islamic Republic of Iran stated that his country could not accept a requirement which was legally defective and politically coercive. The attempt to make the suspension mandatory through the Security Council had been, from the outset, against the fundamental principles of international law, the Treaty on the Non-Proliferation of Nuclear Weapons and resolutions of the IAEA Board of Governors. The resolutions of the Security Council that made the suspension mandatory also flouted the stated position of the overwhelming majority of the international community.⁶⁶

The representative of the United Kingdom read out a statement which had been agreed by the Foreign Ministers of China, France, Germany, the Russian Federation, the United Kingdom and the United States of America (Group of Six), with the support of the High Representative of the European Union, noting that it was the third time that the Security Council had sent a strong message of international resolve to the Islamic Republic of Iran by adopting a sanctions resolution under Article 41 of Chapter VII of the Charter of the United Nations on

the country's nuclear programme. They noted the progress made in implementing the IAEA-Islamic Republic of Iran workplan and the Agency's serious concerns about the "alleged studies", which were critical to an assessment of a possible military dimension to the Iranian nuclear programme.⁶⁷

The representative of the Russian Federation added that a point of principle with regard to the decision was that, like resolutions 1737 (2006) and 1747 (2007), it was taken under Chapter VII, Article 41, of the Charter of the United Nations. It therefore called for no use of force whatsoever. He added that there was a provision in the resolution to the effect that, if necessary, the Council would adopt further measures on an exclusively peaceful basis. His delegation remained convinced that an effective solution to the Iranian nuclear problem could only be found in the political and diplomatic spheres.⁶⁸

While the majority of Council members echoed the statement of the Group of Six, several speakers expressed concern about the overall impact of sanctions or of the implementation of specific measures.

The representative of South Africa regretted that the Council had kept the same substantive text tabled before the latest report of the Director General of IAEA was even issued, or before the IAEA Board of Governors had a full opportunity to consider the matter and take account of the verbal update of the Director General, which gave the impression that the verification work and important progress made by the Agency was virtually irrelevant to the sponsors of the draft resolution. He underlined that the rationale for bringing the issue of the Islamic Republic of Iran to the Security Council in the first place was to reinforce the decisions of IAEA and to enhance its authority, and yet the current draft resolution did not accurately reflect what was happening at IAEA. He expressed serious concerns about the implications of the situation for the credibility of the Security Council, and the only reason his delegation would vote in favour of the resolution was to preserve the previous decisions of the Council that the Islamic Republic of Iran had not fully implemented. He added that the suspension of enrichment activities could under no circumstances become a goal in itself and it was incumbent on the Council to assure the Islamic Republic of Iran that the call for suspension was not a

⁶⁵ Resolution 1803 (2008).

⁶⁶ S/PV.5848, p. 5.

⁶⁷ *Ibid.*, pp. 12-13.

⁶⁸ *Ibid.*, p. 21.

smokescreen for any indefinite suspension or termination. In that regard, it would also be important to terminate the sanctions once IAEA had addressed the remaining issues. He also would have preferred that the resolution not contain the controversial provision that allows for searches of certain Iranian vessels and aircraft, even subject to very strict limitations, as this could spark confrontation and further threaten international peace and security. Furthermore, the restrictions on dual-use goods and on loans and credits must not be allowed to have a negative impact on the civilian population.⁶⁹

The representative of the Libyan Arab Jamahiriya did not agree with other Council members about the usefulness of a resolution imposing additional sanctions on the Islamic Republic of Iran, instead expressing concern that it might cause the situation to deteriorate. He had also requested that the text of the draft resolution reflect the content of the latest report of the IAEA Director General and address the Iranian nuclear programme in the context of concerns related to the Middle East in general. However, because the draft resolution had taken into consideration some of their concerns, his delegation had decided to join the unanimous opinion in the Council and to vote in favour, so that the Security Council could speak with a single voice.⁷⁰

The representative of Indonesia, who abstained from voting, stated that his delegation remained to be convinced of the efficacy of adopting additional sanctions at this juncture. Essentially, they were not convinced that more sanctions, however incremental, well-targeted and reversible, would move them forward in resolving the question of the Islamic Republic of Iran's nuclear programme instead of having potential negative impact at a time when progress was being made. He questioned whether more sanctions would instil confidence and trust and engender cooperation between all the parties concerned, as lack of confidence and trust was at the heart of the matter. He agreed with South Africa that the suspension of enrichment-related activities was an instrument and not an end in itself isolated from broader cooperation with IAEA. He reiterated that the strategic goals of resolutions 1737

(2006) and 1747 (2007) were being achieved and the Islamic Republic of Iran was cooperating with IAEA.⁷¹

Case 6 Non-proliferation/Democratic People's Republic of Korea

At its 6141st meeting on 12 June 2009, the Security Council unanimously adopted resolution 1874 (2009) by which it condemned in the strongest terms the nuclear test conducted by the Democratic People's Republic of Korea on 25 May 2009, and demanded that the country not conduct any further nuclear test or any launch using ballistic missile technology. It also strengthened the sanctions measures as detailed in tables 24 and 25 above. Concerning the strengthened sanctions, many Council members noted that the measures were targeted and would not affect the general population's ability to receive humanitarian and economic assistance.

Speaking in support of the measures, the representative of the United States stated that the new measures, including the creation of a wholly new framework for States to cooperate in the inspection of ships and aircraft suspected to be carrying weapons of mass destruction or other banned goods, were innovative, robust and unprecedented.⁷²

The representative of China stated that the provisions of resolution 1874 (2009) were in line with Article 41 of Chapter VII of the Charter. The resolution not only demonstrated the international community's firm opposition to the Democratic People's Republic of Korea's nuclear test, but also sent a positive signal to that country. He underlined that once the Democratic People's Republic of Korea returned to the Treaty on the Non-Proliferation of Nuclear Weapons, it would enjoy the right to enjoy the peaceful uses of nuclear energy. He added that the Security Council's actions should not adversely impact the economic viability or the development of the Democratic People's Republic of Korea or the delivery of humanitarian assistance to the country. On the question of cargo inspections, he maintained that the question was complex and sensitive and that countries needed to act prudently and in strict accordance with domestic and international law and on the condition of reasonable grounds and sufficient evidence. All parties should refrain from any word or deed that could exacerbate the conflict. Under no

⁶⁹ Ibid., pp. 7-8.

⁷⁰ Ibid., p. 9.

⁷¹ Ibid., p. 12.

⁷² S/PV.6141, p. 3.

circumstances should force be used or threatened. He added that, despite the second nuclear test undertaken by the Democratic People's Republic of Korea, his delegation was of the view that Security Council actions were not all about sanctions and that political and diplomatic means were the only way to resolve the issue.⁷³

In a similar vein, the representative of the Russian Federation underlined that all sanctions measures were to be implemented exclusively under Article 41 of the Charter, which did not provide for the use of military force. On the cargo inspection regime, he underlined that it would be applied solely in the context of ensuring compliance with its provisions. It had a fully defined framework clearly limited to the situation arising as a result of the nuclear test by the Democratic People's Republic of Korea. It was unprecedented and could not be interpreted more broadly.⁷⁴

Peace and security in Africa

Under the agenda item, "Peace and security in Africa", the Security Council considered a wide variety of both thematic and country-specific issues. During the period, the question of sanctions came up twice, once in the context of Zimbabwe and once for Eritrea. While the draft resolution on Zimbabwe was rejected and the one on Eritrea approved, in neither case was the vote unanimous, and the cases highlight the different opinions in the Council on the appropriateness of the use of measures under Article 41.

Case 7 Rejection of sanctions measures against Zimbabwe

At its 5933rd meeting, on 11 July 2008, the draft resolution on Zimbabwe was put to a vote; it received 9 votes in favour, 5 against (China, Libyan Arab Jamahiriya, Russian Federation, South Africa, Viet Nam) and 1 abstention (Indonesia), and was not adopted owing to the negative votes of two permanent members. By the draft resolution, the Council would have, *inter alia*, condemned the Government of Zimbabwe's campaign of violence against the political opposition and the civilian population and imposed an arms embargo on Zimbabwe as well as a travel ban and

financial freeze against President Robert Mugabe and 13 senior officials in the Government of Zimbabwe.⁷⁵

At the start of the meeting, the representative of Zimbabwe had opined that the situation in his country posed absolutely no threat to international peace and security and did not warrant the adoption of a Security Council resolution under Chapter VII of the Charter. He argued that the "sanctions" already imposed by the European Union, the United States and the United Kingdom had put the economy under siege and resulted in many people moving to neighbouring countries "in search of greener pastures". Yet, it was partly this movement of people that the Council was calling a threat to international peace and security. If the Council adopted the sanctions it would be the first time that the movement of a people seeking economic opportunities elsewhere was used as a basis for a sanctions resolution under Chapter VII of the Charter. He further argued that the draft resolution was a clear abuse of Chapter VII as it sought to impose sanctions on Zimbabwe under the pretext that the country was now a threat to international peace and security simply because the election held had not yielded a result "favourable to the United Kingdom and its allies".⁷⁶

The representative of South Africa, whose country had been appointed as facilitator by the Southern African Development Community (SADC), held that the African Union summit had not called for sanctions, but had "appealed to States and all parties concerned to refrain from any action that may negatively impact on the climate for dialogue". The summit had also encouraged President Robert Mugabe and the leader of the Movement for Democratic Change, Mr. Morgan Tsvangirai, to honour their commitments to initiate dialogue. As a result, he stated that South Africa was obliged to follow the decision of SADC and vote against the draft resolution. He concluded by stating that the Council must give space for the African Union summit decision to be implemented.⁷⁷

Other Council members who voted against the draft resolution or abstained maintained similarly that the draft would have been against the spirit of the African Union resolution adopted in Sharm el-Sheikh, which encouraged dialogue and reconciliation among the parties and appealed to States and all parties

⁷³ *Ibid.*, pp. 3-4.

⁷⁴ *Ibid.*, p. 8.

⁷⁵ S/2008/447.

⁷⁶ S/PV.5933, pp. 3-4.

⁷⁷ *Ibid.*, pp. 4-5.

concerned to refrain from any actions that might negatively affect the climate for dialogue. They also argued that the situation in Zimbabwe did not pose a threat to peace and security in the region and, therefore, did not fall within the Council's purview. By adopting the draft resolution to impose sanctions, the Council would hinder the ongoing mediation efforts by SADC to find a solution to the situation in Zimbabwe and interfere in its internal affairs.⁷⁸ The representative of the Libyan Arab Jamahiriya underlined that imposing sanctions on Zimbabwe would have serious consequences for the people of Zimbabwe and create a climate of tension that would in no way be conducive to finding a solution to the problem. Imposing sanctions would also be contrary to the international consensus that sanctions are a last resort to be used when all other means have been exhausted. He also expressed concern that one of the parties might regard the draft resolution as tacit support for it, which could embolden that party to increase its demands and to refuse to enter into or to continue dialogue to resolve the situation.⁷⁹ The representative of Viet Nam added that subjecting Zimbabwe to Chapter VII sanctions would set a dangerous precedent for intervention in the internal affairs of sovereign States and would run counter to the fundamental principles of international law and the Charter of the United Nations, while the representative of the Russian Federation called the application of enforcement measures under Chapter VII of the Charter unjustified and excessive.⁸⁰

On the other hand, those Council members in support of the draft resolution argued that it would not compromise or undermine the dialogue. Some further stressed that the draft resolution would have exerted some countervailing pressure and strengthened the mediation efforts by giving the full weight of the international community. They also held that the conflict in Zimbabwe threatened to destabilize the region to which the Council should respond.⁸¹ The representative of the United Kingdom further explained that the Council had missed the opportunity to back up South Africa's mediation efforts with something more

than words, which was why the draft resolution included carefully targeted sanctions aimed at those who had brought about the current crisis, with a clear message that they would be lifted once an inclusive political settlement was reached. The Council had also lost an opportunity to impose an arms embargo, as the last thing Zimbabwe needed was more arms. He expressed hope that Government and civil society in Southern Africa would continue to ensure that arms did not get through to the Mugabe Government.⁸²

The representative of Costa Rica, while expressing support for the proposed sanctions measures, added that the Council should be especially disciplined with respect to the imposition of sanctions and should therefore consider and apply fair procedures and clear parameters when it implemented them. That would facilitate their better implementation and result in their greater efficacy. He was therefore pleased that certain changes had been incorporated into the draft resolution by the sponsors, as requested by his country, notably in paragraph 7 and concerning in particular the setting of a start-up date.⁸³ However, although his country understood the reasons for setting the start-up date at May 2005, it would have preferred that the draft resolution provide for the implementation of sanctions to be limited to the specific events dating from March of the current year. This was, firstly, because by limiting the sanctions in that manner it would have added clarity to the parameters used to establish sanctions. Secondly, however, and more importantly, such an approach would have identified much more clearly the strongest motivation for the action of the Council, which was the lack of respect for the popular will expressed in the elections. He also highlighted the importance of paragraph 12 of the draft resolution, in which the Council clearly stated that it would consider the measures imposed "if ... an inclusive political settlement is agreed, which respects the will of the Zimbabwean people and the results of the

⁷⁸ Ibid., pp. 5-6 (Libyan Arab Jamahiriya); pp. 6-7 (Indonesia); p. 7 (Viet Nam); pp. 9-10 (Russian Federation); and pp. 12-13 (China).

⁷⁹ Ibid., p. 6.

⁸⁰ Ibid., p. 8 (Viet Nam); and p. 10 (Russian Federation).

⁸¹ Ibid., p. 6 (Burkina Faso); pp. 8-9 (United Kingdom); p. 10 (France); pp. 10-12 (Costa Rica); p. 12 (Croatia); pp. 13-14 (Panama); and pp. 14-15 (United States).

⁸² Ibid., p. 9.

⁸³ S/2008/447; paragraph 7 reads "Decides that all States shall take the following measures with respect to individuals and entities designated in the annex to this resolution or designated by the Committee established pursuant to paragraph 10 below ("the Committee") as having engaged in or provided support for actions or policies to subvert democratic processes or institutions in Zimbabwe since May 2005, including having ordered, planned, or participated in acts of politically motivated violence, or as providing support to individuals or entities designated pursuant to this paragraph".

29 March 2008 elections”, which made it clear that the sanctions would be coercive and not punitive measures. He expressed hope that individuals listed in the annex to the draft resolution would heed the will of the Council, the international community and their own people as early as possible and engage in serious, substantial and inclusive negotiations in order to achieve a political agreement that respected the popular will, even in the knowledge that the draft resolution had not been adopted.⁸⁴

Case 8 Imposition of sanctions measures on Eritrea

At its 6254th meeting, on 23 December 2009, the Council, by 13 votes to 1 (Libyan Arab Jamahiriya), with 1 abstention (China), adopted resolution 1907 (2009), by which, expressing its grave concern at the findings of the Monitoring Group that Eritrea had provided political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability, and expressing its deep concern that Eritrea had not withdrawn its forces to the status quo ante as called for in resolution 1862 (2009) and the presidential statement of 12 June 2008,⁸⁵ it imposed the measures detailed in tables 6 and 7 above.

The representative of Uganda noted that in its decision taken at the thirteenth summit held in Sirte, Libyan Arab Jamahiriya, from 1 to 3 July 2009, the African Union had called upon the Security Council to “impose sanctions against all those foreign actors, both within and outside the region, especially Eritrea, providing support to the armed groups engaged in destabilization activities in Somalia ... [and] undermining the peace and reconciliation efforts and regional stability”. He commended the Council for responding to the call from the African Union and also noted that the measures imposed by that resolution were not comprehensive but targeted and corrective, and expressed hope that Eritrea would take the necessary action to enable the Council to make a positive review of the measures it had imposed.⁸⁶

The representative of Viet Nam, who expressed support for the measures, also held that the international community should be cautious about

imposing further sanctions, with a view to avoiding undesired adverse impacts on humanitarian activities and the livelihoods of the people of Eritrea.⁸⁷ The representative of Australia commented that it had been important for his delegation that the imposition of targeted sanctions under that resolution was based on a two-step approach. It was their understanding that any decision on specific designations would be made in the framework of the Committee established pursuant to resolution 751 (1992) in accordance with the procedural guarantees of resolution 1844 (2008).⁸⁸ The representative of Burkina Faso stated that, although his country had continually recalled that the imposition of sanctions was an extreme measure that the Council should consider only as a last resort, the fact that the scale and intensity of the recent attacks in Somalia had lent credibility to the argument about support for the insurgents coming from the outside, particularly from countries in the subregion, and the call from the African Union had convinced them to support it in this case. Given that the sanctions regime was accompanied by a review mechanism, he noted that Eritrea still had time to show its good faith and goodwill.⁸⁹ The representative of Djibouti, supported by the representative of Somalia, agreed that only a set of coordinated and punitive measures, targeting primarily the regime’s civilian and military leadership, could force it to make unpalatable choices. Considering the regime’s “legendary intransigence”, he said that sanctions against Eritrea had too long been inevitable.⁹⁰ Noting the unusual nature of the sanctions in involving three countries and affecting a whole region, he emphasized that the measures targeted only the Eritrean regime’s destructive role in Somalia and its infringement of the sovereignty and territorial integrity of Djibouti without adversely affecting the people of Eritrea, who were ravaged by extreme pestilence and misgovernment.⁹¹

The representative of Mexico, as Chair of the Committee established pursuant to resolution 751 (1992), stated that he was convinced that the sanctions regime should contribute to the creation of better security conditions in Somalia and to the strengthening of the Djibouti peace process. He also noted that the resolution expanded the mandate of both of the

⁸⁴ S/PV.5933, pp. 10-12.

⁸⁵ S/PRST/2008/20.

⁸⁶ S/PV.6254, pp. 2-4.

⁸⁷ Ibid., p. 3.

⁸⁸ Ibid., p. 4.

⁸⁹ Ibid., p. 6.

⁹⁰ Ibid., p. 7.

⁹¹ Ibid., pp. 7-8 (Djibouti); and pp. 8-9 (Somalia).

Committee and of its Monitoring Group to a practically regional focus, which involved an unprecedented challenge both for the Security Council and for the countries of the region. He stated that he would continue to guide the work of the Committee in a transparent manner with a focus on taking clear, consistent decisions in order to use sanctions as a means of providing control and incentives to get the various regional actors to join a process directed towards the stability of the region.⁹²

The representative of China, who had abstained from voting, commented that his country had always maintained that, in imposing sanctions, the Security Council should act with prudence. He stated that the adoption of a resolution on sanctions against Eritrea should not replace diplomatic efforts to resolve disputes through dialogue and negotiation.⁹³

Having cast the only vote against the sanctions, the representative of the Libyan Arab Jamahiriya explained that the resolution took an unrealistic and excessively hasty approach. Sanctions were not the ideal way of resolving the current problems as their humanitarian impact would further exacerbate the situation in the Horn of Africa, and create an obstacle to peaceful solutions to be attained in the framework of the good offices of the African Union and of the Secretary-General, supported by other international partners. He also added that his country had been the victim of sanctions for many years and had therefore committed itself to not being party to the imposition of sanctions against any African country whatsoever.⁹⁴

Discussion on thematic issues

Case 9

Children and armed conflict

At the 5834th meeting, on 12 February 2008, Council members' discussion touched on the role that measures under Article 41 could play in protecting children in armed conflict. The representative of the Watchlist on Children and Armed Conflict, a non-governmental organization, stated that the Security Council could not expect to achieve accountability based on empty threats. To ensure their own credibility, Council members had to be prepared to exercise their powers to impose targeted measures when warranted,

⁹² Ibid., p. 5.

⁹³ Ibid., p. 4.

⁹⁴ Ibid., pp. 3-4.

which entailed systematically referring information to relevant sanctions committees and, in other cases, applying measures through country-specific or thematic resolutions of the full Security Council.⁹⁵

A number of speakers emphasized that the imposition of targeted sanctions was an important tool for the Council to address threats to children. In particular, the representative of Belgium stated that the protection of children in every phase of an armed conflict was never negotiable and that it was the responsibility of the Security Council to adopt the necessary sanctions against individuals and groups that continued to recruit children.⁹⁶ This was echoed by the representative of Costa Rica, supported by the representatives of France and Mexico, who added that the Council, and in particular the Working Group on Children and Armed Conflict, had a responsibility to the children of the world to ensure that all its resolutions were complied with.⁹⁷ In that respect, he suggested that the Working Group should regularly provide comprehensive information on crimes against children to the sanctions committees, where they existed, and should also recommend to the Council measures and sanctions against those who consistently violated its resolutions where no relevant sanctions committee existed.⁹⁸ The representative of Guatemala, echoed by the Permanent Observer of Palestine, referred to the annexes to the reports of the Secretary-General, which listed groups that recruited children, stressing that those groups should be subjected to much more robust and effective targeted sanctions.⁹⁹

On the other hand, the representative of China stated that his country had always opposed the wilful use or threat of use of sanctions in the Security Council and that caution was called for in dealing with the issue of children and armed conflict, as well as in using sanctions.¹⁰⁰

Several representatives also expressed concern about the potential negative impact of sanctions on children. The representative of Iraq noted that the innocent children of Iraq had paid a heavy price because of international sanctions and the Iraqi regime

⁹⁵ S/PV.5834, p. 8.

⁹⁶ Ibid., p. 9.

⁹⁷ Ibid., p. 21 (Costa Rica); p. 23 (France); and p. 31 (Mexico).

⁹⁸ Ibid., p. 21 (Costa Rica).

⁹⁹ S/PV.5834 (Resumption 1), p. 14.

¹⁰⁰ S/PV.5834, p. 18.

had used the suffering of the Iraqi people, including children, to pressure the international community and to avoid fulfilling its international obligations.¹⁰¹ Similarly, the representative of Bangladesh noted that it was well documented that children were the ones who suffered most under unregulated sanction regimes, and that the Council had a duty to ensure that sanctions did not affect the innocent.¹⁰²

On the question of non-sanctions-related measures under Article 41, several speakers noted the role of the Council in referring violators to the International Criminal Court. A number of representatives, supporting the recommendation of the Secretary-General, encouraged the Security Council to refer violations against children in armed conflicts to the Court for investigation and prosecution when national Governments persistently failed to prosecute such crimes.¹⁰³ However, the representative of the United States did not agree that the Security Council should have a general policy or practice of referring cases to the International Criminal Court and emphasized that it was important to bear in mind that not all United Nations Member States were parties to the Rome Statute, and those that were not needed to be taken into account.¹⁰⁴

There were similar discussions at the 5936th meeting on 17 July 2008 and the 6114th meeting on 29 April 2009.

Case 10 Maintenance of international peace and security

At its 6108th meeting, the Council considered the topic “mediation and settlement of disputes” under the item “Maintenance of international peace and security”. During the course of the debate the appropriate role of sanctions and other measures under Article 41 in influencing mediation was addressed by several speakers. The representative of Mexico stated the Council had to provide ample opportunity for ongoing

reconciliation procedures before calling for action on the basis of Articles 40 and 41 of the Charter. Both mediation and other peaceful means to settle disputes had to be exhausted before the Council resorted to actions provided for under Chapter VII.¹⁰⁵

The representative of Cuba, speaking on behalf of the Non-Aligned Movement, and endorsed by the representative of Pakistan, agreed that sanctions imposed by the Security Council remained an issue of serious concern to the non-aligned countries. In accordance with the Charter, the imposition of sanctions should be considered only after all means of peaceful settlement of disputes under Chapter VI of the Charter had been exhausted and a thorough consideration undertaken of the short-term and long-term effects of such sanctions.¹⁰⁶

On the other hand, the representative of France emphasized that support for peace processes also involved targeted and resolute action against those who would threaten to derail those processes. Council action in that area had to be flexible and reactive and he noted positively the inclusion in resolution 1844 (2008) on Somalia of provisions on individual sanctions against entities that threatened the peace, security or stability of Somalia.¹⁰⁷ Similarly, the representatives of Burkina Faso and Benin underlined that the Council had to be able to use appropriately the instruments available to it, including sanctions, which could help to support mediation and create conditions for the management of uncertain situations.¹⁰⁸

Case 11 Protection of civilians in armed conflict

At its 6151st meeting, on 26 June 2009, the Security Council heard a briefing from the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, who introduced the report of the Secretary-General on the protection of civilians in armed conflict.¹⁰⁹ In his briefing, the Under-Secretary-General stressed that, above all, the Council should ensure that constraints on humanitarian access had consequences for those that imposed them and not

¹⁰¹ S/PV.5834 (Resumption 1), p. 28.

¹⁰² *Ibid.*, p. 44.

¹⁰³ S/PV.5834, p. 10 (Italy); p. 28 (Iceland, on behalf of the five Nordic countries); and p. 25 (Slovenia, on behalf of the European Union); S/PV.5834 (Resumption 1), p. 2 (Kazakhstan); p. 10 (Republic of Korea); p. 19 (Austria); p. 29 (Switzerland); p. 39 (Germany); pp. 43-44 (Liechtenstein); and p. 49 (Nigeria).

¹⁰⁴ S/PV.5834, p. 13.

¹⁰⁵ S/PV.6108, p. 23.

¹⁰⁶ S/PV.6108 (Resumption 1), p. 11 (Cuba); and p. 18 (Pakistan).

¹⁰⁷ S/PV.6108, p. 18.

¹⁰⁸ S/PV.6108, p. 17 (Burkina Faso); and S/PV.6108 (Resumption 1), p. 24 (Benin).

¹⁰⁹ S/2009/277.

just those that suffered because of them. That meant applying targeted sanctions against individuals obstructing access or perpetrating attacks against staff, and even being ready to refer situations involving the prolonged and wilful impediment of relief, or attacks against humanitarian workers, to the International Criminal Court. He added that the same applied for addressing the culture of impunity and ensuring accountability through security sector and other reforms, as the Council needed to insist on such cooperation and, if necessary, enforce it through targeted sanctions and by systematically requesting reports on violations and mandating commissions of inquiry to examine situations of concern.¹¹⁰

Responding to the briefing, a number of speakers agreed that the Council should impose targeted measures and individual sanctions against individuals responsible for grievous violations of humanitarian law and human rights, including sexual violence.¹¹¹ Noting that weapons were the root cause of the tragedies, atrocities and horrifying events witnessed in armed conflicts, the representative of Burkina Faso stressed that the Council was duty-bound to ensure the implementation of the various arms embargoes stipulated in the context of the Council's own sanctions.¹¹² The representative of Australia noted that the Council had adequate tools to make a difference, including targeted measures such as sanctions, the utilization of international criminal justice mechanisms to end impunity, and the authorization of the use of force. What was lacking was the political resolve of the Council to use those tools to protect civilians.¹¹³

The representative of Brazil observed that, among the Council's powers those set forth in Chapter VI should be given careful consideration as a means to support the peaceful settlement of disputes. When Chapter VII action proved necessary and sanctions emerged as a potentially effective tool, as proposed in the report of the Secretary-General, they should be specific and targeted, so as not to impose further suffering on the affected populations.¹¹⁴ Commenting on the limitations of sanctions, the representative of Uganda noted that sometimes when engagement with

armed groups failed, alternatives had to be considered which should not be restricted to condemnation of violations committed by armed groups together with the application of targeted measures.¹¹⁵ However, the representative of China, in particular, stated that although the Council had an active role to play with regard to advancing the call for the protection of civilians in armed conflict, his Government had never been in favour of the Council resorting to the use of or threatening the use of sanctions at every turn. Special care had to be taken in particular when addressing the protection of civilians in armed conflict as it had to be re-emphasized that national Governments had the right to take law enforcement action to fight terrorists, extremists and separatists in their territory, in order to safeguard their own and the region's security, peace and stability.¹¹⁶

Case 12 Women and peace and security

At its 6180th meeting, on 7 August 2009, the Security Council considered the report of the Secretary-General pursuant to Security Council resolution 1820 (2008), which dealt with the question of sexual violence in conflict and in which it was recommended that the Council incorporate provisions on sexual violence in armed conflict into existing sanctions regimes, as appropriate.¹¹⁷ This was endorsed by a number of speakers who agreed that the Council should consider appropriate measures, including targeted sanctions¹¹⁸ or referral to the International Criminal Court.¹¹⁹ A few speakers also noted the importance of the information-gathering role of the sanctions committees in identifying perpetrators of sexual violence.¹²⁰ In that context, the representative of Mexico endorsed the proposal in the report to set up commissions of inquiry for conflict in which sexual violence was perpetrated, as that information would be extremely useful to the work of the various sanctions committees.¹²¹

¹¹⁰ S/PV.6151, p. 6.

¹¹¹ *Ibid.*, p. 7 (Croatia); S/PV.6151 (Resumption 1), pp. 28-29 (Norway).

¹¹² S/PV.6151, p. 24.

¹¹³ S/PV.6151 (Resumption 1), p. 13.

¹¹⁴ S/PV.6151, p. 27.

¹¹⁵ *Ibid.*, p. 22.

¹¹⁶ *Ibid.*, p. 13.

¹¹⁷ S/2009/362.

¹¹⁸ S/PV.6180, p. 5 (United States); pp. 7-9 (France); p. 9 (Austria); p. 13 (Uganda); p. 15 (Mexico); S/PV.6180 (Resumption 1), p. 4 (Canada); p. 15 (Netherlands); p. 21 (Iceland); and p. 23 (Peru).

¹¹⁹ S/PV.6180, p. 9 (Austria); and p. 17 (Croatia).

¹²⁰ *Ibid.*, p. 9 (Austria); S/PV.6180 (Resumption 1), p. 10 (Italy); and p. 23 (Peru).

¹²¹ S/PV.6180, p. 15.

The representative of China, however, sounded a note of caution, stating that his delegation was not in favour of the Security Council's all-too-frequent use of sanctions or the threat of sanctions and that the Council should exercise caution in applying sanctions in the context of fighting sexual violence.¹²² The representative of Brazil underlined that widespread or systematic sexual violence in armed conflict should not be fought only by means of vigorous law enforcement or

¹²² Ibid., p. 21.

sanctions, but needed to be accompanied by serious efforts to address some of the causes of the problem, such as discrimination, prejudice, poor education, institutional fragility and lack of resources.¹²³

There were similar discussions at the 6195th and 6196th meetings, held on 30 September and 5 October 2009, respectively.

¹²³ Ibid., p. 28.

IV. 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

This section deals with the practice of the Security Council concerning the authorization of the use of force by peacekeeping operations, multinational forces or interventions by regional organizations.¹²⁴

During the period under review, the Council authorized enforcement action, under Chapter VII of the Charter, for the maintenance of peace and security by several peacekeeping missions and multinational forces in Afghanistan, Bosnia and Herzegovina, Chad, the Central African Republic and the subregion, Côte d'Ivoire, the Democratic Republic of the Congo/Great Lakes region, the Middle East, the Sudan (including Darfur) and Somalia. The mission deployed in the Central African Republic and Chad was given a more robust mandate than the previous one, partially under

¹²⁴ The Council's authorization of the use of force by regional organizations is covered in part VIII. The authorization of the use of force by peacekeeping operations is covered in part X, in the context of mandates of peacekeeping operations.

Chapter VII, that included authorization to use all necessary means and to protect civilians under threat.

The Council adopted a series of resolutions under Chapter VII of the Charter to deal with the issue of piracy off the coast of Somalia and progressively authorized anti-piracy measures involving the use of force by States cooperating with the Transitional Federal Government of Somalia.

This section is divided into two subsections: subsection A outlines decisions of the Council authorizing enforcement action, under Chapter VII of the Charter, while subsection B highlights the salient issues that were raised in the Council's deliberations, with two cases directly connected to the adoption of the resolutions authorizing the use of force and two other cases reflecting thematic discussions in the Council which help to shed light on the interpretation and application of the provisions enshrined in Article 42 or with regard to the resort to measures under Chapter VII in general.

A. Decisions of the Security Council relating to Article 42

During the period under review, without explicitly invoking Article 42 of the Charter but acting under Chapter VII of the Charter, the Council adopted several resolutions by which it authorized a number of United Nations peacekeeping missions as well as multinational forces, including those deployed by regional organizations, to use "all necessary measures" or "all necessary means" or to take "all necessary

action” to enforce its demands relating to the restoration of international peace and security.

With respect to the United Nations peacekeeping missions, the Council continued to authorize enforcement action for missions in Côte d’Ivoire (UNOCI), Darfur/Sudan (UNAMID), the Democratic Republic of the Congo (MONUC) and the Sudan (UNMIS). In connection with the mission deployed in Côte d’Ivoire, the Council also continued to authorize the French forces to use “all necessary means” to support UNOCI. While not acting explicitly under Chapter VII of the Charter, but having determined the existence of a threat to international peace and security, the Council reaffirmed the authority of the United Nations Interim Force in Lebanon (UNIFIL) to employ “all necessary action” to undertake a number of tasks it was mandated to perform. On the other hand, the Council, in the context of renewing the mandate of the United Nations Stabilization Mission in Haiti, which was authorized partly under Chapter VII, renewed a military component for that mission without however authorizing the use of force.

In the cases of UNMIS, UNAMID and UNOCI, while the decisions during the period under review did not contain particular provisions on authorization of the use of force, the mandates of UNOCI and the French forces supporting it, UNMIS and UNAMID, all of which had been previously authorized to use force by resolutions 1739 (2007), 1706 (2006) and 1769 (2007), respectively, were renewed. The decisions on UNIFIL and the situation in the Great Lakes region recalled or reaffirmed the authorization of the respective missions to use force.

In connection with multinational forces, the Council authorized the use of “all necessary measures” for operations by the European Union in Bosnia and Herzegovina and in Chad and the Central African Republic (EUFOR Chad/Central African Republic), and by the African Union in Somalia. The Council also renewed the authorization of the use of force for the multinational forces already deployed in Afghanistan.

The mandate of the multinational force deployed in Iraq, previously renewed by resolution 1790 (2007), elapsed as from 31 December 2008.¹²⁵ The mandate of EUFOR Chad/Central African Republic terminated on 15 March 2009.

During the period under consideration, the Council authorized peacekeeping operations and multinational forces to undertake enforcement actions under Article 42 of the Charter in the discharge of a large range of tasks, for example, to maintain and/or create a secure environment; to monitor and ensure respect of ceasefire agreements and cessation of hostilities agreements; to support the organization of free, open, fair and transparent elections; to support the implementation of peace agreements; to provide protection to transitional/interim Governments; to protect civilians under imminent threat of physical violence; to protect United Nations personnel and facilities; to monitor and ensure the implementation of arms embargoes imposed by the Council; or to disarm and demobilize armed groups (see table 30).¹²⁶

To deal with the issue of piracy off the coast of Somalia, the Council for the first time authorized employment of anti-piracy measures involving the use of force by States cooperating with the Transitional Federal Government of Somalia. The area of this authorization of use of force was progressively expanded over time: first in the territorial waters of Somalia, then in the high seas and airspace off the coast of Somalia, and finally inside Somalia.

¹²⁵ See resolution 1790 (2007), para. 1, in which the Council noted that the presence of the multinational force in Iraq was at the request of the Government of Iraq, reaffirmed the authorization for the multinational force as set forth in resolution 1546 (2004) and decided to extend the mandate as set forth in that resolution until 31 December 2008.

¹²⁶ See part X for detailed mandates of individual peacekeeping operations.

Table 30

Decisions authorizing the use of force by United Nations peacekeeping missions and multinational forces, including those deployed by regional organizations

<i>Decision and date</i>	<i>Provision</i>
The situation in Afghanistan	
Resolution 1833 (2008) 22 September 2008	Authorizes the Member States participating in the International Security Assistance Force to take all necessary measures to fulfil its mandate (para. 2)
Resolution 1890 (2009) 8 October 2009	Authorizes the Member States participating in the International Security Assistance Force to take all measures necessary to fulfil its mandate (para. 2)
The situation in Bosnia and Herzegovina	
Resolution 1845 (2008) 20 November 2008	Authorizes the Member States acting under paragraphs 10 and 11 above to take all necessary measures to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement, stresses that the parties shall continue to be held equally responsible for compliance with those annexes and shall be equally subject to such enforcement action by the European Union Force and the North Atlantic Treaty Organization (NATO) presence as may be necessary to ensure the implementation of those annexes and the protection of the European Union Force and the NATO presence (para. 14)
Resolution 1895 (2009) 18 November 2009	Authorizes Member States to take all necessary measures, at the request of either the European Union Force or the NATO Headquarters, in defence of the European Union Force or the NATO presence respectively, and to assist both organizations in carrying out their missions, and recognizes the right of both the European Union Force and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack (para. 15)
	Authorizes the Member States acting under paragraphs 10 and 11 [of the resolution], in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic (para. 16)
The situation in Chad, the Central African Republic and the subregion	
Resolution 1861 (2009) 14 January 2009	[The Council,] Acting under Chapter VII of the Charter of the United Nations, <ul style="list-style-type: none"> (a) Decides that the United Nations Mission in the Central African Republic and Chad shall be authorized to take all necessary measures, within its capabilities and its area of operations in eastern Chad, to fulfil the following functions, in liaison with the Government of Chad: <ul style="list-style-type: none"> (i) To contribute to protecting civilians in danger, particularly refugees and internally displaced persons; (ii) To facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations;

(iii) To protect United Nations personnel, facilities, installations and equipment and to ensure the security and freedom of movement of its staff and United Nations and associated personnel;

(b) Decides also that the Mission shall be authorized to take all necessary measures, within its capabilities and its area of operations in the north-eastern Central African Republic, to fulfil the following functions, by establishing a permanent military presence in Birao and in liaison with the Government of the Central African Republic:

(i) To contribute to the creation of a more secure environment;

(ii) To execute operations of a limited character in order to extract civilians and humanitarian workers in danger;

(iii) To protect United Nations personnel, facilities, installations and equipment and to ensure the security and freedom of movement of its staff and United Nations and associated personnel (para. 7)

The situation in Côte d'Ivoire

Resolution 1795 (2008) 15 January 2008 Decides to renew the mandates of the United Nations Operation in Côte d'Ivoire (UNOCI) and of the French forces supporting it, as determined in resolution 1739 (2007), until 30 July 2008, in order to support the organization in Côte d'Ivoire of free, open, fair and transparent elections within the time frame set out in the Ouagadougou Political Agreement and the supplementary agreements (para. 4)

Resolution 1826 (2008) 29 July 2008 Decides to renew the mandates of UNOCI and of the French forces supporting it, as determined in resolution 1739 (2007), until 31 January 2009, in particular to support the organization in Côte d'Ivoire of free, open, fair and transparent elections (para. 1)

Resolution 1865 (2009) 27 January 2009 Decides to renew the mandates of UNOCI and of the French forces supporting it, as determined in resolution 1739 (2007), until 31 July 2009, in particular to support the organization in Côte d'Ivoire of free, open, fair and transparent elections (para. 15)

Resolution 1880 (2009) 30 July 2009 Decides to renew the mandate of UNOCI, as determined in resolution 1739 (2007), until 31 January 2010, in particular to support the organization in Côte d'Ivoire of free, open, fair and transparent elections, within the electoral time frame referred to in paragraph 1 [of the resolution] (para. 19)

Decides to extend until 31 January 2010 the authorization it provided to the French forces in order to support UNOCI, within the limits of their deployment and their capabilities (para. 30)

The situation concerning the Democratic Republic of the Congo

Resolution 1843 (2008) 20 November 2008 Underscores the importance of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) implementing its mandate in full, including through robust rules of engagement (para. 4)

<i>Decision and date</i>	<i>Provision</i>
Resolution 1856 (2008) 22 December 2008	Authorizes the Mission to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks listed in paragraphs 3 (a) to (g), (i), (j), (n) and (o) and in paragraph 4 (e) [of the resolution] (para. 5)
Resolution 1906 (2009) 23 December 2009	Authorizes the Mission to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks of its mandate listed in paragraphs 3 (a) to (e) of resolution 1856 (2008) and paragraphs 9, 20, 21 and 24 [of resolution 1906 (2009)] (para. 6)

The situation in the Great Lakes region

Resolution 1804 (2008) 13 March 2008	Recalls the mandate of MONUC to facilitate the voluntary demobilization and repatriation of disarmed foreign combatants and their dependants, and to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to support operations led by the integrated brigades of the Armed Forces of the Democratic Republic of the Congo with a view to disarming the recalcitrant armed groups in order to ensure their participation in the disarmament, demobilization, repatriation, resettlement and reintegration process (para. 3)
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The situation in the Middle East

Resolution 1884 (2009) 27 August 2009	Recalling the request of the Government of Lebanon to deploy an international force to assist it to exercise its authority throughout the territory, and reaffirming the authority of the United Nations Interim Force in Lebanon to take all necessary action, in areas of operations of its forces and as it deems within its capabilities, to ensure that its area of operations is not utilized for hostile activities of any kind and to resist attempts by forceful means to prevent it from discharging its mandate (ninth preambular paragraph)
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Reports of the Secretary-General on the Sudan

Resolution 1812 (2008) 30 April 2008	Decides to extend the mandate of the United Nations Mission in the Sudan (UNMIS) until 30 April 2009, with the intention to renew it for further periods (para. 1)
Resolution 1828 (2008) 31 July 2008	Decides to extend the mandate of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), as set out in resolution 1769 (2007), for a further 12 months, to 31 July 2009 (para. 1)
Resolution 1870 (2009) 30 April 2009	Decides to extend the mandate of UNMIS until 30 April 2010, with the intention to renew it for further periods as may be required (para. 1)
Resolution 1881 (2009) 30 July 2009	Decides to extend the mandate of UNAMID as set out in resolution 1769 (2007) for a further 12 months, until 31 July 2010 (para. 1)

The situation in Somalia

- |Resolution 1801 (2008)
20 February 2008
- Decides to renew the authorization of member States of the African Union to maintain a mission in Somalia for a further period of six months, which shall be authorized to take all necessary measures, as appropriate, to carry out the mandate set out in paragraph 9 of resolution 1772 (2007), and underlines, in particular, that the African Union Mission in Somalia (AMISOM) is authorized to take all necessary measures, as appropriate, to provide security for key infrastructure and to contribute, as may be requested and within its capabilities, to the creation of the necessary security conditions for the provision of humanitarian assistance (para. 1)
- Resolution 1816 (2008)
2 June 2008
- Decides that, for a period of six months from the date of the present resolution, States cooperating with the Transitional Federal Government in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the Transitional Federal Government to the Secretary-General, may:
- (a) Enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and
 - (b) Use, within the territorial waters of Somalia, in a manner consistent with action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery (para. 7)
- Resolution 1831 (2008)
19 August 2008
- Decides to renew the authorization of member States of the African Union to maintain a mission in Somalia for a further period of six months, which shall be authorized to take all necessary measures, as appropriate, to carry out the mandate set out in paragraph 9 of resolution 1772 (2007), and underlines, in particular, that AMISOM is authorized to take all necessary measures, as appropriate, to provide security for key infrastructure and to contribute, as may be requested and within its capabilities, to the creation of the necessary security conditions for the provision of humanitarian assistance (para. 1)
- Resolution 1838 (2008)
7 October 2008
- Calls upon States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to use on the high seas and airspace off the coast of Somalia the necessary means, in conformity with international law, as reflected in the United Nations Convention on the Law of the Sea, for the repression of acts of piracy (para. 3)
- Resolution 1846 (2008)
2 December 2008
- Decides that, for a period of 12 months from the date of the present resolution, States and regional organizations cooperating with the Transitional Federal Government in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the Transitional Federal Government to the Secretary-General, may:
- (a) Enter into the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and

Decision and date

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(b) Use, within the territorial waters of Somalia, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery at sea (para. 10)

Resolution 1851 (2008)
16 December 2008

[...] decides that for a period of 12 months from the date of adoption of resolution 1846 (2008), States and regional organizations cooperating in the fight against piracy and armed robbery at sea off the coast of Somalia for which advance notification has been provided by the Transitional Federal Government to the Secretary-General may undertake all necessary measures that are appropriate in Somalia, for the purpose of suppressing acts of piracy and armed robbery at sea, pursuant to the request of the Transitional Federal Government, provided, however, that any measures undertaken pursuant to the authority of the present paragraph shall be undertaken consistent with applicable international humanitarian and human rights law (para. 6)

Resolution 1863 (2009)
16 January 2009

Decides to renew for up to six months from the date of the present resolution the authorization of member States of the African Union to maintain a mission in Somalia, which shall be authorized to take all necessary measures to carry out the mandate set out in paragraph 9 of resolution 1772 (2007); and underlines, in particular, that the Mission is authorized to take all necessary measures to provide security for key infrastructure and to contribute, as may be requested and within its capabilities and existing mandate, to the creation of the necessary security conditions for the provision of humanitarian assistance (para. 2)

Resolution 1872 (2009)
26 May 2009

Decides to authorize the member States of the African Union to maintain the Mission until 31 January 2010 to carry out its existing mandate (para. 16)

Resolution 1897 (2009)
30 November 2009

Encourages Member States to continue to cooperate with the Transitional Federal Government in the fight against piracy and armed robbery at sea, notes the primary role of the Transitional Federal Government in the fight against piracy and armed robbery at sea, and decides to renew, for a period of 12 months from the date of the present resolution, the authorizations as set out in paragraph 10 of resolution 1846 (2008) and paragraph 6 of resolution 1851 (2008) granted to States and regional organizations cooperating with the Transitional Federal Government in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the Transitional Federal Government to the Secretary-General (para. 7)

B. Discussion relating to Article 42

This subsection highlights the salient issues that were raised in the Council's deliberations or in connection with the adoption of the resolutions authorizing the use of force, relating to the issue of piracy in connection with the situation in Somalia (case 13). The subsection also includes an overview of the thematic discussions held by the Council which help to shed light on the interpretation and application of the provisions

enshrined in Article 42 or with regard to the resort to measures under Chapter VII in general. Such discussions were held in connection with the protection of civilians in armed conflict (case 14) and the maintenance of international peace and security (case 15).

Case 13 The situation in Somalia

To deal with piracy off the coast of Somalia in connection with the situation in Somalia, by resolution

1816 (2008) adopted at the 5902nd meeting, on 2 June 2008, the Security Council for the first time permitted, for a period of six months, States cooperating with the Transitional Federal Government to enter Somalia's territorial waters to combat acts of piracy and armed robbery against vessels at sea off the coast of Somalia. The Council further decided that those States cooperating with the Transitional Federal Government might use, within the territorial waters of Somalia, in a manner consistent with action permitted on the high seas with respect to piracy under relevant international law, "all necessary means" to repress acts of piracy and armed robbery.

At that meeting, the representative of Viet Nam reaffirmed that resolution 1816 (2008) should not be interpreted as allowing any action that was contrary to international law, the Charter of the United Nations or the United Nations Convention on the Law of the Sea to be taken within the maritime areas under the jurisdiction of a coastal State.¹²⁷ Similarly, the representative of Indonesia emphasized that the Council needed to exercise caution in trying to address piracy in other parts of the world.¹²⁸ Calling for prudence in the Council's action to deal with the sensitive issues of international law to combat piracy, the representative of China also maintained that the relevant resolution must be based on the consent of the countries concerned and in line with the wishes of the Government and the people of Somalia, and that it should apply only to the territorial waters of Somalia and not be expanded to cover other regions.¹²⁹

At the 6020th meeting, on 20 November 2008, the representative of France reported that, in response to the Council's appeal to States in resolution 1838 (2008) to take part actively in the fight against piracy in particular by deploying naval vessels and military aircraft, his country had started an initiative of ensuring the military protection of the maritime convoys of the World Food Programme, which had been taken up by the Netherlands, Denmark and Canada. Moreover, all States members of the European Union had mobilized to fight piracy more broadly on the basis of resolutions 1814 (2008), 1816 (2008) and 1838 (2008). He reported that a European Union naval operation off the coast of Somalia for a period of one year would be launched on 8 December with the full agreement and full support of

the Somali authorities, and that it would mobilize five to six ships, with air capability, and would protect the World Food Programme convoys and vulnerable ships and curb acts of piracy and armed attacks off the coast of Somalia.¹³⁰

At its 6046th meeting, on 16 December 2008, following the adoption of resolution 1851 (2008), in which, inter alia, the Council called upon States, regional and international organizations to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia and authorized them to take all necessary measures that were appropriate in Somalia, the representative of the United Kingdom pointed out that the authorization of the use of force in paragraph 6 of resolution 1851 (2008) enabled States and regional organizations, with the approval of the Transitional Federal Government, to act, using force, if necessary, against pirate activities on land in Somalia. He stated that this was an important tool to combat those who planned, facilitated or undertook acts of piracy from the territory of Somalia, while the use of any force must be both necessary and proportionate.¹³¹ The representative of the United States believed that, with the Council's authorization, allowing States to pursue pirates into their place of operation on land would have a significant impact as maritime operations alone were insufficient in combating piracy.¹³² The representative of Belgium said that the Security Council had taken another step to effectively combat piracy, as resolution 1851 (2008) authorized the international community to act not only in the territorial waters of Somalia but also on its soil. At the same time, he emphasized the exceptional nature of this measure, stating that the concern to suppress piracy must not undermine certain principles of international law, such as the law of the sea, freedom of navigation and the sovereignty of States over their territories. The representative considered it essential that the exceptional measures just adopted by the Council were time-bound, strictly monitored and taken for only one specific purpose, namely, combating piracy, and only by countries cooperating with the Somali authorities, in compliance with humanitarian and human rights law.¹³³

At the 6095th meeting, on 20 March 2009, the representative of Mexico recognized the importance of resolutions 1816 (2008) and 1846 (2008), by which the

¹²⁷ S/PV.5902, p. 4.

¹²⁸ Ibid., pp. 2-3.

¹²⁹ Ibid., p. 5.

¹³⁰ S/PV.6020, p. 12.

¹³¹ S/PV.6046, p. 4.

¹³² Ibid., p. 9.

¹³³ Ibid., p. 13.

Council authorized, subject to certain conditions, entry into the territorial waters of Somalia in accordance with the Charter. He emphasized that the powers granted to the Security Council under Chapter VII of the Charter were the legal basis that permitted States to employ, in Somalia's territorial waters, all necessary measures to counter acts of piracy and armed robbery, in a manner consistent with actions permitted on the high seas with respect to piracy under relevant international law. He considered that the authorizations were not precedents in customary international law, in recognition of the exceptional nature of the authorized actions and of the Security Council acting in accordance with Chapter VII of the Charter.¹³⁴

Case 14 Protection of civilians in armed conflict

At the 5898th meeting, on 27 May 2008, in connection with the protection of civilians in armed conflict, the representative of Croatia, expressing concern at the situations in and around refugee camps, particularly in some areas of Africa, emphasized that those situations required peacekeeping missions with strong, clear and goal-oriented mandates, including the authorization of the use of force, if necessary, to protect civilians.¹³⁵

At the 6066th meeting, on 14 January 2009, the representative of the United Kingdom, recalling that the NATO mission to uphold the Dayton Peace Agreement in Bosnia was one of the first mandates in recent times to have had protection of civilians as one of its core tasks, asked Council members who had opposed robust language in peacekeeping mandates on the protection of civilians and Chapter VII authority to back up forces undertaking tasks for the protection of civilians to reflect on whether their actions were actually overall aiding the Council's work on protection of civilians.¹³⁶

The representative of Palestine brought to the attention of the Council the suggestion made by the Secretary-General in his latest report on civilians in armed conflict,¹³⁷ in which he stated that, in situations where parties to a conflict committed systematic and widespread breaches of international humanitarian and

human rights law and thereby created the threat of genocide, crimes against humanity and war crimes, the Council should be willing to intervene under Chapter VII of the Charter.¹³⁸

Commenting on the role of the United Nations when parties failed to abide by their obligations and peacekeeping forces were confronted with violence directed against civilians, the representative of Brazil said that this aspect was a growing concern of the Security Council. She noted that the need for United Nations forces to protect civilians in their areas of operation was a key moral and political component of peacekeeping missions and that the collective conscience could not and would not accept a situation where the United Nations would stand idly by as civilians were injured or killed on its watch. Therefore, for that situation to be avoided, the representative of Brazil considered it essential that the Council continue to take steps to craft mandates and secure military resources consistent with such moral and political imperatives.¹³⁹

At the 6151st meeting, on 26 June 2009, the representative of Mexico expressed the belief that the Security Council had the obligation to take every measure necessary against those who threatened or severely endangered civilians during an armed conflict. He suggested that Council resolutions on the protection of civilians in armed conflict be grounded in the norms and principles of international humanitarian law, which would strengthen and further develop that body of norms and confer greater legitimacy on the decisions and actions of the Council.¹⁴⁰ The representative of Brazil called for the Council to make appropriate and non-selective use of the instruments provided for in the Charter to put an end to gross violations of international humanitarian law, stating that in those cases where a peacekeeping mission was established, it might be necessary and even morally imperative to give it a clear mandate to help protect civilians.¹⁴¹

At the 6216th meeting, on 11 November 2009, the representative of Croatia noted that as a response to the atrocities committed during the 1990s, the Security Council had taken an important decision in 1999 to add to the mandate of the peacekeeping operation in Sierra

¹³⁴ S/PV.6095, p. 11.

¹³⁵ S/PV.5898, p. 22.

¹³⁶ S/PV.6066, p. 23.

¹³⁷ S/2007/643.

¹³⁸ S/PV.6066 (Resumption 1), pp. 8-10.

¹³⁹ S/PV.6066, p. 30.

¹⁴⁰ S/PV.6151, p. 10.

¹⁴¹ *Ibid.*, p. 27.

Leone a direct reference to the protection of civilians, including through the use of force. He observed that the introduction of protection of civilian provisions had become increasingly important in later peacekeeping mandates. The concept became the central part of the mandate of the peacekeeping operation in the Democratic Republic of the Congo, and had since been introduced into a plethora of other United Nations-mandated peacekeeping missions.¹⁴²

On the other hand, the representative of the Russian Federation, highlighting that the protection of civilians was primarily the responsibility of the governments of the States involved in a conflict and that the actions of the international community should be focused on assisting national efforts in that regard, made clear that the international community could only take appropriate steps, especially when it came to the use of force, under the auspices and with the consent of the Security Council, as well as in accordance with the Charter. He further recalled that the protection of civilians was only one aspect of the mandate of a peacekeeping operation, and that the main task of United Nations peacekeepers was to assist the peace process.¹⁴³

The representative of Benin pointed to the need for an in-depth discussion to identify all the implications of deploying robust missions, taking into consideration criteria for the use of force in the light of the basic principles for the deployment of peacekeeping operations and the need to make adjustments to rules of engagement. He further noted that peacekeeping operations mandated to protect civilians must have determined and effective political backing in accordance with the principle of civilian control of armed forces, in order to maintain the legitimacy of United Nations action.¹⁴⁴

¹⁴² S/PV.6216, p. 10.

¹⁴³ *Ibid.*, p. 16.

¹⁴⁴ S/PV.6216 (Resumption 1), p. 50.

Case 15

Maintenance of international peace and security

At the 6108th meeting, on 21 April 2009, in a debate on mediation and settlement of disputes under the item entitled “Maintenance of international peace and security”, the representative of Cuba, speaking on behalf of the Non-Aligned Movement, expressed her Government’s concern at the Council’s excessive and hasty authorization of the use of force under Chapter VII of the Charter in some cases, while being silent and inactive in others. She noted that the Council had resorted to Chapter VII of the Charter as an umbrella for addressing issues that did not necessarily pose an immediate threat to international peace and security. She advocated a preference for the full utilization of the provisions of Chapters VI and VIII for the pacific settlement of disputes before resorting to Chapter VII provisions, particularly Articles 41 and 42. Chapter VII should be invoked, as intended, as a measure of last resort.¹⁴⁵ Similarly, the representative of Qatar considered that Chapter VII must be used only as a last resort when the need arose, expressing concern that in recent years Council resolutions had been frequently adopted under Chapter VII.¹⁴⁶ The representative of Pakistan criticized the injudicious use of Chapter VII by the Council and held that experience had shown that Chapter VII measures were not always ideal and might further worsen and complicate disputes.¹⁴⁷ The representative of Viet Nam emphasized that mediation efforts focused on addressing the root causes of conflicts could avoid a hasty dramatization of a conflict, which could lead to the “unnecessary” application of measures of last resort, such as those invoked under Chapter VII of the Charter.¹⁴⁸

¹⁴⁵ S/PV.6108 (Resumption 1), pp. 10-12.

¹⁴⁶ *Ibid.*, p. 13.

¹⁴⁷ *Ibid.*, p. 18.

¹⁴⁸ S/PV.6108, p. 7.

V. Provision of armed forces in accordance with Articles 43 to 45 of the Charter

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Note

Articles 43 to 45 of the Charter provide for arrangements intended to govern the relationship

between the Security Council and the Member States contributing troops and air-force contingents for the purpose of the maintenance of international peace and security. Article 43 stipulates Member States' obligation to make available armed forces and other assistance in the maintenance of international peace and security to the Council, on its call, and Article 44 foresees the involvement of troop-contributing countries in relevant Council deliberations. Article 45 of the Charter specifies the need for Member States to make available national air-force contingents for combined international enforcement actions, at the request of the Council. During the period under review, the Council, in a number of decisions and deliberations, touched upon such arrangements in the context of the United Nations peacekeeping operations in general as well as of specific peacekeeping missions.

This section is divided into six subsections. Subsections A, C and E contain the Council's decisions relevant to Articles 43, 44 and 45, respectively. Subsections B, D and F present the constitutional discussions with relevance to those Articles.

In the period under review, no communication was received that contained an explicit reference to Articles 43 to 45 or provisions contained therein.

The Council did not explicitly refer to Articles 43 and 44 in any of its decisions. However it called upon States to provide assistance relating to enforcement actions by United Nations peacekeeping operations, for example in the context of increasing the military strength in the peacekeeping mission deployed in the Democratic Republic of the Congo (MONUC) or in the context of the authorization of a new military component for the mission in the Central African Republic and Chad (see table 31).

With relevance to Article 44, the Council adopted one presidential statement under the item entitled "United Nations peacekeeping operations", in which the Council, inter alia, noted that it had endeavoured to deepen consultations with troop- and police-contributing countries.¹⁴⁹

¹⁴⁹ S/PRST/2009/24.

With regard to Article 45, the Council considered the constraints facing some peacekeeping missions, notably the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and MONUC, in the complete fulfilment of their mandates due to the lack of necessary air-force contingents of various types. The Council adopted decisions requesting appropriate support and held discussions relevant to Article 45.

A. Decisions of the Security Council relating to Article 43

During the period under consideration, with reference to Article 43 of the Charter of the United Nations, the Council considered the strengthening of MONUC, the ongoing deployment of UNAMID and the authorization of an enlarged United Nations Mission in the Central African Republic and Chad (MINURCAT). Accordingly, the Council requested Member States to contribute troops for UNAMID, MONUC and MINURCAT. UNAMID achieved, approximately, its recommended troop capacity but severely lacked critical

enablers such as logistic and aerial contingents. On the other hand, MONUC, with an increase in personnel newly authorized by the Council in November 2008, and MINURCAT, fully taking over the responsibilities of EUFOR Chad/Central African Republic, had yet to reach their full troop strength, while also suffering from the lack of critical assets. Owing to these limitations, the Council urged the international community to step up its commitments to the full deployments of those missions.¹⁵⁰ The Council also called for Member States' support of redeployment of forces from one mission to another in West Africa.

¹⁵⁰ The cases of the United Nations Mission in the Central African Republic and Chad, the United Nations Organization Mission in the Democratic Republic of the Congo and the African Union-United Nations Hybrid Operation in Darfur, in which the calls for contributions included calls for the contribution of helicopters, are covered in subsection E below (table 32).

Table 31

Calls for the provision of assistance relating to enforcement action

Decision and date

Provision

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

Resolution [1834 \(2008\)](#)
24 September 2008 Encourages troop-contributing countries to pledge the necessary force requirements and, in particular, the helicopters, reconnaissance units, engineers, logistics and medical facilities (para. 7)

Resolution [1861 \(2009\)](#)
14 January 2009 Encourages Member States to contribute the necessary force requirements for the United Nations Mission in the Central African Republic and Chad, in particular the helicopters, reconnaissance elements, engineers, logistics and medical facilities (para. 14)

Urges all the Member States, particularly the States bordering Chad and the Central African Republic, to facilitate the delivery to Chad and the Central African Republic freely, without obstacles or delay, of all personnel, equipment, provisions, supplies and other goods, including vehicles and spare parts, intended for the Mission, and the European Union operation until its complete disengagement (para. 15)

The situation in Côte d'Ivoire

Resolution [1880 \(2009\)](#)
30 July 2009 Reaffirms its intention, as expressed in resolution [1836 \(2008\)](#), to authorize the Secretary-General to redeploy troops, as may be needed, between the United Nations Mission in Liberia (UNMIL) and the United Nations Operation in Côte d'Ivoire (UNOCI) on a temporary basis and in accordance with the provisions of resolution [1609 \(2005\)](#), as recommended by the Secretary-General in paragraph 25 of his report of 7 July 2009,^a and calls upon troop-contributing countries to support the efforts of the Secretary-General in that regard (para. 24)

Decision and date

Provision

The situation concerning the Democratic Republic of the Congo

Resolution [1906 \(2009\)](#)
23 December 2009 Commends the contribution of troop- and police-contributing countries and donors to the United Nations Organization Mission in the Democratic Republic of the Congo, and calls upon Member States to pledge and contribute the remaining helicopters, air capabilities, intelligence assets and other force enablers required for the Mission (para. 42)

The situation in Liberia

Resolution [1885 \(2009\)](#)
15 September 2009 Reaffirms its intention to authorize the Secretary-General to redeploy troops, as may be needed, between UNMIL and UNOCI on a temporary basis, in accordance with the provisions of resolution [1609 \(2005\)](#) of 24 June 2005, and calls upon troop-contributing countries to support the efforts of the Secretary-General in this regard (para. 5)

The situation in the Middle East

Resolution [1832 \(2008\)](#)
27 August 2008 Commending the active role and dedication of the personnel of the United Nations Interim Force in Lebanon, notably of its Commander, expressing its strong appreciation to Member States that contribute to the Force, and underlining the necessity that the Force have at its disposal all necessary means and equipment to carry out its mandate (fifth preambular paragraph)

Same provision in resolution [1884 \(2009\)](#), eighth preambular paragraph

Reports of the Secretary-General on the Sudan

[S/PRST/2008/1](#)
11 January 2008 The Council expresses concern about the deterioration of security and humanitarian conditions in Darfur and calls upon the United Nations and all Member States to facilitate the rapid and complete deployment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID). The Council urges capable Member States to contribute the helicopter and transportation units necessary to ensure the successful implementation of the mandate of UNAMID (sixth paragraph)

[S/PRST/2008/27](#)
16 July 2008 The Council further calls upon the United Nations and all parties to facilitate the rapid and complete deployment of UNAMID, and upon capable Member States to contribute the helicopter and transportation units necessary to ensure the successful implementation of the mandate of UNAMID (fifth paragraph)

Resolution [1828 \(2008\)](#)
31 July 2008 Welcomes the agreement of the Government of the Sudan, during its meeting with the Security Council on 5 June 2008, to the African Union-United Nations troop deployment plan, commends the contribution made by troop- and police-contributing countries and donors to UNAMID, and in order to facilitate the full and successful deployment of UNAMID and to enhance the protection of its personnel:

(a) Calls for the rapid deployment, as planned by the Secretary-General, of force enablers, including the heavy support package's engineer, logistical, medical and signal units, and of additional troops, police and civilian personnel, including contractors; and

(b) Calls upon States Members of the United Nations to pledge and contribute the helicopter, aerial reconnaissance, ground transport, engineering and logistical units and other force enablers required (para. 2)

Underlines the importance of raising the capability of those UNAMID battalions formerly deployed by the African Union Mission in the Sudan and other incoming battalions; requests the continuing assistance of donors in ensuring that these battalions are trained and equipped to United Nations standards (para. 3)

Welcomes the intention of the Secretary-General to deploy 80 per cent of UNAMID by 31 December 2008, and urges the Government of the Sudan, troop contributors, donors, the Secretariat and all stakeholders to do all they can to facilitate this (para. 4)

Resolution 1881 (2009)
30 July 2009

Calls upon States Members of the United Nations to pledge and contribute the remaining helicopter, aerial reconnaissance, ground transport, medical and logistical units and other force enablers required; underlines the need for capable battalions effectively able to carry out UNAMID's mandated tasks; in this regard requests the continuing assistance of donors in ensuring that battalions are suitably trained and equipped; and further requests UNAMID to examine how it could maximize the use of its capabilities in Darfur (para. 3)

^a S/2009/344.

B. Discussion relating to Article 43

During the period under consideration, the debate in the Security Council on MINURCAT, in the light of Article 43 of the Charter, focused on the continuing lack of pledges by troop-contributing countries to assist the Mission to reach its authorized capacity (case 16). In the case of UNAMID, the Council discussed the lack of critical air and ground units, despite calls from the Council for more contributions of the urgently needed assets,¹⁵¹ as well as the issue of the composition of the troops, with a focus on the interpretation of the "predominantly African character" of the hybrid mission (case 17).¹⁵²

Case 16

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

At the 6111th meeting, on 24 April 2009, in connection with the situation in Chad, the Central African Republic and the subregion, following the transfer of authority from EUFOR Chad/Central African Republic to a newly established military component of

MINURCAT on 15 March 2009,¹⁵³ the Assistant Secretary-General for Peacekeeping Operations stressed that there was an urgent need to reinforce MINURCAT up to its authorized strength and to equip it to meet the challenges facing it. Despite the deployment of EUFOR troops under MINURCAT and additional deployment of troops by Ghana and Togo, he reminded the Council that MINURCAT still lacked elements essential to the force, particularly a communications unit and most of the military helicopters required, and urged the Council to do everything within its power to ensure that MINURCAT had the military assets, including helicopters, required to implement its mandate and to minimize the risks facing the Mission's troops.¹⁵⁴

The representative of the Czech Republic, speaking on behalf of the European Union, stated that approximately 2,000 of the soldiers who had participated in the EUFOR operation now served under the MINURCAT banner, further underlining European support to United Nations peacekeeping operations. He encouraged the Secretariat and new troop-contributing countries to sustain their efforts towards a quick achievement of the full operational capacity of MINURCAT in order to preserve the positive outcome of EUFOR.¹⁵⁵

¹⁵¹ Decisions concerning the provision of air-force contingents to UNAMID are covered in subsection E below; see also the discussion in subsection F below, case 20.

¹⁵² Resolution 1769 (2007), seventh preambular paragraph.

¹⁵³ For more information, see part VIII, sect. III; and part X.

¹⁵⁴ S/PV.6111, pp. 2-3.

¹⁵⁵ *Ibid.*, p. 6.

At the 6172nd meeting, on 28 July 2009, the Special Representative of the Secretary-General and head of MINURCAT noted that the deployment of military force stood at 46 per cent of its mandated strength and as a consequence limited the ability of MINURCAT to effectively execute the military concept of operations and provide a safe and secure environment for vulnerable populations. He further reminded the Council that there was still a lack of rotary assets with enhanced night-flight capability and, should this unacceptable situation continue to prevail, it would be necessary to explore the possibility of acquiring such capabilities commercially. He also asked those countries which had already deployed troops in the force to strengthen their presence and prolong their deployment.¹⁵⁶

The representative of France stated that it was essential for the deployment of MINURCAT to be accelerated and completed and thus called on all States to confirm their commitments or undertake new ones.¹⁵⁷ The representative of Burkina Faso urged the international community to do its utmost to ensure the effective deployment of the military component of MINURCAT and to make it operational by giving it the logistical means necessary to carry out its mandate.¹⁵⁸ The representative of the Russian Federation pointed out that the Russian aviation unit currently bore the brunt of the burden and hoped that the troop-contributing countries would provide the necessary air units for the Mission.¹⁵⁹ Similarly expressing his Government's concern about the delay in the Mission's full deployment, the representative of Japan urged all concerned to make their best efforts to expedite seamless transitions in troop deployment.¹⁶⁰ The representative of Viet Nam, echoed by the representative of Croatia, called upon the donor countries and troop-contributing countries to extend the necessary resources and provide military enablers to expedite the full deployment of MINURCAT.¹⁶¹

¹⁵⁶ S/PV.6172, p. 4.

¹⁵⁷ *Ibid.*, p. 6.

¹⁵⁸ *Ibid.*, p. 9.

¹⁵⁹ *Ibid.*

¹⁶⁰ *Ibid.*, p. 10.

¹⁶¹ *Ibid.*, pp. 13-14 (Viet Nam); and p. 18 (Croatia).

Case 17

Reports of the Secretary-General on the Sudan

At the 5832nd meeting, on 8 February 2008, the Under-Secretary-General for Peacekeeping Operations, stating that the issue of force composition was one of the lynchpins of the success of UNAMID, reiterated the demand for a definitive decision from the Government of the Sudan on the inclusion of Thai and Nepalese military units in UNAMID, alongside the Ethiopian and Egyptian troops. He stressed that, although Council resolution 1769 (2007) indeed indicated that UNAMID forces should be "predominantly African in character", it did not necessarily mean it should be "exclusively" African. He emphasized a few important reasons why a broader mix of troops was necessary. First, it was necessary to seek troop and police contributors from non-African countries to obtain certain required capabilities. Second, due consideration had to be given to the geographical balance of the force in order to have an operation that would be perceived as impartial by the parties. He further called upon UNAMID troop and police contributors to do everything possible to expedite their predeployment preparations and arrive at the mission with the required capabilities as swiftly as possible. He reiterated the need for UNAMID to urgently generate critical military aviation and ground transportation assets.¹⁶²

Expressing regret for the difficulty encountered in the deployment of non-African units, and stating that the Council could not accept the authority that the Government of the Sudan claimed over the admissibility of the contributions of countries to the Council-mandated force, the representative of Belgium welcomed the forthcoming deployment of the Thai and Nepalese contingents.¹⁶³ The inconsistent cooperation from the Government of the Sudan and the bureaucratic obstacles to making things happen on the ground were also pointed out by the representative of the United Kingdom.¹⁶⁴

On the other hand, the representative of Burkina Faso welcomed the news that the Sudanese authorities had agreed to the expansion of the UNAMID contingent with the participation of some non-African countries.¹⁶⁵

¹⁶² S/PV.5832, p. 7.

¹⁶³ *Ibid.*, p. 21.

¹⁶⁴ *Ibid.*, p. 18.

¹⁶⁵ *Ibid.*, p. 9.

The representative of China pointed out that the implementation of resolution 1769 (2007) was not the exclusive responsibility of the Secretariat, the African Union or the Government of the Sudan but that the international community must share that responsibility by providing the necessary resources, equipment and personnel. Only the joint efforts of the international community as a whole could enable the deployment of the hybrid force on the ground without hindrance and its ability to play an effective role.¹⁶⁶ Concurring, a few other speakers called for UNAMID troop contributors to speed up their preparations for deployment and stressed the importance for the international community to provide critical aviation and ground transportation units.¹⁶⁷

C. Decisions of the Security Council relating to Article 44

On 5 August 2009, the Security Council adopted a presidential statement under the item entitled “United Nations peacekeeping operations”, in which it noted that it had endeavoured in the previous six months to improve its dialogue with the Secretariat and with troop- and police-contributing countries on the collective oversight of peacekeeping operations and to develop practices such as efforts to deepen consultations with troop- and police-contributing countries. The Council also identified, as one of several areas where further reflection was required to improve the preparation, planning, monitoring and evaluation, and completion of peacekeeping operations, earlier and more meaningful engagement with troop- and police-contributing countries before the renewal or modification of the mandate of a peacekeeping operation, while recognizing that through their experience and expertise, those countries could greatly contribute to effective planning, decision-making and deployment of peacekeeping operations.¹⁶⁸

D. Discussion relating to Article 44

During the period under review, there were two debates in which the Security Council dealt with its

engagement with troop- and police-contributing countries and which are featured here as case studies. Under the item entitled “United Nations peacekeeping operations”, the Council discussed the role of troop- and police-contributing countries (case 18). The relationship between the Council and troop-contributing countries was touched upon in the discussions of the working methods of the Council (case 19).

At the 5895th meeting, on 20 May 2008, on post-conflict peacebuilding, there was one explicit reference to Article 44 which did not give rise to a constitutional discussion.¹⁶⁹

Case 18 United Nations peacekeeping operations

At the 6075th meeting, on 23 January 2009, speakers concurred that political support, sufficient financial and logistical resources as well as exit strategies were required for successful mandate fulfilment by peacekeeping operations. In discussing the tripartite cooperation between the Council, the Secretariat and troop-contributing countries, the representative of Uruguay underscored the low level of participation of those countries in the management of operations, especially in the preparation and planning stage. Attaching central importance to an enhanced exchange of information, he called for a real opportunity for troop-contributing countries to express their opinion before the specifics of an operation were defined. He proposed the creation of a depoliticized and effective mechanism to make such interaction possible that would help to minimize risks and maximize the efficiency of peacekeeping operations.¹⁷⁰

The representative of India stated that, in the current international context, Article 44 should be read as implying that the Council should invite non-Council members to participate in the decisions of the Council concerning the employment of contingents of the Member States’ armed forces. He asserted that the Charter had envisaged peacekeeping as a tool jointly invented and honed by the Council and the General Assembly, not as an attribute of the power accorded to the Council by the Charter. He regretted that, in reality, the Security Council had “completely monopolized” its hold on United Nations peacekeeping operations. He noted the holding of meetings with troop-contributing

¹⁶⁶ Ibid., p. 10.

¹⁶⁷ Ibid., p. 12 (Indonesia); p. 21 (United States); and p. 24 (Viet Nam).

¹⁶⁸ S/PRST/2009/24, third and fourth paragraphs.

¹⁶⁹ S/PV.5895 (Resumption 1), p. 27.

¹⁷⁰ S/PV.6075, pp. 40-41.

countries in private under the format established by resolution 1353 (2001), and the increase in the frequency of briefings by the Secretariat for troop-contributing countries, but complained that such briefings continued to be held, quite literally, on the eve of the renewal of mission mandates, making them pro forma exercises, as there was little real scope for serious or meaningful discussion. He reiterated the imperative of involving troop-contributing countries both early and fully in all aspects and stages of mission planning.¹⁷¹

A number of other speakers also pointed to the added value and benefit brought to the Council by the expertise and knowledge of troop-contributing countries throughout the entire planning and decision-making process.¹⁷² The representative of Austria welcomed the idea of organizing, on a more regular basis, meetings among the Security Council, the Secretariat, commanders in the field and troop-contributing countries to discuss the implementation, progress and challenges of the various operations under way. He further held that the problem of the lack of instructions and guidelines for force commanders and troops on the ground for the specific implementation of their mandates should be solved by developing them through close tripartite cooperation.¹⁷³

The representative of Pakistan asserted that peacekeeping activities could not be only “Council-centric”. Since mandates were to be implemented on the ground by troop-contributing countries, the majority of which were not Council members, there was an obvious need to bring troop-contributing countries fully into the loop, which required a genuine and meaningful partnership, extending from the deployment and operational aspects to a role in decision-making and policy formulation.¹⁷⁴ The representative of Jordan requested cooperation in an open manner under participation of troop-contributing countries, regional organizations and specialized agencies in order to achieve the Council’s strategic objectives in the long run.¹⁷⁵

Case 19

Implementation of the note by the President of the Security Council (S/2006/507)

At the 5968th meeting, on 27 August 2008, during the debate on working methods of the Security Council, while several speakers welcomed the fact that in recent years coordination with and transparency towards troop-contributing countries had been strengthened,¹⁷⁶ others put greater emphasis on what still needed to be done in this regard: the representative of Slovakia pointed out that private Security Council meetings with troop-contributing countries, which had become too formalistic and had lost much of their original value, had to be revitalized.¹⁷⁷ Similarly, the representative of Uruguay noted that the current meetings with troop-contributing countries were merely informative in nature and lacked real consultation.¹⁷⁸ The representative of New Zealand also noted that there was considerable scope to develop the interaction between the Security Council and other interested parties, inter alia, troop-contributing countries.¹⁷⁹ A number of other speakers underlined the utility of enhancing communications with troop-contributing countries, whose opinions should be taken into due account.¹⁸⁰

The representative of the Russian Federation supported further strengthening the practice of holding active consultations between Council members and troop-contributing countries in order to ensure that those countries participated at the earliest stages of planning for such operations. At the same time, he asserted the importance of the Council receiving the fullest assessment possible from troop-contributing countries with regard to the relevant issues.¹⁸¹

The representative of Jordan called upon the Council to consult with troop-contributing countries in the formulation of resolutions. He argued that the burden of making full use of the opportunity to interact with the Council within its regular consultations and

¹⁷¹ Ibid., p. 33.

¹⁷² Ibid., p. 17 (Burkina Faso); pp. 18-19 (Japan); p. 22 (Austria); p. 23 (Croatia); p. 26 (Libyan Arab Jamahiriya); p. 35 (Pakistan); p. 38 (Nigeria); and p. 43 (Morocco, on behalf of the Non-Aligned Movement).

¹⁷³ Ibid., p. 22.

¹⁷⁴ Ibid., pp. 35-36.

¹⁷⁵ Ibid., p. 37.

¹⁷⁶ S/PV.5968, p. 5 (China); and p. 7 (Croatia).

¹⁷⁷ Ibid., p. 24.

¹⁷⁸ Ibid., p. 31.

¹⁷⁹ Ibid., p. 29.

¹⁸⁰ Ibid., p. 19 (Burkina Faso); p. 25 (Switzerland); S/PV.5968 (Resumption 1), p. 10 (Canada); p. 13 (Ecuador); p. 17 (Austria); p. 19 (Republic of Korea); p. 22 (Tonga, on behalf of the Pacific small island developing States); p. 24 (Pakistan); and p. 26 (Poland).

¹⁸¹ S/PV.5968, p. 16.

meetings fell on the troop-contributing countries. He said that the current nature of such meetings restricted effective and active participation and did not lead to desired results. Emphasizing that consultations with troop-contributing countries were essential in helping the Governments of those States to take the decision to participate in peacekeeping missions, he suggested that the Council encourage consultations with troop-contributing countries in accordance with resolution 1353 (2001), and the presence of military and political experts in the participating missions at the earliest stage, before the consideration of those matters.¹⁸²

Speaking on behalf of the Non-Aligned Movement, the representative of Cuba, seconded by a few speakers,¹⁸³ requested that meetings with troop-contributing countries should be held not only to draw up mandates but also when considering a change, renewal or termination of a mission mandate, or when there was a rapid deterioration of the situation on the ground.¹⁸⁴ The representative of Japan suggested that, to ensure the implementation and effectiveness of Council action, having an informal exchange of views prior to a major adjustment to or the creation of a peacekeeping operation mandate in the Working Group on Peacekeeping Operations helped to address the legitimate concerns of the major stakeholders,

¹⁸² Ibid., p. 36.

¹⁸³ Ibid., p. 4 (Indonesia); p. 6 (Libyan Arab Jamahiriya); and pp. 11-12 (Viet Nam).

¹⁸⁴ Ibid., p. 33.

including troop-contributing countries and financial contributors.¹⁸⁵

E. Decisions of the Security Council relating to the provision of air-force contingents by Member States in accordance with Article 45 of the Charter

During the period under review, despite the repeated requests to Member States for air-force contribution to peacekeeping operations made in numerous reports and letters from the Secretary-General,¹⁸⁶ the Security Council continued to face difficulties in receiving any pledge for critical enablers, especially air-force contingents for UNAMID, the newly established military component of MINURCAT and MONUC after its reinforcement in November 2008. Table 32 reflects the calls by the Council for various types of air-force contingents needed by the peacekeeping missions in Chad/Central African Republic, the Democratic Republic of the Congo and Darfur/Sudan.

¹⁸⁵ Ibid., p. 22.

¹⁸⁶ For example, for UNAMID, see S/2008/249, para. 35; S/2008/443, para. 39; S/2008/558, para. 18; S/2009/201, paras. 52 and 65; and S/2009/592, para. 24. For MONUC, see S/2009/472, para. 72; S/2008/703, para. 7 (b); and S/2009/52, pp. 1-2.

Table 32
Calls for the provision of air-force contingents by Member States

<i>Decision and date</i>	<i>Provision</i>
The situation in Chad, the Central African Republic and the subregion	
Resolution 1834 (2008) 24 September 2008	Encourages troop-contributing countries to pledge the necessary force requirements and, in particular, the helicopters, reconnaissance units, engineers, logistics and medical facilities (para. 7)
Resolution 1861 (2009) 14 January 2009	Encourages Member States to contribute the necessary force requirements for the United Nations Mission in the Central African Republic and Chad, in particular the helicopters, reconnaissance elements, engineers, logistics and medical facilities (para. 14)

Decision and date

Provision

The situation concerning the Democratic Republic of the Congo

Resolution 1906 (2009)
23 December 2009

Commends the contribution of troop- and police-contributing countries and donors to the United Nations Organization Mission in the Democratic Republic of the Congo, and calls upon Member States to pledge and contribute the remaining helicopters, air capabilities, intelligence assets and other force enablers required for the Mission (para. 42)

Reports of the Secretary-General on the Sudan

S/PRST/2008/1
11 January 2008

The Council expresses concern about the deterioration of security and humanitarian conditions in Darfur and calls upon the United Nations and all Member States to facilitate the rapid and complete deployment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID). The Council urges capable Member States to contribute the helicopter and transportation units necessary to ensure the successful implementation of the mandate of UNAMID (sixth paragraph)

S/PRST/2008/27
16 July 2008

The Council further calls upon the United Nations and all parties to facilitate the rapid and complete deployment of UNAMID, and upon capable Member States to contribute the helicopter and transportation units necessary to ensure the successful implementation of the mandate of UNAMID (fifth paragraph)

Resolution 1828 (2008)
31 July 2008

Welcomes the agreement of the Government of the Sudan, during its meeting with the Security Council on 5 June 2008, to the African Union-United Nations troop deployment plan, commends the contribution made by troop- and police-contributing countries and donors to UNAMID, and in order to facilitate the full and successful deployment of UNAMID and to enhance the protection of its personnel ..., calls upon States Members of the United Nations to pledge and contribute the helicopter, aerial reconnaissance, ground transport, engineering and logistical units and other force enablers required (paras. 2 and 2 (b))

Resolution 1881 (2009)
30 July 2009

Commends the contribution of troop- and police-contributing countries and donors to UNAMID; calls on United Nations Member States to pledge and contribute the remaining helicopter, aerial reconnaissance, ground transport, medical and logistical units and other force enablers required (para. 3)

F. Discussion relating to the provision of air-force contingents by Member States in accordance with Article 45 of the Charter

In the period under review, the Security Council discussed the lack of air-force contingents facing peacekeeping missions. Cases 20 and 21 reflect such discussions in the context of UNAMID and MONUC, respectively. Difficulties around the deployment of air-force contingents were also discussed under the item entitled "United Nations peacekeeping operations" (case 22). In the context of its authorization of a new

military component for MINURCAT, the Council discussed the provision of air-force capacity while predominantly considering the continued lack of pledges by Member States of assistance to the newly created component of MINURCAT to reach its authorized troop capacity. That discussion is featured in subsection B above (see case 16).

Case 20 Reports of the Secretary-General on the Sudan

At the 5817th meeting, on 9 January 2008, in connection with the reports of the Secretary-General on the Sudan, the Under-Secretary-General for

Peacekeeping Operations observed that the deployment of UNAMID in Darfur, following the transfer of authority from the African Union Mission in the Sudan on 31 December 2007 pursuant to resolution 1769 (2007), continued to be compounded by the shortfalls in a number of critical areas, including essential transportation and aviation. Those missing units, consisting of two transport units and three military utility aviation units, would enable UNAMID to move personnel and resources over large areas with the speed required to respond to crises and to rapidly resupply units based in insecure locations. He informed the Council that there was an additional shortfall of one multi-role logistic unit and one aerial reconnaissance unit, following the technical determination that the unit pledged did not meet requirements. He referred to the ongoing discussions with Ukraine to explore the possibility of transferring tactical helicopters from another mission, while exploring proposals from the Russian Federation that would involve providing the airframes to other troop-contributing countries.¹⁸⁷

By a presidential statement of 11 January 2008, the Council called upon the United Nations and all Member States to facilitate the rapid and complete deployment of UNAMID and urged capable Member States to contribute the helicopter and transportation units necessary to ensure the successful implementation of the mandate of UNAMID.¹⁸⁸

At the 5832nd meeting, on 8 February 2008, the Under-Secretary-General for Peacekeeping Operations reiterated the need to urgently generate critical military aviation and ground transportation assets for UNAMID.¹⁸⁹ A few speakers expressed concerns at the situation and implications for stability in Darfur and added their support to the appeals by the Secretariat for contribution of those assets, including helicopters, necessary to fulfil the mandate of UNAMID.¹⁹⁰

At the 5849th meeting, on 11 March 2008, the Assistant Secretary-General for Peacekeeping Operations, after reporting that, with the exception of Ethiopia's pledge of four light tactical helicopters, credible offers for utility helicopters and the remainder

of the light tactical helicopters, aerial reconnaissance aircraft and logistics and transport units remained outstanding, urged the Council once again to support the efforts to find and deploy those assets to the mission as soon as possible.¹⁹¹ This aspect was equally emphasized by the briefers from the Secretariat in subsequent meetings, where they noted that UNAMID was still lacking five critical operational capabilities: attack helicopters, surveillance aircraft, medium-lift support helicopters, military engineers and logistical support.¹⁹²

At the 5922nd meeting, on 24 June 2008, the Special Envoy of the African Union for Darfur regretted that it had not yet been possible to obtain two dozen or so helicopters for UNAMID, notwithstanding the repeated calls from the international community at large for the rapid deployment of a robust UNAMID.¹⁹³ A number of speakers reiterated concerns over the lack of resources for UNAMID, including the lack of air-force contingents for the full deployment of the mission.¹⁹⁴ The representative of Croatia, noting that the issue was not only the pace of the deployment, but also equipment, stated that the crucial issue was that of helicopters. He stressed that it should be part of the Council's responsibility to try to ensure not only that deployment but also that delivery of equipment was on time.¹⁹⁵ The representative of the United States reiterated the need to deliver the right capabilities and to redouble efforts to get the international community to ensure that the capabilities were made available, whether it be heavy-lift or medium-lift capacity or helicopters, and opined that the Council could be more focused in order to encourage the deployment or availability of appropriate assets.¹⁹⁶

By a presidential statement of 16 July 2008, the Council called upon the United Nations and all parties to facilitate the rapid and complete deployment of UNAMID, and upon capable Member States to contribute the helicopter and transportation units necessary to ensure the successful implementation of the mandate of UNAMID.¹⁹⁷ On 31 July 2008, the Council

¹⁸⁷ S/PV.5817, pp. 2-6.

¹⁸⁸ S/PRST/2008/1, sixth paragraph.

¹⁸⁹ S/PV.5832, p. 7.

¹⁹⁰ *Ibid.*, p. 12 (Indonesia); p. 13 (Costa Rica); p. 14 (South Africa); p. 18 (United Kingdom); p. 23 (United States); and p. 25 (Panama).

¹⁹¹ S/PV.5849, p. 5.

¹⁹² S/PV.5872, p. 3; and S/PV.5892, p. 6.

¹⁹³ S/PV.5922, pp. 5-8.

¹⁹⁴ *Ibid.*, p. 9 (Libyan Arab Jamahiriya); p. 11 (South Africa); p. 12 (China); p. 19 (Croatia); and pp. 22-23 (United States).

¹⁹⁵ *Ibid.*, p. 19.

¹⁹⁶ *Ibid.*, pp. 22-23.

¹⁹⁷ S/PRST/2008/27, fifth paragraph.

adopted resolution 1828 (2008), by which, in order to facilitate the full and successful deployment of UNAMID and to enhance the protection of its personnel, it called upon States Members of the United Nations to pledge and contribute the helicopter, aerial reconnaissance, ground transport, engineering and logistical units and other force enablers required.¹⁹⁸

At the 6054th meeting, on 19 December 2008, the Under-Secretary-General for Peacekeeping Operations stated that as the mission's capabilities increased much more work could be done. However, key gaps in the mission's force composition remained to be filled. For over a year, pledges had been made for, inter alia, an aerial reconnaissance unit, light tactical helicopters and 18 medium-utility helicopters, which had been and still were outstanding.¹⁹⁹

Case 21 The situation concerning the Democratic Republic of the Congo

Following the approval by the Security Council of a temporary surge capacity for MONUC under resolution 1843 (2008) of 20 November 2008, renewed by resolution 1856 (2008) of 22 December 2008,²⁰⁰ at the 6104th meeting, on 9 April 2009, the Special Representative of the Secretary-General for the Democratic Republic of the Congo underlined the importance of those additional resources given the current situation in the eastern part of the country and regretted that, despite the offer of the provision of additional troops and police personnel by several countries, critically important capacities were not yet in sight. He emphasized that without the additional helicopter support required for rapid deployment and reaction, for example, the capacity of MONUC to respond quickly to emerging threats and to protect civilian populations would be compromised and that support to the armed forces of the Democratic Republic of the Congo would also be seriously constrained.²⁰¹

At the 6203rd meeting, on 16 October 2009, the Special Representative of the Secretary-General informed the Council that, while first elements of additional uniformed personnel authorized in 2008 had begun to arrive, the limited helicopter and fixed-wing

aircraft capacity was still a huge constraint on the ability of MONUC to quickly deploy and sustain its forces in places where they were most needed. This was compounded by the lack of tactical intelligence in which no support had yet been received, even though it had been authorized by the Council a year previously.²⁰²

By resolution 1906 (2009) of 23 November 2009, the Council called upon Member States to pledge and contribute the remaining helicopters, air capabilities, intelligence assets and other force enablers required for the Mission.²⁰³

Case 22 United Nations peacekeeping operations

At its 6075th meeting, on 23 January 2009, the Security Council held a thematic debate on United Nations peacekeeping operations, in which the Under-Secretary-General for Peacekeeping Operations reminded the Council that UNAMID continued to face difficulties in deploying and still lacked helicopters that would provide the mobility essential to carry out its important mandate.²⁰⁴

The representative of the Russian Federation underlined that a Russian helicopter unit was operating as part of the United Nations Mission in the Sudan (UNMIS) and that another Russian aviation group was being dispatched to MINURCAT.²⁰⁵

At the 6153rd meeting, on 29 June 2009, the Under-Secretary-General for Peacekeeping Operations reiterated that needed capabilities, such as "those well-known helicopters", were not always available in sufficient quantity to the United Nations, considerably hindering mandate implementation in certain missions.²⁰⁶ The representative of Rwanda stressed that a number of Member States, particularly from the African continent, were committed to peacekeeping but required the support of the international community in providing equipment that they were not able to muster because of minimal resources and competing priorities. He said that equipment such as helicopters, which the international community had failed to provide to missions like UNAMID, was a necessary force multiplier that would greatly affect the mobility and

¹⁹⁸ Resolution 1828 (2008), para. 2 (b).

¹⁹⁹ S/PV.6054, pp. 2-5.

²⁰⁰ For more information, see part X.

²⁰¹ S/PV.6104, p. 6.

²⁰² S/PV.6203, p. 5.

²⁰³ Resolution 1906 (2009), para. 42.

²⁰⁴ S/PV.6075, p. 4.

²⁰⁵ Ibid., p. 21.

²⁰⁶ S/PV.6153, p. 3.

effectiveness of peacekeeping in that region.²⁰⁷ Recalling the statement made by the Under-Secretary-General for Peacekeeping Operations to the Special Committee on Peacekeeping Operations on 23 January 2009, which had highlighted a number of areas where peacekeeping faced problems, including the absence of

²⁰⁷ S/PV.6153 (Resumption 1), p. 10.

critical enabling capacities such as air assets, the representative of India observed that the problem was not a lack of personnel or equipment but rather reluctance on the part of Member States to make those assets available to the United Nations.²⁰⁸

²⁰⁸ Ibid., p. 13.

VI. Role and composition of the Military Staff Committee in accordance with Articles 46 and 47 of the Charter

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 subcommittees.*

Note

Articles 46 and 47 of the Charter prescribe the role of the Military Staff Committee in planning the application of armed force and also touch upon its composition.

This section features instances in which the Security Council, either in its decisions or in its deliberations, dealt with the role of the Military Staff Committee according to Articles 46 and 47 of the Charter.

During the period under review, the Council adopted one decision in relation to Articles 46 and 47 (see subsection A). Furthermore, the possibility of reactivating the Military Staff Committee was taken up by a few Council members in connection with the items entitled "Implementation of the note by the President of the Security Council (S/2006/507)", "United Nations peacekeeping operations" and "Maintenance of international peace and security" (see subsection B).

A. Decisions of the Security Council relating to Articles 46 and 47

While no explicit references to Articles 46 and 47 were made during the period under review, the Council adopted one presidential statement under the item entitled "United Nations peacekeeping operations", in which, as one of the areas where further reflection was required to improve the preparation, planning, monitoring and evaluation, and completion of peacekeeping operations, the Council recognized the need to improve its access to military advice, and expressed its intention to pursue its work on mechanisms to that effect. The Council further

stated that it would continue to review the role of the Military Staff Committee.²⁰⁹

B. Discussion relating to Articles 46 and 47

During the period under review, a few Council members suggested considering a reactivation of the Military Staff Committee in debates under the items entitled “United Nations peacekeeping operations” (case 23) and “Maintenance of international peace and security” (case 24).

Case 24 is focused on the role of the Military Staff Committee in connection with peacekeeping operations. Discussions on the role of the Military Staff Committee in the establishment of a system for the regulation of armaments in accordance with Article 26 are covered in part V, section III.

Case 23 United Nations peacekeeping operations

During the debate on United Nations peacekeeping operations at the 6075th meeting, on 23 January 2009, the representative of the Russian Federation expressed the view that the required level of military expertise for the Security Council remained unsatisfactory. He argued that to ensure a more systematic approach by the Council to the military aspects of peacekeeping, it was now time, and justified in all respects, to revitalize the Military Staff Committee, with the full participation of the 15 Council members. He reiterated that the Military Staff Committee’s assessment of the military situation in countries in which peacekeeping operations were deployed, its formulations of recommendations regarding operational aspects of peacekeeping and its participation in missions to assess the readiness of troops and services assigned to peacekeeping operations would ensure that the Council was provided with reliable and timely information and would also enhance United Nations peacekeeping military expertise as a whole. He further announced that his delegation was ready to share specific proposals on the possible organization of the Committee’s work.²¹⁰

At the 6153rd meeting, on 29 June 2009, the representative of Uganda opined that because of the

²⁰⁹ S/PRST/2009/24, fourth paragraph.

²¹⁰ S/PV.6075, p. 20.

recent shift towards more robust and comprehensive United Nations peacekeeping operations which required a clear understanding of the situation on the ground before mandates were designed, and the need to elaborate clear entrance and exit strategies with the principal actors concerned, his Government supported the revitalization of the Military Staff Committee, with the participation of all Council members, so that it could play a more active role in providing the relevant technical input.²¹¹

At the 6178th meeting, on 5 August 2009, the representative of the Russian Federation regretted that the non-paper prepared by the Department of Peacekeeping Operations and the Department of Field Support entitled “A new partnership agenda: charting a new horizon for United Nations peacekeeping”²¹² overlooked the problem of ensuring the level of military expertise necessary for the implementation of Security Council decisions. Supporting the idea of involving military experts from Council members in reviewing and drawing up the mandates of peacekeeping operations, he advocated further systematization of the work of the Council on the military aspects of peacekeeping. He reiterated the Russian proposal to expand the Military Staff Committee to all 15 Council members. With regard to the presidential statement to be adopted, he opined that it focused insufficient attention on the need to intensify the activities of the Military Staff Committee, among other issues.²¹³

At the end of the meeting, the President made a statement on behalf of the Council, in which, inter alia, the Council recognized the need to improve its access to military advice and continue to review the role of the Military Staff Committee.²¹⁴

Case 24 Maintenance of international peace and security

In the concept paper prepared by the President (Costa Rica) for the thematic debate on the topic of

²¹¹ S/PV.6153, p. 13.

²¹² The non-paper lays out the initial views of the Departments of Peacekeeping Operations and Field Support on a future agenda to strengthen the United Nations peacekeeping partnership; see <http://www.un.org/en/peacekeeping/documents/newhorizon.pdf>. For more information, see part I, sect. 37, and part X.

²¹³ S/PV.6178, pp. 16-17.

²¹⁴ S/PRST/2009/24, fourth paragraph.

strengthening the collective system for the regulation of armaments, the Security Council, in conjunction with the General Assembly, was called upon for concrete and actionable proposals on the general regulation and reduction of armaments and on the “all too obscure” Military Staff Committee. The paper further noted that the exercise would serve as an opportunity to comply with the request made during the 2005 World Summit to consider the composition, mandate and working methods of the Military Staff Committee.²¹⁵

At the 6017th meeting, on 19 November 2008, the representative of the Russian Federation noted that, to date, ensuring the level of military expertise required for action within the framework of United Nations peacekeeping operations remained unresolved. Turning to the Russian initiative to intensify the activities of the Military Staff Committee, he explained that the thrust of it lay in involving the Military Staff Committee in fact-finding missions and inspection groups to assess the combat readiness of troops and equipment allocated for

²¹⁵ S/2008/697, pp. 2-3.

participation in peacekeeping operations, which would provide timely and relevant information to the Council.²¹⁶

With reference to the Military Staff Committee, the representative of Argentina noted that for the use and command of the forces placed at the disposal of the United Nations, the Organization had needed to establish different arrangements throughout its history because it had been impossible for the Military Staff Committee to fulfil its mandate. He explained that the current structure of United Nations peacekeeping operations had arisen from the need to perform some of those functions foreseen in the Charter.²¹⁷ The representative of Canada asserted that any decision regarding renewed activity of the Military Staff Committee, after a prolonged period of disuse, would require significant consultation and further study.²¹⁸

²¹⁶ S/PV.6017, p. 8.

²¹⁷ S/PV.6017 (Resumption 1), p. 6.

²¹⁸ *Ibid.*, p. 16.

VII. 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

Article 48 of the Charter underlines the obligation of all or some Member States, as determined by the Security Council, to carry out the decisions of the Council adopted in accordance with the provisions of Articles 40, 41 and 42 of the Charter. In accordance with Article 48 (2), Member States may carry out the decisions directly or through other international organizations.

During the period under review, the Security Council did not explicitly invoke Article 48 of the Charter in any of its decisions. However, in a number of resolutions adopted under Chapter VII of the Charter, the Council, without expressly referring to Article 48, underlined the necessity for Member States to fully comply with the requirements of the resolutions adopted by the Council, and contained provisions which might be regarded as implicit references to Article 48.

In addition, Article 48 was explicitly invoked in a communication addressed to the Council. In the tenth report of the Analytical Support and Sanctions Monitoring Team established pursuant to resolution [1526 \(2004\)](#) and extended by resolution [1822 \(2008\)](#), it was noted that the Committee established pursuant to resolution [1267 \(1999\)](#) had decided to consider proposals for high-level agreements with international organizations, such as the International Civil Aviation Organization or the World Customs Organization. That decision was founded on the fact that, “under Article 48 of the Charter”, Member States were obliged to observe

mandatory decisions of the Council, not only directly but also through their action in relevant international agencies of which they were members.²¹⁹

In the course of the Council's deliberations relating to the adoption of decisions under Chapter VII of the Charter during the period under review, there was no constitutional discussion regarding the interpretation or application of Article 48. Accordingly, this section focuses on the decisions of the Council which highlight the range of addressees of the Council's calls for implementation of such decisions. Details of the measures themselves are covered in the sections focusing on Articles 40, 41 or 42.

Decisions of the Security Council under Article 48

During the period under review, in Council decisions, no calls were made relating to the implementation of measures under Article 40. Any obligation evoked, or request made for assistance in implementing measures taken in accordance with Article 42, was either in the context of the deployment of a peacekeeping operation, when States were called upon to provide armed forces and assistance related to enforcement actions by United Nations peacekeeping operations, or in the context of mutual assistance in the implementation of a Chapter VII provision. As those requests are covered under section V.A and section VIII.B, respectively, only the decisions of the Council concerning obligations of Member States relating to measures taken under Article 41 are featured here (see table 33).

In most decisions relating to the imposition of sanctions measures under Article 41, the Council, during the period under review, called on "Member States", "all States" or "all States, particularly those in the region" to (a) fully comply with the sanctions

²¹⁹ S/2009/502, para. 84.

regime; (b) implement the measures decided by the Council; and (c) cooperate with, and report to, the relevant sanctions committee or monitoring mechanism. In addition to Member States, the Council requested a large variety of actors such as "relevant United Nations bodies, other organizations and interested parties" and "international and regional organizations" to cooperate more closely with the body in charge of monitoring the sanctions regime.

While generally stressing the obligation of "all States" to comply with the measures imposed, in one instance, in connection with the border dispute between Djibouti and Eritrea, the Council insisted that "all Member States, including Eritrea" should comply fully with the terms of the arms embargo.²²⁰ In connection with the situation concerning the Democratic Republic of the Congo, the Council specifically demanded that "all parties and all States" ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control²²¹ and urged "all States, especially those in the region" to take appropriate steps to end the illicit trade in natural resources, including if necessary through judicial means, and, where necessary, to report to the Security Council.²²² Furthermore, the Council urged "all Governments in the region", naming four States in particular, to prevent the use of their respective territories in support of violations of the arms embargo.²²³

With regard to judicial measures in accordance with Article 41, concerning the situation in the Great Lakes region, the Council called on "all States" to intensify cooperation with and render all necessary assistance to the International Criminal Tribunal for Rwanda.²²⁴

²²⁰ Resolution 1907 (2009), para. 1.

²²¹ Resolution 1896 (2009), para. 12.

²²² Resolution 1906 (2009), para. 28.

²²³ Resolution 1859 (2008), para. 20.

²²⁴ Resolution 1804 (2008), para. 9.

Table 33

Decisions referring to obligations to carry out the Council's decisions adopted in accordance with Article 41

Decision and date

Provision

The situation in Côte d'Ivoire

Resolution [1842 \(2008\)](#)
29 October 2008

Calls upon the Ivorian parties to the Ouagadougou Political Agreement and all States, in particular those in the subregion, to fully implement the measures renewed in paragraph 1 [of the resolution], including, as appropriate, by taking the necessary rules and regulations, and calls also upon the United Nations Operation in Côte d'Ivoire (UNOCI) and the French forces supporting it to bring their full support, in particular, to the implementation of the measures on arms renewed in paragraph 1, within their capacities and respective mandates, as determined in resolution [1739 \(2007\)](#) and renewed in resolution [1826 \(2008\)](#) (para. 3)

Same provision in resolution [1893 \(2009\)](#), para. 3

Requests all States concerned, in particular those in the subregion, to cooperate fully with the Committee (para. 9)

Same provision in resolution [1893 \(2009\)](#), para. 9

Urges all States, relevant United Nations bodies and other organizations and interested parties, including the Kimberley Process, to cooperate fully with the Committee, the Group of Experts, UNOCI and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 of resolution [1572 \(2004\)](#) and paragraph 6 of resolution [1643 \(2005\)](#) and reiterated in paragraph 1 [of resolution [1842 \(2008\)](#)] (para. 15)

Same provision in resolution [1893 \(2009\)](#), para. 18

The situation concerning the Democratic Republic of the Congo

Resolution [1856 \(2008\)](#)
22 December 2008

Emphasizing the responsibility of the Government of the Democratic Republic of the Congo and the Governments of the region to prevent the use of their respective territories in support of violations of the arms embargo imposed by resolution [1807 \(2008\)](#) or in support of activities of armed groups present in the region in accordance with the Pact on Security, Stability and Development for the Great Lakes Region [and] urging them to take effective measures to prevent cross-border support to any illegal armed group in the eastern region of the Democratic Republic of the Congo (eighth preambular paragraph)

Urges all Governments in the region, in particular those of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda ..., to prevent the use of their respective territories in support of violations of the arms embargo reaffirmed by resolution [1807 \(2008\)](#) or in support of activities of armed groups present in the region (para. 20)

Resolution [1857 \(2008\)](#)
22 December 2008

Stressing the obligation of all States to abide by the notification requirements set out in paragraph 5 of resolution [1807 \(2008\)](#) (seventh preambular paragraph)

Decision and date

Provision

Calls upon all States, in particular those of the region, to support the implementation of the measures specified in the present resolution, to cooperate fully with the Committee in carrying out its mandate and to report to the Committee, within 45 days from the date of adoption of the present resolution, on the actions they have taken to implement the measures imposed by paragraphs 1 to 5 [of the resolution], and encourages all States to send representatives, at the Committee's request, to meet with the Committee for more in-depth discussion of relevant issues (para. 7)

Resolution [1896 \(2009\)](#)
30 November 2009

Calls upon all States, particularly those in the region and those in which individuals and entities designated pursuant to paragraph 3 of the present resolution are based, to implement fully the measures specified in the present resolution and to cooperate fully with the Committee in carrying out its mandate (para. 5)

Requests the Governments of the Democratic Republic of the Congo and of all States, particularly those in the region, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the Group of Experts to cooperate intensively, including by exchanging information regarding arms shipments, trading routes and strategic mines known to be controlled or used by armed groups, flights from the Great Lakes region to the Democratic Republic of the Congo and from the Democratic Republic of the Congo to the Great Lakes region, the illegal exploitation of and trafficking in natural resources, and activities of individuals and entities designated by the Committee pursuant to paragraph 4 of resolution [1857 \(2008\)](#) (para. 10)

Further demands that all parties and all States ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control, and in this regard requests all States to identify a focal point to the Committee in order to enhance cooperation and information-sharing with the Group of Experts (para. 12)

Reiterates its demand, expressed in paragraph 21 of resolution [1807 \(2008\)](#) and reaffirmed in paragraph 14 of resolution [1857 \(2008\)](#), that all parties and all States, particularly those in the region, cooperate fully with the work of the Group of Experts and that they ensure the safety of its members, and unhindered and immediate access, in particular to persons, documents and sites that the Group of Experts deems relevant to the execution of its mandate (para. 13)

Also calls upon Member States to cooperate fully with the Group of Experts in respect of its mandate under paragraph 7 of the present resolution to develop recommendations for the Committee for guidelines for the exercise of due diligence, in particular by providing details of any relevant national guidelines, licensing requirements or legislation relating to trading in mineral products (para. 15)

Resolution [1906 \(2009\)](#)
23 December 2009

Emphasizing that the linkage between the illicit exploitation of and trade in natural resources and the proliferation of and trafficking in arms is one of the major factors fuelling and exacerbating conflicts in the Great Lakes region, particularly in the Democratic Republic of the Congo, urging all States, particularly those in the region, to implement fully the measures set out in its resolution [1896 \(2009\)](#) ... (twelfth preambular paragraph)

Urges all States to take appropriate legal action against leaders of the Forces démocratiques de libération du Rwanda (FDLR) residing in their countries, including through effective implementation of the sanctions regime established by resolution [1533 \(2004\)](#) and renewed by its resolution [1896 \(2009\)](#) (para. 27)

Also urges all States, especially those in the region, to take appropriate steps to end the illicit trade in natural resources, including, if necessary, through judicial means, and, where necessary, to report to the Council (para. 28)

The situation in the Great Lakes region

Resolution [1804 \(2008\)](#)
13 March 2008

Calls upon Member States to consider taking the measures necessary to prevent the provision by their nationals or from their territories of any financial, technical or other forms of support to or for the benefit of FDLR, the ex-Rwandan Armed Forces/Interahamwe or other Rwandan armed groups operating in the territory of the Democratic Republic of the Congo (para. 8)

Reiterates its call upon all States to intensify cooperation with and render all necessary assistance to the International Criminal Tribunal for Rwanda (para. 9)

The situation in Liberia

Resolution [1819 \(2008\)](#)
18 June 2008

Calls upon all States and the Government of Liberia to cooperate fully with the Panel of Experts in all the aspects of its mandate (para. 3)

Same provision in resolutions [1854 \(2008\)](#), para. 6; and [1903 \(2009\)](#), para. 11

Maintenance of international peace and security

Resolution [1887 \(2009\)](#)
24 September 2009

Reaffirming its resolution [1540 \(2004\)](#) and the necessity for all States to implement fully the measures contained therein, and calling upon all Member States and international and regional organizations to cooperate actively with the Committee established pursuant to that resolution, including in the course of the comprehensive review as called for in resolution [1810 \(2008\)](#) (ultimate preambular paragraph)

Non-proliferation/Democratic People's Republic of Korea

[S/PRST/2009/7](#)
13 April 2009

The Council also calls upon all Member States to comply fully with their obligations under resolution [1718 \(2006\)](#) (fourth paragraph)

Resolution [1874 \(2009\)](#)
12 June 2009

Urges all States, relevant United Nations bodies and other interested parties to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures imposed by resolution [1718 \(2006\)](#) and the present resolution (para. 27)

Non-proliferation of weapons of mass destruction

Resolution [1810 \(2008\)](#)
25 April 2008

Reiterates its decisions taken in, and the requirements of, resolution [1540 \(2004\)](#), and emphasizes the importance for all States to implement fully that resolution (para. 1)

Decision and date

Provision

Peace and security in Africa

Resolution 1907 (2009)
23 December 2009

Reiterates that all Member States, including Eritrea, shall comply fully with the terms of the arms embargo imposed by paragraph 5 of resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007) on Somalia and the provisions of resolution 1844 (2008) (para. 1)

Reports of the Secretary-General on the Sudan

Resolution 1841 (2008)
15 October 2008

Urges all States, relevant United Nations bodies, the African Union and other interested parties to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on implementation of the measures imposed by resolutions 1556 (2004) and 1591 (2005) (para. 4)

Same provision in resolution 1891 (2009), para. 5

The situation concerning Rwanda

Resolution 1823 (2008)
10 July 2008

Stressing the importance of the cooperation of all States, in particular those in the region, with the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and with the Group of Experts established by resolution 1533 (2004), while carrying out its mandate as renewed by resolution 1807 (2008) (third preambular paragraph)

The situation in Somalia

Resolution 1801 (2008)
20 February 2008

Emphasizes the continued contribution made to Somalia's peace and security by the arms embargo imposed by resolution 733 (1992), as elaborated and amended by subsequent resolutions, demands that all Member States, in particular those of the region, comply fully with it ... (para. 11)

Resolution 1811 (2008)
29 April 2008

Stresses the obligation of all States to comply fully with the measures imposed by resolution 733 (1992) (para. 1)

Resolution 1814 (2008)
15 May 2008

Emphasizing the continued contribution made to Somalia's peace and security by the arms embargo imposed by resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007), and reiterating its demand that all Member States, in particular those in the region, comply fully with it (fifteenth preambular paragraph)

Resolution 1844 (2008)
20 November 2008

Reminds all Member States of their obligation to implement strictly the measures imposed by the present resolution and all relevant resolutions (para. 24)

Resolution 1853 (2008)
19 December 2008

Stresses the obligation of all States to comply fully with the measures imposed by resolution 733 (1992), as well as resolution 1844 (2008) (para. 1)

Threats to international peace and security caused by terrorist acts

Resolution 1822 (2008)
30 June 2008

Emphasizing the obligation placed upon all Member States to implement, in full, resolution 1373 (2001), including with regard to the Taliban or Al-Qaida, and any individuals, groups, undertakings or entities associated with Al-Qaida, Osama bin Laden or the Taliban, who have participated in financing, planning, facilitating, recruiting for, preparing, perpetrating or otherwise supporting terrorist activities or acts, as well as to facilitate the implementation of counter-terrorism obligations in accordance with relevant Council resolutions (fourteenth preambular paragraph)

Reiterates the obligation of all Member States to implement and enforce the measures set out in paragraph 1 [of the resolution], and urges all States to redouble their efforts in this regard (para. 8)

VIII. 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

Article 49 of the Charter provides for Member States to assist each other in carrying out the measures decided upon by the Security Council.

During the period under review, the Security Council adopted no decision referring explicitly to Article 49. However, a large number of decisions included provisions whereby the Council requested Member States to afford mutual assistance with a view to implementing its decisions adopted under Chapter VII of the Charter. Most of those calls concerned the implementation of decisions relating to measures adopted in accordance with Article 42, a few concerned

measures adopted in accordance with Article 41, while no reference to mutual assistance was recorded in decisions relating to measures under Article 40.

This section accordingly provides an overview of the Council's decisions calling upon Member States to afford mutual assistance in carrying out its decisions adopted under Articles 41 and 42.

A. Calls for mutual assistance in the implementation of decisions adopted under Article 41

In connection with its decisions adopted under Article 41 of the Charter, the Council on two occasions called upon the donor community to provide technical or other types of assistance to the target State in implementing the sanctions measures previously adopted by the Council (see table 34).

Table 34

Provisions referring to mutual assistance in carrying out the Council's decisions adopted in accordance with Article 41

<i>Decision and date</i>	<i>Provision</i>
The situation concerning the Democratic Republic of the Congo	
Resolution 1896 (2009) 30 November 2009	Urges the donor community to consider providing increased technical or other assistance and support to strengthen the institutional capacity of the mining, law enforcement and border control agencies and institutions of the Democratic Republic of the Congo (para. 18)
The situation in Liberia	
Resolution 1903 (2009) 17 December 2009	Underlining its determination to support the Government of Liberia in its efforts to meet the conditions of resolution 1521 (2003), and encouraging all stakeholders, including donors, to support the Government of Liberia in its efforts ... (ninth preambular paragraph)

B. Calls for mutual assistance in the implementation of decisions adopted under Article 42

In its decisions authorizing Member States, regional and other international organizations to take enforcement action in accordance with Article 42 of the Charter, the Security Council regularly requested States, sometimes particularly those in the region, to provide various types of support or assistance (see table 35).

Most of such requests during the period under review were requests for financial resources, personnel, equipment and training for the full deployment or maintenance of a regional peacekeeping operation or multinational force, such as the International Security Assistance Force in Afghanistan, the European Force and the North Atlantic Treaty Organization presence in Bosnia and Herzegovina, the European Force (EUFOR) in Chad and the Central African Republic and the African Union Mission in Somalia (AMISOM). Furthermore, concerning EUFOR Chad/Central African Republic, the Council, in one decision, urged States to facilitate the delivery of all personnel, equipment, provisions, supplies and other goods to the two host

countries of that operation.²²⁵ In connection with AMISOM, the Council, while reiterating its call for contributions of various resources, urged “those Member States which have offered to contribute to the Mission to fulfil such commitments”.²²⁶

Another call for increased cooperation and coordination among States relating to the enforcement action was made in connection with the threat posed by the Lord's Resistance Army (LRA): the Council called upon the Governments of the Great Lakes region to coordinate their efforts to address that threat and strongly encouraged enhanced regular information-sharing about LRA in that respect.

In the context of anti-piracy measures off the coast of Somalia, for which the Council authorized the use of force for the first time during the period under review, it repeatedly urged States and other international actors to render assistance to the Transitional Federal Government in the fight against piracy and armed robbery at sea and requested increased cooperation and coordination among them.

²²⁵ Resolution 1861 (2009), para. 15.

²²⁶ Resolution 1814 (2008), para. 10.

Table 35

Provisions referring to mutual assistance in carrying out the Council's decisions adopted in accordance with Article 42

<i>Decision and date</i>	<i>Provision</i>
The situation in Afghanistan	
Resolution 1833 (2008) 22 September 2008	Recognizes the need to further strengthen the International Security Assistance Force (ISAF) to meet all its operational requirements, and in this regard calls upon Member States to contribute personnel, equipment and other resources to the Force and to make contributions to the trust fund established pursuant to resolution 1386 (2001) (para. 3)
Resolution 1890 (2009) 8 October 2009	Recognizes the need to further strengthen ISAF to meet all its operational requirements, and in this regard calls upon Member States to contribute personnel, equipment and other resources to the Force (para. 3)
The situation in Bosnia and Herzegovina	
Resolution 1845 (2008) 20 November 2008	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 paragraphs 10 and 11 [of the resolution] (para. 19) <i>Same provision in resolution 1895 (2009), para. 19</i>
The situation in Chad, the Central African Republic and the subregion	
Resolution 1861 (2009) 14 January 2009	Urges all the Member States, particularly the States bordering Chad and the Central African Republic, to facilitate the delivery to Chad and the Central African Republic freely, without obstacles or delay, of all personnel, equipment, provisions, supplies and other goods, including vehicles and spare parts, intended for the United Nations Mission in the Central African Republic and Chad, and the European Union operation until its complete disengagement (para. 15)
The situation concerning the Democratic Republic of the Congo	
Resolution 1906 (2009) 23 December 2009	Calls upon the Governments of the Great Lakes region to coordinate their efforts to address the threat posed by the Lord's Resistance Army (LRA) and strongly encourages enhanced regular information-sharing about LRA in this respect, with the United Nations Organization Mission in the Democratic Republic of the Congo and other United Nations missions in the areas where LRA is threatening the population ... (para. 16)
The situation in Somalia	
Resolution 1801 (2008) 20 February 2008	Urges member States of the African Union to contribute to the African Union Mission in Somalia (AMISOM) in order to help to facilitate the full withdrawal of other foreign forces from Somalia and help to create the conditions for lasting peace and stability there (para. 3) Urges Member States to provide financial resources, personnel, equipment and services for the full deployment of AMISOM (para. 4)

<i>Decision and date</i>	<i>Provision</i>
	Encourages Member States whose naval vessels and military aircraft operate in international waters and airspace adjacent to the coast of Somalia to be vigilant to any incidents of piracy therein and to take appropriate action to protect merchant shipping, in particular the transportation of humanitarian aid, against any such act, in line with relevant international law, and welcomes the contribution made by France to protect the World Food Programme naval convoys and the support now provided by Denmark to this end (para. 12)
Resolution 1814 (2008) 15 May 2008	Reiterates its call upon Member States to provide financial resources, personnel, equipment and services for the full deployment of the Mission, and upon States members of the African Union to contribute to the Mission in order to facilitate the withdrawal of other foreign forces from Somalia and help to create the conditions for lasting peace and stability there, urges those Member States which have offered to contribute to the Mission to fulfil such commitments, recognizes that more needs to be done to harness increased support for the Mission ... (para. 10)
Resolution 1816 (2008) 2 June 2008	<p>Urges States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to be vigilant to acts of piracy and armed robbery, and in this context encourages, in particular, States interested in the use of commercial maritime routes off the coast of Somalia to increase and coordinate their efforts to deter acts of piracy and armed robbery at sea in cooperation with the Transitional Federal Government (para. 2)</p> <p>Urges all States to cooperate with each other, with the International Maritime Organization (IMO) and, as appropriate, with the relevant regional organizations in connection with, and share information about, acts of piracy and armed robbery in the territorial waters and on the high seas off the coast of Somalia, and to render assistance to vessels threatened by or under attack by pirates or armed robbers, in accordance with relevant international law (para. 3)</p> <p>Urges States to work in cooperation with interested organizations, including IMO, to ensure that vessels entitled to fly their flag receive appropriate guidance and training on avoidance, evasion and defensive techniques and to avoid the area whenever possible (para. 4)</p> <p>Calls upon States and interested organizations, including IMO, to provide technical assistance to Somalia and nearby coastal States, upon their request, to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery off the Somali and nearby coastlines (para. 5)</p> <p>Calls upon States to coordinate their actions with other participating States taken pursuant to paragraphs 5 and 7 [of the resolution] (para. 10)</p> <p>Calls upon all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia, consistent with applicable international law, including international human rights law, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such as victims and witnesses and persons detained as a result of operations conducted under the present resolution (para. 11)</p>

<i>Decision and date</i>	<i>Provision</i>
Resolution 1831 (2008) 19 August 2008	<p>Emphasizing the contribution that AMISOM is making to lasting peace and stability in Somalia, welcoming in particular the continuing commitment of the Governments of Uganda and Burundi, condemning any hostility towards the Mission, and urging all parties in Somalia and the region to support and cooperate with the Mission ... (seventh preambular paragraph)</p> <p>Urges member States of the African Union to contribute to AMISOM in order to help to facilitate the full withdrawal of other foreign forces from Somalia and help to create the conditions for lasting peace and stability there (para. 3)</p> <p>Urges Member States to provide financial resources, personnel, equipment and services for the full deployment of the Mission (para. 4)</p>
S/PRST/2008/33 4 September 2008	<p>The Council reiterates its strong support for AMISOM and again urges the international community to provide financial resources, personnel, equipment and services for the full deployment of the Mission (fifth paragraph)</p> <p>The Council further requests the Secretary-General urgently to identify and approach States that might contribute the financial resources, personnel, equipment and services required, stands ready to support the Secretary-General in this regard, and calls upon States to respond favourably (tenth paragraph)</p>
Resolution 1838 (2008) 7 October 2008	<p>Urges States that have the capacity to do so to cooperate with the Transitional Federal Government in the fight against piracy and armed robbery at sea in conformity with the provisions of resolution 1816 (2008) (para. 4)</p> <p>Calls upon States and regional organizations to coordinate their actions pursuant to paragraphs 3, 4 and 5 [of the resolution] (para. 7)</p>
Resolution 1846 (2008) 2 December 2008	<p>Calls upon States and interested organizations, including IMO, to provide technical assistance to Somalia and nearby coastal States upon their request to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines (para. 5)</p> <p>Calls upon States and regional organizations to coordinate, including by sharing information through bilateral channels or the United Nations, their efforts to deter acts of piracy and armed robbery at sea off the coast of Somalia in cooperation with each other, IMO, the international shipping community, flag States, and the Transitional Federal Government (para. 7)</p> <p>Calls upon all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction ... (para. 14)</p>
Resolution 1851 (2008) 16 December 2008	<p>Calls on Member States to assist the Transitional Federal Government, at its request and with notification to the Secretary-General, to strengthen its operational capacity to bring to justice those who are using Somali territory to plan, facilitate or undertake criminal acts of piracy and armed robbery at sea, and stresses that any measures taken pursuant to the present paragraph shall be consistent with applicable international human rights law (para. 7)</p>

**Part VII. Actions with respect to threats to the peace, breaches of
the peace, and acts of aggression (Chapter VII of the Charter)**

<i>Decision and date</i>	<i>Provision</i>
Resolution 1863 (2009) 16 January 2009	Calls upon Member States to contribute personnel, equipment and other resources to the Mission, and encourages Member States to cooperate closely with the African Union, the United Nations, troop-contributing countries and other donors to this end (para. 14)
Resolution 1872 (2009) 26 May 2009	Urges Member States and regional and international organizations to contribute generously to the United Nations trust fund for AMISOM, while noting that the existence of the trust fund does not preclude the conclusion of direct bilateral arrangements in support of the Mission (para. 20)
Resolution 1897 (2009) 30 November 2009	<p>Commends the work of the Contact Group on Piracy off the Coast of Somalia to facilitate coordination in order to deter acts of piracy and armed robbery at sea off the coast of Somalia, in cooperation with IMO, flag States and the Transitional Federal Government, and urges States and international organizations to continue to support those efforts (para. 4)</p> <p>... calls upon States and interested organizations, including IMO, to provide technical assistance to Somalia, including regional authorities, and nearby coastal States upon their request, to enhance their capacity to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines, and stresses the importance of coordination in this regard through the Contact Group on Piracy off the Coast of Somalia (para. 5)</p> <p>Encourages Member States to continue to cooperate with the Transitional Federal Government in the fight against piracy and armed robbery at sea ... (para. 7)</p> <p>Calls upon Member States to assist Somalia, at the request of the Transitional Federal Government and with notification to the Secretary-General, to strengthen capacity in Somalia, including regional authorities, to bring to justice those who are using Somali territory to plan, facilitate or undertake criminal acts of piracy and armed robbery at sea ... (para. 11)</p> <p>Calls upon all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation to cooperate in determining jurisdiction and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia ... (para. 12)</p>

IX. Special economic problems of the nature described in Article 50 of the Charter

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Note

During the period under review, the Security Council continued its practice of imposing targeted sanctions.²²⁷ Given the shift from comprehensive economic sanctions to targeted sanctions in recent years, no Security Council committee mandated to oversee the implementation of sanctions was approached by third States concerning special economic problems experienced by them as a result of United Nations sanctions imposed on another State.²²⁸

²²⁷ For more information about sanctions measures, see sect. III above.

²²⁸ See the reports submitted to the General Assembly during the period under consideration concerning assistance to third States affected by the application of sanctions (A/63/224, A/64/225 and A/65/217). The two annual reports to the Council of the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo touched upon socioeconomic and humanitarian consequence of sanctions in the target State (see S/2008/832, para. 8, and S/2009/667, para. 8), and the Committee reiterated the Council's request that the Secretary-General should present, before 15 February 2007, in close consultation with the Group of Experts, a report comprising an assessment of the potential economic, humanitarian and social impact on the population of the Democratic Republic of the Congo of the implementation of the possible measures taken to prevent exploitation of the country's natural resources.

In the period under review, the Council adopted no decisions relevant to Article 50, nor was there any instance of a decision in the subsidiary bodies of the Council of relevance to Article 50. On two occasions, however, members made references that can be considered as having an implicit bearing on Article 50. First, at the 5968th meeting, on 27 August 2008, in a thematic debate on working methods of the Council under the item "Implementation of the note by the President of the Security Council (S/2006/507)", the representative of Uruguay suggested that subsidiary bodies of the Council, in particular the sanctions committees, should permit interested Member States to participate in their discussions. It should be possible for those States with concerns regarding sanctions regimes to participate, so that effective and timely consultations could be held, pursuant to Article 50 of the Charter, with the relevant sanctions committee. He noted that, despite the improvement in the implementation of sanctions regimes, there was still a real lack of direct access to appeal bodies or a system for consultations in which countries could participate with a reasonable expectation of seeing their interests taken into account and of influencing organizational developments with a view to advancing those interests.²²⁹

Secondly, at the 6059th meeting, on 22 December 2008, in connection with the situation concerning Iraq, the representative of Italy pointed out that there was a concern over guaranteeing the certainty of law, avoiding any impact on the situation that arose following the adoption of resolution 687 (1991) and its follow-up and safeguarding enterprises that signed contracts with Iraq prior to the establishment of the sanctions regime and that had not been able to fulfil their contractual obligations in compliance with the measures established by the Security Council.²³⁰

²²⁹ S/PV.5968, p. 31.

²³⁰ S/PV.6059, p. 6.

X. Right of self-defence in accordance with Article 51 of the Charter

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Note

This section deals with the practice of the Security Council in connection with Article 51 of the Charter, which affirms the inherent right of individual or collective self-defence in the case of an armed attack against a Member State. During the period under review, the Council did not explicitly or implicitly refer to Article 51 in any of its decisions. However, in the course of its deliberations, the right of self-defence was invoked in connection with a number of agenda items and a number of communications were received which touched upon the principle enshrined in Article 51.

In this section, under heading A (Discussions relating to Article 51), the debates in the Council on the application and interpretation of Article 51 are featured in three case studies. Under heading B (Communications relating to Article 51), an overview of the above-mentioned communications is presented.

A. Discussion relating to Article 51

In the deliberations of the Council, explicit references to Article 51 were made on numerous occasions²³¹ and the Council debated the application and interpretation of Article 51 in connection with the items “The situation in the Middle East, including the

²³¹ See, for example, S/PV.6017 (Resumption 1), p. 19 (Bolivia); S/PV.6151 (Resumption 1), p. 33 (Russian Federation).

Palestinian question”, “The situation in Georgia” and “Protection of civilians in armed conflict” (see cases 25 to 27).

Case 25

The situation in the Middle East, including the Palestinian question

At the 5824th meeting on 22 January 2008, at which the armed hostilities and deteriorating situation in the Gaza Strip and southern Israel were discussed, the representative of Israel reaffirmed his Government’s intention to act in accordance with its inherent right under Article 51 of the Charter to protect and defend its people and recalled that this was the very obligation and right of all States. In addition, he insisted that a distinction should be made between Israel’s action taken in self-defence and Palestinian terrorism.²³²

Several speakers, while recognizing Israel’s right to self-defence, argued that this right should be exercised in a restrained and proportionate manner.²³³ Acknowledging the right of Israel to self-defence, the representative of Slovenia, speaking on behalf of the European Union, called for the immediate end of all acts of violence and all activities that were contrary to international law and endangered civilians.²³⁴ The representative of the United Kingdom considered it unacceptable that Israel should respond to continued rocket and mortar attacks by taking action designed to cause suffering to the civilian population of Gaza.²³⁵ The representative of Croatia urged an immediate end to the hostile acts on both sides and feared that disproportionate reactions and measures that affected the population as a whole were seriously detrimental to the peace process.²³⁶

On the other hand, several speakers rejected the argument that Israel was acting in self-defence: the representative of South Africa argued that disproportionate use of force by Israel’s army, including the collective punishment against the Palestinian

²³² S/PV.5824, p. 8.

²³³ Ibid., p. 15 (France); and p. 16 (Panama).

²³⁴ S/PV.5824 (Resumption 1), p. 4.

²³⁵ S/PV.5824, p. 11.

²³⁶ Ibid., p. 17.

population, invalidated the claim of self-defence.²³⁷ The representative of Lebanon recalled that the right of self-defence, as established by international norms and conventions, in particular the Charter, did not permit the excessive or disproportionate use of force, and could not be used as a pretext to wage war or exact revenge against innocent civilians as what was taking place in Gaza today.²³⁸ The representative of the Syrian Arab Republic stressed that the right to self-defence applied to all, including the Palestinians, and that self-defence could not be a racist principle tailored to Israeli measurements and the occupation's standards.²³⁹

At the 6100th meeting, on 25 March 2009, in the context of the situation in Gaza and southern Lebanon, the representative of Lebanon maintained that Israel had essentially violated the provisions of international law governing the conditions for the use of force, always under the pretext that the Charter, specifically Article 51, gave Member States the right to self-defence in the case of armed aggression until the Council took the measures necessary to maintain international peace and security. He therefore requested the Council to interpret Article 51 in the narrowest sense, since it constituted an exception to the general rule provided by Article 2 (4) of the Charter, which prohibited the threat or use of force. He further argued that Israel used Article 51 and the right to self-defence to justify its use of force, which contradicted the reality of the occupation, given that Gaza had remained an occupied land from the standpoint of international law. Citing the opinion of the International Court of Justice concerning the status of the separation wall, he held that the Court had stated that the right of self-defence could not cover threats originating within, rather than outside, the areas under its control. He furthermore emphasized that the right to self-defence required the existence of necessity and parity and that those two conditions had never been fulfilled whenever Israel had used force. Pointing out that international humanitarian law governed all occupied areas, he also held that, whenever Israel invoked the right to self-defence in Gaza and Lebanon, it engaged in "self-help", in cherry-picking its own rights. He further criticized daily violations of Lebanese airspace by Israel, calling it "yet another example of its misinterpretation of Article 51 of

²³⁷ *Ibid.*, p. 12.

²³⁸ S/PV.5824 (Resumption 1), p. 7.

²³⁹ *Ibid.*, p. 9.

the Charter", while it continued to occupy parts of southern Lebanon.²⁴⁰

At the 6201st meeting, held on 14 October 2009 subsequent to the issuance of the report of the United Nations Fact-Finding Mission on the Gaza Conflict headed by Justice Richard Goldstone and commissioned by the Human Rights Council,²⁴¹ the representative of Israel strongly condemned the partiality of the report and accused it of favouring and legitimizing terrorism and denying Israel's rights to defend its citizens. Stating that the debate on the Goldstone report in the Council was only a "tale full of sound and fury", he warned that if Israel was to take further risks for peace, the international community must recognize Israel's right to self-defence.²⁴² The representative of the United Kingdom argued that the Goldstone report did not adequately recognize Israel's right to protect its citizens or pay sufficient attention to the actions of Hamas. He denounced the attacks carried out by Palestinian militants as a breach of international humanitarian law and acknowledged Israel's right to defend its citizens against these attacks, which must be done in accordance with international law.²⁴³ The representative of Australia declared that his country strongly supported Israel's right to self-defence and called for an end to rocket attacks.²⁴⁴ Other speakers, however, emphasized that some findings of the report referred to a disproportionate use of force hurting the population in Gaza.²⁴⁵

Case 26

The situation in Georgia

By a letter dated 7 August 2008 addressed to the President of the Security Council, the representative of the Russian Federation requested an emergency meeting to consider the aggressive actions of Georgia against South Ossetia, an internationally recognized party to the conflict.²⁴⁶

When the Security Council met to consider the matter, at its 5951st meeting, on 8 August 2008, the representative of the Russian Federation among others

²⁴⁰ S/PV.6100, pp. 32-33.

²⁴¹ A/HRC/12/48.

²⁴² S/PV.6201, p. 11.

²⁴³ *Ibid.*, pp. 20-21.

²⁴⁴ S/PV.6201 (Resumption 1), p. 26.

²⁴⁵ S/PV.6201, p. 7 (Palestine); S/PV.6201 (Resumption 1), p. 3 (Egypt, on behalf of the Non-Aligned Movement); and p. 13 (Indonesia).

²⁴⁶ S/2008/533.

called for the Council to reject the use of force by Georgia against South Ossetia.²⁴⁷ The representative of Georgia declared on the other hand that his Government's military action was taken in self-defence, to protect its own civilians from "repeated armed provocations" by South Ossetian separatists who had defied the ceasefire and sharply escalated the violence.²⁴⁸

At the 5952nd meeting, held on the same day, the representative of Georgia reaffirmed that his Government took actions in self-defence, "with the sole goal of protecting the civilian population and preventing further loss of life among the region's residents".²⁴⁹

At the 5953rd meeting, on 10 August 2008, the representative of the Russian Federation further explained that his country had established a maritime "security zone" in order to prevent armed incidents in the area patrolled by Russian ships. He denied his Government's intention to create a maritime blockade against Georgia, and asserted that force would be used only in accordance with Article 51 of the Charter, in exercise of the right to self-defence by the Russian Federation.²⁵⁰ The representative of Panama condemned the decision of the Government of Georgia to seek to impose its authority over South Ossetia through the use of force, and equally condemned the entirely disproportionate, and therefore illegitimate, use of force by the Russian Federation with the stated aim of protecting its citizens and peacekeeping forces. He recalled that any abuse of the basic restrictions which applied to Article 51 was a violation of the Russian Federation's fiduciary obligations as a permanent member of the Council.²⁵¹

At the 5961st meeting, held on 19 August 2008 following the signing of the six-point ceasefire

agreement, the representative of the United Kingdom opined that by claiming a right to self-defence under Article 51 of the Charter, the Russian Federation confirmed its position as a party to the conflict. In addition, he observed that the military actions carried out by the Russian Federation since 7 August had gone beyond those of a peacekeeper or mediator.²⁵²

Case 27

Protection of civilians in armed conflict

At the 6066th meeting, on 14 January 2009, under the item entitled "Protection of civilians in armed conflict", referring to the conflict between Israel and Palestine, the representative of Israel reaffirmed his country's legitimate right to self-defence against "very discriminate" attacks by Hamas against its civilians.²⁵³ The representative of the United States defended Israel's "unquestionable" right to self-defence but urged the Government of Israel to ease access and movement for humanitarian support to avoid civilian casualties and minimize the impact on innocent civilians.²⁵⁴

The representative of the Syrian Arab Republic disagreed with the view that self-defence could be invoked to justify Israel's actions. He held that the Charter did not give a State the right to violate the rights of civilians, including those under occupation, using the excuse of self-defence. Therefore, the argument that the aggression of Israel against the Palestinians was in application of Article 51 was not permissible, as the right of self-defence could not be claimed by an occupying Power. Rather, he argued that Article 51 applied by default to resistance by the Palestinians against the Israeli occupation, in self-defence. He maintained that the right to self-defence should not be "manipulated by some to justify their silence over Israel's crimes".²⁵⁵ The representative of Egypt argued that the Council failed to show a clear commitment to the peace talks by claiming that Israel was exercising its right to self-defence when Israel used "excessive and disproportionate" force while flouting all its legal and ethical obligations.²⁵⁶

²⁴⁷ S/PV.5951, p. 3.

²⁴⁸ Ibid., p. 5.

²⁴⁹ S/PV.5952, p. 3.

²⁵⁰ S/PV.5953, p. 9. At the 6151st meeting, in connection with protection of civilians in armed conflict, the representative of the Russian Federation, in response to allegations made by the representative of Georgia in his statement, strongly denied that the Russian Federation had occupied South Ossetia and argued that the decision to send troops had been legally based on Article 51 of the Charter. He added that, in accordance with the established procedure, the Council had been informed of that decision (see S/PV.6151 (Resumption 1), p. 33).

²⁵¹ S/PV.5953, p. 15.

²⁵² S/PV.5961, p. 10.

²⁵³ S/PV.6066 (Resumption 1), p. 15.

²⁵⁴ S/PV.6066, p. 22.

²⁵⁵ S/PV.6066 (Resumption 1), p. 26.

²⁵⁶ Ibid., pp. 30-31.

B. Invocation of the right of self-defence in other instances

Article 51 of the Charter was quite frequently invoked in communications without being followed by a constitutional discussion. Those instances in which the right to self-defence was invoked in discussions, in addition to communications, are reflected in cases 25 and 26 above.

Explicit references to Article 51 were found in the following documents: the final document of the fifteenth summit conference of the Non-Aligned Movement;²⁵⁷ communications concerning the situation relating to Nagorny Karabakh and relations between Armenia and Azerbaijan;²⁵⁸ communications concerning the situation in Chad, the Central African Republic and the subregion;²⁵⁹ communications concerning relations

between Cambodia and Thailand;²⁶⁰ communication relating to protection of civilians in armed conflict.²⁶¹

In most of these instances, the reference to Article 51 was made by the sender of the communication in the context of justifying his country's actions or announcing possible future action in a particular situation by invoking the right to self-defence. In connection with the issue of non-proliferation, the Islamic Republic of Iran said that it would, in the case of an attack, not hesitate to act in self-defence to protect itself and its people in accordance with the inherent right under Article 51 of the Charter.²⁶² The Democratic People's Republic of Korea also made reference to self-defence in connection with the issue of non-proliferation.²⁶³

²⁵⁷ Letter dated 24 July 2009 from the representative of Egypt to the Secretary-General, transmitting the Final Document of the Fifteenth Summit Conference of the Movement of Non-Aligned Countries, held in Sharm el-Sheikh, Egypt, from 11 to 16 July 2009 (see S/2009/514, annex, para. 22.2).

²⁵⁸ Letters dated 7 February 2008 (S/2008/82) and 22 December 2008 from the representative of Azerbaijan to the Secretary-General, transmitting a report on the legal consequences of armed aggression by the Republic of Armenia against the Republic of Azerbaijan (S/2008/812, annex, paras. 8, 12-15, 21, 29, 32, 37, 50, 55 and 61).

²⁵⁹ Letters dated 15 January 2008 and 15 May 2008 from the representative of Chad to the President of the Security Council (S/2008/21 and S/2008/332).

²⁶⁰ Letter dated 15 October 2008 from the representative of Cambodia to the President of the Security Council (S/2008/653); and letter dated 16 October 2008 from the representative of Thailand to the President of the Security Council (S/2008/657).

²⁶¹ Letter dated 2 October 2008 from the representative of Switzerland to the Secretary-General, transmitting the Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict (S/2008/636, preface to the Document, para. 3).

²⁶² Identical letters dated 30 April 2008 from the representative of the Islamic Republic of Iran to the Secretary-General and the President of the Security Council (S/2008/288); and letters dated 14 April 2009 and 6 October 2009 from the representative of the Islamic Republic of Iran to the President of the Security Council (S/2009/202 and S/2009/520).

²⁶³ Letters dated 11 August 2008 and 3 September 2009 from the representative of the Democratic People's Republic of Korea to the President of the Security Council (S/2008/547 and S/2009/443).

Part VIII

Regional arrangements

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Introductory note

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.

Chapter VIII of the Charter of the United Nations provides the constitutional basis for the involvement of regional arrangements in the maintenance of international peace and security.¹ While Article 52

encourages the involvement of regional arrangements in the pacific settlement of disputes prior to the Council's consideration, Article 53 allows the Council to utilize regional arrangements for enforcement action under its authority and with its explicit authorization. Article 54 stipulates that regional arrangements should inform the Council of their activities at all times.

During the period under review, while the Security Council did not hold any debates under the item entitled "The role of regional and subregional

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 synonymously with regional and subregional organizations, as well as other international organizations.

organizations in the maintenance of international peace and security”, it adopted a number of decisions citing Chapter VIII of the Charter under the items entitled “Maintenance of international peace and security”, “Peace and security in Africa”, “Peace consolidation in West Africa”, “Post-conflict peacebuilding” and “United Nations peacekeeping operations”.² The Council also held discussions, in the context of the above-mentioned and other country-specific items, on relations with regional and subregional organizations in connection with Chapter VIII of the Charter, with a particular focus on regional peacekeeping operations, especially those authorized by the African Union, and the issue of their funding.

In dealing with regional situations during the period under review, the Council encouraged and supported the mediation and negotiation efforts by regional and subregional organizations in the peaceful settlement of disputes. Furthermore, the Council renewed its authorization of several peacekeeping operations carried out by regional and other international organizations, such as the North Atlantic Treaty Organization (NATO), including their use of force, in Afghanistan, Bosnia and Herzegovina, the Central African Republic, Chad and Somalia, and oversaw the transfer of authority from a European

Union military operation to a United Nations peacekeeping operation in Chad and the Central African Republic that took place in 2009. In addition to the authorization of enforcement actions relating to regional peacekeeping operations, for the first time the Council mandated regional organizations, along with Member States, to use force to repress acts of piracy and armed robbery at sea within the territorial waters of Somalia and later on land. The Council also continued to request regional organizations to report to it on their activities in the maintenance of international peace and security, relating mostly to their peacekeeping activities, and received such reports and briefings during the period under review.³

The practice of the Council under Chapter VIII (Articles 52 to 54) of the Charter, as reflected in its decisions and deliberations, is described in five sections. Section I sets out the relevant decisions and debates of the Council on general and thematic issues touching upon the provisions of Chapter VIII of the Charter. Section II illustrates various ways in which the Council, in dealing with specific situations under its consideration, encouraged and supported efforts by regional organizations in the peaceful settlement of disputes within the framework of Article 52 of the Charter. Section III comprehensively sets out regional peacekeeping operations deployed in the areas of conflict which the Council supported and, in some cases, authorized under Chapter VII of the Charter to use force. Section IV depicts instances in which the Council authorized enforcement action by regional organizations under Chapter VII of the Charter other than in the context of regional peacekeeping operations. Section V sets out the modalities and mechanisms of reporting, briefings and consultations between the Council and regional organizations.

² In connection with the item entitled “Maintenance of international peace and security”, see S/PRST/2008/43, ninth paragraph; in connection with the item entitled “Peace and security in Africa”, see resolution 1809 (2008), third preambular paragraph and paras. 1 and 4, S/PRST/2009/3, first paragraph, S/PRST/2009/11, second paragraph, and S/PRST/2009/26, second and tenth paragraphs; in connection with the item entitled “Peace consolidation in West Africa”, see S/PRST/2009/20, third paragraph; in connection with the item entitled “Post-conflict peacebuilding”, see S/PRST/2008/16, ninth paragraph, and S/PRST/2009/23, eleventh paragraph; in connection with the item entitled “United Nations peacekeeping operations”, see S/PRST/2009/24, sixth paragraph.

³ For information on the mandates of United Nations peacekeeping operations, see part X.

I. General consideration of the provisions of Chapter VIII of the Charter

Note

This section examines the practice of the Security Council in 2008 and 2009 in connection with its cooperation with regional organizations in the maintenance of international peace and security, in accordance with Chapter VIII of the Charter and in the context of the Council's deliberations on thematic issues. In particular, it covers deliberations regarding regional peacekeeping operations authorized by the Security Council and their financing.

The section is organized under two headings: (a) decisions on thematic issues relating to Chapter VIII of the Charter; and (b) discussions on thematic issues concerning the interpretation and application of Chapter VIII of the Charter.

A. Decisions on thematic issues relating to Chapter VIII of the Charter

During the period under review, the Security Council adopted a number of decisions which included provisions that could be considered as falling within the framework of Chapter VIII of the Charter under the following five items: (a) Maintenance of international peace and security; (b) Peace and security in Africa; (c) Peace consolidation in West Africa; (d) Post-conflict peacebuilding; and (e) United Nations peacekeeping operations.

Several decisions concerning the above-mentioned items included explicit references to Chapter VIII of the Charter and an acknowledgement of the role of and cooperation with regional and subregional organizations in the maintenance of international peace and security.⁴ In particular, by a presidential statement dated 26 October 2009, the Council recognized that, in deploying peacekeeping operations authorized by the Council, the African Union was contributing towards the maintenance of international peace and security "in a manner consistent with the provisions of Chapter VIII" of the Charter.⁵

In other decisions, without explicitly citing Chapter VIII of the Charter, the Council noted the important contribution of regional and subregional organizations to the pacific settlement of disputes, in particular through mediation, welcomed their efforts to enhance their mediation role and emphasized the need to ensure the coherence of the process of mediation by or under the auspices of the United Nations through improved coordination with regional organizations.⁶

With regard to the issue of financing of regional peacekeeping operations, while recognizing that securing predictable, sustainable and flexible resources was one of the major challenges in maintaining regional peace and security for some regional organizations, including when undertaking peacekeeping under a United Nations mandate, the Council reiterated that regional organizations had the responsibility to secure human, financial, logistical and other resources.⁷ In a presidential statement dated 26 October 2009, the Council noted the assessment of the options for financing African Union peacekeeping operations authorized by the Council outlined in the report of the Secretary-General dated 18 September 2009⁸ and expressed its intention to "keep all options under consideration".⁹ For more information on various provisions of Council decisions relating to Chapter VIII, see table 1 below.

In addition, during the period under review, when dealing with such thematic issues as arms control, non-proliferation and disarmament, children and armed conflict, counter-terrorism, protection of civilians in armed conflict, and women and peace and security, the Council in general recognized the role of regional organizations and encouraged them to strengthen their cooperation with the United Nations and international

⁶ Resolution 1809 (2008), para. 2; S/PRST/2008/36, sixth and tenth paragraphs; and S/PRST/2009/8, sixth paragraph.

⁷ In connection with the item entitled "Peace and security in Africa", see resolution 1809 (2008), twelfth and thirteenth preambular paragraphs; S/PRST/2009/3, fourth and fifth paragraphs; and S/PRST/2009/26, fourth and fifth paragraphs.

⁸ S/2009/470.

⁹ In connection with the item entitled "Peace and security in Africa", see S/PRST/2009/26, eleventh paragraph.

⁴ See footnote 2 above.

⁵ S/PRST/2009/26, tenth paragraph.

financial institutions, consider developing and implementing policies and activities on the relevant issues and allocate adequate resources and funding to support those activities.¹⁰ Also in several decisions on

thematic issues, the Council repeatedly called upon regional organizations to take into account the gender aspect during the selection of mediators and to increase the representation of women during all stages of peace processes, particularly in conflict prevention, conflict resolution and peacebuilding.¹¹

¹⁰ In connection with the item entitled “Maintenance of international peace and security”, see S/PRST/2008/43, eleventh paragraph; in connection with the item entitled “Children and armed conflict”, see S/PRST/2008/6, twenty-first paragraph; in connection with the item entitled “Protection of civilians in armed conflict”, see S/PRST/2008/18, fifth paragraph, and resolution 1894 (2009), para. 34; in connection with the item entitled “Threats to international peace and security caused by terrorist acts”, see resolutions 1822 (2008), eighth and tenth preambular paragraphs, and 1904 (2009), sixth preambular paragraph; and, in connection with the item entitled “Women and peace and security”, see resolution 1820 (2008), para. 14.

¹¹ In connection with the item entitled “Maintenance of international peace and security”, see S/PRST/2008//36, eighth paragraph, and S/PRST/2009/8, ninth paragraph; in connection with the item entitled “Women and peace and security”, see S/PRST/2008/39, third paragraph, and resolutions 1888 (2009), para. 16, and 1889 (2009), para. 1.

Table 1
Decisions on thematic issues containing explicit and implicit references to Chapter VIII of the Charter

<i>Decision and date</i>	<i>Provision</i>
Maintenance of international peace and security: mediation and settlement of disputes	
S/PRST/2008/36 23 September 2008	<p>The Council notes the important contribution of regional and subregional organizations, civil society and other stakeholders to the pacific settlement of disputes, in particular through mediation, and commends them for their efforts. The Council is resolved to strengthen United Nations support to such mediation efforts through improved cooperation, in particular in Africa; the Council encourages other bilateral and multilateral partners to do likewise (sixth paragraph)</p> <p>The Council underlines the importance of engaging the potential and the existing capacities and capabilities of regional and subregional organizations in mediation efforts, and welcomes the promotion of regional approaches to the pacific settlement of disputes (seventh paragraph)</p> <p>The Council emphasizes the need to ensure the coherence of mediation processes by or under the auspices of the United Nations, through the improved coordination of efforts with other actors, including regional and subregional organizations, in order to enhance the effectiveness of international efforts (tenth paragraph)</p>
S/PRST/2009/8 21 April 2009	<p>The Council recalls the important contribution of Member States, regional and subregional organizations, civil society and other stakeholders to the pacific settlement of disputes. The Council welcomes the efforts made by regional and subregional organizations to enhance their mediation role, and appreciates the efforts of the Secretary-General to continue to assist them in this regard (sixth paragraph)</p>

*Decision and date**Provision*

Maintenance of international peace and security: strengthening collective security through general regulation and reduction of armament

[S/PRST/2008/43](#)
19 November 2008

The Council reiterates that cooperation with regional and subregional organizations in matters relating to the maintenance of peace and security and consistent with Chapter VIII of the Charter can improve collective security and therefore should be continuously strengthened. In this regard, it underlines the importance of strengthening the capacity of such organizations in conflict prevention, crisis management, armaments control and in supporting States recovering from conflict and laying the foundation for sustainable peace and development (ninth paragraph)

The Council calls upon Member States, regional and subregional organizations, the Secretariat and the competent United Nations funds and programmes, as appropriate, to make further efforts to preserve, facilitate, develop and strengthen international and regional cooperation in the areas of arms control, non-proliferation and disarmament, through, inter alia, further implementation, development and strengthening of relevant agreements and instruments (eleventh paragraph)

Peace and security in Africa: general issues

Resolution [1809 \(2008\)](#)
16 April 2008

Recalling its primary responsibility for the maintenance of international peace and security, and recognizing that cooperation with regional and subregional organizations in matters relating to the maintenance of peace and security and consistent with Chapter VIII of the Charter of the United Nations can improve collective security (third preambular paragraph)

Welcoming the role of the African Union in efforts to settle conflicts on the African continent, and expressing its support for the peace initiatives conducted by the African Union and through subregional organizations (fourth preambular paragraph)

Emphasizing the need to strengthen the role of the United Nations in the prevention of armed conflicts, and stressing the utility of developing effective partnerships between the United Nations and regional organizations, in particular the African Union, in order to enable early responses to disputes and emerging crises in Africa, and in this regard noting with interest the proposal made by the Secretary-General of conducting joint reviews by the United Nations and regional organizations of the state of peace and security and of mediation endeavours, particularly in Africa, where joint mediation is being undertaken (fifth preambular paragraph)

Recognizing that regional organizations are well positioned to understand the root causes of armed conflicts owing to their knowledge of the region, which can be a benefit for their efforts to influence the prevention or resolution of these conflicts (sixth preambular paragraph)

Stressing the importance of further strengthening cooperation with the African Union in order to assist in building its capacity to deal with common collective security challenges in Africa, including through the commitment by the African Union of rapid and appropriate responses to emerging crisis situations and the development of effective strategies for conflict prevention, peacekeeping and peacebuilding (seventh preambular paragraph)

Recalling the resolve of Heads of State and Government at the 2005 World Summit to expand, as appropriate, the involvement of regional organizations in the work of the Security Council and to ensure that regional organizations that have a capacity for the prevention of armed conflict or peacekeeping consider the option of placing such capacity in the framework of the United Nations Standby Arrangements System (eighth preambular paragraph)

Recognizing the importance of strengthening the capacity of regional and subregional organizations in conflict prevention and crisis management and in post-conflict stabilization (ninth preambular paragraph)

Taking note of lessons learned from practical cooperation between the United Nations and the African Union, in particular the transition from the African Mission in Burundi to the United Nations Operation in Burundi and from the African Union Mission in the Sudan (AMIS) to the African Union-United Nations Hybrid Operation in Darfur (UNAMID) (tenth preambular paragraph)

Acknowledging the contribution of the United Nations Liaison Office at Addis Ababa in strengthening coordination and cooperation between the United Nations and the African Union, as well as the need to consolidate it so as to enhance its performance (eleventh preambular paragraph)

Recognizing that regional organizations have the responsibility in securing human, financial, logistical and other resources for their organizations, including through obtaining contributions from their members and soliciting contributions from donors to fund their operations, and recognizing the challenges in accessing United Nations assessed contributions for funding regional organizations (twelfth preambular paragraph)

Recognizing also that one major constraint facing some regional organizations, in particular the African Union, in effectively carrying out the mandates of maintaining regional peace and security is securing predictable, sustainable and flexible resources (thirteenth preambular paragraph)

Expresses its determination to take effective steps to further enhance the relationship between the United Nations and regional organizations, in particular the African Union, in accordance with Chapter VIII of the Charter of the United Nations (para. 1)

Encourages the continuing involvement of regional and subregional organizations in the peaceful settlement of disputes, including through conflict prevention, confidence-building and mediation efforts (para. 2)

Welcomes and further encourages the ongoing efforts of the African Union and the subregional organizations to strengthen their peacekeeping capacity and to undertake peacekeeping operations on the continent, in accordance with Chapter VIII of the Charter, and to coordinate with the United Nations, through the Peace and Security Council of the African Union, as well as ongoing efforts to develop a continental early warning system, response capacity such as the African Standby Force and enhanced mediation capacity, including through the Panel of the Wise of the African Union (para. 4)

Welcomes recent developments regarding cooperation between the United Nations, the African Union and the European Union, including the contribution of the European Union to the enhancement of African Union capacities (para. 5)

Encourages regional and subregional organizations to strengthen and increase cooperation among them, in particular cooperation between the African Union, the Organization of American States, the League of Arab States, the Association of Southeast Asian Nations and the European Union, including efforts to enhance their respective capacities, in the maintenance of international peace and security (para. 6)

Expresses its determination to strengthen and make more effective its cooperation with relevant organs of regional organizations, in particular the Peace and Security Council (para. 7)

Also expresses its determination to strengthen and enhance cooperation between the United Nations and regional organizations, in particular the African Union, in conflict prevention, resolution and management, including good offices, mediation support, effective use of sanctions as mandated by the Security Council, electoral assistance and preventive field presence; and in the case of Africa, focusing on the support to the Panel of the Wise, among others (para. 8)

Stresses that common and coordinated efforts undertaken by the United Nations and regional organizations, in particular the African Union, in matters of peace and security, should be based on their complementary capacities, making full use of their experience in accordance with the Charter and the relevant statutes of the regional organizations (para. 9)

Underlines the importance of the implementation of the Ten-Year Capacity-Building Programme for the African Union mainly focusing on peace and security, in particular the operationalization of the African Union Standby Force (para. 10)

Encourages the increased engagement of the African Union Peacekeeping Support Team within the Department of Peacekeeping Operations of the Secretariat as a coordinating point aimed at providing necessary expertise and transfer of technical knowledge to enhance the capacity of the Peace Support Operations Division of the African Union, including in mission planning and management, as well as the deployment of staff of the Department of Political Affairs of the Secretariat to work with the African Union on the operationalization of the Panel of the Wise and other mediation programmes (para. 11)

[S/PRST/2009/3](#)
18 March 2009

Calls upon the Secretariat, in coordination with the African Union Commission, to develop a list of needed capacities and recommendations on ways in which the African Union can further develop military, technical, logistical and administrative capabilities (para. 12)

Encourages closer cooperation between the Secretariat and the African Union Commission, including by supporting regular follow-up missions by Secretariat staff to African Union headquarters to provide further assistance and share experiences (para. 13)

The Security Council reiterates its primary responsibility for the maintenance of international peace and security and recalls that cooperation with regional and subregional organizations in matters relating to the maintenance of peace and security and consistent with Chapter VIII of the Charter of the United Nations, can improve collective security (first paragraph)

The Council recalls its previous relevant resolutions and statements which underscore the importance of developing effective partnerships between the United Nations and regional organizations, in particular the African Union, in accordance with the Charter and the relevant statutes of the regional organizations, in particular the African Union (second paragraph)

The Council welcomes the continuing important efforts of the African Union to settle conflicts in the African continent, and expresses its support for peace initiatives conducted by the African Union (third paragraph)

The Council reaffirms its resolution [1809 \(2008\)](#), in which it recognizes the need to enhance the predictability, sustainability and flexibility of financing for regional organizations when they undertake peacekeeping under a United Nations mandate (fourth paragraph)

The Council recognizes that regional organizations have the responsibility to secure human, financial, logistical and other resources for their organizations (fifth paragraph)

The Council underscores the importance of supporting and improving, in a sustained way, the capacity of the African Union, and welcomes recent developments regarding cooperation between the United Nations, the African Union and international partners, including the enhancement of the African Union capacities (sixth paragraph)

The Council underlines the importance of implementing the Ten-Year Capacity-Building Programme for the African Union on peace and security, in particular the operationalization of the African Standby Force and the Continental Early Warning System. The Council stresses its support for ongoing efforts to strengthen the African Peace and Security Architecture and reiterates its call for the international community, particularly donors, to fulfil their commitments in the 2005 World Summit Outcome (tenth paragraph)

*Decision and date**Provision*

The Council emphasizes the importance of establishing more effective strategic relationships between the United Nations Security Council and the African Union Peace and Security Council and between the United Nations Secretariat and the African Union Commission, and encourages further joint efforts in this direction focusing on issues of mutual interest. The Security Council calls upon the Secretariat and the African Union Commission to further collaborate on issues of mutual interest, including by developing a list of the military, technical, logistic and administrative capacities that need developing, supporting regular follow-up missions, experience-sharing, staff exchanges, and in financial and logistical areas (eleventh paragraph)

[S/PRST/2009/11](#)
5 May 2009

The Council reiterates its primary responsibility for the maintenance of international peace and security and recalls that cooperation with regional and subregional organizations, consistent with Chapter VIII of the Charter of the United Nations, can improve collective security (second paragraph)

The Council welcomes the continuing important efforts of the African Union and subregional organizations, consistent with Council resolutions and decisions, to settle conflicts and promote human rights, democracy, the rule of law and constitutional order in Africa (third paragraph)

The Council also welcomes the decision of the Assembly of the African Union at its twelfth ordinary session, held from 1 to 3 February 2009, in which it expressed the African Union's concern and condemnation of the resurgence of coups d'état, which it concluded not only constitute a dangerous political downturn and a serious setback to the democratic processes, but could also pose a threat to the peace, security and stability of the continent (fourth paragraph)

The Council further welcomes preventive measures undertaken by the African Union and subregional organizations against unconstitutional changes of government (fifth paragraph)

[S/PRST/2009/26](#)
26 October 2009

The Security Council recalls its previous relevant resolutions and the statements by its President which underscore the importance of developing effective partnerships between the United Nations and regional organizations, in particular the African Union, in accordance with the Charter of the United Nations and the relevant statutes of the regional organizations (first paragraph)

The Council reiterates its primary responsibility under the Charter for the maintenance of international peace and security, and recalls that cooperation with regional and subregional organizations in matters relating to the maintenance of international peace and security, and consistent with Chapter VIII of the Charter, can improve collective security (second paragraph)

The Council welcomes the continuing important efforts and enhanced peacekeeping role of the African Union and its subregional organizations, consistent with Council resolutions and decisions, to prevent, mediate and settle conflicts on the African continent (third paragraph)

The Council reaffirms its resolution [1809 \(2008\)](#), in which it recognizes the need to enhance the predictability, sustainability and flexibility of financing regional organizations when they undertake peacekeeping under United Nations authorization (fourth paragraph)

The Council reiterates that regional organizations have the responsibility to secure human, financial, logistical and other resources for their organizations, including through contributions by their members and support from donors. The Council commends the support extended by donors to the African Union Peace and Security Architecture through specific mechanisms, including the African Peace Facility (fifth paragraph)

The Council recalls the statement by its President of 18 March 2009,^a in which it requested the Secretary-General to submit a report on practical ways to provide effective support for the African Union when it undertakes peacekeeping operations authorized by the United Nations, that includes a detailed assessment of the recommendations contained in the report of the African Union-United Nations panel on modalities for support to African Union peacekeeping operations,^b in particular those on financing, as well as on the establishment of a joint African Union-United Nations team. The Council notes that the aforementioned report is an important contribution to the overall efforts to enhance the capacity of the African Union in undertaking peacekeeping operations (sixth paragraph)

The Council reiterates the importance of establishing a more effective strategic relationship between the United Nations Security Council and the African Union Peace and Security Council and between the United Nations Secretariat and the African Union Commission. The Security Council encourages further enhancement of regular interaction, coordination and consultation between the United Nations and the African Union on matters of mutual interest. The Council notes the ongoing efforts of the Secretariat and the Commission in this regard (eighth paragraph)

The Council underlines the importance of expediting the implementation, in close consultation with other international partners, of the 2006 United Nations-African Union Ten-Year Capacity-Building Programme for the African Union focusing mainly on peace and security, in particular the operationalization of the African Standby Force and the Continental Early Warning System. The Council supports the ongoing efforts to strengthen the African Peace and Security Architecture and reiterates its call for the international community, particularly donors, to fulfil their commitments as endorsed in the 2005 World Summit Outcome (ninth paragraph)

The Council recognizes that, in deploying peacekeeping operations authorized by the Council, the African Union is contributing towards the maintenance of international peace and security, in a manner consistent with the provisions of Chapter VIII of the Charter (tenth paragraph)

*Decision and date**Provision*

The Council notes that the African Union needs to enhance its institutional capacity to enable it to effectively plan, manage and deploy peacekeeping operations. The Council, in this regard, calls upon the African Union, in the context of developing its Strategic Plan for 2009-2012, to develop a long-term, comprehensive capacity-building road map in consultation with the United Nations and other international partners (twelfth paragraph)

The Council underlines the need for the United Nations and the African Union to study the lessons learned from the light and heavy support packages for AMIS, the logistics package for the African Union Mission in Somalia (AMISOM), as well as collaboration relating to UNAMID and the United Nations Support Office for AMISOM in close consultation with other international partners (thirteenth paragraph)

The Council welcomes the intention of the United Nations Secretariat and the African Union Commission to set up a joint task force on peace and security to review immediate and long-term strategic and operational issues (fourteenth paragraph)

Peace consolidation in West Africa

[S/PRST/2009/20](#)
10 July 2009

The Council reiterates its primary responsibility for the maintenance of international peace and security and recalls that cooperation with regional and subregional organizations, consistent with Chapter VIII of the Charter of the United Nations, can improve collective security (third paragraph)

The Council welcomes the continuing important efforts of the Economic Community of West African States, in synergy with the African Union, the United Nations and the wider international community, consistent with Council resolutions and decisions, to settle conflicts and promote human rights, democracy, the rule of law and constitutional order in West Africa (fourth paragraph)

Post-conflict peacebuilding

[S/PRST/2008/16](#)
20 May 2008

The Council reaffirms the role of regional organizations in the prevention, management and resolution of conflicts in accordance with Chapter VIII of the Charter of the United Nations, and the need to strengthen the capacity of regional organizations in helping countries to recover from conflict (ninth paragraph)

The Council encourages the Secretary-General, the Peacebuilding Commission, international and regional organizations and Member States to consider how to support national efforts in affected countries to secure a sustainable peace more rapidly and effectively, including in the areas of coordination, civilian deployment capabilities and financing. The Council invites the Secretary-General to provide advice within 12 months to the relevant United Nations organs on how best to take forward these issues within the United Nations system and, taking into consideration the views of the Peacebuilding Commission, how to coordinate peacebuilding activities and encourage the mobilization and most effective use of resources for urgent peacebuilding needs (tenth paragraph)

<i>Decision and date</i>	<i>Provision</i>
S/PRST/2009/23 22 July 2009	The Council reaffirms the role of regional and subregional organizations in the prevention, management and resolution of conflicts in accordance with Chapter VIII of the Charter of the United Nations, and the need to strengthen their capacity in post-conflict peacebuilding (eleventh paragraph)

United Nations peacekeeping operations

S/PRST/2009/24 5 August 2009	The Council recognizes the urgent need to increase the pool of available troop and police contributors and welcomes efforts of Member States to coordinate bilateral assistance to them. The Council supports efforts to improve cooperation and coordination throughout the life of a mission with relevant regional and subregional organizations and other partners. The Council recognizes the priority of strengthening the capacity of the African Union, and the role of regional and subregional organizations, in maintaining international peace and security in accordance with Chapter VIII of the Charter of the United Nations (sixth paragraph)
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^a S/PRST/2009/3.

^b See S/2008/813.

B. Discussions on thematic issues concerning the interpretation and application of Chapter VIII of the Charter

During the period under review, the Security Council discussed the provisions of Chapter VIII of the Charter in the context of its deliberations on thematic issues. The most prominent discussions, featured as five case studies, were in connection with strengthening collective security through general regulation and reduction of armaments (case 1) and mediation and pacific settlement of disputes (case 2), both under the item entitled “Maintenance of international peace and security”; the role of regional organizations in the maintenance of international peace and security, with a particular focus on regional peacekeeping operations, under the item entitled “Peace and security in Africa” (case 3); the role of regional organizations, under the item entitled “Post-conflict peacebuilding” (case 4); and the need for strengthened cooperation, coordination and partnership between the United Nations and regional and subregional organizations in the context of peacekeeping as well as mediation, under the item entitled “United Nations peacekeeping operations” (case 5).

Case 1 Maintenance of international peace and security: strengthening collective security through general regulation and reduction of armaments

In a concept paper prepared by the presidency (Costa Rica) for the discussion on strengthening collective security through general regulation and reduction of armaments at the 6017th meeting, it was argued that collective security depended on effective cooperation between the United Nations and regional organizations, as underscored in Chapter VIII of the Charter and several Security Council decisions. It was proposed that constructive and proactive interactions between the Council and regional arrangements that went beyond mere recognition of the comparative advantage of the regional organizations in understanding the root causes of conflicts owing to their knowledge of the region be further developed.¹²

At the meeting, many speakers highlighted the role of regional organizations in supporting collective security.¹³ The representative of South Africa advocated

¹² S/2008/697.

¹³ S/PV.6017, p. 5 (Viet Nam); p. 12 (Italy); p. 16 (South Africa); pp. 16-19 (Croatia); p. 19 (Libyan Arab Jamahiriya); and p. 21 (Costa Rica); S/PV.6017 (Resumption 1), p. 3 (Nigeria); p. 8 (Spain); p. 11 (Colombia); p. 16 (Canada); p. 18 (United Republic of Tanzania); p. 18 (Qatar); and p. 21 (Benin).

for a more effective and efficient collective security system by building on synergies between the United Nations and regional arrangements in accordance with Chapter VIII of the Charter.¹⁴ The representative of the Libyan Arab Jamahiriya argued that cooperation between the United Nations and regional and subregional organizations should be strengthened in line with the provisions of Chapter VIII, given the latter's primary role in the area of preventive diplomacy and capacity to understand the genuine reasons for conflict in a given region.¹⁵ The representative of Qatar, referring to the Gulf Cooperation Council, the League of Arab States and the African Union, stated that Chapter VIII of the Charter enabled the regional organizations to actively legislate and implement disarmament in compliance with the United Nations approach, and successfully complement the role played by the United Nations in the maintenance of international peace and security.¹⁶ The representative of Benin argued that the peacekeeping and conflict prevention mechanisms established in various parts of the world should be designed to build the architecture of the collective security system envisaged in Chapter VIII of the Charter. He held that the African Union had achieved considerable progress in this regard and stressed the importance of promoting effective cooperation among States in order to ensure international peace and security at a lower cost.¹⁷

By a presidential statement read out at the meeting, the Council reiterated that cooperation with regional and subregional organizations in matters relating to the maintenance of peace and security, consistent with Chapter VIII of the Charter, could improve collective security and therefore should be continuously strengthened. It underlined the importance of strengthening the capacity of such organizations in conflict prevention, crisis management and armaments control and in supporting States recovering from conflict and laying the foundation for sustainable peace and development. It called upon regional and subregional organizations to make further efforts to preserve, facilitate, develop and strengthen international and regional cooperation in the areas of arms control, non-proliferation and disarmament, through, *inter alia*, further implementation,

development and strengthening of relevant agreements and instruments.¹⁸

Case 2

Maintenance of international peace and security: mediation and settlement of disputes

In his report dated 8 April 2009 on enhancing mediation and its support activities, the Secretary-General stated that the United Nations did not have a monopoly on mediation and underscored that Chapter VIII of the Charter required Member States to make every effort to resolve their local disputes through regional arrangements or agencies before referring them to the Security Council and enjoined the Council to encourage the settlement of local disputes by those means.¹⁹ He also observed that regional and subregional organizations were playing an increasingly active role in mediation and had been further developing their capacity. As a way to strengthen regional capacity for mediation, he referred to several types of partnership models that had been utilized, such as joint mediation, and recommended the development of closer partnerships with regional and subregional organizations.²⁰

At the 6108th meeting, on 21 April 2009, while considering the report of the Secretary-General,²¹ many speakers underscored the role and comparative advantages of regional organizations in conflict resolution and mediation and called for enhanced coordination and cooperation between the United Nations and regional and subregional organizations in mediation activities.²² The representative of the United

¹⁸ S/PRST/2008/43, ninth and eleventh paragraphs.

¹⁹ S/2009/189, para. 7.

²⁰ *Ibid.*, paras. 7, 49 and 62 (g).

²¹ S/2009/189.

²² S/PV.6108, p. 4 (Under-Secretary-General for Political Affairs); p. 6 (Russian Federation); pp. 6-7 (Viet Nam); p. 8 (Costa Rica); pp. 10-11 (Austria); p. 12 (China); p. 14 (United States); p. 15 (Uganda); p. 16 (Croatia); p. 17 (Burkina Faso); p. 19 (France); p. 19 (Japan); p. 20 (Turkey); p. 23 (Mexico); p. 24 (Brazil); p. 25 (Canada); p. 26 (Egypt); and p. 29 (Bosnia and Herzegovina); S/PV.6108 (Resumption 1), pp. 2-3 (South Africa); p. 4 (Finland); p. 5 (Uruguay); p. 7 (Republic of Korea); p. 8 (Czech Republic); p. 10 (Nigeria); p. 12 (Norway); p. 14 (Qatar); p. 15 (Senegal); p. 17 (Pakistan); p. 19 (Indonesia); p. 20 (Azerbaijan); p. 21 (Armenia); p. 23 (United Republic of Tanzania); p. 24 (Benin); and p. 25 (Sudan).

¹⁴ S/PV.6017, p. 16.

¹⁵ *Ibid.*, p. 19.

¹⁶ S/PV.6017 (Resumption 1), p. 18.

¹⁷ *Ibid.*, p. 21.

States of America, referring to Chapter VIII of the Charter, opined that regional organizations were particularly important actors in mediation, as they were often more familiar with issues in their regions and able to deploy resources more quickly.²³ The representative of Qatar maintained that support from regional arrangements in resolving regional conflicts was embedded in Chapter VIII of the Charter and urged the Council to fulfil its pledge to enhance the support provided to such mediation efforts, given that regional arrangements understood best the specificities of each region.²⁴

On the other hand, the representative of Austria stated that in some cases the proximity and long-standing involvement of regional organizations could work to the detriment of potential mediators because they were not seen as impartial and therefore were not acceptable to parties.²⁵ The representative of South Africa pointed out that, when the Security Council had interfered by predetermining the outcome of the mediation efforts undertaken either by the Secretary-General or by regional organizations, the results had not always been positive, and therefore recommended that the Council support and facilitate the efforts of the mediators, rather than frustrate them.²⁶

The representative of Senegal argued that Chapter VIII of the Charter clearly outlined the modalities for cooperation between the Security Council and the regional organizations.²⁷ The representative of the Russian Federation, noting that the use of regional agencies and arrangements was an important mechanism provided for in Article 33, held that Chapter VIII of the Charter indicated to Member States the priority to be given to resolving local disputes using those agencies and arrangements before referring them to the Council. He maintained that a number of regional organizations had accumulated significant mediation experience and that the United Nations should utilize this in its activities and approach issues of mediation on the basis of the principle of a judicious division of labour with regional and subregional structures.²⁸ The representative of the Libyan Arab Jamahiriya highlighted the need for the Council not to

ignore the root causes of conflicts and to effectively prioritize the tools provided for in Chapters VI and VIII over those of Chapter VII of the Charter.²⁹ Preference for fully utilizing the provisions of Chapters VI and VIII for the peaceful settlement of disputes, instead of Chapter VII, was likewise expressed by the representative of Cuba, speaking on behalf of the Non-Aligned Movement.³⁰

By a presidential statement, the Council recalled the important contribution of regional and subregional organizations to the peaceful settlement of disputes and welcomed the efforts made by regional and subregional organizations to enhance their mediation role.³¹ The Council requested the Secretary-General to work in partnership with Member States, regional and subregional organizations and other relevant partners in a coordinated and mutually complementary manner when cooperating in a mediation process.³²

Case 3 Peace and security in Africa

In his report dated 7 April 2008 on the relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security, the Secretary-General observed that any endeavour to enhance the relationship under Chapter VIII of the Charter needed to be based on a clearer definition of the basis and processes of such cooperation. Acknowledging the role of regional organizations in peacekeeping, he pointed out that, although the Council had been supportive of regional peace and security initiatives, its responses to decisions made by regional organizations had been on an ad hoc basis. He raised such issues as support to regional peacekeeping operations under Chapter VIII and cooperation with regional organizations in conflict prevention and mediation. The Secretary-General also made concrete proposals, inter alia, on the nature and structure of partnership; on coordination and consultation mechanisms; and on improving the delivery of capacity-building for regional peacekeeping and peace support operations.³³

²³ S/PV.6108, p. 14.

²⁴ S/PV.6108 (Resumption 1), p. 14.

²⁵ S/PV.6108, pp. 10-11.

²⁶ S/PV.6108 (Resumption 1), p. 3.

²⁷ *Ibid.*, p. 15.

²⁸ S/PV.6108, p. 6.

²⁹ *Ibid.*, p. 9.

³⁰ S/PV.6108 (Resumption 1), p. 11.

³¹ S/PRST/2009/8, sixth paragraph.

³² *Ibid.*, eighth paragraph.

³³ S/2008/186, paras. 71-76.

At the 5868th meeting, on 16 April 2008, while considering the above-mentioned report of the Secretary-General, most speakers, explicitly citing Chapter VIII of the Charter, underscored the importance of cooperation with regional organizations, especially with regard to peacekeeping operations and the pacific settlement of disputes in Africa. In this regard, the representative of China held that the African Union and the United Nations should form a synergy based on each other's strengths and that the partnership should also be based on a predictable, sustainable and flexible framework. He expressed the view that, while maintaining its authority, the Council should give priority to supporting the key role of the African Union in resolving regional conflicts and give full consideration to the views of the African Union.³⁴ According to the representative of the African Union, it was important to explore and make proper use of everything that Chapter VIII of the Charter offered, and he considered it vital that the roles of the African Union and the United Nations be clearly defined.³⁵ The representative of Algeria proposed the adoption of a more ambitious interpretation of Chapter VIII of the Charter that could take account of local realities and favour responses adapted to specific contexts, with a clear view of each party's respective responsibilities and complementarities.³⁶

While recognizing that Chapter VIII provided for the role of regional organizations in the maintenance of international peace and security, the representative of France cautioned that cooperation between the two organizations was not always an easy situation to manage, as exemplified by the deployment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and the conduct of joint mediation in Darfur.³⁷ While admitting that it was too early to judge whether the cooperation had been successful, the representative of the United States opined that the early results suggested that UNAMID would not become a model to be followed in other places of shared United Nations-African Union concerns.³⁸

While highlighting the need to develop cooperation between the United Nations and the African Union, the representative of the Russian Federation held

that the provisions of Chapter VIII provided a firm legal basis for the implementation of African peacekeeping operations sanctioned or supported by the Council.³⁹ The representative of Belgium argued that the authorization of a regional peacekeeping operation by the Council under Chapter VIII of the Charter was a validation of the international legality of the operation but did not imply that the United Nations was substituting itself for the regional organization or that it was automatically assuming political, logistical or financial responsibility.⁴⁰ The representative of the United Republic of Tanzania and current Chairperson of the African Union stated that the United Nations held the overall mandate for regional organizations where military intervention and sanctions were involved.⁴¹

A number of speakers referred to the issues of limited resources and funding for regional peacekeeping operations and called for assistance in their capacity-building.⁴² In this context, the representative of the United Republic of Tanzania and current Chairperson of the African Union opined that the current funding regulations of the United Nations, which did not allow the funding of regional peacekeeping operations, even those authorized by the Council, impeded regional peacekeeping and peace support missions and affected the predictability and sustainability of such missions undertaken by the African Union and the regional economic communities in Africa.⁴³ A similar opinion was expressed by the representative of Algeria.⁴⁴ In that context, some proposed changing the funding regulations of the United Nations to allow regional peacekeeping operations authorized by the Council to be funded through the assessed contribution.⁴⁵

As to strengthening cooperation between the United Nations and regional organizations, the

³⁹ *Ibid.*, p. 23.

⁴⁰ *Ibid.*, p. 21.

⁴¹ *Ibid.*, p. 5.

⁴² *Ibid.*, p. 5 (United Republic of Tanzania); pp. 11-12 (China); p. 15 (Democratic Republic of the Congo); pp. 17-18 (Viet Nam); p. 22, Ethiopia; p. 25 (Libyan Arab Jamahiriya); and p. 26 (Botswana); S/PV.5868 (Resumption 1), p. 4 (Gabon); p. 6 (Swaziland); p. 9 (Zambia); pp. 9-10 (Senegal); p. 10 (Rwanda); p. 14 (Egypt); and p. 23 (Ghana).

⁴³ S/PV.5868, p. 5.

⁴⁴ S/PV.5868 (Resumption 1), p. 3.

⁴⁵ S/PV.5868, p. 30 (Sudan); S/PV. 5868 (Resumption 1), p. 3 (Algeria); p. 9 (Zambia); and p. 11 (Rwanda).

³⁴ S/PV.5868, p. 11.

³⁵ *Ibid.*, p. 35.

³⁶ S/PV.5868 (Resumption 1), p. 3.

³⁷ S/PV.5868, p. 20.

³⁸ *Ibid.*, p. 28.

representative of Belgium considered appropriate consultations between the organizations vital, especially in the initial decision-making phase, in order to avoid any misunderstanding.⁴⁶ The representative of the Russian Federation stated that it was essential to improve the practice of regular reporting by regional bodies to the Council, especially where their peacekeeping operations had a mandate from the Council.⁴⁷

By resolution 1809 (2008), adopted at the same meeting, the Council expressed its determination to take effective steps to further enhance the relationship between the United Nations and regional organizations, in particular the African Union, in accordance with Chapter VIII of the Charter, encouraged the continuing involvement of regional and subregional organizations in the peaceful settlement of disputes, and welcomed and further encouraged the ongoing efforts of the African Union and the subregional organizations to strengthen their peacekeeping capacities and to undertake peacekeeping operations on the continent, in accordance with Chapter VIII. Recognizing the need to enhance the predictability, sustainability and flexibility of funding for regional organizations when they undertook peacekeeping under a United Nations mandate, the Council welcomed the proposal made by the Secretary-General to set up an African Union-United Nations panel to consider the modalities to support such peacekeeping operations, including their start-up funding, equipment and logistics.⁴⁸

At the 6092nd meeting, on 18 March 2009, speakers continued the discussions on the modalities to support African Union peacekeeping operations established under a United Nations mandate, on the basis of the report of the African Union-United Nations panel.⁴⁹ In that context, several speakers supported the need to enhance the relations between the Security Council and regional organizations, particularly the African Union, in accordance with Chapter VIII of the Charter.⁵⁰

Several speakers underscored the Council's primary responsibility in the maintenance of international peace and security and its authority to mandate the involvement of regional organizations.⁵¹ The representative of Cuba, speaking on behalf of the Non-Aligned Movement, expressed a strong belief that the primary responsibility for the maintenance of international peace and security rested with the United Nations and that the role of regional arrangements should be in strict accordance with Chapter VIII of the Charter and should not in any way be a substitute for the role of the United Nations or circumvent the full application of the guiding principles for United Nations peacekeeping operations.⁵² Regarding peacekeeping operations, the representative of Benin shared the assessments in the report⁵³ as a realistic and promising approach to discard the concept of subcontracting peacekeeping operations to the African Union and adopt the principle of subsidiarity, in accordance with Chapter VIII of the Charter. He argued that such an approach would take full advantage of the rapid response capacities of the African Union and its comparative advantage in terms of knowledge of the realities on the ground.⁵⁴ The representative of Japan opined that, when peacekeeping operations that were initiated and led by regional organizations were considered for transfer to United Nations peacekeeping operations, the United Nations and the relevant regional organization must start early-stage consultations, coordination and information sharing.⁵⁵

By a presidential statement read out at the meeting, the Council recalled that cooperation with regional and subregional organizations in matters relating to the maintenance of international peace and security and consistent with Chapter VIII of the Charter could improve collective security.⁵⁶ It also welcomed the efforts of the African Union-United Nations panel in producing the report on modalities to support African Union peacekeeping operations.

⁴⁶ S/PV.5868, p. 21.

⁴⁷ *Ibid.*, p. 23.

⁴⁸ Resolution 1809 (2008), paras. 1, 2, 4 and 16.

⁴⁹ S/2008/813.

⁵⁰ S/PV.6092, p. 10 (Russian Federation); pp. 11-12 (Uganda); p. 19 (Japan); p. 24 (United Kingdom); p. 29 (Brazil); S/PV.6092 (Resumption 1), p. 2 (Czech Republic); p. 6 (Italy); p. 7 (Egypt); p. 14 (Nigeria); and pp. 18-19 (Bangladesh).

⁵¹ S/PV.6092, p. 15 (Croatia); p. 19 (Japan); p. 24 (United Kingdom); and p. 28 (Cuba, on behalf of the Non-Aligned Movement); S/PV.6092 (Resumption 1), p. 10 (Congo); p. 14 (Norway); and p. 14 (Nigeria).

⁵² S/PV.6902, p. 28.

⁵³ S/2008/813.

⁵⁴ S/PV.6092 (Resumption 1), pp. 15-16.

⁵⁵ S/PV.6092, p. 19.

⁵⁶ S/PRST/2009/3, first and seventh paragraphs.

Case 4 Post-conflict peacebuilding

At the 5895th meeting, held on 20 May 2008 in connection with post-conflict peacebuilding, many speakers, highlighting the important role that regional organizations played in all the phases of conflicts, particularly in post-conflict peacebuilding, stressed the need to strengthen the cooperation and coordination between the United Nations and regional organizations in view of the latter's comparative advantage and unique understanding of the region.⁵⁷ The representative of Viet Nam argued that, while the primary responsibility for the maintenance of international peace and security fell within the purview of the Security Council, regional and subregional organizations possessed comparative advantages, such as targeted expertise, local knowledge and geographical proximity, which, if used in conformity with Chapter VIII of the Charter, could contribute to helping countries recover from conflicts.⁵⁸ The representative of Argentina, referring to Chapter VIII of the Charter, underscored the need to strengthen the capacities of regional arrangements in helping countries to recover and rebuild after a conflict.⁵⁹ The representative of the Russian Federation stated that the modalities for United Nations post-conflict assistance, whether in the form of peacekeeping operations, special political missions or joint United Nations peacebuilding presences, should include a rational division of labour among regional organizations, international financial institutions and bilateral partners.⁶⁰

The representative of Serbia maintained that the role that regional organizations played in peacebuilding should not run counter to the role and the primary responsibility of the United Nations for safeguarding international peace and security. Furthermore, he stated that there should not be a modicum of doubt that a Security Council decision

must underpin each and every activity of regional organizations, citing his country's position on the European Union Rule of Law Mission in Kosovo as a case in point.⁶¹

The representative of Qatar expressed disappointment that the Council was still unable to make use of Chapter VIII of the Charter with regard to cooperation between the United Nations and regional and subregional organizations, especially in the adoption of Council resolutions. In this regard, he stressed the need to adopt such resolutions under Chapter VIII of the Charter so as not to sideline the role that the regional arrangements could play.⁶²

By a presidential statement read out at the meeting, the Council reaffirmed the role of regional organizations in the prevention, management and resolution of conflicts in accordance with Chapter VIII of the Charter, and the need to strengthen the capacity of regional organizations in helping countries to recover from conflict. The Council encouraged the Secretary-General, the Peacebuilding Commission, international and regional organizations and Member States to consider how to support national efforts in affected countries to secure sustainable peace more rapidly and effectively, including in the areas of coordination, civilian deployment capacities and financing.⁶³

Case 5 United Nations peacekeeping operations

At the 6075th meeting, on 23 January 2009, the representative of the Russian Federation argued that experience had shown that greater involvement of regional organizations was justified, provided that they acted in accordance with the purposes and principles of the Charter and when their relationship with the United Nations, especially with the Security Council, was regulated on the basis of Chapter VIII of the Charter.⁶⁴ The representative of India expressed support for greater cooperation on the part of the United Nations in peacekeeping efforts but stressed that such programmes must be in accordance with Chapter VIII of the Charter. He recognized that it was a challenge for the Organization to strengthen peacekeeping without regionalizing it but emphasized that the United

⁵⁷ S/PV.5895, p. 6 (Sierra Leone); p. 18 (France); p. 19 (Burkina Faso); p. 23 (Viet Nam); p. 24 (Panama); pp. 24-25 (China); p. 26 (Italy); p. 27 (Libyan Arab Jamahiriya); and p. 28 (United States); S/PV.5895 (Resumption 1), p. 7 (Slovenia, on behalf of the European Union); p. 8 (Germany); pp. 11-12 (Ghana); p. 13 (Mexico); p. 19 (Peru); pp. 20-21 (Afghanistan); p. 25 (Thailand); p. 27 (Nigeria); p. 30 (Argentina); p. 33 (Republic of Korea); p. 34 (Serbia); and p. 40 (Benin).

⁵⁸ S/PV.5895, p. 23.

⁵⁹ S/PV.5895 (Resumption 1), p. 30.

⁶⁰ S/PV.5895, p. 20.

⁶¹ S/PV.5895 (Resumption 1), p. 34.

⁶² *Ibid.*, pp. 36-37.

⁶³ S/PRST/2008/16, ninth and tenth paragraphs.

⁶⁴ S/PV.6075, p. 21.

Nations could not absolve itself of its responsibility under the Charter for the maintenance of international peace and security.⁶⁵ This view was echoed by the representative of Pakistan, who underlined that the potential for cooperation with regional organizations within the framework of the Charter should be exploited without substituting the primary role of the United Nations.⁶⁶ Furthermore, the representative of Morocco, speaking on behalf of the Non-Alignment Movement, argued that the primary responsibility for the maintenance of international peace and security rested with the United Nations and that the role played by regional arrangements should not only be in accordance with the provisions of Chapter VIII of the Charter but also avoid leading to the fragmentation of United Nations peacekeeping operations, the substitution of the role of the United Nations or the circumvention of the full application of the guiding principles of United Nations peacekeeping operations.⁶⁷

The representative of Mexico acknowledged the necessity of cooperation between the Council and regional and subregional organizations for collective security, provided that regional organizations had the needed legal and material capacity. He held that the experience of United Nations peace operations in Africa highlighted the importance of not only a common strategic vision between the African Union and the United Nations but also a broader strategy involving conflict prevention, peacekeeping and post-conflict reconstruction.⁶⁸

While recognizing the crucial contributions of subregional and regional organizations to the success of the United Nations operations, the representative of Burkina Faso regretted that the demands of some conflicts were such that regional arrangements did not yet have the necessary resources, as evident on the African continent. He held that it was the case with the African Union Mission in Somalia (AMISOM), whose current configuration did not allow it to address the challenges of the conflict, and therefore appealed to the international community to support the efforts of the

African Union in Somalia and elsewhere, as well as those of African subregional organizations.⁶⁹ The representative of Croatia raised the issue of lack of qualified personnel and resources in regional and subregional organizations, particularly the African Union and the Economic Community of West African States (ECOWAS), for peacekeeping activities and called for active cooperation and support in capacity-building, as those would provide long-term benefits.⁷⁰

The representative of Austria emphasized that, given the growth in peacekeeping operations and the fact that their mandates were becoming increasingly complex, cooperation with regional organizations would be more important than ever. As such, he opined that support for creating expertise and building capacity was necessary to allow those organizations to play a more important role. Furthermore, while acknowledging the primary responsibility of the Council to maintain international peace and security, he held that the United Nations had to strive to play a growing role “as a bridging force” until the regional organizations were able to take up the slack, which would also contribute to strengthening the regional ownership of crisis management.⁷¹

In connection with regional mediation efforts, at the 6178th meeting, on 5 August 2009, the representative of South Africa recognized the leading role that the African Union had played in recent years in the prevention, management and resolution of conflicts on the continent, in line with Chapter VIII of the Charter. He drew attention to the various subregional and regional efforts, including in Burundi, Côte d’Ivoire and the Democratic Republic of the Congo, where the African Union had shown how peacekeeping operations supported the political settlement of disputes in spite of its limited resources. He pointed to the crucial role played by regional and subregional organizations, which had a comparative advantage, mostly due to proximity, in mediation initiatives to address regional conflicts, such as that by the Southern African Development Community (SADC) in Madagascar and Zimbabwe.⁷²

⁶⁵ *Ibid.*, p. 34.

⁶⁶ *Ibid.*, p. 35.

⁶⁷ *Ibid.*, p. 44.

⁶⁸ *Ibid.*, pp. 29-30.

⁶⁹ *Ibid.*, p. 17.

⁷⁰ *Ibid.*, pp. 23-24.

⁷¹ *Ibid.*, p. 22.

⁷² S/PV.6178 (Resumption 1), pp. 16-17.

II. Encouragement of or calls by the Security Council for action by regional arrangements in the pacific settlement of disputes

Note

This section features encouragement of or calls by the Security Council for efforts by regional and subregional organizations in the pacific settlement of local disputes, within the framework of Article 52 of the Charter, before referring them to the Council.

The section is organized under two headings: (a) decisions concerning encouragement of or calls for the pacific settlement of disputes by regional arrangements; and (b) discussions concerning efforts towards the pacific settlement of disputes by regional arrangements.

A. Decisions concerning encouragement of or calls for the pacific settlement of disputes by regional arrangements

During the period under review, the Security Council frequently welcomed and supported the efforts by regional and subregional organizations in the pacific settlement of disputes, including mediation and facilitation of dialogue and negotiation, and called upon parties to engage in the political process led by regional organizations. Expressions of support were made in connection with the situations in Bosnia and Herzegovina, the Central African Republic, Chad, Côte d'Ivoire, the Democratic Republic of the Congo, Djibouti, Eritrea, Georgia, Guinea, Kenya, Lebanon, Mauritania, Myanmar, Somalia, the Sudan, Zimbabwe and the Middle East, including the Palestinian question. In its decisions, the Council referred to regional organizations, including the African Union, the Association of Southeast Asian Nations, ECOWAS, the European Union, the League of Arab States, the Organization for Security and Cooperation in Europe

(OSCE) and SADC. For instance, concerning the situation in Darfur, the Council expressed its full support throughout the period under review for the Joint African Union-United Nations Chief Mediator for Darfur, appointed in 2008.⁷³ In connection with the issue of non-proliferation relating to the Islamic Republic of Iran, the European Union was encouraged to continue to communicate with the Government to find a negotiated solution (see table 2).

In particular, during the period under review, the Council referred in its decisions to the efforts made by the African Union to resolve the electoral disputes in Kenya and Zimbabwe. In this context, following the disputed elections of 27 December 2007 in Kenya, the Council commended the efforts of the African Union and expressed its full support for the Panel of Eminent African Personalities, led by Mr. Kofi Annan, in assisting the parties in finding a political solution by overseeing the negotiation between Mr. Mwai Kibaki and Mr. Raila Odinga.⁷⁴ Regarding Zimbabwe, ahead of the second round of the presidential election scheduled for 27 June 2008, which had resulted in the killing of scores of opposition activists, as well as the campaign of violence and restrictions on the political opposition, the Council welcomed the international efforts, including those of SADC.⁷⁵

In the case of Burundi, Guinea-Bissau, Haiti, Liberia and Sierra Leone, the Council recognized the important role played by regional and subregional organizations, such as the African Union, the Community of Portuguese-speaking Countries, ECOWAS and the Mano River Union, in the phases of peace consolidation and post-conflict peacebuilding.

⁷³ S/PRST/2008/27, fourth paragraph.

⁷⁴ S/PRST/2008/4, first paragraph.

⁷⁵ S/PRST/2008/23, second, third and fourth paragraphs.

Table 2

Decisions in which the Council recognized and encouraged the efforts of regional and subregional organizations in the pacific settlement of disputes

Decision and date

Provision

Non-proliferation

Resolution [1803 \(2008\)](#)
[adopted under Chapter VII]
3 March 2008

Encourages the High Representative for the Common Foreign and Security Policy of the European Union to continue communication with the Islamic Republic of Iran in support of political and diplomatic efforts to find a negotiated solution, including relevant proposals by China, France, Germany, the Russian Federation, the United Kingdom and the United States, with a view to creating necessary conditions for resuming talks (para. 16)

**Peace and security in Africa
Djibouti and Eritrea**

[S/PRST/2008/20](#)
12 June 2008

The Council welcomes the efforts of the African Union, the League of Arab States and those States that have offered their assistance and calls upon the parties, in particular Eritrea, to engage fully in efforts to resolve the crisis (fifth paragraph)

Resolution [1862 \(2009\)](#)
14 January 2009

Reiterating its serious concern at the absence of dialogue between the two parties and at the refusal of Eritrea so far to engage in dialogue, to accept bilateral contacts, mediation or facilitation efforts by subregional or regional organizations or to respond positively to the efforts of the Secretary-General (fifth preambular paragraph)

*Same provision in resolution [1907 \(2009\)](#) [adopted under Chapter VII],
fourteenth preambular paragraph*

Reiterates its appreciation for the efforts of the Secretary-General, the African Union and the League of Arab States to engage both parties, encourages them to strengthen their efforts in this regard, and also encourages regional and subregional organizations as well as Member States that are in a position to do so to provide their assistance to this end (para. 2)

**Peace and security in Africa
Kenya**

[S/PRST/2008/4](#)
6 February 2008

The Security Council welcomes the announcement of progress in the negotiations, overseen by Mr. Kofi Annan, between Mr. Mwai Kibaki and Mr. Raila Odinga on 1 February 2008, including the adoption of an agenda and a timetable for action to end the crisis in Kenya following the disputed elections of 27 December 2007. The Council welcomes the African Union communiqué of 21 January 2008, commends the efforts of the African Union, the President of Ghana, Mr. John Kufuor, and the Secretary-General of the United Nations, Mr. Ban Ki-moon, and emphasizes its full support for the Panel of Eminent African Personalities, led by Mr. Annan, in assisting the parties in finding a political solution. The Council deplores the widespread violence following the elections, which has resulted in extensive loss of life and serious humanitarian consequences (first paragraph)

*Decision and date**Provision*

**Peace and security in Africa
Mauritania**[S/PRST/2008/30](#)
19 August 2008

The Council recognizes the important role played by the African Union as well as the support of regional and international partners, including the Secretary-General of the United Nations, through his Special Representative for West Africa, Mr. Said Djinnit, and calls upon all to assist in restoring constitutional order in Mauritania (fifth paragraph)

**Peace and security in Africa
Zimbabwe**[S/PRST/2008/23](#)
23 June 2008

The Council expresses its concern over the impact of the situation in Zimbabwe on the wider region. The Council welcomes the recent international efforts, including those of the leaders of the Southern African Development Community and particularly President Mbeki. The Council calls upon the Zimbabwean authorities to cooperate fully with all efforts, including through the United Nations, aimed at finding a peaceful way forward, through dialogue between the parties, that allows a legitimate government to be formed that reflects the will of the Zimbabwean people (fourth paragraph)

Peace consolidation in West Africa[S/PRST/2009/27](#)
28 October 2009

The Council welcomes the public statements by the International Contact Group on Guinea, the Economic Community of West African States (ECOWAS) and the African Union, in particular the communiqué issued by the Peace and Security Council of the African Union at its meeting held on 15 October 2009^a and the communiqué issued by ECOWAS at its summit held on 17 October 2009. It welcomes the mediation undertaken by President Blaise Compaoré of Burkina Faso, including his efforts to create a more conducive and secure environment in Guinea, and calls upon the international community to support his action (third paragraph)

Reports of the Secretary-General on the Sudan[S/PRST/2008/1](#)
11 January 2008

The Council reiterates that an inclusive political settlement and the successful deployment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) are essential for re-establishing peace and stability in Darfur. The Council urges all parties, including rebel groups, to engage fully and constructively in the political process under the leadership of the United Nations Special Envoy for Darfur, Mr. Jan Eliasson, and the African Union Special Envoy for Darfur, Mr. Salim Ahmed Salim, who have the full support of the Council. The Council expresses its readiness to take action against any party that impedes the peace process, humanitarian aid or the deployment of UNAMID. The Council also recognizes that due process must take its course (fifth paragraph)

Decision and date

Provision

[S/PRST/2008/27](#)

16 July 2008

The Council calls upon all parties to agree to a cessation of hostilities, to engage fully and constructively in the political process under the leadership of the new Joint African Union-United Nations Chief Mediator for Darfur, Mr. Djibrill Yipènè Bassolé, and to cooperate fully with the deployment of UNAMID and respect its security and freedom of movement (fourth paragraph)

[Resolution 1828 \(2008\)](#)

31 July 2008

Expressing its determination to promote and support the political process in Darfur, especially the new Chief Mediator, and deploring the fact that some groups refuse to join the political process (eleventh preambular paragraph)

Welcomes the appointment of Mr. Djibrill Yipènè Bassolé as the Joint African Union-United Nations Chief Mediator for Darfur, who has its full support, calls upon the Government of the Sudan and rebel groups to engage fully and constructively in the peace process, including by entering into talks under the mediation of Mr. Bassolé, demands that all the parties, in particular rebel groups, finalize their preparations for and join the talks, and underlines also the need for the engagement of civil society, including women and women-led organizations, community groups and tribal leaders (para. 10)

[Resolution 1841 \(2008\)](#)

[adopted under Chapter VII]

15 October 2008

Reiterating the importance of promoting a political process to restore peace and stability in Darfur, and strongly urging those parties that have not yet agreed to participate in negotiations to do so immediately and all parties to the conflict to engage fully and constructively in the process and to cooperate with the Joint African Union-United Nations Chief Mediator for Darfur, Mr. Djibrill Yipènè Bassolé (fourth preambular paragraph)

Same provision in resolution [1891 \(2009\)](#), fourth preambular paragraph

Commending the efforts of, and reiterating its full support for, the Joint African Union-United Nations Chief Mediator, the United Nations Secretary-General, the League of Arab States and the leaders of the region to promote peace and stability in Darfur, looking forward to the full and rapid deployment of UNAMID, and expressing its strong support for the political process under the African Union-United Nations-led mediation (eighth preambular paragraph)

Same provision in resolution [1891 \(2009\)](#), ninth preambular paragraph

[Resolution 1881 \(2009\)](#)

30 July 2009

Welcoming the important role of the African Union (fifth preambular paragraph)

Expressing its strong commitment and determination to promote and support the political process in Darfur and the efforts of the Joint African Union-United Nations Chief Mediator for Darfur, and deploring the fact that some groups continue to refuse to join the political process (tenth preambular paragraph)

Decision and date

Provision

Reiterates that there can be no military solution to the conflict in Darfur and that an inclusive political settlement and the successful deployment of UNAMID are essential to re-establishing peace; reaffirms its full support for the African Union-United Nations-led political process for Darfur and the work of the Joint African Union-United Nations Chief Mediator for Darfur, Mr. Djibrill Yipènè Bassolé; demands that all parties to the conflict, including all rebel groups, immediately engage fully and constructively in the peace process without preconditions, including by entering into talks under the mediation of Mr. Bassolé with a view to finalizing a framework agreement; welcomes the work of Qatar and the Libyan Arab Jamahiriya in this regard and the support of other countries in the region; calls upon UNAMID to support the Joint Chief Mediator and the African Union-United Nations Joint Mediation Support Team; and underlines the need for the engagement of civil society, including women and women-led organizations, community groups and tribal leaders, in order to create a conducive environment for peace and security through constructive and open dialogue (para. 8)

The question concerning Haiti

Resolution [1840 \(2008\)](#)
[adopted under Chapter VII]
14 October 2008

Emphasizing the role of regional organizations in the ongoing process of stabilization and reconstruction in Haiti, and calling upon the United Nations Stabilization Mission in Haiti to continue to work closely with the Organization of American States and the Caribbean Community, taking note of the joint communiqué issued by the 2 x 9 Mechanism on Haiti on 29 August 2008^b (fourteenth preambular paragraph)

Same provision in resolution [1892 \(2009\)](#), sixth preambular paragraph

The situation concerning the Democratic Republic of the Congo

Resolution [1856 \(2008\)](#)
22 December 2008

Taking note of the final declaration of the Nairobi summit organized on 7 November 2008 by President Mwai Kibaki, acting Chairman of the International Conference on the Great Lakes Region, and President Jakaya Kikwete, President-in-office of the African Union, and the communiqué of the extraordinary summit of the Heads of State and Government of the Southern African Development Community, held in Sandton, South Africa, on 9 November 2008, welcoming the appointment of facilitators, including the Special Envoy of the Secretary-General for the Great Lakes Region, the former President of Nigeria, Mr. Olusegun Obasanjo, and the former President of the United Republic of Tanzania, Mr. Benjamin Mkapa, inviting these facilitators to keep the Security Council informed of their activities, and encouraging the countries of the region to maintain this high level of commitment on the crisis in the eastern part of the Democratic Republic of the Congo, and to act to assist efforts to resolve the conflict (sixth preambular paragraph)

The situation in Bosnia and Herzegovina

Resolution [1845 \(2008\)](#)
[adopted under Chapter VII]
20 November 2008

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational stabilization force (the European Union Force), the Senior Military Representative and personnel of the North Atlantic Treaty Organization Headquarters Sarajevo, the Organization for Security and Cooperation in Europe, the European Union and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement (seventh preambular paragraph)

Same provision in resolution [1895 \(2009\)](#), seventh preambular paragraph

The situation in Burundi

Resolution [1858 \(2008\)](#)
22 December 2008

Paying tribute to the Regional Peace Initiative on Burundi, the South African Facilitation, the African Union and the Political Directorate for their sustained engagement in support of Burundi's peace consolidation efforts to promote the full implementation of the Comprehensive Ceasefire Agreement signed on 7 September 2006 at Dar-es-Salaam, United Republic of Tanzania, by the Government of Burundi and the Parti pour la libération du peuple hutu-Forces nationales de libération (fourth preambular paragraph)

Encourages the leaders of the Regional Peace Initiative on Burundi, the African Union, the South African Facilitation, the Political Directorate and other international partners to sustain their efforts in order to assist the parties in the implementation of the Declaration of 4 December 2008 and to remain actively engaged on the ground to monitor the process and to ensure its sustainability (para. 4)

Resolution [1902 \(2009\)](#)
17 December 2009

Paying tribute to the Regional Peace Initiative on Burundi, the South African Facilitation, the Partnership for Peace in Burundi, the African Union and the Political Directorate for their sustained engagement in support of Burundi's peace consolidation efforts (fourth preambular paragraph)

Acknowledges the contribution brought to peacebuilding in Burundi by the Regional Peace Initiative on Burundi, the South African Facilitation, the Political Directorate and the Partnership for Peace in Burundi until 2009, and encourages the Regional Peace Initiative leaders, the African Union, and other international partners to remain actively engaged on the ground to ensure that the implementation of the Declaration of 4 December 2008 is irreversible and to consolidate the peace process (para. 3)

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

[S/PRST/2008/3](#)
4 February 2008

The Council welcomes in particular the decision of the African Union to mandate the Leader of the Libyan Arab Jamahiriya, Colonel Muammar Gaddafi, and President Denis Sassou Nguesso of the Republic of the Congo to engage the Chadian parties with a view to ending the fighting and to initiate efforts aimed at seeking a lasting solution to the crisis (third paragraph)

*Decision and date**Provision*

Resolution 1834 (2008)

24 September 2008

Reiterating its full support for the efforts of the Secretary-General and of the African Union, through the joint African Union-United Nations Chief Mediator for Darfur, Mr. Djibril Yipéné Bassolé, to revive the peace process begun by the Darfur Peace Agreement, consolidate the ceasefire and reinforce the peacekeeping presence in Darfur (sixth preambular paragraph)

Encourages the respective Governments of the Sudan, Chad and the Central African Republic to ensure that their territories are not used to undermine the sovereignty of others, to cooperate actively with a view to implementing the Dakar Agreement of 13 March 2008 and previous agreements, and to cooperate with a view to putting an end to the activities of armed groups in the region and their attempts to seize power by force, looks forward to the implementation of the commitment of the Sudan and Chad to restore diplomatic ties with a view to fully normalizing their relations, and welcomes the role played in particular by the regional contact group, the Governments of the Libyan Arab Jamahiriya and the Republic of the Congo as African co-mediators, as well as the African Union and the United Nations, including through the Special Representative of the Secretary-General for the Central African Republic and Chad and Head of the Mission, in support of the Dakar process (para. 11)

Resolution 1861 (2009)

14 January 2009

Welcoming the recent resumption of diplomatic relations between the Governments of Chad and the Sudan and the efforts of the Government of the Libyan Arab Jamahiriya to promote it, and stressing that a further improvement of relations between the Sudan, Chad and the Central African Republic will contribute to long-term peace and stability in the region (fifth preambular paragraph)

Reiterating its full support for the efforts of the Secretary-General, the African Union and regional actors to find solutions to the armed conflicts in the region (seventh preambular paragraph)

Encourages the respective Governments of the Sudan, Chad and the Central African Republic to ensure that their territories are not used to undermine the sovereignty of others, to cooperate actively with a view to implementing the Dakar Agreement of 13 March 2008 and previous agreements, and to cooperate with a view to putting an end to the activities of armed groups in the region and their attempts to seize power by force, and welcomes the role played in particular by the Dakar Agreement Contact Group, the Governments of the Libyan Arab Jamahiriya and the Republic of the Congo as African Union mediators, as well as the African Union and the United Nations, including through the Special Representative of the Secretary-General for the Central African Republic and Chad and Head of the Mission, in support of the Dakar process (para. 19)

Decision and date

Provision

[S/PRST/2009/13](#)

8 May 2009

The Council calls upon the Sudan and Chad to respect and fully implement their mutual commitments, in particular in the Doha Agreement of 3 May 2009 and the Dakar Agreement of 13 March 2008, and to engage constructively with the Dakar Agreement Contact Group and the good offices of the Libyan Arab Jamahiriya and Qatar, to normalize their relations, to cooperate to put an end to cross-border activities of armed groups and to strengthen actions to combat illicit arms trafficking in the region, including through the establishment of an effective joint border monitoring. The Council expresses its concern at the external support received by Chadian armed groups, as reported by the Secretary-General (third paragraph)

The situation in Côte d'Ivoire

Resolution [1795 \(2008\)](#)

[adopted under Chapter VII]

15 January 2008

Expressing again its appreciation to the Chairperson of ECOWAS, President Blaise Compaoré of Burkina Faso (“the Facilitator”), for his continued efforts to facilitate the inter-Ivorian direct dialogue that led, in particular, to the signing of the Ouagadougou Political Agreement, commending and encouraging the continued efforts of the African Union and ECOWAS to promote peace and stability in Côte d'Ivoire, and reiterating its full support for them (fourth preambular paragraph)

Welcomes the second and third agreements supplementary to the Ouagadougou Political Agreement (“the supplementary agreements”) signed by President Laurent Gbagbo and Mr. Guillaume Soro at Ouagadougou on 28 November 2007 under the facilitation of President Blaise Compaoré of Burkina Faso (para. 1)

Takes note of the recommendations of the African Union in this regard, endorses the supplementary agreements, calls upon the Ivorian parties to implement the supplementary agreements and the Ouagadougou Political Agreement^c fully, in good faith and within the amended time frame set out in the agreements, which will require the Ivorian parties to redouble their efforts, and encourages the international community to bring continued support to this effect (para. 2)

Commends the Facilitator for his continued efforts to support the peace process, and encourages the Ivorian parties to make further concrete progress, in particular in the identification of the Ivorian population and the registration of voters, the disarmament and dismantling of militias, the disarmament, demobilization and reintegration programme, the unification and restructuring of the defence and security forces and the restoration of State authority throughout the country (para. 3)

Recalls the importance of the provisions of the Ouagadougou Political Agreement and of the supplementary agreements, including paragraph 8.1 of the Ouagadougou Political Agreement and paragraphs 8 and 9 of the third supplementary agreement, and urges the Ivorian political forces to rely on the mediation by the Facilitator for any major difficulty concerning the electoral process (para. 12)

Same provision in resolution [1826 \(2008\)](#), para. 16

Decision and date

Provision

Encourages the Facilitator to continue to support the process to settle the crisis in Côte d'Ivoire, and requests the United Nations Operation in Côte d'Ivoire to continue to assist him and his Special Representative in Abidjan, Mr. Boureima Badini, in the conduct of the facilitation, including by helping the Facilitator, as appropriate and upon his request, to carry out his arbitration role in accordance with the provisions of paragraph 8.1 of the Ouagadougou Political Agreement and paragraphs 8 and 9 of the third supplementary agreement (para. 13)

[S/PRST/2008/11](#)
29 April 2008

The Council commends the Facilitator, President Blaise Compaoré of Burkina Faso, for his continued efforts to support the peace process in Côte d'Ivoire, in particular through the Ouagadougou Political Agreement follow-up and consultation mechanisms. This support to the actions of President Laurent Gbagbo and Prime Minister Guillaume Soro, with the active engagement of the Special Representative of the Secretary-General for Côte d'Ivoire, Mr. Choi Young-Jin, has been instrumental towards achieving the establishment of a consensus among all political parties to hold presidential elections in 2008 (third paragraph)

Resolution [1826 \(2008\)](#)
[adopted under Chapter VII]
29 July 2008

Expressing again its appreciation to President Blaise Compaoré of Burkina Faso ("the Facilitator") for his continued efforts to support the peace process in Côte d'Ivoire, in particular through the Ouagadougou Political Agreement follow-up mechanisms, commending and encouraging the continued efforts of the African Union and ECOWAS to promote peace and stability in Côte d'Ivoire, and reiterating its full support for them (fifth preambular paragraph)

Same provision in resolutions [1865 \(2009\)](#), fifth preambular paragraph, and [1880 \(2009\)](#), fifth preambular paragraph

Resolution [1826 \(2008\)](#)
[adopted under Chapter VII]
29 July 2008

Commends the Facilitator for continuing to support the process to settle the crisis in Côte d'Ivoire, and requests the United Nations Operation in Côte d'Ivoire to continue to assist him and his Special Representative in Abidjan, Mr. Boureima Badini, in the conduct of the facilitation, including by helping the Facilitator, as appropriate and upon his request, to carry out his arbitration role according to the provisions of paragraph 8.1 of the Ouagadougou Political Agreement and paragraphs 8 and 9 of the third supplementary agreement (para. 17)

Same provision in resolutions [1865 \(2009\)](#), para. 22, and [1880 \(2009\)](#), para. 23

[S/PRST/2008/42](#)
7 November 2008

The Council commends the Facilitator for convening a meeting of the Permanent Consultative Framework of the Ouagadougou Political Agreement on 10 November 2008, in order for the Ivorian political actors to address all the main difficulties of the electoral process, and, in particular, with a view to finding an agreement on the new electoral time frame. It urges all the Ivorian political actors to cooperate fully with the Facilitator, with the support of the Special Representative of the Secretary-General, and to demonstrate their political determination to fulfil the commitments made in the Ouagadougou Political Agreement and within the framework of its follow-up mechanisms (second paragraph)

Decision and date

Provision

[S/PRST/2009/16](#)

29 May 2009

The Council reiterates its full support for the Facilitator, and calls upon the Ivorian political actors to continue to cooperate fully with him, in particular in this critical phase of the peace process (fifth paragraph)

[S/PRST/2009/25](#)

29 September 2009

The Security Council reiterates its full support for the Ouagadougou political process and the electoral timeline endorsed by all the main Ivorian political actors, leading to the first round of open, free, fair and transparent presidential elections on 29 November 2009. It commends the Facilitator, President Blaise Compaoré of Burkina Faso, for his continued efforts to support the peace process in Côte d'Ivoire (first paragraph)

Same provision in [S/PRST/2009/33](#), second paragraph

The situation in Georgia

Resolution [1808 \(2008\)](#)

15 April 2008

Supporting the sustained efforts of the Secretary-General and of his Special Representative for Georgia, with the assistance of the Group of Friends of the Secretary-General on Georgia, as well as the Russian Federation in its capacity as facilitator, and of the Organization for Security and Cooperation in Europe, underlining the increased importance of the meetings in the Geneva format as the forum for meaningful political dialogue, and welcoming the Georgian and Abkhaz renewed commitment to this process (fourth preambular paragraph)

The situation in Guinea-Bissau

[S/PRST/2009/2](#)

3 March 2009

The Council welcomes in this regard the statements condemning the incidents by the Secretary-General of the United Nations, the African Union, ECOWAS, the European Union and other members of the international community, and calls upon all to assist in preserving the constitutional order in Guinea-Bissau and to continue to support peacebuilding efforts in the country (third paragraph)

[S/PRST/2009/6](#)

9 April 2009

The Security Council takes note of the final communiqué of the 26th meeting of the ECOWAS Mediation and Security Council expressing the need to deploy military and police contingents to ensure the protection of the republican institutions and the authorities, as well as the electoral process in Guinea-Bissau. In this regard, the Security Council invites ECOWAS to work in coordination with the Government of Guinea-Bissau (fourth paragraph)

The Council reiterates the importance of the regional dimension in the resolution of the problems faced by Guinea-Bissau and, in this regard, welcomes the role of the African Union, ECOWAS, the Community of Portuguese-speaking Countries and the European Union in the peacebuilding process (tenth paragraph)

Same provision in [S/PRST/2009/29](#), ninth paragraph

Resolution [1876 \(2009\)](#)

26 June 2009

Takes note of the initiatives undertaken by regional organizations for ensuring the protection of the national institutions and the authorities (para. 12)

Decision and date

Provision

The situation in Liberia

Resolution [1836 \(2008\)](#)
[adopted under Chapter VII]
29 September 2008

Expressing its appreciation for the continuing support of the international community, ECOWAS and the African Union (eighth preambular paragraph)

Same provision in resolution [1885 \(2009\)](#), ninth preambular paragraph

The situation in Myanmar

[S/PRST/2008/13](#)
2 May 2008

The Council welcomes the important role that the countries of the Association of Southeast Asian Nations continue to play in supporting the United Nations good offices mission (fourth paragraph)

The situation in Sierra Leone

Resolution [1829 \(2008\)](#)
4 August 2008

Welcoming the role played by ECOWAS, and encouraging the member States of the Mano River Union and other organizations to continue their efforts aimed at building regional and subregional peace and security (tenth preambular paragraph)

Same provision in resolution [1886 \(2009\)](#), tenth preambular paragraph

The situation in Somalia

Resolution [1801 \(2008\)](#)
[adopted under Chapter VII]
20 February 2008

Reiterating its appreciation of the efforts of the international community, in particular the African Union, as well as the League of Arab States, the Intergovernmental Authority on Development and the European Union, to promote peace, stability and reconciliation in Somalia, and welcoming their continued engagement (ninth preambular paragraph)

Recalling that cooperation between the United Nations and the regional arrangements in matters relating to the maintenance of peace and security, as are appropriate for regional action, is an integral part of collective security as provided for in the Charter of the United Nations (tenth preambular paragraph)

Same provision in resolution [1831 \(2008\)](#), fifth preambular paragraph

The situation in the Middle East

[S/PRST/2008/17](#)
22 May 2008

The Security Council congratulates the leaders and the people of Lebanon and welcomes and strongly supports the agreement reached in Doha on 21 May 2008 under the auspices of the League of Arab States, which constitutes an essential step towards the resolution of the current crisis, the return to the normal functioning of Lebanese democratic institutions, and the complete restoration of Lebanon's unity and stability (first paragraph)

The Council commends the efforts of the League of Arab States, in particular of the committee of Ministers for Foreign Affairs, under the leadership of the Emir of the State of Qatar, Sheikh Hamad bin Khalifa Al-Thani, the Prime Minister and Minister for Foreign Affairs of Qatar, Sheikh Hamad bin Jassim bin Jabr Al-Thani, and the Secretary-General of the League of Arab States, Mr. Amre Moussa, in helping Lebanese leaders to reach an agreement (second paragraph)

The situation in the Middle East, including the Palestinian question

Resolution 1860 (2009)
8 January 2009

Encourages tangible steps towards intra-Palestinian reconciliation, including in support of mediation efforts of Egypt and the League of Arab States as expressed in the resolution of 26 November 2008, and consistent with Security Council resolution 1850 (2008) and other relevant resolutions (para. 7)

^a S/2009/541, annex I.

^b S/2008/640, annex.

^c S/2007/144, annex.

In addition to the provisions reflected in table 2, during the period under consideration the Council welcomed the support provided by regional organizations on election-related issues, such as voter registration in Haiti by the Organization of American States,⁷⁶ electoral observance in Afghanistan by the European Union and OSCE⁷⁷ and technical and financial support provided by ECOWAS and the European Union in Guinea-Bissau for legislative elections.⁷⁸

B. Discussions concerning efforts towards the pacific settlement of disputes by regional arrangements

In 2008 and 2009, during the deliberations on the electoral disputes in Zimbabwe and the border dispute between Djibouti and Eritrea, speakers discussed the role of regional and subregional organizations in resolving those crises and the implication of involvement by the Council, including the imposition of sanctions measures against Zimbabwe and Eritrea (see cases 6 and 7, respectively).

⁷⁶ Resolutions 1840 (2008), nineteenth preambular paragraph, and 1892 (2009), twelfth preambular paragraph.

⁷⁷ S/PRST/2009/21, first paragraph.

⁷⁸ S/PRST/2008/37, second paragraph.

Case 6 Peace and security in Africa (Zimbabwe)

At the 5933rd meeting, on 11 July 2008, the Security Council failed to adopt the draft resolution by which it intended to reaffirm its support for SADC and African Union efforts to resolve the crisis in Zimbabwe in a way that reflected the will of the Zimbabwean people as expressed in the 29 March elections, and to call upon the Government of Zimbabwe to cooperate with those efforts. In addition, the Council, acting under Chapter VII of the Charter, would have demanded that the Government of Zimbabwe accept the good offices offered by the African Union, SADC and the Secretary-General, while imposing the targeted sanctions against Zimbabwe.⁷⁹

At the same meeting, the Council had before it the African Union resolution on Zimbabwe, forwarded to it pursuant to Article 54 of the Charter. In that resolution, the African Union, expressing its appreciation to SADC, the Facilitator of the intra-Zimbabwe dialogue, President Thabo Mbeki of South Africa, and the Chairperson of the African Union Commission, Mr. Jean Ping, for the ongoing work aimed at reconciling the political parties, decided to support the facilitation by SADC and recommended that SADC mediation efforts be continued.⁸⁰

⁷⁹ S/2008/447.

⁸⁰ S/2008/452, annex.

During the meeting, a number of speakers commended the mediation efforts by President Mbeki as mandated by SADC and supported by the African Union in order to resolve the electoral dispute in Zimbabwe.⁸¹ In that context, the representative of Zimbabwe held that any other separate initiative would be counterproductive and would serve to undermine the role of SADC and President Mbeki. He argued that, given that Zimbabwe was not a threat to regional peace and security as expressed by African leaders at the summit of the Group of Eight, the Council should “yield” to the mediation efforts of SADC and the African Union and opined that the adoption of the draft resolution would have been in disregard of Africa’s own position.⁸² The representative of South Africa held that the Council “must give space” for the African Union summit decision to be implemented.⁸³ He stated that, when considering the matter of Zimbabwe, the African Union summit did not call for sanctions against that country.⁸⁴

According to the representative of the Libyan Arab Jamahiriya, the draft resolution was “in conflict with Article 52 of the Charter”, which stated that the Council should encourage the development of pacific settlement of local disputes through regional arrangements. Furthermore, he held that the imposition of sanctions would hinder African efforts to resolve the crisis in Zimbabwe through SADC.⁸⁵ Similar opinions were voiced by other speakers, including the representative of China, who called for more time for the good offices efforts of SADC and the African Union.⁸⁶

On the other hand, the representative of the United States maintained that the draft resolution would have supported, not undercut, regional and international mediation efforts and further empowered regional and international mediators by giving Mr. Mugabe an incentive to negotiate seriously.⁸⁷

Case 7 Peace and security in Africa (Djibouti and Eritrea)

At its 6254th meeting, held on 23 December 2009 in connection with the border dispute between Djibouti and Eritrea, the Security Council adopted resolution 1907 (2009), in which it noted the decision adopted by the African Union at its summit held in Sirte, Libyan Arab Jamahiriya, in which the African Union called upon the Council to impose sanctions against foreign actors, both within and outside the region, especially Eritrea, providing support to the armed groups engaged in destabilization activities in Somalia and undermining the peace and reconciliation efforts as well as regional stability, and reiterated its serious concern at the refusal of Eritrea to engage in dialogue with Djibouti, accept bilateral contacts, mediation or facilitation efforts by subregional or regional organizations or respond positively to the efforts of the Secretary-General.⁸⁸ By the same resolution, the Council imposed sanctions measures, including an arms embargo, a travel ban and an asset freeze on Eritrea.⁸⁹

During the meeting, a number of speakers supported the mediation and good offices efforts of the African Union in addressing the conflict.⁹⁰ In that context, some speakers supported the adoption of resolution 1907 (2009) and the imposition of sanctions in response to the decision taken at the African Union summit.⁹¹ The representative of Uganda held the view, echoed by the representative of Djibouti,⁹² that the positive response of the Council to the call by the African Union was a clear manifestation of the existing cooperation between the United Nations and the African Union in efforts to resolve conflicts and maintain peace and security in Africa.⁹³

On the other hand, the representative of the Libyan Arab Jamahiriya, who had voted against the resolution, believed that resolution 1907 (2009) took

⁸¹ S/PV.5933, p. 5 (Libyan Arab Jamahiriya); p. 6 (Indonesia); p. 7 (Viet Nam); p. 9 (Russian Federation); p. 10 (France); p. 12 (China); p. 13 (Belgium); p. 15 (Angola); and p. 16 (United Republic of Tanzania).

⁸² *Ibid.*, pp. 3-4.

⁸³ *Ibid.*, p. 5.

⁸⁴ *Ibid.*, p. 4.

⁸⁵ *Ibid.*, p. 5.

⁸⁶ *Ibid.*, p. 7 (Indonesia); p. 13 (China); and p. 16 (United Republic of Tanzania).

⁸⁷ *Ibid.*, p. 14.

⁸⁸ Resolution 1907 (2009), fifth and fourteenth preambular paragraphs.

⁸⁹ *Ibid.*, paras. 5-16. For more information on sanctions against Eritrea, see part VII, sect. III.

⁹⁰ S/PV.6254, p. 2 (Uganda); p. 3 (Viet Nam); p. 3 (Libyan Arab Jamahiriya); p. 4 (China); p. 4 (Japan); p. 5 (Turkey); and p. 9 (Somalia).

⁹¹ *Ibid.*, p. 2 (Uganda); p. 4 (United Kingdom); p. 5 (Burkina Faso); and p. 6 (Djibouti).

⁹² *Ibid.*, p. 6.

⁹³ *Ibid.*, p. 2.

an “unrealistic and excessively hasty approach”, creating an obstacle to the peaceful solution to be attained in the framework of the good offices of the African Union and the Secretary-General.⁹⁴ The representative of China, who had abstained from voting, opined that sanctions against Eritrea should not

⁹⁴ Ibid., p. 3.

replace diplomatic efforts to resolve disputes through dialogue and negotiation, while recognizing the constructive role played by the African Union in addressing hotspot issues in Africa, including its mediation and good offices efforts in general.⁹⁵

⁹⁵ Ibid., p. 4.

III. Regional peacekeeping operations

Note

This section describes the practice of the Security Council in connection with cooperation with regional organizations in the area of peacekeeping, which can be considered as relevant to all Articles of Chapter VIII of the Charter, namely Articles 52 to 54.

The section is organized under two headings: (a) decisions concerning regional peacekeeping operations; and (b) discussions concerning regional peacekeeping operations.

A. Decisions concerning regional peacekeeping operations

During the period under review, while the Council did not authorize new peacekeeping operations by regional or other international organizations, it renewed its authorization, under Chapter VII of the Charter, including the use of force, of the following regional peacekeeping operations: the International Security Assistance Force (ISAF) in Afghanistan, led by NATO; the European Union military mission in Bosnia and Herzegovina (EUFOR) and the NATO presence in Bosnia and Herzegovina; the European Union operation in Chad and the Central African Republic (EUFOR Chad/Central African Republic); and AMISOM. The Council also acknowledged the contributions and efforts by peacekeeping operations deployed by regional and other international organizations and, with regard to ISAF, EUFOR, NATO and AMISOM, requested those relevant bodies to report their activities to the Council on a regular basis.⁹⁶

The period under review also witnessed the authorization and operationalization of regional

⁹⁶ For more information, see part X.

peacekeeping operations and discussions on the transition of regional peacekeeping operations to United Nations peacekeeping operations or hybrid missions jointly led by a regional organization, such as the African Union, and the United Nations. By a presidential statement dated 11 January 2008,⁹⁷ the Council welcomed the transition of authority from the African Union Mission in the Sudan (AMIS) to UNAMID, which took place on 31 December 2007 pursuant to resolution 1769 (2007).⁹⁸

Pursuant to resolution 1778 (2007), by which the Council had authorized the deployment of a European Union operation in Chad and the Central African Republic (EUFOR Chad/Central African Republic) under Chapter VII of the Charter in support of the United Nations Mission in the Central African Republic and Chad (MINURCAT), on 15 March 2009 EUFOR Chad/Central African Republic transferred its authority to a newly established military component of MINURCAT. In his report on MINURCAT dated 14 April 2009, the Secretary-General reported the success of the transfer of authority from EUFOR Chad/Central African Republic to MINURCAT, which reflected the collective efforts of the United Nations, the European Union and the two Governments. He observed that the deployment of EUFOR Chad/Central African Republic was the first time that the European Union had provided “a bridging military arrangement pending the deployment of a United Nations force” and stressed that the rehatting of a significant part of the EUFOR Chad/Central African Republic troops, accounting for approximately 90 per cent of the military component of MINURCAT troops on the first day of its existence, had provided the United Nations with strong continuity, which proved fundamental to a smooth transition of

⁹⁷ S/PRST/2008/1, second paragraph.

⁹⁸ For more information on UNAMID, see part X.

authority and the initial effectiveness of the United Nations force.⁹⁹

In the case of AMISOM, the Council explicitly expressed its willingness and intention to establish a United Nations peacekeeping operation to take over from AMISOM, “subject to progress of the political process and improvement in the security situation on the ground”, in resolution 1814 (2008) of 15 May 2008 and subsequent decisions.¹⁰⁰ While such transformation did not take place during the period under review and the Council continued to renew the mandate of AMISOM, the Council also decided to provide technical, financial and logistical support to AMISOM, including the transfer of assets from a United Nations peacekeeping operation that had been liquidated.¹⁰¹

⁹⁹ S/2009/199, paras. 54-55.

¹⁰⁰ Resolutions 1814 (2008), para. 8, 1831 (2008), tenth preambular paragraph, and 1863 (2009), para. 4; and S/PRST/2008/33, seventh paragraph.

¹⁰¹ Resolutions 1814 (2008), para. 9, 1863 (2009), paras. 8 and 10, and 1872 (2009), para. 17.

During the period under review, the Council (a) acknowledged the efforts by regional peacekeeping operations in performing their various mandates, such as in the areas of implementation of peace agreements, security, security sector training, elections, counter-narcotics, counter-terrorism and protection of civilians; (b) commended the troop-contributing countries; and (c) called for further contribution of troops, equipment and other resources, including financing.

A number of peacekeeping, policing and training operations deployed by regional and other organizations were also acknowledged and supported by the Council during the period under review, such as the European Union Police Mission and the NATO Training Mission in Afghanistan, the European Union Police Mission in Bosnia and Herzegovina, the European Union Rule of Law Mission in Kosovo and the peacekeeping force of the Commonwealth of Independent States in Georgia (see table 3).

Table 3
Decisions concerning regional peacekeeping operations

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
Peace and security in Africa		
Djibouti/Eritrea		
Recognition of the efforts of regional peacekeeping operations: AMISOM	Resolution 1907 (2009) 23 December 2009	Expressing its appreciation of the contribution of the African Union Mission in Somalia (AMISOM) to the stability of Somalia, and further expressing its appreciation for the continued commitment to the Mission by the Governments of Burundi and Uganda (eleventh preambular paragraph)
Reports of the Secretary-General on the Sudan		
Recognition of the efforts of regional peacekeeping operations: AMIS	S/PRST/2008/1 11 January 2008	The Council welcomes the transition of authority from the African Union peacekeeping operation, the African Union Mission in the Sudan, to the African Union-United Nations Hybrid Operation in Darfur, which occurred on 31 December 2007. The Council commends the Mission for its prompt action to begin to re-establish peace and security in Darfur (second paragraph)

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
The situation in Afghanistan		
Mandate: Extension of ISAF	Resolution 1833 (2008) [adopted under Chapter VII] 22 September 2008	Decides to extend the authorization of the International Security Assistance Force (ISAF), as defined in resolutions 1386 (2001) and 1510 (2003) , for a period of 12 months beyond 13 October 2008 (para. 1) <i>Same provision in resolution 1890 (2009), para. 1</i>
Mandate: Reauthorization of the use of force by ISAF	Resolution 1833 (2008) [adopted under Chapter VII] 22 September 2008	Authorizes the Member States participating in the Force to take all necessary measures to fulfil its mandate (para. 2) <i>Same provision in resolution 1890 (2009), para. 2</i>
Mandate: Reiteration of the ISAF mandate in training security forces	Resolution 1833 (2008) [adopted under Chapter VII] 22 September 2008	Stresses the importance of increasing, within a comprehensive framework, the functionality, professionalism and accountability of the Afghan security sector, encourages the Force and other partners to sustain their efforts, as resources permit, to train, mentor and empower the Afghan national security forces in order to accelerate progress towards the goal of self-sufficient and ethnically balanced Afghan security forces providing security and ensuring the rule of law throughout the country, welcomes in this context the progress achieved by the Afghan authorities in assuming lead security responsibility for Kabul, and stresses the importance of supporting the planned expansion of the Afghan National Army (para. 4) <i>Same provision in resolution 1890 (2009), para. 4</i>
Mandate: Reiteration of the ISAF mandate to work with other actors	Resolution 1833 (2008) [adopted under Chapter VII] 22 September 2008	Calls upon the Force to continue to work in close consultation with the Government of Afghanistan and the Special Representative of the Secretary-General for Afghanistan as well as with the Operation Enduring Freedom coalition in the implementation of the mandate of the Force (para. 5) <i>Same provision in resolution 1890 (2009), para. 5</i>

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
Call for contribution to ISAF	Resolution 1833 (2008) [adopted under Chapter VII] 22 September 2008	Recognizes the need to further strengthen the Force to meet all its operational requirements, and in this regard calls upon Member States to contribute personnel, equipment and other resources to the Force and to make contributions to the trust fund established pursuant to resolution 1386 (2001) (para. 3)
	Resolution 1890 (2009) [adopted under Chapter VII] 8 October 2009	Recognizes the need to further strengthen ISAF to meet all its operational requirements, and in this regard calls upon Member States to contribute personnel, equipment and other resources to the Force (para. 3)
Cooperation with the United Nations	Resolution 1806 (2008) 20 March 2008	Stressing the importance of a comprehensive approach in addressing the challenges in Afghanistan, noting in this context the synergies in the objectives of the United Nations Assistance Mission in Afghanistan and of ISAF, and stressing the need for strengthened cooperation, coordination and mutual support, taking due account of their respective designated responsibilities (eighth preambular paragraph) <i>Same provision in resolutions 1833 (2008), seventh preambular paragraph, 1868 (2009), eleventh preambular paragraph, and 1890 (2009), eighth preambular paragraph</i>
Coordination among regional peacekeeping operations: ISAF and the European Union Police Mission in Afghanistan	Resolution 1833 (2008) [adopted under Chapter VII] 22 September 2008	Welcoming the continued coordination between the Force and the coalition, and the cooperation established between the Force and the European Union presence in Afghanistan, in particular the European Union Police Mission in Afghanistan (twentieth preambular paragraph) <i>Same provision in resolution 1890 (2009), twenty-second preambular paragraph</i>
Recognition of the efforts of regional peacekeeping operations: European Union Police Mission in Afghanistan, in training police	Resolution 1806 (2008) 20 March 2008	Calls for further efforts to enhance the capabilities of the Afghan National Police in order to reinforce the authority of the Government of Afghanistan throughout the country, welcomes the increasing role played by the International Police Coordination Board in policy setting and coordination, and stresses the importance, in this context, of the contribution of the European Union through the European Union Police Mission in Afghanistan (para. 17)

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
	Resolution 1868 (2009) 23 March 2009	Takes note with appreciation of the recent serious efforts of the Afghan authorities to enhance the capabilities of the Afghan National Police, calls for further efforts towards that goal, including through the Focused District Development programme, and stresses the importance, in this context, of international assistance through financial support and the provision of trainers and mentors, including the contribution of the European Union through the European Union Police Mission in Afghanistan (para. 19)
Recognition of the efforts of regional peacekeeping operations and regional organizations: European Union Police Mission in Afghanistan and NATO, in training police	Resolution 1890 (2009) [adopted under Chapter VII] 8 October 2009	Acknowledging the progress made in security sector reform, welcoming the support provided by the international partners in this regard, in particular the establishment of the North Atlantic Treaty Organization (NATO) Training Mission in Afghanistan, the planned European Gendarmerie Force contribution to this mission and assistance extended to the Afghan National Police, including through the European Union Police Mission in Afghanistan, and stressing the need for Afghanistan, together with international donors, to further strengthen the Afghan National Army and the Afghan National Police and increase its efforts in the disbandment of illegal armed groups and counter-narcotics (seventeenth preambular paragraph)
Recognition of the efforts of regional peacekeeping operations: ISAF, in elections	Resolution 1833 (2008) [adopted under Chapter VII] 22 September 2008	Recalling the leading role that the Afghan authorities will play in the organization of the next presidential elections, with the assistance of the United Nations, and stressing the importance of the assistance to be provided to the Afghan authorities by the Force in ensuring a secure environment conducive to the elections (eighteenth preambular paragraph)

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
	S/PRST/2009/21 15 July 2009	<p>The Security Council welcomes the Afghan-led preparations for the upcoming presidential and provincial council elections and stresses the importance that the elections be free, fair, transparent, credible, secure and inclusive. The Council also calls upon the people of Afghanistan to exercise their vote in this historic opportunity for all Afghans to make their voices heard. The Council calls upon all parties concerned to adhere to the fundamental principles laid down in the electoral law and all other relevant regulations, the presidential decree on non-interference in election affairs, and the guidelines issued by the Special Representative of the Secretary-General for Afghanistan to ensure a credible electoral process. It reaffirms the primary responsibility of the Government of Afghanistan and the Afghan Independent Electoral Commission to set the necessary conditions for elections, with the active support of the international community. The Council welcomes the intention of international partners, including the European Union and the Organization for Security and Cooperation in Europe, to send electoral observation missions and support teams at the request of the Government of Afghanistan. The Council stresses the importance of a secure environment for conducting elections, condemns those who resort to violence to obstruct the electoral process, and, while recognizing the ongoing efforts of the Government, encourages its additional efforts, with the assistance of ISAF, to ensure security during the electoral period (first paragraph)</p>
	Resolution 1890 (2009) [adopted under Chapter VII] 8 October 2009	<p>Noting the leading role played by the Afghan authorities in organizing the 2009 presidential and provincial council elections, and the support of the United Nations and ISAF, and recognizing the need for timely and orderly preparations for the 2010 elections and for international support in this regard (twentieth preambular paragraph)</p>

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<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
Recognition of the efforts of regional peacekeeping operations: ISAF, in dealing with narcotics	Resolution 1833 (2008) [adopted under Chapter VII] 22 September 2008	Encouraging the Force to further effectively support, within its designated responsibilities, Afghan-led sustained efforts to address, in cooperation with relevant international and regional actors, the threat posed by the illicit production of and trafficking in drugs (ninth preambular paragraph) <i>Same provision in resolution 1890 (2009), tenth preambular paragraph</i>
Recognition of the efforts of regional peacekeeping operations: ISAF, in improving security	Resolution 1833 (2008) [adopted under Chapter VII] 22 September 2008	Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghan authorities, stressing the role of ISAF in assisting the Government of Afghanistan to improve the security situation, and welcoming the cooperation of the Government with the Force (fifth preambular paragraph) <i>Same provision in resolution 1890 (2009), fifth preambular paragraph</i>
Recognition of the efforts of regional peacekeeping operations: ISAF, in improving security and counter-terrorism	Resolution 1833 (2008) [adopted under Chapter VII] 22 September 2008	Reiterating its support for the continuing endeavours of the Government of Afghanistan, with the assistance of the international community, including the Force and the Operation Enduring Freedom coalition, to improve the security situation and to continue to address the threat posed by the Taliban, Al-Qaida and other extremist groups, and stressing in this context the need for sustained international efforts, including those of the Force and the coalition (eleventh preambular paragraph)
Recognition of the efforts of regional peacekeeping operations: ISAF, in minimizing civilian casualties	Resolution 1806 (2008) 20 March 2008	Reiterates its concern about all civilian casualties, calls for compliance with international humanitarian and human rights law and for all appropriate steps to be taken to ensure the protection of civilians, and recognizes in this context the robust efforts taken by ISAF and other international forces to minimize the risk of civilian casualties, notably the continuous review of tactics and procedures and the conduct of after-action reviews in cooperation with the Government of Afghanistan in cases where civilian casualties have reportedly occurred (para. 13)

Category	Decision and date	Provision
	Resolution 1833 (2008) [adopted under Chapter VII] 22 September 2008	Recognizing the efforts made by the Force and other international forces to minimize the risk of civilian casualties, and calling upon them to make additional robust efforts in this regard, notably by the continuous review of tactics and procedures and the conduct of after-action reviews and investigations in cooperation with the Government of Afghanistan in cases where civilian casualties have occurred and when the Government finds these joint investigations appropriate (fourteenth preambular paragraph)
		<i>Same provision in resolution 1868 (2009), para. 14</i>
	Resolution 1890 (2009) [adopted under Chapter VII] 8 October 2009	Recognizing additional efforts made by ISAF and other international forces to minimize the risk of civilian casualties, welcoming their intention to undertake continued enhanced efforts in this regard, including the increased focus on protecting the Afghan population as a central element of the mission, and noting the importance of conducting continuous reviews of tactics and procedures and after-action reviews and investigations in cooperation with the Government of Afghanistan in cases where civilian casualties have occurred and when the Government of Afghanistan finds these joint investigations appropriate (sixteenth preambular paragraph)
Recognition of the efforts of regional peacekeeping operations and regional organizations: ISAF/NATO	Resolution 1833 (2008) [adopted under Chapter VII] 22 September 2008	Expressing its appreciation for the leadership provided by NATO and for the contributions of many nations to the Force and to the coalition, including its maritime interdiction component, which operates within the framework of the counter-terrorism operations in Afghanistan and in accordance with the applicable rules of international law (twenty-first preambular paragraph)
		<i>Same provision in resolution 1890 (2009), twenty-third preambular paragraph</i>
Determination to implement the mandate of ISAF	Resolution 1833 (2008) [adopted under Chapter VII] 22 September 2008	Determined to ensure the full implementation of the mandate of the Force, in coordination with the Government of Afghanistan (twenty-third preambular paragraph)
		<i>Same provision in resolution 1890 (2009), twenty-fifth preambular paragraph</i>

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
Reporting	Resolution 1833 (2008) [adopted under Chapter VII] 22 September 2008	Requests the leadership of the Force to keep the Security Council regularly informed, through the Secretary-General, on the implementation of its mandate, including through the provision of quarterly reports (para. 6) <i>Same provision in resolution 1890 (2009), para. 6</i>
The situation in Bosnia and Herzegovina		
Background	Resolution 1845 (2008) [adopted under Chapter VII] 20 November 2008	Taking note of the conclusions of the Ministers for Foreign Affairs and Ministers of Defence of the European Union at their joint meeting, held on 14 May 2007, in which they reiterate that the European Union would retain a military presence in the country as long as necessary, in order to continue contributing to the maintenance of a safe and secure environment, and the conclusions of the Ministers for Foreign Affairs and Ministers of Defence of the European Union at their joint meeting, held on 10 November 2008 (sixteenth preambular paragraph) <i>Same provision in resolution 1895 (2009), sixteenth preambular paragraph</i> Recalling the letters between the European Union and NATO sent to the Security Council on 19 November 2004 on how those organizations will cooperate together in Bosnia and Herzegovina, in which both organizations recognize that EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement (seventeenth preambular paragraph) <i>Same provision in resolution 1895 (2009), seventeenth preambular paragraph</i> Recalling also the confirmation by the Presidency of Bosnia and Herzegovina, on behalf of Bosnia and Herzegovina, including its constituent entities, of the arrangements for EUFOR and the NATO Headquarters presence (eighteenth preambular paragraph) <i>Same provision in resolution 1895 (2009), eighteenth preambular paragraph</i>

Category	Decision and date	Provision
Recognition of the efforts of regional peacekeeping operations: EUFOR and NATO	Resolution 1845 (2008) [adopted under Chapter VII] 20 November 2008	<p>Recalls the support of the authorities of Bosnia and Herzegovina for EUFOR and the continued NATO presence and their confirmation that both are the legal successors to the Stabilization Force for the fulfilment of their missions for the purposes of the Peace Agreement, its annexes and appendices and relevant Security Council resolutions and can take such actions as are required, including the use of force, to ensure compliance with annexes 1-A and 2 of the Peace Agreement and relevant Council resolutions (para. 7)</p> <p><i>Same provision in resolution 1895 (2009), para. 7</i></p> <p>Reaffirms that the Peace Agreement and the provisions of its previous relevant resolutions shall apply to and in respect of both EUFOR and the NATO presence as they have applied to and in respect of the Stabilization Force and that, therefore, references in the Peace Agreement, in particular in annex 1-A and the appendices thereto, and in relevant resolutions to the Implementation Force and/or the Stabilization Force, NATO and the North Atlantic Council shall be read as applying, as appropriate, to the NATO presence, EUFOR, the European Union and the Political and Security Committee and Council of the European Union respectively (para. 12)</p> <p><i>Same provision in resolution 1895 (2009), para. 12</i></p> <p>Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational stabilization force (EUFOR), the Senior Military Representative and personnel of NATO Headquarters Sarajevo, the Organization for Security and Cooperation in Europe, the European Union and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement (seventh preambular paragraph)</p> <p><i>Same provision in resolution 1895 (2009), seventh preambular paragraph</i></p>

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
		<p>Pays tribute to those Member States which participated in the multinational stabilization force (EUFOR), and in the continued NATO presence, established in accordance with its resolution 1575 (2004) and extended by its resolutions 1639 (2005), 1722 (2006) and 1785 (2007), and welcomes their willingness to assist the parties to the Peace Agreement by continuing to deploy a multinational stabilization force (EUFOR) and by maintaining a continued NATO presence (para. 8)</p> <p><i>Same provision in resolution 1895 (2009), para. 8</i></p>
Recognition of the efforts of regional peacekeeping operations: European Union Police Mission in Bosnia and Herzegovina	Resolution 1845 (2008) [adopted under Chapter VII] 20 November 2008	<p>Reiterates its appreciation for the deployment by the European Union of its Police Mission to Bosnia and Herzegovina since 1 January 2003 (para. 20)</p> <p><i>Same provision in resolution 1895 (2009), para. 20</i></p>
Recognition of the efforts of regional organizations: European Union and NATO	Resolution 1845 (2008) [adopted under Chapter VII] 20 November 2008	<p>Welcoming the increased engagement of the European Union in Bosnia and Herzegovina and the continued engagement of NATO (nineteenth preambular paragraph)</p> <p><i>Same provision in resolution 1895 (2009), nineteenth preambular paragraph</i></p>
Acknowledgement of the intention of regional organizations to maintain peacekeeping operations: European Union	Resolution 1845 (2008) [adopted under Chapter VII] 20 November 2008	<p>Welcomes the intention of the European Union to maintain a European Union military operation to Bosnia and Herzegovina from November 2008 (para. 9)</p> <p><i>Same provision in resolution 1895 (2009), para. 9</i></p>

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
Acknowledgement of the intention of regional organizations to maintain peacekeeping operations: NATO	Resolution 1845 (2008) [adopted under Chapter VII] 20 November 2008	<p>Welcomes the decision of NATO to continue to maintain a presence in Bosnia and Herzegovina in the form of a NATO Headquarters in order to continue to assist in implementing the Peace Agreement in conjunction with EUFOR, and authorizes the Member States acting through or in cooperation with NATO to continue to maintain a NATO Headquarters as a legal successor to the Stabilization Force under unified command and control, which will fulfil its missions in relation to the implementation of annexes 1-A and 2 of the Peace Agreement in cooperation with EUFOR in accordance with the arrangements agreed between NATO and the European Union as communicated to the Security Council in their letters of 19 November 2004, which recognize that EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement (para. 11)</p> <p><i>Same provision in resolution 1895 (2009), para. 11</i></p>
Reauthorization of regional peacekeeping operations under Chapter VII: EUFOR	Resolution 1845 (2008) [adopted under Chapter VII] 20 November 2008	<p>Authorizes the Member States acting through or in cooperation with the European Union to establish for a further period of 12 months, starting from the date of the adoption of the present resolution, a multinational stabilization force (EUFOR) as a legal successor to the Stabilization Force under unified command and control, which will fulfil its missions in relation to the implementation of annexes 1-A and 2 of the Peace Agreement in cooperation with the NATO Headquarters presence in accordance with the arrangements agreed between NATO and the European Union as communicated to the Security Council in their letters of 19 November 2004, which recognize that EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement (para. 10)</p> <p><i>Same provision in resolution 1895 (2009), para. 10</i></p>

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
Reauthorization to EUFOR and the NATO presence to use force	Resolution 1845 (2008) [adopted under Chapter VII] 20 November 2008	<p>Authorizes the Member States acting under paragraphs 10 and 11 above to take all necessary measures to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement, stresses that the parties shall continue to be held equally responsible for compliance with those annexes and shall be equally subject to such enforcement action by EUFOR and the NATO presence as may be necessary to ensure the implementation of those annexes and the protection of EUFOR and the NATO presence (para. 14)</p> <p><i>Same provision in resolution 1895 (2009), para. 14</i></p> <p>Authorizes Member States to take all necessary measures, at the request of either EUFOR or the NATO Headquarters, in defence of EUFOR or the NATO presence respectively, and to assist both organizations in carrying out their missions, and recognizes the right of both EUFOR and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack (para. 15)</p> <p><i>Same provision in resolution 1895 (2009), para. 15</i></p> <p>Authorizes the Member States acting under paragraphs 10 and 11 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic (para. 16)</p> <p><i>Same provision in resolution 1895 (2009), para. 16</i></p>

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
Reporting	Resolution 1845 (2008) [adopted under Chapter VII] 20 November 2008	Requests the Member States acting through or in cooperation with the European Union and the Member States acting through or in cooperation with NATO to report to the Security Council on the activity of EUFOR and the NATO Headquarters presence respectively, through the appropriate channels and at least at three-monthly intervals (para. 18) <i>Same provision in resolution 1895 (2009), para. 18</i>
The situation in Chad, the Central African Republic and the subregion		
Background	Resolution 1834 (2008) 24 September 2008	Having examined the report of the Secretary-General of 12 September 2008 and the recommendations contained therein on the arrangements for following up EUFOR Chad/Central African Republic at the end of its mandate (fifteenth preambular paragraph) [Expresses its intention to extend beyond the date referred to in paragraph 1 [of the resolution] the multidimensional presence established in Chad and the Central African Republic to help to create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons, and to this end] expresses its intention to authorize the deployment of a United Nations military component to follow up EUFOR Chad/Central African Republic in both Chad and the Central African Republic, taking fully into account the recommendations contained in the report of the Secretary-General referred to in paragraph 8 [of the resolution] and in consultation with the Governments of those countries (para. 4)
	Resolution 1861 (2009) 14 January 2009	Commending the deployment by the European Union of an operation (EUFOR Chad/Central African Republic) to support MINURCAT, and recalling that the mandate of EUFOR Chad/Central African Republic runs until 15 March 2009 (fifteenth preambular paragraph)

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
		<p>Having examined the report of the Secretary-General of 4 December 2008 (hereinafter referred to as “the report of the Secretary-General”) and the recommendations contained therein on the arrangements for following up EUFOR Chad/Central African Republic at the end of its mandate (seventeenth preambular paragraph)</p> <p>Welcoming the letter dated 6 January 2009 from the President of Chad and the letter dated 5 December 2008 from the President of the Central African Republic regarding the deployment of a military component of the Mission in both countries to follow up EUFOR Chad/Central African Republic at the end of its mandate (eighteenth preambular paragraph)</p>
Recognition of the efforts of regional peacekeeping operations: EUFOR Chad/Central African Republic	<p>S/PRST/2008/3 4 February 2008</p>	<p>The Council reaffirms its full support for the United Nations Mission in the Central African Republic and Chad (MINURCAT) and the European Union operation (EUFOR Chad/Central African Republic), whose deployment in eastern Chad and the north-eastern Central African Republic was authorized by resolution 1778 (2007), to contribute to the protection of vulnerable civilian populations and to facilitate the provision of humanitarian assistance (ninth paragraph)</p>
	<p>S/PRST/2008/22 16 June 2008</p>	<p>The Council expresses its full support for MINURCAT and the European operation (EUFOR Chad/Central African Republic) deployed in Chad and the Central African Republic to contribute to the protection of vulnerable civilian populations and to facilitate the provision of humanitarian assistance, and calls upon all parties to guarantee the security and freedom of movement of their personnel and associated personnel (fifth paragraph)</p>

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
	Resolution 1834 (2008) 24 September 2008	Welcoming the deployment by the European Union of its operation in eastern Chad and Central African Republic (EUFOR Chad/Central African Republic), noting that the European Union declared the initial operational capacity of its operation on 15 March 2008, and recalling that, according to resolution 1778 (2007) , the mandate of EUFOR Chad/Central African Republic therefore runs until 15 March 2009 (thirteenth preambular paragraph)
	Resolution 1861 (2009) 14 January 2009	See the fifteenth preambular paragraph of the resolution, under “Background” above
Transfer of authority from EUFOR Chad/Central African Republic to MINURCAT	Resolution 1861 (2009) 14 January 2009	Authorizes the deployment of a military component of the Mission to follow up EUFOR Chad/Central African Republic in both Chad and the Central African Republic at the end of its mandate, welcomes the concept of operations proposed in paragraphs 57 to 61 and in option 2 of paragraph 62 of the report of the Secretary-General of 4 December 2008, and decides that the transfer of authority between EUFOR Chad/Central African Republic and the military component of the Mission shall take place on 15 March 2009 (para. 3)
Reauthorization to EUFOR Chad/Central African Republic to use force	Resolution 1861 (2009) 14 January 2009	Recalls that it authorized the European Union operation, after 15 March 2009, to take all appropriate measures to achieve an orderly disengagement, by means including the fulfilment of the functions indicated in paragraph 6 (a) of resolution 1778 (2007) , within the limits of its residual capacity (para. 9)
Mandate: Cooperation with the United Nations	Resolution 1861 (2009) 14 January 2009	Requests the European Union and the Secretary-General to continue to cooperate closely throughout the period of deployment of the European Union operation, until its complete disengagement (para. 10)

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
The situation in Georgia		
Recognition of the efforts of regional peacekeeping operations: Peacekeeping force of the Commonwealth of Independent States	Resolution 1808 (2008) 15 April 2008	Stressing the importance of close and effective cooperation between the Mission and the peacekeeping force of the Commonwealth of Independent States, as they currently play an important stabilizing role in the conflict zone, and recalling that a lasting and comprehensive settlement of the conflict will require appropriate security guarantees (seventh preambular paragraph)
The situation in Somalia		
Background: Decisions of the African Union	Resolution 1801 (2008) [adopted under Chapter VII] 20 February 2008	Welcoming the communiqué of the Peace and Security Council of the African Union of 18 January 2008, which states that the African Union will extend the mandate of its mission to Somalia for an additional six months (eleventh preambular paragraph) <i>Same provision in resolution 1831 (2008), sixth preambular paragraph</i>
	Resolution 1863 (2009) [adopted under Chapter VII] 16 January 2009	Noting that the communiqué of the Peace and Security Council of 18 January 2008 calls for the United Nations to deploy a peacekeeping operation to Somalia that will support the long-term stabilization and post-conflict restoration in the country (sixteenth preambular paragraph) <i>Same provision in resolution 1831 (2008), ninth preambular paragraph</i> Noting the statement and five-point communiqué of the African Union of 10 and 22 December 2008 respectively, whereby the Peace and Security Council of the African Union calls for an interim stabilization force in anticipation of a United Nations peacekeeping operation in Somalia in order to take over from the Mission and support the long-term stabilization and reconstruction of that country (eleventh preambular paragraph)

Category	Decision and date	Provision
	S/PRST/2009/19 9 July 2009	<p>The Council commends the contribution of AMISOM to lasting peace and stability in Somalia, expresses its continued appreciation for the commitment of troops to the Mission by the Governments of Uganda and Burundi, and condemns any hostilities towards the Mission. In this context the Council welcomes the decision of the African Union at its summit held in Sirte, Libyan Arab Jamahiriya, on 3 July 2009, to increase the strength of the Mission to its mandated troop levels and its call for member States of the African Union to provide the necessary military and police personnel (sixth paragraph)</p>
Background: Importance of full deployment	Resolution 1801 (2008) [adopted under Chapter VII] 20 February 2008	<p>Underlining that the full deployment of the Mission will help to facilitate the full withdrawal of other foreign forces from Somalia and help to create the conditions for lasting peace and stability there (fifteenth preambular paragraph)</p> <p><i>Same provision in resolutions 1814 (2008), thirteenth preambular paragraph, and 1831 (2008), eleventh preambular paragraph</i></p>
Background: Financing of and support to AMISOM	Resolution 1814 (2008) [adopted under Chapter VII] 15 May 2008	<p>Taking note of the letter dated 20 February 2008 from the Chairperson of the African Union Commission to the Secretary-General, annexed to the report of the Secretary-General, and of the reply from the Secretary-General dated 23 April 2008 (fourteenth preambular paragraph)</p>
Background: Intention to take over AMISOM by a United Nations peacekeeping operation	Resolution 1814 (2008) [adopted under Chapter VII] 15 May 2008	<p>Requests the Secretary-General to continue his contingency planning for the possible deployment of a United Nations peacekeeping operation in Somalia to succeed the Mission, including of possible additional scenarios, in close contact with the United Nations Political Office for Somalia, the United Nations country team and other United Nations stakeholders, taking account of all relevant conditions on the ground, and considering additional options for the size, configuration, responsibility and proposed area of operations of the mission, depending on different conditions on the ground, requests the Secretary-General to provide an update on progress in his planning in the</p>

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
		report referred to in paragraph 5 [of the resolution], and expresses its willingness to consider, at an appropriate time, a peacekeeping operation to take over from the Mission, subject to progress in the political process and improvement in the security situation on the ground (para. 8)
	Resolution 1831 (2008) [adopted under Chapter VII] 19 August 2008	Recalling its willingness to consider, at an appropriate time, a peacekeeping operation to take over from the Mission, subject to progress in the political process and improvement in the security situation on the ground (tenth preambular paragraph)
	S/PRST/2008/33 4 September 2008	The Security Council, acknowledging recent positive political developments in the wake of the Djibouti Agreement as confirmed by Mr. Ould-Abdallah, reaffirms its willingness, as set out in its resolution 1814 (2008) , to consider, at an appropriate time, a United Nations peacekeeping operation to take over from AMISOM, subject to progress in the political process and improvement in the security situation on the ground (seventh paragraph)
	Resolution 1863 (2009) [adopted under Chapter VII] 16 January 2009	Expresses its intent to establish a United Nations peacekeeping operation in Somalia as a follow-on force to the Mission, subject to a further decision of the Security Council by 1 June 2009 (para. 4)
Recognition of the efforts of regional peacekeeping operations: AMISOM and its troop-contributing countries	Resolution 1801 (2008) [adopted under Chapter VII] 20 February 2008	Emphasizing the contribution that AMISOM and its Ugandan and Burundian contingents are making to lasting peace and stability in Somalia, including the important work that the Ugandan forces have carried out in providing medical care for Somali citizens, condemning any hostility towards them, and urging all parties in Somalia and the region to support and cooperate with the Mission (twelfth preambular paragraph) Welcoming the sustained commitment of the Government of Uganda to supporting the efforts of the Mission over the last year and to the Government of Burundi for its recent deployment (thirteenth preambular paragraph)

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
	Resolution 1846 (2008) [adopted under Chapter VII] 2 December 2008	Commending the key role played by AMISOM in facilitating the delivery of humanitarian assistance to Somalia through the port of Mogadishu and the contribution that the Mission has made towards the goal of establishing lasting peace and stability in Somalia, and recognizing specifically the important contributions of the Governments of Uganda and Burundi to Somalia (twelfth preambular paragraph)
	Resolution 1863 (2009) [adopted under Chapter VII] 16 January 2009	Welcoming the contribution of AMISOM to lasting peace and stability in Somalia, expressing its appreciation for the continued commitment of the Governments of Uganda and Burundi in Somalia, condemning any hostilities towards the Mission, and stressing the importance of re-establishment, training and retention of Somali security forces (seventh preambular paragraph) <i>Same provision in resolution 1872 (2009), seventh preambular paragraph</i>
	S/PRST/2009/15 15 May 2009	The Council urges the international community to provide its full support to the Transitional Federal Government in order to strengthen the National Security Force and the Somalia Police Force, reiterates its support for AMISOM, expresses its appreciation for the contribution of troops by the Governments of Burundi and Uganda, and condemns any hostilities towards the Mission (third paragraph)
	S/PRST/2009/19 9 July 2009	See the sixth paragraph of the presidential statement, under “Background: Decisions of the African Union” above
	S/PRST/2009/31 3 December 2009	The Council welcomes the work of the Mission in supporting the casualties of the attack and their relatives. It reiterates its strong support for the Mission and expresses its continued appreciation for the commitment of troops by the Governments of Uganda and Burundi (sixth paragraph)

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
Reauthorization of regional peacekeeping operations under Chapter VII, including the use of force: AMISOM	Resolution 1801 (2008) [adopted under Chapter VII] 20 February 2008	Decides to renew the authorization of member States of the African Union to maintain a mission in Somalia for a further period of six months, which shall be authorized to take all necessary measures, as appropriate, to carry out the mandate set out in paragraph 9 of resolution 1772 (2007) , and underlines, in particular, that AMISOM is authorized to take all necessary measures, as appropriate, to provide security for key infrastructure and to contribute, as may be requested and within its capabilities, to the creation of the necessary security conditions for the provision of humanitarian assistance (para. 1) <i>Same provision in resolutions 1831 (2008), para. 1, and 1863 (2009), para. 2</i>
	Resolution 1872 (2009) [adopted under Chapter VII] 26 May 2009	Decides to authorize the member States of the African Union to maintain the Mission until 31 January 2010 to carry out its existing mandate (para. 16)
Call for contributions to AMISOM	Resolution 1801 (2008) [adopted under Chapter VII] 20 February 2008	Urges member States of the African Union to contribute to the Mission in order to help to facilitate the full withdrawal of other foreign forces from Somalia and help to create the conditions for lasting peace and stability there (para. 3) <i>Same provision in resolution 1831 (2008), para. 3</i> Urges Member States to provide financial resources, personnel, equipment and services for the full deployment of the Mission (para. 4) <i>Same provision in resolution 1831 (2008), para. 4</i>
	Resolution 1814 (2008) [adopted under Chapter VII] 15 May 2008	Reiterates its call upon Member States to provide financial resources, personnel, equipment and services for the full deployment of the Mission, and upon States members of the African Union to contribute to the Mission in order to facilitate the withdrawal of other foreign forces from Somalia and help to create the conditions for lasting peace and stability there, urges those Member States which have offered to contribute to the Mission to fulfil such

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
		commitments, recognizes that more needs to be done to harness increased support for the Mission, and takes note of the proposals of the Secretary-General for harnessing such support, as set out in his letter dated 23 April 2008 (para. 10)
	S/PRST/2008/33 4 September 2008	The Council reiterates its strong support for AMISOM and again urges the international community to provide financial resources, personnel, equipment and services for the full deployment of the Mission (fifth paragraph)
	Resolution 1863 (2009) [adopted under Chapter VII] 16 January 2009	Calls upon Member States to contribute personnel, equipment and other resources to the Mission, and encourages Member States to cooperate closely with the African Union, the United Nations, troop-contributing countries and other donors to this end (para. 14)
Support to AMISOM: Provision of technical support; call for contributions	Resolution 1814 (2008) [adopted under Chapter VII] 15 May 2008	Welcomes the undertaking by the Secretary-General, as set out in his letter dated 23 April 2008 to the Chairperson of the African Union Commission, to provide additional United Nations technical advisers to the African Union Strategic Planning and Management Unit in Addis Ababa, and encourages the Secretary-General to continue to explore with the Chairperson of the African Union Commission, in coordination with donors, ways and means to strengthen United Nations logistical, political and technical support for the African Union, to build the institutional capacity of the African Union to carry out its commitments in addressing the challenges it faces in supporting the Mission, and to assist the full deployment of the Mission, to the extent possible and as appropriate, with the goal of achieving United Nations standards, and to update the Council in the report referred to in paragraph 5 [of the resolution] (para. 9)

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
Support to AMISOM: Establishment of a trust fund; call for contributions	Resolution 1863 (2009) [adopted under Chapter VII] 16 January 2009	Requests the Secretary-General to establish a trust fund to provide financial support to the Mission until a United Nations peacekeeping operation is deployed and to assist in the re-establishment, training and retention of all-inclusive Somali security forces as provided for in paragraph 4 (c) of resolution 1744 (2007) ; also requests the Secretary-General to hold a donors conference to solicit contributions to this trust fund as soon as possible; requests the African Union, in consultation with the Secretary-General, to submit budgetary requests to this trust fund; and calls upon Member States to contribute to the trust fund, while noting that the existence of the trust fund does not preclude the conclusion of direct bilateral arrangements in support of the Mission (para. 8)
Support to AMISOM: Call for contributions	Resolution 1872 (2009) [adopted under Chapter VII] 26 May 2009	Urges Member States and regional and international organizations to contribute generously to the United Nations trust fund for the Mission, while noting that the existence of the trust fund does not preclude the conclusion of direct bilateral arrangements in support of the Mission (para. 20)
Support to the African Union: Transfer of United Nations assets and provision of logistical support	Resolution 1863 (2009) [adopted under Chapter VII] 16 January 2009	Welcomes the recommendations on strengthening the Mission contained in the letter dated 19 December 2008 from the Secretary-General to the President of the Security Council; recalls that the Council bears primary responsibility for the maintenance of international peace and security and that cooperation with regional and subregional organizations can improve collective security; further recalls that in resolution 1772 (2007) it called for planning for possible deployment of a United Nations peacekeeping operation replacing the Mission and that in resolution 1744 (2007) it noted that the Mission was intended to contribute to an initial stabilization phase evolving into a possible United Nations operation; welcomes in this regard the proposal of the Secretary-General for immediate in-kind enhancement of the Mission through the transfer of assets following the liquidation of the United Nations Mission in Ethiopia and Eritrea; and requests the Secretary-General, in order for the forces of the Mission to be incorporated

Category	Decision and date	Provision
		<p>into a United Nations peacekeeping operation, to provide a United Nations logistical support package to the Mission, including equipment and services, as described in paragraphs 7 and 8 of his proposal, but not including transfer of funds to the Mission, until 1 June 2009 or until the decision referred to in paragraph 4 [of the resolution], whichever is earlier (para. 10)</p>
		<p>Requests the Mission to ensure that all equipment and services provided by the United Nations pursuant to the present resolution are used in a transparent and effective manner for the purposes intended, and further requests the Mission to report to the Secretary-General on the usage of such equipment and services in a manner to be detailed in a memorandum of understanding between the United Nations and the African Union based on appropriate internal control procedures (para. 12)</p>
	<p>Resolution 1872 (2009) [adopted under Chapter VII] 26 May 2009</p>	<p>Requests the Secretary-General to continue to provide a logistical support package for the Mission comprising equipment and services but not including the transfer of funds, as described in his letter dated 30 January 2009 to the President of the Security Council, to the Mission, until 31 January 2010; and further requests the Secretary-General to include in the reports requested in paragraph 13 [of the resolution] an update on the deployment of this package (para. 17)</p>
<p>Mandate: Piracy</p>	<p>Resolution 1814 (2008) [adopted under Chapter VII] 15 May 2008</p>	<p>Reiterates its support for the contribution made by some States to protect the World Food Programme maritime convoys, calls upon States and regional organizations, in close coordination with each other and as notified in advance to the Secretary-General, and at the request of the Transitional Federal Government, to take action to protect shipping involved with the transportation and delivery of humanitarian aid to Somalia and United Nations-authorized activities, calls upon troop-contributing countries to the Mission, as appropriate, to provide support to this end, and requests the Secretary-General to provide his support to this effect (para. 11)</p>

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
Mandate: Reinforcement of troops	Resolution 1863 (2009) [adopted under Chapter VII] 16 January 2009	Welcomes the decision of the African Union that AMISOM will remain in Somalia until 16 March 2009, and requests the African Union to maintain the deployment of the Mission in Somalia and to reinforce that deployment to help to achieve the Mission's originally mandated troop strength of 8,000 troops, thereby enhancing the capability of the Mission to carry out its mandate and protect key installations in Mogadishu, including the airport, the seaport and other strategic areas (para. 1)
	Resolution 1872 (2009) [adopted under Chapter VII] 26 May 2009	Requests the African Union to maintain and enhance the deployment of AMISOM in order to carry out its mandate as set out in paragraph 9 of resolution 1772 (2007) , welcomes its efforts to protect the airport, seaport and other strategic areas in Mogadishu, and encourages it to continue to assist the Transitional Federal Government in the establishment of the National Security Force and the Somalia Police Force (para. 15)
Reporting	Resolution 1872 (2009) [adopted under Chapter VII] 26 May 2009	Requests the Mission to ensure that all equipment and services provided under the support package are used in a transparent and effective manner for their designated purposes, and further requests the African Union to report to the Secretary-General on the usage of such equipment and services in accordance with the memorandum of understanding to be established between the United Nations and the African Union based on appropriate internal control procedures (para. 18)

B. Discussions concerning regional peacekeeping operations

During the period under review, the Council held a series of debates regarding regional peacekeeping operations, particularly in connection with (a) the European Union Rule of Law Mission in Kosovo; (b) AMIS; and (c) AMISOM. Case 8 covers discussions relating to the deployment of the European Union Rule of Law Mission in Kosovo, with the necessary authorization of the Council and in conformity with

resolution [1244 \(1999\)](#), in which the Council had defined the international civil presence in Kosovo. Case 9 features discussions that took place soon after UNAMID, the hybrid operation of the United Nations and the African Union, took over from AMIS. Case 10 covers debates on the possible deployment of a United Nations peacekeeping operation in Somalia to take over from AMISOM or of a multinational/stabilization force, in addition to a United Nations peacekeeping operation, as well as the provision of technical, logistical and financial support to AMISOM.

Case 8
Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

In his letter dated 18 February 2008, the High Representative for the Common Foreign and Security Policy of the European Union informed the Secretary-General of the decision made by the European Union on 4 February 2008 to deploy the European Union Rule of Law Mission in Kosovo within the framework provided by resolution 1244 (1999).¹⁰²

At the 5839th meeting, held on the same date, the representative of the Russian Federation stated that the European Union Rule of Law Mission in Kosovo had been deployed “without the necessary decision of the Security Council” and that its parameters were not in conformity with the provisions of resolution 1244 (1999) and subsequent Council decisions on functions and compositions, including modalities on the distribution of contributions among United Nations partners, most importantly on the mandate of the international civil presence in Kosovo.¹⁰³ The representative of China, while expressing appreciation for the intention of the European Union to play an active role on the Kosovo issue, held that it needed to pay attention to and uphold the authority and role of the Council in resolving the issue.¹⁰⁴

On the other hand, a number of speakers welcomed the decision by the European Union to deploy the European Union Rule of Law Mission in Kosovo and contribute to long-term regional stability and considered it in full conformity with resolution 1244 (1999).¹⁰⁵ Furthermore, the representative of the United Kingdom of Great Britain and Northern Ireland disagreed with the opinion that the European Union mission could deploy only with the express agreement of the Council, given the fact that the European Union had been part of the international civilian presence in Kosovo from the outset. In addition, the United Nations Mission in Kosovo (UNMIK) had evolved since its inception, adapting to changing circumstances within its original broad mandate without requiring any new Council decisions.¹⁰⁶

At the 5850th meeting, on 11 March 2008, the representative of Serbia underscored that both the European Union Rule of Law Mission in Kosovo and the affiliated International Steering Group operated outside the parameters set forth by resolution 1244 (1999) and that their activities were inconsistent with the principles of the Charter and the Helsinki Final Act. While arguing that the European Union was not “unwelcome” in their southern province, he stated that there had to be a clear legal mandate for such a commitment, which could be achieved only by getting the approval of the Security Council.¹⁰⁷

In his report dated 12 June 2008, the Secretary-General considered that the offer of the European Union to play a greater operational role would allow the United Nations to share responsibilities and draw upon the expertise and resources of this regional organization. He assessed that the objectives of the United Nations would be best obtained through an enhanced operational role of the European Union in the area of rule of law performed under the framework of resolution 1244 (1999) and the overall authority of the United Nations. He thus expressed his intention, pending guidance from the Council, to reconfigure the international civil presence in Kosovo so as to be better suited to address current and emerging operational requirements on the ground, and to move forward with practical arrangements to enable the European Union to enhance its operational role in the area of rule of law.¹⁰⁸

At the 5917th meeting, on 20 June 2008, during the discussion concerning the reconfiguration of UNMIK, many speakers supported the reconfiguration and stated that it could be implemented at the discretion of the Secretary-General within the framework of resolution 1244 (1999).¹⁰⁹ The representative of Italy held that the work of the European Union, including through the European Union Rule of Law Mission in Kosovo, would complement the work of the United Nations in the maintenance of international peace and security.¹¹⁰ The representative of Indonesia argued that the efforts made by the European Union to play a greater operational role within the status-neutral framework

¹⁰² S/2008/106, annex.

¹⁰³ S/PV.5839, p. 7.

¹⁰⁴ *Ibid.*, p. 8.

¹⁰⁵ *Ibid.*, p. 9 (Belgium); p. 10 (Italy); p. 17 (Croatia); and p. 20 (France).

¹⁰⁶ *Ibid.*, p. 13.

¹⁰⁷ S/PV.5850, p. 4.

¹⁰⁸ S/2008/354, paras. 15, 16 and 19.

¹⁰⁹ S/PV.5917, pp. 8-9 (Italy); pp. 9-10 (Panama); p. 11 (France); p. 14 (Belgium); p. 15 (Burkina Faso); p. 17 (United Kingdom); p. 19 (United States); and p. 21 (Mr. Fatmir Sejdiu).

¹¹⁰ *Ibid.*, pp. 8-9.

should be encouraged and supported by the Council, and maintained that that role would put into effect the recent and often discussed theme of cooperation between the United Nations and regional organizations, as envisioned in Chapter VIII of the Charter. He opined that regional organizations could provide meaningful and constructive contributions to address regional issues, as was the case in Africa, the Americas and Asia, and that this should apply equally to Europe. He added that, for such synergy of efforts between regional organizations and the United Nations, it was important that the Council stay abreast of the activities of the European Union and the international civil operation on the ground.¹¹¹ In addition, the representative of the United Kingdom stated that reconfiguration in Kosovo would allow the European Union to play a greater role, in accordance with the spirit of resolution 1809 (2009), and free up the United Nations to take on activities elsewhere.¹¹²

On the other hand, the representative of the Russian Federation considered “unlawful” both the deployment of the European Union Rule of Law Mission in Kosovo, without the appropriate approval of the Security Council, and the establishment of the International Steering Group, and maintained that any actions aimed at the transfer of functions or property from UNMIK to the European Union mission or the international civilian representative, who had no legitimate status, were “unacceptable”. Regarding the UNMIK reconfiguration, he held that any steps to bypass the Council would be a violation of the Charter, regardless of its timing, and that the Secretary-General was expected to refrain from any independent action not sanctioned by the Council.¹¹³

In his report dated 24 November 2008, the Secretary-General observed that the European Union Rule of Law Mission in Kosovo would fully respect resolution 1244 (1999) and operate under the overall authority and within the status-neutral framework of the United Nations and would submit reports to the United Nations on a regular basis. He also reported that the deployment of the European Union Mission throughout Kosovo would be carried out in close consultation with

relevant stakeholders and in coordination with UNMIK.¹¹⁴

At the 6025th meeting, on 26 November 2008, many speakers concurred with the recommendation of the Secretary-General on the reconfiguration of UNMIK, which would allow the deployment of the European Union Rule of Law Mission in Kosovo.¹¹⁵ Some welcomed the consent given by Serbia¹¹⁶ to the reconfiguration of the international presence and the deployment of the European Union Mission.¹¹⁷ While reiterating his country’s position regarding the need for the consent of all parties, including Belgrade, to reconfigure the international presence, the representative of the Russian Federation held that all moves to circumvent the Council were a direct violation of the Charter.¹¹⁸

The representative of the United Kingdom clarified that the European Union Rule of Law Mission derived its mandate from the European Union and would implement its mandate as set out in the relevant European Union joint actions while operating under the overall authority of the United Nations.¹¹⁹

By a presidential statement read out at the meeting, the Council welcomed the cooperation between the United Nations and other international actors within the framework of resolution 1244 (1999) and the continuing efforts of the European Union to advance the European perspective for the whole of the Western Balkans, thereby making a decisive contribution to regional stability and prosperity.¹²⁰

As indicated in the report of the Secretary-General dated 17 March 2009, the European Union Rule of Law Mission in Kosovo assumed full operational responsibility in the area of rule of law on 9 December

¹¹¹ *Ibid.*, p. 15.

¹¹² *Ibid.*, p. 17.

¹¹³ *Ibid.*, pp. 12-13.

¹¹⁴ S/2008/692, para. 50.

¹¹⁵ S/PV.6025, pp. 6 and 21 (Serbia); pp. 9-10 (France); p. 10 (United States); pp. 11-12 (Italy); p. 12 (South Africa); p. 17 (Viet Nam); and p. 17 (China).

¹¹⁶ *Ibid.*, p. 6.

¹¹⁷ *Ibid.*, p. 10 (France); p. 10 (United States); p. 11 (Italy); p. 13 (Belgium); p. 18 (Panama); and p. 20 (United Kingdom).

¹¹⁸ *Ibid.*, p. 15.

¹¹⁹ *Ibid.*, p. 19.

¹²⁰ S/PRST/2008/44, second paragraph.

2008,¹²¹ and the first report on its activities was attached to the above-mentioned report.¹²²

Case 9 Reports of the Secretary-General on the Sudan

At the 5832nd meeting, on 8 February 2008, a number of speakers commented positively on the transfer of authority from AMIS to UNAMID on 31 December 2007.¹²³ In that context, the Permanent Observer of the African Union stated that UNAMID represented a concrete testimony of the new and emerging partnership between the United Nations and regional organizations, such as the African Union, in the continued quest for international peace and security. She encouraged the Council to continue to strengthen support for the efforts deployed by regional organizations on behalf of the Council, which remained the primary custodian of international peace and security under the Charter.¹²⁴

The representative of Panama considered resolution 1769 (2007), by which the Council had authorized the deployment of UNAMID, a historic decision in which the political determination of two organizations to share responsibilities in achieving a common objective was emphasized, and confirmed the commitment of the Council to Chapter VIII of the Charter regarding cooperation with regional organizations in the pacific settlement of conflicts. He encouraged this innovative spirit in resolving other conflicts.¹²⁵

Case 10 The situation in Somalia

In his report dated 14 March 2008, the Secretary-General provided the status of the contingency planning for the possible deployment of a United Nations peacekeeping operation in Somalia to take over from AMISOM. Referring to the letter from the Chairperson of the African Union Commission dated 20 February 2008 in which the Chairperson requested that the United Nations put in place a financial, logistical and technical support package for AMISOM,¹²⁶ the Secretary-General

called upon Member States to favourably consider the request. He reiterated other options outlined in an earlier report,¹²⁷ including the deployment of a robust multinational force or “coalition of willing partners” for a specific period of time and with the limited objective of securing a specific area which could pave the way for the withdrawal of foreign forces.¹²⁸

At the 5858th meeting, on 20 March 2008, the representative of Uganda noted that, while the maintenance of international peace and security was the primary responsibility of the Council, it could, under Chapter VIII of the Charter, authorize a regional organization to undertake that task on its behalf as it had done with AMISOM. However, he argued that delegating authority did not amount to abdication and reminded the Council of its responsibility to take a proactive lead in mobilizing financial and logistical resources required for the full deployment of AMISOM. He underscored the need to move quickly towards the deployment of a United Nations peacekeeping mission to take over from AMISOM without preconditions. He stressed that security conditions should not constitute a prerequisite and that the full deployment of AMISOM, serving as a stabilization force, should be the nucleus for the planned United Nations force.¹²⁹

By resolution 1814 (2008) of 15 May 2008, the Council expressed its willingness to consider, at an appropriate time, a peacekeeping operation to take over from AMISOM, subject to progress in the political process and improvement in the security situation on the ground.¹³⁰

Subsequently, by a presidential statement dated 4 September 2008, the Council took note of the request of the parties to the Djibouti Agreement that the United Nations, within a period of 120 days, authorize and deploy an international stabilization force. It requested the Secretary-General to elaborate on his contingency plans and provide a detailed and consolidated description of a feasible multinational force and a detailed concept of operations for a feasible United Nations peacekeeping mission.¹³¹

At the 6020th meeting, on 20 November 2008, the Director of the Africa II Division of the Department of

¹²¹ S/2009/149, para. 5.

¹²² *Ibid.*, annex I.

¹²³ S/PV.5832, p. 8 (African Union); p. 10 (China); p. 14 (South Africa); and pp. 18-19 (United Kingdom).

¹²⁴ *Ibid.*, p. 8.

¹²⁵ *Ibid.*, p. 25.

¹²⁶ S/2008/178, annex I.

¹²⁷ S/2007/658.

¹²⁸ S/2008/178, paras. 85 and 88.

¹²⁹ S/PV.5858, pp. 8-9.

¹³⁰ Resolution 1814 (2008), para. 8.

¹³¹ S/PRST/2008/33, sixth and ninth paragraphs.

Peacekeeping Operations noted that, despite the efforts of the Secretary-General to mobilize potential lead nations and troop contributors to a multinational force, the level of commitment of Member States to support the deployment of the force remained low and no lead nation had been identified. He stressed that, in the 1990s, a multinational force, the Unified Task Force, had succeeded in stabilizing Mogadishu, while a United Nations peacekeeping force with lesser capacities had failed. Noting that the multinational force proposed by the Secretary-General was a “limited, targeted operation” specifically aimed at supporting the Djibouti Agreement and preparing the ground for the deployment of a follow-on United Nations peacekeeping operation, he appealed to Member States to commit the same level of military capabilities engaged in the fight against piracy for the deployment of such a multinational force.¹³²

In the course of the debate, several speakers strongly supported the deployment of a stabilization force, as provided for under the Djibouti Agreement, as a first step towards the establishment of a United Nations peacekeeping operation.¹³³ In this respect, the Permanent Observer of the African Union reaffirmed the readiness of her organization to work towards the integration of AMISOM into a multinational stabilization force, with a view to preparing the ground for the deployment of a United Nations peacekeeping operation in Somalia.¹³⁴

In supporting the deployment of a multinational force, a number of speakers reiterated their calls for enhanced support to AMISOM, including financial and logistical support.¹³⁵ The representative of the Libyan Arab Jamahiriya argued that the United Nations had gained a great deal of experience in the deployment of peacekeeping and multinational forces in conditions of instability and should therefore begin immediately, in collaboration with the African Union, to deploy a stabilization force.¹³⁶

The representative of France fully supported the idea of the authorization by the Council of a robust, well-equipped multinational force to be deployed in Mogadishu in order to create the conditions for the future deployment of a United Nations peacekeeping operation, while noting that more technical discussions would be necessary.¹³⁷ The representative of Belgium held that the envisaged international stabilization force was “basically an expansion” of the current AMISOM, albeit clearly strengthened. Stressing that increased support for AMISOM was necessary while waiting for certain States to indicate their readiness to lead such a force, he asserted that any positive response to finding additional resources for AMISOM was intrinsically linked to the demonstrated abilities of parties to implement their commitments under the Djibouti Agreement.¹³⁸ The representative of the Russian Federation added that the fully fledged implementation of the Djibouti Agreement and the resulting improvement of the security conditions could encourage Member States to contribute troops in support of a multinational force.¹³⁹

Several speakers were more cautious in considering the deployment of a multinational force. The representative of the United States opined that the admirable performance of AMISOM proved that peacekeeping forces could play an invaluable role in the country, even in the absence of a multinational force, and therefore considered it critical for the international community to be prepared to support AMISOM with all the tools at its disposal. She held that all options should be considered, especially in the event that a multinational force could not be generated.¹⁴⁰ The representative of the United Kingdom held that it was hard to envisage a traditional United Nations peacekeeping force having the “capabilities” or the mandate required to deal with the challenges that Somalia currently posed and, therefore, the Council should not mandate a force which was not up to the task, given the past experiences when it had sent an underequipped force into a theatre where conflict persisted. He encouraged the Secretary-General to continue his efforts to identify States willing to

¹³² S/PV.6020, pp. 5-6.

¹³³ *Ibid.*, p. 9 (Somalia); p. 10 (Permanent Observer of the African Union); p. 14 (Libyan Arab Jamahiriya); p. 15 (Burkina Faso); p. 17 (Viet Nam); pp. 17-18 (Panama); and p. 21 (Croatia).

¹³⁴ *Ibid.*, p. 10.

¹³⁵ *Ibid.*, p. 10 (Burkina Faso); p. 14 (Libyan Arab Jamahiriya); pp. 17-18 (Panama); and p. 18 (China).

¹³⁶ *Ibid.*, p. 14.

¹³⁷ *Ibid.*, p. 12.

¹³⁸ *Ibid.*, pp. 19-20.

¹³⁹ *Ibid.*, p. 22.

¹⁴⁰ *Ibid.*, p. 23.

contribute to a multinational force as soon as possible.¹⁴¹

At the 6046th meeting, on 16 December 2008, the Secretary-General, reiterating his position that the most appropriate response to the complex security challenges in Somalia was a multinational force rather than a typical peacekeeping operation, noted the absence of adequate pledges for a multinational force following his appeal to Member States and international organizations. He then expressed his intention to propose to the Security Council concrete measures that would provide the necessary security arrangements in support of the Djibouti peace process and to pave the way for the deployment of a United Nations peacekeeping operation, including the provision of substantial and credible resources to the African Union to reinforce AMISOM and the redirection of all resources pledged for a multinational force to AMISOM, should the former not materialize.¹⁴²

The representative of the United States maintained that the time had come for the United Nations to consider and authorize the peacekeeping operation, in view of the conditions on the ground. While expressing the commitment of the United States to supporting the existing African Union mission, she pointed out that the history of support for such forces had indicated the inability of the international community to sustain voluntary contributions and training, as well as mechanisms to ensure a smooth workflow. That was why the United Nations had a peacekeeping operation component that drew on the full resources of the Member States in a way that was compulsory, not voluntary, to do the work of the Council.¹⁴³ Noting that a conventional peacekeeping operation would not be realistic, the representative of France endorsed the proposal of the Secretary-General to provide decisive support to AMISOM, and recommended the creation of a trust fund dedicated to AMISOM.¹⁴⁴ However, the representative of South Africa disagreed with the proposal to establish a trust fund, on the grounds that AMISOM needed predictable and reliable resources, which could not be achieved through voluntary contributions.¹⁴⁵ Among other speakers reiterating their position regarding support for AMISOM and the

deployment of a United Nations peacekeeping operation or a multinational force,¹⁴⁶ the representative of the African Union stated that one of the pressing requirements in support of AMISOM at this juncture was to build on an enhanced AMISOM, providing the urgent support needed to strengthen the force to reach the authorized level of 8,000 troops and to reinforce it with air and naval capacities.¹⁴⁷

At its 6068th meeting, on 16 January 2009, the Council adopted resolution 1863 (2009), by which it extended the mandate of AMISOM under Chapter VII of the Charter, including its authorization to take all necessary measures. It also expressed its intent to establish a United Nations peacekeeping operation in Somalia as a follow-on force to AMISOM, subject to a further decision of the Security Council by 1 June 2009. Furthermore, the Council requested the Secretary-General to establish a trust fund to provide support to AMISOM until the deployment of a United Nations peacekeeping mission, and welcomed the proposal¹⁴⁸ made by the Secretary-General to provide a logistical support package to AMISOM which included the transfer of assets following the liquidation of the United Nations Mission in Ethiopia and Eritrea.¹⁴⁹

Following the adoption of the resolution, the representative of the United Kingdom emphasized that the funding arrangement provided in resolution 1863 (2009) was “workable” but required close monitoring and should not conflict with the prerogatives of the General Assembly.¹⁵⁰ In a similar vein, stressing that it was important to respect the competence of the Assembly on the financial and administrative aspects of the United Nations and other activities such as AMISOM, which were authorized by the Organization but implemented by non-United Nations entities, the representative of Japan expressed his country’s serious reservations about compromising the principle of financing through mandatory assessment. He called for a careful review by the Assembly of the package, which should be implemented in a transparent and accountable manner.¹⁵¹

¹⁴¹ Ibid. p. 24.

¹⁴² S/PV.6046, p. 8.

¹⁴³ Ibid., p. 10.

¹⁴⁴ Ibid., p. 12.

¹⁴⁵ Ibid., p. 15.

¹⁴⁶ Ibid., p. 6 (China); p. 11 (Italy); p. 14 (Libyan Arab Jamahiriya); pp. 17-18 (Costa Rica); p. 18 (Burkina Faso); and p. 20 (Panama).

¹⁴⁷ Ibid., p. 35.

¹⁴⁸ S/2008/804, paras. 7-8.

¹⁴⁹ Resolution 1863 (2009), paras. 2, 4, 8 and 10.

¹⁵⁰ S/PV.6068, p. 4.

¹⁵¹ Ibid., p. 5.

Following the letter dated 30 January 2009 from the Secretary-General in which he provided an update on the provision of the logistical support package to AMISOM,¹⁵² the Council, by resolution 1872 (2009) of

¹⁵² S/2009/60.

26 May 2009, renewed its approval of the provision of such support until 31 January 2010.¹⁵³

¹⁵³ Resolution 1872 (2009), para. 17.

IV. Authorization by the Security Council of enforcement action by regional arrangements

Note

This section deals with the practice of the Security Council in authorizing enforcement actions by regional arrangements as stipulated under Article 53 of the Charter. Given that the authorization by the Council to regional peacekeeping operations to use force in the implementation of their mandates is featured in section III, this section focuses on the authorization of enforcement actions by regional organizations other than in the context of regional peacekeeping operations.

The section is divided into two subsections: (a) decisions concerning the authorization of enforcement action by regional arrangements; and (b) discussions concerning the authorization of enforcement action by regional arrangements.

A. Decisions concerning the authorization of enforcement action by regional arrangements

During the period under review, the Security Council, acting under Chapter VII of the Charter, urged regional arrangements in several of its decisions to assist with the implementation of sanctions and other Chapter VII measures. In connection with sanctions measures imposed against the Sudan and Côte d'Ivoire, the Council urged regional arrangements to cooperate with sanctions committees and monitoring mechanisms by supplying information on the implementation of the sanctions measures.¹⁵⁴ Regarding the non-proliferation of weapons of mass destruction, the Council urged

¹⁵⁴ In connection with the Sudan, see resolution 1841 (2008), para. 4; in connection with Côte d'Ivoire, see resolution 1842 (2008), para. 3.

“international, regional and subregional organizations” to inform the Committee established pursuant to resolution 1540 (2004) of areas in which they were able to provide assistance.¹⁵⁵

In the context of combating piracy off the coast of Somalia, during the period under review, the Council adopted resolutions in which it reiterated its call upon Member States and regional organizations, including the European Union and NATO, to provide technical assistance to Somalia, protect the shipping of humanitarian aid and coordinate their actions, and recognized the efforts of regional and international organizations in this regard. In addition, while the Council originally authorized only States to use all measures necessary to repress acts of piracy and armed robbery, first in the territorial waters of Somalia and then on the high seas, such authorization by the Council was also extended to regional organizations. On 2 December 2008, by resolution 1846 (2008), the Council authorized both States and regional organizations cooperating with the Transitional Federal Government to use “all necessary means” to repress acts of piracy and armed robbery at sea within the territorial waters of Somalia. Furthermore, in response to the request of the Transitional Federal Government to the international community to assist it in taking all measures necessary to interdict those who used Somali territory and airspace for acts of piracy, the Council, by resolution 1851 (2008) of 16 December 2008, authorized States and regional organizations to undertake “all necessary measures” in Somalia for the purpose of suppressing acts of piracy and armed robbery at sea. The authorization of the use of force in the territorial waters and land and air in Somalia was renewed during the period under review (see table 4).

¹⁵⁵ Resolution 1810 (2008), para. 5.

Table 4

Decisions adopted under Chapter VII in which the Council authorized enforcement actions, including the use of force, by regional arrangements

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
Non-proliferation of weapons of mass destruction		
Other Chapter VII measures	Resolution 1810 (2008) 25 April 2008	Encourages States that have requests for assistance to convey them to the 1540 Committee, and encourages them to make use of the 1540 Committee's assistance template to that effect; urges States and international, regional and subregional organizations to inform the 1540 Committee, as appropriate, by 25 June 2008 of areas in which they are able to provide assistance; and calls upon States and such organizations, if they have not done so previously, to provide the 1540 Committee with a point of contact for assistance by 25 June 2008 (para. 5)
Assistance to the Committee		
Reports of the Secretary-General on the Sudan		
Sanctions measures	Resolution 1841 (2008) 15 October 2008	Urges all States, relevant United Nations bodies, the African Union and other interested parties to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures imposed by resolutions 1556 (2004) and 1591 (2005) (para. 4)
Supply of information to the Committee and the Panel of Experts		
		<i>Same provision in resolution 1891 (2009), para. 4</i>
The situation in Côte d'Ivoire		
Sanctions measures	Resolution 1842 (2008) 29 October 2008	Urges all States, relevant United Nations bodies and other organizations and interested parties, including the Kimberley Process, to cooperate fully with the Committee, the Group of Experts, the United Nations Operation in Côte d'Ivoire and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005) and reiterated in paragraph 1 [of the resolution] (para. 15)
Supply of information to the Committee and the Group of Experts		
		<i>Same provision in resolution 1893 (2009), para. 18</i>
The situation in Somalia		
Piracy	Resolution 1814 (2008) 15 May 2008	Reiterates its support for the contribution made by some States to protect the World Food Programme (WFP) maritime convoys, calls upon States and regional organizations, in close coordination with each other and as notified in advance to the Secretary-General, and at the request of the Transitional Federal Government, to take action to protect shipping involved with the transportation and delivery of humanitarian aid to Somalia and United Nations-authorized activities, calls upon troop-contributing countries to the Mission, as appropriate, to provide support to this end, and requests the Secretary-General to provide his support to this effect (para. 11)
Call for the protection of humanitarian aid		

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
	Resolution 1838 (2008) 7 October 2008	Urges States and regional organizations, in conformity with the provisions of resolution 1814 (2008) , to continue to take action to protect the WFP maritime convoys, which is vital to bring humanitarian assistance to the affected populations in Somalia (para. 5)
Piracy Call for technical assistance	Resolution 1816 (2008) 2 June 2008	Calls upon States and interested organizations, including the International Maritime Organization (IMO), to provide technical assistance to Somalia and nearby coastal States, upon their request, to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery off the Somali and nearby coastlines (para. 5) <i>Same provision in resolution 1846 (2008), para. 5</i>
	Resolution 1897 (2009) 30 November 2009	Acknowledges Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law, and calls upon States and interested organizations, including IMO, to provide technical assistance to Somalia, including regional authorities, and nearby coastal States upon their request, to enhance their capacity to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines, and stresses the importance of coordination in this regard through the Contact Group on Piracy off the Coast of Somalia (para. 5)
Piracy Call for assistance	Resolution 1897 (2009) 30 November 2009	Commends the work of the Contact Group on Piracy off the Coast of Somalia to facilitate coordination in order to deter acts of piracy and armed robbery at sea off the coast of Somalia, in cooperation with IMO, flag States and the Transitional Federal Government, and urges States and international organizations to continue to support those efforts (para. 4)
Piracy Recognition of the efforts of the European Union	Resolution 1838 (2008) 7 October 2008	Commending the contribution made by some States since November 2007 to protect the WFP maritime convoys, and the establishment by the European Union of a coordination unit with the task of supporting the surveillance and protection activities carried out by some member States of the European Union off the coast of Somalia, and the ongoing planning process towards a possible European Union naval operation, as well as other international or national initiatives taken with a view to implementing resolutions 1814 (2008) and 1816 (2008) (fifth preambular paragraph)

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
Piracy Recognition of the efforts of the European Union and the North Atlantic Treaty Organization (NATO)	Resolution 1846 (2008) 2 December 2008	Welcomes initiatives by Canada, Denmark, France, India, the Netherlands, the Russian Federation, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America and by regional and international organizations to counter piracy off the coast of Somalia pursuant to resolutions 1814 (2008) , 1816 (2008) and 1838 (2008) , the decision by NATO to counter piracy off the Somalia coast, including by escorting vessels of WFP, and, in particular, the decision by the European Union on 10 November 2008 to launch, for a period of 12 months from December 2008, a naval operation to protect WFP maritime convoys bringing humanitarian assistance to Somalia and other vulnerable ships and to repress acts of piracy and armed robbery at sea off the coast of Somalia (para. 6)
	Resolution 1851 (2008) 16 December 2008	Welcoming the launching of the European Union operation Atalanta to combat piracy off the coast of Somalia and to protect vulnerable ships bound for Somalia, as well as the efforts of NATO and other States acting in a national capacity in cooperation with the Transitional Federal Government to suppress piracy off the coast of Somalia (seventh preambular paragraph)
	Resolution 1897 (2009) 30 November 2009	Commending the efforts of the European Union operation Atalanta, which the European Union is committed to extending until December 2010, the NATO operations Allied Protector and Ocean Shield, the Combined Maritime Forces' Combined Task Force 151 and other States acting in a national capacity in cooperation with the Transitional Federal Government and each other to suppress piracy and to protect vulnerable ships transiting through the waters off the coast of Somalia (seventh preambular paragraph)
Piracy Recognition of the efforts of international and regional organizations	Resolution 1872 (2009) 26 May 2009	Recognizing that the ongoing instability in Somalia contributes to the problem of piracy and armed robbery at sea off the coast of Somalia, stressing the need for a comprehensive response by the international community to tackle piracy and its underlying causes, and welcoming the efforts of the Contact Group on Piracy off the Coast of Somalia, States and international and regional organizations (fifteenth preambular paragraph)
Piracy Recognition of the efforts of international organizations	Resolution 1897 (2009) 30 November 2009	Commending the efforts of Kenya to prosecute suspected pirates in its national courts, and noting with appreciation the assistance being provided by the United Nations Office on Drugs and Crime and other international organizations and donors, in coordination with the Contact Group on Piracy off the Coast of Somalia, to support Kenya, Somalia and other States in the region, including Seychelles and Yemen, to take steps to prosecute or incarcerate in a third State after prosecution elsewhere captured pirates, consistent with applicable international human rights law (ninth preambular paragraph)

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
Piracy Call for cooperation and the coordination of efforts	Resolution 1838 (2008) 7 October 2008	Calls upon States and regional organizations to coordinate their actions pursuant to paragraphs 3, 4 and 5 [of the resolution] (para. 7)
	Resolution 1846 (2008) 2 December 2008	Calls upon States and regional organizations to coordinate, including by sharing information through bilateral channels or the United Nations, their efforts to deter acts of piracy and armed robbery at sea off the coast of Somalia in cooperation with each other, IMO, the international shipping community, flag States and the Transitional Federal Government (para. 7)
	Resolution 1851 (2008) 16 December 2008	Encourages all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact between and among States, regional organizations and international organizations on all aspects of combating piracy and armed robbery at sea off the coast of Somalia; and recalls that future recommendations on ways to ensure the long-term security of international navigation off the coast of Somalia, including the long-term security of WFP maritime deliveries to Somalia and a possible coordination and leadership role for the United Nations in this regard to rally Member States and regional organizations to counter piracy and armed robbery at sea off the coast of Somalia are to be detailed in a report of the Secretary-General no later than three months after the adoption of resolution 1846 (2008) (para. 4) Also encourages all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to consider creating a centre in the region to coordinate information relevant to piracy and armed robbery at sea off the coast of Somalia, to increase regional capacity with the assistance of the United Nations Office on Drugs and Crime to arrange effective shiprider agreements or arrangements consistent with the United Nations Convention on the Law of the Sea and to implement the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the United Nations Convention against Transnational Organized Crime and other relevant instruments to which States in the region are party, in order to effectively investigate and prosecute piracy and armed robbery at sea offences (para. 5)

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
Piracy Call for military participation in combating piracy	Resolution 1846 (2008) 2 December 2008	<p>Calls upon States and regional organizations that have the capacity to do so to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with the present resolution and relevant international law, by deploying naval vessels and military aircraft, and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery off the coast of Somalia or for which there are reasonable grounds for suspecting such use (para. 9)</p> <p><i>Same provision in resolutions 1851 (2008), para. 2, and 1897 (2009), para. 3</i></p>
Piracy Authorization of the use of force in territorial waters	Resolution 1846 (2008) 2 December 2008	<p>Decides that, for a period of 12 months from the date of the present resolution, States and regional organizations cooperating with the Transitional Federal Government in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the Transitional Federal Government to the Secretary-General, may:</p> <p>(a) Enter into the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and</p> <p>(b) Use, within the territorial waters of Somalia, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery at sea (para. 10)</p>
Piracy Authorization of the use of force in Somalia	Resolution 1851 (2008) 16 December 2008	<p>In response to the letter dated 9 December 2008 from the Transitional Federal Government, encourages Member States to continue to cooperate with the Transitional Federal Government in the fight against piracy and armed robbery at sea, notes the primary role of the Transitional Federal Government in rooting out piracy and armed robbery at sea, and decides that for a period of 12 months from the date of adoption of resolution 1846 (2008), States and regional organizations cooperating in the fight against piracy and armed robbery at sea off the coast of Somalia for which advance notification has been provided by the Transitional Federal Government to the Secretary-General may undertake all necessary measures that are appropriate in Somalia, for the purpose of suppressing acts of piracy and armed robbery at sea, pursuant to the request of the Transitional Federal Government, provided, however, that any measures undertaken pursuant to the authority of the present paragraph shall be undertaken consistent with applicable international humanitarian and human rights law (para. 6)</p>

<i>Category</i>	<i>Decision and date</i>	<i>Provision</i>
Piracy Renewal of the authorization to use force	Resolution 1897 (2009) 30 November 2009	Encourages Member States to continue to cooperate with the Transitional Federal Government in the fight against piracy and armed robbery at sea, notes the primary role of the Transitional Federal Government in the fight against piracy and armed robbery at sea, and decides to renew, for a period of 12 months from the date of the present resolution, the authorizations as set out in paragraph 10 of resolution 1846 (2008) and paragraph 6 of resolution 1851 (2008) granted to States and regional organizations cooperating with the Transitional Federal Government in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the Transitional Federal Government to the Secretary-General (para. 7)
Piracy Invitation to facilitate the investigation and prosecution of pirates	Resolution 1851 (2008) 16 December 2008	Invites all States and regional organizations fighting piracy off the coast of Somalia to conclude special agreements or arrangements with countries willing to take custody of pirates in order to embark law enforcement officials (“shipriders”) from the latter countries, in particular countries in the region, to facilitate the investigation and prosecution of persons detained as a result of operations conducted under the present resolution for acts of piracy and armed robbery at sea off the coast of Somalia, provided that the advance consent of the Transitional Federal Government is obtained for the exercise of third State jurisdiction by shipriders in Somali territorial waters and that such agreements or arrangements do not prejudice the effective implementation of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (para. 3)
		<i>Same provision in resolution 1897 (2009), para. 6</i>

During the period under review, the Council took note of decisions by regional organizations concerning their imposition of sanctions, although it fell short of authorizing such actions. In connection with the situation in Guinea, the Council took note of the imposition of sanctions against Guinea by the African Union and ECOWAS;¹⁵⁶ in connection with the situation in Somalia, the Council took note of the decision of the African Union to call upon the Council “to impose sanctions against those, including Eritrea, providing support to the armed groups engaged in undermining peace and reconciliation in Somalia and regional stability”.¹⁵⁷

¹⁵⁶ S/PRST/2009/27, seventh paragraph.

¹⁵⁷ S/PRST/2009/19, seventh paragraph. The Council imposed sanctions against Eritrea in 2009. For more information, see part VII, sect. III.

B. Discussions concerning the authorization of enforcement action by regional arrangements

By resolution [1593 \(2005\)](#) of 31 March 2005, the Council, acting under Chapter VII of the Charter, decided to refer the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court and invited the Court and the African Union to discuss practical arrangements that would facilitate the work of the Prosecutor and of the Court.¹⁵⁸ In the light of the application made on 14 July 2008 by the Prosecutor of the Court for an arrest warrant against the President of the Sudan, the Council held discussions

¹⁵⁸ Resolution 1593 (2005), paras. 1 and 3.

following the request made by the African Union to defer the process initiated by the Court (case 11).

Case 11 Reports of the Secretary-General on the Sudan

In its communiqué adopted on 21 July 2008, which was forwarded to the Security Council pursuant to Article 54 of the Charter, the Peace and Security Council of the African Union requested the Security Council, in accordance with Article 16 of the Rome Statute of the International Criminal Court, to defer the arrest warrant against the President of the Sudan initiated by the Court.¹⁵⁹

At its 5947th meeting on 31 July 2008, the Council adopted resolution 1828 (2008), by which it took note of the communiqué issued by the Peace and Security Council,¹⁶⁰ having in mind concerns raised by members of the Council regarding potential developments subsequent to the application by the Prosecutor of the International Criminal Court of 14 July 2008, and taking note of their intention to consider these matters further.¹⁶¹

Subsequent to the adoption of the resolution, some speakers underscored the importance of addressing the issue of impunity in Darfur through the International Criminal Court and recalled resolution 1593 (2005), in which the Council referred the situation in Darfur to the

¹⁵⁹ S/2008/481, annex.

¹⁶⁰ Ibid.

¹⁶¹ Resolution 1828 (2008), ninth preambular paragraph.

Court,¹⁶² while others supported the request from the African Union to the Council to exercise its authority to defer the decision of the Court.¹⁶³ The representative of the Russian Federation, stressing that the African Union was a partner of the United Nations in UNAMID, expressed concern that the opposition of delegations to the request from the African Union to the Council to defer the decision of the Court could have “unforeseen and negative consequences” in the context of building relations between the Government of the Sudan and the international community to conduct a peacekeeping operation and resolve the conflict in Darfur.¹⁶⁴ The representative of China opined that such a request deserved the full attention and respect of the Council, as seeking to resolve the issue of impunity through the indictment of the President of the Sudan by the Court would only derail the process of resolving the Darfur issue and even render useless all efforts made so far by all parties towards a proper settlement.¹⁶⁵ The representatives of Viet Nam and the Russian Federation expressed concern at the negative impact of a possible indictment on the peace process and the operation of UNAMID.¹⁶⁶

¹⁶² S/PV.5947, p. 3 (United Kingdom); p. 4 (Costa Rica); pp. 4-5 (Croatia); p. 8 (United States); p. 9 (France); p. 10 (Belgium); and p. 11 (Italy).

¹⁶³ Ibid., p. 6 (China); p. 7 (Libyan Arab Jamahiriya); pp. 9-10 (Indonesia); p. 11 (Viet Nam); and p. 12 (Sudan).

¹⁶⁴ Ibid., p. 3.

¹⁶⁵ Ibid., p. 6.

¹⁶⁶ Ibid., p. 3 (Russian Federation); and p. 11 (Viet Nam).

V. Reporting by regional arrangements on their activities in the maintenance of international peace and security

Note

In this section, reporting by regional arrangements on their activities in the maintenance of international peace and security within the framework of Article 54 is examined under the following two subsections: (a) decisions relating to reporting by regional arrangements on their activities in the maintenance of international peace and security; and (b) discussions relating to reporting by regional arrangements.

During the period under review, the Council, in its decisions, requested regional organizations to keep

it informed of their activities and received briefings and reports from relevant regional organizations.

A. Decisions relating to reporting by regional arrangements on their activities in the maintenance of international peace and security

During the period under review, the Council adopted a number of decisions in which it requested regional organizations to report on their activities in the maintenance of international peace and security. A large

number of those decisions concerned regional peacekeeping operations, which are covered in table 3. The Council also adopted decisions relating to mediation efforts, as well as enforcement actions, by regional organizations. In connection with the situation concerning the Democratic Republic of the Congo, the Council invited the newly appointed regional facilitators in that country “to keep the Security Council informed of their activities”.¹⁶⁷ In the context of combating piracy

off the coast of Somalia, the Council requested regional organizations cooperating with the Transitional Federal Government to “inform the Council and the Secretary-General [...] of the progress of actions undertaken in the exercise of the authority” to use all necessary means to repress acts of piracy and armed robbery at sea within the territorial water of Somalia¹⁶⁸ (see table 5).

¹⁶⁷ Resolution 1856 (2008), sixth preambular paragraph.

¹⁶⁸ Resolutions 1846 (2008), para. 16, and 1897 (2009), para. 16.

Table 5

Decisions adopted under Chapter VII containing references to requests to regional arrangements for consultation with and briefing and reporting to the Security Council

<i>Decision and date</i>	<i>Provision</i>
The situation concerning the Democratic Republic of the Congo	
Resolution 1856 (2008) 22 December 2008	Taking note of the final declaration of the Nairobi summit organized on 7 November 2008 by President Mwai Kibaki, acting Chairman of the International Conference on the Great Lakes Region, and President Jakaya Kikwete, President-in-office of the African Union, and the communiqué of the extraordinary summit of the Heads of State and Government of the Southern African Development Community, held in Sandton, South Africa, on 9 November 2008, welcoming the appointment of facilitators, including the Special Envoy of the Secretary-General for the Great Lakes region, the former President of Nigeria, Mr. Olusegun Obasanjo, and the former President of the United Republic of Tanzania, Mr. Benjamin Mkapa, inviting these facilitators to keep the Security Council informed of their activities, and encouraging the countries of the region to maintain this high level of commitment on the crisis in the eastern part of the Democratic Republic of the Congo, and act to assist efforts to resolve the conflict (sixth preambular paragraph)
The situation in Somalia	
Resolution 1846 (2008) 2 December 2008	Requests States and regional organizations cooperating with the Transitional Federal Government to inform the Council and the Secretary-General within nine months of the progress of actions undertaken in the exercise of the authority provided in paragraph 10 [of the resolution] (para. 16)
Resolution 1897 (2009) 30 November 2009	Requests States and regional organizations cooperating with the Transitional Federal Government to inform the Security Council and the Secretary-General within nine months of the progress of actions undertaken in the exercise of the authorizations provided in paragraph 7 [of the resolution], and further requests all States contributing through the Contact Group on Piracy off the Coast of Somalia to the fight against piracy off the coast of Somalia, including Somalia and other States in the region, to report by the same deadline on their efforts to establish jurisdiction and cooperation in the investigation and prosecution of piracy (para. 16)

B. Discussions relating to reporting by regional arrangements

During the period under review, the Security Council received regular briefings and reports from regional arrangements. For example, the European Union, which had deployed its organization-led military force in Chad and the Central African Republic (EUFOR Chad/Central African Republic) pursuant to resolution 1778 (2007), provided a briefing in a Council meeting on the force's activities during its first six months and submitted two subsequent reports in writing.¹⁶⁹ In resolution 1778 (2007), the Council had requested the European Union to report to it, in the middle and at the end of the deployment period of EUFOR Chad/Central African Republic, on how its operation would fulfil its mandate.¹⁷⁰

In connection with the reports of the Secretary-General on the Sudan, at one meeting the Special Envoy of the Secretary-General for Darfur stated that, prior to the briefing to the Security Council, he had briefed the Peace and Security Council of the African Union jointly with the African Union Special Envoy for Darfur, and held that the fact that they were holding joint briefings was an indication of the ever closer cooperation between the United Nations and the African Union, in the spirit of Chapter VIII of the Charter.¹⁷¹

The case study covers the deliberation at the briefing by the Chairperson-in-Office of OSCE, during which speakers engaged in discussion regarding the treatment of various regional organizations in briefing the Security Council (case 12).

Case 12 Briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe

At its 6088th meeting, on 27 February 2009, the Council heard a briefing by the Chairperson-in-Office of OSCE,¹⁷² during which some Council members engaged in discussion on the consultations with and briefings by regional organizations.

The representative of the Libyan Arab Jamahiriya held that, while OSCE was a regional arrangement under Chapter VIII of the Charter, it was not different from a number of other regional organizations. However, the Council had refused to respond to requests by two other regional organizations, the League of Arab States and the African Union, to make their voice heard before the Council in formal meetings. He hoped that the Council's double standard in dealing with regional organizations would end and that the Council would be prepared to hear all regional organizations in official meetings, in particular those organizations that were "inextricably linked" with the United Nations in the field of maintenance of international peace and security, such as the African Union.¹⁷³ Concurring, the representative of Uganda argued that the Council should be ready to listen to different regional organizations when there were matters that concerned those regions; otherwise, the Council's standing would be doubted when it easily gave access to a regional organization in Europe but not to the League of Arab States or the African Union. He maintained that there should be free communication between different regional organizations and the Security Council, especially on human rights and security issues, and believed that the Council would become stronger and more respected if that channel of communication remained open.¹⁷⁴

On the other hand, the representative of France was puzzled by the above-mentioned comments and stated that the format of meetings and the invitations were decided by consensus and that any rejection would therefore be a collective decision, which meant that those who had complained of alleged discrimination were "accomplices to it". He recalled that, when France

¹⁶⁹ The briefing was conducted at the 5980th meeting, on 24 September 2008 (see S/PV.5980), and the reports covering the activities of EUFOR Chad/Central African Republic from 15 March to 15 September 2008 and from 15 September 2008 to March 2009 were transmitted to the Council by a letter dated 21 April 2009 from the Secretary-General to the President of the Council (S/2009/214).

¹⁷⁰ Resolution 1778 (2007), para. 12.

¹⁷¹ At the 5922nd meeting, on 24 June 2008 (see S/PV.5922, p. 2).

¹⁷² The Council has held annual meetings on the subject since 2004, following its introduction in 2001 as an item of which the Council is seized.

¹⁷³ S/PV.6088, p. 9.

¹⁷⁴ *Ibid.*, p. 10.

held the presidency, the League of Arab States and the African Union were given the same opportunities to take the floor, and he did not recall a single instance in which the Council had rejected a request from those organizations in the past year and a half.¹⁷⁵

The representative of the Libyan Arab Jamahiriya hoped that future requests by a regional organization to brief the Council would be accommodated, whether it had been made in respect of a broad range of issues or a specific case important to the regional organization.¹⁷⁶

¹⁷⁵ Ibid., pp. 11-12.

¹⁷⁶ Ibid., p. 12.

Regarding information sharing between the Security Council and OSCE in connection with the situation in Georgia, the representative of the Russian Federation criticized the lack of key information from OSCE military observers in August 2008, which had had a negative effect on the consideration by the Council of the situation on the ground, which was “far from the best possible example of cooperation between the two organizations”.¹⁷⁷

¹⁷⁷ Ibid., p. 9.

Part IX

Subsidiary organs of the Security Council: committees, tribunals and other bodies

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Introductory note

Article 29

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

Rule 28

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

The power of the Security Council to establish subsidiary organs is set out in Article 29 of the Charter of the United Nations and rule 28 of its provisional rules of procedure. Part IX covers the procedures of the Council relating to the committees, working groups, investigative bodies, tribunals, ad hoc commissions, and special advisers, envoys and representatives, as well as the Peacebuilding Commission, established under the Charter of the United Nations. It also covers instances of such subsidiary organs that were proposed but not established. Field-based missions, including peacekeeping and political missions, are covered in part X of the present supplement.

During the period 2008-2009, the Council held a number of meetings under the item “Briefings by Chairmen of subsidiary bodies of the Security Council” during which it heard briefings by the Chairpersons of various subsidiary bodies. An overview of the meetings can be found in part I of the present Supplement, under “Briefings”.

The present part is divided into eight sections: committees; working groups; investigative bodies; tribunals; ad hoc commissions; special advisers, envoys and representatives; the Peacebuilding Commission; and subsidiary organs of the Council proposed but not established. The subsections provide brief background information and a summary of the major developments for each subsidiary organ during the period. The entry for each subsidiary organ also contains a table that illustrates the mandate active at the start of the period under review and any subsequent changes, with the full text of all paragraphs of Council decisions that relate to changes in the mandate of the subsidiary organ in 2008 and 2009. Other documents of the Council related to the subsidiary bodies are listed in the annex to this part.

The mandates of the subsidiary organs are grouped on the basis of a system of general categories and labels relating to the mandate and functions of the subsidiary organs. This system of categorization is provided as a convenience to readers and does not reflect any practice or decision of the Council.

I. Committees

Note

Section I focuses on the decisions of the Security Council concerning the establishment, implementation of and changes to the mandates of committees, and to their termination during the period under review. Subsection A covers standing committees, while subsection B covers committees established under Chapter VII of the Charter of the United Nations. The description for each committee includes a summary of the categories of measures that it is mandated to oversee, for example, arms embargoes, asset freezes and travel bans. The categories are not intended to serve as legal definitions of measures.¹

The committees of the Security Council consist of all fifteen members of the Council. Their meetings are held in private sessions, unless a Committee itself decides otherwise, and decisions are reached by consensus. The Bureaux of the Committees generally consist of a Chairman and Vice-Chairman, who are elected by the Council annually.² The Council has both standing committees that continue to exist, but generally do not meet unless an issue under their jurisdiction comes up, and committees that are established on an ad hoc basis to respond to the Council's needs, particularly for overseeing sanctions measures established under Chapter VII of the Charter or for supporting the work of the Council on such issues as terrorism or weapons of mass destruction.

A. Standing committees

During the period under review, the Committee of Experts on Rules of Procedure, the Committee of Experts established by the Council at the 1506th meeting to study the question of associate membership, the Committee on Council Meetings away from Headquarters and the Committee on the Admission of New Members continued to exist but did not meet.

¹ For information on the measures mandated by the Council pursuant to Article 41, see part VII, sect. III.

² For the Bureaux of the Committees during the period under review, see [S/2008/2](#), [S/2008/115](#), [S/2008/366](#), [S/2008/571](#), [S/2009/2](#), [S/2009/182](#), [S/2009/440](#), [S/2009/506](#).

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

During the period 2008-2009, the Council established several committees to oversee the implementation of measures or to perform other tasks set out in decisions adopted pursuant to Chapter VII of the Charter and extended the mandate of previously established ones. The first part of section B deals with 12 Committees overseeing specific sanctions measures. The second part deals with two other Committees with broader mandates. Within each section, the Committees are dealt with in the order of their establishment, while interlinked Committees are dealt with jointly. The subsidiary bodies whose work is closely linked with that of the Committees, such as panels or groups of experts, are featured with the relevant Committees under the appropriate subheading.

1. Security Council committees overseeing specific sanctions measures

During the period 2008-2009, the Council did not establish any new Committees to oversee the implementation of measures adopted under Chapter VII of the Charter. However, the Council terminated the mandate of the Committee established pursuant to resolution [918 \(1994\)](#) concerning Rwanda. By the end of 2009, the total number of Committees overseeing sanctions had therefore declined from 12 to 11.

In addition, a total of six bodies that the Council had previously established to monitor the sanctions measures continued to exist: the Panel of Experts on Liberia and the Panel of Experts on the Sudan; the Group of Experts on the Democratic Republic of the Congo and the Group of Experts on Côte d'Ivoire; the Monitoring Group on Somalia; and the Analytical Support and Sanctions Monitoring Team concerning Al-Qaida and the Taliban. In 2009, the Council also requested that the Secretary-General establish a Panel of Experts on the Democratic People's Republic of Korea, which brought the total number of monitoring bodies to seven.

The Committees that existed during the period were given a variety of mandates that included the following: (a) seeking information regarding the implementation of measures imposed under Article 41 of the Charter; (b) considering information concerning

the violations of the measures and recommending appropriate measures in response thereto; (c) reporting to the Council on the information regarding alleged violations; (d) giving consideration to and deciding upon requests for exemptions from the measures; (e) examining reports submitted to them, including those from monitoring bodies; (f) identifying individuals and entities subject to the measures and to maintaining such a list, as well as considering delisting requests; and (g) making recommendations to the Council on how to improve the effectiveness of the measures. The tasks that were assigned to the

monitoring bodies that had been established to assist the Committees generally included gathering and analysing information on compliance, monitoring implementation of the sanctions measures, making recommendations on improving implementation and, in some cases, providing information relevant to listing and delisting decisions for targeted sanctions measures.

Table 1 provides an overview of the Committees, including selected categories of mandatory measures that they oversaw during the period.

Table 1
Security Council committees responsible for oversight of specific sanctions measures, 2008-2009

	Sanctions measures						
	<i>Arms embargo</i>	<i>Asset freeze</i>	<i>Diamond embargo</i>	<i>Financial services restrictions</i>	<i>Luxury goods embargo</i>	<i>Non-proliferation measures</i>	<i>Travel ban or restrictions</i>
Committee established pursuant to resolution 751 (1992) concerning Somalia	X	X					X
Committee established pursuant to resolution 918 (1994) concerning Rwanda ^a							
Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone	X		X				X
Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities	X	X					X
Committee established pursuant to resolution 1518 (2003)	X	X					
Committee established pursuant to resolution 1521 (2003) concerning Liberia	X	X					X
Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo	X	X					X
Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire	X	X	X				X

**Part IX. Subsidiary organs of the Security Council:
committees, tribunals and other bodies**

	<i>Sanctions measures</i>						
	<i>Arms embargo</i>	<i>Asset freeze</i>	<i>Diamond embargo</i>	<i>Financial services restrictions</i>	<i>Luxury goods embargo</i>	<i>Non-proliferation measures</i>	<i>Travel ban or restrictions</i>
Committee established pursuant to resolution 1591 (2005) concerning the Sudan	X	X					X
Committee established pursuant to resolution 1636 (2005)		X					X
Committee established pursuant to resolution 1718 (2006)	X	X			X	X	X
Committee established pursuant to resolution 1737 (2006)		X		X		X	X

^a By resolution [1823 \(2008\)](#), the Council decided to terminate the remaining measures, contained in paragraphs 9 and 10 of resolution [1011 \(1995\)](#), and to dissolve the Committee established pursuant to resolution [918 \(1994\)](#) concerning Rwanda.

The Council also continued to develop and refine the procedures for listing and delisting individuals subject to targeted sanctions measures. In particular, the focal point mechanism, established within the Secretariat pursuant to resolution [1730 \(2006\)](#) of 19 December 2006 relating to delisting measures, continued to receive delisting requests and perform related tasks throughout the period. However, during the period under review, the Council established, pursuant to resolution [1904 \(2009\)](#) of 17 December 2009, an Office of the Ombudsperson responsible for receiving requests from individuals and entities seeking to be removed from the consolidated list concerning Al-Qaida and the Taliban, and decided that, as a result, the focal point mechanism would no longer receive such requests, although it would continue to receive requests from individuals and entities seeking to be removed from other sanctions lists. Of the subsidiary organs created to support the work of the Committees, the Office of the Ombudsperson was the first that dealt entirely with listing and delisting issues. In addition, the Council, in its resolutions, provided additional details on listing and delisting procedures for the Committees concerning Al-Qaida and the Taliban and the Democratic Republic of the Congo.

Committee established pursuant to resolution [751 \(1992\)](#) concerning Somalia

By resolution [751 \(1992\)](#), of 24 April 1992, the Security Council established a Committee to oversee the general and complete arms embargo imposed on

Somalia by resolution [733 \(1992\)](#) of 23 January 1992, as a result of the ongoing civil war in Somalia. By resolution [1844 \(2008\)](#) of 20 November 2008, the Council decided to impose individual targeted sanctions (including an arms embargo, a travel ban on individuals and an asset freeze on individuals and entities, as designated by the Committee). The same resolution provides exemptions from the measures and expands the mandate of the Committee. By resolution [1519 \(2003\)](#) of 16 December 2003, the Council established a monitoring group to assist the Committee. Its mandate has subsequently been renewed.

Developments during 2008 and 2009

Committee established pursuant to resolution [751 \(1992\)](#) concerning Somalia

During the period under review, the Council adopted four resolutions relating to the mandate of the Committee and twice expanded its mandate. The first major change was made pursuant to resolution [1844 \(2008\)](#), by which the Council imposed a targeted arms embargo, on individuals or entities that threatened the peace, security or stability of Somalia, acted in violation of the general arms embargo or obstructed the delivery of humanitarian assistance to Somalia. The resolution also expanded the mandate of the Committee, including analysing alleged violations of the measures and taking appropriate action, deciding on exemptions and managing the procedures for listing and delisting individuals and entities for the targeted measures.

By resolution [1907 \(2009\)](#) of 23 December 2009, the mandate of the Committee was expanded to include oversight of the sanctions regime imposed on Eritrea, against which the Council had imposed a general two-way arms embargo, as well as a targeted arms embargo, including the supply of financial services related to military activities, and an asset freeze and travel ban on designated individuals and entities.

Monitoring Group

During the period, the Council extended the mandate of the Monitoring Group on Somalia, for

periods of 6 months and 12 months, respectively. The Council also expanded the mandate of the Monitoring Group by resolution [1844 \(2008\)](#) of 20 November 2008, which requested it, inter alia, to provide information on violations and information relevant to the listing and delisting of individuals, and by resolution [1907 \(2009\)](#) of 23 December 2009, in which the Council requested the Monitoring Group to cover the new measures against Eritrea as well.

Tables 2 and 3 provide the full text of all paragraphs in Council decisions that relate to the mandate of the Committee and the Monitoring Group.

Table 2

Committee established pursuant to resolution [751 \(1992\)](#) concerning Somalia: provisions relating to the mandate, 2008-2009

Decision or mandated task, by category

Provisions

Resolution [1814 \(2008\)](#)

Recommend possible future measures	Recalls its intention to strengthen the effectiveness of the United Nations arms embargo on Somalia, states its intention to take measures against those who breach the arms embargo and those who support them in doing so, and therefore requests the Committee to provide, within 60 days from the adoption of the present resolution, recommendations on specific targeted measures to be imposed against such individuals or entities (para. 7)
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Resolution [1844 \(2008\)](#)

General

Expansion of the mandate	Decides to expand the mandate of the Committee as set out in resolution 751 (1992) to include the tasks [set out in para. 11]
--------------------------	---

Coordination

Coordinate with other United Nations entities	Underlines the importance of coordination by the Committee with other United Nations sanctions committees and with the Special Representative of the Secretary-General (para. 10) To monitor, with the support of the Monitoring Group established pursuant to resolution 1519 (2003) , implementation of the measures imposed in paragraphs 1, 3 and 7 [of resolution 1844 (2008)], in addition to the general and complete arms embargo reaffirmed in paragraph 6 [of the resolution] (para. 11 (a))
---	--

Listing/delisting

Designate individuals and entities	Decides that the provisions of paragraphs 1, 3 and 7 [of the resolution] shall apply to individuals, and that the provisions of 3 and 7 shall apply to entities, designated by the Committee (para. 8)
------------------------------------	--

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
	To designate individuals and entities pursuant to paragraphs 3 and 8 of the resolution, upon the request of Member States as referred to in paragraph 12 [of the resolution] (para. 11 (d))
Provide information relevant to listing	To identify possible cases of non-compliance with the measures pursuant to paragraphs 1, 3, and 7 [of the resolution] and to determine the appropriate course of action on each case, and the Council requests the Chairman, in periodic reports to the Council pursuant to paragraph 11 (g) [of the resolution] to provide progress reports on the Committee's work on this issue (para. 11 (h))
Provide a list of violators	See above, para. 11 (h) of the resolution
Monitoring, enforcement and assessment	
Act on alleged violations	To examine information regarding alleged violations of measures imposed by paragraphs 1, 3 and 7 [of the resolution], paragraph 5 of resolution 733 (1992) and paragraphs 1 and 2 of resolution 1425 (2002), and take appropriate action if necessary (para. 11 (c)) See para. 11 (h) of the resolution, under "Listing/delisting" above
Decide on exemptions	To consider and decide upon requests for exemptions set out in paragraphs 2 and 4 [of the resolution] (para. 11 (e)) Encourages Member States receiving notification as in paragraph 15 [of the resolution] to inform the Committee of steps they have taken to implement the measures set out in paragraphs 1, 3 and 7 (para. 17)
Gather and analyse information on compliance	To monitor, with the support of the Monitoring Group established pursuant to resolution 1519 (2003), implementation of the measures imposed in paragraphs 1, 3 and 7 [of the resolution 1844 (2008)], in addition to the general and complete arms embargo reaffirmed in paragraph 6 (para. 11 (a)) To seek from all Member States, in particular those in the region, information regarding the actions taken by them to implement effectively the measures imposed by paragraphs 1, 3 and 7 [of the resolution] and whatever further information it may consider useful in this regard (para. 11 (b))
Make recommendations on improving implementation	To report at least every 120 days to the Council on its work and on the implementation of the present resolution, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraphs 1, 3 and 7 [of the resolution] (para. 11 (g))
Procedural	
Amend committee guidelines	To amend its existing guidelines to facilitate the implementation of the measures imposed by the present resolution and keep these guidelines under active review as may be necessary (para. 11 (i))

Reporting and public information

Reporting See para. 11 (g) of the resolution, under “Monitoring, enforcement and assessment” above

Resolution 1853 (2008)

Monitoring, enforcement and assessment

Make recommendations on improving implementation Requests the Committee, in accordance with its mandate and in consultation with the Monitoring Group and other relevant United Nations entities, to consider the recommendations in the reports of the Monitoring Group of 5 April and 16 October 2006, 17 July 2007, and 24 April and 20 November 2008 and recommend to the Council ways to improve implementation of and compliance with the arms embargo as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008), in response to continuing violations (para. 6)

Resolution 1907 (2009)

General

Expansion of the mandate Decides to further expand the mandate of the Committee to undertake the additional tasks [set out in para. 18]

Listing/delisting

Designate individuals and entities To designate those individuals or entities subject to the measures imposed by paragraphs 10, 12 and 13 [of the resolution], pursuant to criteria set forth in paragraph 15 (para. 18 (b))

Monitoring, enforcement and assessment

Decide on exemptions To consider and decide upon requests for the exemptions set out in paragraphs 11 and 14 [of the resolution] (para. 18 (c))

Monitor implementation To monitor, with the support of the Monitoring Group, the implementation of the measures imposed in paragraphs 5, 6, 8, 10, 12 and 13 [of the resolution] (para. 18 (a))

Procedural

Amend committee guidelines To update its guidelines to reflect its additional tasks (para. 18 (d))

Table 3
Monitoring Group on Somalia: provisions relating to the mandate, 2008-2009

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Resolution 1811 (2008)	
General	
Extension	<p>Decides to extend the mandate of the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004), and requests the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Monitoring Group for a further six months, drawing, as appropriate, on the expertise of the members of the Monitoring Group established pursuant to resolution 1766 (2007) and appointing new members as necessary, in consultation with the Committee, the mandate to be [as set out in para. 3]</p> <p>To continue the tasks outlined in paragraphs 3 (a) to (c) of resolution 1587 (2005) (para. 3 (a))</p>
Listing/delisting	
Provide a list of violators	To continue refining and updating information on the draft list of those individuals and entities who violate the measures implemented by Member States in accordance with resolution 733 (1992), inside and outside Somalia, and their active supporters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deems appropriate (para. 3 (d))
Monitoring, enforcement and assessment	
Gather and analyse information on compliance	<p>To continue to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generate revenues used to commit arms embargo violations (para. 3 (b))</p> <p>To continue to investigate any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations (para. 3 (c))</p>
Make recommendations on improving implementation	<p>To continue making recommendations based on its investigations, on the previous reports of the Panel of Experts (S/2003/223 and S/2003/1035) appointed pursuant to resolutions 1425 (2002) of 22 July 2002 and 1474 (2003) of 8 April 2003, and on the previous reports of the Monitoring Group (S/2004/604, S/2005/153, S/2005/625, S/2006/229, S/2006/913, S/2007/436 and S/2008/274) appointed pursuant to resolutions 1519 (2003), 1558 (2004), 1587 (2005), 1630 (2005), 1676 (2006), 1724 (2006), and 1766 (2007) (para. 3 (e))</p> <p>To assist in identifying areas where the capacities of States in the region can be strengthened to facilitate the implementation of the arms embargo (para. 3 (g))</p>

	Requests the Committee, in accordance with its mandate and in consultation with the Monitoring Group and other relevant United Nations entities, to consider the recommendations in the reports of the Monitoring Group of 5 April and 16 October 2006, 17 July 2007 and 24 April 2008 and recommend to the Council ways to improve implementation of and compliance with the arms embargo, in response to continuing violations (para. 6)
Recommend possible future measures	To work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo (para. 3 (f))
	To provide to the Council, through the Committee, a midterm briefing within 90 days of its establishment, and to submit progress reports to the Committee on a monthly basis (para. 3 (h))

Reporting and public information

Reporting	To submit, through the Committee, for the consideration of the Council, a final report covering all the tasks set out above, no later than 15 days prior to the termination of the mandate of the Monitoring Group (para. 3 (i))
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Resolution 1844 (2008)

General

Extension	Decides that the mandate of the Monitoring Group, as set out in paragraph 3 of resolution 1811 (2008), shall also include the tasks outlined [in resolution 1844 (2008)] (para. 23)
Assist sanctions committee	To assist the Committee in compiling the narrative summaries referred to in paragraph 14 [of the resolution] (para. 23 (c))

Listing/delisting

Listing/delisting procedures	To include in its reports to the Committee any information relevant to the designation of the Committee of the individuals and entities described in paragraph 8 [of the resolution] (para. 23 (b))
Provide a list of violators	To assist the Committee in monitoring implementation of the present resolution by providing any information on violations of the measures imposed in paragraphs 1, 3 and 7 of the resolution, in addition to the general and complete arms embargo reaffirmed in paragraph 6 (para. 23 (a))

Decision or mandated task, by category

Provisions

Resolution 1853 (2008)

General

Extension

Decides to extend the mandate of the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004), and requests the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Monitoring Group for a period of 12 months, drawing, as appropriate, on the expertise of the members of the Monitoring Group established pursuant to resolution 1811 (2008), and with the addition of a fifth expert, in consultation with the Committee, in order to fulfil its expanded mandate, this mandate being as [set out in para. 3]

To continue the tasks outlined in paragraphs 3 (a) to (c) of resolution 1587 (2005) (para. 3 (a))

Expansion of mandate to include new measures

To carry out additionally the tasks outlined in paragraphs 23 (a) to (c) of resolution 1844 (2008) (para. 3 (b))

Listing/delisting

Provide a list of violators

To continue refining and updating information on the draft list of those individuals and entities who violate the measures implemented by Member States in accordance with resolution 733 (1992) and paragraphs 8 (a) to (c) of resolution 1844 (2008), inside and outside Somalia, and their active supporters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deems appropriate (para. 3 (e))

Monitoring, enforcement and assessment

Gather and analyse information on compliance

To continue to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generate revenues used to commit arms embargo violations (para. 3 (c))

To continue to investigate any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations (para. 3 (d))

Make recommendations on improving implementation

To continue making recommendations based on its investigations, on the previous reports of the Panel of Experts (S/2003/223 and S/2003/1035) appointed pursuant to resolutions 1425 (2002) of 22 July 2002 and 1474 (2003) of 8 April 2003 and on the previous reports of the Monitoring Group (S/2004/604, S/2005/153, S/2005/625, S/2006/229, S/2006/913, S/2007/436, S/2008/274 and S/2008/769) appointed pursuant to resolutions 1519 (2003), 1558 (2004), 1587 (2005), 1630 (2005), 1676 (2006), 1724 (2006), 1766 (2007) and 1811 (2008) (para. 3 (f))

	To assist in identifying areas where the capacities of States in the region can be strengthened to facilitate the implementation of the arms embargo, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008) (para. 3 (h))
Recommend possible future measures	To work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008) (para. 3 (g))

Reporting and public information

Reporting	To provide to the Council, through the Committee, a midterm briefing within six months of its establishment, and to submit progress reports to the Committee on a monthly basis (para. 3 (i))
	To submit, through the Committee, for the consideration of the Council, a final report covering all the tasks set out [in the resolution], no later than 15 days prior to the termination of the mandate of the Monitoring Group (para. 3 (j))

Resolution [1907 \(2009\)](#)

General

Extension	Decides to further expand the mandate of the Monitoring Group re-established by resolution 1853 (2008) to monitor and report on the implementation of the measures imposed in the present resolution and undertake the tasks outlined [therein], and requests the Secretary-General to make appropriate arrangements for additional resources and personnel so that the expanded Monitoring Group may continue to carry out its mandate (para. 19)
Assist sanctions committee	Assist the Committee in monitoring the implementation of the measures imposed in paragraphs 5, 6, 8,10, 12 and 13 of the resolution, including by reporting any information on violations (para. 19 (a))

Coordination

Coordinate with other United Nations entities	Coordinate as appropriate with panels of experts of other sanctions committees in pursuit of these tasks (para. 19 (d))
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Listing/delisting

Provide a list of violators	Assist the Committee in monitoring the implementation of the measures imposed in paragraphs 5, 6, 8,10, 12 and 13 of the resolution, including by reporting any information on violations (para. 19 (a))
Provide information relevant to listing	Include in its reports to the Council any information relevant to the designation by the Committee of the individuals and entities described in paragraph 15 [of the resolution] (para. 19 (c))

Decision or mandated task, by category

Provisions

Monitoring, enforcement and assessment

Gather and analyse information on compliance

Consider any information relevant to implementation of paragraphs 16 and 17 [of the resolution] that should be brought to the attention of the Committee (para. 19 (b))

Monitor implementation

Assist the Committee in monitoring the implementation of the measures imposed in paragraphs 5, 6, 8,10, 12 and 13 [of the resolution], including by reporting any information on violations (para. 19 (a))

Committee established pursuant to resolution 918 (1994) concerning Rwanda

By resolution 918 (1994) of 17 May 1994, the Security Council established a Committee to oversee the arms embargo against Rwanda in response to the continuing large-scale violence towards the civilian population. The arms embargo against the Government of Rwanda was lifted in August 1995, and the remaining measures against non-governmental forces were terminated by resolution 1823 (2008) of 10 July 2008.

Developments during 2008-2009

In addition to the termination of the sanctions regime, the Council, by resolution 1823 (2008), decided to dissolve the Committee.

Table 4 provides the full text of all paragraphs in decisions of the Council that relate to the mandate of the Committee.

Table 4

Committee established pursuant to resolution 918 (1994) concerning Rwanda: provisions relating to the mandate, 2008-2009

Decision or mandated task, by category

Provisions

Resolution 1823 (2008)

General

Termination

Decides also to dissolve the Committee established pursuant to resolution 918 (1994) concerning Rwanda (para. 2)

Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone

By resolution 1132 (1997) of 8 October 1997, the Security Council established a Committee to monitor the measures concerning the petroleum and arms embargo and travel restrictions against Sierra Leone following the military coup of 25 May 1997. By resolution 1171 (1998) of 5 June 1998, the Council lifted the sanctions on the Government and reimposed the arms embargo and travel ban on leading members of the Revolutionary United Front and of the former military junta. By resolution 1306 (2000) of 5 July 2000, the mandate of the Committee was expanded to

include the monitoring of the diamond ban imposed by the same resolution.

Developments during 2008-2009

There were no modifications to the mandate of the Committee during the period under review.

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

By resolution 1267 (1999) of 15 October 1999, the Security Council established a Committee to

oversee the implementation of targeted sanctions measures against designated individuals, entities and aircraft that were owned, controlled, leased or operated by the Taliban. The measures were subsequently modified, particularly by resolutions 1333 (2000) and 1390 (2002), to include an asset freeze, travel ban and arms embargo affecting designated individuals and entities associated with Osama bin Laden, Al-Qaida and the Taliban wherever they were located. By resolution 1526 (2004) of 30 January 2004, the Council also established an Analytical Support and Sanctions Monitoring Team with the mandate to, inter alia, assess and make recommendations on the implementation of the measures, pursue case studies and explore other matters as directed by the Committee. By resolution 1904 (2009) of 17 December 2009, the Council also established an Office of the Ombudsperson to assist the Committee with delisting requests.

Developments during 2008-2009

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

During the period, the Council adopted two resolutions, both reaffirming the arms embargo, asset freeze and travel ban on Al-Qaida and the Taliban, that affected the mandate and functions of the Committee. By resolution 1822 (2008) of 30 June 2008 the Council broadly reiterated the mandate of the Committee, and decided that, when proposing names to the Committee for inclusion in the Consolidated List, Member States shall identify those parts of the statement of the case that may be publicly releasable. It also directed the Committee to make accessible on the Committee's website a narrative summary of reasons for listing for the entries on the Consolidated List; to conduct a review of all names on the Consolidated List at the date of adoption of the resolution by 30 June 2010; and, upon completion of that review, to conduct an annual review of all names on the Consolidated List that had not been reviewed in three or more years. Subsequently, on 17 December 2009, the Council adopted resolution 1904 (2009), which provided more guidance on procedures for listing and delisting

requests while renewing the mandate of the Committee.

Analytical Support and Sanctions Monitoring Team

During the period covered, by resolutions 1822 (2008) of 30 June 2008 and 1904 (2009) of 17 December 2009, the Council extended the mandate of the Analytical Support and Sanctions Monitoring Team for further periods of 18 months, until 31 December 2009 and 30 June 2011, respectively, and provided more detailed mandates.

Establishment of the Office of the Ombudsperson

By resolution 1904 (2009), the Council decided that, when considering delisting requests, the Committee would be assisted by an Office of the Ombudsperson, to be established for an initial period of 18 months, and requested the Secretary-General to appoint, in close consultation with the Committee, an eminent individual of high moral character, impartiality and integrity with high qualifications and experience in relevant fields, such as legal, human rights, counter-terrorism and sanctions, to be the Ombudsperson. The Council further decided that the Ombudsperson shall perform these tasks in an independent and impartial manner and neither seek nor receive instructions from any Government. The Council also decided that, after the appointment of the Ombudsperson, the Office would receive requests from individuals and entities seeking to be removed from the Consolidated List, and that the Focal Point mechanism established in resolution 1730 (2006) would no longer receive such requests, although it would continue to receive requests from individuals and entities seeking to be removed from other sanctions lists.

Tables 5 and 6 provide the full text of all paragraphs in Council decisions that relate to the mandate of the Committee and the Analytical Support and Sanctions Monitoring Team. Table 7 provides the full text of all paragraphs in Council decisions that relate to the establishment of the Office of the Ombudsperson.

Table 5
**Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban:
provisions relating to the mandate, 2008-2009**

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Resolution 1822 (2008)	
Coordination	
With other United Nations entities	<p>Reiterates its call for continued cooperation between the Committee and the Government of Afghanistan and the United Nations Assistance Mission in Afghanistan (UNAMA), including by identifying individuals and entities participating in the financing or support of acts or activities of Al-Qaida and the Taliban as described in paragraph 30 of resolution 1806 (2008) (para. 11)</p> <p>Reiterates the need to enhance ongoing cooperation among the Committee, the Committee established pursuant to resolution 1373 (2001), concerning counter-terrorism (“the Counter-Terrorism Committee”), and the Committee established pursuant to resolution 1540 (2004), as well as their respective groups of experts, including through, as appropriate, enhanced information-sharing, coordination on visits to countries within their respective mandates, on technical assistance, on relations with international and regional organizations and agencies and on other issues of relevance to all three committees, and expresses its intention to provide guidance to the Committees on areas of common interest in order to better coordinate their efforts (para. 35)</p>
With other entities (non-United Nations)	See above, para. 11 of the resolution
Listing/delisting	
Listing/delisting procedures	<p>See para. 11 of the resolution, under “Coordination” above</p> <p>Reaffirms that, when proposing names to the Committee for inclusion in the Consolidated List, Member States shall act in accordance with paragraph 5 of resolution 1735 (2006) and provide a detailed statement of case, and decides further that for each such proposal Member States shall identify those parts of the statement of case that may be publicly released, including for use by the Committee for development of the summary described in paragraph 13 [of the resolution] or for the purpose of notifying or informing the listed individual or entity, and those parts which may be released upon request to interested States (para. 12)</p> <p>Directs the Committee, with the assistance of the Analytical Support and Sanctions Monitoring Team and in coordination with the relevant designating States, after a name is added to the Consolidated List, to make accessible on the Committee’s website a narrative summary of reasons for listing for the corresponding entry or entries on the</p>

Consolidated List, and further directs the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee's website narrative summaries of reasons for listing for entries that were added to the Consolidated List before the date of adoption of the present resolution (para. 13)

Calls upon Member States, when proposing names to the Committee for inclusion in the Consolidated List, to use the cover sheet in annex I to resolution 1735 (2006), and requests that they provide the Committee with as much relevant information as possible on the proposed name, in particular sufficient identifying information to allow for the positive identification of individuals, groups, undertakings, and entities by Member States, and directs the Committee to update the cover sheet in line with the provisions outlined in paragraphs 12 and 13 [of the resolution] (para. 14)

Decides that the Secretariat shall, after publication but within one week after a name is added to the Consolidated List, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known) in accordance with paragraph 10 of resolution 1735 (2006) (para. 15)

Underlines the need for the prompt update of the Consolidated List on the Committee website (para. 16)

Demands that Member States receiving notification as in paragraph 15 above take, in accordance with their domestic laws and practices, all possible measures to notify or inform in a timely manner the listed individual or entity of the designation and to include with this notification a copy of the publicly releasable portion of the statement of case, any information on reasons for listing available on the Committee website, a description of the effects of designation, as provided in the relevant resolutions, the procedures of the Committee for considering delisting requests, and the provisions of resolution 1452 (2002) regarding available exemptions (para. 17)

Encourages Member States receiving notification as in paragraph 15 [of the resolution] to inform the Committee on steps they have taken to implement the measures set out in paragraph 1 [of the resolution], and on the measures taken in accordance with paragraph 17 [of the resolution], and further encourages Member States to use the tools provided on the Committee website to provide this information (para. 18)

Directs the Committee to continue to work, in accordance with its guidelines, to consider petitions for the removal from the Consolidated List of members and/or associates of Al-Qaida, Osama bin Laden or the Taliban who no longer meet the criteria established in the relevant resolutions (para. 21)

Also directs the Committee to consider an annual review of the names on the Consolidated List of individuals reported to be deceased, in which the names are circulated to the relevant States pursuant to the procedures set forth in the Committee guidelines, in order to ensure that the Consolidated List is as updated and accurate as possible and to confirm that listing remains appropriate (para. 22)

Decides that the Secretariat shall, within one week after a name is removed from the Consolidated List, notify the permanent mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), and demands that States receiving such notification take measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner (para. 23)

Encourages all Member States, in particular designating States and States of residence or nationality, to submit to the Committee additional identifying and other information, along with supporting documentation, on listed individuals, groups, undertakings and entities, including updates on the operating status of listed entities, groups and undertakings, the movement, incarceration or death of listed individuals and other significant events, as such information becomes available (para. 24)

Directs the Committee to conduct a review of all names on the Consolidated List at the date of adoption of the present resolution by 30 June 2010 in which the relevant names are circulated to the designating States and States of residence and/or citizenship, where known, pursuant to the procedures set forth in the Committee guidelines, in order to ensure the Consolidated List is as updated and accurate as possible and to confirm that listing remains appropriate (para. 25)

Also directs the Committee, upon completion of the review described in paragraph 25 [of the resolution] above, to conduct an annual review of all names on the Consolidated List that have not been reviewed in three or more years, in which the relevant names are circulated to the designating States and States of residence and/or citizenship, where known, pursuant to the procedures set forth in the Committee guidelines, in order to ensure the Consolidated List is as updated and accurate as possible and to confirm that listing remains appropriate (para. 26)

Encourages the Committee to continue to ensure that fair and clear procedures exist for placing individuals and entities on the Consolidated List and for removing them as well as for granting humanitarian exemptions, and directs the Committee to keep its guidelines under active review in support of these objectives (para. 28)

Provide a list of violators

See para. 11 of the resolution, under “Coordination” above

Monitoring, enforcement and assessment

Act on alleged violations	Directs the Committee to identify possible cases of non-compliance with the measures pursuant to paragraph 1 [of the resolution] and to determine the appropriate course of action on each case, and requests the Chairman of the Committee, in periodic reports to the Council pursuant to paragraph 38 [of the resolution], to provide progress reports on the work of the Committee on this issue (para. 32)
Carry out field-based investigations	Requests the Committee to consider, where and when appropriate, visits to selected countries by the Chairman and/or Committee members to enhance the full and effective implementation of the measures referred to in paragraph 1 [of the resolution], with a view to encouraging States to comply fully with the present resolution and resolutions 1267 (1999) , 1333 (2000) , 1390 (2002) , 1455 (2003) , 1526 (2004) , 1617 (2005) , and 1735 (2006) (para. 37)
Discuss implementation of the measures	Encourages Member States to send representatives to meet the Committee for more in-depth discussion of relevant issues, and welcomes voluntary briefings from interested Member States on their efforts to implement the measures referred to in paragraph 1, including particular challenges that hinder full implementation of the measures (para. 30)
Gather and analyse information on compliance	See above, para. 32 of the resolution
Make recommendations on improving implementation	Requests the Committee to report to the Council on its findings regarding implementation efforts by Member States, and identify and recommend steps necessary to improve implementation (para. 31)

Procedural

Amend committee guidelines	See para. 28 of the resolution, under “Listing/delisting” above Directs the Committee, as a matter of priority, to review its guidelines with respect to the provisions of the present resolution, in particular paragraphs 6, 12, 13, 17, 22 and 26 (para. 29)
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Reporting

Publish relevant information	See paras. 13 and 16 of the resolution, under “Listing/delisting” above
Reporting	See paras. 31 and 32 of the resolution, under “Monitoring, enforcement and assessment” above Also requests the Committee to report orally, through its Chairman, at least every 180 days to the Council on the overall work of the Committee and the Monitoring Team, and, as appropriate, in conjunction with the reports by the Chairmen of the Counter-Terrorism Committee and the Committee established pursuant to resolution 1540 (2004) , including briefings for all interested Member States (para. 38)

Decision or mandated task, by category

Provisions

Resolution 1904 (2009)

Coordination

Coordinate with other United Nations entities

Reiterates its call for continued cooperation between the Committee and the Government of Afghanistan and the United Nations Assistance Mission in Afghanistan (UNAMA), including by identifying individuals and entities participating in the financing or support of acts or activities of Al-Qaida and the Taliban as described in paragraph 30 of resolution [1806 \(2008\)](#) of 20 March 2008 (para. 10)

Reiterates the need to enhance ongoing cooperation among the Committee, the Counter-Terrorism Committee and the Committee established pursuant to resolution [1540 \(2004\)](#), as well as their respective groups of experts, including through, as appropriate, enhanced information-sharing, coordination on visits to countries within their respective mandates, on facilitating and monitoring technical assistance, on relations with international and regional organizations and agencies and on other issues of relevance to all three committees, expresses its intention to provide guidance to the Committees on areas of common interest in order to better coordinate their efforts and facilitate such cooperation, and requests the Secretary-General to make the necessary arrangements for the groups of experts to be co-located as soon as possible (para. 43)

Listing/delisting

Listing/delisting procedures

Encourages all Member States to submit to the Committee for inclusion in the Consolidated List names of individuals, groups, undertakings and entities participating, by any means, in the financing or support of acts or activities of Al-Qaida, Osama bin Laden or the Taliban, and other individuals, groups, undertakings and entities associated with them, as described in paragraph 2 [of resolution [1617 \(2005\)](#) and reaffirmed in paragraph 2 of resolution [1904 \(2009\)](#)], and further encourages Member States to appoint a national contact point concerning entries on the Consolidated List (para. 8)

Reaffirms that, when proposing names to the Committee for inclusion in the Consolidated List, Member States shall act in accordance with paragraph 5 of resolution [1735 \(2006\)](#) and paragraph 12 of resolution [1822 \(2008\)](#) and provide a detailed statement of case, and decides further that the statement of case shall be releasable, upon request, except for the parts a Member State identifies as being confidential to the Committee, and may be used to develop the narrative summary of reasons for listing described in paragraph 14 [of resolution [1904 \(2009\)](#)] (para. 11)

Encourages Member States proposing a new designation, as well as Member States that have proposed names for inclusion in the Consolidated List before the adoption of the present resolution, to specify whether the Committee may make known, upon request from a Member State, the status of the Member State as a designating State (para. 12)

Directs the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee website, at the same time a name is added to the Consolidated List, a narrative summary of reasons for listing for the corresponding entry or entries, and further directs the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to continue its efforts to make accessible on the Committee's website narrative summaries of reasons for listing for entries that were added to the Consolidated List before the date of adoption of resolution [1822 \(2008\)](#) (para. 14)

Encourages Member States and relevant international organizations to inform the Committee of any relevant court decisions and proceedings so that the Committee can consider them when it reviews a corresponding listing or updates a narrative summary of reasons for listing (para. 15)

Calls upon all members of the Committee and the Monitoring Team to share with the Committee any information they may have available regarding a listing request from a Member State so that this information may help inform the Committee's decision on designation and provide additional material for the narrative summary of reasons for listing described in paragraph 14 (para. 16)

Directs the Committee to amend its guidelines to extend the period of time for members of the Committee to verify that names proposed for listing merit inclusion in the Consolidated List and include adequate identifying information to ensure full implementation of the measures, with exceptions, at the discretion of the Chair of the Committee, for emergency and time-sensitive listings, and notes that listing requests may be placed on the agenda of the Committee upon request of a Committee member (para. 17)

Decides that the Secretariat shall, after publication but within three working days after a name is added to the Consolidated List, notify the permanent mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), in accordance with paragraph 10 of resolution [1735 \(2006\)](#), and requests the Secretariat to publish on the Committee website all relevant publicly releasable information, including the narrative summary of reasons for listing, immediately after a name is added to the Consolidated List (para. 18)

Reaffirms the provisions in paragraph 17 of resolution [1822 \(2008\)](#) regarding the requirement that Member States take all possible measures, in accordance with their domestic laws and practices, to notify or inform in a timely manner the listed individual or entity of the designation and to include with this notification the narrative summary of reasons for listing, a description of the effects of designation, as provided in the relevant resolutions, the Committee's procedures for considering delisting requests, including the possibility of submitting such a request to the Ombudsperson in accordance with paragraphs 20 and 21 and annex II to the present resolution, and the provisions of resolution [1452 \(2002\)](#) regarding available exemptions (para. 19)

Directs the Committee to continue to work, in accordance with its guidelines, to consider delisting requests of Member States for the removal from the Consolidated List of members and/or associates of Al-Qaida, Osama bin Laden, or the Taliban who no longer meet the criteria established in the relevant resolutions, which shall be placed on the agenda of the Committee upon request of a member of the Committee (para. 22)

Encourages the Committee to give due consideration to the opinions of designating State(s) and State(s) of residence, nationality or incorporation when considering delisting requests, and calls upon Committee members to make every effort to provide their reasons for objecting to such delisting requests (para. 25)

Requests the Monitoring Team, upon conclusion of the review pursuant to paragraph 25 of resolution [1822 \(2008\)](#), to circulate to the Committee every six months a list of individuals on the Consolidated List who are reportedly deceased, along with an assessment of relevant information such as the certification of death, and to the extent possible, the status and location of frozen assets and the names of any individuals or entities who would be in a position to receive any unfrozen assets, directs the Committee to review these listings to decide whether they remain appropriate, and encourages the Committee to remove listings of deceased individuals where credible information regarding death is available (para. 26)

Decides that the Secretariat shall, within three working days after a name is removed from the Consolidated List, notify the permanent mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), and demands that States receiving such notification take measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner (para. 27)

Welcomes the significant progress made by the Committee in its review of all names on the Consolidated List pursuant to paragraph 25 of resolution 1822 (2008), directs the Committee to complete this review by 30 June 2010, and requests that all States concerned respond to requests from the Committee for information relevant to this review no later than 1 March 2010 (para. 29)

Requests the Monitoring Team, upon conclusion of the review described in paragraph 25 of resolution 1822 (2008), to circulate to the Committee annually a list of individuals and entities on the Consolidated List whose entries lack identifiers necessary to ensure effective implementation of the measures imposed upon them, and directs the Committee to review these listings to decide whether they remain appropriate (para. 31)

Further directs the Committee, upon completion of the review described in paragraph 25 of resolution 1822 (2008), to conduct an annual review of all names on the Consolidated List that have not been reviewed in three or more years, in which the relevant names are circulated to the designating States and States of residence and/or citizenship, where known, pursuant to the procedures set forth in the Committee guidelines, in order to ensure the Consolidated List is as updated and accurate as possible and to confirm that listing remains appropriate, and notes that the consideration by the Committee of a delisting request after the date of adoption of the present resolution, pursuant to the procedures set out in annex II to the present resolution, should be considered equivalent to a review of that listing (para. 32)

Encourages the Committee to continue to ensure that fair and clear procedures exist for placing individuals and entities on the Consolidated List and for removing them, as well as for granting humanitarian exemptions, and directs the Committee to keep its guidelines under active review in support of these objectives (para. 34)

Provide information relevant to listing

Directs the Committee to identify possible cases of non-compliance with the measures pursuant to paragraph 1 [of the resolution] and to determine the appropriate course of action on each case, and requests the Chairman of the Committee, in periodic reports to the Council pursuant to paragraph 46 [of the resolution], to provide progress reports on the work of the Committee on this issue (para. 38)

Monitoring, enforcement and assessment

Act on alleged violations

See para. 38 of the resolution, under “Listing/delisting” above

Carry out field-based investigations

Requests the Committee to consider, where and when appropriate, visits to selected countries by the Chairman and/or members of the Committee to enhance the full and effective implementation of the measures referred to in paragraph 1 [of the resolution], with a view to encouraging States to comply fully with the present resolution and resolutions 1267 (1999), 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006) and 1822 (2008) (para. 45)

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Consider pending issues or concerns	Directs the Committee to conduct a comprehensive review of all issues pending before the Committee as of the date of adoption of the present resolution, and further urges the Committee and its members to resolve all such pending issues, to the extent possible, by 31 December 2010 (para. 42)
Decide on exemption procedures	Encourages Member States to make use of the provisions regarding available exemptions to the measures in paragraph 1 (a) [of the resolution], set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006), and directs the Committee to review the procedures for exemptions as set out in the Committee guidelines to facilitate their use by Member States and to continue to ensure that humanitarian exemptions are granted expeditiously and transparently (para. 7)
Discuss implementation of the measures	Encourages Member States and relevant international organizations to send representatives to meet the Committee for more in-depth discussion of relevant issues, and welcomes voluntary briefings from interested Member States on their efforts to implement the measures referred to in paragraph 1 above, including particular challenges that hinder full implementation of the measures (para. 36)
Make recommendations on improving implementation	Requests the Committee to report to the Council on its findings regarding implementation efforts by Member States, and to identify and recommend steps necessary to improve implementation (para. 37)
Procedural	
Amend Committee guidelines	See paras. 17 and 34 of the resolution, under “Listing/delisting” above Directs the Committee, as a matter of priority, to review its guidelines with respect to the provisions of the present resolution, in particular paragraphs 7, 13, 14, 17, 18, 22, 23, 34, and 41 (para. 35) Directs the Committee to amend its guidelines to ensure that no matter is left pending before the Committee for a period longer than six months, unless the Committee determines on a case-by-case basis that extraordinary circumstances require additional time for consideration, and further directs any Committee member that has requested more time to consider a proposal to provide updates after three months of their progress in resolving all pending matters (para. 41) See para. 7 of the resolution, under “Monitoring, enforcement and assessment” above
Reporting and public information	
Publish relevant information	See para. 14 of the resolution, under “Listing/delisting” above
Reporting	See para. 37 of the resolution, under “Monitoring, enforcement and assessment” above

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
	Requests the Committee to report orally, through its Chairman, at least every 180 days to the Council on the state of the overall work of the Committee and the Monitoring Team and, as appropriate, in conjunction with the reports of the Chairmen of the Counter-Terrorism Committee and the Committee established pursuant to resolution 1540 (2004) , including briefings for all interested Member States (para. 46)

Table 6

Analytical Support and Sanctions Monitoring Team: provisions relating to the mandate, 2008-2009

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Resolution 1822 (2008)	
General	
Extension	Decides, in order to assist the Committee in the fulfilment of its mandate, to extend the mandate of the current New York-based Analytical Support and Sanctions Monitoring Team, appointed by the Secretary-General pursuant to paragraph 20 of resolution 1617 (2005) , for a further period of 18 months, under the direction of the Committee with the responsibilities outlined in the annex to the present resolution, and requests the Secretary-General to make the necessary arrangements to this effect (para. 39)
Assist sanctions committee	<p>To submit, in writing, two comprehensive, independent reports to the Committee, the first by 28 February 2009 and the second by 31 July 2009, on implementation by States of the measures referred to in paragraph 1 of this resolution, including specific recommendations for improved implementation of the measures and possible new measures (annex, para. (a))</p> <p>To assist the Committee in following up on requests to Member States for information, including with respect to implementation of the measures referred to in paragraph 1 of this resolution (annex, para. (c))</p> <p>To assist the Committee with its analysis of non-compliance with the measures referred to in paragraph 1 of this resolution by collating information collected from Member States and submitting case studies, both on its own initiative and upon the Committee's request, to the Committee for its review (annex, para. (g))</p> <p>To assist the Committee in compiling publicly releasable information referred to in paragraph 13 of the present resolution (annex, para. (i))</p>

Decision or mandated task, by category

Provisions

Coordination

Coordinate with other
United Nations entities

Encourages the Monitoring Team and the United Nations Office on Drugs and Crime to continue their joint activities, in cooperation with the Counter-Terrorism Committee Executive Directorate and experts of the Committee established pursuant to resolution [1540 \(2004\)](#), to assist Member States in their efforts to comply with their obligations under the relevant resolutions, including by organizing subregional workshops (para. 36)

To submit a comprehensive programme of work to the Committee established pursuant to resolution [1267 \(1999\)](#) for its review and approval, as necessary, in which the Monitoring Team should detail the activities envisaged in order to fulfil its responsibilities, including proposed travel, based on close coordination with the Counter-Terrorism Committee Executive Directorate and the group of experts of the Committee established pursuant to resolution 1540 to avoid duplication and reinforce synergies (annex, para. (d))

To work closely and share information with the Counter-Terrorism Committee Executive Directorate and the group of experts of the Committee established pursuant to resolution 1540 to identify areas of convergence and overlap and to help to facilitate concrete coordination, including in the area of reporting, among the three Committees (annex, para. (e))

To participate actively in and support all relevant activities under the United Nations Global Counter-Terrorism Strategy, including within the Counter-Terrorism Implementation Task Force established to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system (annex, para. (f))

To consult with Member States and other relevant organizations, including regular dialogue with representatives in New York and in capitals, taking into account their comments, especially regarding any issues that might be contained in the reports of the Monitoring Team referred to in paragraph (a) of this annex (annex, para. (o))

To assist other subsidiary bodies of the Council, and their expert panels, upon request, with enhancing their cooperation with the International Criminal Police Organization (INTERPOL), referred to in resolution [1699 \(2006\)](#) (annex, para. (t))

Coordination with other entities
(non-United Nations)

To consult with Member States in advance of travel to selected Member States, based on its programme of work as approved by the Committee (annex, para. (j))

To study and report to the Committee on the changing nature of the threat of Al-Qaida and the Taliban and the best measures to confront it, including by developing a dialogue with relevant scholars and academic bodies, in consultation with the Committee (annex, para. (m))

See above, para. (o) of the annex to the resolution

To consult with Member States' intelligence and security services, including through regional forums, in order to facilitate the sharing of information and to strengthen enforcement of the measures (annex, para. (p))

To consult with relevant representatives of the private sector, including financial institutions, to learn about the practical implementation of the assets freeze and to develop recommendations for the strengthening of that measure (annex, para. (q))

To work with relevant international and regional organizations in order to promote awareness of, and compliance with, the measures (annex, para. (r))

To work with INTERPOL and Member States to obtain photographs of listed individuals for possible inclusion in INTERPOL Special Notices (annex, para. (s))

Listing/delisting

Listing/delisting procedures

Directs the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, after a name is added to the Consolidated List, to make accessible on the Committee website a narrative summary of reasons for listing for the corresponding entry or entries on the Consolidated List, and further directs the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee website narrative summaries of reasons for listing for entries that were added to the Consolidated List before the date of adoption of the present resolution (para. 13)

To encourage Member States to submit names and additional identifying information for inclusion in the Consolidated List, as instructed by the Committee (annex, para. (k))

To present to the Committee additional identifying and other information to assist the Committee in its efforts to keep the Consolidated List as updated and accurate as possible (annex, para. (l))

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Provide information relevant to listing	To present to the Committee recommendations which could be used by member States to assist them with the implementation of the measures referred to in paragraph 1 of this resolution and in preparing proposed additions to the Consolidated List (annex, para. (h)) See above, para. (k) of the annex to the resolution See above, para. (l) of the annex to the resolution
Monitoring, enforcement and assessment	
Assist States in complying with measures	See para. 36 of the resolution, under “Coordination” above
Carry out field-based investigations	See annex to the resolution, para. (j), under “Coordination” above
Discuss implementation of the measures	See annex to the resolution, para. (o), under “Coordination” above
Gather and analyse information on compliance	See annex to the resolution, para. (a), under “General” above To analyse reports submitted pursuant to paragraph 6 of resolution 1455 (2003) , the checklists submitted pursuant to paragraph 10 of resolution 1617 (2005) and other information submitted by Member States to the Committee as instructed by the Committee (annex, para. (b)) To assist the Committee with its analysis of non-compliance with the measures referred to in paragraph 1 of this resolution by collating information collected from Member States and submitting case studies, both on its own initiative and upon the Committee’s request, to the Committee for its review (annex, para. (g)) To collate, assess, monitor and report on and make recommendations regarding implementation of the measures, including implementation of the measure in paragraph 1 (a) of this resolution as it pertains to preventing the criminal misuse of the Internet by Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them; to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee (annex, para. (n))
Make recommendations on improving implementation	See annex to the resolution, para. (a), under “General” above See annex to the resolution, para. (h), under “Listing/delisting” above See annex to the resolution, para. (m), under “Coordination” above
Monitor implementation	See above, annex to the resolution, para. (n)
Recommend possible future measures	See annex to the resolution, para. (a), under “General” above See above, annex to the resolution, para. (n)

Procedural

Produce programme of work See annex to the resolution, para. (d), under “Coordination” above

Reporting and public information

Publish relevant information See para. 13 of the resolution under “Listing/delisting” above

Reporting To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including its visits to Member States and its activities (annex, para. (u))

Other

Other Any other responsibility identified by the Committee (annex, para. (v))

Resolution 1904 (2009)

General

Extension Decides, in order to assist the Committee in fulfilling its mandate, as well as to support the Ombudsperson, to extend the mandate of the current New York-based Monitoring Team, established pursuant to paragraph 7 of resolution [1526 \(2004\)](#), for a further period of 18 months, under the direction of the Committee, with the responsibilities outlined in annex I to the present resolution, and requests the Secretary-General to make the necessary arrangements to this effect (para. 47)

Assist sanctions committee To assist the Committee in regularly reviewing names on the Consolidated List, including by undertaking travel and contact with Member States, with a view to developing the Committee’s record of the facts and circumstances relating to a listing (annex I, para. (c))

To assist the Committee in following up on requests to Member States for information, including with respect to implementation of the measures referred to in paragraph 1 of this resolution (annex I, para. (e))

To assist the Committee with its analysis of non-compliance with the measures referred to in paragraph 1 of this resolution by collating information collected from Member States and submitting case studies, both on its own initiative and upon the Committee’s request, to the Committee for its review (annex I, para. (i))

To assist the Committee in its consideration of proposals for listing, including by compiling and circulating to the Committee information relevant to the proposed listing, and preparing a draft narrative summary referred to in paragraph 14 of this resolution (annex I, para. (k))

Decision or mandated task, by category

Provisions

Coordination

Carry out field-based investigations	<p>See annex I of the resolution, para. (c), under “General” above</p> <p>To consult with Member States in advance of travel to selected Member States, based on its programme of work as approved by the Committee (annex I, para. (m))</p> <p>To coordinate and cooperate with the national counter-terrorism focal point or similar coordinating body in the country of visit, where appropriate (annex I, para. (n))</p>
Coordinate with other United Nations entities	<p>Encourages the Monitoring Team and the United Nations Office on Drugs and Crime to continue their joint activities, in cooperation with the Counter-Terrorism Committee Executive Directorate and the experts of the Committee established pursuant to resolution 1540 (2004), to assist Member States in their efforts to comply with their obligations under the relevant resolutions, including by organizing regional and subregional workshops (para. 44)</p> <p>To assist the Ombudsperson in carrying out his or her mandate as specified in annex II to this resolution (annex I, para. (b))</p> <p>To submit a comprehensive programme of work to the Committee for its review and approval, as necessary, in which the Monitoring Team should detail the activities envisaged in order to fulfil its responsibilities, including proposed travel, based on close coordination with the Counter-Terrorism Committee Executive Directorate and the group of experts of the Committee established pursuant to resolution 1540 (2004) to avoid duplication and reinforce synergies (annex I, para. (f))</p> <p>To work closely and share information with the Counter-Terrorism Committee Executive Directorate and the group of experts of the committee established pursuant to resolution 1540 (2004) to identify areas of convergence and overlap and to help facilitate concrete coordination, including in the area of reporting, among the three Committees (annex I, para. (g))</p> <p>To participate actively in and support all relevant activities under the United Nations Global Counter-Terrorism Strategy, including within the Counter-Terrorism Implementation Task Force established to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system, in particular through its relevant working groups (annex I, para. (h))</p> <p>To assist other subsidiary bodies of the Council, and their expert panels, upon request, with enhancing their cooperation with INTERPOL, referred to in resolution 1699 (2006) (annex I, para. (x))</p>

Decision or mandated task, by category

Provisions

Coordination with other entities
(non-United Nations)

See annex I, paras. (m) and (n) of the resolution under “Coordination” above

To study and report to the Committee on the changing nature of the threat of Al-Qaida and the Taliban and the best measures to confront it, including by developing a dialogue with relevant scholars and academic bodies, in consultation with the Committee (annex I, para. (q))

To consult with Member States and other relevant organizations, including regular dialogue with representatives in New York and in capitals, taking into account their comments, especially regarding any issues that might be contained in the Monitoring Team’s reports referred to in paragraph (a) of this annex (annex I, para. (s))

To consult with Member States’ intelligence and security services, including through regional forums, in order to facilitate the sharing of information and to strengthen enforcement of the measures (annex I, para. (t))

To consult with relevant representatives of the private sector, including financial institutions, to learn about the practical implementation of the asset freeze and to develop recommendations for the strengthening of that measure (annex I, para. (u))

To work with relevant international and regional organizations in order to promote awareness of, and compliance with, the measures (annex I, para. (v))

To work with INTERPOL and Member States to obtain photographs of listed individuals for possible inclusion in INTERPOL Special Notices (annex I, para. (w))

Listing/delisting

Listing/delisting procedures

Directs the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee website, at the same time that a name is added to the Consolidated List, a narrative summary of reasons for listing for the corresponding entry or entries, and further directs the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to continue its efforts to make accessible on the Committee website narrative summaries of reasons for listing for entries that were added to the Consolidated List before the date of adoption of resolution [1822 \(2008\)](#) (para. 14)

Calls upon all members of the Committee and the Monitoring Team to share with the Committee any information they may have available regarding a listing request from a Member State so that this information may help inform the decision of the Committee on designation and provide additional material for the narrative summary of reasons for listing described in paragraph 14 (para. 16)

Requests the Monitoring Team, upon conclusion of the review pursuant to paragraph 25 of resolution 1822 (2008), to circulate to the Committee every six months a list of individuals on the Consolidated List who are reportedly deceased, along with an assessment of relevant information, such as the certification of death, and to the extent possible, the status and location of frozen assets and the names of any individuals or entities who would be in a position to receive any unfrozen assets, directs the Committee to review these listings to decide whether they remain appropriate, and encourages the Committee to remove listings of deceased individuals where credible information regarding death is available (para. 26)

Also requests the Monitoring Team, upon conclusion of the review described in paragraph 25 of resolution 1822 (2008), to circulate to the Committee annually a list of individuals and entities on the Consolidated List whose entries lack identifiers necessary to ensure effective implementation of the measures imposed upon them, and directs the Committee to review these listings to decide whether they remain appropriate (para. 31)

See annex I of the resolution, para. (b), under “Coordination” above

See annex I of the resolution, paras. (c) and (k), under “General” above

To present to the Committee recommendations which could be used by member States to assist them with the implementation of the measures referred to in paragraph 1 of this resolution and in preparing proposed additions to the Consolidated List (annex I, para. (j))

To bring to the attention of the Committee new or noteworthy circumstances that may warrant a delisting, such as publicly reported information on a deceased individual (annex I, para. (l))

To encourage Member States to submit names and additional identifying information for inclusion in the Consolidated List, as instructed by the Committee (annex I, para. (o))

Provide information relevant to listing

See annex I of the resolution, paras. (c) and (k), under “General” above

See above, annex I of the resolution, paras. (j) and (o)

To present to the Committee additional identifying and other information to assist the Committee in its efforts to keep the Consolidated List as updated and accurate as possible (annex I, para. (p))

Monitoring, enforcement and assessment

Gather and analyse information on compliance

To analyse reports submitted pursuant to paragraph 6 of resolution [1455 \(2003\)](#), the checklists submitted pursuant to paragraph 10 of resolution [1617 \(2005\)](#), and other information submitted by Member States to the Committee, as instructed by the Committee (annex I, para. (d))

See annex I of the resolution, paras. (e) and (i), under “General” above

To collate, assess, monitor and report on and make recommendations regarding implementation of the measures, including implementation of the measure in paragraph 1 (a) of this resolution as it pertains to preventing the criminal misuse of the Internet by Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them; to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee (annex I, para. (r))

Make recommendations on improving implementation

To submit, in writing, two comprehensive, independent reports to the Committee, one by 30 July 2010, in accordance with paragraph 30 of the resolution, and the second by 22 February 2011, on implementation by Member States of the measures referred to in paragraph 1 of this resolution, including specific recommendations for improved implementation of the measures and possible new measures (annex I, para. (a))

See annex I to the resolution, para. (j), under “Listing/delisting” above

See annex I to the resolution, para. (q), under “Coordination” above

See above, annex I to the resolution, para. (r)

Monitor implementation

See above, annex I to the resolution, para. (r)

Discuss implementation of the measures

See annex I of the resolution, para. (s), under “Coordination” above

Recommend possible future measures

See above, annex I to the resolution, para. (a)

Procedural

Produce programme of work

See annex I to the resolution, para. (f), under “Coordination” above

Reporting and public information

Publish relevant information

See para. 14 of the resolution, under “Listing/delisting” above

Reporting

Requests the Monitoring Team to submit a report to the Committee by 30 July 2010 on the outcome of the review described in paragraph 25 of resolution [1822 \(2008\)](#) and the efforts made by the Committee, Member States and the Monitoring Team to conduct the review (para. 30)

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
	See annex I to the resolution, para. (a), under “Monitoring, enforcement and assessment” above
	To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including its visits to Member States and its activities (annex I, para. (y))
Other	
Other	Any other responsibility identified by the Committee (annex I, para. (z))

Table 7

Office of the Ombudsman: establishment and mandate

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Resolution 1904 (2009)	
General	
Establishment	Decides that, when considering delisting requests, the Committee shall be assisted by an Office of the Ombudsman, to be established for an initial period of 18 months from the date of adoption of the present resolution, and requests the Secretary-General, in close consultation with the Committee, to appoint an eminent individual of high moral character, impartiality and integrity with high qualifications and experience in relevant fields, such as legal, human rights, counter-terrorism and sanctions, to be Ombudsman, with the mandate outlined in annex II to the present resolution, and further decides that the Ombudsman shall perform these tasks in an independent and impartial manner and shall neither seek nor receive instructions from any Government (para. 20)
	Decides also that, after the appointment of the Ombudsman, the Office of the Ombudsman shall receive requests from individuals and entities seeking to be removed from the Consolidated List, in accordance with the procedures outlined in annex II to the present resolution, and that, after the appointment of the Ombudsman, the Focal Point mechanism established in resolution 1730 (2006) shall no longer receive such requests, and notes that the Focal Point shall continue to receive requests from individuals and entities seeking to be removed from other sanctions lists (para. 21)
Listing/delisting	
Listing/delisting procedure	In accordance with paragraph 20 of this resolution, the Office of the Ombudsman shall be authorized to carry out the following tasks upon receipt of a delisting request submitted by, or on behalf of, an individual, group, undertaking or entity on the Consolidated List (“the petitioner”) (annex II)

Information gathering (two months)

1. Upon receipt of a delisting request, the Ombudsperson shall:

(a) Acknowledge to the petitioner the receipt of the delisting request;

(b) Inform the petitioner of the general procedure for processing delisting requests;

(c) Answer specific questions from the petitioner about Committee procedures;

(d) Inform the petitioner in case the petition fails to properly address the original designation criteria, as set forth in paragraph 2 of this resolution, and return it to the petitioner for his or her consideration;

(e) Verify if the request is a new request or a repeated request and, if it is a repeated request to the Ombudsperson and it does not contain any additional information, return it to the petitioner for his or her consideration (annex II, para. 1)

2. For delisting petitions not returned to the petitioner, the Ombudsperson shall immediately forward the delisting request to the members of the Committee, designating State(s), State(s) of residence and nationality or incorporation, relevant United Nations bodies, and any other States deemed relevant by the Ombudsperson. The Ombudsperson shall ask these States or relevant United Nations bodies to provide, within two months, any appropriate additional information relevant to the delisting request. The Ombudsperson may engage in dialogue with these States to determine:

(a) The opinions of these States on whether the delisting request should be granted;

(b) Information, questions or requests for clarifications that these States would like to be communicated to the petitioner regarding the delisting request, including any information or steps that might be taken by a petitioner to clarify the delisting request (annex II, para. 2)

3. The Ombudsperson shall also immediately forward the delisting request to the Monitoring Team, which shall provide to the Ombudsperson, within two months:

(a) All information available to the Monitoring Team that is relevant to the delisting request, including court decisions and proceedings, news reports and information that States or relevant international organizations have previously shared with the Committee or the Monitoring Team;

(b) Fact-based assessments of the information provided by the petitioner that is relevant to the delisting request;

(c) Questions or requests for clarifications that the Monitoring Team would like asked of the petitioner regarding the delisting request (annex II, para. 3)

4. At the end of this two-month period of information-gathering, the Ombudsperson shall present a written update to the Committee on progress to date, including details regarding which States have supplied information. The Ombudsperson may extend this period once for up to two months if he or she assesses that more time is required for information-gathering, giving due consideration to requests by Member States for additional time to provide information (annex II, para. 4)

Dialogue (two months)

5. Upon completion of the information-gathering period, the Ombudsperson shall facilitate a two-month period of engagement, which may include dialogue with the petitioner. Giving due consideration to requests for additional time, the Ombudsperson may extend this period once for up to two months if he or she assesses that more time is required for engagement and the drafting of the comprehensive report described in paragraph 7 below (annex II, para. 5)

6. During this period of engagement, the Ombudsperson:

(a) May ask the petitioner questions or request additional information or clarifications that may help the Committee's consideration of the request, including any questions or information requests received from relevant States, the Committee and the Monitoring Team;

(b) Shall forward replies from the petitioner back to relevant States, the Committee and the Monitoring Team and follow up with the petitioner in connection with incomplete responses by the petitioner;

(c) Shall coordinate with States, the Committee and the Monitoring Team regarding any further inquiries of, or response to, the petitioner (annex II, para. 6)

7. Upon completion of the period of engagement described above, the Ombudsperson, with the help of the Monitoring Team, shall draft and circulate to the Committee a Comprehensive Report that will exclusively:

(a) Summarize and, as appropriate, specify the sources of, all information available to the Ombudsperson that is relevant to the delisting request. The report shall respect confidential elements of Member States' communications with the Ombudsperson;

(b) Describe the activities of the Ombudsperson with respect to this delisting request, including dialogue with the petitioner;

(c) Based on an analysis of all the information available to the Ombudsperson and the observations of the Ombudsperson, lay out for the Committee the principal arguments concerning the delisting request (annex II, para. 7)

Committee discussion and decision (two months)

8. After the Committee has had thirty days to review the comprehensive report, the Chair of the Committee shall place the delisting request on the agenda of the Committee for consideration (annex II, para. 8)

9. When the Committee considers the delisting request, the Ombudsperson, aided by the Monitoring Team, as appropriate, shall present the comprehensive report in person and answer Committee members' questions regarding the request (annex II, para. 9)

10. After the Committee's consideration, the Committee shall decide whether to approve the delisting request through its normal decision-making procedures (annex II, para. 10)

11. If the Committee decides to grant the delisting request, then the Committee shall inform the Ombudsperson of this decision. The Ombudsperson shall then inform the petitioner of this decision and the listing shall be removed from the Consolidated List (annex II, para. 11)

12. If the Committee decides to reject the delisting request, then the Committee shall convey to the Ombudsperson its decision including, as appropriate, explanatory comments, any further relevant information about the Committee's decision, and an updated narrative summary of reasons for listing (annex II, para. 12)

13. After the Committee has informed the Ombudsperson that the Committee has rejected a delisting request, then the Ombudsperson shall send to the petitioner, with an advance copy sent to the Committee, within 15 days, a letter that:

(a) Communicates the decision of the Committee for continued listing;

(b) Describes, to the extent possible and drawing upon the comprehensive report of the Ombudsperson, the process and publicly releasable factual information gathered by the Ombudsperson;

(c) Forwards from the Committee all information about the decision provided to the Ombudsperson pursuant to paragraph 12 of annex II to the resolution (annex II, para. 13)

Decision or mandated task, by category

Provisions

14. In all communications with the petitioner, the Ombudsperson shall respect the confidentiality of Committee deliberations and confidential communications between the Ombudsperson and Member States (annex II, para. 14)

Reporting and public information

Reporting

Other tasks of the Office of the Ombudsperson

15. In addition to the tasks specified above, the Ombudsperson shall:

(a) Distribute publicly releasable information about Committee procedures, including Committee guidelines, fact sheets and other documents prepared by the Committee, to anyone who requests such information;

(b) Where their address is known, notify individuals or entities about the status of their listing, after the Secretariat has officially notified the permanent mission of the State or States, pursuant to paragraph 18 of this resolution (annex II, paras. 15 (a) and (b))

Publish relevant information

(c) Submit biannual reports summarizing the activities of the Ombudsperson to the Council (annex II, para. 15 (c))

Committee established pursuant to resolution 1518 (2003)

By resolution 1518 (2003) of 24 November 2003, the Security Council established a Committee to succeed the Committee established pursuant to resolution 661 (1990) concerning Iraq and Kuwait. The Committee's tasks were to continue to identify, in accordance with resolution 1483 (2003) of 22 May 2003, individuals and entities whose funds, other financial assets and economic resources should be frozen and transferred to the Development Fund for Iraq.

Developments during 2008-2009

There were no modifications to the mandate of the Committee during the period under review.

Committee established pursuant to resolution 1521 (2003) concerning Liberia

By resolution 1521 (2003) of 22 December 2003, the Security Council established a Committee to oversee an arms embargo, travel ban and trade

sanctions against Liberia.³ Since 2004, the Committee has also overseen the implementation of an asset freeze on individuals and entities. The sanctions on timber and diamonds were terminated in 2006 and 2007, respectively. By resolution 1521 (2003), the Council also established a Panel of Experts to assist the Committee.

Developments during 2008-2009

Committee established pursuant to resolution 1521 (2003) concerning Liberia

During the period 2008-2009, the Council, by resolutions 1854 (2008) of 19 December 2008 and 1903 (2009) of 17 December 2009, directed the Committee to update the publicly available reasons for the listing of individuals and entities on the travel ban and asset freeze lists as well as the Committee guidelines, particularly with regard to listing and delisting procedures. While resolution 1903 (2009)

³ Pursuant to resolution 1521 (2003), the Committee was given the task of monitoring, inter alia, the embargoes on timber and diamonds. The embargo on timber was terminated by resolution 1689 (2006) and that on diamonds by resolution 1753 (2007).

terminated the arms embargo with regard to the Government of Liberia, it imposed an arms embargo on non-governmental entities and individuals operating within the territory of Liberia.

Panel of Experts on Liberia

By resolution 1792 (2007) of 19 December 2007, the Council extended the mandate of the Panel of Experts until 20 June 2008. During the period under review, the mandate was again extended for one period of 6 months and two periods of 12 months, until 20 December 2010. The Council, by resolution

1854 (2008), gave the Panel a mandate that was broadly similar to the previous one. By resolution 1903 (2009) of 17 December 2009, the Council added an additional task, requesting the Panel to assess the extent to which forestry and other natural resources were contributing to peace, security and development rather than to instability and to what extent relevant legislation was contributing to the transition.

Tables 8 and 9 provide the full text of all paragraphs in Council decisions that relate to the mandate of the Committee and the Panel of Experts.

Table 8

Committee established pursuant to resolution 1521 (2003) concerning Liberia: provisions relating to the mandate, 2008-2009

Decision or mandated task, by category

Provisions

Resolution 1854 (2008)

Listing/delisting

Listing/delisting procedures

Reconfirms its intention to review the measures imposed by paragraph 1 of resolution 1532 (2004) at least once a year, and directs the Committee, in coordination with the relevant designating States and with the assistance of the Panel of Experts, to update as necessary the publicly available reasons for listing for entries on the travel ban and asset freeze lists as well as the Committee guidelines, particularly with regard to listing and delisting procedures (para. 3)

Reporting and public information

Publish relevant information

See para. 3 of the resolution, under “Listing/delisting” above

Resolution 1903 (2009)

Listing/delisting

Listing/delisting procedures

Reconfirms its intention to review the measures imposed by paragraph 1 of resolution 1532 (2004) at least once a year, and directs the Committee, in coordination with the relevant designating States and with the assistance of the Panel of Experts, to update, as necessary, the publicly available reasons for listing for entries on the travel ban and asset freeze lists as well as the Committee’s guidelines (para. 7)

Reporting and public information

Publish relevant information

See para. 7 of the resolution, under “Listing/delisting” above

Table 9

Panel of Experts on Liberia: provisions relating to the mandate, 2008-2009

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Resolution 1819 (2008)	
General	
Extension	Requests the Secretary-General to reappoint the Panel of Experts and to make the necessary financial and security arrangements to support the work of the Panel (para. 2)
Reporting and public information	
Reporting	Requests that the Secretary-General renew the mandate of the Panel of Experts appointed pursuant to paragraph 1 of resolution 1760 (2007) for a further period, until 20 December 2008, and requests that the Panel of Experts report to the Council through the Committee established pursuant to paragraph 21 of resolution 1521 (2003) by 1 December 2008 on all issues listed in paragraph 5 of resolution 1792 (2007), and to provide informal updates to the Committee, as appropriate, before that date (para. 1)
Update Committee on activities	See above, para. 1 of the resolution
Resolution 1854 (2008)	
General	
Extension	Decides to extend the mandate of the current Panel of Experts appointed pursuant to paragraph 1 of resolution 1819 (2008) for a further period, until 20 December 2009, to undertake the tasks [set out in para. 4] Requests the Secretary-General to reappoint the current members of the Panel of Experts and to make the necessary financial and security arrangements to support the work of the Panel (para. 5)
Coordination	
Coordinate with other United Nations entities	To cooperate actively with other relevant groups of experts, in particular the Group of Experts on Côte d'Ivoire re-established pursuant to paragraph 10 of resolution 1842 (2008), and with the Kimberley Process Certification Scheme (para. 4 (f))
Coordination with other entities (non-United Nations)	To assess compliance by the Government of Liberia with the Kimberley Process Certification Scheme, and to coordinate with the Kimberley Process in assessing compliance (para. 4 (d)) See above, para. 4 (f) of the resolution
Listing/delisting	
Listing/delisting procedures	To assist the Committee in updating the publicly available reasons for listing for entries on the travel ban and asset freeze lists (para. 4 (h))

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Provide information relevant to listing	To conduct two follow-up assessment missions to Liberia and neighbouring States, in order to investigate and compile a midterm report and a final report on the implementation, and any violations, of the measures imposed by resolution 1521 (2003) and renewed in paragraph 1 [of resolution 1854 (2008)], including any information relevant to the designation by the Committee of the individuals described in paragraph 4 (a) of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004) , and including the various sources of financing, such as from natural resources, for the illicit trade of arms (para. 4 (a))
Monitoring, enforcement and assessment	
Assess impact and effectiveness	To assess the impact and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004) , including, in particular, with respect to the assets of former President Charles Taylor (para. 4 (b))
Carry out field-based investigations	See para. 4 (a) of the resolution, under “Listing/delisting” above
Gather and analyse information on compliance	See para. 4 (a) of the resolution, under “Listing/delisting” above
	To assess the implementation of forestry legislation passed by the Liberian Congress on 19 September 2006 and signed into law by President Johnson-Sirleaf on 5 October 2006 (para. 4 (c))
	See para. 4 (d) of the resolution, under “Coordination” above
Make recommendations on improving implementation	To identify and make recommendations regarding areas where the capacity of States in the region can be strengthened to facilitate the implementation of the measures imposed by paragraph 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004) (para. 4 (g))
Reporting and public information	
Publish relevant information	See para. 4 (h) of the resolution, under “Listing/delisting” above
Reporting	See para. 4 (a) of the resolution, under “Listing/delisting” above
	To provide a midterm report to the Council, through the Committee, by 1 June 2009 and a final report to the Council, through the Committee, by 20 December 2009 on all the issues listed in the present paragraph, and to provide informal updates to the Committee, as appropriate, before those dates, especially on progress in the timber sector since the lifting of the measures imposed by paragraph 10 of resolution 1521 (2003) in June 2006, and in the diamond sector since the lifting of the measures imposed by paragraph 6 of resolution 1521 (2003) in April 2007 (para. 4 (e))
Update Committee on activities	See above, para. 4 (e) of the resolution

Decision or mandated task, by category

Provisions

Resolution 1903 (2009)

General

Extension Requests the Secretary-General to reappoint the Panel of Experts and to make the necessary financial and security arrangements to support the work of the Panel (para. 10)

Decides to extend the mandate of the Panel of Experts appointed pursuant to paragraph 4 of resolution 1854 (2008) for a further period, until 20 December 2010, to undertake the tasks [set out in para. 9]

Coordination

Coordinate with other United Nations entities To cooperate actively with other relevant groups of experts, in particular the Group of Experts on Côte d'Ivoire re-established by paragraph 10 of resolution 1893 (2009), and with the Kimberley Process Certification Scheme (para. 9 (g))

Coordination with other entities (non-United Nations) To assess the compliance of the Government of Liberia with the Kimberley Process Certification Scheme, and to coordinate with the Kimberley Process in assessing compliance (para. 9 (e))

See above, para. 9 (g) of the resolution

Listing/delisting

Listing/delisting procedures To assist the Committee in updating the publicly available reasons for listing for entries on the travel ban and asset freeze lists (para. 9 (h))

Provide information relevant to listing To conduct two follow-up assessment missions to Liberia and neighbouring States, in order to investigate and compile a midterm report and a final report on the implementation, and any violations, of the measures imposed by paragraphs 4 and 6 above and resolution 1521 (2003), as amended by paragraphs 3 and 4 [of resolution 1903 (2009)], including any information relevant to the designation by the Committee of the individuals described in paragraph 4 (a) of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004), and including the various sources of financing, such as from natural resources, for the illicit trade in arms (para. 9 (a))

Monitoring, enforcement and assessment

Assess impact and effectiveness To assess the impact of and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004), including, in particular, with respect to the assets of former President Charles Taylor (para. 9 (b))

To assess the impact of paragraphs 3 and 4 [of the resolution], specifically the effect on the stability and security of Liberia (para. 9 (i))

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Assess the impact of natural resources	Within the context of Liberia’s evolving legal framework, to assess the extent to which forestry and other natural resources are contributing to peace, security and development rather than to instability and to what extent relevant legislation (the National Forestry Reform Law, the Lands Commission Act, the Community Rights Law with respect to Forest Lands and the Liberia Extractive Industries Transparency Initiative Act) is contributing to this transition (para. 9 (d))
Carry out field-based investigations	See para. 9 (a) of the resolution, under “Listing/delisting” above
Gather and analyse information on compliance	See para. 9 (a) of the resolution, under “Listing/delisting” above To assess compliance by the Government of Liberia with the Kimberley Process Certification Scheme, and to coordinate with the Kimberley Process in assessing compliance (para. 9 (e))
Make recommendations on improving implementation	To identify and make recommendations regarding areas where the capacity of Liberia and the States in the region can be strengthened to facilitate the implementation of the measures imposed by paragraph 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004) (para. 9 (c))
Reporting and public information	
Publish relevant information	See para. 9 (h) of the resolution, under “Listing/delisting” above
Reporting	See para. 9 (a) of the resolution, under “Listing/delisting” above To provide a midterm report to the Council, through the Committee, by 1 June 2010 and a final report to the Council, through the Committee, by 20 December 2010 on all the issues listed in this paragraph, and to provide informal updates to the Committee as appropriate before those dates, especially on progress in the timber sector since the lifting of the measures imposed by paragraph 10 of resolution 1521 (2003) in June 2006, and in the diamond sector since the lifting of the measures imposed by paragraph 6 of resolution 1521 (2003) in April 2007 (para. 9 (f))
Update Committee on activities	See above, para. 9 (f) of the resolution

Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo

By resolution [1533 \(2004\)](#) of 12 March 2004, the Security Council established a Committee to oversee the ban on arms transfers to the Democratic Republic of the Congo and the prohibition of assistance from other countries to foreign and Congolese armed groups operating in the Democratic Republic of the Congo.

Subsequently, the Council also requested the Committee to oversee an assets freeze and travel ban on designated individuals and groups, as well as certain restrictions related to aviation.

By the same resolution, the Council also established a Group of Experts to assist the Committee in fulfilling its mandate.

Developments during 2008-2009

Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

During the period 2008-2009, the Council reaffirmed the mandate of the Committee by resolution 1807 (2008) of 31 March 2008, which also, inter alia, removed the arms embargo on the Government of the Democratic Republic of the Congo while keeping it in force for all non-governmental entities and individuals operating in the country. On 22 December 2008, the Council, by resolution 1857 (2008), renewed the arms embargo and expanded the mandate of the Committee to include reviewing regularly the list of designated individuals and entities with a view to keeping the list as updated and accurate as possible and promulgating guidelines to facilitate the implementation of the measures. It also laid out detailed rules and responsibilities for the Committee on procedures for listing and delisting. By resolution 1896 (2009) of 30 November 2009, the Council expanded the mandate of the Committee to include promulgating guidelines that took into account the expanded rules for listing and delisting; holding regular consultations with concerned Member States to ensure full implementation of the measures; specifying the necessary information that Member States should provide to fulfil the requirement that all States notify the Committee in advance of any shipment of arms and related materiel, or of any provision of assistance, advice or training related to military activities for the Democratic Republic of the Congo;⁴ and circulating that information among Member States. Member States were similarly encouraged to include in such notifications all relevant information, including, where appropriate, the end-user as well as proposed date of delivery and itinerary of shipments.

Group of Experts

The Council had previously extended the mandate of the Group of Experts until 15 February 2008 by

resolution 1771 (2007) of 10 August 2007. During the period under review, the Council extended the mandate of the Group four times for periods of varying lengths, including its extension, by resolution 1896 (2009), until 30 November 2010. On 31 March 2008, by resolution 1807 (2008), the Council reiterated the mandate for the Group of Experts, including analysing information gathered by the United Nations Mission in the Democratic Republic of the Congo (MONUC) in the context of its monitoring mandate, assisting the Committee in identifying individuals for the targeted measures, providing the Committee in its reports with a list, with supporting evidence, of those found to have violated the measures and analysing all relevant information in the Democratic Republic of the Congo, countries of the region and other countries on flows of arms and related materiel. By the same resolution, the Council also requested the Group to continue to focus its monitoring activities in North and South Kivu and Ituri and, by resolution 1896 (2009), Orientale Province.

By resolution 1857 (2008) of 22 December 2008, the Council requested the Group to include in its reports to the Committee any information relevant to the Committee's designation of individuals for the travel ban and asset freeze, to assist the Committee in updating the publicly available reasons for listing and identifying information for individuals and entities, and in compiling narrative summaries. By resolution 1896 (2009) of 30 November 2009, the Council decided that the mandate of the Group of Experts would include producing recommendations to the Committee for guidelines relating to the regulation of trade in mineral products from the Democratic Republic of the Congo.

Tables 10 and 11 provide the full text of all paragraphs in Council decisions that relate to the mandate of the Committee and the Group of Experts.

⁴ See resolution 1807 (2008), para. 5.

Table 10

Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo: provisions relating to the mandate, 2008-2009

Decision or mandated task, by category

Provisions

Resolution 1807 (2008)

General

Mandate Decides that the Committee shall, from the adoption of this resolution, have the mandate [set out in para. 15]

Listing/delisting

Designate individuals and entities To designate, pursuant to paragraph 13 above, persons and entities as subject to the measures set forth in paragraphs 9 and 11 above, including aircraft and airlines, in the light of paragraphs 6 and 8 above, and regularly to update its list (para. 15 (e))

Monitoring, enforcement and assessment

Act on alleged violations To examine, and to take appropriate action on, information concerning alleged violations of the measures imposed by paragraph 1 above and information on alleged arms flows highlighted in the reports of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo, identifying, where possible, individuals and entities reported to be engaged in such violations, as well as aircraft or other vehicles used (para. 15 (b))

Decide on exemptions To receive notifications in advance from States made under paragraph 5 [of the resolution], to inform MONUC and the Government of the Democratic Republic of the Congo of every notification received, and to consult with the Government of the Democratic Republic of the Congo and/or the notifying State, if appropriate, to verify that such shipments are in conformity with the measures set forth in paragraph 1 [of the resolution], and to decide, if need be, upon any action to be taken (para. 15 (d))

To consider and decide on requests for the exemptions set out in paragraphs 10 and 12 [of the resolution] (para. 15 (g))

Discuss implementation of the measures To seek from all States, and particularly those in the region, information regarding the actions taken by them to implement effectively the measures imposed by paragraphs 1, 6, 8, 9 and 11 [of the resolution] and to comply with paragraphs 18 and 24 of resolution 1493 (2003), and thereafter to request from them whatever further information it may consider useful, including by providing States with an opportunity, at the request of the Committee, to send representatives to meet with the Committee for more in-depth discussion of relevant issues (para. 15 (a))

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Gather and analyse information on compliance	See above, para. 15 (a) of the resolution To call upon all States concerned, and particularly those in the region, to provide the Committee with information regarding the actions taken by them to investigate and prosecute, as appropriate, individuals and entities designated by the Committee pursuant to subparagraph [15 (e) of the resolution] para. 15 (f)
Make recommendations on improving implementation	To present regular reports to the Council on its work, with its observations and recommendations, in particular on the ways to strengthen the effectiveness of the measures imposed by paragraph 1 [of the resolution] (para. 15 (c))
Procedural	
Promulgate guidelines	To promulgate guidelines as may be necessary to facilitate the implementation of paragraphs 1, 6, 8, 9 and 11 [of the resolution] (para. 15 (h))
Reporting and public information	
Reporting	See para. 15 (c) of the resolution under “Monitoring, enforcement and assessment” above

Resolution 1857 (2008)

General

Expansion of the mandate	Decides further to expand the mandate of the Committee as set out in paragraph 8 of resolution 1533 (2004) and expanded upon in paragraph 18 of resolution 1596 (2005), paragraph 4 of resolution 1649 (2005) and paragraph 14 of resolution 1698 (2006) and reaffirmed in paragraph 15 of resolution 1807 (2008) to include the tasks [set out in para. 6]
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Listing/delisting

Listing/delisting procedures	To review regularly the list of individuals and entities designated by the Committee pursuant to paragraphs 4 and 5 [of the resolution] with a view to keeping the list as updated and accurate as possible and to confirm that listing remains appropriate and to encourage Member States to provide any additional information whenever such information becomes available (para. 6 (a)) Decides that, when proposing names to the Committee for listing, Member States shall provide a detailed statement of case, together with sufficient identifying information to allow for the positive identification of individuals and entities by Member States, and decides further that for each such proposal Member States shall identify those parts of the statement of case that may be publicly released, including for use by the Committee for the development of the summary described in paragraph 18 [of the resolution] or for the purpose of notifying or informing the listed individual or entity, and those parts which may be released upon request to interested States (para. 17)
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Directs the Committee, in coordination with the relevant designating States and with the assistance of the Group of Experts referred to in paragraph 8 [of the resolution], after a name is added to the list, to make accessible on the Committee website a narrative summary of reasons for listing, and further directs the Committee, with the assistance of the Group of Experts and in coordination with the relevant designating States, to update the publicly available reasons for listing and identifying information for the individuals and entities referred to in paragraph 5 (para. 18)

Decides that the Secretariat shall, after publication but within one week after a name is added to the list of individuals and entities, notify the permanent mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known) and to include with this notification a copy of the publicly releasable portion of the statement of case, any information on reasons for listing available on the Committee website, a description of the effects of designation as provided in the relevant resolutions, the procedures of the Committee for considering delisting requests, and the provisions regarding available exemptions (para. 19)

Directs the Committee to consider requests, in accordance with its guidelines, for the removal from the Committee's list of designees those who no longer meet the criteria pursuant to the present resolution (para. 23)

Decides that the Secretariat shall, within one week after a name is removed from the Committee's list of designees, notify the permanent mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), and demands that States receiving such notification take measures, in accordance with their domestic laws and practices, to notify or inform the individual or entity concerned of the delisting in a timely manner (para. 24)

Encourages the Committee to ensure that fair and clear procedures exist for placing individuals and entities on the Committee's list of designees and for removing them as well as for granting humanitarian exemptions (para. 25)

Monitoring, enforcement and assessment

Discuss implementation of the measures

Calls upon all States, in particular those of the region, to support the implementation of the measures specified in the present resolution, to cooperate fully with the Committee in carrying out its mandate and to report to the Committee, within forty-five days from the date of adoption of the present resolution, on the actions they have taken to implement the measures imposed by paragraphs 1 to 5 [of the resolution], and encourages all States to send representatives, at the Committee's request, to meet the Committee for more in-depth discussion of relevant issues (para. 7)

Decision or mandated task, by category

Provisions

Gather and analyse information on compliance

See above, para. 7 of the resolution

Procedural

Promulgate guidelines

To promulgate guidelines in order to facilitate the implementation of the measures imposed by the present resolution and keep them under active review as may be necessary (para. 6 (b))

Resolution 1896 (2009)

General

Expansion of the mandate

Decides to expand the mandate of the Committee as set out in paragraph 8 of resolution 1533 (2004) and expanded upon in paragraph 18 of resolution 1596 (2005), paragraph 4 of resolution 1649 (2005) and paragraph 14 of resolution 1698 (2006), and reaffirmed in paragraph 15 of resolution 1807 (2008) and paragraphs 6 and 25 of resolution 1857 (2008), to include the tasks [set out in para. 4]

Monitoring, enforcement and assessment

Discuss implementation of the measures

To hold regular consultations with concerned Member States in order to ensure full implementation of the measures set forth in the present resolution (para. 4 (b))

Gather and analyse information on compliance

To specify the necessary information that Member States should provide in order to fulfil the notification requirement set out in paragraph 5 of resolution 1807 (2008) and to circulate this among Member States (para. 4 (c))

Procedural

Promulgate guidelines

To promulgate guidelines taking into account paragraphs 17 to 24 of resolution 1857 (2008), within six months from the date of adoption of the present resolution, in order to facilitate the implementation of the measures imposed by this resolution, and to keep them under active review as may be necessary (para. 4 (a))

Table 11
Group of Experts concerning the Democratic Republic of the Congo: provisions relating to the mandate, 2008-2009

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Resolution 1799 (2008)	
General	
Extension	Decides to extend, for the period specified in paragraph 1 [of the resolution], the mandate of the Group of Experts referred to in paragraph 9 of resolution 1771 (2007) (para. 4)
Resolution 1807 (2008)	
General	
Extension	Requests the Secretary-General to extend, for a period expiring on 31 December 2008, the Group of Experts established pursuant to resolution 1771 (2007) (para. 17) Requests the Group of Experts to fulfil the mandate [set out in para. 18]
Coordination	
Coordinate with other United Nations entities	To examine and analyse information gathered by MONUC in the context of its monitoring mandate and share with MONUC, as appropriate, information that might be of use in the fulfilment of the Mission's monitoring mandate (para. 18 (a)) Requests the Government of the Democratic Republic of the Congo, other Governments in the region as appropriate, MONUC and the Group of Experts to cooperate intensively, including by exchanging information regarding the arms shipments with a view to facilitating the effective implementation of the arms embargo on non-governmental entities and individuals, regarding the illegal trafficking in natural resources, and regarding the activities of individuals and entities designated by the Committee pursuant to paragraph 13 above (para. 20)
Assist sanctions committee	Within its capabilities and without prejudice to the execution of the other tasks in its mandate, to assist the Committee in the designation of the individuals referred to in subparagraphs (b) to (e) of paragraph 13 [of the resolution], by making known to the Committee without delay any useful information (para. 18 (g))
Listing/delisting	
Provide a list of violators	To provide the Committee in its reports with a list, with supporting evidence, of those found to have violated the measures imposed by paragraph 1 [of the resolution], and those found to have supported them in such activities for possible future measures by the Council (para. 18 (f))

Decision or mandated task, by category

Provisions

Monitoring, enforcement and assessment

Focus activities in specific region	Requests MONUC, within its existing capabilities and without prejudice to the performance of its current mandate, and the Group of Experts to continue to focus their monitoring activities in North and South Kivu and in Ituri (para. 19)
Gather and analyse information on compliance	See para. 18 (a) of the resolution, under “Coordination” above To gather and analyse all relevant information in the Democratic Republic of the Congo, countries of the region and, as necessary, in other countries, in cooperation with the Governments of those countries, on flows of arms and related materiel, as well as networks operating in violation of the measures imposed by paragraph 1 [of the resolution] (para. 18 (b))
Make recommendations on improving implementation	To consider and recommend, where appropriate, ways of improving the capabilities of interested States, in particular those of the region, to ensure the measures imposed by paragraph 1 [of the resolution] are effectively implemented (para. 18 (c)) To update the Committee on its work as appropriate and report to the Council in writing, through the Committee, by 15 August 2008 and again before 15 November 2008, on the implementation of the measures set forth in paragraphs 1, 6, 8, 9 and 11 [of the resolution], with recommendations in this regard, including information on the sources of financing, such as from natural resources, which are funding the illicit trade in arms (para. 18 (d))

Reporting and public information

Reporting	See para. 18 (d) of the resolution, under “Monitoring, enforcement and assessment” above
Update Committee on activities	To keep the Committee frequently updated on its activities (para. 18 (e))

Resolution 1857 (2008)

General

Extension	Requests the Secretary-General to extend, for a period expiring on 30 November 2009, the Group of Experts established pursuant to resolution 1771 (2007), and requests the Group of Experts to fulfil its mandate as set out in paragraph 18 of resolution 1807 (2008) and to report to the Council in writing, through the Committee, by 15 May 2009 and again before 15 October 2009 (para. 8)
Expansion of mandate	Decides that the mandate of the Group of Experts referred to in paragraph 8 shall also include the tasks [set out in para. 9 of the resolution]

Coordination

Coordinate with other United Nations entities Requests the Government of the Democratic Republic of the Congo, other Governments in the region as appropriate, MONUC and the Group of Experts to cooperate intensively, including by exchanging information regarding arms shipments, illegal trafficking in natural resources and activities of individuals and entities designated by the Committee pursuant to paragraphs 4 and 5 [of the resolution] (para. 11)

Listing/delisting

Listing/delisting procedures Directs the Committee, in coordination with the relevant designating States and with the assistance of the Group of Experts referred to in paragraph 8 [of the resolution], after a name is added to the list, to make accessible on the Committee website a narrative summary of reasons for listing, and further directs the Committee, with the assistance of the Group of Experts and in coordination with the relevant designating States, to update the publicly available reasons for listing and identifying information for the individuals and entities referred to in paragraph 5 (para. 18)

Provide information relevant to listing To include in its reports to the Committee any information relevant to the designation by the Committee of the individuals and entities described in paragraphs 4 and 5 [of the resolution] (para. 9 (a))

Monitoring, enforcement and assessment

Focus activities in specific region Requests the Group of Experts to continue to focus its activities in North and South Kivu and in Ituri (para. 10)

Reporting and public information

Publish relevant information To assist the Committee in updating the publicly available reasons for listing and identifying information for individuals and entities referenced in paragraph 5 [of the resolution] and in compiling narrative summaries referred to in paragraph 18 (para. 9 (b))

Reporting See para. 8 of the resolution, under “General” above

See para. 9 (a) of the resolution, under “Coordination” above

Resolution 1896 (2009)

General

Extension Requests the Secretary-General to extend, for a period expiring on 30 November 2010, the Group of Experts established pursuant to resolution 1533 (2004) and renewed by subsequent resolutions, and requests the Group of Experts to fulfil its mandate as set out in paragraph 18 of resolution 1807 (2008) and expanded by paragraphs 9 and 10 of resolution 1857 (2008), and to report to the Council in writing, through the Committee, by 21 May 2010 and again before 20 October 2010 (para. 6)

Decision or mandated task, by category

Provisions

Monitoring, enforcement and assessment

Make recommendations on improving implementation

Decides that the mandate of the Group of Experts referred to in paragraph 6 [of the resolution] shall also include the task of producing, taking into account paragraph 4 (g) of resolution 1857 (2008), drawing, inter alia on its reports and taking advantage of work done in other forums, recommendations to the Committee for guidelines for the exercise of due diligence by the importers, processing industries and consumers of mineral products regarding the purchase, sourcing (including steps to be taken to ascertain the origin of mineral products), acquisition and processing of mineral products from the Democratic Republic of the Congo (para. 7)

Focus activities in specific region

Requests the Group of Experts to focus its activities in North and South Kivu, Ituri and Orientale Province, as well as on regional and international networks providing support to armed groups operating in the eastern part of the Democratic Republic of the Congo (para. 8)

Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

By resolution 1572 (2004) of 15 November 2004, relating to the situation in Côte d'Ivoire, the Security Council established a Committee to monitor the implementation of measures imposed by that resolution, including an arms embargo, asset freeze and travel ban on designated individuals. By resolution 1584 (2005) of 1 February 2005, the Council established a Group of Experts to assist the Committee in its work. By resolution 1643 (2005) of 15 December 2005, the mandate of the Committee was expanded to include the monitoring of the diamond ban imposed by the same resolution.

Developments during 2008-2009

Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

During the period covered, the Council did not make any changes to the mandate of the Committee.

However, by resolutions 1842 (2008) of 29 October 2008 and 1893 (2009) of 29 October 2009, which also extended the arms embargo, the asset freeze, diamond embargo and travel ban, the Council requested all States concerned, in particular those in the subregion, to cooperate fully with the Committee, and authorized the Committee to request whatever further information it considered necessary.

Group of Experts

The Council had previously extended the mandate of the Group of Experts until 31 October 2008 by resolution 1782 (2007) of 29 October 2007. During the period under review, the Council, by resolutions 1842 (2008) of 29 October 2008 and 1893 (2009) of 29 October 2009, twice extended the mandate of the Group for periods of 12 months, until 31 October 2009 and 31 October 2010, respectively.

Tables 12 and 13 provide the full text of all paragraphs in Council decisions that relate to the mandate of the Committee and the Group of Experts.

Table 12

Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire: provisions relating to the mandate, 2008-2009

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Resolution 1842 (2008)	
Monitoring, enforcement and assessment	
Gather and analyse information on compliance	Requests all States concerned, in particular those in the subregion, to cooperate fully with the Committee, and authorizes the Committee to request whatever further information it may consider necessary (para. 9)
Resolution 1893 (2009)	
Monitoring, enforcement and assessment	
Gather and analyse information on compliance	Requests all States concerned, in particular those in the subregion, to cooperate fully with the Committee, and authorizes the Committee to request whatever further information it may consider necessary (para. 9)

Table 13

Group of Experts on Côte d'Ivoire: provisions relating to the mandate, 2008-2009

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Resolution 1842 (2008)	
General	
Extension	Decides to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2009 and requests the Secretary-General to take the necessary administrative measures (para. 10)
Monitoring, enforcement and assessment	
Gather and analyse information on compliance	Requests the Secretary-General to communicate, as appropriate, to the Council, through the Committee, information gathered by the United Nations Operation in Côte d'Ivoire (UNOCI) and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire (para. 12)
	Requests the Government of France to communicate, as appropriate, to the Council, through the Committee, information gathered by the French forces and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire (para. 13)
	Requests the Kimberley Process to communicate, as appropriate, to the Council, through the Committee, information which, where possible, has been reviewed by the Group of Experts, concerning the production and illicit export of diamonds (para. 14)

Decision or mandated task, by category

Provisions

Reporting and public information

Reporting Requests the Group of Experts to provide a midterm report to the Committee by 15 April 2009 and to submit a final written report to the Council, through the Committee, 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution [1572 \(2004\)](#) and paragraph 6 of resolution [1643 \(2005\)](#), as well as recommendations in this regard (para. 11)

Resolution [1893 \(2009\)](#)

General

Extension Decides to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution [1727 \(2006\)](#) until 31 October 2010 and requests the Secretary-General to take the necessary administrative measures (para. 10)

Monitoring, enforcement and assessment

Gather and analyse information on compliance Requests the Secretary-General to communicate, as appropriate, to the Council, through the Committee, information gathered by UNOCI and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire (para. 13)

Requests the Government of France to communicate, as appropriate, to the Council, through the Committee, information gathered by the French forces and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire (para. 14)

Requests the Kimberley Process to communicate, as appropriate, to the Council, through the Committee, information which, where possible, has been reviewed by the Group of Experts, concerning the production and illicit export of diamonds from Côte d'Ivoire (para. 15)

Make recommendations on improving implementation Requests the Group of Experts to provide a midterm report to the Committee by 15 April 2010 and to submit a final written report to the Council, through the Committee, 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution [1572 \(2004\)](#) and paragraph 6 of resolution [1643 \(2005\)](#), as well as recommendations in this regard, and also requests the Group of Experts to include in its report specific information on persons who deny it access to weapons, ammunition and related materiel (para. 12)

Reporting and public information

Reporting See para. 12 of the resolution, under "Monitoring, enforcement and assessment" above

Committee established pursuant to resolution 1591 (2005) concerning the Sudan

By resolution 1591 (2005) of 29 March 2005, the Security Council established a Committee to oversee the arms embargo, asset freeze and travel ban imposed in relation to the Darfur region of the Sudan. Simultaneously, the Council established a Panel of Experts to assist the work of the Committee.

Developments during 2008 and 2009

Committee established pursuant to resolution 1591 (2005) concerning the Sudan

During the period covered, there were no changes to the mandate of the Committee. On one occasion, by resolution 1891 (2009) of 13 October 2009, the Council reaffirmed the mandate of the Committee to encourage dialogue with interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures.

Panel of Experts

The Council had previously extended the mandate of the Panel of Experts until 15 October 2008

by resolution 1779 (2007) of 28 September 2007. During the period under review, the Council twice extended the mandate of the Panel for periods of 12 months, by resolutions 1841 (2008) of 15 October 2008 and 1891 (2009) of 13 October 2009, until 15 October 2009 and 15 October 2010, respectively. By the same resolutions, the Council also reiterated its request to the Panel of Experts to coordinate its activities, as appropriate, with the operations of the African Union-United Nations Hybrid Operation in Darfur (UNAMID),⁵ and with international efforts to promote the political process in Darfur, and to assess in its reports progress towards reducing violations by all parties of the arms embargo and progress towards reducing impediments to the political process, threats to stability in Darfur and the region and other violations of the relevant resolutions.

Tables 14 and 15 provide the full text of all paragraphs in Council decisions that relate to the mandate of the Committee and the Panel of Experts.

⁵ For more information, see part X, sect. I, in regard to the mandate of UNAMID.

Table 14

Committee established pursuant to resolution 1591 (2005) concerning the Sudan: provisions relating to the mandate, 2008-2009

Decision or mandated task, by category

Provisions

Resolution 1891 (2009)

General

Extension

Reaffirms the mandate of the Committee to encourage dialogue with interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures (para. 6)

Monitoring, enforcement and assessment

Discuss implementation of the measures

See para. 6 of the resolution, under “General” above

Table 15
Panel of Experts on the Sudan: provisions relating to the mandate, 2008-2009

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Resolution 1841 (2008)	
General	
Extension	Decides to extend until 15 October 2009 the mandate of the current Panel of Experts, originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006) and 1779 (2007), and requests the Secretary-General to take the necessary administrative measures (para. 1)
Coordination	
Coordinate with other United Nations entities	Requests the Panel of Experts to coordinate its activities, as appropriate, with the operations of UNAMID and with international efforts to promote the political process in Darfur, and to assess in its interim and final reports progress towards reducing violations by all parties of the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 of resolution 1591 (2005) and progress towards reducing impediments to the political process, threats to stability in Darfur and the region and other violations of the above-mentioned resolutions (para. 3)
Monitoring, enforcement and assessment	
Gather and analyse information on compliance	See para. 3 of the resolution, under “Coordination” above
Reporting and public information	
Reporting	Requests the Panel of Experts to provide, no later than 29 March 2009, a midterm briefing on its work and, no later than 90 days after adoption of the present resolution, an interim report to the Committee, and a final report no later than 30 days prior to termination of its mandate to the Council, with its findings and recommendations (para. 2)
Resolution 1891 (2009)	
General	
Extension	Decides to extend until 15 October 2010 the mandate of the Panel of Experts, originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006), 1779 (2007), and 1841 (2008), and requests the Secretary-General to take the necessary administrative measures (para. 1)

Coordination

Coordinate with other United Nations entities Requests the Panel of Experts to coordinate its activities, as appropriate, with the operations of UNAMID, and with international efforts to promote the political process in Darfur, and to assess in its interim and final reports progress towards reducing violations by all parties of the measures imposed by paragraphs 7 and 8 of resolution [1556 \(2004\)](#) and paragraph 7 of resolution [1591 \(2005\)](#) and progress towards removing impediments to the political process, threats to stability in Darfur and the region and other violations of the resolutions [mentioned in para. 1] (para. 3)

Monitoring, enforcement and assessment

Gather and analyse information on compliance See para. 3 of the resolution, under “Coordination” above

Reporting and public information

Reporting Requests the Panel of Experts to provide, no later than 31 March 2010, a midterm briefing on its work and, no later than 90 days after adoption of the present resolution, an interim report to the Committee, and a final report to the Council, no later than 30 days prior to the termination of its mandate, with its findings and recommendations (para. 2)

Committee established pursuant to resolution [1636 \(2005\)](#)

By resolution [1636 \(2005\)](#) of 31 October 2005, the Security Council established a Committee to oversee a travel ban and asset freeze on individuals designated by the International Independent Investigation Commission or the Government of Lebanon as suspected of involvement in the 14 February 2005 terrorist bombing in Beirut.

Developments during 2008-2009

During the period under review, there were no changes to the mandate of the Committee. As of the end of 2009, no individuals had been registered by the Committee.

Committee established pursuant to resolution [1718 \(2006\)](#)

By resolution [1718 \(2006\)](#) of 14 October 2006, the Security Council established a Committee to oversee a number of measures that had been imposed against the Democratic People’s Republic of Korea following its

nuclear test on 9 October 2006, which included an arms embargo, an embargo on items that could contribute to its nuclear and related weapons programmes, a ban on luxury goods, and a travel ban and asset freeze on selected individuals. By resolution [1874 \(2009\)](#) of 12 June 2009, the Council also established a Panel of Experts to assist the Committee in its work.

Developments during 2008-2009

Responding to the Democratic People’s Republic of Korea launch on 5 April 2009 of a missile, the Council adopted a presidential statement on 13 April 2009,⁶ in which it agreed to adjust the measures imposed by resolution [1718 \(2006\)](#) through the designation of entities and goods, and directed the Committee to undertake its tasks to this effect and to report subsequently to the Council. The Council further agreed that, if the Committee had not acted, then the Council would complete action to adjust the measures by 30 April 2009. Subsequently, by resolution [1874 \(2009\)](#) of 12 June 2009, the Council condemned in

⁶ S/PRST/2009/7.

the strongest terms the nuclear test conducted by the Democratic People's Republic of Korea on 25 May 2009 in violation and flagrant disregard of the relevant resolutions, expanded the arms embargo and refined the enforcement mechanisms, including by ordering inspections of cargo to and from the Democratic People's Republic of Korea. The resolution also called for the Committee to intensify its efforts to promote full implementation of resolution 1718 (2006) through a work programme covering compliance, investigations, outreach, dialogue, assistance and cooperation.

Establishment of the Panel of Experts

By resolution 1874 (2009) of 12 June 2009, the Council decided to establish a panel of up to seven

experts for an initial period of one year, acting under the direction of the Committee, to assist it in carrying out its mandate; gather, examine and analyse information from States, relevant United Nations bodies and other interested parties regarding the implementation of the sanctions, in particular incidents of non-compliance; make recommendations on improving the implementation of the measures; and report to the Council on its work.

Tables 16 and 17 provide the full text of all paragraphs in Council decisions that relate to the mandate of the Committee and the Panel of Experts.

Table 16

Committee established pursuant to resolution 1718 (2006): provisions relating to the mandate, 2008-2009

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Resolution 1874 (2009)	
General	
Adjust measures	Decides to adjust the measures imposed by paragraph 8 of resolution 1718 (2006) and the present resolution, including through the designation of entities, goods and individuals, and directs the Committee to undertake its tasks to this effect and to report to the Council within thirty days of the adoption of the present resolution, and further decides that, if the Committee has not acted, then the Council will complete action to adjust the measures within seven days of receiving that report (para. 24)
Monitoring, enforcement and assessment	
Gather information on enforcement	Decides that the Committee shall intensify its efforts to promote the full implementation of resolution 1718 (2006), the statement by its President of 13 April 2009 (S/PRST/2009/7) and the present resolution, through a work programme covering compliance, investigations, outreach, dialogue, assistance and cooperation, to be submitted to the Council by 15 July 2009, and that it shall also receive and consider reports from Member States pursuant to paragraphs 10, 15, 16 and 22 of the present resolution (para. 25)
Procedural	
Produce programme of work	See para. 25 of the resolution, under "Monitoring, enforcement and assessment" above

Table 17

Panel of Experts on the Democratic People’s Republic of Korea: establishment and mandate

Decision or mandated task, by category *Provisions*

Resolution 1874 (2009)

General

Assist sanctions committee	Requests the Secretary-General to create for an initial period of one year, in consultation with the Committee, a group of up to seven experts (“the Panel of Experts”), acting under the direction of the Committee to carry out the following tasks: (a) assist the Committee in carrying out its mandate as specified in resolution 1718 (2006) and the functions specified in paragraph 25 of the present resolution; (b) gather, examine and analyse information from States, relevant United Nations bodies and other interested parties regarding the implementation of the measures imposed in resolution 1718 (2006) and in the present resolution, in particular incidents of non-compliance; (c) make recommendations on actions of the Council, or the Committee or Member States, may consider to improve implementation of the measures imposed in resolution 1718 (2006) and in the present resolution; and (d) provide an interim report on its work to the Council no later than 90 days after adoption of the present resolution, and a final report to the Council no later than 30 days prior to termination of its mandate, with its findings and recommendations (para. 26)
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Monitoring, enforcement and assessment

Gather and analyse information on compliance	See para. 26 of the resolution, under “General” above
Make recommendations on improving implementation	See para. 26 of the resolution, under “General” above

Reporting and public information

Reporting	See para. 26 of the resolution, under “General” above
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Committee established pursuant to resolution 1737 (2006)

By resolution 1737 (2006) of 23 December 2006, the Security Council established a Committee to monitor the implementation of the asset freeze, financial services restrictions, travel restrictions and embargo relating to the proliferation-sensitive nuclear and ballistic missile programmes in the Islamic Republic of Iran. The mandate of the Committee has since been expanded to apply also to the measures imposed in resolutions 1747 (2007) of 24 March 2007 and 1803 (2008) of 3 March 2008.

Developments during 2008-2009

By resolution 1803 (2008) of 3 March 2008, the Council reaffirmed and expanded the mandate of the Committee so that it applied also to measures contained in resolution 1747 (2007), which imposed an export ban on arms and related material from the Islamic Republic of Iran and resolution 1803 (2008), which expanded the sanctions, including by imposing a travel ban on some individuals already subject to sanctions and expanding the scope of the embargo on proliferation-sensitive items.

Table 18 provides the full text of all paragraphs in Council decisions that relate to the mandate of the Committee.

Table 18

Committee established pursuant to resolution 1737 (2006): provisions relating to the mandate, 2008-2009

Decision or mandated task, by category

Provisions

Resolution 1803 (2008)

General

Expansion of mandate to include new measures

Decides that the mandate of the Committee as set out in paragraph 18 of resolution 1737 (2006) shall also apply to the measures imposed in resolution 1747 (2007) and the present resolution (para. 14)

2. Other committees

During the period under review, the Committee established pursuant to resolution 1373 (2001) concerning Counter-Terrorism (Counter-Terrorism Committee) and the Committee established pursuant to resolution 1540 (2004) which, inter alia, required States to take measures to prevent non-State actors from obtaining weapons of mass destruction, continued to exist. The Counter-Terrorism Executive Directorate also continued to support the work of the Counter-Terrorism Committee.

Considering the related nature of the mandates of the two Committees as well as that of the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, the Security Council, on a number of occasions, called for enhanced cooperation among the three Committees, including through, as appropriate, enhanced information-sharing, coordinated visits to countries, technical assistance and other issues of shared relevance. The Council also expressed its intention to provide guidance to the Committees on areas of common interest in order to better coordinate their efforts.⁷

⁷ Resolutions 1805 (2008), para. 10; 1810 (2008), para. 12; 1822 (2008), para. 35; and 1904 (2009), para. 43.

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

By resolution 1373 (2001) of 28 September 2001, the Council established the Counter-Terrorism Committee to monitor the implementation of the resolution, which requested countries to implement a wide range of counter-terrorism measures following the terrorist attacks of 11 September 2001 in the United States. In addition, the Council also established, by resolution 1535 (2004) of 30 January 2004, the Counter-Terrorism Committee Executive Directorate to carry out the policy decisions of the Committee, conduct expert assessments of each Member State and facilitate counter-terrorism technical assistance to countries.

Developments during 2008-2009

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

During the period 2008-2009, the Council, by resolution 1805 (2008) of 20 March 2008, emphasized that the overarching goal of the Counter-Terrorism Committee was to ensure the full implementation of resolution 1373 (2001) and stressed the importance of a tailored dialogue among the Counter-Terrorism Committee Executive Directorate, the Committee and Member States, including for the development of relevant implementation strategies by Member States, and encouraged the Committee and the Executive Directorate to arrange meetings with Member States in various formats. By the same resolution, the Council also directed the Committee to submit an annual report on the implementation of resolution 1805 (2008) of 20 March 2008, with its observations and recommendations, as well as to report orally to the

Council, through its Chairman, at least every 180 days on the overall work of the Committee and the Executive Directorate, and encouraged informal briefings for all interested Member States.

*Counter-Terrorism Committee
Executive Directorate*

By resolution 1787 (2007) of 10 December 2007, the Council had previously extended the mandate of the Counter-Terrorism Committee Executive Directorate until 31 March 2008. In a letter dated 7 February 2008 addressed to the President of the Council,⁸ the Counter-Terrorism Committee endorsed the changes proposed by the Executive Directorate regarding its methods of work and organizational plan, pursuant to the request contained in resolution 1787 (2007) of 10 December 2007. The Council affirmed the endorsement by resolution 1805 (2008) of 20 March 2008.

The Executive Directorate identified two new priorities for its work: (a) to continue providing necessary support for the work of the Counter-Terrorism Committee with Member States on the implementation of resolution 1624 (2005) of 14 September 2005, which would assist them in enhancing their capacity, including through spreading best practices and promoting the exchange of information; and (b) to participate actively in the Counter-Terrorism Implementation Task Force established to assist Member States in the implementation of the United Nations Global Counter-Terrorism Strategy. In addition, the Executive Director proposed that the Executive Directorate should give greater priority to three additional activities that had become critical to achieving the overall objectives of the Committee and the Executive Directorate. They included the following: developing a comprehensive strategy to engage with donors active in the counter-terrorism field and match their capabilities with the needs of recipient countries; implementing a more proactive communications strategy targeted primarily at Member States; and developing new mechanisms and

practices to strengthen collaboration and cooperation between the Executive Directorate and the experts of the Committees established pursuant to resolutions 1267 (1999) and 1540 (2004), including in the context of the Counter-Terrorism Implementation Task Force. Adjustments were also made to the working methods and operational structure of the Executive Directorate, including the creation of five technical groups and two smaller units, cutting horizontally across the vertical structure of three geographical clusters.⁹

By resolution 1805 (2008) of 20 March 2008, the Council extended the mandate of the Executive Directorate until 31 December 2010, and further decided to conduct an interim review by 30 June 2009 and a comprehensive consideration of its work prior to the expiration of its mandate. The Council, inter alia, urged the Executive Directorate to intensify cooperation with regional and subregional organizations, and continue strengthening its role in facilitating technical assistance for the implementation of resolution 1373 (2001) aimed at increasing the capabilities of Member States in the fight against terrorism by addressing their counter-terrorism needs.

On 4 June 2009, the Acting Chairman of the Committee submitted a report to the Council as part of the interim review of progress in implementing the changes to the Executive Directorate.¹⁰

On 16 November 2009, under the item entitled “The situation concerning Iraq”, the Council adopted a statement by the President,¹¹ in which it welcomed the recent visit of United Nations officials to Iraq for preliminary consultations related to Iraq’s security and sovereignty, and encouraged efforts of the Secretary-General in this regard, including the possibility of facilitating technical assistance through the Executive Directorate.

Tables 19 and 20 provide the full text of all paragraphs in Council decisions that relate to the mandate of the Committee and the Executive Directorate.

⁸ S/2008/80.

⁹ Ibid., annex.

¹⁰ S/2009/289.

¹¹ S/PRST/2009/30.

Table 19

**Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism:
provisions relating to the mandate, 2008-2009**

Decision or mandated task, by category

Provisions

Resolution 1805 (2008)

General

Mandate

Underlines that the overarching goal of the Counter-Terrorism Committee is to ensure the full implementation of resolution 1373 (2001) and recalls the crucial role of the Counter-Terrorism Committee Executive Directorate in supporting the Committee in the fulfilment of its mandate (para. 1)

Welcomes and affirms the endorsement by the Committee of the recommendations contained in the revised organizational plan for the Executive Directorate (S/2008/80) (para. 3)

Monitoring, enforcement and assessment

Discuss implementation

Stresses the importance of a tailored dialogue among the Executive Directorate, the Committee and Member States, including for the development of relevant implementation strategies by Member States, and encourages the Committee and the Executive Directorate to arrange meetings with Member States in various formats (para. 5)

Reporting and public information

Reporting

Welcomes also the briefing by the Executive Director of the Executive Directorate, looks forward to the global survey of the implementation of resolution 1373 (2001), and directs the Committee to submit an annual report on the implementation of the present resolution, with its observations and recommendations (para. 8)

Requests the Committee, in addition to the report requested in paragraph 8, to report orally, through its Chairman, at least every 180 days to the Council on the overall work of the Committee and the Executive Directorate, and, as appropriate, in conjunction with the reports by the Chairmen of the Committee established pursuant to resolution 1267 (1999) and the Committee established pursuant to resolution 1540 (2004), and encourages informal briefings for all interested Member States (para. 9)

Table 20

Counter-Terrorism Committee Executive Directorate: provisions relating to the mandate, 2008-2009

Decision or mandated task, by category

Provisions

Resolution 1805 (2008)

General

Mandate Underlines that the overarching goal of the Committee is to ensure the full implementation of resolution 1373 (2001), and recalls the crucial role of the Executive Directorate in supporting the Committee in the fulfilment of its mandate (para. 1)

Extension Decides that the Executive Directorate shall continue to operate as a special political mission under the policy guidance of the Committee for the period ending 31 December 2010, and further decides to conduct an interim review by 30 June 2009 and a comprehensive consideration of the work of the Executive Directorate prior to the expiration of its mandate (para. 2)

Coordination

Coordination with other entities (non-United Nations) Urges the Executive Directorate also to intensify cooperation with relevant international, regional and subregional organizations with a view to enhancing the capacity of Member States to fully implement resolution 1373 (2001) and to facilitate the provision of technical assistance (para. 6)

Coordinate with other United Nations entities Welcomes and emphasizes the importance of the readiness of the Executive Directorate to participate actively in and support all relevant activities under the United Nations Global Counter-Terrorism Strategy, including within the Counter-Terrorism Implementation Task Force established to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system (para. 11)

Monitoring, enforcement and assessment

Facilitate technical assistance Urges the Executive Directorate to continue strengthening its role in facilitating technical assistance for the implementation of resolution 1373 (2001) aimed at increasing the capabilities of Member States in the fight against terrorism by addressing their counter-terrorism needs (para. 4)

Discuss implementation Stresses the importance of a tailored dialogue among the Executive Directorate, the Committee and Member States, including for the development of relevant implementation strategies by Member States, and encourages the Committee and the Executive Directorate to arrange meetings with Member States in various formats (para. 5)

Decision or mandated task, by category

Provisions

Assist States in complying with measures

Encourages the Executive Directorate to continue providing the necessary support for the work of the Committee with Member States towards comprehensive implementation of resolution 1624 (2005), as set out in paragraph 6 of that resolution (para. 7)

Reporting and public information

Reporting

Welcomes the briefing by the Executive Director of the Executive Directorate, looks forward to the global survey of the implementation of resolution 1373 (2001), and directs the Committee to submit an annual report on the implementation of the present resolution, with its observations and recommendations (para. 8)

[S/PRST/2009/30^a](#)

Monitoring, enforcement and assessment

Facilitate technical assistance

The Council welcomes the recent visit of United Nations officials to Iraq for preliminary consultations related to Iraq's security and sovereignty. The Council encourages the Secretary-General's efforts in this regard, including the possibility of facilitating technical assistance through the Executive Directorate (seventh paragraph)

^a Adopted under the item entitled "The situation concerning Iraq".

Committee established pursuant to resolution 1540 (2004)

By resolution 1540 (2004) of 28 April 2004, the Security Council established, for an initial period of two years, a Committee to monitor the implementation of the resolution, in which the Council decided that all States shall establish domestic controls to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery, including by establishing appropriate controls over related materials.

Developments during 2008-2009

The Council had previously extended the mandate of the Committee by resolution 1673 (2006) of 27 April 2006 for two years, until 27 April 2008. On 25 April 2008, the Council adopted resolution 1810 (2008), by which it extended the mandate of the Committee for a period of three years, with the continued assistance of experts, until 25 April 2011, reaffirmed the objectives of resolutions 1540 (2004) and 1673 (2006) and urged the Committee to continue strengthening its role in facilitating technical assistance, including by engaging actively in matching offers and requests for assistance,

therefore confirming its clearing-house function. The Council requested the Committee to consider a comprehensive review of the status of implementation of resolution 1540 (2004), and decided that the Committee should continue to intensify its efforts to promote the full implementation by all States of resolution 1540 (2004), through its programme of work.

In connection with the item entitled "Maintenance of international peace and security: nuclear non-proliferation and nuclear disarmament", the Council adopted resolution 1887 (2009) of 24 September 2009, in which it reaffirmed the need for full implementation of resolution 1540 (2004) by Member States, and called upon them to cooperate with the Committee. The Council welcomed the recommendations of the Committee to make more effective use of existing funding mechanisms, and also welcomed the forthcoming comprehensive review of the status of implementation of resolution 1540 (2004).

Pursuant to the request of the Council, contained in resolution 1810 (2008), that the Committee consider a comprehensive review of the status of implementation of resolution 1540 (2004), the Committee held an open meeting on the subject from 30 September to

2 October 2009, with broad participation, including Member States, international, regional and subregional organizations and other entities.¹²

Table 21 provides the full text of all paragraphs in Council decisions that relate to the mandate of the Committee.

¹² See [S/2009/432](#).

Table 21

Committee established pursuant to resolution 1540 (2004): provisions relating to the mandate, 2008-2009

Decision or mandated task, by category *Provisions*

Resolution 1810 (2008)

General

Extension Decides to extend the mandate of the Committee for a period of three years, with the continued assistance of experts, until 25 April 2011 (para. 6)

Coordination

Coordinates with other entities (non-United Nations) Decides:
To encourage the Committee to engage actively with States and relevant international, regional and subregional organizations to promote the sharing of experience and lessons learned in the areas covered by resolution 1540 (2004), and to liaise on the availability of programmes which might facilitate the implementation of resolution 1540 (2004) (para. 11 (d))
To request the Committee to provide opportunities for interaction with interested States and relevant international, regional and subregional organizations to promote the implementation of resolution 1540 (2004) (para. 11 (e))

Monitoring, enforcement and assessment

Assist States in complying with measures Encourages all States that have submitted such reports to provide, at any time or upon the request of the Committee, additional information on their implementation of resolution 1540 (2004) (para. 3)
Encourages all States to prepare on a voluntary basis summary action plans, with the assistance of the Committee as appropriate, mapping out their priorities and plans for implementing the key provisions of resolution 1540 (2004), and to submit those plans to the Committee (para. 4)
Encourages States that have requests for assistance to convey them to the Committee, and encourages them to make use of the Committee's assistance template to that effect; urges States and international, regional and subregional organizations to inform the Committee, as appropriate, by 25 June 2008 of areas in which they are able to provide assistance; calls upon States and such organizations, if they have not done so previously, to provide the Committee with a point of contact for assistance by 25 June 2008 (para. 5)

Decision or mandated task, by category *Provisions*

Decides that the Committee shall continue to intensify its efforts to promote the full implementation by all States of resolution 1540 (2004), through its programme of work, which includes the compilation of information on the status of implementation by States of all aspects of resolution 1540 (2004), outreach, dialogue, assistance and cooperation, and which addresses, in particular, all aspects of paragraphs 1 and 2 of that resolution, as well as of paragraph 3, which encompasses (a) accountability, (b) physical protection, (c) border controls and law enforcement efforts, and (d) national export and trans-shipment controls, including controls on providing funds and services, such as financing, to such export and trans-shipment (para. 10)

Urges the Committee to encourage and take full advantage of voluntary financial contributions to assist States in identifying and addressing their needs for the implementation of resolution 1540 (2004), and requests the Committee to consider options for developing and making more effective existing funding mechanisms and to report to the Council on its consideration of the matter by no later than 31 December 2008 (para. 13)

Discuss implementation of the measures

Decides:

To encourage the pursuit of the ongoing dialogue between the Committee and States on their further actions to implement fully resolution 1540 (2004) and on technical assistance needed and offered (para. 11 (a))

To request the Committee to continue to organize and participate in outreach events at the regional, subregional and, as appropriate, national levels promoting implementation by States of resolution 1540 (2004) (para. 11 (b))

Facilitate technical assistance

Decides:

To urge the Committee to continue strengthening its role in facilitating technical assistance for implementation of resolution 1540 (2004), including by engaging actively in matching offers and requests for assistance through such means as assistance templates, action plans or other information submitted to the Committee (para. 11 (c))

Reporting and public information

Reporting

Again calls upon all States that have not yet presented a first report on steps they have taken or intend to take to implement resolution 1540 (2004) to submit such a report to the Committee without delay (para. 2)

Requests the Committee to complete its report, as set out in paragraph 6 of resolution 1673 (2006), and to submit it to the Council as soon as possible but no later than 31 July 2008 (para. 7)

Also requests the Committee to consider a comprehensive review of the status of implementation of resolution 1540 (2004) and to report to the Council on its consideration of the matter by no later than 31 January 2009 (para. 8)

Decides that the Committee shall submit an annual programme of work to the Council before the end of January of each year (para. 9)

Decides that the Committee shall submit to the Council no later than 24 April 2011 a report on compliance with resolution 1540 (2004) through the achievement of the implementation of its requirements (para. 14)

Resolution 1887 (2008)^a

Procedural

Funding

Welcomes the March 2009 recommendations of the Committee established pursuant to resolution 1540 (2004) to make more effective use of existing funding mechanisms, including the consideration of the establishment of a voluntary fund, and affirms its commitment to promote full implementation of resolution 1540 (2004) by Member States by ensuring effective and sustainable support for the activities of the Committee (para. 22)

Comprehensive review

Reaffirms the need for full implementation of resolution 1540 (2004) by Member States and, with an aim of preventing access to, or assistance and financing for, weapons of mass destruction, related materials and their means of delivery by non-State actors, as defined in that resolution, calls upon Member States to cooperate actively with the Committee and the International Atomic Energy Agency (IAEA), including rendering assistance, at their request, for their implementation of resolution 1540 (2004) provisions, and in this context welcomes the forthcoming comprehensive review of the status of implementation of resolution 1540 (2004) with a view to increasing its effectiveness, and calls upon all States to participate actively in this review (para. 23)

^a Adopted under the item entitled "Maintenance of international peace and security: nuclear non-proliferation and nuclear disarmament".

II. Working groups

Note

During the period 2008-2009, a number of informal and ad hoc working groups of the Security Council continued to exist. As in the case of the committees, the working groups were composed of all 15 members of the Council, their meetings were held in private sessions, unless they decided otherwise, and their decisions were reached by consensus.

The groups included the Informal Working Group on Documentation and Other Procedural Questions, the Informal Working Group on International Tribunals,

the Working Group on Peacekeeping Operations, the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, the Working Group established pursuant to resolution 1566 (2004) and the Working Group on Children and Armed Conflict. While most of the working groups were established on the basis of an open-ended mandate which therefore did not require renewal, during the period the mandate of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, which had initially been established for a

period of one year,¹³ was extended twice for periods of one year, until 31 December 2009 and 31 December 2010, respectively¹⁴.

Table 22 provides a brief overview of the establishment and mandate of the informal and ad hoc working groups.

¹³ See [S/2002/207](#).

¹⁴ See [S/2008/795](#) and [S/2009/650](#).

Table 22
Informal and ad hoc working groups

<i>Title</i>	<i>Establishment</i>	<i>Mandate</i>	<i>Chairmanships</i>
Informal Working Group on Documentation and Other Procedural Questions	Established in June 1993 (no formal decision was taken)	To deal with issues related to documentation and other procedural questions	Panama (2008) Japan (2009)
Informal Working Group on International Tribunals	Established in June 2000 pursuant to a proposal by Council members at the 4161st meeting, on 20 June 2000 (no formal decision taken)	To deal with a specific issue pertaining to the statute of the International Tribunal for the Former Yugoslavia; subsequently mandated to deal with other (legal) issues pertaining to the Tribunals ^a	Belgium (2008) Austria (2009)
Working Group on Peacekeeping Operations	Established on 31 January 2001 (S/PRST/2001/3)	To address both generic peacekeeping issues relevant to the responsibilities of the Council, and technical aspects of individual peacekeeping operations, without prejudice to the competence of the Special Committee on Peacekeeping Operations Where appropriate, to seek the views of the troop-contributing countries, including through meetings between the Working Group and the troop-contributing countries, so that their views are taken into account by the Council	Indonesia (2008) Japan (2009)
Ad Hoc Working Group on Conflict Prevention and Resolution in Africa	Established in March 2002 (S/2002/207); mandate renewed for periods of one year until 31 December 2010 by notes by the President of the Security Council (S/2003/1183 , S/2004/1031 , S/2005/814 , S/2007/6 , S/2007/771 , S/2008/795 , S/2009/650)	To monitor the implementation of recommendations contained in the presidential statement S/PRST/2002/2 and previous presidential statements and resolutions regarding conflict prevention and resolution in Africa	South Africa (2008) Uganda (2009)

Repertoire of the Practice of the Security Council, 2008-2009

<i>Title</i>	<i>Establishment</i>	<i>Mandate</i>	<i>Chairmanships</i>
		To propose recommendations on the enhancement of cooperation between the Security Council and the Economic and Social Council as well as with other United Nations agencies dealing with Africa	
		To examine, in particular, regional and cross-conflict issues that affect the Council's work on African conflict prevention and resolution	
		To propose recommendations to the Security Council to enhance cooperation in conflict prevention and resolution, between the United Nations and regional (Organization of African Unity) ^b and subregional organizations	
Working Group established pursuant to resolution 1566 (2004)	Established on 8 October 2004 (resolution 1566 (2004))	To consider and submit recommendations to the Council on practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities, other than those designated by the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, including more effective procedures considered to be appropriate for bringing them to justice through prosecution or extradition, freezing their financial assets, preventing their movement through the territories of Member States, preventing supply to them of all types of arms and related material, and on the procedures for implementing these measures	Croatia (2008) Croatia (2009)
		To consider the possibility of establishing an international fund to compensate victims of terrorist acts and their families, which might be financed through voluntary contributions which could consist in part of assets seized from terrorist organizations, their members and their sponsors, and submit its recommendations to the Council	

<i>Title</i>	<i>Establishment</i>	<i>Mandate</i>	<i>Chairmanships</i>
Working Group on Children and Armed Conflict	Established on 26 July 2005 (resolution 1612 (2005))	<p>To review the reports of the monitoring and reporting mechanism on children and armed conflict</p> <p>To review progress in the development and implementation of the action plans called for in resolutions 1539 (2004) and 1612 (2005)</p> <p>To consider other relevant information presented to it</p> <p>To make recommendations to the Council on possible measures to promote the protection of children affected by armed conflict, including through recommendations on appropriate mandates for peacekeeping missions and recommendations with respect to the parties to the conflict</p> <p>To address requests, as appropriate, to other bodies within the United Nations system for action to support implementation of the present resolution in accordance with their respective mandates</p>	France (2008) Morocco (2009)

^a By a presidential statement ([S/PRST/2008/47](#)), the Council requested the Secretariat to provide the Informal Working Group with all necessary assistance, including interpretation in the six working languages of the Council.

^b On 8 July 2002, the Organization of African Unity ceased to exist and, in its place, the African Union came into force on 9 July 2002.

III. Investigative bodies

Note

During 2008 and 2009, one investigative body, the International Independent Investigation Commission was terminated, following the start of operations for the Special Tribunal for Lebanon. The Security Council also authorized the establishment of an international commission in connection with the assassination, on 27 December 2007, of former Prime Minister of Pakistan Mohtarma Benazir Bhutto.

A. International Independent Investigation Commission

By resolution [1595 \(2005\)](#) of 7 April 2005, the Council established the International Independent Investigation Commission to assist the Lebanese authorities in their investigation of all aspects of the assassination of the former Prime Minister of Lebanon, Rafiq Hariri, along with 22 others in Beirut on 14 February 2005, including helping to identify the perpetrators, sponsors, organizers and accomplices.

Developments during 2008-2009

The Council, by resolution [1748 \(2007\)](#) of 27 March 2007, had previously extended the mandate of the Commission until 15 June 2008. By an exchange of letters on 30 and 31 January 2008 between the Secretary-General and the President, the Council authorized the Commission to provide assistance in investigating the murder of Major Wissam Eid of the Lebanese Internal Security Forces, as well as Adjutant Oussama Merheb and other civilians, following the request of Lebanon.¹⁵

Subsequently, the Council twice extended the mandate of the Commission, by resolutions [1815 \(2008\)](#) of 2 June 2008 and [1852 \(2008\)](#) of 17 December 2008. The first extension was until 31 December 2008. Following the agreement that the Special Tribunal for Lebanon would begin work on 1 March 2009 and continue the investigations and conduct the trials for those identified by the Commission as suspects in the

¹⁵ [S/2008/60](#) and [S/2008/61](#).

bombings, the Council extended the mandate of the Commission for a final time to 28 February 2009.¹⁶

Table 23 provides the full text of all paragraphs in Council decisions that relate to the mandate of the Commission.

¹⁶ By resolution [1757 \(2007\)](#) of 30 May 2007, the Council established the Special Tribunal for Lebanon, with jurisdiction over persons responsible for the attack of 14 February 2005 resulting in the death of former Lebanese Prime Minister Rafiq Hariri and in the death or injury of other persons. The investigation that was conducted by the International Independent Investigation Commission was accepted as constituting the starting point for the office of the Prosecutor for the Tribunal (see [S/2006/893](#), para. 8). By resolution [1852 \(2008\)](#) of 17 December 2008, the Council took note of the announcement by the Secretary-General that the Tribunal was fully on track to commence functioning on 1 March 2009 (fourth preambular para.). In a letter dated 18 December 2008, the Secretary-General informed the Council of his decision that the Tribunal would commence functioning on 1 March 2009 ([S/2008/824](#)), and in a letter dated 29 December 2008, the Council took note of that decision ([S/2008/825](#)).

Table 23

International Independent Investigation Commission: provisions relating to the mandate, 2008-2009

Decision or mandated task, by category

Provisions

Resolution [1815 \(2008\)](#)

General

Extension

Decides to extend the mandate of the Commission until 31 December 2008, and declares its readiness to terminate the mandate earlier if the Commission reports that it has completed the implementation of its mandate (para. 2)

Reporting and public information

Reporting

Requests the Commission to report to the Council on the progress of the investigation in six months at the latest, and at any other earlier time if it deems it appropriate (para. 3)

Decision or mandated task, by category

Provisions

Resolution 1852 (2008)

General

Final extension

Taking note also of the request of the Commission to extend its mandate until 28 February 2009 so that it can continue its investigation without interruption and gradually transfer operations, staff and assets to The Hague with a view to completing the transition by the time the Special Tribunal for Lebanon starts functioning (fifth preambular paragraph)

Decides to extend the mandate of the Commission until 28 February 2009 (para. 2)

B. United Nations Commission of Inquiry into the facts and circumstances of the assassination of the former Prime Minister of Pakistan, Mohtarma Benazir Bhutto

Establishment

On 3 February 2009, by an exchange of letters between the Secretary-General and the President of the Security Council, the Council authorized the Secretary-General to establish an international commission in connection with the assassination on 27 December 2007 of the former Prime Minister of Pakistan, Mohtarma Benazir Bhutto.¹⁷ The decision was reached following receipt of the request from the Government of Pakistan and after extensive discussions with the Pakistani authorities as well as with members of the Council.

Mandate and composition

The Commission of Inquiry was mandated to determine the facts and circumstances surrounding the assassination of the former Prime Minister of Pakistan, Mohtarma Benazir Bhutto. The mandate of the Commission was to be for a maximum of six months, until 31 December 2009, and did not extend to carrying out a criminal investigation. The duty of determining

criminal responsibility of the perpetrators of the assassination remained with the Pakistani authorities. The terms of reference provided that the Commission would enjoy the full cooperation of the Pakistani authorities and be accorded the privileges, immunities and facilities necessary for the independent conduct of the inquiry, including, in particular, unhindered access to all relevant sources of information. The Commission could also request the cooperation of a third State in the collection of materials or information relevant to the case.¹⁸

The Commission was composed of a panel of three eminent persons having the appropriate experience and a reputation for probity and impartiality and was staffed in a manner to enable it to carry out its duties effectively. The Commission was funded by voluntary contributions from Member States, and Pakistan offered to provide “seed money” to an appropriate United Nations trust fund to help an early deployment of security and technical assessment missions.

Extension of mandate

By an exchange of letters, dated 30 December 2009, and 6 January 2010, respectively,¹⁹ the Council extended the mandate of the Commission of Inquiry by three months, until 31 March 2010.

¹⁷ S/2009/67, dated 2 February 2009, and S/2009/68, dated 3 February 2009.

¹⁸ See S/2009/67.

¹⁹ S/2010/7 and S/2010/8

IV. Tribunals

Note

During the period 2008-2009, the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda remained active, and the Security Council continued to plan for the end of their mandates and the establishment of a residual mechanism for their work.

Developments related to the establishment of a residual mechanism for the Tribunals

On 19 December 2008, the Council adopted a presidential statement,²⁰ in which it recalled that in its resolution 1503 (2003) of 28 August 2003, it called upon the Tribunals to take all possible measures to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010 (the completion strategies), and that in its resolution 1534 (2004) of 26 March 2004, it emphasized the importance of fully implementing the completion strategies. Noting with concern that the deadline for the completion of trial activities at first instance had not been met and that the Tribunals had indicated that their work was not likely to end in 2010, the Council emphasized that trials must be conducted by the Tribunals as quickly and efficiently as possible. The Council reaffirmed that the referral of cases to competent national jurisdictions was an essential part of the completion strategies, underlined again the need for the Tribunals to concentrate their work on the prosecution and trial of the most senior leaders suspected of being most responsible for crimes within their jurisdiction and urged the Tribunals to work with relevant national authorities to secure the transfer of cases which did not involve this level of responsibility for prosecution by competent national jurisdictions.

In addition, the Council acknowledged the need to establish an ad hoc mechanism to carry out a number of essential functions of the Tribunals, including the trial of high-level fugitives, after the closure of the Tribunals. In view of the substantially reduced nature of these residual functions, this mechanism would be a small, temporary, and efficient structure, whose functions and size would diminish over time. Its expenses would be expenses of the Organization in accordance with Article 17 of the Charter of the United

Nations. Moreover, the Council emphasized that any such mechanism would derive its authority from a resolution of the Council and from statutes and rules of procedure and evidence based on those existing for the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, modified as appropriate, and that accommodations might be needed to address the differing needs and circumstances of the respective Tribunals.

Subsequently, in a letter dated 28 September 2009, from the President of the Council addressed to the Secretary-General,²¹ the Council welcomed the recommendations contained in the report of the Secretary-General dated 21 May 2009 on the administrative and budgetary aspects of the options for possible locations for the archives of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and the seat of the residual mechanism(s) for the Tribunals.²²

A. 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

By resolution 827 (1993) of 25 May 1993, the Council established the International Tribunal for the Former Yugoslavia for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia during its breakup and subsequent conflicts.

Developments during 2008-2009

During the period under review, the Council made a number of technical changes relating to the Tribunal, focusing on adjusting the number of permanent and ad litem judges and extending the terms in office of various judges.

Table 24 provides the full text of all paragraphs in Council decisions that relate to the mandate of the Tribunal.

²⁰ S/PRST/2008/47.

²¹ S/2009/496.

²² S/2009/258.

Table 24

International Tribunal for the Former Yugoslavia: provisions relating to the mandate, 2008-2009

Decision or mandated task, by category

Provisions

Resolution 1800 (2008)

Procedural

Appoint additional ad litem judges

Decides, therefore, that the Secretary-General may appoint, within existing resources, additional ad litem judges upon request of the President of the International Tribunal, in order to conduct additional trials, notwithstanding the fact that the total number of ad litem judges appointed to the Chambers will from time to time temporarily exceed the maximum of 12 provided for in article 12 (1) of the statute of the International Tribunal, to a maximum of 16 at any one time, returning to a maximum of 12 by 31 December 2008 (para. 1)

Resolution 1837 (2008)

Procedural

Amend statute

Decides, without prejudice to the provisions of resolution 1800 (2008) of 20 February 2008, to amend article 12, (1) and (2) of the statute of the Tribunal and to replace those paragraphs with the provisions set out in the annex to the present resolution (para. 5)

Annex

1. The Chambers shall be composed of a maximum of 16 permanent independent judges, no two of whom may be nationals of the same State, and a maximum at any one time of 12 ad litem independent judges appointed in accordance with article 13 ter (2) of the statute, no two of whom may be nationals of the same State
2. A maximum at any one time of three permanent judges and nine ad litem judges shall be members of each Trial Chamber. Each Trial Chamber to which ad litem judges are assigned may be divided into sections of three judges each, composed of both permanent and ad litem judges, except in the circumstances specified in paragraph 5 below. A section of a Trial Chamber shall have the same powers and responsibilities as a Trial Chamber under the statute and shall render judgement in accordance with the same rules

Extension of terms of office of judges

Decides to extend the terms of office of the permanent judges [named in the resolution] at the Tribunal who are members of the Appeals Chamber until 31 December 2010, or until the completion of the cases before the Appeals Chamber if sooner (para. 1)

Decides to extend the terms of office of the ad litem judges [named in the resolution], currently serving at the Tribunal, until 31 December 2009, or until the completion of the cases to which they are assigned if sooner (para. 3)

Resolution 1849 (2008)

Procedural

Appoint additional ad litem judges

Decides that the Secretary-General may appoint, within existing resources, additional ad litem judges upon request of the President of the International Tribunal in order to complete existing trials or conduct additional trials, notwithstanding the fact that the total number of ad litem judges appointed to the Chambers will from time to time temporarily exceed the maximum of 12 provided for in article 12 (1) of the statute of the International Tribunal, to a maximum of 16 at any one time, returning to a maximum of 12 by 28 February 2009 (para. 1)

Resolution 1877 (2009)

Procedural

Amend statute

Decides to amend article 14 (3) and (4) of the statute and to replace those paragraphs with the provisions set out in the annex to the present resolution (para. 8)

Annex

3. After consultation with the permanent judges of the International Tribunal, the President shall assign four of the permanent judges elected or appointed in accordance with article 13 bis of the statute to the Appeals Chamber and nine to the Trial Chambers. Notwithstanding the provisions of article 12 (1) and (3), the President may assign to the Appeals Chamber up to four additional permanent judges serving in the Trial Chambers, on the completion of the cases to which each judge is assigned. The term of office of each judge redeployed to the Appeals Chamber shall be the same as the term of office of the judges serving in the Appeals Chamber

4. Two of the permanent judges of the International Criminal Tribunal for Rwanda elected or appointed in accordance with article 12 bis of the statute of that Tribunal shall be assigned by the President of that Tribunal, in consultation with the President of the International Tribunal, to be members of the Appeals Chamber and permanent judges of the International Tribunal. Notwithstanding the provisions of article 12 (1) and (3), up to four additional permanent judges serving in the Trial Chambers of the International Criminal Tribunal for Rwanda may be assigned to the Appeals Chamber by the President of that Tribunal, on the completion of the cases to which each judge is assigned. The term of office of each judge redeployed to the Appeals Chamber shall be the same as the term of office of the judges serving in the Appeals Chamber

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Appoint additional ad litem judges	Decides that, upon the request of the President of the International Tribunal, the Secretary-General may appoint additional ad litem judges in order to complete existing trials or conduct additional trials, notwithstanding the fact that the total number of ad litem judges serving at the International Tribunal will from time to time temporarily exceed the maximum of 12 provided for in article 12 (1) of the statute of the International Tribunal, to a maximum of 13 at any one time, returning to a maximum of 12 by 31 December 2009 (para. 7)
Extension of terms of office of judges	<p>Decides to review the extension of the term of office of the permanent judges at the International Tribunal, who are members of the Appeals Chamber, by 31 December 2009, in the light of the progress of the International Tribunal in the implementation of the completion strategy (para. 1)</p> <p>Decides to extend the term of office of the ad litem judges [named in the resolution], currently serving at the International Tribunal, until 31 December 2010, or until the completion of the cases to which they are assigned if sooner (para. 4)</p>

Resolution 1900 (2009)

Procedural

Extension of terms of office of judges	Underlines its intention to extend, by 30 June 2010, the terms of office of all trial judges at the International Tribunal based on the International Tribunal's projected trial schedule and the terms of office of all appeals judges until 31 December 2012, or until the completion of the cases to which they are assigned if sooner, and requests the President of the International Tribunal to submit to the Council an updated trial and appeals schedule, including information on the judges for whom extension of the terms of office or redeployment to the Appeals Chamber will be sought (para. 1)
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B. 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

By resolution 955 (1994) of 8 November 1994, the Council established 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 of International Law Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994.

Developments during 2008-2009

During the period under review, the Council made a number of technical changes relating to the Tribunal, focusing on adjusting the number of permanent and ad litem judges and extending the terms in office of various judges. The changes are summarized in table 25, which provides the full text of all paragraphs in Council decisions that relate to the mandate of the Tribunal.

Table 25

International Criminal Tribunal for Rwanda: provisions relating to the mandate, 2008-2009

Decision or mandated task, by category

Provisions

Resolution 1824 (2008)

Procedural

Amend statute

Decides to amend article 11 (1) and (2) of the statute of the Tribunal and to replace those paragraphs with the provisions set out in the annex to the present resolution (para. 5)

Annex

1. The Chambers shall be composed of a maximum of 16 permanent independent judges, no two of whom may be nationals of the same State, and a maximum at any one time of nine ad litem independent judges appointed in accordance with article 12 ter (2) of the present statute, no two of whom may be nationals of the same State
2. A maximum at any one time of three permanent judges and six ad litem judges shall be members of each Trial Chamber. Each Trial Chamber to which ad litem judges are assigned may be divided into sections of three judges each, composed of both permanent and ad litem judges. A section of a Trial Chamber shall have the same powers and responsibilities as a Trial Chamber under the present statute and shall render judgment in accordance with the same rules

Extension of term of office of judges

Decides to extend the term of office of the permanent judges of the Tribunal [named in the resolution] who are members of the Appeals Chamber until 31 December 2010, or until the completion of the cases before the Appeals Chamber if sooner (para. 1)

Decides to extend the term of office of the ad litem judges [named in the resolution], currently serving at the Tribunal, until 31 December 2009, or until the completion of the cases to which they are assigned if sooner (para. 3)

Resolution 1855 (2008)

Procedural

Amend statute

Decides to amend article 11 (2) of the statute of the International Tribunal as set out in the annex to the present resolution (para. 2)

Annex

2. Each Trial Chamber may be divided into sections of three judges each. A section of a Trial Chamber shall have the same powers and responsibilities as a Trial Chamber under the present statute and shall render judgment in accordance with the same rules (annex)

<i>Decision or mandated task, by category</i>	<i>Provisions</i>
Appoint additional ad litem judges	Decides that the Secretary-General may appoint, within existing resources, additional ad litem judges upon request of the President of the International Tribunal in order to complete existing trials or conduct additional trials, notwithstanding the fact that the total number of ad litem judges appointed to the Chambers will from time to time temporarily exceed the maximum of 9 provided for in article 11 (1) of the statute of the International Tribunal, to a maximum of 12 at any one time, returning to a maximum of 9 by 31 December 2009 (para. 1)

Resolution 1878 (2009)

Procedural

Amend statute	Decides to amend article 13 (3) of the statute of the International Tribunal as set out in the annex to the present resolution (para. 8) <i>Annex</i> 3. After consultation with the permanent judges of the International Tribunal for Rwanda, the President shall assign two of the permanent judges elected or appointed in accordance with article 12 bis of the present statute to be members of the Appeals Chamber of the International Tribunal for the Former Yugoslavia and eight to the Trial Chambers of the International Tribunal for Rwanda. Notwithstanding the provisions of article 11 (1) and (3), the President may assign to the Appeals Chamber up to four additional permanent judges serving in the Trial Chambers, on the completion of the cases to which each judge is assigned. The term of office of each judge redeployed to the Appeals Chamber shall be the same as the term of office of the judges serving in the Appeals Chamber
Extension of terms of office of judges	Decides to review the extension of the term of office of the permanent judges at the International Tribunal, who are members of the Appeals Chamber, by 31 December 2009, in the light of the progress of the International Tribunal in the implementation of the completion strategy (para. 1) Decides to extend the term of office of the ad litem judges [named in the resolution], currently serving at the International Tribunal, until 31 December 2010, or until the completion of the cases to which they are assigned if sooner (para. 4)

Resolution 1901 (2009)

Procedural

Extension of terms of office of judges	Underlines its intention to extend, by 30 June 2010, the terms of office of all trial judges at the International Tribunal based on the International Tribunal's projected trial schedule and the terms of office of all appeals judges until 31 December 2012, or until the completion of the cases to which they are assigned, if sooner, and requests the President of the International Tribunal to submit to the Council an updated trial and appeals schedule, including information on the judges for whom extension of the terms of office or redeployment to the Appeals Chamber will be sought (para. 1)
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Decides that, in order for the International Tribunal to complete existing trials or conduct additional trials, the total number of ad litem judges serving at the International Tribunal may from time to time temporarily exceed the maximum of 9 provided for in article 11 (1) of the statute of the International Tribunal, to a maximum of 12 at any one time, returning to a maximum of 9 by 31 December 2010 (para. 2)

V. Ad hoc commissions

Note

During the period under consideration, the United Nations Compensation Commission, established pursuant to resolutions 687 (1991) and 692 (1991), continued to exist. No new commissions were created during 2008-2009.

United Nations Compensation Commission

By resolutions 687 (1991) of 3 April 1991 and 692 (1991) of 20 May 1991, the Security Council

established the United Nations Compensation Commission to administer a fund to compensate for any direct loss, damage or injury to foreign Governments, nationals and corporations, following the invasion and occupation by Iraq of Kuwait.

Developments during 2008-2009

During the period under review, the Council made no changes to the mandate of the Commission.

VI. Special advisers, envoys and representatives

Note

While the Secretary-General has broad authority to appoint representatives and advisers, as reiterated by the General Assembly,²³ in many cases the appointments are made at the request or with the support of the Security Council. In such cases, the envoy or representative can be considered to be a subsidiary organ of the Council. The following list of special advisers, envoys and representatives includes

those for whom the Council has been involved in their appointment and whose mandate relates to the Council's responsibility for the maintenance of international peace and security. The list does not include Special Representatives who are appointed as heads of peacekeeping or political missions. Their appointments are dealt with in part X.

Table 26 includes the initial acknowledgement by the Council of the appointment of the representatives, their mandate and any developments that occurred during the review period.

²³ General Assembly resolution 51/226, sect. II, para. 5.

Table 26

Appointment of special advisers, envoys and representatives by the Security Council

<i>Establishment</i>	<i>Mandate</i>	<i>Developments during 2008-2009</i>
Special Envoy for eastern Democratic Republic of the Congo		
S/PRST/2008/40 29 October 2008	To facilitate dialogue between the leaders of the Democratic Republic of the Congo and Rwanda	Appointment of former President of Nigeria Olusegun Obasanjo as the Special Envoy for eastern Democratic Republic of the Congo
S/2008/684 3 November 2008		
S/2008/685 5 November 2008		
Special Adviser to the Secretary-General on Cyprus		
S/1997/320 17 April 1997	To assist the parties in the conduct of fully fledged negotiations aimed at reaching a comprehensive settlement	The Council welcomed the intention of the Secretary-General to appoint a Special Adviser on Cyprus, ^a who was appointed as from 14 July 2008 ^b
S/1997/321 21 April 1997		
		On 29 May 2009, the Council welcomed the continued efforts of the Special Adviser with a mandate to assist the parties in the conduct of fully fledged negotiations aimed at reaching a comprehensive settlement ^c
Special Adviser to the Secretary-General on the Prevention of Genocide		
Resolution 1366 (2001) 30 August 2001	Collect existing information, in particular from within the United Nations system, on massive and serious violations that might lead to genocide	On 6 February 2008, in a presidential statement, the Council expressed its strong concern at the continuing dire humanitarian situation in Kenya, and welcomed the decisions of the United Nations High Commissioner for Human Rights and the Special Adviser to the Secretary-General on the Prevention of Genocide to dispatch missions to Kenya ^d
S/2004/567 12 July 2004	Act as a mechanism of early warning to the Secretary-General and the Council regarding situations that could result in genocide	
S/2004/568 13 July 2004	Make recommendations on actions to prevent or halt genocide	
	Liaise with the United Nations system on activities to prevent genocide and enhance capacity to analyse and manage information relating to genocide or related crimes	By a letter dated 18 March 2009, the Secretary-General transmitted the report of the Special Adviser on his mission to the Great Lakes region from 22 November to 5 December 2008 with respect to the situation in North Kivu ^e

Special Envoy of the Secretary-General for the implementation of Security Council resolution 1559 (2004)

S/PRST/2004/36 19 October 2004	To consult with the Government of Lebanon and other interested Member States to assist in the preparation of the semi-annual reports of the Secretary-General to the Council on the implementation of resolution 1559 (2004)	No developments during the review period
S/2004/974 14 December 2004		
S/2004/975 16 December 2004		

Special Envoy of the Secretary-General for the Lord's Resistance Army-affected areas

S/2006/930 30 November 2006	Develop a relationship of mutual trust among parties	Extended the mandate of the Office of the Special Envoy, which expired on 31 December 2008, until 31 December 2009, to allow the Special Envoy to continue his efforts towards achieving a durable peace in northern Uganda ^f
S/2007/719 21 November 2007	Coordinate efforts by parties	
	Follow up on the peace talks and promote a peaceful agreement between the Government of Uganda and the Lord's Resistance Army (LRA)	On 30 June 2009, the activities of the Special Envoy were suspended and the office closed as he had completed his mandate, despite the fact that, owing to the failure of LRA leader Joseph Kony to honour his commitments, the Government of Uganda and the LRA representatives had yet to sign the final peace agreement that they had initialled ^g
	Coordinate the activities of the five African ambassadors/guarantors to the peace process	
	Serve as a focal point for the Special Envoy's regional activities, including coordination of international activities in support of the talks	
	Liaise with all stakeholders in Uganda and the region	
	Monitor and analyse internal and regional political and security developments in Uganda and neighbouring countries	
	Coordinate activities of the Unit in Juba	
	Consult with the United Nations Organization Mission in the Democratic Republic of the Congo and the United Nations Mission in the Sudan on security and military issues in connection with the mandate of the Special Envoy	

Personal Envoy of the Secretary-General for Western Sahara

[S/PRST/1997/16](#)
19 March 1997

To arrive at a mutually acceptable political solution so as to provide for the self-determination of the people of Western Sahara

The Council reaffirmed its support for the Personal Envoy, and welcomed the parties' agreement with his suggestion to hold small, informal talks in preparation for a fifth round of negotiations^h

[S/1997/236](#)
19 March 1997

Appointment of the Personal Envoy of the Secretary-General for Western Sahara on 6 January 2009ⁱ

^a Resolution [1818 \(2008\)](#) of 13 June 2008, sixth preambular paragraph.

^b [S/2008/456](#) and [S/2008/457](#).

^c Resolution [1873 \(2009\)](#), nineteenth preambular paragraph.

^d [S/PRST/2008/4](#).

^e [S/2009/151](#).

^f [S/2008/826](#).

^g [S/2009/281](#) and [S/2009/282](#).

^h Resolution [1813 \(2008\)](#) of 30 April 2008, second preambular paragraph and para. 3, and resolution [1871 \(2009\)](#) of 30 April 2009, second and eleventh preambular paragraphs and paras. 2 and 3.

ⁱ [S/2009/19](#) and [S/2009/20](#).

VII. Peacebuilding Commission

Note

By resolution [1645 \(2005\)](#) of 20 December 2005, the Security Council, acting concurrently with the General Assembly, decided to establish the Peacebuilding Commission as an intergovernmental advisory body. The Commission was given the mandate to bring together relevant actors within and outside the United Nations to, inter alia, marshal resources and focus attention on the reconstruction and institution-building efforts necessary for recovery from conflict. It was also charged with providing advice to the Council at its request. The Council contributed 7 members, out of a total of 31, to the Organizational Committee, which included the five permanent members of the Council and two elected members who were selected for a one-year term.²⁴ During the period

2008-2009, Burundi, the Central African Republic, Guinea-Bissau and Sierra Leone were on its agenda.

Appointments to the Organizational Committee

By a letter dated 3 January 2008 from the President of the Council addressed to the Secretary-General, the Council appointed two of its members, Belgium and South Africa, to participate in the Organizational Committee of the Commission for a term of one year, until the end of 2008.²⁵ On 6 January 2009, Burkina Faso and Mexico were selected by the Council to serve until the end of 2009.²⁶ On 29 December 2009, Gabon and Mexico were designated to serve on the Organizational Committee until the end of 2010.²⁷

Request for advice on the Central African Republic

In a letter dated 30 May 2008 addressed to the Chair of the Commission, the President of the Council requested advice and recommendations on the establishment of a political dialogue; action and

²⁴ The thirty-one members include seven members selected by the Security Council, seven members elected by the Economic and Social Council, five top providers of assessed contributions to United Nations budgets and of voluntary contributions to United Nations funds, programmes and agencies, including a standing peacebuilding fund, five top providers of military personnel and civilian police to United Nations missions and seven members elected by the General Assembly.

²⁵ [S/2008/84](#).

²⁶ [S/2009/168](#)

²⁷ [S/2009/678](#) and [S/2009/683](#).

support towards the development of a national security-sector system; and restoration of the rule of law in all regions of the Central African Republic.²⁸ The Organizational Committee of the Commission met on 12 June 2008, and agreed to place the Central African Republic on its agenda and to establish a country-specific configuration.²⁹

Selected decisions with reference to the Peacebuilding Commission

During the period, the Council referred to the Commission in a number of its thematic or country-

²⁸ [S/2008/383](#).

²⁹ [S/2008/419](#). See also [S/2008/417](#).

specific decisions. The Commission, inter alia, was called upon to perform its mandated tasks in coordinating actors and resources to assist countries emerging from conflict situations. The Council also requested that the Commission pay special attention to the protection of children and women in carrying out its responsibilities. Additionally, in a number of cases, the Council stressed the successful creation and implementation by the Commission of peacebuilding framework agreements in specific countries and urged donors to fulfil their pledges to support its work.

Tables 27 and 28 provide the full text of all paragraphs in Council decisions that relate to the Peacebuilding Commission, organized by agenda item.

Table 27

Decisions under thematic items

Decision and date

Provisions

Children and armed conflict

[S/PRST/2009/9](#)

29 April 2009

The Council invites the Peacebuilding Commission to continue to promote child protection in post-conflict situations under its consideration (nineteenth paragraph)

Resolution [1882 \(2009\)](#)

4 August 2009

Calls upon Member States, United Nations entities, including the Peacebuilding Commission and other parties concerned to ensure that the protection, rights, well-being and empowerment of children affected by armed conflict are integrated into all peace processes and that post-conflict recovery and reconstruction planning, programmes and strategies prioritize issues concerning children affected by armed conflict (para. 15)

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

[S/PRST/2008/14](#)

12 May 2008

The Council emphasizes the important role that the Commission, through its integrated peacebuilding strategies, can play in ensuring continuous international support to countries emerging from conflict. The Council also recognizes the importance of continued close cooperation and partnerships with non-United Nations actors, in particular regional, subregional and other intergovernmental organizations, including international financial institutions and bilateral donors, as well as non-governmental organizations (seventh paragraph)

Maintenance of international peace and security: mediation and settlement of disputes

[S/PRST/2008/36](#)

23 September 2008

The Council highlights the importance of considering peacebuilding and recovery requirements in the mediation process to help build the foundations for sustainable peace, and stresses that the Commission has a role to play in the promotion of mediation (ninth paragraph)

Decision and date

Provisions

Post-conflict peacebuilding

[S/PRST/2008/16](#)
20 May 2008

The Council recalls its resolution [1645 \(2005\)](#) and welcomes the work of the Commission in advising on the coordination of international peacebuilding activities and resources, and expresses its support for enhancing the role of the Peacebuilding Commission, Peacebuilding Support Office and the Peacebuilding Fund (fourth paragraph)

The Council encourages the Secretary-General, the Commission, international and regional organizations and Member States to consider how to support national efforts in affected countries to secure a sustainable peace more rapidly and effectively, including in the areas of coordination, civilian deployment capabilities and financing. The Council invites the Secretary-General to provide advice within 12 months to the relevant United Nations organs on how best to take forward these issues within the United Nations system and, taking into consideration the views of the Commission, how to coordinate peacebuilding activities and encourage the mobilization and most effective use of resources for urgent peacebuilding needs (tenth paragraph)

[S/PRST/2009/23](#)
22 July 2009

The Council recalls its resolution [1645 \(2005\)](#) and recognizes the important role of the Commission in promoting and supporting an integrated and coherent approach to peacebuilding, welcomes the progress it has achieved, calls on it to further enhance its advisory role and support for countries on its agenda and looks forward to the recommendations of the 2010 review of the Commission's founding resolutions on how its role can continue to be enhanced (seventh paragraph)

Women and peace and security

Resolution [1820 \(2008\)](#)
19 June 2008

Stresses the important role the Commission can play by including in its advice and recommendations for post-conflict peacebuilding strategies, where appropriate, ways to address sexual violence committed during and in the aftermath of armed conflict, and ensuring consultation and effective representation of women's civil society in its country-specific configurations, as part of its wider approach to gender issues (para. 11)

Resolution [1888 \(2009\)](#)
30 September 2009

Reaffirms the role of the Commission in promoting inclusive gender-based approaches to reducing instability in post-conflict situations, noting the important role of women in rebuilding society, and urges the Commission to encourage all parties in the countries on its agenda to incorporate and implement measures to reduce sexual violence in post-conflict strategies (para. 18)

Resolution [1889 \(2009\)](#)
5 October 2009

Encourages the Peacebuilding Commission and the Peacebuilding Support Office to continue to ensure systematic attention to and mobilization of resources for advancing gender equality and the empowerment of women as an integral part of post-conflict peacebuilding, and to encourage the full participation of women in this process (para. 14)

Table 28

Decisions under country-specific items

Decision and date

Provisions

The situation in Burundi

Resolution [1858 \(2008\)](#)
22 December 2008

Emphasizing the need for the United Nations system and the international community to maintain their support for peace consolidation and long-term development in Burundi, welcoming the continued engagement of the Commission on Burundi and the recent visit of the delegation led by the Chairperson of the Burundi configuration of the Commission, and taking note of the June 2008 biannual review of progress in the implementation of the Strategic Framework for Peacebuilding in Burundi and of the briefing by the Chairperson of the Burundi configuration of the Commission on 11 December 2008 (seventh preambular paragraph)

Encourages the Government of Burundi, the Commission and national and international partners to honour the commitments they have made under the Strategic Framework for Peacebuilding in Burundi, and requests the Commission, with support from the United Nations Integrated Office in Burundi (BINUB) and the United Nations country team, to continue to assist the Government in laying the foundations for sustainable peace and security and long-term development in Burundi and in mobilizing the resources needed to achieve these aims, including for the coming elections (para. 9)

Resolution [1902 \(2009\)](#)
17 December 2009

Encourages the Government of Burundi, the Commission, and its national and international partners to honour the commitments they have made under the Strategic Framework for Peacebuilding in Burundi, and requests the Commission, with support from BINUB, to continue to assist the Government of Burundi in laying the foundations for sustainable peace and security, reintegration and long-term development in Burundi and in mobilizing the resources needed to achieve these aims, including for the coming elections (para. 11)

The situation in the Central African Republic

[S/PRST/2009/5](#)
7 April 2009

The Council welcomes the support provided by the Commission to the Central African Republic, looks forward to the finalization of the Strategic Framework for Peacebuilding, and calls upon the donor community to work with the Commission to identify sectors that are critical for long-term stability and development in the Central African Republic and to intensify their support in those sectors (ninth paragraph)

[S/PRST/2009/35](#)
21 December 2009

The Council welcomes the support provided by the Commission to the Central African Republic, and reiterates its call on the donor community to enhance its support to sectors identified as critical for sustainable peace and development in the Central African Republic, as set out in the Strategic Framework for Peacebuilding in the Central African Republic developed by the Commission (seventh paragraph)

Decision and date

Provisions

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

Resolution [1861 \(2009\)](#)
14 January 2009

Stresses that an improved capacity of the Government of the Central African Republic to exercise its authority in the north-eastern part of the country is also critical to the fulfilment of the objectives of the United Nations Mission in the Central African Republic and Chad (MINURCAT) as set out in paragraph 1 of the resolution, and calls upon the Government of the Central African Republic, Member States, the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA), United Nations agencies and the Peacebuilding Commission to provide the necessary support to the reform of the security sector in the Central African Republic (para. 26)

The situation in Guinea-Bissau

[S/PRST/2008/37](#)
15 October 2008

The Council notes with satisfaction the adoption of the Strategic Framework for Peacebuilding in Guinea-Bissau by the Guinea-Bissau configuration of the Peacebuilding Commission on 1 October 2008, and notes the importance of the rapid and effective implementation of quick-impact projects financed by the Peacebuilding Fund. The Council looks forward to the establishment of the monitoring and tracking mechanism of the Strategic Framework (fourth paragraph)

[S/PRST/2009/6](#)
9 April 2009

The Council calls upon the international community to provide timely and adequate support for the implementation of the Strategic Framework for Peacebuilding in Guinea-Bissau adopted by the Commission. It looks forward to a sustainable mobilization of resources for economic reconstruction and peace consolidation in Guinea-Bissau (ninth paragraph)

[S/PRST/2009/29](#)
5 November 2009

The Council calls upon the international community to provide timely and adequate support for the implementation of the Strategic Framework for Peacebuilding in Guinea-Bissau, adopted by the Commission on 1 October 2008, including that of the quick-impact projects. The Council takes note of the importance of building synergies among the donors. It further takes note of the preparations for the first review of the Strategic Framework for Peacebuilding and looks forward to its finalization. The Council reiterates its support for the work of the Guinea-Bissau configuration of the Commission (seventh paragraph)

The situation in Sierra Leone

Resolution [1829 \(2008\)](#)
4 August 2008

Welcoming the progress in the implementation of the Sierra Leone Peacebuilding Cooperation Framework, and encouraging the Government of Sierra Leone to continue its close engagement with the Commission by implementing the recommendations of the first biannual review of the Framework (seventh preambular paragraph)

[Requests the support of the United Nations Integrated Peacebuilding Office in Sierra Leone in] closely coordinating with and supporting the work of the Commission, as well as the implementation of the Sierra Leone Peacebuilding Cooperation Framework and projects supported through the Peacebuilding Fund (para. 3 (e))

	<p>Emphasizes that the Government of Sierra Leone bears the primary responsibility for peacebuilding, security and long-term development in the country, and encourages the Government to continue its close engagement with the Commission in this regard, including through the regular monitoring of progress in the implementation of the Sierra Leone Peacebuilding Cooperation Framework, and further encourages international partners to continue to provide support to the Government and to cooperate with the Commission (para. 6)</p>
<p>Resolution 1886 (2009) 15 September 2009</p>	<p>Reiterating its appreciation for the work of the Commission, and welcoming the outcome of the High-Level Special Session on Sierra Leone held by the Commission on 10 June 2009, which articulated a road map for the continued engagement of the Commission with Sierra Leone in alignment with the Agenda for Change of the Government of Sierra Leone (eighth preambular paragraph)</p>
	<p>Emphasizes that the Government of Sierra Leone bears primary responsibility for peacebuilding, security and long-term development in the country, and encourages the Government to continue the implementation of the Agenda for Change, the Peacebuilding Commission to follow actively developments and mobilize international support as needed, and existing as well as potential new international donors to provide support to the Government (para. 5)</p>

VIII. Subsidiary organs of the Security Council proposed but not established

Note

During the period 2008-2009, 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 concerning Zimbabwe, under the item "Peace and security in Africa".

Case 1

Proposal submitted at the 5933rd meeting of the Council, on 11 July 2008, with respect to peace and security in Africa

At its 5933rd meeting, on 11 July 2008, in connection with the item entitled "Peace and security in Africa", the Council met to consider a draft resolution submitted by Australia, Belgium, Canada, Croatia, France, Italy, Liberia, the Netherlands, New Zealand, Sierra Leone, the United Kingdom and the United States,³⁰ by which the Council would have condemned

the Government of Zimbabwe's campaign of violence against the political opposition and the civilian population, making it impossible for a free and fair election to occur, and would have imposed sanctions, under Chapter VII of the Charter, including an arms embargo, a travel ban and an asset freeze on certain individuals and entities. The draft resolution also called for the establishment of a Committee (a) to seek information from all States on their actions taken to implement the sanctions measures; (b) to examine and take appropriate action on information regarding alleged violations of measures; (c) to designate individuals and entities subject to the travel ban and asset freeze; (d) to consider and decide upon requests for exemptions; (e) to establish guidelines as necessary; (f) to report to the Council with observations and recommendations; (g) to assess reports from the Panel of Experts; and (h) to encourage a dialogue between the Committee and interested Member States. The draft resolution also proposed a Panel of Experts to assist the Committee in

³⁰ [S/2008/447](#).

monitoring implementation of the measures and provide briefings and report to the Committee on its work.

The draft resolution was put to the vote, receiving nine votes in favour and five votes against (China, Libyan Arab Jamahiriya, Russian Federation, South

Africa, Viet Nam), with one abstention (Indonesia), but failed to be adopted owing to the negative vote of a permanent member of the Council.³¹

³¹ [S/PV.5933](#).

Annex

**Documents relating to committees, tribunals and other bodies,
2008-2009**

<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
Committee established pursuant to resolution 751 (1992) concerning Somalia	S/2008/806	19 December 2008	Annual report for 2008
Monitoring Group on Somalia	S/2008/274	24 April 2008	Report of the Monitoring Group on Somalia submitted in accordance with resolution 1766 (2007)
	S/2008/378	10 June 2008	Letter from the Secretary-General announcing appointment of experts for the Monitoring Group
	S/2008/769	10 December 2008	Report of the Monitoring Group on Somalia submitted in accordance with resolution 1811 (2008)
	S/2009/136	10 March 2009	Letter from the Secretary-General announcing appointment of four experts for the Monitoring Group
	S/2009/172	31 March 2009	Letter from the Secretary-General announcing appointment of final expert for the Monitoring Group
Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone	S/2009/94	13 February 2009	Annual report for 2008
	S/2009/690	5 January 2010	Annual report for 2009
Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities	S/2008/16	14 January 2008	Letter from the Chairman of the Committee transmitting the report containing the position of the Committee on the recommendations of the expert group
	S/2008/25	17 January 2008	Annual report for 2007
	S/2008/408	20 June 2008	Letter from the Chairman of the Committee transmitting the position of the Committee on the recommendations of the expert group
	S/2008/848	31 December 2008	Annual report for 2008

**Part IX. Subsidiary organs of the Security Council:
committees, tribunals and other bodies**

<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
	S/2009/427	17 August 2009	Letter from the Chairman of the Committee transmitting the position of the Committee on the recommendations of the expert group
	S/2009/676	30 December 2009	Annual report for 2009
Analytical Support and Sanctions Monitoring Team (Al-Qaida and the Taliban)	S/2008/324	13 May 2008	Eighth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities
	S/2009/245	11 May 2009	Ninth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities
	S/2009/502	28 September 2009	Tenth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities
Committee established pursuant to resolution 1518 (2003)	S/2008/109	14 February 2008	Annual report for 2007
	S/2009/79	3 February 2009	Annual report for 2008
	S/2009/671	22 December 2009	Annual report for 2009
Committee established pursuant to resolution 1521 (2003) concerning Liberia	S/2009/236	6 May 2009	Annual report for 2008
	S/2009/691	31 December 2009	Annual report for 2009
Panel of Experts on Liberia	S/2008/85	8 February 2008	Letter from the Secretary-General to the President of the Council reappointing experts to the Panel of Experts
	S/2008/371	12 June 2008	Report submitted pursuant to resolution 1792 (2007)
	S/2008/459	14 July 2008	Letter from the Secretary-General to the President of the Council reappointing experts to the Panel of Experts

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<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
	S/2008/785	12 December 2008	Report submitted pursuant to resolution 1819 (2008)
	S/2009/47	20 January 2009	Letter from the Secretary-General to the President of the Council appointing two experts to the Panel of Experts
	S/2009/109	24 February 2009	Letter from the Secretary-General to the President of the Council appointing one expert to the Panel of Experts
	S/2009/290	5 June 2009	Report submitted pursuant to resolution 1854 (2008)
	S/2009/640	11 December 2009	Report submitted pursuant to resolution 1854 (2008)
Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo	S/2008/17	11 January 2008	Annual report for 2007
	S/2008/832	31 December 2008	Annual report for 2008
	S/2009/667	31 December 2009	Annual report for 2009
Group of Experts on the Democratic Republic of the Congo	S/2008/43	11 February 2008	Report submitted pursuant to resolution 1771 (2007)
	S/2008/120	20 February 2008	Letter from the Secretary-General to the President of the Council appointing five members to the Group of Experts
	S/2008/312	9 May 2008	Letter from the Secretary-General to the President of the Council appointing five members to the Group of Experts
	S/2008/526	6 August 2008	Letter from the Secretary-General to the President of the Council appointing two persons to replace the arms and aviation experts for the remainder of the mandate until 31 December 2008
	S/2008/772	19 August 2008	Interim report submitted in accordance with paragraph 18 (d) of resolution 1807 (2008)
	S/2008/773	10 December 2008	Final report submitted in accordance with paragraph 18 (d) of resolution 1807 (2008)

**Part IX. Subsidiary organs of the Security Council:
committees, tribunals and other bodies**

<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
	S/2009/93	13 February 2009	Letter from the Secretary-General to the President of the Council appointing three experts to the Group of Experts
	S/2009/253	14 May 2009	Interim report submitted in accordance with paragraph 8 of resolution 1857 (2008)
	S/2009/603	23 November 2009	Final report submitted in accordance with paragraph 8 of resolution 1857 (2008)
Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire	S/2008/829	31 December 2008	Annual report for 2008
	S/2009/689	31 December 2009	Annual report for 2009
Group of Experts on Côte d'Ivoire	S/2008/235	9 April 2008	Report submitted in accordance with paragraph 10 of resolution 1782 (2007)
	S/2008/598	8 October 2008	Report submitted in accordance with paragraph 10 of resolution 1782 (2007)
	S/2008/793	16 December 2008	Letter from the Secretary-General to the President of the Council appointing four members to the Group of Experts
	S/2009/5	5 January 2009	Letter from the Secretary-General to the President of the Council appointing one member to the Group of Experts
	S/2009/188	8 April 2009	Report submitted in accordance with paragraph 11 of resolution 1842 (2008)
	S/2009/521	7 October 2009	Report submitted in accordance with paragraph 11 of resolution 1842 (2008)
	Committee established pursuant to resolution 1591 (2005) concerning the Sudan	S/2008/840	31 December 2008
Panel of Experts on the Sudan	S/2008/48	28 January 2008	Letter from the Secretary-General to the President of the Council appointing one member to the Panel of Experts

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<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
	S/2008/647	17 November 2008	Report submitted in accordance with paragraph 2 of resolution 1779 (2007)
	S/2008/743	26 November 2008	Letter from the Secretary-General to the President of the Council appointing five members to the Panel of Experts
	S/2009/562	27 October 2009	Report submitted in accordance with paragraph 2 of resolution 1841 (2008)
	S/2009/639	14 December 2009	Letter from the Secretary-General to the President of the Council appointing four members to the Panel of Experts
Committee established pursuant to resolution 1718 (2006)	S/2008/830	31 December 2008	Annual report for 2008
	S/2009/222	24 April 2009	Letter from the Chairman of the Committee addressed to the President of the Council transmitting the report of the Committee submitted in accordance with the presidential statement of 13 April 2009 (S/PRST/2009/7)
	S/2009/364	16 July 2009	Letter from the Acting Chairman of the Committee addressed to the President of the Council transmitting the report of the Committee submitted in accordance with paragraph 24 of resolution 1874 (2009)
Panel of Experts on the Democratic People's Republic of Korea	S/2009/416	12 August 2009	Letter from the Secretary-General to the President of the Council appointing seven experts to the Panel
	S/2009/555	26 October 2009	Letter from the Secretary-General to the President of the Council appointing an expert to replace one who could not assume her functions
Committee established pursuant to resolution 1737 (2006)	S/2008/839	31 December 2008	Annual report for 2008
	S/2009/688	31 December 2009	Annual report for 2009

**Part IX. Subsidiary organs of the Security Council:
committees, tribunals and other bodies**

<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism	S/2008/29	18 January 2008	Second report of the Counter-Terrorism Committee on the implementation of resolution 1624 (2005)
	S/2008/58	30 January 2008	Report of the Democratic Republic of the Congo submitted pursuant to paragraph 6 of resolution 1373 (2001)
	S/2008/59	30 January 2008	Report of the Democratic Republic of the Congo submitted pursuant to paragraph 6 of resolution 1373 (2001) , as well as the response of the Democratic Republic of the Congo to resolution 1624 (2005)
	S/2008/76	5 February 2008	Report of Montenegro submitted pursuant to paragraph 6 of resolution 1373 (2001)
	S/2008/77	7 February 2008	Report of Nigeria submitted pursuant to resolution 1624 (2005)
	S/2008/80	7 February 2008	Letter from the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Council, endorsing the revised organizational plan for the Counter-Terrorism Committee Executive Directorate
	S/2008/121	17 March 2008	Report of the Niger submitted pursuant to paragraph 6 of resolution 1373 (2001)
	S/2008/187	20 March 2008	Work programme for the Committee covering the period from 1 January to 30 June 2008
	S/2008/337	16 May 2008	Report of Kazakhstan submitted pursuant to resolution 1624 (2005)
	S/2008/379	10 June 2008	First report of the Counter-Terrorism Committee on the implementation of resolution 1373 (2001)
	S/2008/385	1 July 2008	Report of Jamaica submitted pursuant to resolution 1624 (2005)

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<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
	S/2008/386	11 June 2008	Report of Costa Rica submitted pursuant to resolution 1624 (2005)
	S/2008/471	18 July 2008	Work programme for the Committee covering the period from 1 July to 31 December 2008
	S/2009/71	3 February 2009	Work programme for the Committee covering the period from 1 January to 30 June 2009
	S/2009/133	9 March 2009	Report of the Bahamas submitted pursuant to paragraph 6 of resolution 1373 (2001)
	S/2009/134	9 March 2009	Report of Madagascar submitted pursuant to resolution 1624 (2005)
	S/2009/389	27 July 2009	Work programme for the Committee covering the period from 1 July to 31 December 2009
	S/2009/448	8 September 2009	Report of Antigua and Barbuda submitted pursuant to resolution 1624 (2005)
	S/2009/474	17 September 2009	Report of Zimbabwe submitted pursuant to paragraph 6 of resolution 1373 (2001)
	S/2009/498	30 September 2009	Report of Turkmenistan submitted pursuant to paragraph 6 of resolution 1373 (2001) , as well as Turkmenistan's response to resolution 1624 (2005)
	S/2009/617	1 December 2009	Report of Saint Vincent and the Grenadines submitted pursuant to resolution 1624 (2005)
	S/2009/618	1 December 2009	Report of Lesotho submitted pursuant to resolutions 1373 (2001) and 1624 (2005)
	S/2009/620	3 December 2009	Second report of the Counter-Terrorism Committee on the implementation of resolution 1373 (2001)

**Part IX. Subsidiary organs of the Security Council:
committees, tribunals and other bodies**

<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
Counter-Terrorism Committee Executive Directorate	S/2008/711 , S/2008/712	13 and 17 November 2008	Exchange of letters between the Secretary-General and the President of the Council extending the appointment of the Executive Director of the Directorate until 31 December 2009
	S/2009/289	4 June 2009	Report of the Counter-Terrorism Committee to the Council as part of its interim review of the work of the Counter-Terrorism Committee Executive Directorate submitted pursuant to paragraph 2 of resolution 1805 (2008)
	S/2009/655 , S/2009/656	11 and 16 December 2009	Exchange of letters between the Secretary-General and the President of the Council extending the appointment of the Executive Director of the Directorate until 31 December 2010
Committee established pursuant to resolution 1540 (2004)	S/2008/493	8 July 2008	Second report of the Committee
	S/2008/821	26 December 2008	Letter from the Chairman of the Committee established pursuant to resolution 1540 (2004) addressed to the President of the Council regarding the Committee's discussion on options for developing and making more effective the existing funding mechanisms
	S/2009/62	30 January 2009	Letter from the Acting Chairman of the Committee established pursuant to resolution 1540 (2004) addressed to the President of the Council regarding the Committee's continuing consideration of its annual programme of work
	S/2009/63	30 January 2009	Letter from the Acting Chairman of the Committee established pursuant to resolution 1540 (2004) addressed to the President of the Council regarding the Committee's decision to establish a Working Group to consider the modalities of a comprehensive review of the status of implementation of resolution 1540 (2004)

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<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
	S/2009/124	2 March 2009	Annual programme of work of the Committee for the period from 1 February 2009 to 31 January 2010
	S/2009/170	27 March 2009	Report on the consideration by the Committee of a comprehensive review of the status of implementation of resolution 1540 (2004)
	S/2009/171	27 March 2009	Letter from the Chairman of the Committee established pursuant to resolution 1540 (2004) addressed to the President of the Council transmitting the paper prepared by the Chairman of the Committee on its consideration of options for developing and making more effective existing funding mechanisms
	S/2009/432	25 August 2009	Letter from the Chairman of the Committee established pursuant to resolution 1540 (2004) addressed to the President of the Council in regard to the Committee's decision to hold an open meeting from 30 September to 2 October 2009 for a comprehensive review of the status of implementation of resolution 1540 (2004)
International Independent Investigation Commission	S/2008/60 , S/2008/61	30 and 31 January 2008	Exchange of letters between the Secretary-General and the President of the Council authorizing the International Independent Investigation Commission to provide assistance in investigating the murder of Major Wissam Eid of the Internal Security Forces, Adjutant Oussama Merheb and other civilians, following the request of Lebanon
	S/2008/210	28 March 2008	Tenth report of the International Independent Investigation Commission

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committees, tribunals and other bodies**

<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
	S/2008/334	16 May 2008	Letter from the Prime Minister of Lebanon requesting the extension of the mandate of the International Independent Investigation Commission until 31 December 2008
	S/2008/752	2 December 2008	Eleventh report of the International Independent Investigation Commission
	S/2008/764	4 December 2008	Letter from the representative of Lebanon addressed to the Secretary-General, requesting the extension of the mandate of the International Independent Investigation Commission until 28 February 2009
	S/2008/824 , S/2008/825	18 and 29 December 2008	Exchange of letters between the Secretary-General and the President of the Council in reference to the decision of the Secretary-General that, in accordance with article 19 (2) of the annex to resolution 1757 (2007) , the Special Tribunal for Lebanon would commence on 1 March 2009
United Nations Commission of Inquiry into the facts and circumstances of the assassination of the former Prime Minister of Pakistan, Mohtarma Benazir Bhutto	S/2009/67 , S/2009/68	2 and 3 February 2009	Exchange of letters between the Secretary-General and the President of the Council authorizing the establishment of an international commission of inquiry in connection with the assassination, on 27 December 2007, of the former Prime Minister of Pakistan Mohtarma Benazir Bhutto
	S/2010/7 , S/2010/8	30 December 2009 and 6 January 2010	Exchange of letters between the Secretary-General and the President of the Council extending the mandate of the Commission until 31 March 2010

<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	S/2008/44	22 January 2008	Letter from the President of the International Tribunal for the Former Yugoslavia asking the Council to authorize the appointment of additional ad litem judges as requested in his letter of 12 December 2007 (S/2007/788), but not limited to the specific cases identified, and without specifying a strict time limit by which the number of ad litem judges must return to the maximum of 12 set out in article 12 (1) of the statute of the Tribunal (S/25704 , and Corr.1, annex)
	S/2008/99	8 February 2008	Letter from the President of the International Tribunal for the Former Yugoslavia giving further explanation of the request set out in his letters of 12 December 2007 (S/2007/788) and 14 January 2008 (S/2008/44) concerning the appointment of additional ad litem judges to enable the Tribunal to start conducting new trials in furtherance of its completion strategy
	S/2008/326	13 May 2008	Assessments of the President and of the Prosecutor of the International Tribunal for the Former Yugoslavia submitted pursuant to paragraph 6 of resolution 1534 (2004)
	S/2008/437	13 June 2008	Letter from the President of the International Tribunal for the Former Yugoslavia seeking the assignment of two ad litem judges to a case that was scheduled to start on 24 July 2008 and was anticipated to last for 17 months, exceeding their terms of office which would expire on 23 August 2009. The President sought an extension of the terms of all the Tribunal's ad litem judges for a period of 12 months from the expiration of their terms on 23 August 2009

**Part IX. Subsidiary organs of the Security Council:
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<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
	S/2008/515	4 August 2008	Report of the International Tribunal for the Former Yugoslavia submitted by the President of the Tribunal in accordance with article 34 of its statute
	S/2008/555	13 August 2008	Letter from the Secretary-General addressed to the President of the Council confirming the appointment of a permanent judge
	S/2008/507 , S/2008/508	25 and 30 July 2008	Exchange of letters between the President of the Council and the Secretary-General appointing a permanent judge to the International Tribunal for the Former Yugoslavia
	S/2008/729 and Add.1	21 November 2008	Assessments of the President and the Prosecutor of the International Tribunal for the Former Yugoslavia submitted pursuant to paragraph 6 of resolution 1534 (2004)
	S/2008/767	5 December 2008	Letter from the President of the International Tribunal for the Former Yugoslavia seeking an extension of the terms of resolution 1800 (2008) , adopted on 20 February 2008, so that the Tribunal might be authorized to have more than the statutory maximum of 12 ad litem judges beyond 31 December 2008
	S/2009/252	14 May 2009	Assessments of the President and the Prosecutor of the International Tribunal for the Former Yugoslavia submitted pursuant to paragraph 6 of resolution 1534 (2004)
	S/2009/386 , S/2009/387	22 and 27 July 2009	Exchange of letters between the President of the Council and the Secretary-General appointing permanent judges to the Tribunal
	S/2009/394	31 July 2009	Sixteenth annual report of the International Tribunal for the Former Yugoslavia submitted by the President of the Tribunal in accordance with article 34 of its statute

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<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
	S/2009/410	7 August 2009	Letter from the Secretary-General addressed to the President of the Council confirming the appointment of permanent judges
	S/2009/570	28 October 2009	Letter from the President of the International Tribunal for the Former Yugoslavia seeking the extension of the terms of office of two ad litem judges
	S/2009/589	12 November 2009	Assessments of the President and the Prosecutor of the International Tribunal for the Former Yugoslavia submitted pursuant to paragraph 6 of resolution 1534 (2004)
International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994	S/2008/322	12 May 2008	Assessments of the President and the Prosecutor of the International Criminal Tribunal for Rwanda on the implementation of its completion strategy submitted pursuant to resolution 1534 (2004) , as at 1 May 2008
	S/2008/356	3 June 2008	Letter from the President of the International Criminal Tribunal for Rwanda, including an enclosure dated 22 May 2008 from Hassan Jallow, Prosecutor of the Tribunal, regarding the matter of outstanding fugitives in both Kenya and the Democratic Republic of the Congo
	S/2008/436	13 June 2008	Letter from the President of the International Criminal Tribunal for Rwanda seeking authorization for an extension of the terms of office of nine permanent judges and eight ad litem judges, whose terms would expire on 31 December 2008. He sought, for each of those judges, an extension to 31 December 2009, or until the completion of the cases to which they were assigned if sooner. As a contingency against the unexpected, he also sought an extension to 31 December 2009 of the terms of the remaining nine ad litem judges who were not yet appointed to serve at the Tribunal

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<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
	S/2008/514	1 August 2008	Thirteenth annual report of the International Criminal Tribunal for Rwanda submitted by the President of the Tribunal in accordance with article 32 of its statute (resolution 955 (1994) , annex)
	S/2008/726	21 November 2008	Letter from the President of the International Criminal Tribunal for Rwanda transmitting the assessments of the President and the Prosecutor of the Tribunal on the implementation of its completion strategy submitted pursuant to resolution 1534 (2004) , as at 3 November 2008
	S/2008/799	18 December 2008	Letter from the President of the International Criminal Tribunal for Rwanda seeking waivers from and amendments to its statute so that it might continue to downsize and at the same time complete both ongoing and new trials
	S/2009/247	14 May 2009	Assessments of the President and the Prosecutor of the International Criminal Tribunal for Rwanda on the implementation of its completion strategy submitted pursuant to resolution 1534 (2004) , as at 4 May 2009
	S/2009/334	26 June 2009	Letter from the President of the International Criminal Tribunal for Rwanda requesting that the Council: (a) allow one judge to engage in another professional occupation in his home country and work part-time at the Tribunal while drafting his final judgement; and (b) permit the International Criminal Tribunal for Rwanda to recruit an additional ad litem judge from among the former permanent judges of the International Tribunal for the Former Yugoslavia or the ad litem judges of the International Tribunal for the Former Yugoslavia who had not been assigned to any case

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<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
	S/2009/336	7 July 2009	Letter from the President of the International Criminal Tribunal for Rwanda requesting that the resigning judge be permitted to continue to serve at the Tribunal until the completion of the cases to which he was assigned and, as he would be replaced by another national of the Russian Federation, that the Council allow derogation from the statutory prohibition against two judges of the same nationality serving at the Tribunal at the same time
	S/2009/396	31 July 2009	Report of the International Criminal Tribunal for Rwanda submitted by the President of the Tribunal in accordance with article 32 of its statute
	S/2009/425	18 August 2009	Letter from the Secretary-General to the President of the Council confirming the appointment of a permanent judge
	S/2009/571	2 November 2009	Letter from the President of the International Criminal Tribunal for Rwanda requesting that the Council permit the International Criminal Tribunal for Rwanda to exceed the maximum number of ad litem judges allowed by article 11, paragraph 1, of its statute by extending, to 31 December 2010, the authorization granted in resolution 1855 (2008)
	S/2009/587	12 November 2009	Assessments of the President and the Prosecutor of the International Criminal Tribunal for Rwanda on the implementation of its completion strategy submitted pursuant to resolution 1534 (2004) , as at 9 November 2009

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<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
	S/2009/601	23 November 2009	Letter from the President of the International Criminal Tribunal for Rwanda requesting that the Council authorize a permanent judge to serve at the Tribunal beyond the expiry of his term of office so that he might complete the <i>Setako</i> case
United Nations Compensation Commission	S/2008/265	10 April 2008	Letter from the President of the Governing Council of the United Nations Compensation Commission to the President of the Security Council containing the report on the results of the Governing Council's sixty-fifth session, which was held at Geneva on 8 and 9 April 2008
	S/2008/509	4 August 2008	Report of the Board of Auditors to the Security Council on the financial statements of the United Nations Compensation Commission for the biennium ended 31 December 2007
	S/2008/658	23 October 2008	Letter from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council containing the report on the results of the Governing Council's sixty-sixth session, which was held at Geneva on 21 and 22 October 2008
	S/2009/226	30 April 2009	Letter from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council containing the report on the results of the Governing Council's sixty-seventh session, held at Geneva on 28 and 29 April 2009
	S/2009/594	12 November 2009	Letter from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council, transmitting the report on the results of the Governing Council's sixty-eighth session, held at Geneva on 10 and 12 November 2009

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<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
Peacebuilding Commission	S/2008/84	3 January 2008	Letter from the President of the Security Council to the Secretary-General, informing him that members of the Security Council had agreed to the selection of Belgium and South Africa as the two elected members of the Council to participate in the Organizational Committee of the Peacebuilding Commission for a term of one year, until the end of 2008
	S/2008/87	28 December 2007	Letter from the Chairperson of the Peacebuilding Commission to the President of the Security Council regarding the inclusion of Guinea-Bissau in the Commission's agenda and the establishment of a country-specific configuration for Guinea-Bissau
	S/2008/192	20 March 2008	Letter from the Chairperson of the Peacebuilding Commission and the Chairperson of the Burundi configuration of the Peacebuilding Commission to the President of the General Assembly, the President of the Security Council and the President of the Economic and Social Council, referring to the conclusions and recommendations of the Peacebuilding Commission on the situation in Burundi developed by the Burundi configuration of the Commission
	S/2008/208	25 March 2008	Letter from the Chairperson of the Peacebuilding Commission and the Chairperson of the Guinea-Bissau configuration of the Commission to the President of the Security Council reporting on the initial work of the Commission and country configuration
	S/2008/383	30 May 2008	Letter from the President of the Security Council to the Chairperson of the Peacebuilding Commission requesting advice on the Central African Republic and supporting its addition to the Commission's agenda

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committees, tribunals and other bodies**

<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
	S/2008/416	20 June 2008	Identical letters dated 20 June 2008 from the Chairperson of the Peacebuilding Commission and the Chairperson of the Sierra Leone configuration of the Peacebuilding Commission to the President of the General Assembly, the President of the Security Council and the President of the Economic and Social Council referring to the conclusions and recommendations of the first biannual review of the implementation of the Sierra Leone Peacebuilding Cooperation Framework
	S/2008/417	24 June 2008	Report of the Peacebuilding Commission on its second session, from 23 June 2007 to 22 June 2008
	S/2008/419	17 June 2008	Letter from the Chairperson of the Peacebuilding Commission to the President of the Security Council regarding the establishment of a country-specific configuration for the Central African Republic
	S/2008/422	23 June 2008	Letter from the Acting Chairperson of the Peacebuilding Commission and the Chairperson of the Burundi configuration of the Peacebuilding Commission to the President of the General Assembly, the President of the Security Council and the President of the Economic and Social Council referring to the recommendations resulting from the first biannual review of the implementation of the Strategic Framework for Peacebuilding in Burundi
	S/2008/620	19 September 2008	Letter from the Secretary-General to the Chairperson of the Peacebuilding Commission requesting input for the report on the response of the United Nations to post-conflict situations

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<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
	S/2008/762	5 December 2008	Letter from the Chairperson of the Peacebuilding Commission and the Chairperson of the Guinea-Bissau configuration of the Commission to the President of the General Assembly and the President of the Security Council regarding the conclusions and recommendations of the Commission on the current situation in Guinea-Bissau
	S/2008/850	15 December 2008	Letter from the Chairperson of the Peacebuilding Commission and the Chairperson of the Sierra Leone configuration of the Commission to the President of the General Assembly and the President of the Security Council reporting on the completion of the second biannual review of the implementation of the Peacebuilding Cooperation Framework adopted on 12 December 2007
	S/2009/167	25 March 2009	Letter from the Chairperson of the Peacebuilding Commission and the Chairperson of the Burundi configuration of the Commission to the President of the General Assembly and the President of the Security Council transmitting the conclusions of the Commission following the second review meeting on the implementation of the Strategic Framework for Peacebuilding in Burundi
	S/2009/168	6 January 2009	Letter from the President of the Security Council to the Secretary-General informing him that members of the Council had agreed on the selection of Burkina Faso and Mexico as the two elected members of the Council to participate in the Organizational Committee for a term of one year, until the end of 2009

**Part IX. Subsidiary organs of the Security Council:
committees, tribunals and other bodies**

<i>Organ</i>	<i>Symbol</i>	<i>Date</i>	<i>Document</i>
	S/2009/220	9 April 2009	Letter from the Chairperson of the Peacebuilding Commission and the Chairperson of the Sierra Leone configuration of the Commission to the President of the General Assembly and the President of the Security Council regarding the signing of a joint communiqué between the leading political parties in Sierra Leone
	S/2009/304	11 June 2009	Report of the Secretary-General on peacebuilding in the immediate aftermath of conflict
	S/2009/326	20 June 2009	Letter from the Chairperson of the Peacebuilding Commission and the Chairperson of the Sierra Leone configuration of the Commission to the President of the General Assembly and the President of the Security Council referring to the outcome of the Commission High-level Special Session on Sierra Leone
	S/2009/444	8 September 2009	Report of the Peacebuilding Commission on its third session, from 23 June 2008 to 30 June 2009
	S/2009/683	31 December 2009	Letter from the President of the Security Council addressed to the President of the General Assembly concerning the designation by the Council of two of its elected members to serve as members of the Organizational Committee of the Peacebuilding Commission in 2010

Part X

Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

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Introductory note

Article 29

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

Rule 28

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

The Security Council's power to establish subsidiary organs is set out in Article 29 of the Charter of the United Nations and reflected in rule 28 of its provisional rules of procedure. This part covers procedures of the Council relating to field-based subsidiary organs that the Council established for the performance of its functions under the Charter of the United Nations. These field-based subsidiary organs can be divided into two categories: (a) peacekeeping operations; and (b) political missions and peacebuilding offices.

Other subsidiary organs, namely committees, working groups, investigative bodies and tribunals, ad hoc commissions, special envoys, representatives and coordinators, and the Peacebuilding Commission, are covered in part IX.

This part is divided into two sections: peacekeeping operations; and political missions and peacebuilding offices. The subsections provide brief background information, as well as a summary of the major developments for each subsidiary organ during the period under review. The description for each subsidiary organ also contains a table illustrating the mandate active at the start of the review period and any subsequent changes, with the full text of all paragraphs of Council decisions that relate to changes in the composition and mandate of the subsidiary organ in 2008 and 2009. Other documents of the Council relating to the subsidiary bodies are listed in the annex to this part.

The mandates of the peacekeeping operations, political missions and peacebuilding offices consist of a series of individual "mandated tasks", which are grouped on the basis of a system of categories and descriptions, such as "rule of law" or "political processes". These descriptions are based purely on the language used in the decisions of the Council and do not necessarily reflect the specific structures or activities of the Mission.

To assist the reader in understanding how the Council has changed the mandates of the peacekeeping operations, political missions and peacebuilding offices during the period under consideration, the relevant provisions of decisions contained in the tables are identified as a "newly mandated task", a "reiteration" of the mandate or an "additional element". For example, if the provision is described as a newly mandated task, either the Council has given an entirely new task to the subsidiary organ, or it is the first time that that specific element has appeared in the context of that subsidiary organ; if the provision is referred to as a reiteration of the mandate or an additional element, the Council is either restating a previously mandated task or providing additional instructions relating to a mandate set forth in a previous decision. Additional elements may include requests for a peacekeeping operation, political mission or peacebuilding office to prioritize a certain area or change the scope of the mandated task. For example, a political mission that had

been given the task, in a decision, of assisting in national elections would have an electoral assistance mandate. If the Council subsequently requested the political mission to assist with local elections, the expansion of the mandate would be marked as an additional element.

This system of categorization is provided only as a convenience to readers and does not reflect any practice or decision of the Council.

I. Peacekeeping operations

Note

This section focuses on the decisions taken by the Security Council during the period under review concerning the establishment and composition of peacekeeping operations and the implementation of, changes to and termination of their mandates. It includes an overview of the authorized mandate and composition of each operation at the start of the period and the full text of all paragraphs relating to any changes to the mandate and/or composition, as well as selected other documents. The operations are organized by region and listed in the order in which they were established.

Overview of peacekeeping operations during 2008 and 2009

During the period under review, the total number of peacekeeping operations declined from 17 to 15, owing to the Council's decision to terminate the mandates of two peacekeeping operations, the United Nations Mission in Ethiopia and Eritrea¹ and the United Nations Observer Mission in Georgia.² While no new peacekeeping operations were established during the period under review, the Council authorized, for the first time, the deployment of a military component for the United Nations Mission in the Central African Republic and Chad. As a result of this and other expansions of troop levels, the overall number of personnel deployed increased from 102,118³

¹ The mandate of the United Nations Mission in Ethiopia and Eritrea was terminated on 31 July 2008, pursuant to resolution [1827 \(2008\)](#).

² The mandate of the United Nations Observer Mission in Georgia ended on 15 June 2009, pursuant to resolution [1866 \(2009\)](#).

³ United Nations, Department of Public Information, *United Nations Peace Operations 2007: Year in Review* (New York, 2008), p. 40. Available from www.un.org/en/peacekeeping/publications/yir/yir2007.pdf.

at the end of 2007 to nearly 119,577⁴ by the end of 2009.

Mandates of peacekeeping operations

The trend towards complex multidimensional peacekeeping mandates continued during the period under review. The mandates of the United Nations Mission in Ethiopia and Eritrea and the United Nations Observer Mission in Georgia, which were relatively limited and related to ceasefire monitoring, were terminated, while the United Nations Mission in Central African Republic and Chad was given an expanded and more robust mandate, with provisions adopted under Chapter VII that included authorization to use all necessary means and to protect civilians under threat. For other peacekeeping operations, the period was primarily one of adjustments rather than major changes to their respective mandates. Although the Council modified the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo twice, most of the same tasks were retained. The Council also added elements and/or tasks to the mandates of a number of other peacekeeping operations, which are detailed in the specific sections below.

Tables 1 and 2 provide an overview of the mandates of peacekeeping operations during the period under review. A comparison of the tables indicates that peacekeeping operations in Africa generally had a wider range of mandated tasks than other peacekeeping operations. There is also a significant difference in the nature of the mandates. For example, seven of the eight peacekeeping operations in Africa had protection of civilians mandates, while this applied to only two of nine peacekeeping operations elsewhere. Across all peacekeeping operations, ceasefire monitoring and policing were the most commonly mandated tasks.

⁴ United Nations, Department of Public Information, *United Nations Peace Operations 2009: Year in Review* (New York, 2010), p. 68. Available from www.un.org/en/peacekeeping/publications/yir/yir2009.pdf.

Table 1
Specific mandates in peacekeeping operations: Africa

Mandate	MINURSO	UNMIL	UNMIS	UNOCI	MINURCAT	UNAMID	MONUC	UNMEE
Chapter VII (full)		X		X			X	
Chapter VII (partial)			X		X (added in 2009)	X		
Use of force			X	X	X (added in 2009)	X	X	
Protection of civilians	X	X	X	X	X (added in 2009)	X	X	
Territorial security, including ensuring presence in key areas, patrolling and deterrence		X	X	X	X	X	X	
Policing	X	X	X	X	X	X	X	
Human rights		X	X	X	X	X	X	
Rule of law		X	X	X	X	X	X	
Ceasefire monitoring	X	X	X	X		X		X
Disarmament, demobilization and reintegration		X	X	X		X	X	
Electoral assistance and certification	X	X	X	X		X	X	
Humanitarian support		X	X	X	X	X		X
Institution-building		X		X		X	X	

Abbreviations: MINURCAT, United Nations Mission in the Central African Republic and Chad; MINURSO, United Nations Mission for the Referendum in Western Sahara; MONUC, United Nations Organization Mission in the Democratic Republic of the Congo; UNAMID, African Union-United Nations Hybrid Operation in Darfur; UNMEE, United Nations Mission in Ethiopia and Eritrea; UNMIL, United Nations Mission in Liberia; UNMIS, United Nations Mission in the Sudan; UNOCI, United Nations Operation in Côte d'Ivoire.

Table 2
Specific mandates in peacekeeping operations: Americas, Asia, Europe and Middle East

<i>Mandate</i>	<i>MINUSTAH</i>	<i>UNMOGIP</i>	<i>UNMIT</i>	<i>UNFICYP</i>	<i>UNOMIG</i>	<i>UNMIK</i>	<i>UNTSO</i>	<i>UNDOF</i>	<i>UNIFIL</i>
Chapter VII (full)						X			
Chapter VII (partial)	X								
Use of force									X
Protection of civilians	X								X
Territorial security, including ensuring presence in key areas, patrolling and deterrence	X		X		X				X
Policing	X		X	X	X	X			
Human rights	X		X			X			
Rule of law	X		X						
Ceasefire monitoring		X		X	X		X	X	X
Disarmament, demobilization and reintegration	X								
Electoral assistance and certification	X		X						
Humanitarian support	X		X	X		X			X
Institution-building	X		X			X			

Abbreviations: MINUSTAH, United Nations Stabilization Mission in Haiti; UNDOF, United Nations Disengagement Observer Force; UNFICYP, United Nations Peacekeeping Force in Cyprus; UNIFIL, United Nations Interim Force in Lebanon; UNMIK, United Nations Interim Administration Mission in Kosovo; UNMIT, United Nations Integrated Mission in Timor-Leste; UNMOGIP, United Nations Military Observer Group in India and Pakistan; UNOMIG, United Nations Observer Mission in Georgia; UNTSO, United Nations Truce Supervision Organization.

Composition of peacekeeping operations

In 2008 and 2009, there was an increase in the authorized level of military personnel in the United Nations Organization Mission in the Democratic Republic of the Congo (MONUSCO)⁵ and the United Nations Mission in the Central African Republic and Chad,⁶ while there was a drawdown of troops in the United Nations Mission in Liberia (UNMIL)⁷ and the

United Nations Stabilization Mission in Haiti (MINUSTAH)⁸ based on the circumstances in the country and the phase of the operation. Concerning the police component, there was an increase in MONUSCO,⁹ UNMIL¹⁰ and MINUSTAH.¹¹ Even with the termination of the United Nations Mission in Ethiopia and Eritrea and the United Nations Observer

⁵ Pursuant to resolution 1843 (2008).

⁶ Pursuant to resolution 1861 (2009).

⁷ Pursuant to resolutions 1836 (2008) and 1885 (2009).

⁸ Pursuant to resolution 1892 (2009).

⁹ Pursuant to resolution 1843 (2008).

¹⁰ Pursuant to resolution 1836 (2008).

¹¹ Pursuant to resolution 1892 (2009).

Mission in Georgia, the total authorized military strength of all peacekeeping operations during the review period saw a net increase of over 5,000 and the total police strength an increase of more than 600. The

main changes in the composition of peacekeeping operations during the period under review are highlighted in table 3.

Table 3
Changes in composition of peacekeeping operations, 2008-2009¹²

<i>Mission</i>	<i>Changes in composition</i>
MINURCAT	By resolution 1861 (2009) , military personnel increased by 5,175 (from 50 to 5,225)
MONUC	By resolution 1843 (2008) , military personnel increased by 2,785 (from 17,790 to 20,675) and the number of police in formed units by 300 (from 1,141 to 1,441)
UNMIL	By resolutions 1836 (2008) and 1885 (2009) , military component reduced by 4,473 (from 12,675 to 11,215 and then to 8,202 personnel), while police component increased by 240 (from 742 to 982 personnel)
MINUSTAH	By resolution 1892 (2009) , military component reduced by 120 (from 7,060 to 6,940 troops), while police component increased by same number (from 2,091 to 2,211 personnel)
UNOCI	By resolution 1865 (2009) , military component reduced by 665 personnel (from 8,115 to 7,450)

Abbreviations: MINURCAT, United Nations Mission in the Central African Republic and Chad; MINUSTAH, United Nations Stabilization Mission in Haiti; MONUC, United Nations Organization Mission in the Democratic Republic of the Congo; UNMIL, United Nations Mission in Liberia; UNOCI, United Nations Operation in Côte d'Ivoire.

Security Council meetings and decisions concerning peacekeeping

In addition to its meetings on country or region-specific situations, during the period under review the Council held three meetings and adopted one presidential statement on the item entitled “United Nations peacekeeping operations”. During the meetings, the Department of Peacekeeping Operations and the Department of Field Support briefed the Council on their progress on the New Horizon initiative¹³ to form a global partnership agenda for peacekeeping and the new support strategy for peacekeeping operations. The Council also discussed the role of police- and troop-contributing countries and other related topics.¹⁴

In a presidential statement dated 5 August 2009, the Council outlined its recent efforts to improve its dialogue with the Secretariat and with police- and troop-contributing countries on the collective oversight of peacekeeping operations. The Council also, inter alia: (a) identified several areas where further reflection was required to improve the preparation, planning, monitoring and evaluation, and completion of peacekeeping operations; (b) recognized the urgent need to increase the pool of available troop and police contributors; and (c) re-emphasized the need for integration of peacemaking, peacekeeping, peacebuilding and development to achieve an effective response to post-conflict situations from the outset. The Council also took note of the assessments and recommendations provided in the non-paper on the New Horizon initiative and the support strategy contained therein, and stated its intention to give them careful consideration.¹⁵

¹² There were no changes in the composition of other peacekeeping missions.

¹³ See United Nations, “A new partnership agenda: charting a new horizon for United Nations peacekeeping” (New York, 2009). Available from www.un.org/en/peacekeeping/operations/newhorizon.shtml.

¹⁴ For more information, see part I, sect. 37.

¹⁵ [S/PRST/2009/24](#).

Africa

United Nations Mission for the Referendum in Western Sahara

The United Nations Mission for the Referendum in Western Sahara (MINURSO) was established by the Security Council on 29 April 1991 by resolution 690 (1991), in accordance with the settlement proposals accepted on 30 August 1988 by Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente Polisario). MINURSO was initially tasked with organizing a free and fair referendum on independence for Western Sahara and to monitor the ceasefire between Morocco and the Frente Polisario.¹⁶

¹⁶ Information relating to the establishment of the missions is also provided for reference in the respective introductory paragraph and tables; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered in the present Supplement.

Mandate at start of review period

By resolution 1783 (2007) of 31 October 2007, the Council extended the mandate of MINURSO until 30 April 2008. The mandate for MINURSO at the start of 2008, provided in resolutions 690 (1991) and 1148 (1998), included the following broad tasks: (a) monitoring of the ceasefire agreement; (b) monitoring of the confinement of Moroccan and Frente Polisario troops to designated locations; (c) taking steps with the parties to ensure the release of all Western Saharan political prisoners or detainees; (d) oversight of the exchange of prisoners of war; (e) implementation of the repatriation programme; (f) identification and registration of qualified voters; and (g) organization of a free and fair referendum.

Developments during 2008 and 2009

During the period under review, the Council extended the mandate of MINURSO twice for periods of one year, the last of which was until 30 April 2010. There were no changes to the mandate of MINURSO.

Tables 4 and 5 provide an overview of the composition and mandate of MINURSO during the period under review.

Table 4
MINURSO: extension of mandate and change in composition

	<i>Resolution</i>				
	<i>690 (1991)</i>	<i>1148 (1998)</i>	<i>1783 (2007)</i>	<i>1813 (2008)</i>	<i>1871 (2009)</i>
Date of adoption	29 April 1991	26 January 1998	31 October 2007	30 April 2008	30 April 2009
Establishment and extension	Establishment		Six months	One year	One year
Authorized composition					
Military	1 695	230	230	230	230
Police	300	81	6	6	6
Total authorized composition	1 995	331	236	236	236

Table 5
MINURSO: overview of mandate by category

Category and mandated task	Resolution				
	690 (1991)	1148 (1998)	1783 (2007)	1813 (2008)	1871 (2009)
Demilitarization and arms control					
Demilitarization or arms monitoring	X ^a				
Electoral assistance and certification					
Electoral assistance	X ^a				
Humanitarian issues					
Refugees/internally displaced persons: facilitation of return	X ^a				
Military, police and security sector reform					
Police: executive policing	X ^a				
Protection of civilians, including refugees and internally displaced persons	X ^a				
Ceasefire monitoring	X ^a				
Mine action		X ^a			
Political processes					
Peace agreement monitoring/implementation	X ^a				
Cooperation with/support to regional and subregional organizations	X ^a				

^a Newly mandated task.

United Nations Organization Mission in the Democratic Republic of the Congo

The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) was established by the Security Council on 30 November 1999 by resolution [1279 \(1999\)](#), following the signing in July 1999 of the Lusaka Ceasefire Agreement between the Democratic Republic of the Congo and five regional States. It was initially tasked with the observation of the ceasefire, the disengagement of forces and liaison with all parties to the Ceasefire Agreement. The Council subsequently expanded the mandate of MONUC to include the supervision of the implementation of the Ceasefire Agreement and other additional tasks.

Mandate at start of review period

By resolution [1794 \(2007\)](#) of 21 December 2007, adopted under Chapter VII of the Charter, the Council

extended the mandate of MONUC until 31 December 2008. The mandate for MONUC at the start of 2008, provided in resolutions [1756 \(2007\)](#) and [1794 \(2007\)](#), included the following categories of tasks: (a) protection of civilians, humanitarian personnel and United Nations personnel and facilities; (b) territorial security of the Democratic Republic of the Congo; (c) disarmament, demobilization and reintegration of foreign and Congolese armed groups; (d) security sector reform; and (e) support for the strengthening of democratic institutions and the rule of law.

Developments during 2008 and 2009

During the period under review, the Council extended the mandate of MONUC twice, for periods of one year and six months, respectively, the last of which was until 31 May 2010. The Council also expanded the size and mandate of MONUC by a series of resolutions.

By resolution [1797 \(2008\)](#) of 30 January 2008, the Council requested MONUC to provide assistance to

the Congolese authorities, including the National Independent Electoral Commission, in the organization, preparation and conduct of local elections, in close coordination with international partners and the United Nations country team. Subsequently, by resolution 1843 (2008) of 20 November 2008, the Council authorized a temporary increase in the military and police personnel of MONUC until 31 December 2008. By resolution 1856 (2008) of 22 December 2008, the increase in personnel was extended until 31 December 2009.

By resolution 1856 (2008) of 22 December 2008, adopted under Chapter VII of the Charter, the Council modified the existing mandate of MONUC. The modified mandate included most tasks authorized previously, with the Council adding tasks relating to mine action, border issues, natural resources and public information, as well as making adjustments to tasks relating to the rule of law. The Council also continued to include in the modified mandate authorization for MONUC to use all necessary means in a number of areas of its mandate, particularly those relating to security and policing. It also emphasized, inter alia, that the protection of civilians must be given priority in decisions on the use of available capacity and resources, and underscored the importance of the full implementation of the mandate by MONUC, including through robust rules of engagement. On the same day, the Council adopted resolution 1857 (2008), by which it

expanded cooperation between MONUC and the Group of Experts on the Democratic Republic of the Congo, including the exchange of information regarding arms shipments and illegal trafficking in natural resources.

By resolution 1906 (2009) of 23 December 2009, the Council extended the mandate of MONUC until 31 May 2010 and, in close cooperation with the Government of the Democratic Republic of the Congo, realigned the Mission's priorities as follows: protection of civilians; disarmament, demobilization and reintegration of Congolese armed groups, as well as disarmament, demobilization, repatriation, resettlement and reintegration of foreign armed groups; and support for security sector reform. It also added mandates relating to the consolidation of State authority, the coordination of international engagement on security sector reform issues and the investigation of violations of international humanitarian law and human rights abuses perpetrated against civilians.

Tables 6 and 7 provide an overview of changes to the composition and mandate of MONUC during the period under review. The full text of all paragraphs in Council decisions that relate to changes to the mandate is provided in table 8. Information relating to the establishment of the Mission is also provided for reference; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

Table 6
MONUC: extension of mandate and change in composition

	<i>Resolution</i>							
	<i>1756 (2007)</i>	<i>1794 (2007)</i>	<i>1797 (2008)</i>	<i>1807 (2008)</i>	<i>1843 (2008)</i>	<i>1856 (2008)</i>	<i>1857 (2008)</i>	<i>1906 (2009)</i>
Date of adoption	15 May 2007	21 December 2007	30 January 2008	31 March 2008	20 November 2008	22 December 2008	22 December 2008	23 December 2009
Extension	Six months	One year				One year		Five months
Authorized composition								
Military	17 790	17 790	17 790	17 790	20 575	20 575	20 575	20 575
Police	1 141	1 141	1 141	1 141	1 441	1 441	1 441	1 441
Total authorized composition	18 931	18 931	18 931	18 931	22 016	22 016	22 016	22 016

Table 7
MONUC: overview of mandate by category

Category and mandated task	Resolution							
	1756 (2007)	1794 (2007)	1797 (2008)	1807 (2008)	1843 (2008)	1856 (2008)	1857 (2008)	1906 (2009)
General								
Authorization of the use of force	X ^a					X ^a		X ^a
Cross-cutting: women and peace and security	X ^a							
Benchmarks		X ^a						X ^a
Coordination								
Coordination with other United Nations entities in the region	X ^a							
Coordination with United Nations agencies in the country	X ^a		X ^a			X ^a		
Coordination of international engagement								X ^a
Demilitarization and arms control								
Disarmament, demobilization and reintegration	X ^a					X ^a		X ^a
Demilitarization or arms monitoring	X ^a					X ^a		X ^a
Mine action						X ^a		
Electoral assistance and certification								
Electoral assistance	X ^a	X ^b	X ^a			X ^a		
Humanitarian issues								
Refugees/internally displaced persons: facilitation of return	X ^a					X ^a		
Human rights; women and peace and security; children and armed conflict								
Human rights: capacity-building	X ^a					X ^a		X ^a
Human rights: investigation and prosecution	X ^a					X ^a		X ^a
Human rights: promotion and protection	X ^a					X ^a		
Women and peace and security	X ^a	X ^b				X ^a	X ^b	X ^a
Children and armed conflict							X ^a	X ^a
Institutions and governance								
Institution-building	X ^a					X ^a		X ^a
Border issues						X ^a		
Military, police and security sector reform								
Border monitoring	X ^a					X ^a		

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Category and mandated task	Resolution							
	1756 (2007)	1794 (2007)	1797 (2008)	1807 (2008)	1843 (2008)	1856 (2008)	1857 (2008)	1906 (2009)
Monitoring the movement of armed groups	X ^a					X ^a		
Protection of civilians, including refugees and internally displaced persons	X ^a					X ^b		X ^a
Protection of humanitarian personnel/facilitation of humanitarian access	X ^a					X ^a		X ^a
Protection of United Nations personnel and facilities/free movement of personnel and equipment	X ^a					X ^a		X ^a
Support to national military	X ^a					X ^a		X ^a
Territorial security, including ensuring presence in key areas, patrolling and deterrence	X ^a					X ^a		X ^a
Military reform	X ^a					X ^a		X ^a
Police: capacity-building	X ^a					X ^a		X ^a
Police: operational support to national police	X ^a					X ^a		X ^a
Security sector reform	X ^a					X ^a		X ^a
Consolidation of State authority								X ^a
Political processes								
Facilitation of political process	X ^a					X ^a		
National reconciliation	X ^a					X ^a		
Rule of law								
Anti-corruption/good governance	X ^a							
Judicial and legal reform	X ^a					X ^a		X ^a
Prisons	X ^a					X ^a		X ^a
Promotion of the rule of law: general	X ^a							X ^a
Transitional justice	X ^a							
Other								
Civil society development	X ^a					X ^a		
Natural resources						X ^a	X ^b	X ^a
Public information						X ^a		X ^a
Sanctions enforcement/monitoring	X ^a			X ^c		X ^a	X ^b	
Civilian-military coordination								X ^a

^a Newly mandated task.

^b Additional element.

^c Reiteration of mandate.

Table 8
MONUC: changes to mandate, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Resolution 1797 (2008)		
Coordination		
Coordination with United Nations agencies in the country	Authorizes MONUC, in close coordination with international partners and the United Nations country team, to provide assistance to the Congolese authorities, including the National Independent Electoral Commission, in the organization, preparation and conduct of local elections, as recommended in the letter of the Secretary-General dated 11 October and the letter dated 30 November 2007 (para. 1)	Newly mandated task
Electoral assistance and certification		
Electoral assistance	See para. 1 of the resolution, under “Coordination” above	Newly mandated task
Resolution 1807 (2008) (adopted under Chapter VII)		
Sanctions enforcement/ monitoring	Requests the Mission, within its existing capabilities and without prejudice to the performance of its current mandate, and the Group of Experts to continue to focus their monitoring activities in North and South Kivu and in Ituri (para. 19)	Reiteration
Resolution 1856 (2008) (adopted under Chapter VII)		
General		
Authorization of the use of force	Authorizes the Mission to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks listed in paragraphs 3 (a) to (g), (i), (j), (n) and (o) and in paragraph 4 (e) [of the resolution] (para. 5)	Newly mandated task
	Underscores the importance of the Mission implementing the mandate described in the present resolution in full, including through robust rules of engagement, and requests the Secretary-General to ensure that the concept of operations and rules of engagement of the Mission are updated by 31 January 2009 to bring them fully in line with the provisions of the present resolution and to report to the Security Council and troop-contributing countries (para. 8)	Additional element
Coordination		
Coordination with United Nations agencies in the country	Decides also that the Mission shall also have the mandate, in close cooperation with the Congolese authorities, the United Nations country team and donors, to support the strengthening of democratic institutions and the rule of law and, to that end (para. 4)	Newly mandated task

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
	In close coordination with international partners and the United Nations country team, to provide assistance to the Congolese authorities, including the National Independent Electoral Commission, in the organization, preparation and conduct of local elections (para. 4 (d))	Newly mandated task
Demilitarization and arms control		
Disarmament, demobilization and reintegration	<p>To coordinate operations with the integrated brigades of the Armed Forces of the Democratic Republic of the Congo deployed in the eastern part of the Democratic Republic of the Congo and support operations led by and jointly planned with these brigades in accordance with international humanitarian, human rights and refugee law with a view to:</p> <ul style="list-style-type: none"> • Disarming the recalcitrant local armed groups in order to ensure their participation in the disarmament, demobilization and reintegration process and the release of children associated with those armed groups; • Disarming the foreign armed groups in order to ensure their participation in the disarmament, demobilization, repatriation, resettlement and reintegration process and the release of children associated with those armed groups; • Preventing the provision of support to illegal armed groups, including support derived from illicit economic activities (para. 3 (g)) <p>To facilitate the voluntary demobilization and repatriation of disarmed foreign combatants and their dependants (para. 3 (h))</p> <p>To contribute to the implementation of the national programme of disarmament, demobilization and reintegration of Congolese combatants and their dependants, with particular attention to children, by monitoring the disarmament process and providing, as appropriate, security in some sensitive locations, as well as supporting reintegration efforts pursued by the Congolese authorities in cooperation with the United Nations country team and bilateral and multilateral partners (para. 3 (i))</p>	Newly mandated task
Demilitarization or arms monitoring	<p>See para. 3 (g) of the resolution, above</p> <p>To seize or collect, as appropriate, the arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violates the measures imposed by paragraph 1 of resolution 1807 (2008) and to dispose of such arms and related materiel as appropriate (para. 3 (o))</p>	Newly mandated task
Mine action	To assist the Government of the Democratic Republic of the Congo in enhancing its demining capacity (para. 3 (q))	Newly mandated task

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Electoral assistance and certification		
Electoral assistance	See para. 4 (d) of the resolution, under “Coordination” above	Newly mandated task
	To assist in the establishment of a secure and peaceful environment for the holding of free and transparent local elections that are expected to be held by the end of June 2009 (para. 4 (e))	Newly mandated task
Humanitarian issues		
Refugees/internally displaced persons: facilitation of return	To contribute to the improvement of the security conditions in which humanitarian assistance is provided and assist in the voluntary return of refugees and internally displaced persons (para. 3 (b))	Newly mandated task
Human rights; women and peace and security; children and armed conflict		
Human rights: capacity-building	To provide military training, including in the area of human rights, international humanitarian law, child protection and the prevention of gender-based violence, to various members and units of the integrated brigades of the Armed Forces of the Democratic Republic of the Congo deployed in the eastern part of the Democratic Republic of the Congo, as part of international broader efforts to support security sector reform (para. 3 (k))	Newly mandated task
Human rights: investigation and prosecution	To assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, investigate human rights violations and publish its findings, as appropriate, with a view to putting an end to impunity, assist in the development and implementation of a transitional justice strategy, and cooperate in national and international efforts to bring to justice perpetrators of grave violations of human rights and international humanitarian law (para. 4 (c))	Newly mandated task
Human rights: promotion and protection	See para. 4 (c) of the resolution, above	Newly mandated task
Women and peace and security	Requests the Mission, in view of the scale and severity of sexual violence committed especially by armed elements in the Democratic Republic of the Congo, to strengthen its efforts to prevent and respond to sexual violence, including through training for the Congolese security forces in accordance with its mandate, and to regularly report, including in a separate annex if necessary, on actions taken in this regard, including data on instances of sexual violence and trend analyses of the problem (para. 13)	Newly mandated task

Institutions and governance

Border issues	To provide assistance to the competent customs authorities of the Democratic Republic of the Congo in implementing the provisions of paragraph 8 of resolution 1807 (2008) (para. 3 (p))	Newly mandated task
Institution-building: strengthening/ promotion of autonomy	See para. 4 of the resolution, under “Coordination” above To provide advice to strengthen democratic institutions and processes at the national, provincial, regional and local levels (para. 4 (a))	Newly mandated task Newly mandated task

Military, police and security sector reform

Border monitoring	See para. 3 (p) of the resolution, under “Institutions and governance” above	Newly mandated task
Monitoring the movement of armed groups	To deter any attempt at the use of force to threaten the Goma and Nairobi processes from any armed group, foreign or Congolese, particularly in the eastern part of the Democratic Republic of the Congo, including by using cordon and search tactics and undertaking all necessary operations to prevent attacks on civilians and disrupt the military capability of illegal armed groups that continue to use violence in that area (para. 3 (f)) To observe and report in a timely manner on the position of armed movements and groups and the presence of foreign military forces in the key areas of volatility, especially by monitoring the use of landing strips and the borders, including on the lakes (para. 3 (m))	Newly mandated task Newly mandated task
Protection of civilians, including refugees and internally displaced persons	Requests the Mission to attach the highest priority to addressing the crisis in the Kivus, in particular the protection of civilians, and to concentrate progressively during the coming year its action in the eastern part of the Democratic Republic of the Congo (para. 2) To ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence, in particular violence emanating from any of the parties engaged in the conflict (para. 3 (a)) See para. 3 (f) of the resolution, above Emphasizes that the protection of civilians, as described in paragraphs 3 (a) to (e), must be given priority in decisions about the use of available capacity and resources, over any of the other tasks described in paragraphs 3 and 4 [of the resolution] (para. 6)	Additional element Newly mandated task Newly mandated task Additional element

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Protection of humanitarian personnel/facilitation of humanitarian access	See para. 3 (a) of the resolution, above See para. 3 (b) of the resolution, under “Humanitarian issues” above	Newly mandated task Newly mandated task
Protection of United Nations personnel and facilities/free movement of personnel and equipment	To ensure the protection of United Nations personnel, facilities, installations and equipment (para. 3 (c)) To ensure the security and freedom of movement of United Nations and associated personnel (para. 3 (d))	Newly mandated task Newly mandated task
Support to national military	To carry out joint patrols with the national police and security forces to improve security in the event of civil disturbance (para. 3 (e)) See para. 3 (g) of the resolution, under “Demilitarization and arms control” above	Newly mandated task Newly mandated task
Territorial security, including ensuring presence in key areas, patrolling and deterrence	See para. 3 (f) of the resolution, above See para. 4 (e) of the resolution, under “Electoral assistance and certification” above	Newly mandated task Newly mandated task
Military reform	See para. 3 (k) of the resolution, under “Human rights; women and peace and security; children and armed conflict” above In coordination with international partners, to advise the Government of the Democratic Republic of the Congo on strengthening the capacity of the judicial and correctional systems, including the military justice system (para. 4 (g))	Newly mandated task Newly mandated task
Capacity-building (police)	In coordination with international partners, including the European Union Mission of Assistance for Security Sector Reform and the European Union Police Mission, to contribute to the efforts of the international community to assist the Government of the Democratic Republic of the Congo in the initial planning process of the security sector reform, to build credible, cohesive and disciplined Congolese armed forces and to develop the capacities of the Congolese National Police and related law enforcement agencies (para. 3 (l))	Newly mandated task
Police: operational support to national police	See para. 3 (e) of the resolution, above	Newly mandated task
Security sector reform	See para. 3 (k) of the resolution, under “Human rights; women and peace and security; children and armed conflict” above See para. 3 (l) of the resolution, above	Newly mandated task Newly mandated task

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Political processes		
Facilitation of political process	To promote national reconciliation and internal political dialogue, including through the provision of good offices, and support the strengthening of civil society and multi-party democracy, and give the necessary support to the Goma and Nairobi processes (para. 4 (b))	Newly mandated task
National reconciliation	See para. 4 (b) of the resolution, above	Newly mandated task
Rule of law		
Anti-corruption/ good governance	To contribute to the promotion of good governance and respect for the principle of accountability (para. 4 (f))	Newly mandated task
Judicial and legal reform	See para. 4 (g) of the resolution, under “Military, police and security sector reform” above	Newly mandated task
Prisons	See para. 4 (g) of the resolution, under “Military, police and security sector reform” above	Newly mandated task
Promotion of the rule of law: general	See para. 4 of the resolution, under “Coordination” above	Newly mandated task
Other		
Civil society development	See para. 4 (b) of the resolution, under “Political processes” above	Newly mandated task
Natural resources	To use its monitoring and inspection capacities to curtail the provision of support to illegal armed groups derived from illicit trade in natural resources (para. 3 (j))	Newly mandated task
Public information	Encourages the Mission to enhance its interaction with the civilian population, in particular internally displaced persons, to raise awareness and understanding about its mandate and activities (para. 16)	Newly mandated task
Sanctions enforcement/ monitoring	To monitor the implementation of the measures imposed by paragraph 1 of resolution 1807 (2008), in cooperation, as appropriate, with the Governments concerned and with the Group of Experts established pursuant to resolution 1533 (2004) of 12 March 2004, including by inspecting, as it deems necessary and without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri (para. 3 (n))	Newly mandated task
	See para. 3 (o) of the resolution, under “Demilitarization and arms control” above	Newly mandated task

Category and mandated task Provisions

Change to mandate

Resolution 1857 (2008) (adopted under Chapter VII)

Human rights; women and peace and security; children and armed conflict

Children and armed conflict	Requests in particular that the Mission share information with the Group of Experts, especially on the support received by armed groups, on the recruitment and use of children and on the targeting of women and children in situations of armed conflict (para. 12)	Newly mandated task
Women and peace and security	See above	Additional element

Other

Natural resources	Requests the Government of the Democratic Republic of the Congo, other Governments in the region as appropriate, MONUC and the Group of Experts to cooperate intensively, including by exchanging information regarding arms shipments, illegal trafficking in natural resources and activities of individuals and entities designated by the Committee pursuant to paragraphs 4 and 5 [of the resolution] (para. 11)	Additional element
Sanctions enforcement/monitoring	See above See para. 12 of the resolution, under “Human rights; women and peace and security; children and armed conflict” above	Additional element Newly mandated task

Resolution 1906 (2009) (adopted under Chapter VII)

General

Authorization of the use of force	Authorizes the Mission to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks of its mandate listed in paragraphs 3 (a) to (e) of resolution 1856 (2008) and paragraphs 9, 20, 21 and 24 [of the resolution] (para. 6)	Newly mandated task
Benchmarks	Requests the Secretary-General to conduct a strategic review of the situation in the Democratic Republic of the Congo and the progress of the Mission towards achieving its mandate, taking into account the Integrated Strategic Framework for the United Nations presence in the country, to further develop the existing benchmarks for this purpose, to determine, in close cooperation with the Government of the Democratic Republic of the Congo and troop- and police-contributing countries of the Mission, the modalities of a reconfiguration of the mandate of the Mission, in particular the critical tasks that need to be accomplished before the Mission can envisage its drawdown without triggering a relapse into instability, and to report to the Security Council with recommendations by 1 April 2010 (para. 2)	Newly mandated task

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
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Coordination

Coordination of international engagement	Requests the Mission, in cooperation with the Congolese authorities, to coordinate the efforts of the international community, including all bilateral and multilateral actors working in this field, on security sector reform issues, and calls upon all Member States and international organizations to fully cooperate with the Mission in this regard (para. 30)	Newly mandated task
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Demilitarization and arms control

Disarmament, demobilization and reintegration	To carry out enhanced activities of disarmament, demobilization and reintegration of Congolese armed groups and of disarmament, demobilization, repatriation, resettlement and reintegration of foreign armed groups, including as set out in paragraphs 19 to 28 [of the resolution] and paragraphs 3 (n) to (p) of resolution 1856 (2008) (para. 5 (b))	Newly mandated task
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Disarming foreign and Congolese armed groups in targeted areas in order to ensure their participation in the disarmament, demobilization, repatriation, resettlement and reintegration and disarmament, demobilization and reintegration process (para. 21 (a))	Newly mandated task
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Urges the Mission, in close cooperation with other partners, including the World Bank and the United Nations Development Programme, to contribute further to the implementation of the disarmament, demobilization and reintegration of Congolese combatants and their dependants, with particular attention to children, by monitoring the disarmament process and providing, as appropriate, security in some sensitive locations, as well as by supporting reintegration efforts pursued by the Congolese authorities in cooperation with the United Nations country team and bilateral and multilateral partners (para. 24)	Newly mandated task
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Also urges the Mission to enhance its support to the voluntary demobilization and repatriation of disarmed foreign combatants and their dependants, and calls upon the Governments of the Democratic Republic of the Congo and the neighbouring States to remain engaged in this process (para. 25)	Newly mandated task
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Demilitarization or arms monitoring	See para. 21 (a) of the resolution, under “Disarmament, demobilization and reintegration” above	Newly mandated task
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Human rights; women and peace and security; children and armed conflict

Children and armed conflict	Further requests the Mission to provide military training, including in the area of human rights, international humanitarian law, child protection and the prevention of gender-based and sexual violence, to the Armed Forces of the Democratic Republic of the Congo, including to the integrated brigades deployed in the eastern part of the Democratic Republic of the Congo, as part of broader international efforts to support security sector reform (para. 31)	Newly mandated task
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Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Human rights: capacity-building	See above	Newly mandated task
Human rights: investigation and prosecution	Encourages the Mission to enhance its interaction with the civilian population to raise awareness and understanding about its mandate and activities and to collect reliable information on violations of international humanitarian law and human rights abuses perpetrated against civilians (para. 14)	Newly mandated task
	Reiterates its call upon the Congolese authorities, with the support of the Mission, to establish an effective vetting mechanism, in accordance with international standards, for the Armed Forces of the Democratic Republic of the Congo and the national security forces, to ensure the exclusion of those persons associated with violations of international humanitarian law and human rights abuses and to trigger the judicial process against such persons where appropriate (para. 32)	Newly mandated task
Women and peace and security	Requests the Special Representative of the Secretary-General for the Democratic Republic of the Congo to identify women's protection advisers among the gender advisers and human rights protection units of the Mission in line with its comprehensive strategy against sexual violence (para. 18)	Newly mandated task
	See para. 31 of the resolution, above	Newly mandated task
Institutions and governance		
Institution-building: strengthening/promotion of autonomy	Requests the Mission and the United Nations country team to continue their support to extend State authority in the Democratic Republic of the Congo, in particular within the framework of the Government's Stabilization and Reconstruction Plan and the United Nations Security and Stabilization Support Strategy, with a particular emphasis on strengthening democratic institutions and building effective rule of law capacity, including justice and corrections (para. 39)	Newly mandated task
Territorial control/consolidation of State authority	Helping the Government of the Democratic Republic of the Congo to restore its authority in these territories, in particular in the eastern part of the Democratic Republic of the Congo, areas freed from armed groups and key mining areas (para. 21 (c))	Newly mandated task
	See para. 39 of the resolution, above	Newly mandated task

Military, police and security sector reform

Protection of civilians, including refugees and internally displaced persons	To ensure the effective protection of civilians, humanitarian personnel and United Nations personnel and facilities, in accordance with paragraphs 3 (a) to (e) and 4 (c) of resolution 1856 (2008) and paragraphs 7 to 18 [of the resolution] (para. 5 (a))	Newly mandated task
	Emphasizes that the protection of civilians, as described in paragraph 5 (a) above, must be given priority in decisions about the use of available capacity and resources, over any of the other tasks described in paragraphs 5 (b) and (c) [of the resolution] (para. 7)	Newly mandated task
	Recalls that the protection of civilians requires a coordinated response from all relevant Mission components, and encourages the Mission to enhance interaction, under the authority of the Special Representative of the Secretary-General for the Democratic Republic of the Congo, between its civil and military components at all levels and humanitarian actors, in order to consolidate expertise on the protection of civilians (para. 8)	Newly mandated task
	Requests the Mission to build on best practices and extend successful protection measures piloted in North Kivu, in particular the establishment of joint protection teams, early warning centres, communications liaisons with local villages and other measures, to other areas, particularly South Kivu (para. 9)	Newly mandated task
	Also requests the Secretary-General to ensure that technical support is provided, in predeployment and in theatre, to troop- and police-contributing countries of the Mission, to include guidance and training for military and police personnel on the protection of civilians from imminent threat and appropriate responses, including on human rights, sexual violence and gender issues (para. 13)	Newly mandated task
	Underlines that the Mission shall deter any attempt at the use of force to threaten the Goma and Nairobi processes from any armed group, particularly in the eastern part of the Democratic Republic of the Congo, and undertake all operations necessary to prevent attacks on civilians and disrupt the military capability of armed groups that continue to use violence in that area (para. 20)	Newly mandated task
	Requests the Mission, working in close cooperation with the Government of the Democratic Republic of the Congo, to continue its coordination of operations with the brigades of the Armed Forces of the Democratic Republic of the Congo deployed in the eastern part of the Democratic Republic of the Congo, premised on the protection of civilians as a priority and on operations being jointly planned with these brigades, and in accordance with its policy paper referred to in paragraph 23 [of the resolution], with a view to (para. 21)	Newly mandated task
	Holding the territories cleared of armed groups in order to ensure the protection of civilian populations (para. 21 (b))	Newly mandated task

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Protection of humanitarian personnel/facilitation of humanitarian access	See para. 5 (a) of the resolution, above	Newly mandated task
Protection of United Nations personnel and facilities/free movement of personnel and equipment	See para. 5 (a) of the resolution, above	Newly mandated task
Support to national military	See para. 21 of the resolution, above	Newly mandated task
	Reiterates, consistent with paragraphs 3 (g) and 14 of resolution 1856 (2008) , that the support of the Mission to military operations against foreign and Congolese armed groups led by the Armed Forces of the Democratic Republic of the Congo is strictly conditioned on compliance by the Armed Forces with international humanitarian, human rights and refugee law and on an effective joint planning of these operations, decides that the military leadership of the Mission shall confirm, prior to providing any support to such operations, that sufficient joint planning has been undertaken, especially regarding the protection of the civilian population, calls upon the Mission to intercede with the Armed Forces command if elements of a unit of the Armed Forces receiving support from the Mission are suspected of having committed grave violations of such laws, and, if the situation persists, calls upon the Mission to withdraw support from those units of the Armed Forces (para. 22)	Newly mandated task
	Notes, in this regard, the development by the Mission of a policy paper setting out the conditions under which the Mission can provide support to units of the Armed Forces of the Democratic Republic of the Congo, and requests the Secretary-General to establish an appropriate mechanism to regularly assess the implementation of this policy (para. 23)	Newly mandated task
Territorial security, including ensuring presence in key areas, patrolling and deterrence	See para. 20 of the resolution, above	Newly mandated task
Military reform	See para. 31 of the resolution, under “Human rights; women and peace and security; children and armed conflict” above	Newly mandated task
	See para. 32 of the resolution, under “Human rights; women and peace and security; children and armed conflict” above	Newly mandated task

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<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
	Encourages the Government of the Democratic Republic of the Congo, with the support of the Mission, to ensure that armed groups newly integrated into the Armed Forces of the Democratic Republic of the Congo are deployed throughout the country and not restricted to their regions of origin (para. 33)	Newly mandated task
	Requests that the Government of the Democratic Republic of the Congo, with the support of the Mission and other international partners, ensure appropriate conditions for the Armed Forces of the Democratic Republic of the Congo, including attributing ranks to the newly integrated elements, ensuring salary payments and equipment and providing barracks (para. 35)	Newly mandated task
Police: capacity-building	Recommends that the Government of the Democratic Republic of the Congo, in particular through the Armed Forces of the Democratic Republic of the Congo and the Congolese National Police, working in cooperation with the Mission, pursue its efforts to maintain a comprehensive and accurate database containing all available information on the weapons and ammunition in their custody (para. 37)	Newly mandated task
Security sector reform: general (including both police and military)	To support the security sector reform led by the Government of the Democratic Republic of the Congo, including as set out in paragraphs 29 to 38 [of the resolution] (para. 5 (c))	Newly mandated task
	See para. 30 of the resolution, under “Coordination” above	Newly mandated task
Rule of law		
Judicial and legal reform	See para. 39 of the resolution, under “Institutions and governance” above	Newly mandated task
Prisons	See para. 39 of the resolution, under “Institutions and governance” above	Newly mandated task
Promotion of the rule of law: general	See para. 39 of the resolution, under “Institutions and governance” above	Newly mandated task
Other		
Civilian-military coordination	See para. 8 of the resolution, under “Military, police and security sector reform” above	Newly mandated task
Natural resources	Carrying out enhanced efforts to prevent the provision of support to armed groups, including support derived from illicit economic activities and illicit trade in natural resources (para. 21 (d))	Newly mandated task

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
	Also urges all States, especially those in the region, to take appropriate steps to end the illicit trade in natural resources, including, if necessary, through judicial means, and, where necessary, to report to the Council, and urges the Mission, in accordance with paragraph 3 (j) of resolution 1856 (2008), to consolidate and assess, jointly with the Government of the Democratic Republic of the Congo, the pilot project of bringing together all State services in five trading counters in North and South Kivu in order to improve the traceability of mineral products (para. 28)	Newly mandated task
Public information	See para. 14 of the resolution, under “Human rights; women and peace and security; children and armed conflict” above	Newly mandated task

United Nations Mission in Ethiopia and Eritrea

The United Nations Mission in Ethiopia and Eritrea (UNMEE) was established by the Security Council on 31 July 2000 by resolution 1312 (2000) to maintain the ceasefire between Ethiopia and Eritrea following their border conflict, and liaison with the parties, and to help to ensure the observance of security commitments. In accordance with resolution 1827 (2008) of 30 July 2008, the Mission’s mandate was terminated as from 31 July 2008.

Mandate at start of review period

By resolution 1767 (2007) of 30 July 2007, the Security Council extended the mandate of UNMEE until 31 January 2008. The mandate for UNMEE at the start of 2008, provided in resolutions 1320 (2000) and 1430 (2002), was to, inter alia: (a) monitor the cessation of hostilities between Ethiopia and Eritrea; (b) coordinate and provide technical assistance for humanitarian mine action activities in the Temporary Security Zone and areas adjacent to it; (c) chair the Military Coordination Commission and provide administrative and logistical support to the field offices of the Eritrea-Ethiopia Boundary Commission.

Developments during 2008 and 2009

During the period under review, the Council extended the mandate of UNMEE once for a period of six months, until 31 July 2008, following which the Council decided to terminate the Mission’s mandate.

By resolution 1798 (2008) of 30 January 2008, the Council, inter alia, reiterated its demands on Eritrea to withdraw immediately all troops and heavy military equipment from the Temporary Security Zone and to remove immediately and without preconditions the restrictions on UNMEE. The Council also noted with grave concern the critical fuel levels of UNMEE and demanded that the Government of Eritrea resume immediately fuel shipments to UNMEE or allow UNMEE to import fuel without restriction. It reiterated its call upon both parties to fully cooperate with UNMEE with a view to urgently reactivating the work of the Military Coordination Commission.¹⁷

By a presidential statement dated 15 February 2008, the Council decided on a temporary relocation of personnel and equipment from Eritrea, noting that, by maintaining restrictions on UNMEE and by refusing to reinstate fuel deliveries to UNMEE, the Government of Eritrea had created a situation in which a temporary relocation had been rendered inevitable.¹⁸ Subsequently, by resolution 1827 (2008) of 30 July 2008, the Council decided to terminate the Mission’s mandate as from 31 July 2008.¹⁹

Tables 9 and 10 provide an overview of the composition and mandate of UNMEE during the period under review. Information relating to the establishment of the Mission is also provided for reference; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

¹⁷ Resolution 1798 (2008), paras. 5, 7 and 8.

¹⁸ S/PRST/2008/7.

¹⁹ For more information, see part I, sect. 10.

Table 9
UNMEE: extension of mandate and change in composition

	<i>Resolution</i>						
	<i>1320 (2000)</i>	<i>1430 (2002)</i>	<i>1681 (2006)</i>	<i>1741 (2007)</i>	<i>1767 (2007)</i>	<i>1798 (2008)</i>	<i>1827 (2008)</i>
Date of adoption	15 September 2000	14 August 2002	31 May 2006	30 January 2007	30 July 2007	30 January 2008	30 July 2008
Extension and termination			Four months	Six months	Six months	Six months	Termination
Authorized composition							
Military	4 200	4 200	2 300	1 700	1 700	1 700	1 700
Total authorized composition	4 200	4 200	2 300	1 700	1 700	1 700	1 700

Table 10
UNMEE: overview of mandate by category

<i>Category and mandated task</i>	<i>Resolution</i>				
	<i>1320 (2000)</i>	<i>1430 (2002)</i>	<i>1767 (2007)</i>	<i>1798 (2008)</i>	<i>1827 (2008)</i>
Coordination					
Coordination with United Nations agencies in the country			X ^a		
Humanitarian issues					
Humanitarian support/coordination			X ^a		
Institutions and governance					
Border issues			X ^a		
Military, police and security sector reform					
Ceasefire monitoring			X ^a		
Mine action					
Political processes					
Facilitation of political process			X ^a		
Cooperation with/support to regional and subregional organizations			X ^a		
Other					
Logistical support (non-combat)			X ^a		

^a Newly mandated task.

United Nations Mission in Liberia

The United Nations Mission in Liberia (UNMIL) was established by the Security Council on 19 September 2003 by resolution 1509 (2003), in which the Council, acting under Chapter VII of the

Charter, supported the implementation of the ceasefire agreement²⁰ and the peace process, and security reform.

²⁰ Agreement on Ceasefire and Cessation of Hostilities between the Government of the Republic of Liberia and Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia (S/2003/657, annex).

Mandate at start of review period

By resolution 1777 (2007) of 20 September 2007, the Council extended the mandate of UNMIL until 30 September 2008. The mandate for UNMIL at the start of 2008, provided in resolutions 1509 (2003), 1521 (2003), 1626 (2005), 1638 (2005), 1657 (2006), 1750 (2007) and 1777 (2007), included the following tasks: (a) support for the implementation of the ceasefire agreement; (b) protection of United Nations staff, facilities and civilians; (c) facilitation of support for humanitarian and human rights assistance; (d) provision of support for security reform; and (e) support for the implementation of the peace process.

In addition, by resolution 1609 (2005) of 24 June 2005, adopted under Chapter VII of the Charter, the Council authorized the temporary redeployment of military and civilian police personnel between the United Nations Mission in Sierra Leone, UNMIL and the United Nations Operation in Côte d'Ivoire to deal with challenges that could not be handled within the authorized personnel ceiling of a given mission.²¹

Developments during 2008 and 2009

During the period under review, the Council extended the mandate of UNMIL twice for periods of one year, the last of which was until 30 September 2010. By resolutions 1836 (2008) of 29 September 2008 and 1885 (2009) of 15 September 2009, the Council expanded the mandate of UNMIL with tasks relating to benchmarks, policing activities and electoral assistance.

By resolution 1836 (2008), the Council requested the Secretary-General to continue to monitor progress

on the core benchmarks, which focused primarily on the training of the national police and military, and to develop further detailed benchmarks for the achievement of security in Liberia. In this regard, the Council authorized an increase in police personnel to provide operational support to national police and react to urgent security incidents.

By resolution 1885 (2009), the Council authorized UNMIL to assist the Government of Liberia with the general presidential and legislative elections held in 2011. The Council also tasked UNMIL with supporting the implementation of all security and justice development plans, including the Liberia National Police strategic plan.

By resolution 1836 (2008), the Council decreased the military component of UNMIL by 1,460 personnel and increased its police component by 240 personnel.

By resolution 1885 (2009), the Council authorized the Secretary-General to redeploy troops between UNMIL and UNOCI as needed. It endorsed the recommendation of the Secretary-General to repatriate 2,029 military personnel, three attack helicopters and 72 armoured personnel carriers, leaving the military strength of UNMIL at 8,202 personnel, including 7,952 troops in Liberia and 250 troops at the Special Court for Sierra Leone.

Tables 11 and 12 provide an overview of the composition and mandate of UNMIL during the period under review. The full text of all paragraphs in Council decisions that relate to changes to the mandate is provided in table 13. Information relating to the establishment of the Mission is also provided for reference; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

²¹ Resolution 1609 (2005), paras. 5-6.

Table 11
UNMIL: extension of mandate and change in composition

	<i>Resolution</i>										
	<i>1509 (2003)</i>	<i>1521 (2003)</i>	<i>1626 (2005)</i>	<i>1638 (2005)</i>	<i>1657 (2006)</i>	<i>1694 (2006)</i>	<i>1712 (2006)</i>	<i>1750 (2007)</i>	<i>1777 (2007)</i>	<i>1836 (2008)</i>	<i>1885 (2009)</i>
Date of adoption	19 September 2003	22 December 2003	19 September 2005	11 November 2005	6 February 2006	13 July 2006	29 September 2006	30 March 2007	20 September 2007	29 September 2008	15 September 2009
Establishment and extension	Establishment		Six months				Six months	Six months	One year	One year	One year
Authorized composition											
Military	15 000	15 000	15 250	15 250	15 250	15 125	15 125	15 125	12 675	11 215	8 202
Police	1 115	1 115	1 115	1 115	1 115	1 240	1 240	1 240	742	982	982
Total authorized composition	16 115	16 115	16 365	16 365	16 365	16 365	16 365	16 365	13 417	12 197	9 184

Table 12
UNMIL: overview of mandate by category

<i>Category and mandated task</i>	<i>Resolution</i>											
	<i>1509 (2003)</i>	<i>1521 (2003)</i>	<i>1626 (2005)</i>	<i>1638 (2005)</i>	<i>1657 (2006)</i>	<i>1694 (2006)</i>	<i>1712 (2006)</i>	<i>1750 (2007)</i>	<i>1777 (2007)</i>	<i>1836 (2008)</i>	<i>1885 (2009)</i>	
General												
Benchmarks					X ^a			X ^b	X ^c	X ^b	X ^b	X ^b
Coordination												
Coordination with other United Nations entities in the region					X ^a		X ^b					
Coordination with United Nations agencies in the country				X ^a								
Coordination of international engagement				X ^a								
Demilitarization and arms control												
Disarmament, demobilization and reintegration				X ^a	X ^c							
Electoral assistance and certification												
Electoral assistance				X ^a								X ^b
Humanitarian issues												
Humanitarian support/coordination				X ^a								
Refugees/internally displaced persons: facilitation of return				X ^a								
Human rights; women and peace and security; children and armed conflict												
Human rights: promotion and protection				X ^a								
Human rights: monitoring				X ^a								

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Resolution</i>										
	<i>1509 (2003)</i>	<i>1521 (2003)</i>	<i>1626 (2005)</i>	<i>1638 (2005)</i>	<i>1657 (2006)</i>	<i>1694 (2006)</i>	<i>1712 (2006)</i>	<i>1750 (2007)</i>	<i>1777 (2007)</i>	<i>1836 (2008)</i>	<i>1885 (2009)</i>
Institutions and governance											
Institution-building: strengthening/promotion of autonomy	X ^a										
Territorial control/consolidation of State authority	X ^a										
Military, police and security sector reform											
Border monitoring			X ^a								
Monitoring the movement of armed groups			X ^a								
Protection of civilians, including refugees and internally displaced persons	X ^a										
Protection of United Nations personnel and facilities/free movement of personnel and equipment			X ^b								
Territorial security, including ensuring presence in key areas, patrolling and deterrence	X ^a										
Military reform	X ^a										
Police: capacity-building	X ^a										
Police: reform/restructuring	X ^a										
Ceasefire monitoring	X ^a										
Police: operational support to national police										X ^a	
Civilian-military coordination	X ^a										
Security of other institutions or bodies			X ^a					X ^b			
Political processes											
Peace agreement monitoring/implementation	X ^a										
Cooperation with/support to regional and subregional organizations	X ^a										
Rule of law											
Judicial and legal reform	X ^a										
Prisons	X ^a										
Transitional justice				X ^a				X ^b			
Other											
Natural resources	X ^a		X ^c								
Public information	X ^a										
Sanctions enforcement/monitoring		X ^a		X ^b							

^a Newly mandated task.
^b Additional element.
^c Reiteration of mandate.

Table 13
UNMIL: changes to mandate, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Resolution 1836 (2008) (adopted under Chapter VII)		
General		
Benchmarks	<p>Requests the Secretary-General to continue to monitor progress on the core benchmarks detailed in paragraph 66 of his report of 8 August 2007^a and in his report of 19 March 2008,^b and any subsequent refinements of the benchmarks that may be recommended by the Secretary-General or his Special Representative for Liberia, to report on that progress to the Security Council by 15 February 2009 and, in view of the extent of that progress, to recommend to the Council no later than 15 February 2009 any further adjustments in the military and police components of the Mission, as appropriate, and to include in his report, in consultation with the Government of Liberia, long-range scenarios for a phased drawdown and withdrawal of the troop contingent of the Mission, as the situation permits and without compromising the security of Liberia (para. 5)</p> <p>Also requests the Secretary-General, in consultation with the Government of Liberia, to develop further detailed benchmarks to measure and track progress towards the achievement of security in Liberia, and in that context to include in his report of 15 February 2009 and in subsequent reports a comprehensive assessment both of the progress made towards building the capacity of the Liberian National Police and of the contribution of the Mission towards that goal, and to make recommendations on possible adjustments needed to Mission police training or concept of operations, as appropriate (para. 6)</p>	<p>Reiteration</p> <p>Additional element</p>
Military, police and security sector reform		
Police: operational support to national police	<p>Also endorses, with immediate effect, the recommendation of the Secretary-General for an increase of 240 in the authorized number of personnel deployed as part of the police component of the Mission in order to provide strategic advice and expertise in specialized fields, provide operational support to regular policing activities and react to urgent security incidents, as well as his plans for internal adjustments in the composition of the police component within the overall ceiling, including an increase in the number of formed police units (para. 4)</p>	Newly mandated task
Resolution 1885 (2009) (adopted under Chapter VII)		
General		
Benchmarks	<p>Requests the Secretary-General, following consultations with the Government of Liberia, to develop and submit to the Security Council a strategic integrated plan to coordinate activity towards the achievement of benchmarks, and, recalling the statements of its President of 22 July^c and 5 August 2009,^d which emphasized the need for coherence between, and integration of, peacemaking, peacekeeping, peacebuilding and development to achieve an effective response to post-conflict situations, requests the Secretary-General to provide in his reports an indication of progress towards achieving a coordinated United Nations approach in Liberia and, in particular, on critical gaps to achieving peacebuilding objectives (para. 7)</p>	Additional element

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Benchmarks	Requests the Secretary-General to continue to monitor progress on core benchmarks, in particular on progress on preparations for the 2011 elections, and on the progress made towards building the capability of the Liberia National Police, and to report regularly on that progress to the Council (para. 9)	Reiteration
Electoral assistance and certification		
Electoral assistance	Authorizes the Mission to assist the Government of Liberia with the 2011 general presidential and legislative elections by providing logistical support, particularly to facilitate access to remote areas, coordinating international electoral assistance and supporting Liberian institutions and political parties in creating an atmosphere conducive to the conduct of peaceful elections (para. 2)	Additional element

^a S/2007/479.

^b S/2008/183.

^c S/PRST/2009/23.

^d S/PRST/2009/24.

United Nations Operation in Côte d'Ivoire

The United Nations Operation in Côte d'Ivoire (UNOCI) was established by the Security Council on 4 April 2004 by resolution [1528 \(2004\)](#). In accordance with that resolution, UNOCI took over from the forces of the Economic Community of West African States (ECOWAS) and the United Nations Mission in Côte d'Ivoire, a political mission established by the Council in May 2003.

Mandate at start of review period

By resolution [1765 \(2007\)](#) of 17 July 2007, adopted under Chapter VII of the Charter, the Council extended the mandate of UNOCI for a period of six months, until 15 January 2008. The mandate for UNOCI at the start of 2008, provided in resolutions [1739 \(2007\)](#) and [1765 \(2007\)](#), included the following broad tasks: ceasefire monitoring, disarmament, demobilization, reintegration, repatriation and resettlement, support for the organization of open, free, fair and transparent elections and the protection of United Nations personnel, institutions and civilians.

Developments during 2008 and 2009

During the period under review, the Council extended the mandate of UNOCI by a series of resolutions adopted under Chapter VII of the Charter,

for periods of six months, the last of which was until 31 January 2011. The Council mainly reiterated elements of the existing mandate, especially those relating to electoral assistance, peace agreement monitoring and facilitation of political processes. It also expanded the mandate with additional elements, such as benchmarks and tasks relating to children and armed conflict.

There were no significant changes to the mandate of UNOCI during this period. In the light of the progress achieved in the implementation of the key steps of the peace and electoral process in Côte d'Ivoire, the Council, in resolution [1826 \(2008\)](#) of 29 July 2008, requested the Secretary-General to provide benchmarks for a possible phased drawdown of the troop levels and encouraged him to continue to refine and update these benchmarks in later resolutions. Subsequently, the Council, in resolution [1880 \(2009\)](#) of 30 July 2009, welcomed the new electoral timeline agreed by all the main Ivorian political actors leading to the first round of presidential elections on 29 November 2009. The Council stressed the need for UNOCI and humanitarian agencies to continue to work together closely to exchange information and to respond to threats of violence and other threats in a timely and appropriate manner, and requested UNOCI to continue assisting the Government in restoring a civilian policing presence throughout the country.

By resolutions 1842 (2008) of 29 October 2008 and 1893 (2009) of 29 October 2009, the Council reiterated its call for UNOCI and the French forces to bring their full support in particular to the implementation of the arms embargo, within their capacities and respective mandates.

In addition, under resolution 1819 (2008) of 18 June 2008, in the context of enhanced coordination among United Nations missions in West Africa, the Council reiterated its request to UNOCI to assist the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia and the Panel on Experts on Liberia in passing relevant information on the implementation of measures, including sanctions on arms and related materiel of all types.

By resolution 1865 (2009) of 27 January 2009, the Council decreased the military personnel level from 8,115 to 7,450 and reiterated its authorization to the Secretary-General to redeploy troops between UNMIL and UNOCI as needed.²²

Tables 14 and 15 provide an overview of the composition and mandate of UNOCI during the period under review. The full text of all paragraphs in Council decisions that relate to the changes to the mandate is provided in table 16. Information relating to the establishment of the Mission is also provided for reference; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

²² Resolution 1865 (2009), paras. 16 and 23.

Table 14
UNOCI: extension of mandate and change in composition

	Resolution						
	1528 (2004)	1609 (2005)	1682 (2006)	1795 (2008)	1826 (2008)	1865 (2009)	1880 (2009)
Date of adoption	27 February 2004	24 June 2005	2 June 2006	15 January 2008	29 July 2008	27 January 2009	30 July 2009
Extension		Seven months		Six months	Six months	Six months	Six months
Authorized composition							
Military	6 240	7 090	8 115	8 115	8 115	7 450	7 450
Police	350	725	1 200	1 200	1 200	1 200	1 200
Total authorized composition	6 590	7 815	9 315	9 315	9 315	8 650	8 650

Table 15
UNOCI: overview of mandate by category

Category and mandated task	Resolution											
	1528 (2004)	1609 (2005)	1739 (2007)	1765 (2007)	1795 (2008)	1819 (2008)	1826 (2008)	1842 (2008)	1865 (2009)	1880 (2009)	1893 (2009)	
General												
Authorization of the use of force		X ^a	X ^c	X ^a								
Cross-cutting: women and peace and security			X ^a	X ^a								
Benchmarks							X ^a		X ^b	X ^b		
Coordination												
Coordination with United Nations agencies in the country					X ^a							
Coordination with other United Nations entities in the region	X ^a	X ^c	X ^a	X ^c								
Coordination of international engagement		X ^a		X ^a								

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Resolution</i>										
	<i>1528 (2004)</i>	<i>1609 (2005)</i>	<i>1739 (2007)</i>	<i>1765 (2007)</i>	<i>1795 (2008)</i>	<i>1819 (2008)</i>	<i>1826 (2008)</i>	<i>1842 (2008)</i>	<i>1865 (2009)</i>	<i>1880 (2009)</i>	<i>1893 (2009)</i>
Demilitarization and arms control											
Disarmament, demobilization and reintegration	X ^a	X ^b	X ^a	X ^b					X ^c	X ^c	
Demilitarization or arms monitoring	X ^a	X ^b	X ^a	X ^b							
Small arms and light weapons				X ^b							
Electoral assistance and certification											
Electoral assistance	X ^a	X ^b	X ^a	X ^b			X ^b		X ^c	X ^c	
Electoral certification				X ^a	X ^c		X ^c		X ^c	X ^c	
Humanitarian issues											
Humanitarian support/coordination				X ^a							
Refugees/internally displaced persons: facilitation of return			X ^a	X ^b							
Human rights; women and peace and security; children and armed conflict											
Human rights: promotion and protection	X ^a	X ^b	X ^a	X ^c					X ^c	X ^c	
Human rights: monitoring			X ^a	X ^c						X ^c	
Human rights: investigation and prosecution	X ^a	X ^b	X ^a	X ^c						X ^c	
Women and peace and security	X ^a		X ^a						X ^b	X ^c	
Children and armed conflict	X ^a		X ^a						X ^b	X ^c	
Institutions and governance											
Promotion of autonomy			X ^a								
Territorial control/consolidation of State authority	X ^a		X ^a	X ^c							
Institution-building: strengthening/promotion of autonomy				X ^a							
Military, police and security sector reform											
Border monitoring	X ^a	X ^c	X ^a	X ^b							
Protection of civilians, including refugees and internally displaced persons	X ^a		X ^a							X ^b	
Protection of United Nations personnel and facilities/free movement of personnel and equipment	X ^a										
Protection of humanitarian personnel/facilitation of humanitarian access			X ^a								
Police: capacity-building			X ^a	X ^b						X ^c	
Police: reform/restructuring	X ^a		X ^a	X ^b						X ^c	
Police: operational support				X ^a							
Security sector reform			X ^a	X ^b							
Ceasefire monitoring	X ^a		X ^a								
Security of government officials	X ^a		X ^a								
Security of other institutions or bodies			X ^a	X ^b							
Support to national military			X ^a	X ^b							
Territorial security, including ensuring presence in key areas, patrolling and deterrence				X ^a							

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<i>Category and mandated task</i>	<i>Resolution</i>										
	<i>1528 (2004)</i>	<i>1609 (2005)</i>	<i>1739 (2007)</i>	<i>1765 (2007)</i>	<i>1795 (2008)</i>	<i>1819 (2008)</i>	<i>1826 (2008)</i>	<i>1842 (2008)</i>	<i>1865 (2009)</i>	<i>1880 (2009)</i>	<i>1893 (2009)</i>
Political processes											
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	X ^a		X ^a	X ^b	X ^{b,c}		X ^c		X ^c		X ^c
National reconciliation				X ^a							
Peace agreement monitoring/implementation			X ^a	X ^b	X ^b		X ^c		X ^c		X ^c
Cooperation with/support to regional and subregional organizations	X ^a		X ^a								
Rule of law											
Judicial and legal reform	X ^a		X ^a	X ^c							X ^c
Capacity-building				X ^a							
Promotion of the rule of law: general	X ^a		X ^a	X ^c							X ^c
Prisons				X ^a							
Other											
Public information	X ^a		X ^a	X ^b					X ^b		X ^c
Sanctions enforcement/monitoring			X ^a			X ^b		X ^b			X ^c
Development/reconstruction			X ^a	X ^b							
Media capacity-building			X ^a	X ^b							
Resource mobilization				X ^a							

^a Newly mandated task.

^b Additional element.

^c Reiteration of mandate.

Table 16
UNOCI: changes to mandate, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Resolution 1795 (2008) (adopted under Chapter VII)		
Electoral assistance and certification		
Electoral certification	Gives its full support to the efforts of the Special Representative of the Secretary-General for Côte d'Ivoire, and recalls that he shall certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards (para. 9)	Reiteration
Political processes		
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	Requests UNOCI, within its existing resources and mandate, to support the full implementation of the Ouagadougou Political Agreement and of the third supplementary agreement (para. 5)	Additional element

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
	Encourages the Facilitator to continue to support the process to settle the crisis in Côte d'Ivoire, and requests UNOCI to continue to assist him and his Special Representative in Abidjan, Mr. Boureima Badini, in the conduct of the facilitation, including by helping the Facilitator, as appropriate and upon his request, to carry out his arbitration role according to the provisions of paragraph 8.1 of the Ouagadougou Political Agreement and paragraphs 8 and 9 of the third supplementary agreement (para. 13)	Reiteration
Peace agreement monitoring/implementation	See paras. 5 and 13 of the resolution, above	Additional element
Resolution 1819 (2008) (adopted under Chapter VII)		
Other		
Sanctions enforcement/monitoring	Reiterates its request to UNOCI, within its capabilities and areas of deployment, and without prejudice to its mandate, to assist the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia and the Panel of Experts by passing to the Committee and the Panel any information relevant to the implementation of the measures in paragraphs 2 and 4 of resolution 1521 (2003) in the context of enhanced coordination among United Nations missions and offices in West Africa (para. 7)	Additional element
Resolution 1826 (2008) (adopted under Chapter VII)		
General		
Benchmarks	Expresses its intention to review by 31 January 2009 the mandates of UNOCI and the French forces supporting it, as well as the troop level of UNOCI, in the light of the progress achieved in the implementation of the key steps of the peace process and of the progress of the electoral process, and requests the Secretary-General to provide to the Security Council a report in this regard three weeks before that date, including some benchmarks for a possible phased drawdown of the troop level of UNOCI, taking into consideration the electoral process and the situation on the ground and in particular the security conditions (para. 9)	Newly mandated task
Electoral assistance and certification		
Electoral assistance	Requests UNOCI, within its existing resources and mandate, to support the full implementation of the Ouagadougou Political Agreement and its supplementary agreements, and in particular to contribute to bringing the security needed by the peace process and by the electoral process and to provide logistical support to the Independent Electoral Commission for the preparation and the holding of the elections (para. 2)	Additional element

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Electoral certification	Reiterates its full support to the efforts of the Special Representative of the Secretary-General for Côte d'Ivoire, recalls that he shall certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards, and reaffirms its support to the five-criteria framework elaborated by the Special Representative and referred to in the report of the Secretary-General of 15 April 2008 (para. 10)	Reiteration
Political processes		
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	Commends the Facilitator for continuing to support the process to settle the crisis in Côte d'Ivoire, and requests UNOCI to continue to assist him and his Special Representative in Abidjan, Mr. Boureïma Badini, in the conduct of the facilitation, including by helping the Facilitator, as appropriate and upon his request, to carry out his arbitration role according to the provisions of paragraph 8.1 of the Ouagadougou Political Agreement and paragraphs 8 and 9 of the third supplementary agreement (para. 17)	Reiteration
Peace agreement monitoring/implementation	See para. 2 of the resolution, under "Electoral assistance and certification" above	Reiteration
Resolution 1842 (2008) (adopted under Chapter VII)		
Other		
Sanctions enforcement/monitoring	Calls upon the Ivorian parties to the Ouagadougou Political Agreement ^a and all States, in particular those in the subregion, to fully implement the measures renewed in paragraph 1 above [of the resolution], including, as appropriate, by taking the necessary rules and regulations, and calls also upon UNOCI and the French forces which support it to bring their full support, in particular, to the implementation of the measures on arms renewed in paragraph 1, within their capacities and respective mandates, as determined in resolution 1739 (2007) of 10 January 2007 and renewed in resolution 1826 (2008) (para. 3)	Additional element
Resolution 1865 (2009) (adopted under Chapter VII)		
General		
Benchmarks	Also endorses the benchmarks proposed by the Secretary-General in paragraph 47 of his report of 8 January 2009 ^b for a possible further drawdown, requests the Secretary-General to monitor progress on their achievement, encourages him to continue to refine and update these benchmarks and to report to the Council, and expresses its intention to review these benchmarks before 31 July 2009 (para. 19)	Additional element

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
	Further requests the Secretary-General to inform the Council in his upcoming reports on the development of a strategic workplan containing indicative timelines to measure and track progress on the implementation of the benchmarks referred to in paragraph 19 above (para. 28)	Additional element
	Expresses its intention to review by 31 July 2009 the mandates of UNOCI and of the French forces supporting it, the level of troops of UNOCI and the benchmarks referred to in paragraph 19 above, in the light of the progress achieved in the electoral process and in the implementation of the key steps of the peace process, and requests the Secretary-General to provide to the Council a report to this end three weeks before that date (para. 29)	Additional element
Demilitarization and arms control		
Disarmament, demobilization and reintegration	Requests UNOCI, within its existing resources, to support actively the full implementation of the Ouagadougou Political Agreement and its supplementary agreements, including the fourth supplementary agreement, and, in particular, to continue to contribute to bringing the security needed by the peace process, including by supporting the disarmament, demobilization and reintegration programme and the disarmament and dismantling of militias, and by the electoral process, and to provide technical and logistical support to the Independent Electoral Commission for the preparation and the holding of the elections (para. 17)	Reiteration
Electoral assistance and certification		
Electoral assistance	See para. 17 of the resolution, under “Demilitarization and arms control” above	Reiteration
Electoral certification	Reiterates its full support for the efforts of the Special Representative of the Secretary-General for Côte d’Ivoire, recalls that he shall certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards, requests UNOCI to continue to sensitize actively the Ivorian population to this certification role, and reaffirms its support to the five-criteria framework elaborated by the Special Representative and referred to in the report of the Secretary-General of 15 April 2008 (para. 20)	Reiteration

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Human rights; women and peace and security; children and armed conflict		
Human rights: promotion and protection	Requests UNOCI to continue to contribute, pursuant to paragraph 2 (k) of resolution 1739 (2008) , to the promotion and protection of human rights in Côte d'Ivoire, with special attention to violence committed against children and women, and to continue to support the efforts that all parties should undertake pursuant to paragraph 12 [of the resolution], and further requests the Secretary-General to continue to include in his reports to the Council relevant information on progress in this area (para. 25)	Reiteration
Women and peace and security	See para. 25 of the resolution, above	Additional element
Children and armed conflict	See para. 25 of the resolution, above	Additional element
Political processes		
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	See para. 17 of the resolution, under “Demilitarization and arms control” above, and para. 22 of the resolution, under “Electoral assistance and certification” above	Reiteration
Peace agreement monitoring/implementation	See para. 17 of the resolution, under “Demilitarization and arms control” above	Reiteration
Other		
Public information	See para. 20 of the resolution, under “Electoral assistance and certification” above	Additional element
Resolution 1880 (2009) (adopted under Chapter VII)		
General		
Benchmarks	Requests the Secretary-General to continue to monitor progress in the achievement of the benchmarks referred to in annex I to his report of 7 July 2009, ^c encourages him to continue to refine and update them and to report to the Council, and expresses its intention to review these benchmarks in full before 15 October 2009, taking into account, in particular, the progress of the electoral process (para. 21)	Reiteration
	Expresses its intention to review by 31 January 2010 the mandate of UNOCI and the authorization provided to the French forces supporting it, the level of troops of UNOCI and the benchmarks referred to in paragraph 21 above, in the light of the progress achieved in the electoral process and in the implementation of the key steps of the peace process, and requests the Secretary-General to provide to the Council a report to this end, three weeks before that date (para. 33)	Additional element

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Demilitarization and arms control		
Disarmament, demobilization and reintegration	Requests UNOCI, within its existing resources and mandate, to support actively the parties in the full implementation of the remaining tasks under the Ouagadougou Political Agreement and its supplementary agreements, in particular those that are essential to the holding of free, fair, open and transparent presidential elections on 29 November 2009, and to continue to support the disarmament, demobilization and reintegration programme and the disarmament and dismantling of militias, and to provide technical and logistical support to the Independent Electoral Commission for the preparation and the holding of the elections in a secure environment (para. 20)	Reiteration
Electoral assistance and certification		
Electoral assistance	See para. 20 of the resolution, under “Demilitarization and arms control” above	Reiteration
Electoral certification	Reiterates that the Special Representative of the Secretary-General shall certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards, and reaffirms its full support to the Special Representative of the Secretary-General in his certification role (para. 7)	Reiteration
Human rights; women and peace and security; children and armed conflict		
Human rights: promotion and protection	Requests UNOCI to continue to contribute, pursuant to paragraph 2 (k) of resolution 1739 (2007), to the promotion and protection of human rights in Côte d’Ivoire, with special attention to violence committed against children and women, to monitor and help to investigate human rights violations with a view to ending impunity, and to continue to support the efforts that all parties should undertake pursuant to paragraphs 15 and 16 [of the resolution], and further requests the Secretary-General to continue to include in his reports to the Council relevant information on progress in this area (para. 26)	Reiteration
Human rights: monitoring	See para. 26 of the resolution, above	Reiteration
Human rights: investigation and prosecution	See para. 26 of the resolution, above	Reiteration
Women and peace and security	See para. 26 of the resolution, above	Reiteration
Children and armed conflict	See para. 26 of the resolution, above	Reiteration

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Military, police and security sector reform		
Protection of civilians, including refugees and internally displaced persons	Stresses the need for UNOCI and humanitarian agencies to continue to work closely together, in relation to areas of tension and areas of return of displaced persons, and to exchange information on possible outbreaks of violence and other threats against civilians in order to respond thereto in a timely and appropriate manner (para. 28)	Additional element
Police: capacity-building	Also requests UNOCI, in this context, to also continue to contribute, pursuant to paragraph 2 (m) of resolution 1739 (2007), to assisting the Government of Côte d'Ivoire in restoring a civilian policing presence throughout Côte d'Ivoire, and to advise the Government on the restructuring of the internal security services, and in re-establishing the authority of the judiciary and the rule of law throughout Côte d'Ivoire (para. 27)	Reiteration
Police: reform/restructuring	See para. 27 of the resolution, above	Reiteration
Political processes		
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	Commends the Facilitator for continuing to support the process to settle the crisis in Côte d'Ivoire, and requests UNOCI to continue to assist him and his Special Representative in Abidjan in the conduct of the facilitation, including by helping the Facilitator, as appropriate and upon his request, to carry out his arbitration role according to the provisions of paragraph 8.1 of the Ouagadougou Political Agreement and paragraphs 8 and 9 of the third supplementary agreement (para. 23)	Reiteration
Peace agreement monitoring/implementation	See para. 20 of the resolution, under "Demilitarization and arms control" above	Reiteration
Rule of law		
Promotion of the rule of law: general	See para. 27 of the resolution, under "Military, police and security sector reform" above	Reiteration
Judicial and legal reform	See para. 27 of the resolution, under "Military, police and security sector reform" above	Reiteration
Other		
Public information	Reiterates its full support to the efforts of the Special Representative of the Secretary-General, and requests UNOCI to continue to actively sensitize the Ivorian population to his certification role (para. 22)	Reiteration

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Resolution 1893 (2009) (adopted under Chapter VII)		
Other		
Sanctions enforcement/monitoring	<p>Calls upon the Ivorian parties to the Ouagadougou Political Agreement^a and all States, in particular those in the subregion, to fully implement the measures renewed in paragraph 1 [of the resolution], including, as appropriate, by making the necessary rules and regulations, calls upon UNOCI to bring its full support, in particular, to the implementation of the measures on arms renewed in paragraph 1, within its capacities and its mandate, as determined in resolution 1739 (2007) of 10 January 2007 and renewed in resolution 1880 (2009), and calls upon the French forces to support UNOCI in this regard, within the limits of their deployment and their capabilities (para. 3)</p>	Reiteration

^a S/2007/144, annex.

^b S/2009/21.

^c S/2009/344.

United Nations Mission in the Sudan

The United Nations Mission in the Sudan (UNMIS) was established by the Security Council on 24 March 2005 by resolution 1590 (2005), in which the Council determined that the situation in the Sudan continued to constitute a threat to international peace and security following the signing of the Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Army.

Mandate at start of review period

By resolutions 1590 (2005) and 1784 (2007), the Council decided that the mandate of UNMIS would include the following: (a) support for the implementation of the Comprehensive Peace Agreement; (b) facilitation and coordination, within its capabilities and in its areas of deployment, of the voluntary return of refugees and internally displaced persons and of humanitarian assistance; (c) provision of humanitarian demining assistance, technical advice and coordination; and (d) contribution towards international efforts to protect and promote human rights in the Sudan, as well as coordination of international efforts towards the protection of civilians, with particular attention to vulnerable groups. The

Council authorized UNMIS to take the action necessary, in the areas of deployment of its forces and as it deemed within its capabilities, to protect United Nations personnel and facilities, to allow freedom of movement of United Nations and humanitarian personnel and to protect civilians under imminent threat of physical violence.

Developments during 2008 and 2009

During the period under review, the Council extended the mandate of UNMIS twice for periods of one year, the last of which was until 30 April 2010, and indicated its intent to renew it for further periods as required. The Council introduced additional elements to the existing mandate, including such tasks as disarmament, demilitarization and reintegration, electoral assistance and coordination with United Nations agencies, such as the United Nations Development Programme (UNDP).

By resolution 1812 (2008) of 30 April 2008, the Council called upon all parties to redeploy their forces away from the disputed border of 1 January 1956 and fully establish an interim administration in accordance with the Comprehensive Peace Agreement, and requested UNMIS to provide technical and logistical support in the process of demarcation of the 1956

North/South border.²³ The Council also welcomed the adoption of the National Strategic Plan for Disarmament, Demobilization and Reintegration and requested UNMIS to pay particular attention to the protection, release and reintegration of all children associated with armed forces and armed groups and to increase its support for the National Disarmament, Demobilization and Reintegration Coordination Council and the Northern and Southern Sudan Disarmament, Demobilization and Reintegration Commissions. The mandate was also expanded with additional tasks that included coordination with humanitarian and development agencies, as well as UNDP and the African Union-United Nations Joint Mediation Support Team, and the development and execution of an integrated strategy to support local conflict resolution mechanisms to maximize the protection of civilians.

By resolution [1870 \(2009\)](#) of 30 April 2009, the Council recognized that the Comprehensive Peace

Agreement had reached a critical stage and stressed the importance of providing humanitarian assistance to the civilian populations throughout the Sudan.²⁴ It assigned additional tasks to UNMIS, such as support for the Sudanese efforts to build Joint Integrated Unit capabilities and those relating to disarmament, demobilization and reintegration, electoral assistance and conflict prevention in the Abyei region.

Tables 17 and 18 provide an overview of the composition and mandate of UNMIS during the period under review. The full text of all paragraphs in Council decisions that relate to changes to the mandate is provided in table 19. Information relating to the establishment of the Mission is also provided for reference; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

²⁴ Resolution [1870 \(2009\)](#), sixth and ninth preambular paragraphs.

²³ Resolution [1812 \(2008\)](#), paras. 7-8.

Table 17
UNMIS: extension of mandate and change in composition

	<i>Resolution</i>					
	<i>1590 (2005)</i>	<i>1706 (2006)</i>	<i>1769 (2007)</i>	<i>1784 (2007)</i>	<i>1812 (2008)</i>	<i>1870 (2009)</i>
Date of adoption	24 March 2005	31 August 2006	31 July 2007	31 October 2007	30 April 2008	30 April 2009
Establishment and extension	Establishment			Six months	One year	One year
Authorized composition						
Military	10 000	17 300	10 000	10 000	10 000	10 000
Police	715	5 540	715	715	715	715
Total authorized composition	10 715	22 840	10 715	10 715	10 715	10 715

Table 18
UNMIS: overview of mandate by category

Category and mandated task	Resolution					
	1590 (2005)	1663 (2006)	1706 (2006)	1784 (2007)	1812 (2008)	1870 (2009)
General						
Authorization of the use of force	X ^a		X ^b			
Cross-cutting: women and peace and security					X ^a	
Benchmarks				X ^a		X ^c
Coordination						
Coordination with United Nations agencies in the country	X ^a		X ^b	X ^b	X ^b	X ^c
Coordination with other United Nations entities in the region						X ^a
Coordination of donors	X ^a					
Coordination of international engagement	X ^a		X ^b			
Demilitarization and arms control						
Disarmament, demobilization and reintegration	X ^a		X ^b	X ^c	X ^b	X ^b
Mine action	X ^a					
Electoral assistance and certification						
Electoral assistance	X ^a		X ^b	X ^c	X ^b	X ^b
Humanitarian issues						
Humanitarian support/coordination	X ^a				X ^b	
Refugees/internally displaced persons: facilitation of return	X ^a				X ^c	X ^c
Human rights; women and peace and security; children and armed conflict						
Human rights: promotion and protection	X ^a		X ^b			
Human rights: monitoring	X ^a		X ^b			
Women and peace and security						
Children and armed conflict						X ^a
Institutions and governance						
Border issues					X ^a	X ^c
Military, police and security sector reform						
Monitoring the movement of armed groups	X ^a	X ^b	X ^b			X ^b
Protection of civilians, including refugees and internally displaced persons	X ^a		X ^b		X ^b	X ^b
Protection of humanitarian personnel/ facilitation of humanitarian access	X ^a		X ^b			

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Category and mandated task	Resolution					
	1590 (2005)	1663 (2006)	1706 (2006)	1784 (2007)	1812 (2008)	1870 (2009)
Protection of United Nations personnel and facilities/free movement of personnel and equipment	X ^a		X ^b			X ^c
Police: capacity-building	X ^a				X ^c	X ^c
Police: reform/restructuring	X ^a		X ^b		X ^c	X ^c
Ceasefire monitoring	X ^a		X ^b			
Support to national security						X ^a
Territorial security, including ensuring presence in key areas, patrolling and deterrence			X ^a			X ^b
Border monitoring			X ^a			
Political processes						
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	X ^a		X ^b	X ^c		X ^b
National reconciliation	X ^a		X ^b	X ^c	X ^c	
Peace agreement monitoring/implementation	X ^a		X ^b			
Cooperation with/support to regional and subregional organizations	X ^a	X ^b	X ^b		X ^b	X ^c
Local conflict resolution					X ^a	X ^b
Rule of law						
Judicial and legal reform	X ^a					
Prisons					X ^a	X ^c
Promotion of the rule of law: general	X ^a		X ^b		X ^c	X ^c
Other						
Public information	X ^a		X ^b			
Sanctions enforcement/monitoring			X ^a			
Development/reconstruction					X ^a	

^a Newly mandated task.

^b Additional element.

^c Reiteration of mandate.

Table 19
UNMIS: changes to mandate, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Resolution 1812 (2008)		
General		
Cross-cutting: women and peace and security	Encourages the Mission, consistent with its mandate, to assist the parties to the Comprehensive Peace Agreement in addressing the need for a national inclusive approach towards reconciliation and peacebuilding, emphasizing, in particular, the role of women in the prevention and resolution of conflicts and in peacebuilding, as recognized in resolution 1325 (2000), and of civil society, and to take this need into account in implementing all aspects of its mandate (para. 16)	Newly mandated task
Coordination		
Coordination with United Nations agencies in the country	Urges the Mission, consistent with its mandate, to begin immediate preparations to support the conduct of national elections, including support for the development of a national strategy for the conduct of elections in close collaboration with the United Nations Development Programme and the parties to the Comprehensive Peace Agreement, and further urges the international community to provide technical and material assistance for electoral preparations (para. 15)	Additional element
	Notes that conflict in one area of the Sudan affects conflict in other areas in the Sudan and in the region, and therefore urges the Mission to coordinate closely with the African Union-United Nations Hybrid Operation in Darfur, the African Union-United Nations Joint Mediation Support Team and other stakeholders to ensure complementary implementation of the mandates of those bodies in support of the implementation of the Comprehensive Peace Agreement and of the overall objective of peace in the Sudan (para. 20)	Additional element
Demilitarization and arms control		
Disarmament, demobilization and reintegration	Welcomes the adoption of the National Strategic Plan for Disarmament, Demobilization and Reintegration, encourages the parties to agree swiftly on a date to launch its implementation, takes note of the benchmarks proposed by the Secretary-General in this regard, and urges the Mission, consistent with its mandate, to assist in voluntary disarmament and weapons collection and destruction efforts in implementation of plans under the Comprehensive Peace Agreement for disarmament, demobilization and reintegration (para. 10)	Reiteration

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<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
	Requests the Mission, consistent with its mandate and in coordination with the relevant parties, and taking into account the need to pay particular attention to the protection, release and reintegration of all children associated with armed forces and armed groups, to increase its support for the National Disarmament, Demobilization and Reintegration Coordination Council and the Northern and Southern Sudan Disarmament, Demobilization and Reintegration Commissions (para. 11)	Additional element
Electoral assistance and certification		
Electoral assistance	See para. 15 of the resolution, under “Coordination” above	Additional element
Humanitarian issues		
Humanitarian support/coordination	Requests the Mission to coordinate with humanitarian, recovery and development agencies, within its capabilities and areas of deployment, to facilitate the provision of recovery and development assistance, which is essential to deliver a peace dividend to the people of the Sudan (para. 21)	Additional element
Refugees/internally displaced persons: facilitation of return	Welcomes the continuing organized returns of internally displaced persons from Khartoum to Southern Kordofan and Southern Sudan and of refugees from countries of asylum to Southern Sudan, and encourages the promotion of efforts, including the provision of necessary resources to the Office of the United Nations High Commissioner for Refugees and implementing partners, to ensure that such returns are voluntary and sustainable, and further requests the Mission, within its capabilities and areas of deployment, to coordinate with partners to facilitate sustainable returns, including by helping to establish the necessary security conditions (para. 18)	Reiteration
Institutions and governance		
Border issues	Requests the Mission, acting within its current mandate and within its current means and capabilities, to provide technical and logistical support, as requested, to help the parties in the process of demarcation of the north/south border of 1956, in accordance with the Comprehensive Peace Agreement (para. 8)	Newly mandated task

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Military, police and security sector reform		
Protection of civilians, including refugees and internally displaced persons	Expresses its concern at the persistence of localized conflict and violence, especially in the border area, mostly affecting civilians and with the potential for escalation; urges in this regard full cooperation of the National Congress Party and the Sudan People’s Liberation Movement in carrying out the obligations of the Government of National Unity for the protection of civilians in armed conflict, in accordance with resolution 1674 (2006) ; and supports the intention of the Mission to strengthen its conflict management capacity by developing and executing an integrated strategy to support local conflict resolution mechanisms, in order to maximize protection of civilians (para. 19)	Additional element
Police: capacity-building	Encourages the Mission, consistent with its mandate, and within authorized levels of civilian police, to continue efforts to assist the parties to the Comprehensive Peace Agreement in promoting the rule of law and in restructuring the police and corrections services in the Sudan, including in Southern Sudan, and to assist in the training of civilian police and corrections officers (para. 13)	Reiteration
Police: reform/restructuring	See para. 13 of the resolution, above	Reiteration
Political processes		
Local conflict resolution	See para. 19 of the resolution, under “Military, police and security sector reform” above	Newly mandated task
National reconciliation	See para. 16 of the resolution, under “General” above	Reiteration
Cooperation with/support to regional and subregional organizations	See para. 20 of the resolution, under “Coordination” above	Additional element
Rule of law		
Promotion of the rule of law: general	See para. 13 of the resolution, under “Military, police and security sector reform” above	Reiteration
Prisons	See para. 13 of the resolution, under “Military, police and security sector reform” above	Newly mandated task
Other		
Development/reconstruction	See para. 21 of the resolution, under “Humanitarian issues” above	Newly mandated task

Resolution 1870 (2009)

General

Benchmarks	Stresses the importance of achievable and realistic targets against which the progress of United Nations peacekeeping operations can be measured; in this regard, requests the Secretary-General to develop benchmarks for measuring and tracking progress in the implementation of the mandate of the Mission; and further requests the Secretary-General to include in his next quarterly report an assessment of progress made against these benchmarks, as well as any consequent recommendations regarding the configuration of the Mission (para. 26)	Reiteration
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Coordination

Coordination with United Nations agencies in the country	Requests the Mission, consistent with its mandate and within its current capabilities, to support the National Electoral Commission in preparing for credible national elections, including through the provision of assistance and advice, as required, with security preparations and coordinating United Nations election support efforts in close collaboration with the United Nations Development Programme, and ensuring that the efforts of the Mission are complementary to those of the international community and the parties to the Comprehensive Peace Agreement, and urges the international community to provide technical and material assistance, including electoral observation capacity as requested by the Government of National Unity, to support credible elections (para. 11)	Reiteration
Coordination with other United Nations entities in the region	Notes that conflict in one area of the Sudan affects conflict in other areas of the Sudan and in the region, and therefore urges the Mission, consistent with its current mandate, to cooperate closely with all United Nations entities operating in the region, including the African Union-United Nations Joint Mediation Support Team and other stakeholders, so that the implementation of the mandates of these bodies supports the overall objective of peace in the Sudan and the region (para. 16)	Reiteration

Demilitarization and arms control

Disarmament, demobilization and reintegration	Encourages the parties to undertake a prioritized roll-out of disarmament, demobilization and reintegration in all states, and requests the Mission to work closely with the Sudanese Armed Forces and the Sudan People's Liberation Army to assist in voluntary disarmament and weapons collection and destruction efforts in implementation of disarmament, demobilization and reintegration under the Comprehensive Peace Agreement (para. 20)	Additional element
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Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
	Requests the Mission, consistent with its mandate and in coordination with the relevant parties and taking into account the need to pay particular attention to the protection, release and reintegration of children recruited to and participating with armed forces and armed groups, to increase its support for the National Disarmament, Demobilization and Reintegration Coordination Council and the Northern and Southern Sudan Disarmament, Demobilization and Reintegration Commissions, with special emphasis on reintegrating such children with their families, and to monitor the reintegration process (para. 22)	Reiteration
Electoral assistance and certification		
Electoral assistance	See para. 11 of the resolution, under “Coordination” above	Additional element
	Recalls the provision in the Comprehensive Peace Agreement for referendums, including the responsibility of the parties to pursue efforts to make unity attractive, and, reaffirming the support of the Mission for these efforts, requests that the Mission be prepared to provide assistance to the parties, if requested, to support preparations for a referendum in 2011 (para. 12)	Additional element
Humanitarian issues		
Refugees/internally displaced persons: facilitation of return	Welcomes the continuing organized return of internally displaced persons and refugees to the Three Areas and Southern Sudan, and encourages the promotion of efforts, including the provision of necessary resources to the Office of the United Nations High Commissioner for Refugees and implementing partners, to ensure that such returns are voluntary and sustainable; and requests the Mission, within its current mandate, capabilities and areas of deployment, to coordinate with partners to facilitate sustainable returns, including by helping to establish and maintain the necessary security conditions (para. 23)	Reiteration
Human rights; women and peace and security; children and armed conflict		
Children and armed conflict	See para. 22 of the resolution, under “Demilitarization and arms control” above	Newly mandated task
Institutions and governance		
Border issues	Requests the Mission, acting within its current mandate and within its current means and capabilities, to provide technical and logistical support to the Ad hoc Technical Border Committee, as requested, to help the parties to urgently conclude the process of demarcation of the north/south border of 1956, in accordance with the Comprehensive Peace Agreement (para. 17)	Reiteration

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Military, police and security sector reform		
Monitoring the movement of armed groups	Requests the Mission to make full use of its current mandate and capabilities to provide security to the civilian population, humanitarian and development actors and United Nations personnel under imminent threat of violence, as stated in resolution 1590 (2005) , stresses that this mandate includes the protection of refugees, displaced persons and returnees, and emphasizes, in particular, the need for the Mission to make full use of its current mandate and capabilities with regard to the activities of militias and armed groups such as the Lord's Resistance Army in the Sudan, as stated in resolution 1663 (2006) (para. 14)	Additional element
Protection of civilians, including refugees and internally displaced persons	See para. 14 of the resolution, above	Additional element
	Deplores the persistent localized conflict and violence and its effect on civilians, especially within Southern Sudan, and the continuing potential for violence, and calls upon the Mission to strengthen its conflict management capacity by completing, as soon as possible, its integrated strategy to support local tribal conflict resolution mechanisms in order to maximize the protection of civilians; welcomes the development of a comprehensive strategy on the protection of civilians and encourages the Mission to continue and complete its work on the strategy in a timely manner; and again calls upon the Mission, consistent with its current mandate and capabilities, to proactively conduct patrols in areas at high risk of localized conflict (para. 15)	Additional element
Protection of humanitarian personnel/facilitation of humanitarian access	See para. 23 of the resolution, under "Humanitarian issues" above	Reiteration
	See para. 14 of the resolution, above	Reiteration
Protection of United Nations personnel and facilities/free movement of personnel and equipment	See para. 14 of the resolution, above	Reiteration
Support to national military	Stresses the important role of the Joint Integrated Units for the full implementation of the Comprehensive Peace Agreement, calls upon the Joint Defence Board to exercise command, control and management of the Joint Integrated Units, requests the Mission to explore ways to support Sudanese efforts to build the capabilities of the Joint Integrated Units, and urges donors to offer support, both materiel and training, coordinated by the Mission in consultation with the Joint Defence Board, to enable the full establishment and operational effectiveness of Joint Integrated Units and Joint Integrated Police Units as soon as possible (para. 18)	Newly mandated task

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Territorial security, including ensuring presence in key areas, patrolling and deterrence	See para. 15 of the resolution, above	Additional element
Police: capacity-building	Encourages the Mission, consistent with its mandate, and within authorized levels of civilian police, to continue efforts to assist the parties to the Comprehensive Peace Agreement in promoting the rule of law and restructuring the police and corrections services throughout the Sudan, and to assist in the training of civilian police and corrections officers (para. 19)	Reiteration
Police: reform/restructuring	See para. 19 of the resolution, above	Reiteration
Political processes		
Facilitation of political process	Calls for all parties to cooperate with full and unrestricted access to the Mission in monitoring and verification of the Abyei region, without prejudice to the final agreement on the Abyei boundaries, and urges the Mission, consistent with its current mandate and within its means and capabilities, to consult with the parties and to deploy, as appropriate, sufficient personnel to the Abyei region to improve conflict prevention efforts and security to the civilian population (para. 7)	Additional element
Local conflict resolution	See para. 15 of the resolution, under “Military, police and security sector reform” above	Additional element
Cooperation with/support to regional and subregional organizations	See para. 16 of the resolution, under “Coordination” above	Reiteration
Rule of law		
Promotion of the rule of law: general	See para. 19 of the resolution, under “Military, police and security sector reform” above	Reiteration
Prisons	Encourages the Mission, consistent with its mandate, and within authorized levels of civilian police, to continue efforts to assist the parties to the Comprehensive Peace Agreement in promoting the rule of law and restructuring the police and corrections services throughout the Sudan, and to assist in the training of civilian police and corrections officers (para. 19)	Reiteration

African Union-United Nations Hybrid Operation in Darfur

The African Union-United Nations Hybrid Operation in Darfur (UNAMID) was established by the Security Council on 31 July 2007 by resolution 1769 (2007), in support of the early and effective implementation of the Darfur Peace Agreement and the outcome of negotiations between the Government of the Sudan, the Special Envoy of the Secretary-General for Darfur and the African Union Special Envoy for Darfur. UNAMID formally took over from the African Union Mission in the Sudan (AMIS) on 31 December 2007.

Mandate at start of review period

The mandate of UNAMID was set out in a letter dated 5 June 2007 containing the report of the Secretary-General and the Chairperson of the African Union Commission on the hybrid operation in Darfur.²⁵ On 31 July 2007, the Council, in resolution 1769 (2007), decided that the mandate should be as set out in that report. The mandate included the following broad tasks: support for the peace process and good offices, security, rule of law, governance and human rights and humanitarian assistance. In addition, the Council, acting under Chapter VII of the Charter, decided that UNAMID was authorized to take the necessary action, in the areas of deployment of its forces and within its capabilities, in order to (a) protect its personnel, facilities, installations and equipment, and ensure the security and freedom of movement of its own personnel and humanitarian workers; and (b) support early and effective implementation of the Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks and protect civilians, without prejudice to the responsibility of the Government of the Sudan.

Developments during 2008 and 2009

During the period under review, the Council twice extended the mandate of UNAMID for periods of one year, the latter until 31 July 2010. In 2008 and 2009, the Council mainly addressed the logistical

aspects of the new Mission and the humanitarian situation in Darfur. The Council called on Member States to pledge and contribute equipment such as helicopters and ground transport, and underlined the need for capable battalions that were suitably trained and equipped. In 2009, the Council expanded the mandate of UNAMID to include tasks relating to coordination with other United Nations entities in the region and benchmarks.

In resolution 1828 (2008) of 31 July 2008, the Council underlined the need for UNAMID to make full use of its current mandate and capabilities to protect civilians and ensure humanitarian access. The Council also recognized that with many civilians in Darfur having been displaced, humanitarian efforts remained a priority until a sustained ceasefire and inclusive political process were achieved.²⁶

In resolution 1881 (2009) of 30 July 2009, the Council added new tasks to the mandate of UNAMID related to coordination with other United Nations missions in the region, including the United Nations Mission in the Sudan (UNMIS) and the United Nations Mission in the Central African Republic and Chad (MINURCAT). It also requested the Secretary-General, following consultations with the African Union, to submit benchmarks to measure and track the progress being made by UNAMID in implementing its mandate.

There were no changes to the composition of UNAMID during the period under review. However, the Council, in resolutions 1828 (2008) and 1881 (2009), called upon all parties in Darfur to remove all obstacles to the full and expeditious deployment of UNAMID.²⁷

Tables 20 and 21 provide an overview of the composition and mandate of UNAMID during the period under review. The full text of all paragraphs in Council decisions that relate to the mandate is provided in table 22. Information relating to the establishment of the Mission is provided for reference; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

²⁵ S/2007/307/Rev.1 and Add.1.

²⁶ Resolution 1828 (2008), twelfth preambular paragraph.

²⁷ Ibid., para. 5; resolution 1881 (2009), para. 4.

Table 20
UNAMID: extension of mandate and change in composition

	<i>Resolution</i>		
	<i>1769 (2007)</i>	<i>1828 (2008)</i>	<i>1881 (2009)</i>
Date of adoption	31 July 2007	31 July 2008	6 August 2009
Establishment and extension	Establishment	One year	One year
Authorized composition			
Military	19 555	19 555	19 555
Civilian	6 432	6 432	6 432
Total authorized composition	25 987	25 987	25 987

Table 21
UNAMID: overview of mandate by category

<i>Category and mandated task</i>	<i>Resolution</i>	
	<i>1769 (2007)</i>	<i>1881 (2009)</i>
General		
Authorization of the use of force	X ^a	
Cross-cutting: women and peace and security		X ^a
Benchmarks (including request to the Secretary-General to propose benchmarks)		X ^a
Coordination		
Coordination with other United Nations entities in the region		X ^a
Coordination with United Nations agencies in the country	X ^a	
Demilitarization and arms control		
Disarmament, demobilization and reintegration	X ^a	
Mine action	X ^a	
Small arms and light weapons	X ^a	
Electoral assistance and certification		
Electoral assistance	X ^a	X ^b
Humanitarian issues		
Humanitarian support/coordination	X ^a	
Refugees/internally displaced persons: facilitation of return	X ^a	
Human rights; women and peace and security; children and armed conflict		
Human rights: promotion and protection	X ^a	
Women and peace and security	X ^a	
Children and armed conflict	X ^a	
Institutions and governance		
Institution-building: strengthening/promotion of autonomy	X ^a	
Military, police and security sector reform		
Border monitoring	X ^a	
Monitoring of movement of armed groups	X ^a	

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<i>Category and mandated task</i>	<i>Resolution</i>	
	<i>1769 (2007)</i>	<i>1881 (2009)</i>
Protection of civilians, including refugees and internally displaced persons	X ^a	
Protection of humanitarian personnel/facilitation of humanitarian access	X ^a	
Protection of United Nations personnel and facilities/free movement of personnel and equipment	X ^a	
Territorial security, including ensuring presence in key areas, patrolling and deterrence	X ^a	
Police: capacity-building	X ^a	
Ceasefire monitoring	X ^a	
Police: operational support to national police	X ^a	
Police: reform/restructuring	X ^a	
Political processes		
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	X ^a	X ^c
Peace agreement monitoring/implementation	X ^a	
Cooperation with/support to regional and subregional organizations	X ^a	
Rule of law		
Anti-corruption/good governance	X ^a	
Judicial and legal reform	X ^a	
Prisons	X ^a	
Promotion of the rule of law (general)	X ^a	
Other		
Sanctions enforcement/monitoring	X ^a	
Development/reconstruction	X ^a	
Logistical support (non-combat)	X ^a	

^a Newly mandated task.

^b Additional element.

^c Reiteration of mandate.

Table 22
UNAMID: changes to mandate, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Resolution 1881 (2009)		
General		
Benchmarks	Stresses the importance of achievable and realistic targets against which the progress of United Nations peacekeeping operations can be measured, and in this regard requests the Secretary-General, following consultations with the African Union [to carry out the tasks set out in para. 6]	Newly mandated task
	To submit, for the consideration of the Council, a strategic workplan containing benchmarks to measure and track progress being made by UNAMID in implementing its mandate (para. 6 (a))	Newly mandated task
	To include in his next report an assessment of progress made against these benchmarks, as well as consequent recommendations regarding the mandate and configuration of UNAMID (para. 6 (b))	Newly mandated task
	To report to the Council every 90 days thereafter on progress made towards implementing the mandate of UNAMID across Darfur, as well as on progress on the political process, on the security and humanitarian situation and on compliance by all parties with their international obligations (para. 6 (c))	Newly mandated task
Cross-cutting: women and peace and security	Demands that the parties to the conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, in line with resolution 1820 (2008); and requests the Secretary-General to develop a comprehensive strategy for providing protection to women and girls from sexual violence and gender-based violence and to ensure that the relevant provisions of resolutions 1325 (2000) and 1820 (2008) are implemented by UNAMID, and to include information on this in his reporting to the Council (para. 14)	Newly mandated task
Coordination		
Coordination with other United Nations entities in the region	Notes that conflict in one area of the Sudan affects other areas of the Sudan and the wider region, and urges UNAMID to coordinate closely with other United Nations missions in the region, including UNMIS and MINURCAT (para. 10)	Newly mandated task
	Requests UNAMID, consistent with its current capabilities and mandate, to assist and complement the efforts of UNMIS in preparing for credible national elections through the provision of advice and assistance where required (para. 11)	Newly mandated task

Electoral assistance and certification

Electoral assistance	See para. 11 of the resolution, under “Coordination” above	Additional element
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Political processes

Facilitation of political process/ dialogue/preventive diplomacy/mediation/ good offices	Reiterates there can be no military solution to the conflict in Darfur and that an inclusive political settlement and the successful deployment of UNAMID are essential to re-establishing peace; reaffirms its full support for the African Union-United Nations-led political process for Darfur and the work of Joint African Union-United Nations Chief Mediator for Darfur, Mr. Djibrill Yipènè Bassolé; demands that all parties to the conflict, including all rebel groups, immediately engage fully and constructively in the peace process without preconditions, including by entering into talks under the mediation of Mr. Bassolé with a view to finalizing a framework agreement; welcomes the work of Qatar and the Libyan Arab Jamahiriya in this regard and the support of other countries in the region; calls on UNAMID to support the Joint Chief Mediator and the African Union-United Nations Joint Mediation Support Team; and underlines the need for the engagement of civil society, including women and women-led organizations, community groups and tribal leaders, in order to create a conducive environment for peace and security through constructive and open dialogue (para. 8)	Reiteration
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United Nations Mission in the Central African Republic and Chad

The United Nations Mission in the Central African Republic and Chad (MINURCAT) was established by the Security Council on 25 September 2007 by resolution 1778 (2007), in order to contribute to the protection of civilians, promote human rights and the rule of law and promote regional peace between Chad and the Central African Republic.

Mandate at start of review period

By resolution 1778 (2007), the Council established MINURCAT for a period of one year, until 25 September 2008. The mandate for MINURCAT at the start of 2008, as provided in resolution 1778 (2007) included the following: to select, train, advise and facilitate support to elements of the Police tchadienne pour la protection humanitaire; to liaise with relevant officials in Chad and the Central African Republic to contribute to the creation of a more secure

environment; to assist the Governments of Chad and the Central African Republic in the promotion of the rule of law; and to contribute to the monitoring and to the promotion and protection of human rights.

Developments during 2008 and 2009

During the period under review, the Council twice extended the mandate of MINURCAT, for a period of six months, until 15 March 2009, and for one year, until 15 March 2010. By resolution 1861 (2009) of 14 January 2009, the Council authorized a major expansion of MINURCAT by adding a military component composed of 5,200 military personnel and 25 military liaison officers as a follow-up to the operation by the European Union in Chad and the Central African Republic (EUFOR Chad/Central African Republic) and giving it an expanded mandate, partially under Chapter VII of the Charter, that included authorization to take all necessary measures to protect civilians, humanitarian workers and United Nations personnel and facilities. The new mandate included several other elements, including supporting

the initiatives of national and local authorities in Chad to resolve local tensions and promote local reconciliation efforts, in order to enhance the environment for the return of internally displaced persons. The Council also endorsed benchmarks towards the exit strategy of MINURCAT, and stressed that it would take into account progress towards those benchmarks when considering the renewal of the mandate of MINURCAT in 2010.

Tables 23 and 24 provide an overview of changes to the composition and mandate of MINURCAT during the period under review. The full text of all paragraphs in Council decisions that relate to changes to the mandate is provided in table 25. Information relating to the establishment of the Mission is provided for reference; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

Table 23
MINURCAT: extension of mandate and change in composition

	<i>Resolution</i>		
	<i>1778 (2007)</i>	<i>1834 (2008)</i>	<i>1861 (2009)</i>
Date of adoption	25 September 2007	24 September 2008	14 January 2009
Establishment and extension	Establishment	Six months	One year
Authorized composition			
Military	50	50	5 225
Police	300	300	300
Total authorized composition	350	350	5 525

Table 24
MINURCAT: overview of mandate by category

<i>Category and mandated task</i>	<i>Resolution</i>		
	<i>1778 (2007)</i>	<i>1834 (2008)</i>	<i>1861 (2009)</i>
General			
Authorization of the use of force			X ^a
Benchmarks			X ^a
Coordination			
Coordination with other United Nations entities in the region	X ^a		X ^a
Coordination with United Nations agencies in the country	X ^a		X ^a
Coordination of international engagement			X ^a
Humanitarian issues			
Humanitarian support/coordination	X ^a		X ^a
Refugees/internally displaced persons: facilitation of return	X ^a		X ^a
Human rights; women and peace and security; children and armed conflict			
Human rights: capacity-building	X ^a		X ^a
Human rights: promotion and protection	X ^a		X ^a
Human rights: monitoring	X ^a		X ^a
Children and armed conflict	X ^a		X ^a

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Category and mandated task	Resolution		
	1778 (2007)	1834 (2008)	1861 (2009)
Military, police and security sector reform			
Protection of civilians, including refugees and internally displaced persons			X ^a
Police: capacity-building	X ^a		X ^a
Police: operational support to national police	X ^a		X ^a
Support to national military			X ^a
Protection of humanitarian personnel/facilitation of humanitarian access			X ^a
Protection of United Nations personnel and facilities/free movement of personnel and equipment			X ^a
Monitor security situation	X ^a		X ^a
Territorial security, including presence in key areas, patrolling and deterrence	X ^a		X ^a
Political processes			
National reconciliation			X ^a
Regional cooperation			X ^a
Rule of law			
Judicial and legal reform	X ^a		
Prisons			X ^a
Promotion of the rule of law: general	X ^a		X ^a
Other			
Civil affairs/civil society development	X ^a		X ^a
Logistical support (non-combat)	X ^a		X ^a
Development/reconstruction			X ^a

^a Newly mandated task.

^b Additional element.

^c Reiteration of mandate.

Table 25
MINURCAT: changes to mandate, 2008-2009

Category and mandated task	Provisions	Change to mandate
Resolution 1861 (2009) (adopted under Chapter VII (partial))		
General		
Benchmarks	Endorses the benchmarks presented in paragraph 70 of the report of the Secretary-General of 4 December 2008 towards the exit strategy of the Mission, and stresses in particular the following: (a) Voluntary return and resettlement in secure and sustainable conditions of a critical mass of internally displaced persons;	Newly mandated task

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
	(b) Demilitarization of refugee and internally displaced persons camps as evidenced by a decrease in arms, violence and human rights abuses;	
	(c) Improvement in the capacity of Chadian authorities in eastern Chad, including national law enforcement agencies, the judiciary and the prison system, to provide the necessary security for refugees, internally displaced persons, civilians and humanitarian workers, with respect for international human rights standards (para. 25)	
	Requests the Secretary-General to continue to report regularly, and at least every three months, on the security and humanitarian situation, including movements of refugees and internally displaced persons, in eastern Chad, the north-eastern Central African Republic and the region, on progress in the implementation of the relevant agreements, on progress towards the fulfilment of the benchmarks [set out in paras. 25 and 26 of the resolution], and on the implementation of the mandate of MINURCAT, and to provide to the Council, with the same regularity, a specific update on the military situation (para. 28)	Newly mandated task
	Also requests the Secretary-General to inform the Council in his upcoming reports on the development of a strategic workplan containing indicative timelines to measure and track progress on the implementation of the benchmarks [set out in paragraphs 25 and 26 of the resolution], with a view to meeting them by 15 March 2011 (para. 29)	Newly mandated task
Authorization of the use of force	Decides that MINURCAT shall be authorized to take all necessary measures, within its capabilities and its area of operations in eastern Chad, to fulfil the functions [set out in para. 7 (a)], in liaison with the Government of Chad (para. 7 (a))	Newly mandated task
	Decides also that MINURCAT shall be authorized to take all necessary measures, within its capabilities and its area of operations in the north-eastern Central African Republic, to fulfil the functions [set out in para. 7 (b)], by establishing a permanent military presence in Birao and in liaison with the Government of the Central African Republic (para. 7 (b))	Newly mandated task
Coordination		
Coordination with United Nations agencies in the country	Decides that MINURCAT shall have the mandate [set out in para. 6] in eastern Chad and the north-eastern Central African Republic, in liaison with the United Nations country team and, as appropriate, in liaison with the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) and without prejudice to the mandate of BONUCA (para. 6)	Newly mandated task

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<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
	To liaise with the Government of Chad and the Office of the United Nations High Commissioner for Refugees (UNHCR) in support of their efforts to relocate refugee camps which are in close proximity to the border, and to provide to UNHCR, on availability and on a cost-reimbursable basis, logistical assistance for that purpose (para. 6 (c))	Newly mandated task
	To assist the Government of Chad in the promotion of the rule of law, including through support for an independent judiciary and a strengthened legal system, in close coordination with United Nations agencies (para. 6 (h))	Newly mandated task
Coordination with other United Nations entities in the region	To liaise with the Government of the Sudan, the African Union-United Nations Hybrid Operation in Darfur (UNAMID), BONUCA, the multinational force of the Economic Community of Central African States in the Central African Republic and the Community of Sahelo-Saharan States to exchange information on emerging threats to humanitarian activities in the region (para. 6 (d))	Newly mandated task
Coordination of international engagement	See para. 6 (d) of the resolution, above	Newly mandated task
Humanitarian issues		
Humanitarian support/coordination	Decides to extend for a period of 12 months, in accordance with paragraphs 2 to 7 [of the resolution], the multidimensional presence in Chad and military presence in the Central African Republic intended to help to create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons, inter alia, by contributing to the protection of refugees, displaced persons and civilians in danger, by facilitating the provision of humanitarian assistance in eastern Chad and the north-eastern Central African Republic and by creating favourable conditions for the reconstruction and economic and social development of those areas (para. 1)	Newly mandated task
Refugees/internally displaced persons: facilitation of return	See para. 1 of the resolution, above	Newly mandated task
	See para. 6 (c) of the resolution under “Coordination” above	Newly mandated task
	To support the initiatives of national and local authorities in Chad to resolve local tensions and promote local reconciliation efforts, in order to enhance the environment for the return of internally displaced persons (para. 6 (e))	Newly mandated task

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
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Human rights; women and peace and security; children and armed conflict

Children and armed conflict	Encourages efforts by MINURCAT and the United Nations country team, including through the appointment of child protection advisers, to prevent the recruitment of refugees and children and to maintain the civilian nature of refugee camps and internally displaced person sites, in coordination with the <i>Détachement intégré de sécurité</i> and the humanitarian community (para. 23)	Newly mandated task
	To support, within its capabilities, efforts aimed at strengthening the capacity of the Government of Chad and civil society through training in international human rights standards, and efforts to put an end to recruitment and use of children by armed groups (para. 6 (g))	Newly mandated task
Human rights: promotion and protection	To contribute to the monitoring and to the promotion and protection of human rights in Chad, with particular attention to sexual and gender-based violence, and to recommend action to the competent authorities with a view to fighting impunity (para. 6 (f))	Newly mandated task
Human rights: capacity-building	See para. 6 (g) of the resolution, above	Newly mandated task
Human rights: monitoring	See para. 6 (f) of the resolution, above	Newly mandated task

Military, police and security sector reform

Territorial security, including ensuring presence in key areas, patrolling and deterrence	To contribute to the creation of a more secure environment (para. 7 (b) (i))	Newly mandated task
Protection of civilians, including refugees and internally displaced persons	See para. 1 of the resolution, under “Humanitarian issues” above	Newly mandated task
	To contribute to protecting civilians in danger, particularly refugees and internally displaced persons [in eastern Chad] (para. 7 (a) (i))	Newly mandated task
	To execute operations of a limited character [in the north-eastern Central African Republic] in order to extract civilians and humanitarian workers in danger (para. 7 (b) (ii))	Newly mandated task
Protection of humanitarian personnel/ facilitation of humanitarian access	To facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations (para. 7 (a) (ii))	Newly mandated task
	See para. 7 (b) (ii) of the resolution, above	Newly mandated task

Repertoire of the Practice of the Security Council, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Protection of United Nations personnel and facilities/ free movement of personnel and equipment	To protect United Nations personnel, facilities, installations and equipment and to ensure the security and freedom of movement of its staff and United Nations and associated personnel [in eastern Chad] (para. 7 (a) (iii))	Newly mandated task
	To protect United Nations personnel, facilities, installations and equipment and to ensure the security and freedom of movement of its staff and United Nations and associated personnel [in the north-eastern Central African Republic] (para. 7 (b) (iii))	Newly mandated task
Monitoring security situation	See para. 6 (d) of the resolution, under “Coordination” above	Newly mandated task
Police: capacity-building	To select, train, advise and facilitate support to elements of the <i>Détachement intégré de sécurité</i> referred to in paragraph 5 (para. 6 (a))	Newly mandated task
	Calls on the Government of Chad, and MINURCAT according to its mandate, to expedite and complete the selection, training and deployment of the <i>Détachement intégré de sécurité</i> (para. 13)	Newly mandated task
Police: operational support to national police	See para. 6 (a) of the resolution, above	Newly mandated task
Support to national military	To liaise with the national army, the gendarmerie and police forces, the nomad national guard, the judicial authorities and prison officials in Chad and the Central African Republic to contribute to the creation of a more secure environment, combating in particular the problems of banditry and criminality (para. 6 (b))	Newly mandated task
Political processes		
Regional cooperation	To continue to play a role as observer, with UNAMID, in the Contact Group that was established under the Dakar Agreement of 13 March 2008 to monitor its implementation and assist, as necessary, the Governments of Chad, the Sudan and the Central African Republic to build good-neighbourly relations (para. 6 (i))	Newly mandated task
National reconciliation	See para 6 (e) of the resolution, under “Humanitarian issues” above	Newly mandated task
Rule of law		
Promotion of the rule of law: general	To liaise with the national army, the gendarmerie and police forces, the nomad national guard, the judicial authorities and prison officials in Chad and the Central African Republic to contribute to the creation of a more secure environment, combating in particular the problems of banditry and criminality (para. 6 (b))	Newly mandated task
	See para. 6 (h) of the resolution, under “Coordination” above	Newly mandated task

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Prisons	See para 6 (b) of the resolution, above	Newly mandated task
Other		
Logistical support (non-combat)	See para. 6 (c) of the resolution, under “Coordination” above	Newly mandated task
Civil affairs/civil society development	See para. 6 (g) of the resolution, under “Human rights; women and peace and security; children and armed conflict” above	Newly mandated task
Development/reconstruction	See para. 1 of the resolution, under “Humanitarian issues” above	Newly mandated task

Americas

United Nations Stabilization Mission in Haiti

The United Nations Stabilization Mission in Haiti (MINUSTAH) was established by the Security Council on 30 April 2004 by resolution [1542 \(2004\)](#), in which the Council requested that authority be transferred from the Multinational Interim Force to MINUSTAH on 1 June 2004. The Council had authorized the deployment of the Multinational Interim Force by resolution [1529 \(2004\)](#) of 29 February 2004.

Mandate at start of review period

By resolution [1780 \(2007\)](#) of 15 October 2007, adopted under Chapter VII of the Charter, the Council extended the mandate of MINUSTAH for a period of one year, until 15 October 2008. The mandate of MINUSTAH, as authorized in resolution [1542 \(2004\)](#), included the following broad tasks: to ensure a secure and stable environment; to assist the Transitional Government in monitoring, restructuring and reforming the Haitian National Police, with comprehensive and sustainable disarmament, demobilization and reintegration programmes; to protect United Nations personnel; and to protect civilians under imminent threat of physical violence, within its capabilities and areas of deployment. In addition, outside the framework of Chapter VII decisions, MINUSTAH had other mandated tasks, including supporting the constitutional and political process under way in Haiti

and monitoring and reporting on the human rights situation.

While the mandate set out in resolution [1542 \(2004\)](#) remained in place after the local and national elections of 2005 and 2006, the mandate of the Mission shifted from support of the Transitional Government to support of the elected authorities.

Developments during 2008 and 2009

During the period under review, the Council, acting under Chapter VII of the Charter, as set out in paragraph 7, section I, of resolution [1542 \(2004\)](#), twice extended the mandate of MINUSTAH for periods of one year, the latter until 15 October 2010, with the intention of further renewal. In 2008 and 2009, the Council mainly reiterated elements of its existing mandate. In resolution [1840 \(2008\)](#), the Council welcomed the recent formation of the Government of Prime Minister Michèle Pierre-Louis and the approval of her Government’s General Policy Declaration by the Parliament as steps towards providing governance, stability and democracy in Haiti.²⁸ The Council also welcomed the adoption of the new electoral law, and called upon the Haitian authorities as well as MINUSTAH and the United Nations system to establish permanent and effective electoral institutions.²⁹

In resolution [1892 \(2009\)](#), the Council welcomed the appointment of William J. Clinton as United

²⁸ Resolution [1840 \(2008\)](#), third preambular paragraph.

²⁹ *Ibid.*, nineteenth preambular paragraph.

Nations Special Envoy for Haiti.³⁰ In the same resolution, the Council also introduced additional elements to the mandate, including the implementation of the national growth and poverty reduction strategy paper, the reform of the weapons permit system and the development and implementation of a national community policing doctrine.

In resolution 1840 (2008), the Council welcomed the deployment of 16 MINUSTAH maritime patrol boats in support of the Haitian National Police's Coast Guard responsibilities. In resolution 1892 (2009), the

Council decided to decrease the military component of MINUSTAH, consisting of up to 6,940 troops, and to increase the police component, consisting of up to 2,211 police personnel.

Tables 26 and 27 provide an overview of the composition and mandate of MINUSTAH during the period under review. The full text of all paragraphs in Council decisions that relate to changes to the mandate is provided in table 28. Information relating to the establishment of the Mission is provided for reference; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

³⁰ Ibid., eighteenth preambular paragraph.

Table 26
MINUSTAH: extension of mandate and change in composition

	Resolution						
	1542 (2004)	1608 (2005)	1702 (2006)	1743 (2007)	1780 (2007)	1840 (2008)	1892 (2009)
Date of adoption	30 April 2004	22 June 2005	15 August 2006	15 February 2007	15 October 2007	14 October 2008	13 October 2009
Establishment and extension	Establishment	Eight months	Six months	Eight months	One year	One year	One year
Authorized composition							
Military	6 700	7 500	7 200	7 200	7 060	7 060	6 940
Police	1 622	1 897	1 951	1 951	2 091	2 091	2 211
Total authorized composition	8 322	9 397	9 151	9 151	9 151	9 151	9 151

Table 27
MINUSTAH: overview of mandate by category

Category and mandated task	Resolution						
	1542 (2004)	1608 (2005)	1702 (2006)	1743 (2007)	1780 (2007)	1840 (2008)	1892 (2009)
General							
Cross-cutting: children and armed conflict					X ^a	X ^c	X ^c
Cross-cutting: women and peace and security				X ^a	X ^c	X ^c	X ^c
Benchmarks					X ^a	X ^b	X ^b
Coordination							
Coordination with United Nations agencies in the country			X ^a	X ^c	X ^c	X ^c	X ^c
Coordination of donors			X ^a				
Coordination of international engagement	X ^a			X ^b			

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Resolution</i>						
	<i>1542 (2004)</i>	<i>1608 (2005)</i>	<i>1702 (2006)</i>	<i>1743 (2007)</i>	<i>1780 (2007)</i>	<i>1840 (2008)</i>	<i>1892 (2009)</i>
Demilitarization and arms control							
Disarmament, demobilization and reintegration	X ^a	X ^b	X ^b	X ^b	X ^b	X ^c	X ^c
Small arms and light weapons	X ^a				X ^b	X ^c	X ^c
Electoral assistance and certification							
Electoral assistance	X ^a		X ^b		X ^b	X ^c	X ^c
Humanitarian issues							
Humanitarian support/coordination	X ^a						
Human rights; women and peace and security; children and armed conflict							
Human rights: investigation and prosecution	X ^a	X ^b	X ^c				
Human rights: promotion and protection	X ^a		X ^c			X ^c	X ^c
Human rights: capacity-building					X ^a		
Human rights: monitoring	X ^a		X ^c				
Institutions and governance							
Border issues					X ^a	X ^c	X ^c
Institution-building/strengthening/promotion of autonomy	X ^a		X ^b	X ^b	X ^b	X ^c	X ^c
Territorial control/consolidation of State authority	X ^a						
Military, police and security sector reform							
Border monitoring					X ^a		
Protection of civilians, including refugees and internally displaced persons	X ^a						
Protection of United Nations personnel and facilities/free movement of personnel and equipment	X ^a						
Territorial security, including ensuring presence in key areas, patrolling and deterrence	X ^a	X ^b		X ^b	X ^c	X ^c	X ^c
Police: capacity-building	X ^a			X ^c	X ^c	X ^c	X ^c
Police: operational support to national police	X ^a	X ^b	X ^b	X ^b	X ^b	X ^c	X ^c
Police: reform/restructuring	X ^a			X ^b	X ^b	X ^c	X ^c
Support to national military	X ^a		X ^c	X ^c			
Political processes							
Facilitation of political process	X ^a		X ^c	X ^c	X ^c	X ^b	X ^c
National reconciliation	X ^a			X ^c	X ^c	X ^c	X ^c
Cooperation with/support to regional and subregional organizations	X ^a		X ^b				

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<i>Category and mandated task</i>	<i>Resolution</i>						
	<i>1542 (2004)</i>	<i>1608 (2005)</i>	<i>1702 (2006)</i>	<i>1743 (2007)</i>	<i>1780 (2007)</i>	<i>1840 (2008)</i>	<i>1892 (2009)</i>
Rule of law							
Anti-corruption/good governance	X ^a		X ^b				
Organized crime/human and drug trafficking			X ^a				X ^c
Constitutional support	X ^a		X ^c	X ^c	X ^c		
Judicial and legal reform	X ^a		X ^b	X ^b	X ^c	X ^c	X ^c
Prisons	X ^a		X ^b	X ^b		X ^c	X ^c
Promotion of the rule of law (general)	X ^a		X ^b				
Other							
Public information		X ^a	X ^c	X ^c	X ^c	X ^c	X ^c
Development/reconstruction		X ^a	X ^c	X ^c	X ^c	X ^c	X ^c

^a Newly mandated task.

^b Additional element.

^c Reiteration of mandate.

Table 28

MINUSTAH: changes to mandate, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Resolution 1840 (2008)		
General		
Benchmarks	Welcomes the work done by the Secretary-General to develop five benchmarks and indicators to measure progress being made towards the consolidation of stability in Haiti, and requests the Secretary-General to continue updating the consolidation plan on the basis of the outline provided, in consultation with the Government of Haiti, taking into account the national growth and poverty reduction strategy paper, as appropriate, and to inform the Council accordingly in his reports (para. 26)	Additional element
Cross-cutting: children and armed conflict	Strongly condemns the grave violations against children affected by armed violence, as well as widespread rape and other sexual abuse of girls, and requests MINUSTAH to continue to promote and protect the rights of women and children as set out in resolutions 1325 (2000) , 1612 (2005) and 1820 (2008) (para. 21)	Reiteration
Cross-cutting: women and peace and security	See para. 21 of the resolution, above	Reiteration

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
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Coordination

Coordination with United Nations agencies in the country	Calls upon MINUSTAH and the United Nations country team to further enhance their coordination and, in concert with the Government of Haiti and international partners, help to ensure greater efficiency in the implementation of the national growth and poverty reduction strategy paper in order to achieve progress in the area of socioeconomic development, which was recognized as essential for the stability in Haiti in the consolidation plan of the Secretary-General, and address urgent development problems, in particular those caused by recent hurricanes (para. 23)	Reiteration
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Demilitarization and arms control

Disarmament, demobilization and reintegration	Requests MINUSTAH to continue to pursue its community violence reduction approach, including through support to the National Commission on Disarmament, Dismantlement and Reintegration and concentrating its efforts on labour-intensive projects, the development of a weapons registry, the revision of current laws on importation and possession of arms, the reform of the weapons permit system and the promotion of a national community policing doctrine (para. 19)	Reiteration
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Small arms and light weapons	See para. 19 of the resolution, above	Reiteration
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Electoral assistance and certification

Electoral assistance	Reaffirms its call upon MINUSTAH to support the political process under way in Haiti, including through the good offices of the Special Representative of the Secretary-General for Haiti, and, in cooperation with the Government of Haiti, to promote an all-inclusive political dialogue and national reconciliation, and to provide logistical and security assistance for the upcoming electoral process, in particular the elections, which were scheduled to take place in November 2007, to fill the Senate seats that were left vacant with the end of the mandate of one third of the senators on 8 May 2008 (para. 6)	Reiteration
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Human rights; women and peace and security; children and armed conflict

Human rights: promotion and protection	Reaffirms the human rights mandate of the Mission, calls upon the Haitian authorities to continue their efforts to promote and protect human rights, and calls upon MINUSTAH to continue to provide human rights training to the Haitian National Police and other relevant institutions, including the correctional services (para. 20)	Reiteration
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Institutions and governance

Border issues	Requests MINUSTAH to provide technical expertise in support of the efforts of the Government of Haiti to pursue an integrated border management approach, with emphasis on State capacity-building, and underlines the need for coordinated international support for Government efforts in this area (para. 12)	Reiteration
	Recognizes the need for MINUSTAH to continue its efforts to patrol along maritime and land border areas in support of border security activities by the Haitian National Police, and encourages MINUSTAH to continue discussions with the Government of Haiti and Member States to assess the threats along Haiti's land and maritime borders (para. 14)	Reiteration
Institution-building: strengthening/ promotion of autonomy	Welcomes the continuing contribution of MINUSTAH to the efforts of the Government of Haiti to build institutional capacity at all levels, and calls upon MINUSTAH, consistent with its mandate, to expand such support to strengthen self-sustaining State institutions, especially outside Port-au-Prince, including through the provision of specialized expertise to key ministries and institutions (para. 8)	Reiteration
	Welcomes the steps taken towards the reform of rule of law institutions, requests MINUSTAH to continue to provide necessary support in this regard, and encourages the Haitian authorities to take full advantage of that support, notably in modernizing key legislation and in the implementation of the justice reform plan, the establishment of the Superior Council of the Judiciary, the reorganization and standardization of court registration processes and the management of cases, and the need to address the issue of prolonged pretrial detentions (para. 17)	Reiteration

Military, police and security sector reform

Territorial security, including ensuring presence in key areas, patrolling and deterrence	Requests that MINUSTAH continue its support of the Haitian National Police as deemed necessary to ensure security in Haiti, and encourages MINUSTAH and the Government of Haiti to continue to undertake coordinated deterrent actions to decrease the level of crime and violence (para. 9)	Reiteration
Police: capacity-building	Recognizes the need for improving and enhancing efforts in the implementation of the Haitian National Police Reform Plan, and requests MINUSTAH, consistent with its mandate, to remain engaged in assisting the Government of Haiti to reform and restructure the National Police, notably by supporting the monitoring, mentoring, training and vetting of police personnel and the strengthening of institutional and operational capacities, while working to recruit sufficient individual police officers to serve as instructors and mentors of the National Police, consistent with its overall strategy to progressively transfer geographical and functional responsibility for conventional law and order duties to its Haitian counterparts in accordance with the Reform Plan (para. 10)	Reiteration

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
	Invites Member States, including neighbouring and regional States, in coordination with MINUSTAH, to engage with the Government of Haiti to address cross-border illicit trafficking in persons, drugs and arms and other illegal activities, and to contribute to strengthening the capacity of the Haitian National Police in these areas (para. 11)	Reiteration
	See para. 20 of the resolution, under “Human rights; women and peace and security; children and armed conflict” above	Reiteration
Police: operational support to national police	See para. 9 of the resolution, above	Reiteration
Police: reform/restructuring	See para. 10 of the resolution, above	Reiteration
Political processes		
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	See para. 6 of the resolution, under “Electoral assistance and certification” above	Reiteration
	Recognizes the importance of resolving political differences through dialogue, and encourages the Special Representative to facilitate this dialogue between the Government of Haiti and all relevant political actors in order to ensure that the democratically elected political institutions can continue carrying forward the reform work laid down in the national strategy for growth and poverty reduction paper (para. 7)	Additional element
National reconciliation	See para. 6 of the resolution, under “Electoral assistance and certification” above	Reiteration
Rule of law		
Judicial and legal reform	See para. 17 of the resolution, under “Institutions and governance” above	Reiteration
Prisons	Encourages the implementation of the strategic plan of the National Prison Administration, and supports the strengthening of the Mission’s capacity, as referred to in paragraph 42 of the report of the Secretary-General, ^a in particular to address prison overcrowding, and requests MINUSTAH to remain engaged in supporting the mentoring and training of corrections personnel and strengthening institutional and operational capacities (para. 18)	Reiteration
Other		
Development/reconstruction	Requests the United Nations country team, and calls upon all actors, to complement security and development operations undertaken by the Government of Haiti with the support of MINUSTAH with activities aimed at effectively improving the living conditions of the populations concerned, and requests MINUSTAH to continue to implement quick-impact projects (para. 15)	Reiteration
	See para. 23 of the resolution, under “Coordination” above	Reiteration

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Category and mandated task *Provisions* *Change to mandate*

Public information Welcomes the progress made by MINUSTAH in its communications and public outreach strategy, and requests it to continue these activities (para. 25) Reiteration

Resolution 1892 (2009)

General

Benchmarks Welcomes the work done by the Secretary-General to develop five benchmarks and indicators to measure progress being made towards the consolidation of stability in Haiti, and requests the Secretary-General to continue updating the consolidation plan, including by refining those benchmarks and indicators of progress, in consultation with the Government of Haiti, taking into account the national growth and poverty reduction strategy paper, as appropriate, and to inform the Council accordingly in his reports (para. 24) Additional element

Cross-cutting: children and armed conflict Strongly condemns the grave violations against children affected by armed violence, as well as widespread rape and other sexual abuse of women and girls, and requests MINUSTAH and the United Nations country team, in close cooperation with the Government of Haiti, to continue to promote and protect the rights of women and children as set out in resolutions [1325 \(2000\)](#), [1612 \(2005\)](#), [1820 \(2008\)](#), [1882 \(2009\)](#), [1888 \(2009\)](#) and [1889 \(2009\)](#) (para. 19) Reiteration

Cross-cutting: women and peace and security See para. 19 of the resolution, above

Coordination

Coordination with United Nations agencies in the country Calls upon MINUSTAH and the United Nations country team to further enhance their coordination and, in concert with the Government of Haiti and international partners, help to ensure greater efficiency in the implementation of the national growth and poverty reduction strategy paper in order to achieve progress in the area of socioeconomic development, which was recognized as essential for the stability of Haiti in the consolidation plan of the Secretary-General, and address urgent development problems (para. 21) Reiteration

Demilitarization and arms control

Disarmament, demobilization and reintegration Requests MINUSTAH to continue to pursue its community violence reduction approach, including through support to the National Commission on Disarmament, Dismantlement and Reintegration and concentrating its efforts on labour-intensive projects, the development of a weapons registry, the revision of current laws on importation and possession of arms, the reform of the weapons permit system and the development and implementation of a national community policing doctrine (para. 17) Reiteration

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Small arms and light weapons	See para. 17 of the resolution, above	Reiteration
Electoral assistance and certification		
Electoral assistance	Reaffirms its call upon MINUSTAH to support the political process under way in Haiti, including through the good offices of the Special Representative of the Secretary-General for Haiti, and, in cooperation with the Government of Haiti, to promote an all-inclusive political dialogue and national reconciliation, and to provide logistical and security assistance for the upcoming elections of 2010 in order to ensure that the democratically elected political institutions can continue carrying forward the reform work laid out in the national growth and poverty reduction strategy paper (para. 8)	Reiteration
Human rights; women and peace and security; children and armed conflict		
Human rights: promotion and protection	Reaffirms human rights mandate of the Mission, calls upon the Haitian authorities to continue their efforts to promote and protect human rights, and calls upon the Mission to continue to provide human rights training to the Haitian National Police and other relevant institutions, including the correctional services (para. 18)	Reiteration
Institutions and governance		
Border issues	Recognizes the need for MINUSTAH to continue its efforts to patrol along maritime and land border areas in support of border security activities by the Haitian National Police, and encourages MINUSTAH to continue discussions with the Government of Haiti and Member States to assess the threats along Haiti's land and maritime borders (para. 12)	Reiteration
Institution-building: strengthening/promotion of autonomy	Welcomes the continuing contribution of MINUSTAH to the efforts of the Government of Haiti to build institutional capacity at all levels, and calls upon MINUSTAH, consistent with its mandate, to continue such support to strengthen self-sustaining State institutions, especially outside Port-au-Prince, including through the provision of specialized expertise to key ministries and institutions (para. 9)	Reiteration
	Welcomes the steps taken towards the reform of rule of law institutions, requests MINUSTAH to continue to provide necessary support in this regard, and encourages the Haitian authorities to take full advantage of that support, notably in modernizing key legislation and in the implementation of the justice reform plan, to take the necessary steps, including nominations, that will allow superior judicial institutions to function adequately and to address the issue of prolonged pretrial detentions and prison overcrowding, with special regard to children (para. 15)	Reiteration

Military, police and security sector reform

Territorial security, including ensuring presence in key areas, patrolling and deterrence	Requests that MINUSTAH continue its support of the Haitian National Police as deemed necessary to ensure security in Haiti, and encourages MINUSTAH and the Government of Haiti to continue to undertake coordinated deterrent actions to further decrease the level of crime and violence, including through improved and enhanced implementation of the Haitian National Police Reform Plan, and requests MINUSTAH, consistent with its mandate, to remain engaged in assisting the Government to reform and restructure the National Police, notably by supporting the monitoring, mentoring, training and vetting of police personnel and the strengthening of institutional and operational capacities, consistent with its overall strategy to progressively transfer geographical and functional responsibility for conventional law and order duties to its Haitian counterparts in accordance with the Reform Plan (para. 10)	Reiteration
Police: capacity-building	See para. 10 of the resolution, above See para. 18 of the resolution, under “Human rights; women and peace and security; children and armed conflict” above	Reiteration Reiteration
Police: operational support to national police	See para. 10 of the resolution, above	Reiteration
Police: reform/restructuring	See para. 10 of the resolution, above	Reiteration

Political processes

Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	See para. 8 of the resolution, under “Electoral assistance and certification” above	Reiteration
National reconciliation	See para. 8 of the resolution, under “Electoral assistance and certification” above	Reiteration

Rule of law

Organized crime: human and drug trafficking	See para. 11 of the resolution, under “Institutions and governance” above	Reiteration
Judicial and legal reform	See para. 15 of the resolution, under “Institutions and governance” above	Reiteration

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Prisons	Encourages also the implementation of the strategic plan of the National Prison Administration, and requests MINUSTAH to remain engaged in supporting the mentoring and training of corrections personnel and strengthening of institutional and operational capacities (para. 16)	Reiteration
Other		
Development/ reconstruction	Requests the United Nations country team, and calls upon all actors, to complement security and development operations undertaken by the Government of Haiti with the support of MINUSTAH with activities aimed at effectively improving the living conditions of the concerned populations and protecting the rights of children, and requests MINUSTAH to continue to implement quick-impact projects (para. 13)	Reiteration
	See para. 21 of the resolution, under “Coordination” above	Reiteration
Public information	Welcomes the progress made by MINUSTAH in its communications and public outreach strategy, and requests it to continue these activities (para. 23)	Reiteration

^a S/2008/586.

Asia

United Nations Military Observer Group in India and Pakistan

The United Nations Military Observer Group in India and Pakistan (UNMOGIP) was established by the Security Council on 21 April 1948 by resolution 47 (1948). The first group of United Nations military observers to supervise the ceasefire between India and Pakistan in the State of Jammu and Kashmir arrived in the mission area on 24 January 1949. The observers, under the command of the Military Adviser appointed by the Secretary-General, formed the nucleus of the Mission. Following the renewed hostilities of 1971, UNMOGIP remained in the area to observe developments pertaining to the strict observance of the ceasefire of 17 December 1971.

Mandate at start of review period

The mandate of UNMOGIP at the start of 2008, as provided in resolutions 47 (1948) and 91 (1951), included the tasks of observing, to the extent possible, developments pertaining to the strict observance of the ceasefire of 17 December 1971 and reporting to the Secretary-General.

Developments during 2008 and 2009

During the period under review, the Council did not formally discuss UNMOGIP, which is funded from the regular United Nations budget without the requirement of a periodic renewal procedure. There were no changes to its mandate.

Table 29 provides an overview of the mandate of UNMOGIP.

Table 29
UNMOGIP: overview of mandate by category

Category and mandated task	Resolution	
	47 (1948)	91 (1951)
Military, police and security sector reform		
Ceasefire monitoring	X ^a	X ^b

^a Newly mandated task.

^b Additional element.

United Nations Integrated Mission in Timor-Leste

The United Nations Mission in Timor-Leste (UNMIT) was established by the Security Council on 25 August 2006 by resolution 1704 (2006), as a follow-on mission to the United Nations Office in Timor-Leste (UNOTIL). The Office was established in the wake of a major political, humanitarian and security crisis that erupted in Timor-Leste in April and May of 2006. The mandate of UNMIT, the most recent of a series of United Nations operations or missions deployed in Timor-Leste since 1999, included providing support to the Government in consolidating stability and facilitating political dialogue towards national reconciliation; providing technical and logistical support for the 2007 presidential and parliamentary elections; and ensuring the restoration and maintenance of public security through the presence of United Nations police.

Mandate at start of review period

By resolution 1745 (2007) of 22 February 2007, the Council extended the mandate of UNMIT until 26 February 2008. The mandate of UNMIT at the start of 2008, as provided in resolution 1704 (2006), included the following tasks: to support Timor-Leste in all aspects of the 2007 presidential and parliamentary electoral process; to ensure the restoration and maintenance of public security; and to facilitate the provision of relief and recovery assistance.

Developments during 2008 and 2009

During the period under review, the Council twice extended the mandate of UNMIT for periods of

one year, the latter until 26 February 2010. In resolution 1802 (2008), the Council welcomed the successful conclusion of the presidential and parliamentary elections in 2007.³¹ The Council also welcomed the intention of the Secretary-General to send an expert mission to UNMIT to conduct a thorough assessment of the requirements of the National Police of Timor-Leste as well as possible adjustments needed to the Mission's police skill sets.³² In resolutions 1802 (2008) and 1867 (2009), while the Council mainly reiterated the tasks set out in the existing mandate of the Mission, it also expanded the mandate of UNMIT by introducing a new task in the area of the rule of law to enhance the effectiveness of the judiciary system. In resolution 1867 (2009), the Council added the element of electoral assistance for the local elections planned for 2009. It also supported the gradual resumption of policing responsibilities by the National Police, beginning in 2009, and requested the Government of Timor-Leste and UNMIT to cooperate with each other to implement the resumption process. There were no changes to the composition of UNMIT during 2008 and 2009.

Tables 30 and 31 provide an overview of the mandate of UNMIT during the period under review. The full text of all paragraphs in Council decisions that relate to changes to the mandate is provided in table 32. Information relating to the establishment of the Mission is provided for reference; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

³¹ Resolution 1802 (2008), fourth preambular paragraph.

³² *Ibid.*, para. 12.

Table 30
UNMIT: extension of mandate and change in composition

	<i>Resolution</i>			
	<i>1704 (2006)</i>	<i>1745 (2007)</i>	<i>1802 (2008)</i>	<i>1867 (2009)</i>
Date of adoption	25 August 2006	22 February 2007	25 February 2008	26 February 2009
Establishment and extension	Establishment	One year	One year	One year
Authorized composition				
Military	34	34	34	34
Police	1 608	1 748	1 748	1 748
Total authorized composition	1 642	1 782	1 782	1 782

Table 31
UNMIT: overview of mandate by category

<i>Category and mandated task</i>	<i>Resolution</i>			
	<i>1704 (2006)</i>	<i>1745 (2007)</i>	<i>1802 (2008)</i>	<i>1867 (2009)</i>
General				
Cross-cutting: children and armed conflict	X ^a			
Cross-cutting: women and peace and security	X ^a	X ^b	X ^c	X ^c
Benchmarks			X ^a	X ^b
Coordination				
Coordination of donors	X ^a		X ^b	X ^c
Coordination with United Nations agencies in the country	X ^a	X ^c	X ^c	X ^c
Coordination of international engagement		X ^a		
Electoral assistance and certification				
Electoral assistance	X ^a			X ^b
Humanitarian issues				
Humanitarian support/coordination	X ^a			
Human rights; women and peace and security; children and armed conflict				
Human rights: capacity-building	X ^a			
Human rights: investigation and prosecution	X ^a			
Human rights: monitoring	X ^a			
Human rights: promotion and protection	X ^a			
Institutions and governance				
Institution-building: strengthening/promotion of autonomy	X ^a		X ^b	X ^c
Military, police and security sector reform				
Border monitoring	X ^a			
Territorial security, including ensuring presence in key areas, patrolling and deterrence	X ^a			
Protection of United Nations personnel and facilities	X ^a			

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Category and mandated task	Resolution			
	1704 (2006)	1745 (2007)	1802 (2008)	1867 (2009)
Police: capacity-building	X ^a		X ^b	X ^c
Police: operational support to national police	X ^a		X ^c	X ^b
Police: executive policing	X ^a		X ^c	X ^b
Police: reform/restructuring	X ^a		X ^c	
Security sector reform	X ^a		X ^b	X ^c
Political processes				
Facilitation of political process/ dialogue/preventive diplomacy/ mediation/good offices	X ^a	X ^c		
National reconciliation	X ^a	X ^c		
Rule of law				
Judicial and legal reform			X ^a	X ^c
Transitional justice	X ^a		X ^b	X ^c
Other				
Development/reconstruction	X ^a	X ^c	X ^c	X ^c
Media capacity-building/independence	X ^a			
Public information	X ^a			

^a Newly mandated task.

^b Additional element.

^c Reiteration of mandate.

Table 32

UNMIT: changes to mandate, 2008-2009

Category and mandated task	Provisions	Change to mandate
Resolution 1802 (2008)		
General		
Benchmarks	Also requests the Secretary-General to keep the Council regularly informed of the developments on the ground and on the implementation of the present resolution, including, in particular, progress on the efforts of his Special Representative in support of dialogue and reconciliation, and to submit to the Council, no later than 1 August 2008, a report which includes possible adjustments in the mandate and strength of the Mission, and further requests the Secretary-General, in consultation with the Government of Timor-Leste, to develop a medium-term strategy with appropriate benchmarks to measure and track progress, and to submit further reports as and when he considers appropriate (para. 16)	Newly mandated task

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Cross-cutting: women and peace and security	Requests UNMIT fully to take into account gender considerations, as set out in resolution 1325 (2000) as a cross-cutting issue throughout its mandate, and further requests the Secretary-General to include in his reporting to the Council progress on gender mainstreaming throughout UNMIT and all other aspects relating to the situation of women and girls, especially in relation to the need to protect them from gender-based violence, detailing special measures proposed and taken to protect women and girls from such violence (para. 14)	Reiteration
Coordination		
Coordination of donors	Calls upon UNMIT to support the Government of Timor-Leste in its efforts to coordinate donor cooperation in areas of institutional capacity-building (para. 9)	Additional element
	Takes note of the establishment of the Timor-Leste National Recovery Strategy aimed at addressing the socioeconomic challenges facing the country, including the issue of internally displaced persons and the promotion of sustainable livelihoods, and in this regard calls upon UNMIT to continue to cooperate and coordinate with the United Nations agencies, funds and programmes as well as all relevant partners to support the Government of Timor-Leste and relevant institutions in designing poverty reduction and economic growth policies (para. 13)	Reiteration
Coordination with United Nations agencies in the country	See para. 13 of the resolution, above	Reiteration
Institutions and governance		
Institution-building: strengthening/promotion of autonomy	See para. 9 of the resolution, under “Coordination” above	Additional element
Military, police and security sector reform		
Police: capacity-building	Requests UNMIT, working with partners, to intensify its efforts to assist with further training, mentoring, institutional development and strengthening of the National Police of Timor-Leste with a view to enhancing its effectiveness, including with respect to addressing the special needs of women, while continuing to ensure, through the presence of the police component of the Mission, the restoration and maintenance of public security in Timor-Leste through the provision of support to the National Police, which includes interim law enforcement and public security until the National Police is reconstituted (para. 11)	Additional element

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<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Police: executive policing	See para. 11 of the resolution, above	Reiteration
Police: operational support to national police	See para. 11 of the resolution, above	Reiteration
Security sector reform: general (including both police and military)	Further calls upon the Government of Timor-Leste, assisted by UNMIT, to continue working on a comprehensive review of the future role and needs of the security sector, including the Ministry of the Interior, the National Police of Timor-Leste, the Ministry of Defence and the Falintil-Forças Armadas de Defesa de Timor-Leste; given the sector's importance to long-term stability, requests UNMIT to intensify its efforts in support of the review in close coordination with the Government and relevant donors, and welcomes the establishment in August 2007 of a three-tier coordination mechanism to address the broader challenges in the security sector (para. 10)	Additional element
Rule of law		
Judicial and legal reform	Requests UNMIT to continue its efforts, adjusting them as necessary, to enhance the effectiveness of the judiciary system, and assist the Government of Timor-Leste in carrying out the proceedings recommended by the Commission of Inquiry (para. 8)	Newly mandated task
Transitional justice	See para. 8 of the resolution, above	Additional element
Other		
Development/reconstruction	See para. 13 of the resolution, under "Coordination" above	Reiteration
Resolution 1867 (2009)		
General		
Benchmarks	Welcomes the work undertaken by the Secretary-General and the Government of Timor-Leste to develop a medium-term strategy and establish benchmarks for measuring and tracking progress in Timor-Leste and assessing the level and form of United Nations support while keeping the benchmarks under active review, and underlines the importance of ownership of the strategy by the leaders and people of Timor-Leste in this process (para. 18)	Additional element

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Cross-cutting: women and peace and security	Requests UNMIT to fully take into account gender considerations as set out in resolutions 1325 (2000) and 1820 (2008) as a cross-cutting issue throughout its mandate, and further requests the Secretary-General to include in his reporting to the Council progress on gender mainstreaming throughout UNMIT and all other aspects relating to the situation of women and girls, especially on the need to protect them from gender-based violence, detailing special measures to protect women and girls from such violence (para. 15)	Reiteration
Coordination		
Coordination of donors	Calls upon UNMIT to continue to support the Government of Timor-Leste in its efforts to coordinate donor cooperation in areas of institutional capacity-building (para. 12)	Reiteration
Coordination with United Nations agencies in the country	Takes note of the Timor-Leste National Recovery Strategy and the declaration by the Government of Timor-Leste of 2009 as the year of infrastructure, rural development and human resources capacity development, and in this regard calls upon UNMIT to continue to cooperate and coordinate with the United Nations agencies, funds and programmes, as well as all relevant partners, to support the Government and relevant institutions in designing poverty reduction, promotion of sustainable livelihood and economic growth policies (para. 13)	Reiteration
Electoral assistance and certification		
Electoral assistance	Requests UNMIT to extend the necessary support, within its current mandate, for local elections currently planned for 2009, responding to the request of the Government of Timor-Leste, and encourages the international community to assist in this process (para. 3)	Additional element
Institutions and governance		
Institution-building: strengthening/promotion of autonomy	See para. 12 of the resolution, under “Coordination” above	Reiteration
Military, police and security sector reform		
Police: capacity-building	Requests UNMIT, working with partners, to intensify its efforts to assist with further training, mentoring, institutional development and strengthening of the National Police of Timor-Leste with a view to enhancing its effectiveness, including with respect to addressing the special needs of women (para. 7)	Reiteration

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<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Police: executive policing	Supports the gradual resumption of policing responsibilities by the National Police of Timor-Leste, beginning in 2009, through a phased approach, while emphasizing that the National Police must meet the criteria mutually agreed between the Government of Timor-Leste and UNMIT, as set out in paragraph 21 of the report of the Secretary-General, to guarantee the readiness of the National Police for the resumption of such responsibilities in any given district or unit, requests the Government and UNMIT to cooperate with each other to implement the resumption process, and requests UNMIT to continue to ensure, through the presence of the UNMIT police component and the provision of support to the National Police, the maintenance of public security in Timor-Leste, which includes interim law enforcement and public security until the National Police is fully reconstituted (para. 5)	Additional element
Police: operational support to national police	See para. 5 of the resolution, above	Additional element
Security sector reform: general (including both police and military)	Reaffirms the continued importance of the review and reform of the security sector in Timor-Leste, in particular the need to delineate roles and responsibilities between the Falintil-Forças de Defesa de Timor-Leste and the National Police of Timor-Leste, to strengthen legal frameworks and to enhance civilian oversight and accountability mechanisms of both security institutions, and requests UNMIT to continue to support the Government of Timor-Leste in these efforts (para. 4)	Reiteration
Rule of law		
Transitional justice	Requests UNMIT to continue its efforts, adjusting them as necessary to enhance the effectiveness of the judiciary, in assisting the Government of Timor-Leste in carrying out the proceedings recommended by the Commission of Inquiry (para. 11)	Reiteration
Judicial and legal reform	Requests the Mission to continue its efforts, adjusting them as necessary to enhance the effectiveness of the judiciary, in assisting the Government of Timor-Leste in carrying out the proceedings recommended by the Commission of Inquiry (para. 11)	Reiteration
Other		
Development/reconstruction	See para. 13 of the resolution, under “Coordination” above	Reiteration

Europe

United Nations Peacekeeping Force in Cyprus

The United Nations Peacekeeping Force in Cyprus (UNFICYP) was established by the Security Council on 4 March 1964 by resolution 186 (1964) to prevent a recurrence of fighting between the Greek Cypriot and Turkish Cypriot communities. Following the events of 1974, the Council mandated UNFICYP to perform certain additional functions. In the absence of a political settlement, UNFICYP has remained on the island to supervise ceasefire lines, maintain a buffer zone, undertake humanitarian activities and support the good offices mission of the Secretary-General.

Mandate at start of review period

By resolution 1789 (2007) of 14 December 2007, the Council extended the mandate of UNFICYP until 15 June 2008. The mandate for UNFICYP at the start of 2008, pursuant to resolutions 186 (1964), 355 (1974) and 359 (1974), included the following broad tasks:

(a) in the interest of preserving international peace and security, to use its best efforts to prevent a recurrence of fighting between the Greek Cypriot and Turkish Cypriot communities; (b) as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions; (c) supervise ceasefire lines; (d) maintain a buffer zone; (e) undertake humanitarian activities; and (f) support the good offices mission of the Secretary-General.

Developments during 2008 and 2009

During the period under review, the Council successively extended the mandate of UNFICYP for periods of six months, the last until 15 June 2010. There were no changes to the mandate of UNFICYP.

Tables 33 and 34 provide an overview of the composition and mandate of UNFICYP during the period under review. Information relating to the establishment of the Mission is provided for reference; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

Table 33
UNFICYP: extensions of mandate

	<i>Resolution</i>					
	<i>1568 (2004)</i>	<i>1789 (2007)</i>	<i>1818 (2008)</i>	<i>1847 (2008)</i>	<i>1873 (2009)</i>	<i>1898 (2009)</i>
Date of adoption	22 October 2004	14 December 2007	13 June 2008	12 December 2008	29 May 2009	14 December 2009
Extension	Six months	Six months	Six months	Six months	Six months	Six months
Authorized composition						
Military	860	860	860	860	860	860
Police	69	69	69	69	69	69
Total authorized composition	929	929	929	929	929	929

Table 34
UNFICYP: overview of mandate by category

Category and mandated task	Resolution							
	186 (1964)	355 (1974)	1568 (2004)	1789 (2007)	1818 (2008)	1847 (2008)	1873 (2009)	1898 (2009)
Humanitarian issues								
Humanitarian support/coordination	X ^a							
Military, police and security sector reform								
Police: executive policing	X ^a							
Ceasefire monitoring	X ^a	X ^b						
Political processes								
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	X ^a							

^a Newly mandated task.

^b Additional element.

United Nations Observer Mission in Georgia

The United Nations Observer Mission in Georgia (UNOMIG) was established by the Security Council by resolution 849 (1993) of 9 July 1993 to verify compliance with the ceasefire agreement between the Government of Georgia and the Abkhaz authorities in Georgia. The mandate of UNOMIG was terminated as of 15 July 2009.

Mandate at start of review period

By resolution 1781 (2007), the Council extended the mandate of the Mission until 15 April 2008. The mandate of UNOMIG at the start of 2008, as provided in resolutions 937 (1994) and 1077 (1996), was primarily to monitor and verify implementation of the Agreement on a Ceasefire and Separation of Forces³³ and associated tasks.

Developments during 2008 and 2009

During the period under review, the Council successively extended the mandate of UNOMIG, three times, once for a period of six months and

subsequently, on two occasions, for periods of four months, the latter until 15 June 2009. A draft resolution³⁴ that would have again extended the mandate of UNOMIG was not adopted owing to the negative vote of a permanent member of the Council (Russian Federation). The mandate of UNOMIG was therefore terminated as from 15 June 2009.³⁵

During the period under review, there were no major changes to the mandate of UNOMIG. The Council, however, requested the Secretary-General to make use of the mandate of UNOMIG to support the parties in implementing measures to build confidence and to establish an intensive and meaningful dialogue.

Tables 35 and 36 provide an overview of the composition and mandate of UNOMIG during the period under review. The full text of all paragraphs in Council decisions that relate to the mandate is provided in table 37. Information relating to the establishment of the Mission is provided for reference; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

³⁴ S/2009/310.

³⁵ For more information, see part I, section 26, in regard to the situation in Georgia.

³³ S/1994/583 and Corr. I, annex I.

Table 35
UNOMIG: extension of mandate and change in composition

	<i>Resolution</i>							
	<i>849 (1993)</i>	<i>937 (1994)</i>	<i>1077 (1996)</i>	<i>1494 (2003)</i>	<i>1781 (2007)</i>	<i>1808 (2008)</i>	<i>1839 (2008)</i>	<i>1866 (2009)</i>
Date of adoption	9 July 1993	21 July 1994	22 October 1996	30 January 2003	15 October 2007	15 April 2008	9 October 2008	13 February 2009
Establishment and extension	Establishment			Six months	Six months	Six months	Four months	Four months
Authorized composition								
Military	50	136	136	136	136	136	136	136
Police				20	20	20	20	20
Total authorized composition	50	136	136	156	156	156	156	156

Table 36
UNOMIG: overview of mandate by category

<i>Category and mandated task</i>	<i>Resolution</i>						
	<i>937 (1994)</i>	<i>1077 (1996)</i>	<i>1494 (2003)</i>	<i>1781 (2007)</i>	<i>1808 (2008)</i>	<i>1839 (2008)</i>	<i>1866 (2009)</i>
Demilitarization and arms control							
Demilitarization or arms monitoring		X ^a					
Humanitarian issues							
Refugees/internally displaced persons: facilitation of return		X ^a					
Human rights; women and peace and security; children and armed conflict							
Human rights: capacity-building			X ^a				
Human rights: monitoring			X ^a				
Human rights: promotion and protection			X ^a				
Military, police and security sector reform							
Border monitoring		X ^a					
Ceasefire monitoring		X ^a					
Territorial security, including ensuring presence in key areas, patrolling and deterrence		X ^a					
Police: capacity-building			X ^a				
Political processes							
Facilitation of political process		X ^a			X ^b		
Cooperation with/support to regional and subregional organizations		X ^a					

^a Newly mandated tasks.

^b Additional element.

Table 37
UNOMIG: changes to mandate, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Resolution 1808 (2008)		
Political processes		
Facilitation of political process/ dialogue/preventive diplomacy/mediation/ good offices	Requests the Secretary-General to make use of this mandate in order to encourage and support the parties in implementing measures to build confidence and to establish an intensive and meaningful dialogue, with a view to achieving a lasting and comprehensive settlement, including the facilitation of a meeting at the highest level, and to inform the Council in his next report on the situation in Abkhazia, Georgia, on progress made in this respect (para. 17)	Additional Element

United Nations Interim Administration Mission in Kosovo

The United Nations Interim Administration Mission in Kosovo (UNMIK) was established by the Security Council on 10 June 1999 by resolution 1244 (1999), and was given the task of providing a transitional administration in Kosovo while establishing and overseeing the development of provisional democratic self-governing institutions.

Mandate at start of review period

The Council established UNMIK for an open-ended period. The mandate provided in resolution 1244 (1999) included the following broad tasks: to promote the establishment of substantial autonomy and self-government in Kosovo; to perform basic civilian administrative functions; to organize and oversee the development of provisional institutions, including the holding of elections; to transfer the administrative responsibilities of the Mission as those institutions

were established; to facilitate a political process designed to determine the future status of Kosovo; to support the reconstruction of key infrastructure and other economic reconstruction; support humanitarian and disaster relief aid; maintain civil law and order; protect and promote human rights; and assure the safe and unimpeded return of refugees and displaced persons.³⁶

Developments during 2008 and 2009

During the period under review, there were no decisions of the Council related to UNMIK.

Table 38 provides an overview of the mandate of UNMIK during the period. Previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

³⁶ For more information, see part I, section 25.B, in regard to resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999).

Table 38
UNMIK: overview of mandate by category

<i>Category and mandated task</i>	<i>Resolution</i>
Coordination	
Coordination of international engagement	X ^a
Humanitarian issues	
Humanitarian support/coordination	X ^a
Refugees/internally displaced persons: facilitation of return	X ^a
Human rights; women and peace and security; children and armed conflict	
Human rights: promotion and protection	X ^a
Institutions and governance	
Establish administration	X ^a
Institution-building: strengthening/promotion of autonomy	X ^a
Military, police and security sector reform	
Police: executive policing	X ^a
Civilian-military coordination	X ^a
Political processes	
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	X ^a
Other	
Development/reconstruction	X ^a

^a Newly mandated task.

Middle East

United Nations Truce Supervision Organization

The United Nations Truce Supervision Organization (UNTSO) was established by the Security Council on 29 May 1948 by resolution 50 (1948), following the 1948 war. It was the first peacekeeping operation established by the United Nations. Since then, UNTSO military observers have remained in the Middle East and have continued to assist and cooperate with the United Nations Disengagement Observer Force (UNDOF) in the Golan Heights and with the United Nations Interim Force in Lebanon (UNIFIL) in monitoring ceasefires, supervising armistice agreements and preventing isolated incidents from escalating.

Mandate at start of review period

The mandate of UNTSO at the start of 2008, as provided in resolutions 50 (1948) and 73 (1949), included the following broad tasks: (a) to monitor ceasefires; (b) to supervise armistice agreements; and (c) to prevent isolated incidents from escalating and to assist other United Nations peacekeeping operations in the region to fulfil their respective mandates.

Developments during 2008 and 2009

During the period under review, the Council did not adopt any resolutions relating to UNTSO. There were no changes to the mandate of UNTSO.

Table 39 provides an overview of the mandate of UNTSO during the period. Information relating to the establishment of the Mission is provided for reference; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

Table 39
UNTSO: overview of mandate by category

Category and mandated task	Resolution	
	50 (1948)	73 (1949)
Military, police and security sector reform		
Ceasefire monitoring	X ^a	X ^b

^a Newly mandated task.

^b Additional element.

United Nations Disengagement Observer Force

The United Nations Disengagement Observer Force (UNDOF) was established by the Security Council on 31 May 1974 by resolution [350 \(1974\)](#), following the 1967 war and the subsequent agreed disengagement of the Israeli and Syrian forces in the Golan Heights. Since then, UNDOF has remained in the area to maintain the ceasefire between Israel and the Syrian Arab Republic and supervise the implementation of the disengagement agreement.

Mandate at start of review period

In resolution [1788 \(2007\)](#) of 14 December 2007, the Council extended the mandate of UNDOF until 30 June 2008. The mandate of UNDOF at the start of 2008, as given in resolution [350 \(1974\)](#), included the following broad tasks: (a) to maintain the ceasefire between Israel and the Syrian Arab Republic; (b) to supervise the disengagement of Israeli and Syrian forces; and (c) to supervise the areas of separation and limitation, as provided in the Agreement on Disengagement of May 1974.

Developments during 2008 and 2009

During the period under review, the Council, by a series of resolutions, extended the mandate of UNDOF for periods of six months, the last until 30 June 2010. In addition, the Council continued to adopt, consistent with past practice, a complementary presidential statement immediately following the adoption of the resolution. The Council stated that the situation in the Middle East was tense and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached.³⁷ During the period under review there were no changes to the mandate of UNDOF.

Tables 40 and 41 provide an overview of the composition and mandate of UNDOF during the period. Information relating to the establishment of the Mission is provided for reference; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

³⁷ [S/PRST/2008/25](#), [S/PRST/2008/46](#), [S/PRST/2009/18](#) and [S/PRST/2009/34](#).

 Table 40
UNDOF: extensions of mandate

	Resolution					
	350 (1974)	1788 (2007)	1821 (2008)	1848 (2008)	1875 (2009)	1899 (2009)
Date of adoption	31 May 1974	14 December 2007	27 June 2008	12 December 2008	23 June 2009	16 December 2009
Establishment and extension	Establishment	Six months	Six months	Six months	Six months	Six months
Authorized composition						
Military	1 250	1 250	1 250	1 250	1 250	1 250
Total authorized composition	1 250	1 250	1 250	1 250	1 250	1 250

Table 41
UNDOF: overview of mandate by category

Category and mandated task	Resolution					
	350 (1974)	1788 (2007)	1821 (2008)	1848 (2008)	1875 (2009)	1899 (2009)
Military, police and security sector reform						
Ceasefire monitoring						X ^a

^a Newly mandated task.

United Nations Interim Force in Lebanon

The United Nations Interim Force in Lebanon (UNIFIL) was established by the Security Council on 19 March 1978 by resolutions 425 (1978) and 426 (1978) to confirm the withdrawal of Israeli forces from southern Lebanon, restore international peace and security and assist the Government of Lebanon in ensuring the return of its effective authority in the area. The Council made adjustments to the Force's mandate after the incursion of Israel into Lebanon in 1982 and its subsequent withdrawal to the Blue Line in 2000; in addition, the Council expanded the mandate of UNIFIL in August 2006 to address the continuing escalation of hostilities in Lebanon and in Israel following the Hizbullah attack in July of that year. The Mission's tasks included monitoring the cessation of hostilities, accompanying and supporting the Lebanese Armed Forces as they deployed throughout the south of Lebanon, and extending its assistance to help to ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons.

Mandate at start of review period

By resolution 1773 (2007) of 24 August 2007, the Council extended the mandate of UNIFIL until 31 August 2008. The mandate of UNIFIL at the start of

2008, as given in resolutions 425 (1978), 426 (1978) and 1701 (2006), included the following broad tasks: (a) to monitor the cessation of hostilities; (b) to accompany and support the Lebanese Armed Forces as they deployed throughout the south of Lebanon; and (c) to extend its assistance to help to ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons.

Developments during 2008 and 2009

During the period under review, the Council twice extended the mandate of UNIFIL for periods of one year, the latter until 31 August 2010. There were no major changes to the mandate of UNIFIL. In resolution 1832 (2008), the Council welcomed the expansion of coordinated activities between UNIFIL and the Lebanese Armed Forces, and encouraged further enhancement of this cooperation.

Tables 42 and 43 provide an overview of changes to the composition and mandate of UNIFIL during the period covered. The full text of all paragraphs in Council decisions that relate to the mandate of UNIFIL is provided in table 44. Information relating to the establishment of the Mission is provided for reference; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

Table 42
UNIFIL: extensions of mandate

	<i>Resolution</i>				
	<i>426 (1978)</i>	<i>1701 (2006)</i>	<i>1773 (2007)</i>	<i>1832 (2008)</i>	<i>1884 (2009)</i>
Date of adoption	19 March 1978	11 August 2006	24 August 2007	27 August 2008	27 August 2009
Extension	One year	One year	One year	One year	One year
Authorized composition					
Military	4 000	15 000	15 000	15 000	15 000
Total authorized composition	4 000	15 000	15 000	15 000	15 000

 Table 43
UNIFIL: overview of mandate by category

<i>Category and mandated task</i>	<i>Resolution</i>				
	<i>425 (1978)</i>	<i>426 (1978)</i>	<i>1701 (2006)</i>	<i>1832 (2008)</i>	<i>1884 (2009)</i>
General					
Authorization of the use of force			X ^a		
Coordination					
Coordination with other United Nations entities in the region		X ^a			
Demilitarization and arms control					
Demilitarization or arms monitoring			X ^a		
Humanitarian issues					
Humanitarian support/coordination			X ^a		
Refugees/internally displaced persons: facilitation of return			X ^a		
Institutions and governance					
Territorial control/consolidation of State authority	X ^a	X ^c	X ^b		
Military, police and security sector reform					
Border monitoring			X ^a		
Ceasefire monitoring	X ^a	X ^b	X ^b		
Protection of United Nations personnel and facilities			X ^a		
Protection of civilians, including refugees and internally displaced persons			X ^a		
Protection of humanitarian personnel/ facilitation of humanitarian access			X ^a		
Support to national military			X ^a	X ^b	X ^c
Territorial security, including ensuring presence in key areas, patrolling and deterrence	X ^a	X ^c	X ^b		

^a Newly mandated task.

^b Additional element.

^c Reiteration of mandate.

Table 44
UNIFIL: changes to mandate, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Resolution 1832 (2008)		
Military, police and security sector reform		
Support to national military	Commends the positive role of UNIFIL, whose deployment together with the Lebanese Armed Forces has helped to establish a new strategic environment in southern Lebanon, welcomes the expansion of coordinated activities between UNIFIL and the Lebanese Armed Forces, and encourages further enhancement of this cooperation (para. 2)	Additional element
Resolution 1884 (2009)		
Military, police and security sector reform		
Support to national military	Commends the positive role of UNIFIL, whose deployment together with the Lebanese Armed Forces has helped to establish a new strategic environment in southern Lebanon, welcomes the expansion of coordinated activities between UNIFIL and the Lebanese Armed Forces, and encourages further enhancement of this cooperation (para. 2)	Reiteration

II. Political and peacebuilding missions

Note

This section focuses on the decisions taken by the Security Council during the period under review concerning the establishment of political and peacebuilding missions and the implementation of, changes to and termination of their mandates. It includes an overview of the authorized mandate of each mission at the start of the period and the full text of all paragraphs relating to any changes to the mandate, as well as selected other documents. The missions are organized by region and listed in the order in which they were established.

Overview of political and peacebuilding missions during 2008 and 2009

During the period covered, the Security Council, in addition to authorizing peacekeeping missions, continued to support field-based political, peacebuilding and assistance missions to help to fulfil its primary responsibility for the maintenance of international peace and security. These missions vary

widely in structure, size and mandate and include two regional political offices, four integrated or peacebuilding offices, and two large-scale assistance missions that operated alongside Council-authorized multinational forces in Afghanistan and Iraq.

During 2008 and 2009, there were 11 Council-authorized field-based political missions and peacebuilding offices. While the number of missions remained constant, in the Central African Republic, Guinea-Bissau and Sierra Leone the Council reconfigured the existing offices into integrated peacebuilding offices, moving the focus of the mandates in those countries away from immediate post-conflict concerns to a responsibility for coordinating the broader United Nations involvement.

The Council also authorized other political initiatives that could be considered political missions but are not covered in this section. These included the appointment of field-based envoys and other representatives that are covered in part IX and other instances where the Council authorized political and

financial support, including the support provided to the Cameroon-Nigeria Mixed Commission.³⁸

Tables 45 and 46 provide an overview of the mandates of political and peacebuilding missions during the period covered.³⁹ A comparison of the tables

indicates that African missions generally had a wider range of mandated tasks than non-African ones. There is also a significant difference in the nature of the mandates. For example, all nine African missions had mandates relating to military, police and security sector reform, while this applied to only two of five non-African missions. Meanwhile, five of the nine African missions had mandates to provide support for the Peacebuilding Commission, reflecting the body's focus on African countries. Across all missions, the most common mandated task was that relating to political processes.

³⁸ The Secretary-General established the Cameroon-Nigeria Mixed Commission to facilitate the implementation of the ruling of 10 October 2002 of the International Court of Justice on the Cameroon-Nigeria boundary dispute. Since 2004, the Security Council had authorized a support team for the Mixed Commission, paid out of the United Nations regular budget. See [S/2004/298](#) and [S/2009/642](#).

³⁹ Missions in the Central African Republic, Guinea-Bissau and Sierra Leone were reconfigured into integrated peacebuilding offices during the period covered. Both preceding and successor missions are included in table 45.

Table 45
Specific mandates in political and peacebuilding missions: Africa

<i>Mandate</i>	<i>UNPOS</i>	<i>UNOGBIS</i>	<i>UNIOGBIS</i>	<i>BONUCA</i>	<i>BINUCA</i>	<i>UNOWA</i>	<i>UNIOSIL</i>	<i>UNIPSIL</i>	<i>BINUB</i>
Coordination	X		X	X	X	X	X	X	X
Demilitarization and arms control	X	X	X		X				X
Electoral assistance and certification	X	X			X	X	X	X	X
Humanitarian issues	X					X			
Human rights	X	X	X	X	X		X	X	X
Institutions and governance	X	X	X		X	X	X	X	X
Military, police and security sector reform	X	X	X	X	X	X	X	X	X
Political processes	X	X	X	X	X	X	X	X	X
Rule of law	X	X	X	X	X	X	X	X	X
Development/reconstruction	X			X			X	X	
Peacebuilding Commission support		X	X		X		X	X	

Abbreviations: BINUB, United Nations Integrated Office in Burundi; BINUCA, United Nations Integrated Peacebuilding Office in the Central African Republic; BONUCA, United Nations Peacebuilding Support Office in the Central African Republic; UNIOGBIS, United Nations Integrated Peacebuilding Office in Guinea-Bissau; UNIOSIL, United Nations Integrated Office in Sierra Leone; UNIPSIL, United Nations Integrated Peacebuilding Office in Sierra Leone; UNOGBIS, United Nations Peacebuilding Support Office in Guinea-Bissau; UNOWA, United Nations Office for West Africa; UNPOS, United Nations Political Office for Somalia.

Table 46
Specific mandates in political and peacebuilding missions: Asia and Middle East

Mandate	UNAMA	UNAMI	UNMIN	UNSCOL	UNRCCA
Coordination	X	X		X	X
Demilitarization and arms control	X	X	X		
Electoral assistance and certification	X	X	X		
Humanitarian issues	X	X			
Human rights	X	X			
Institutions and governance	X	X			
Military, police and security sector reform	X		X		
Political processes	X	X	X	X	X
Rule of law	X	X			
Development/reconstruction	X	X			
Peacebuilding Commission support					

Abbreviations: UNAMA, United Nations Assistance Mission in Afghanistan; UNAMI, United Nations Assistance Mission for Iraq; UNMIN, United Nations Mission in Nepal; UNRCCA, United Nations Regional Centre for Preventive Diplomacy for Central Asia; UNSCOL, Office of the United Nations Special Coordinator for Lebanon.

Changes to mandates in 2008 and 2009

During the period, the Council expanded the mandates of the United Nations Assistance Mission in Afghanistan and the United Nations Political Office in Somalia, while keeping the mandates of other missions largely unchanged. The new integrated offices in the Central African Republic and Sierra Leone were given fewer mandated tasks than their predecessors, while the overall number of mandated areas of the new office in Guinea-Bissau actually increased. A detailed breakdown of all the changes to the mandates can be found below.

Council meetings and decisions concerning peacebuilding

During 2008 and 2009, the Council met several times to consider the item entitled “Post-conflict peacebuilding”. At two of those meetings the Council considered the question of peacebuilding in the immediate aftermath of conflict,⁴⁰ including the

questions of adequate civilian capacity and the need for greater coordination among all parts of the United Nations system.

The Council also adopted two presidential statements under the item. In the first presidential statement, adopted on 20 May 2008, the Council recognized that supporting States in recovering from conflict and building sustainable peace was a major challenge facing the international community, and that an effective response required political, security, humanitarian and development activities to be integrated and coherent. The Council also recognized, inter alia, the urgent needs of affected countries in the immediate aftermath of conflict, including the re-establishment of the institutions of Government, disarmament, demobilization and reintegration of armed forces, security sector reform, transitional justice, reconciliation, re-establishing the rule of law and respect for human rights, and economic revitalization. It also underlined that civilian expertise in post-conflict peacebuilding was essential in helping to meet those needs, and encouraged efforts to address

⁴⁰ See S/PV.5895 and S/PV.6165. For more information, see part I, sect. 38.

the urgent need for rapidly deployable civilian expertise.⁴¹

In the second presidential statement, adopted on 22 July 2009, the Council welcomed the report of the Secretary-General on peacebuilding in the immediate aftermath of conflict⁴² as an important contribution towards a more effective and coherent international response to post-conflict peacebuilding. The Council also recognized, *inter alia*, the importance of launching peacebuilding assistance at the earliest possible stage, and affirmed the importance of early consideration of peacebuilding in its own deliberations and of ensuring coherence between peacemaking, peacekeeping, peacebuilding and development to achieve an early and effective response to post-conflict situations.⁴³

At two other meetings held on the item the Council focused on the reports of the Peacebuilding Commission and also covered the situations in Burundi, the Central African Republic, Guinea-Bissau and Sierra Leone.⁴⁴

Africa

United Nations Political Office for Somalia

The United Nations Political Office for Somalia (UNPOS) was established by the Security Council on 15 April 1995 by means of a presidential statement,⁴⁵ to assist the Secretary-General in advancing the cause of peace and reconciliation in Somalia through contacts with Somali leaders, civic organizations and the States and organizations concerned.

Mandate at start of review period

By an exchange of letters dated 27 December 2007, the Council endorsed the intention of the Secretary-General to continue the activities of UNPOS for the biennium 2008-2009.⁴⁶ The mandate for UNPOS at the start of 2008, as indicated in a letter from the Secretary-General to the President of the

Council,⁴⁷ included the following broad tasks: (a) to help to strengthen the transitional federal institutions and foster inclusive dialogue between all Somali parties; (b) to coordinate United Nations political, security, electoral, humanitarian and development support to the transitional federal institutions; (c) to work with external partners; (d) to support the development of a road map for the Somali peace process in concert with the Transitional Federal Government, the United Nations country team and the international community; and (e) to work closely with United Nations Headquarters on contingency planning for a possible United Nations peacekeeping mission.

Developments during 2008 and 2009

During the period, the Council adopted several resolutions and other decisions expanding the mandate of UNPOS in the areas of demilitarization and arms control, human rights, security sector reform, police, rule of law and the coordination of the fight against piracy. The mandate of UNPOS was extended once for a period of two years, covering 2010 and 2011.

By resolution 1814 (2008), the Council gave UNPOS additional responsibility for constitutional and electoral support, deciding that UNPOS and the United Nations country team should enhance their support to the transitional federal institutions with the aim of developing a constitution and holding a constitutional referendum and free and democratic elections in 2009 and facilitating coordination of the international community's support to those efforts. This was broadly reiterated in resolution 1863 (2009), by which the Council also renewed the mandate of the African Union Mission in Somalia⁴⁸ and, further, requested UNPOS to promote lasting peace and stability in Somalia through the implementation of the Djibouti Peace Agreement. It also asked the Secretary-General to conduct immediate contingency planning for the deployment of United Nations offices and agencies into Somalia. Finally, by an exchange of letters dated 15 and 21 December 2009,⁴⁹ the Council endorsed the intention of the Secretary-General to let UNPOS continue to carry out its tasks during the biennium 2010-2011, while adding tasks in the area of coordination on the ground of the efforts of the United

⁴¹ S/PRST/2008/16.

⁴² S/2009/304.

⁴³ S/PRST/2009/23, third and twelfth paragraphs.

⁴⁴ S/PV.5997 and S/PV.6224. For more information, see part I, sect. 38, and part IX, sect. VII.

⁴⁵ S/PRST/1995/15.

⁴⁶ S/2007/762 and S/2007/763.

⁴⁷ S/2007/762.

⁴⁸ See part VIII for more information.

⁴⁹ S/2009/664 and S/2009/665.

Nations and the international community in the fight against piracy.

Table 47 provides an overview of the mandate of UNPOS. The full text of all paragraphs in Council decisions that relate to the mandate is provided

in table 48. Information relating to the establishment of UNPOS is provided for reference; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

Table 47
UNPOS: overview of mandate by category

Category and mandated task	<i>S/PRST/1995/15</i>	<i>S/2005/729 and S/2005/730</i>	<i>S/2007/762 and S/2007/763</i>	<i>Resolution 1814 (2008)</i>	<i>Resolution 1863 (2009)</i>	<i>Resolution 1872 (2009)</i>	<i>S/2009/664 and S/2009/665</i>
Coordination							
Coordination with other United Nations entities in the country			X ^a	X ^b	X ^b	X ^c	X ^b
Coordination of international engagement	X ^a		X ^a	X ^b	X ^c		X ^b
Demilitarization and arms control							
Disarmament, demobilization and reintegration						X ^a	
Small arms and light weapons						X ^a	
Electoral assistance and certification							
Electoral assistance			X ^a	X ^b			X ^c
Humanitarian issues							
Humanitarian support/coordination			X ^a	X ^b			X ^c
Human rights; women and peace and security; children and armed conflict							
Human rights: promotion and protection				X ^a			
Human rights: capacity-building						X ^b	
Human rights: monitoring				X ^a			
Institutions and governance							
Institution-building: strengthening/promotion of autonomy	X ^a		X ^a	X ^b		X ^b	X ^b
Territorial control/consolidation of State authority							X ^a
Military, police and security sector reform							
Police: capacity-building						X ^a	
Security sector reform				X ^a		X ^b	X ^b

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Category and mandated task	<i>S/PRST/1995/15</i>	<i>S/2005/729 and S/2005/730</i>	<i>S/2007/762 and S/2007/763</i>	<i>Resolution 1814 (2008)</i>	<i>Resolution 1863 (2009)</i>	<i>Resolution 1872 (2009)</i>	<i>S/2009/664 and S/2009/665</i>
Political processes							
Facilitation of political process/ dialogue/preventive diplomacy/ mediation/good offices	X ^a	X ^c	X ^a	X ^b	X ^b	X ^c	X ^c
National reconciliation	X ^a	X ^c				X ^b	
Peace agreement monitoring/ implementation					X ^a		
Rule of law							
Promotion of the rule of law						X ^a	
Prisons						X ^a	
Constitutional support				X ^a			
Other							
Contingency planning			X ^a	X ^c	X ^c		X ^c
Development/reconstruction			X ^a		X ^b	X ^c	X ^c
Resource mobilization					X ^a	X ^c	
Coordination of the fight against piracy							X ^a

^a Newly mandated task.

^b Additional element.

^c Reiteration of mandate.

Table 48

UNPOS: changes to mandate, 2008-2009

Category and mandated task	Provisions	Change to mandate
Resolution 1814 (2008)		
Coordination		
Coordination of international engagement	Decides that UNPOS and the United Nations country team shall, in promoting a comprehensive and lasting settlement in Somalia and through the promotion of the ongoing political process, enhance their support to the transitional federal institutions with the aim of developing a constitution and holding a constitutional referendum and free and democratic elections in 2009, as required by the Transitional Federal Charter, and facilitating coordination of the support of the international community to these efforts, and requests the Secretary-General, within 60 days of the adoption of the present resolution, to report on progress with this work (para. 5)	Additional element
	Supports the ongoing efforts of the United Nations, the African Union and interested Member States, in close cooperation with the Transitional Federal Government, to develop security sector institutions in Somalia, and requests the Special Representative of the Secretary-General to enhance his coordination role in this area, aligning relevant United Nations programmes and activities of Member States (para. 15)	

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Coordination with other United Nations entities in the country	Strongly supports the approach proposed by the Secretary-General in his report of 14 March 2008, welcomes his intention to provide an updated comprehensive, integrated United Nations strategy for peace and stability in Somalia, aligning and integrating political, security and programmatic efforts in a sequenced and mutually reinforcing way, and to include an assessment of the capacity of UNPOS to implement the strategy, and requests that he submit the updated version to the Security Council within 60 days of the adoption of the present resolution (para. 2)	Additional element
Electoral assistance and certification		
Electoral assistance	See para. 5 of the resolution, under “Coordination” above	Additional element
Humanitarian issues		
Humanitarian support/coordination	Requests the Secretary-General to strengthen ongoing efforts for establishing a United Nations-led mechanism for bringing together and facilitating consultations between humanitarian organizations operating in Somalia, the Transitional Federal Government, donors and other relevant parties in order to help to resolve issues of access, security and provision of humanitarian relief throughout Somalia, and further requests the Secretary-General to report on progress in the report referred to in paragraph 5 above (para. 13)	Additional element
Human rights; women and peace and security; children and armed conflict		
Human rights: promotion and protection	Requests the Secretary-General to establish an effective capacity within UNPOS to monitor and enhance the protection of human rights in Somalia, and to ensure coordination, as appropriate, between UNPOS, the Office of the United Nations High Commissioner for Human Rights and the independent expert of the Human Rights Council, and further requests the Secretary-General to report on progress in achieving this in the report referred to in paragraph 5 above (para. 14)	Newly mandated task
Human rights: monitoring	See para. 14 of the resolution, above	Newly mandated task
Institutions and governance		
Institution building: strengthening/promotion of autonomy	See para. 5 of the resolution, under “Coordination” above	Additional element
Military, police and security sector reform		
Security sector reform	See para. 15 of the resolution, under “Coordination” above	Newly mandated task

Repertoire of the Practice of the Security Council, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
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Political processes

Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	See para. 5 of the resolution, under “Coordination” above	Additional element
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Rule of law

Constitutional support	See para. 5 of the resolution, under “Coordination” above	Newly mandated task
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Other

Contingency planning	See para. 8 of the resolution, under “Coordination” above	Reiteration
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Resolution 1863 (2009)

Coordination

Coordination with other United Nations entities in the country	Requests the Secretary-General, through his Special Representative, to coordinate all activities of the United Nations system in Somalia, to provide good offices and political support for the efforts to establish lasting peace and stability in Somalia and to mobilize resources and support from the international community for both the immediate recovery and the long-term economic development of Somalia; decides that UNPOS and the United Nations country team shall continue to promote lasting peace and stability in Somalia through the implementation of the Djibouti peace agreement and to facilitate coordination of international support to these efforts; and requests the Secretary-General to conduct immediate contingency planning for the deployment of United Nations offices and agencies into Somalia (para. 16)	Additional element
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Coordination of international engagement	See para. 16 of the resolution, above	Reiteration
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Political processes

Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	See para. 16 of the resolution, under “Coordination” above	Additional element
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Peace agreement monitoring/implementation	See para. 16 of the resolution, under “Coordination” above	Newly mandated task
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Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Other		
Contingency planning	See para. 16 of the resolution, under “Coordination” above	Reiteration
Development/reconstruction	See para. 16 of the resolution, under “Coordination” above	Additional element
Resource mobilization	See para. 16 of the resolution, under “Coordination” above	Newly mandated task
<hr/>		
Resolution 1872 (2009)		
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Coordination		
Coordination with United Nations entities in the country	Requests the Secretary-General, through his Special Representative and UNPOS, to coordinate effectively and develop an integrated approach to all activities of the United Nations system in Somalia, to provide good offices and political support for the efforts to establish lasting peace and stability in Somalia and to mobilize resources and support from the international community for both the immediate recovery and the long-term economic development of Somalia (para. 21)	Reiteration
<hr/>		
Demilitarization and arms control		
Disarmament, demobilization and reintegration	Requests the Secretary-General to continue to assist the Transitional Federal Government in developing the transitional security institutions, including the Somalia Police Force and the National Security Force, and further requests the Secretary-General to support the Transitional Federal Government in developing a national security strategy, including plans for combating illicit arms trafficking, disarmament, demobilization and reintegration, and justice and corrections capacities (para. 9)	Newly mandated task
Small arms and light weapons	See para. 9 of the resolution, above	Newly mandated task
<hr/>		
Human rights; women and peace and security; children and armed conflict		
Human rights: capacity-building	Also requests the Secretary-General, through his Special Representative and UNPOS, to work with the Transitional Federal Government to develop its capacity to address human rights issues and to support the Justice and Reconciliation Working Group to counter impunity (para. 22)	Additional element
<hr/>		
Institutions and governance		
Institution-building: strengthening/promotion of autonomy	See para. 9 of the resolution, under “Demilitarization and arms control” above	Additional element

Repertoire of the Practice of the Security Council, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Military, police and security sector reform		
Police: capacity-building	See para. 9 of the resolution, under “Demilitarization and arms control” above	Newly mandated task
Security sector reform	See para. 9 of the resolution, under “Demilitarization and arms control” above	Additional element
Political processes		
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	See para. 21 of the resolution, under “Coordination” above	Reiteration
National reconciliation	Requests the Secretary-General, through his Special Representative for Somalia, to work with the international community to continue to facilitate reconciliation (para. 2)	Additional element
Rule of law		
Promotion of the rule of law	See para. 9 of the resolution, under “Demilitarization and arms control” above	Newly mandated task
Prisons	See para. 9 of the resolution, under “Demilitarization and arms control” above	Newly mandated task
Other		
Development/reconstruction	See para. 21 of the resolution, under “Coordination” above	Reiteration
Resource mobilization	See para. 21 of the resolution, under “Coordination” above	Reiteration
S/2009/664 and S/2009/665		
Coordination		
Coordination with other United Nations entities in the country	During the biennium 2010-2011, UNPOS will continue, inter alia, to carry out the following tasks: assist efforts to strengthen and render operational Somalia’s transitional federal institutions, guide the international community’s efforts to re-establish Somalia’s security apparatus, coordinate United Nations political, security, electoral, humanitarian, recovery and development support to the Somali people and to the Transitional Federal Government, coordinate on the ground the efforts of the United Nations and the international community in the fight against piracy, and support the regional authorities of “Puntland” and “Somaliland” in their efforts to maintain the relative stability that prevails in these two regions of Somalia. UNPOS will also continue to work closely with United Nations Headquarters on updating the contingency planning for the possible deployment of a United Nations peacekeeping mission in Somalia (S/2009/664, sixth paragraph)	Additional element

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Coordination of international engagement	See S/2009/664 , sixth paragraph, above	Additional element
Electoral assistance and certification		
Electoral assistance	See under “Coordination” above	Reiteration
Humanitarian issues		
Humanitarian support/coordination	See under “Coordination” above	Reiteration
Institutions and governance		
Institution-building: strengthening/promotion of autonomy	See under “Coordination” above	Additional element
Territorial control/consolidation of State authority	See under “Coordination” above	Newly mandated task
Military, police and security sector reform		
Security sector reform	See under “Coordination” above	Additional element
Political processes		
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	See under “Coordination” above	Reiteration
Other		
Contingency planning	See under “Coordination” above	Reiteration
Development/reconstruction	See under “Coordination” above	Reiteration
Coordination of the fight against piracy	See under “Coordination” above	Newly mandated task

United Nations Peacebuilding Support Office in Guinea-Bissau

The United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS) was established by the Security Council on 6 April 1999 by resolution [1233 \(1999\)](#), to facilitate the general election in Guinea-Bissau as well as to assist in the implementation of the

Abuja Agreement of 26 August 1998. Following the removal from office of the President of Guinea-Bissau on 7 May 1999, the mandate of UNOGBIS was adjusted to accommodate the changed circumstances on the ground and to include assistance in national reconciliation efforts, in creating a stable environment to allow free elections, and in promoting confidence-building measures.

Mandate at start of review period

By an exchange of letters between the Secretary-General and the President of the Security Council, dated 28 November and 3 December 2007,⁵⁰ the mandate of UNOGBIS was extended until 31 December 2008, and was revised to allow UNOGBIS to contribute to mobilizing international support for national efforts to eradicate drug trafficking. Accordingly, the activities of UNOGBIS in 2008 focused on (a) supporting national reconciliation and dialogue; (b) assisting with the implementation of security sector reform; (c) facilitating efforts to combat drug and human trafficking and organized crime; (d) assisting with the holding of credible and transparent legislative elections in 2008; (e) promoting respect for the rule of law and human rights; (f) mainstreaming a gender perspective into peacebuilding; (g) facilitating efforts to curb proliferation of small arms and light weapons and contributing to the collection of weapons illicitly held; (h) helping in the mobilization of international assistance; and (i) enhancing cooperation with the African Union, the Economic Community of West African States, the Community of Portuguese-speaking Countries, the European Union and other international partners.

Developments during 2008 and 2009

During the period under review, the Council extended the mandate of UNOGBIS twice for periods of

⁵⁰ S/2007/700 and S/2007/701.

six months, the last of which was until 31 December 2009.⁵¹ The first extension was by an exchange of letters between the Secretary-General and the President of the Security Council dated 10 and 22 December 2008, by which the Council authorized the expanded mandate for UNOGBIS. The additional mandated tasks were in the areas of support to the Peacebuilding Commission and strengthening the capacities of national institutions, including law enforcement and criminal justice systems. Following the successful completion of elections for the legislature on 16 November 2008, UNOGBIS completed its activities related to resource mobilization, civic education and the strengthening of the capacities of women’s groups. The Secretary-General also indicated that he planned to deploy a technical assessment mission to Guinea-Bissau to help to develop concrete recommendations on transforming UNOGBIS into an integrated mission. Subsequently, by resolution 1876 (2009) of 26 June 2009, the Council extended the mandate of UNOGBIS for a final period of six months, until 31 December 2009, after which it was succeeded by the United Nations Integrated Peacebuilding Office in Guinea-Bissau.

Table 49 provides an overview of the mandate of UNOGBIS. The full text of all paragraphs in Council decisions that relate to the mandate is provided in table 50.

⁵¹ S/2008/777 and S/2008/778, resolution 1876 (2009).

Table 49
UNOGBIS: overview of mandate by category

<i>Category and mandated task</i>	<i>S/2007/700 and S/2007/701</i>	<i>S/2008/777 and S/2008/778</i>	<i>Resolution 1876 (2009)</i>
General			
Cross-cutting: women and peace and security	X ^a		X ^a
Demilitarization and arms control			
Small arms and light weapons	X ^a		X ^a
Electoral assistance and certification			
Electoral assistance	X ^a		
Human rights; women and peace and security; children and armed conflict			
Human rights: promotion and protection	X ^a		X ^a
Institutions and governance			
Institution-building: strengthening/promotion of autonomy			X ^a

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>S/2007/700 and S/2007/701</i>	<i>S/2008/777 and S/2008/778</i>	<i>Resolution 1876 (2009)</i>
Military, police and security sector reform			
Police: capacity-building		X ^a	
Security sector reform	X ^a	X ^a	
Political processes			
Facilitation of political process	X ^a	X ^a	
Cooperation with/support to regional and subregional organizations	X ^a	X ^a	
Rule of law			
Judicial and legal reform		X ^a	
Organized crime/human and drug trafficking	X ^a	X ^a	
Promotion of the rule of law: general	X ^a	X ^a	
Other			
Peacebuilding Commission support		X ^a	
Resource mobilization	X ^a		

^a Newly mandated task.

Table 50
UNOGBIS: changes to mandate, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
S/2008/777 and S/2008/778		
General		
Cross-cutting: women and peace and security	Accordingly, the mandate of UNOGBIS for 2009 would focus on: (a) assisting the Peacebuilding Commission in its multidimensional engagement with Guinea-Bissau; (b) strengthening the capacities of national institutions, including law enforcement and criminal justice systems, in order to maintain constitutional order; (c) supporting an all-inclusive national reconciliation and political dialogue process as an institutionalized peace consolidation framework; (d) supporting and facilitating the implementation of security sector reform; (e) extending cooperation to national authorities in their efforts to combat drug trafficking and organized crime; (f) assisting with the promotion and institutionalization of respect for the rule of law and human rights; (g) mainstreaming a gender perspective into peacebuilding, in line with Security Council resolution 1325 (2000); (h) facilitating efforts to curb the proliferation of small arms and light weapons and contributing to the collection of small arms and light weapons held illicitly; and (i) enhancing cooperation with the African Union, the Economic Community of West African States, the Community of Portuguese-speaking Countries, the European Union and other partners in efforts to contribute to the stabilization of Guinea-Bissau (S/2008/777, seventh paragraph)	Newly mandated task

Demilitarization and arms control

Small arms and light weapons	See under "General" above	Newly mandated task
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Human rights; women and peace and security; children and armed conflict

Human rights: promotion and protection	See under "General" above	Newly mandated task
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Institutions and governance

Institution-building: strengthening/promotion of autonomy	See under "General" above	Newly mandated task
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Military, police and security sector reform

Police: capacity-building	See under "General" above	Newly mandated task
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Security sector reform: general (including both police and military)	See under "General" above	Newly mandated task
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Political processes

Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	See under "General" above	Newly mandated task
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Cooperation with/support to regional and subregional organizations	See under "General" above	Newly mandated task
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Rule of law

Promotion of the rule of law: general	See under "General" above	Newly mandated task
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Judicial and legal reform	See under "General" above	Newly mandated task
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Organized crime/human and drug trafficking	See under "General" above	Newly mandated task
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Category and mandated task Provisions

Change to mandate

Other

Peacebuilding Commission support	See under “General” above	Newly mandated task
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United Nations Integrated Peacebuilding Office in Guinea-Bissau

The United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) was authorized by the Security Council on 26 June 2009 by resolution [1876 \(2009\)](#) for an initial period of 12 months, to succeed UNOGBIS, as from 1 January 2010, in assisting the Peacebuilding Commission in its multidimensional engagement with Guinea-Bissau as well as enhancing cooperation with the African Union, the Economic Community of West African States (ECOWAS), the Community of Portuguese-speaking Countries, the European Union and other partners in efforts to contribute to the stabilization of Guinea-Bissau. On 5 November 2009, the Council, in a statement by the President, reiterated its request to the

Secretary-General, through his Special Representative for Guinea-Bissau and UNIOGBIS, for an effective coordination of the support provided by the international community to security sector reform in Guinea-Bissau. It also welcomed the ongoing planning for the transition of UNOGBIS to an integrated peacebuilding office on 1 January 2010, and looked forward to the timely development of an integrated strategic framework, including a strategic workplan with appropriate benchmarks to measure and track progress on the implementation of its mandate. UNIOGBIS began functioning on 1 January 2010 following the termination of UNOGBIS.

Table 51 provides an overview of the mandate of UNIOGBIS. The full text of all paragraphs in Council decisions that relate to the mandate is provided in table 52.

Table 51
UNIOGBIS: overview of mandate by category

Category and mandated task	Resolution 1876 (2009)	S/PRST/2009/29
General		
Benchmarks	X ^a	X ^b
Cross-cutting: women and peace and security	X ^a	
Coordination		
Coordination of donors	X ^a	
Coordination of international engagement	X ^a	X ^b
Coordination with United Nations agencies in the country	X ^a	
Coordination with other United Nations entities in the region	X ^a	
Demilitarization and arms control		
Small arms and light weapons	X ^a	
Human rights; women and peace and security; children and armed conflict		
Human rights: investigation and prosecution	X ^a	
Human rights: promotion and protection	X ^a	
Institutions and governance		
Institution-building: strengthening/promotion of autonomy	X ^a	

Repertoire of the Practice of the Security Council, 2008-2009

<i>Category and mandated task</i>	<i>Resolution 1876 (2009)</i>	<i>S/PRST/2009/29</i>
Military, police and security sector reform		
Police: capacity-building	X ^a	
Security sector reform	X ^a	X ^b
Political processes		
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	X ^a	
National reconciliation	X ^a	
Cooperation with/support to regional and subregional organizations	X ^a	
Rule of law		
Promotion of the rule of law	X ^a	
Organized crime/human and drug trafficking	X ^a	
Other		
Peacebuilding Commission support	X ^a	
Resource mobilization	X ^a	

^a Newly mandated task.

^b Reiteration of mandate.

Table 52

UNIOGBIS: changes to mandate, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Resolution 1876 (2009)		
General		
Benchmarks	Requests the Secretary-General to develop a strategic workplan with appropriate benchmarks to measure and track progress on the implementation of the mandate described in paragraph 3 [of the resolution] and to report on its implementation in accordance with paragraph 14 (para. 6)	Newly mandated task
Cross-cutting: women and peace and security	Mainstreaming a gender perspective into peacebuilding, in line with Security Council resolutions 1325 (2000) and 1820 (2008) (para. 3 (i))	Newly mandated task
Coordination		
Coordination of donors	Underlines also the importance of establishing a fully integrated office with effective coordination of strategies and programmes between the United Nations agencies, funds and programmes, between the United Nations and international donors, and between the integrated office, ECOWAS and other United Nations missions in the subregion, and requests the Secretary-General to take necessary measures with UNIOGBIS to ensure a smooth transition between UNIOGBIS and the new integrated office (para. 5)	Newly mandated task

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Coordination of international engagement	Requests the Secretary-General, through his Special Representative for Guinea-Bissau and UNIOGBIS, to assist the Government of Guinea-Bissau for effective coordination of the support provided by the international community to security sector reform in Guinea-Bissau, taking into account the work already undertaken by the European Union and other international actors in this area (para. 13)	Newly mandated task
Coordination with United Nations agencies in the country	See para. 5 of the resolution, above	Newly mandated task
Coordination with other United Nations entities in the region	See para. 5 of the resolution, above	Newly mandated task
Demilitarization and arms control		
Small arms and light weapons	Supporting the national efforts to curb the proliferation of small arms and light weapons (para. 3 (g))	Newly mandated task
Human rights; women and peace and security; children and armed conflict		
Human rights: investigation and prosecution	Requests in particular the Secretary-General, in consultation with the African Union, ECOWAS and the Community of Portuguese-speaking Countries, to assist the Government of Guinea-Bissau in carrying out a credible investigation process (para. 11)	Newly mandated task
Human rights: promotion and protection	Undertaking human rights promotion, protection and monitoring activities and supporting the institutionalization of respect for the rule of law (para. 3 (h))	Newly mandated task
Institutions and governance		
Institution-building: strengthening/promotion of autonomy	Strengthening the capacities of national institutions in order to maintain constitutional order, public security and full respect for the rule of law (para. 3 (b))	Newly mandated task
Military, police and security sector reform		
Police: capacity-building	Supporting national authorities to establish effective and efficient police and law enforcement and criminal justice systems (para. 3 (c))	Newly mandated task
Security sector reform: general (including both police and military)	Providing strategic and technical support and assistance to the Government of Guinea-Bissau in developing and coordinating the implementation of security sector reform (para. 3 (e))	Newly mandated task

Repertoire of the Practice of the Security Council, 2008-2009

Category and mandated task *Provisions* *Change to mandate*

Political processes

Facilitation of political process/ dialogue/preventive diplomacy/ mediation/good offices	Supporting an inclusive political dialogue and national reconciliation process (para. 3 (d))	Newly mandated task
National reconciliation	See para. 3 (d) of the resolution, above	Newly mandated task
Cooperation with/ support to regional and subregional organizations	Enhancing cooperation with the African Union, ECOWAS, the Community of Portuguese-speaking Countries, the European Union and other partners in their efforts to contribute to the stabilization of Guinea-Bissau (para. 3 (j))	Newly mandated task

Rule of law

Promotion of the rule of law	See para. 3 (b) of the resolution, under “Institution and governance” above, and para. 3 (h) of the resolution, under “Human rights; women and peace and security; children and armed conflict” above	Newly mandated task
Rule of law: organized crime/ human and drug trafficking	Assisting national authorities to combat drug trafficking and organized crime, as well as human trafficking, especially child trafficking (para. 3 (f))	Newly mandated task

Other

Peacebuilding Commission support	Assisting the Peacebuilding Commission in its work in addressing critical peacebuilding needs in Guinea-Bissau (para. 3 (a))	Newly mandated task
Resource mobilization	Helping in the mobilization of international assistance (para. 3 (k))	Newly mandated task

[S/PRST/2009/29](#)

General

Benchmarks	The Council welcomes the ongoing planning for the transition of UNOGBIS to UNIOGBIS on 1 January 2010, and looks forward to the timely development of an Integrated Strategic Framework, including a strategic workplan with appropriate benchmarks to measure and track progress on the implementation of the mandate of the new Office (eighth paragraph)	Reiteration
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<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
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Coordination

<p>Coordination of international engagement</p>	<p>The Council underlines the challenges faced by the Government of Guinea-Bissau, in particular to ensure that the security sector is effective, professional and accountable. In this regard, the Council emphasizes the necessity of pursuing and implementing an effective and comprehensive national strategy for security sector reform, to be supported by the international partners. The Council reiterates its request to the Secretary-General, through his Special Representative for Guinea-Bissau and UNIOGBIS, for effective coordination of the support provided by the international community to security sector reform in Guinea-Bissau, taking into account the work already undertaken by the European Union and other international actors in this area (fifth paragraph)</p>	<p>Reiteration</p>
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Military, police and security sector reform

<p>Security sector reform: general (including both police and military)</p>	<p>See fifth paragraph of the presidential statement, under “Coordination” above</p>	<p>Reiteration</p>
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United Nations Peacebuilding Support Office in the Central African Republic

The United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) was authorized by means of an exchange of letters between the Secretary-General and the President of the Security Council dated 3 and 10 December 1999, and was established on 15 February 2000 to maintain a United Nations presence following the termination of the mandate of the United Nations Mission in the Central African Republic. BONUCA was initially tasked with supporting the efforts of the Government of the Central African Republic to consolidate peace and national reconciliation, strengthening democratic institutions, and facilitating the mobilization of international political support and resources for national reconstruction and economic recovery.⁵²

Mandate at start of review period

By an exchange of letters between the Secretary-General and the President of the Security Council, BONUCA was given a new mandate and was extended

⁵² S/1999/1235 and S/1999/1236.

until 31 December 2008.⁵³ The mandate was (a) to promote national reconciliation efforts; (b) to promote respect for human rights and democratic norms; (c) to support the rule of law and accountable and transparent governance; (d) to facilitate the mobilization of resources for national reconstruction and development; (e) to reinforce cooperation between the United Nations and regional entities; (f) to assist the multidimensional United Nations Mission in the Central African Republic and Chad (MINURCAT) in the fulfilment of its mandate in the Central African Republic; and (g) to mainstream a gender perspective into peacebuilding, in line with resolution 1325 (2000).

Developments during 2008 and 2009

During the period, the Council extended the mandate of BONUCA once for a period of one year, until 31 December 2009.⁵⁴ On 14 January 2009, the Council requested BONUCA, together with United Nations agencies and the Peacebuilding Commission, to provide the necessary support to the reform of the security sector in the Central African Republic. By a

⁵³ S/2007/702 and S/2007/703.

⁵⁴ S/2008/809.

presidential statement⁵⁵ adopted on 7 April 2009, the Council decided that BONUCA would be terminated and succeeded by the United Nations Integrated Peacebuilding Office in the Central African Republic.

Table 53 provides an overview of the mandate of BONUCA. The full text of all paragraphs in Council decisions that relate to the mandate is provided in table 54.

⁵⁵ S/PRST/2009/5.

Table 53
BONUCA: overview of mandate by category

Category and mandated task	S/2007/702 and S/2007/703	S/2008/809	Resolution	
			1861 (2009)	1902 (2009)
General				
Cross-cutting: women and peace and security	X ^a			
Coordination				
Coordination with other United Nations entities in the region	X ^a			
Human rights; women and peace and security; children and armed conflict				
Human rights: promotion and protection	X ^a			
Military, police and security sector reform				
Security sector reform			X ^a	
Political processes				
Facilitation of political process	X ^a			
National reconciliation	X ^a			
Cooperation with/support to regional and subregional organizations	X ^a			
Rule of law				
Anti-corruption/good governance	X ^a			
Promotion of the rule of law: general	X ^a			
Other				
Development/reconstruction	X ^a			
Resource mobilization	X ^a			

^a Newly mandated task.

Table 54
BONUCA: changes to mandate, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Resolution 1861 (2009)		
Military, police and security sector reform		
Security sector reform: general (including both police and military)	Stresses that an improved capacity of the Government of the Central African Republic to exercise its authority in the north-eastern part of the country is also critical to the fulfilment of the objectives of MINURCAT as set out in paragraph 1 [of the resolution], and calls upon the Government of the Central African Republic, Member States, BONUCA, United Nations agencies and the Peacebuilding Commission to provide the necessary support to the reform of the security sector in the Central African Republic (para. 26)	Newly mandated task

United Nations Integrated Peacebuilding Office in the Central African Republic

The United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) was established by the Security Council on 7 April 2009 by means of a presidential statement⁵⁶ to succeed BONUCA and ensure the coherence of peacebuilding support activities by the various United Nations entities present in the Central African Republic.

Mandate at start of review period

According to the presidential statement adopted on 7 April 2009, the mandate of BINUCA was (a) to assist national and local efforts in implementing the dialogue outcomes, in particular through support for governance reforms and electoral processes; (b) to assist in the successful completion of the disarmament, demobilization and reintegration process and the reform of security sector institutions, and support activities to promote the rule of law; (c) to support

efforts to restore State authority in the provinces; (d) to support efforts to enhance national human rights capacity and promote respect for human rights and the rule of law; (e) to closely coordinate with and support the work of the Peacebuilding Commission, as well as the implementation of the Strategic Framework for Peacebuilding and projects supported through the Peacebuilding Fund; and (f) to exchange information and analysis with MINURCAT on emerging threats to peace and security in the region. The Council also requested the Secretary-General to ensure that BINUCA would help to ensure that child protection was properly addressed in the implementation of the comprehensive peace agreement and the disarmament, demobilization and reintegration process, including by supporting the monitoring and reporting mechanism established according to resolutions [1539 \(2004\)](#) and [1612 \(2005\)](#). BINUCA became operational on 1 January 2010, following the termination of BONUCA.

Table 55 provides an overview of the initial mandate of BINUCA. The full text of all paragraphs in Council decisions that relate to the mandate is provided in table 56.

⁵⁶ [S/PRST/2009/5](#).

Table 55
BINUCA: overview of mandate by category

<i>Category and mandated task</i>	<i>S/PRST/2009/5</i>	<i>S/PRST/2009/35</i>
General		
Benchmarks (including request to the Secretary-General to propose benchmarks)		X ^a
Coordination		
Coordination with other United Nations entities in the region	X ^a	
Demilitarization and arms control		
Disarmament, demobilization and reintegration	X ^a	
Electoral assistance and certification		
Electoral assistance	X ^a	
Human rights; women and peace and security; children and armed conflict		
Human rights: capacity-building	X ^a	
Human rights: promotion and protection	X ^a	
Children and armed conflict	X ^a	
Institutions and governance		
Territorial control/consolidation of State authority	X ^a	
Military, police and security sector reform		
Security sector reform: general (including both police and military)	X ^a	
Political processes		
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	X ^a	
Rule of law		
Promotion of the rule of law: general	X ^a	
Anti-corruption/good governance	X ^a	
Other		
Peacebuilding Commission support	X ^a	

^a Newly mandated task.

Table 56
BINUCA: initial mandate

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
S/PRST/2009/5		
Coordination		
Coordination with other United Nations entities in the region	To closely coordinate with and support the work of the Peacebuilding Commission, as well as the implementation of the Strategic Framework for Peacebuilding in the Central African Republic and projects supported through the Peacebuilding Fund (sixth paragraph, subpara. (e))	Newly mandated task

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Demilitarization and arms control		
Disarmament, demobilization and reintegration	To assist in the successful completion of the disarmament, demobilization and reintegration process and the reform of security sector institutions, and support activities to promote the rule of law (sixth paragraph, subpara. (b))	Newly mandated task
Electoral assistance and certification		
Electoral assistance	To assist national and local efforts in implementing the dialogue outcomes, in particular through support for governance reforms and electoral processes (sixth paragraph, subpara. (a))	Newly mandated task
Human rights; women and peace and security; children and armed conflict		
Human rights: promotion and protection	To support efforts to enhance national human rights capacity and promote respect for human rights and the rule of law, justice and accountability (sixth paragraph, subpara. (d))	Newly mandated task
Human rights: capacity-building	See sixth paragraph, subpara. (d), above	Newly mandated task
Children and armed conflict	To help to ensure that child protection is properly addressed in the implementation of the comprehensive peace agreement and the disarmament, demobilization and reintegration process, including by supporting the monitoring and reporting mechanism established according to resolutions 1539 (2004) and 1612 (2005) (sixth paragraph, subpara. (g))	Newly mandated task
Institutions and governance		
Territorial control/consolidation of State authority	To support efforts to restore State authority in the provinces (sixth paragraph, subpara. (c))	Newly mandated task
Military, police and security sector reform		
Security sector reform: general (including both police and military)	See under “Demilitarization and arms control” above	Newly mandated task
Political processes		
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	See under “Electoral assistance and certification” above	Newly mandated task

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Rule of law		
Promotion of the rule of law: general	See sixth paragraph, subparas. (b) and (d), under “Demilitarization and arms control” and “Human rights; women and peace and security; children and armed conflict” above	Newly mandated task
Anti-corruption/ good governance	See under “Electoral assistance and certification” above	Newly mandated task
Other		
Peacebuilding Commission support	See sixth paragraph, subpara. (e), under “Coordination” above	Newly mandated task
S/PRST/2009/35		
General		
Benchmarks	The Council also requests the Secretary-General to propose in his next report a set of clear and measurable benchmarks to guide the progress of the mission and enable BINUCA to evaluate its progress against its mandate (sixth paragraph)	Newly mandated task

United Nations Office for West Africa

The United Nations Office for West Africa (UNOWA) was authorized by the Security Council by means of an exchange of letters between the Secretary-General and the President of the Security Council dated 26 and 29 November 2001,⁵⁷ to carry out the following tasks: (a) to enhance linkages in the work of the United Nations and other partners in the subregion, by promoting an integrated subregional approach and facilitating coordination and information exchange, with due regard to specific mandates of United Nations organizations as well as peacekeeping operations and peacebuilding support offices; (b) to liaise with and assist, as appropriate, ECOWAS and the Mano River Union, in consultation with other subregional organizations and international partners; (c) to carry out good offices roles and special assignments in countries of the subregion, on behalf of the Secretary-General, including in the areas of conflict prevention and peacebuilding efforts; and (d) to report to Headquarters on key developments of subregional significance.

⁵⁷ [S/2001/1128](#) and [S/2001/1129](#).

Mandate at start of review period

By an exchange of letters between the Secretary-General and the President of the Security Council dated 28 November and 21 December 2007, the Council extended the mandate of UNOWA for a three-year period, until 31 December 2010, and gave it an extended and modified mandate. The mandate of UNOWA was (a) to enhance capability within West Africa towards a harmonized subregional approach to peace and security; (b) to enhance efforts towards addressing cross-border issues, including good governance practices and measures; mainstreaming security sector reform into development strategies; formulating a meaningful, effective and integrated subregional approach that encompassed priorities and concerns related to humanitarian, human rights and gender issues; curbing corruption, youth unemployment, rapid urbanization, transitional justice and cross-border illicit activities; and (c) to facilitate the implementation of the International Court of Justice ruling of 10 October 2002 on the land and maritime boundary dispute between Cameroon and Nigeria.

Developments during 2008 and 2009

While the Council made no major changes to the mandate or structure of UNOWA during the period, on two occasions the Council commended the joint action of the United Nations Office on Drugs and Crime, UNOWA, the Department of Peacekeeping Operations, the Department of Political Affairs and INTERPOL in helping to implement the ECOWAS plan of action against illicit drug trafficking and organized crime, and

underlined the importance of their continuing to strengthen their partnership on those issues.⁵⁸

Table 57 provides an overview of the mandate of UNOWA. The full text of all paragraphs in Council decisions that relate to the mandate is provided in table 58.

⁵⁸ [S/PRST/2009/6](#), eighth paragraph, and [S/PRST/2009/20](#), seventh paragraph.

Table 57
UNOWA: overview of mandate by category

<i>Category and mandated task</i>	<i>S/2001/1128 and S/2001/1129</i>	<i>S/2005/16 and S/2005/17</i>	<i>S/2007/753 and S/2007/754</i>	<i>S/PRST/2009/6</i>	<i>S/PRST/2009/20</i>
General					
Cross-cutting: women and peace and security			X ^a		
Coordination					
Coordination of international engagement	X ^a	X ^c			
Coordination with other United Nations entities in the region	X ^a	X ^c	X ^a		
Electoral assistance and certification					
Electoral assistance			X ^a		
Humanitarian issues					
Humanitarian support/coordination			X ^a		
Institutions and governance					
Border issues			X ^a		
Military, police and security sector reform					
Security sector reform: general (including both police and military)			X ^a		
Political processes					
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	X ^a	X ^c	X ^a		
Cooperation with/support to regional and subregional organizations	X ^a	X ^c	X ^a		
Rule of law					
Anti-corruption/good governance			X ^a		
Organized crime/human and drug trafficking			X ^a	X ^b	X ^c
Transitional justice			X ^a		
Other					
Public information			X ^a		
Facilitation of implementation of ruling of International Court of Justice		X ^a	X ^a		

^a Newly mandated task.

^b Additional element.

^c Reiteration of mandate.

Table 58

UNOWA: changes to mandate, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
S/PRST/2009/6		
Rule of law		
Organized crime/ human and drug trafficking	The Council remains seriously concerned by the growth in illegal drug trafficking as well as transnational organized crime in Guinea-Bissau and in the subregion. It commends the joint action of the United Nations Office on Drugs and Crime, the Department of Political Affairs/UNOWA, the Department of Peacekeeping Operations and INTERPOL to help to implement the ECOWAS plan of action against drug trafficking. It calls upon the international community to continue to support the implementation of the Guinea-Bissau anti-narcotics operational plan, as well as of the ECOWAS plan of action (eighth paragraph)	Additional element
S/PRST/2009/20		
Rule of law		
Organized crime/ human and drug trafficking	The Council reaffirms the importance of addressing illicit drug trafficking and criminal activities by an approach of shared responsibility, and encourages the efforts by West African States to combat illicit drug trafficking and organized crime, especially through the ECOWAS regional action plan on illicit drug trafficking and organized crime. The Council welcomes West African States' continued leadership in implementing the regional action plan and the role of UNOWA in support of the implementation of the regional action plan, and takes note of the proposal to strengthen its capacity (sixth paragraph)	Reiteration
	The Council also commends the joint action of the United Nations Office on Drugs and Crime, UNOWA, the Department of Peacekeeping Operations and the Department of Political Affairs and INTERPOL to help to implement the ECOWAS regional plan of action on illicit drug trafficking and organized crime, and underlines the importance of their continuing to strengthen their partnership on these issues. It also commends national and international partners, such as the European Union, for their support to ECOWAS in the fight against drug trafficking in West Africa (seventh paragraph)	Reiteration

**United Nations Integrated Office in
Sierra Leone**

The United Nations Integrated Office in Sierra Leone (UNIOSIL) was established by the Security Council on 31 August 2005 by resolution [1620 \(2005\)](#), to succeed the United Nations Mission in Sierra Leone.

Its mandate included assisting the Government of Sierra Leone in building the capacity of State institutions, the establishment of a national human rights commission, and the strengthening of the security sector. It was succeeded by the United Nations Integrated Peacebuilding Office in Sierra Leone on 4 August 2008.

Mandate at start of review period

The Council, by resolution 1793 (2007), had extended the mandate of UNIOSIL until 30 September 2008. By the same resolution, the Council emphasized the importance of UNIOSIL focusing, in particular, on providing assistance to the local elections scheduled for 21 June 2008 and to national commissions and institutions for the promotion of good governance and human rights, and actively supporting the work of the Peacebuilding Commission and the Peacebuilding Fund. The Council also called on UNIOSIL and all other stakeholders in the country to increase their efforts to promote good governance, including through continued measures to combat corruption, improve accountability, promote the development of the private sector to generate wealth and employment opportunities, strengthen the judiciary and promote human rights.

Developments during 2008 and 2009

On 30 September 2008, the Council decided to let the mandate of UNIOSIL lapse, after which it was replaced by the United Nations Integrated Peacebuilding

Office in Sierra Leone. By a letter dated 28 February 2008, the Council took note of the completion strategy for UNIOSIL proposed by the Secretary-General, which included a 20 per cent reduction in staff by 31 March 2008. The Secretary-General indicated that until the mandate expired in September 2008 the remaining 80 per cent of staff would continue to implement the following key tasks set out in Council resolutions 1620 (2005), 1734 (2006) and 1793 (2007): assisting the Government in the conduct of local government elections; monitoring the security situation in the country and strengthening the capacity of the national security sector; promoting transparency and accountability; monitoring and promoting human rights and the rule of law; promoting a culture of peace, dialogue and participation through United Nations Radio; implementing resolution 1325 (2000); and facilitating the work of the Peacebuilding Commission.

Table 59 provides an overview of the mandate of UNIOSIL. The full text of all paragraphs in Council decisions that relate to the mandate is provided in table 60.

Table 59
UNIOSIL: overview of mandate by category

Category and mandated task	Resolution			S/2008/63 and S/2008/137
	1620 (2005)	1626 (2005)	1793 (2007)	
Coordination				
Coordination with other United Nations entities in the region				
Coordination with other United Nations entities in the country	X ^a			
Electoral assistance and certification				
Electoral assistance	X ^a			X ^a
Human rights; women and peace and security; children and armed conflict				
Human rights: capacity-building	X ^a			
Women and peace and security	X ^a			X ^a
Children and armed conflict	X ^a			
Human rights: monitoring				X ^a
Human rights: promotion and protection				X ^a
Institutions and governance				
Institution-building: strengthening/promotion of autonomy	X ^a			
Military, police and security sector reform				
Police: capacity-building	X ^a			
Security sector reform: general (including both police and military)	X ^a			X ^a
Monitor security situation	X ^a			X ^a

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Category and mandated task	Resolution			S/2008/63 and S/2008/137
	1620 (2005)	1626 (2005)	1793 (2007)	
Political processes				
Regional cooperation	X ^a			
Rule of law				
Anti-corruption/good governance	X ^a			X ^a
Judicial and legal reform				
Promotion of the rule of law: general	X ^a			X ^a
Other				
Public information				X ^a
Peacebuilding Commission support	X ^a			X ^a
Development/reconstruction	X ^a			

^a Newly mandated task.

Table 60

UNIOSIL: changes to mandate, 2008-2009

Category and mandated task	Provisions	Change to mandate
S/2008/63 and S/2008/137		
Electoral assistance and certification		
Electoral assistance	Assisting the Government in the conduct of local government elections. UNIOSIL will provide policy advice and technical and logistical assistance to the National Electoral Commission and the Political Parties Registration Commission. It will also assist the Government in defusing political and ethnic tensions and in promoting dialogue among key political parties, especially in the light of the political and ethnic divisions that were highlighted by the 2007 general elections, which may intensify in the period leading up to the local government elections in 2008. The mission will also assist in coordinating technical, financial and logistical support for the elections (S/2008/63, sixth paragraph, first subparagraph)	Newly mandated task
Human rights; women and peace and security; children and armed conflict		
Human rights: promotion and protection	Monitoring and promoting human rights and the rule of law. UNIOSIL will monitor and report on the human rights situation in the country and assist in building the capacity of the National Human Rights Commission and in reforming the judicial and corrections sectors. The mission will also support the Government in the implementation of the recommendations of the Truth and Reconciliation Commission and in the preparation of reports and their submission to international treaty bodies (S/2008/63, sixth paragraph, fourth subparagraph)	Newly mandated task
Human rights: monitoring	See above	Newly mandated task

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Women and peace and security	Implementing resolution 1325 (2000) . UNIOSIL will support national efforts aimed at building the capacity of the Sierra Leonean Government and civil society organizations to promote the empowerment of women and their participation in the decision-making process and the local council elections. The mission will also work closely with national stakeholders to reduce the incidence of sexual and gender-based violence (S/2008/63 , sixth paragraph, sixth subparagraph)	Newly mandated task
Military, police and security sector reform		
Monitoring security situation	Monitoring the security situation in the country and strengthening the capacity of the national security sector. UNIOSIL will support the Government's efforts to strengthen the capacity of the security sector, including the Sierra Leone Police and the Office of National Security. In its effort to assist in building the capacity of the police to provide effective security during the local government elections, UNIOSIL will advise and mentor the Sierra Leone Police in crowd-control management and polling centre responsibilities. It will also assist the police in specialized areas such as criminal investigations, airport and border security, civilian oversight and improving professional standards. A total of 22 United Nations police advisers are currently performing those functions. Between March and August 2008, five police advisers will depart from the mission without being replaced. The remaining 17 will depart by 30 September (S/2008/63 , sixth paragraph, second subparagraph)	Newly mandated task
Security sector reform: general (including both police and military)	See above	Newly mandated task
Rule of law		
Promotion of the rule of law: general	See under "Human rights; women and peace and security; children and armed conflict" above (S/2008/63 , sixth paragraph, fourth subparagraph)	Newly mandated task
Anti-corruption/good governance	Promoting transparency and accountability. UNIOSIL will promote good governance, including through measures to combat corruption and improve accountability. In this regard, the mission will offer policy guidance to the Government and the Anti-Corruption Commission in the implementation of the Sierra Leone anti-corruption strategy and its Improved Governance and Accountability Pact. UNIOSIL will also coordinate international support for building the capacity of Parliament (S/2008/63 , sixth paragraph, third subparagraph)	Newly mandated task

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Other		
Public information	Promoting a culture of peace, dialogue and participation through United Nations Radio. Through United Nations Radio, UNIOSIL will continue to promote a culture of peace, dialogue and participation and encourage the holding of peaceful, fair and transparent local elections. United Nations Radio will also maintain its role of providing a forum for civic education, debate of national issues and balanced reporting on events nationwide. Plans for the transition of United Nations Radio assets into a national independent public service broadcaster, including a proposal for funding this transition, are being developed by UNIOSIL (S/2008/63 , sixth paragraph, fifth subparagraph)	Newly mandated task
Peacebuilding Commission support	Facilitating the work of the Peacebuilding Commission. In its efforts to assist the Government in consolidating peace in Sierra Leone, UNIOSIL will facilitate engagement between Sierra Leone and the Peacebuilding Commission through the implementation of the Sierra Leone Peacebuilding Cooperation Framework adopted on 12 December 2007. The mission will also facilitate the implementation of projects under the Peacebuilding Fund (S/2008/63 , sixth paragraph, seventh subparagraph)	Newly mandated task

United Nations Integrated Peacebuilding Office in Sierra Leone

The United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) was established by the Security Council by resolution [1829 \(2008\)](#) on 4 August 2008, to succeed the United Nations Integrated Office in Sierra Leone. UNIPSIL began functioning on 1 October 2008 following the termination of UNIOSIL.

The initial mandate of UNIPSIL, as set out in resolution [1829 \(2008\)](#), included the following broad tasks: (a) to provide political support to national and local efforts for identifying and resolving tensions and threats of potential conflict; (b) to monitor and promote human rights, democratic institutions and the rule of law, including efforts to counter transnational organized crime and drug trafficking; (c) to consolidate good governance reforms, with a special focus on anti-corruption instruments such as the Anti-Corruption Commission; (d) to support decentralization; (e) to closely coordinate with and support the work of the Peacebuilding Commission, as well as the implementation of the Peacebuilding Cooperation Framework and projects supported through the

Peacebuilding Fund; (f) to coordinate strategy and programmes among the United Nations agencies, funds and programmes in Sierra Leone; (g) to cooperate with ECOWAS, the Mano River Union, international partners and other United Nations missions in the region; and (h) to take into account a gender perspective in implementing all aspects of the mandate of UNIPSIL.

Developments during 2008 and 2009

During the period under review, the Council extended the mandate of UNIPSIL by resolution [1886 \(2009\)](#) for a period of one year, until 30 September 2010. By that resolution, the Council also emphasized the importance for UNIPSIL of achieving jointly with the United Nations country team the objectives of the joint vision for Sierra Leone within their respective mandates, and also called upon the Secretary-General to develop a set of benchmarks for the transition of UNIPSIL into a United Nations country team presence.

Tables 61 and 62 provide an overview of the mandate of UNIPSIL. The full text of all paragraphs in Council decisions that relate to the mandate is provided in table 63.

Table 61
UNIPSIL: extensions of mandate

	Resolution	
	1829 (2008)	1886 (2009)
Date of adoption	4 August 2008	15 September 2009
Establishment and extension	Establishment	One year

Table 62
UNIPSIL: overview of mandate by category

Category and mandated task	Resolution	
	1829 (2008)	1886 (2009)
General		
Benchmarks		X ^a
Cross-cutting: women and peace and security	X ^a	X ^c
Coordination		
Coordination with United Nations agencies in the country		X ^a
Coordination with United Nations agencies in the region	X ^a	
Electoral assistance and certification		
Electoral assistance		X ^a
Human rights; women and peace and security; children and armed conflict		
Human rights: promotion and protection	X ^a	X ^b
Human rights: monitoring	X ^a	
Military, police and security sector reform		
Police: capacity-building		X ^a
Institutions and governance		
Decentralization	X ^a	
Institution-building: strengthening/promotion of autonomy	X ^a	
Political processes		
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	X ^a	
Rule of law		
Promotion of the rule of law: general	X ^a	
Organized crime/human and drug trafficking	X ^a	X ^c
Anti-corruption/good governance	X ^a	X ^c
Transitional justice		X ^a
Constitutional support		X ^a
Other		
Peacebuilding Commission support	X ^a	X ^c
Development/reconstruction		X ^a

^a Newly mandated task.

^b Additional element.

^c Reiteration of mandate.

Table 63
UNIPSIL: changes to mandate, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Resolution 1829 (2008)		
General		
Cross-cutting: women and peace and security	Emphasizes the important role of women in the prevention and resolution of conflicts and in peacebuilding, as recognized in resolutions 1325 (2000) and 1820 (2008), underlines that a gender perspective should be taken into account in implementing all aspects of the mandate of UNIPSIL, and encourages UNIPSIL to work with the Government of Sierra Leone in this regard (para. 8)	Newly mandated task
Coordination		
Coordination with United Nations agencies in the region	Stresses the need for close cooperation between UNIPSIL, the Economic Community of West African States, the Mano River Union, international partners and other United Nations missions in the region (para. 5)	Newly mandated task
Human rights; women and peace and security; children and armed conflict		
Human rights: promotion and protection	Monitoring and promoting human rights, democratic institutions and the rule of law, including efforts to counter transnational organized crime and drug trafficking (para. 3 (b))	Newly mandated task
Human rights: monitoring	See para. 3 (b) of the resolution, above	Newly mandated task
Institutions and governance		
Decentralization	Supporting decentralization, reviewing the 1991 Constitution and the enactment of relevant legislation (para. 3 (d))	Newly mandated task
Institution-building: strengthening/promotion of autonomy	See para. 3 (b) of the resolution, under “Human rights; women and peace and security; children and armed conflict” above	Newly mandated task
Political processes		
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	Providing political support to national and local efforts for identifying and resolving tensions and threats of potential conflict, whatever the source (para. 3 (a))	Newly mandated task

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Rule of law		
Promotion of the rule of law: general	See para. 3 (b) of the resolution, under “Human rights; women and peace and security; children and armed conflict” above	Newly mandated task
Rule of law: organized crime/ human and drug trafficking	See para. 3 (b) of the resolution, under “Human rights; women and peace and security; children and armed conflict” above	Newly mandated task
Anti-corruption/ good governance	Consolidating good governance reforms, with a special focus on anti-corruption instruments such as the Anti-Corruption Commission (para. 3 (c))	Newly mandated task
Other		
Peacebuilding Commission support	Closely coordinating with and supporting the work of the Peacebuilding Commission, as well as the implementation of the Peacebuilding Cooperation Framework and projects supported through the Peacebuilding Fund (para. 3 (e))	Newly mandated task
Resolution 1886 (2009)		
General		
Benchmarks	Calls upon the Secretary-General to develop a set of benchmarks for the transition of UNIPSIL into a United Nations country team presence, taking into account those already agreed upon by the Government of Sierra Leone and the United Nations in the joint vision for Sierra Leone, and the particular challenges involved in preparing for the 2012 elections, to keep them under active review, and regularly report on progress to the Security Council (para. 4)	Newly mandated task
Cross-cutting: women and peace and security	Emphasizes the important role of women in the prevention and resolution of conflicts and in peacebuilding, as recognized in resolutions 1325 (2000) and 1820 (2008) , underlines that a gender perspective should be taken into account in implementing all aspects of the mandate of UNIPSIL, and encourages UNIPSIL to work with the Government of Sierra Leone in this regard (para. 7)	Reiteration
Coordination		
Coordination with United Nations agencies in the country	Emphasizes the importance for UNIPSIL of achieving, jointly with the United Nations country team, the objectives of the joint vision within their respective mandates and, in particular, focusing on providing support to the Government of Sierra Leone in its efforts regarding constitutional reform, building police capacity, tackling corruption, illicit drug trafficking and organized crime, as well as addressing youth unemployment, supporting the preparations for the 2012 elections, and assisting the work of the Peacebuilding Commission and the Peacebuilding Fund (para. 2)	Newly mandated task

Electoral assistance and certification

Electoral assistance See para. 2 of the resolution, under “Coordination” above Newly mandated task

Human rights; women and peace and security; children and armed conflict

Human rights: promotion and protection Calls upon the Government of Sierra Leone, UNIPSIL and all other stakeholders in the country to increase their efforts to promote good governance, including through continued measures to combat corruption, improve accountability, promote the development of the private sector to generate wealth and employment opportunities, intensify efforts against drug trafficking, strengthen the judiciary and promote human rights, including by implementing the recommendations of the Truth and Reconciliation Commission and sustaining support to the National Human Rights Commission (para. 6) Additional element

Military, police and security sector reform

Police: capacity-building See para. 2 of the resolution, under “Coordination” above Newly mandated task

Rule of law

Organized crime/human and drug trafficking See para. 2 of the resolution, under “Coordination” above, and para. 6 of the resolution, under “Human rights; women and peace and security; children and armed conflict” above Reiteration

Anti-corruption/good governance See para. 2 of the resolution, under “Coordination” above, and para. 6 of the resolution, under “Human rights; women and peace and security; children and armed conflict” above Reiteration

Constitutional support See para. 2 of the resolution, under “Coordination” above Newly mandated task

Other

Peacebuilding Commission support See para. 2 of the resolution, under “Coordination” above Reiteration

Development/reconstruction See para. 2 of the resolution, under “Coordination” above, and para. 6 of the resolution, under “Human rights; women and peace and security; children and armed conflict” above Newly mandated task

United Nations Integrated Office in Burundi

The United Nations Integrated Office in Burundi (BINUB) was established by the Security Council on 25 October 2006 by resolution [1719 \(2006\)](#), to succeed

the United Nations Operation in Burundi, to support the Government of Burundi in its effort towards long-term peace and stability throughout the peace consolidation phase, including by ensuring coherence and coordination of the work of United Nations agencies in Burundi.

Mandate at start of review period

By resolution 1791 (2007) of 19 December 2007, the Council extended the mandate of BINUB until 31 December 2008. The mandate for BINUB at the start of 2008, as set out in resolutions 1719 (2006) and 1791 (2007), included tasks in the areas of peace consolidation and democratic governance, disarmament, demobilization and reintegration and reform of the security sector, promotion and protection of human rights, and donor and United Nations agency coordination.

Developments during 2008 and 2009

During the period under review, the Council extended the mandate of BINUB twice for periods of one year, the last of which was until 31 December 2010. The Council, by resolution 1858 (2008), urged BINUB

to strengthen current provisions for cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). Subsequently, the Council expanded the mandate of BINUB by resolution 1902 (2009), decided that it should, working in close cooperation with the Government of Burundi, pay particular attention to supporting the electoral process, democratic governance, the consolidation of peace, sustainable reintegration and gender issues, and requested it to be prepared to provide, within its existing resources and if required, logistical support to the Independent National Electoral Commission at crucial phases of the electoral process.

Tables 64 and 65 provide an overview of the mandate of BINUB. The full text of all paragraphs in Council decisions that relate to the mandate is provided in table 66.

Table 64

BINUB: extensions of mandate

	Resolution			
	1719 (2006)	1791 (2007)	1858 (2008)	1902 (2009)
Date of adoption	25 October 2006	19 December 2007	22 December 2008	17 December 2009
Establishment and extension	Establishment	One year	One year	One year

Table 65

BINUB: overview of mandate by category

Category and mandated task	Resolution			
	1719 (2006)	1791 (2007)	1858 (2008)	1902 (2009)
General				
Benchmarks	X ^a			X ^b
Cross-cutting: women and peace and security	X ^a			X ^b
Coordination				
Coordination of donors	X ^a			
Coordination with other United Nations entities in the region	X ^a		X ^b	X ^c
Coordination with United Nations agencies in the country	X ^a		X ^b	
Demilitarization and arms control				
Disarmament, demobilization and reintegration	X ^a		X ^b	
Small arms and light weapons	X ^a			
Electoral assistance and certification				
Electoral assistance				X ^a

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Category and mandated task	Resolution			
	1719 (2006)	1791 (2007)	1858 (2008)	1902 (2009)
Human rights; women and peace and security; children and armed conflict				
Human rights: capacity-building	X ^a			
Human rights: promotion and protection	X ^a			
Institutions and governance				
Institution-building: strengthening/promotion of autonomy	X ^a			
Military, police and security sector reform				
Policing: capacity-building	X ^a			X ^b
Security sector reform	X ^a			X ^b
Political processes				
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices		X ^a	X ^b	X ^c
Cooperation with/support to regional and subregional organizations		X ^a	X ^c	X ^c
Rule of law				
Promotion of the rule of law: general	X ^a			
Transitional justice	X ^a			
Judicial and legal reform	X ^a			
Anti-corruption/good governance	X ^a			X ^b
Other				
Media capacity-building/independence	X ^a			
Resource mobilization	X ^a			

^a Newly mandated task.

^b Additional element.

^c Reiteration of mandate.

Table 66

BINUB: changes to mandate, 2008-2009

Category and mandated task	Provisions	Change to mandate
Resolution 1858 (2008)		
Coordination		
Coordination with other United Nations entities in the region	Urges BINUB to strengthen current provisions for cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), within the limits of their respective capacities and current mandate (para. 16)	Additional element
Coordination with United Nations agencies in the country	Encourages the Executive Representative to pursue his action to enhance the integration and effectiveness of United Nations efforts on the ground in support of the implementation of the Strategic Framework for Peacebuilding in Burundi and of the recovery and development priorities of the Government and people of Burundi (para. 17)	Additional element

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
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Demilitarization and arms control

Disarmament, demobilization and reintegration	Underscores the importance of the disarmament, demobilization and reintegration process, and urges all international partners, in particular BINUB, the United Nations Development Programme and the World Bank, to ensure that there are no gaps in resources and capacities during the interim period between the Multi-country Demobilization and Reintegration Programme and the establishment of the Burundi-specific trust fund mechanism (para. 10)	Additional element
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Political processes

Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	Reiterates its request for the Secretary-General, including through BINUB, to play a robust political role in support of all facets of the peace process, in full coordination with subregional, regional and international partners (para. 5)	Reiteration
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	Requests the Executive Representative of the Secretary-General for Burundi to facilitate and promote dialogue among national and international stakeholders, in particular in the context of the upcoming elections, while continuing to support their efforts to sustain peace and stability (para. 7)	Additional element
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Cooperation with/support to regional and subregional organizations	See para. 5 of the resolution, above	Reiteration
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Resolution 1902 (2009)

General

Benchmarks	Requests the Secretary-General to provide to the Council a briefing on the electoral process in May 2010 and a full report on the implementation of the mandate of BINUB in November 2010, and requests the Secretary-General to incorporate in that report a detailed review of the extent to which the benchmarks set in the addendum of 14 August 2006 ^a to his report of 21 June 2006 ^b have been met, and, following consultations with the Government of Burundi, to provide recommendations on what changes need to be made to the direction and composition of the United Nations presence in Burundi, including recommendations on a revised time frame for the transition to a more development-focused presence (para. 22)	Additional element
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Cross-cutting: women and peace and security	Decides that BINUB, working in close cooperation with the Government of Burundi, shall pay particular attention to supporting the electoral process, democratic governance, the consolidation of peace, sustainable reintegration and gender issues (para. 5)	Additional element
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Repertoire of the Practice of the Security Council, 2008-2009

Category and mandated task *Provisions* *Change to mandate*

Coordination

Coordination with other United Nations entities in the region	Urges BINUB to strengthen current provisions for cooperation with MONUC, within the limits of their respective capacities and current mandates (para. 21)	Reiteration
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Electoral assistance and certification

Electoral assistance	See para. 5 of the resolution, under “General” above	Additional element
	Welcomes the United Nations readiness to assist in the electoral process, and requests BINUB to be prepared to provide, within its existing resources and if required, logistical support to the Independent National Electoral Commission at crucial phases of the electoral process (para. 9)	Newly mandated task

Military, police and security sector reform

Policing: capacity-building	Underscores the importance of security sector reform, and urges all international partners, together with BINUB, to support the efforts of the Government of Burundi to professionalize and enhance the capacity of the national security services and the police, in particular in the fields of training in human rights and sexual and gender-based violence (para. 14)	Additional element
Security sector reform: general (including both police and military)	See para. 14 of the resolution, above	Additional element

Political processes

Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	Reiterates its request for the Secretary-General, in particular through BINUB, to play a robust political role in support of all facets of the peace process, in full coordination with subregional, regional and international partners (para. 4)	Reiteration
Cooperation with/support to regional and subregional organizations	See para. 4 of the resolution, above	Reiteration

Rule of law

Anti-corruption/good governance	See para. 5 of the resolution, under “General” above	Additional element
	See para. 13 of the resolution, under “Institutions and governance” above	Additional element

^a S/2006/429/Add.1.

^b S/2006/429.

Asia and the Middle East

United Nations Assistance Mission in Afghanistan

The United Nations Assistance Mission in Afghanistan (UNAMA) was established by the Security Council on 28 March 2002 by resolution [1401 \(2002\)](#). Its mandate was to fulfil the tasks and responsibilities entrusted to the United Nations under the Bonn Agreement of 5 December 2001, including those related to human rights, the rule of law and gender issues, to promote national reconciliation and rapprochement throughout the country, and to manage all United Nations humanitarian relief, recovery and reconstruction activities in Afghanistan.

Mandate at start of review period

By resolution [1746 \(2007\)](#) of 23 March 2007, the Council extended the mandate of UNAMA until 23 March 2008. The mandate for UNAMA at the start of 2008, as set out in resolutions [1662 \(2006\)](#) and [1746 \(2007\)](#), included tasks in the areas of coordination, disarmament, demobilization and reintegration, human rights, electoral assistance, humanitarian support, institution-building, peace agreement monitoring and political facilitation.

Developments during 2008 and 2009

During the period under review, the Council extended the mandate of UNAMA twice for periods of

one year, the last of which was until 23 March 2010. By resolution [1806 \(2008\)](#) of 20 March 2008, the Council added additional mandates in the areas of coordination of donors, refugees, regional cooperation and the rule of law, including the fight against corruption and drug trafficking. In addition, it requested UNAMA to strengthen cooperation with the International Security Assistance Force (ISAF) in order to improve civil-military coordination. The Council added additional elements to the mandate in the area of electoral assistance, where the Mission was asked to support the electoral process, in particular through the Afghan Independent Electoral Commission, by providing technical assistance and coordinating other international donors. The Council also asked UNAMA, through a strengthened and expanded presence throughout the country, to provide political outreach, promote at the local level the implementation of the Afghanistan Compact, the Afghan National Development Strategy and the National Drugs Control Strategy, and facilitate understanding of the Government's policies. By resolution [1868 \(2009\)](#) of 23 March 2009, the Council generally reiterated the mandate previously given to UNAMA.

Tables 67 and 68 provide an overview of the mandate of UNAMA. The full text of all paragraphs in Council decisions that relate to the mandate is provided in table 69.

Table 67

UNAMA: extensions of mandate

	<i>Resolution</i>						
	1401 (2002)	1471 (2003)	1589 (2005)	1662 (2006)	1746 (2007)	1806 (2008)	1868 (2009)
Date of adoption	28 March 2002	28 March 2003	24 March 2005	23 March 2006	23 March 2007	20 March 2008	23 March 2009
Establishment and extension	Establishment	One year	One year	One year	One year	One year	One year

Table 68
 UNAMA: overview of mandate by category

Category and mandated task	Resolution						
	1401 (2002)	1471 (2003)	1589 (2005)	1662 (2006)	1746 (2007)	1806 (2008)	1868 (2009)
General							
Benchmarks							X ^a
Cross-cutting: women and peace and security	X ^a						
Coordination							
Coordination with United Nations agencies in the country						X ^a	X ^c
Coordination of donors						X ^a	X ^c
Coordination of international engagement				X ^a		X ^b	X ^c
Demilitarization and arms control							
Disarmament, demobilization and reintegration				X ^a			
Electoral assistance and certification							
Electoral assistance		X ^a	X ^b	X ^a		X ^b	X ^b
Humanitarian issues							
Humanitarian support/coordination	X ^a			X ^a		X ^b	X ^c
Refugees/internally displaced persons: facilitation of return						X ^a	X ^c
Human rights; women and peace and security; children and armed conflict							
Human rights: capacity-building	X ^a			X ^a		X ^c	
Human rights: legal and constitutional support		X ^a	X ^b	X ^a	X ^c	X ^c	X ^c
Human rights: monitoring				X ^a		X ^c	X ^c
Human rights: promotion and protection	X ^a	X ^b		X ^a		X ^c	X ^c
Children and armed conflict						X ^a	X ^c
Women and peace and security				X ^a	X ^c	X ^c	X ^c
Institutions and governance							
Institution-building	X ^a			X ^a			
Military, police and security sector reform							
Civilian-military coordination						X ^a	X ^c
Political processes							
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	X ^a			X ^a		X ^b	X ^c
Peace agreement monitoring/implementation	X ^a			X ^a			
National reconciliation	X ^a					X ^b	X ^c
Regional cooperation						X ^a	X ^c
Rule of law							
Promotion of the rule of law: general	X ^a		X ^b			X ^b	X ^c
Organized crime/human and drug trafficking						X ^a	X ^c
Anti-corruption/good governance						X ^a	X ^c

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

Category and mandated task	Resolution						
	1401 (2002)	1471 (2003)	1589 (2005)	1662 (2006)	1746 (2007)	1806 (2008)	1868 (2009)
Judicial and legal reform			X ^a				
Prisons			X ^a				
Other							
Sanctions enforcement/monitoring					X ^a	X ^b	X ^c
Development/reconstruction	X ^a			X ^a		X ^b	X ^c
Resource mobilization						X ^a	X ^c

- ^a Newly mandated task.
^b Additional element.
^c Reiteration of mandate.

Table 69
UNAMA: changes to mandate, 2008-2009

Category and mandated task	Provisions	Change to mandate
Resolution 1806 (2008)		
Coordination		
Coordination with United Nations agencies in the country	To promote, as co-chair of the Joint Coordination and Monitoring Board, more coherent support by the international community to the Government of Afghanistan and the adherence to the principles of aid effectiveness enumerated in the Afghanistan Compact, including through mobilization of resources, coordination of the assistance provided by international donors and organizations and direction of the contributions of United Nations agencies, funds and programmes, in particular for counter-narcotics, reconstruction and development activities (para. 4 (a))	Newly mandated task
Coordination of donors	See para. 4 (a) of the resolution, above	Newly mandated task
Coordination of international engagement	See para. 4 (a) of the resolution, above	Additional element
Electoral assistance and certification		
Electoral assistance	To support, at the request of the Afghan authorities, the electoral process, in particular through the Afghan Independent Electoral Commission, by providing technical assistance, coordinating other international donors, agencies and organizations providing assistance and channelling existing and additional funds earmarked to support the process (para. 4 (h))	Additional element

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Humanitarian issues		
Humanitarian support/coordination	To play a central coordinating role to facilitate the delivery of humanitarian assistance in accordance with humanitarian principles and with a view to building the capacity of the Government of Afghanistan, including by providing effective support to national and local authorities in assisting and protecting internally displaced persons and to creating conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons (para. 4 (f))	Additional element
Refugees/internally displaced persons: facilitation of return	See para. 4 (f) of the resolution, above	Newly mandated task
Human rights; women and peace and security; children and armed conflict		
Human rights: promotion and protection	To continue, with the support of the Office of the United Nations High Commissioner for Human Rights, to cooperate with the Afghan Independent Human Rights Commission, to cooperate also with relevant international and local non-governmental organizations, to monitor the situation of civilians, to coordinate efforts to ensure their protection and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a State party, in particular those regarding the full enjoyment by women of their human rights (para. 4 (g))	Reiteration
Human rights: capacity-building	See para. 4 (g) of the resolution, above	Reiteration
Human rights: legal and constitutional support	See para. 4 (g) of the resolution, above	Reiteration
Human rights: monitoring	See para. 4 (g) of the resolution, above	Reiteration
Children and armed conflict	Expresses its strong concern about the recruitment and use of children by Taliban forces in Afghanistan as well as the killing and maiming of children as a result of the conflict, reiterates its strong condemnation of the recruitment and use of child soldiers in violation of applicable international law and all other violations and abuses committed against children in situations of armed conflict and stresses the importance of implementing Council resolution 1612 (2005) , and in this context requests the Secretary-General to strengthen the child protection component of the Mission, in particular through the appointment of child protection advisers (para. 14)	Newly mandated task
Women and peace and security	See para. 4 (g) of the resolution, above	Reiteration

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Military, police and security sector reform		
Civilian-military coordination	To strengthen the cooperation with the International Security Assistance Force at all levels and throughout the country, in accordance with their existing mandates, in order to improve civil-military coordination, to facilitate the timely exchange of information and to ensure coherence between the activities of national and international security forces and of civilian actors in support of an Afghan-led development and stabilization process, including through engagement with provincial reconstruction teams and engagement with non-governmental organizations (para. 4 (b))	Newly mandated task
Political processes		
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	Through a strengthened and expanded presence throughout the country, to provide political outreach, promote at the local level the implementation of the Afghanistan Compact, the Afghanistan National Development Strategy and the National Drug Control Strategy, and facilitate inclusion in and understanding of the policies of the Government of Afghanistan (para. 4 (c))	Additional element
National reconciliation	To provide good offices to support, if requested by the Government of Afghanistan, the implementation of Afghan-led reconciliation programmes, within the framework of the Afghan Constitution and with full respect of the implementation of measures introduced by the Security Council in its resolution 1267 (1999) and other relevant resolutions of the Council (para. 4 (d))	Additional element
Regional cooperation	To support regional cooperation to work towards a stable and prosperous Afghanistan (para. 4 (i))	Newly mandated task
Rule of law		
Promotion of the rule of law: general	To support efforts, including through the Independent Directorate for Local Governance, to improve governance and the rule of law and to combat corruption, in particular at the subnational level, and to promote development initiatives at the local level with a view to helping to bring the benefits of peace and deliver services in a timely and sustainable manner (para. 4 (e))	Additional element
Organized crime/human and drug trafficking	See para. 4 (c) of the resolution, under “Political processes” above	Newly mandated task
Anti-corruption/good governance	See para. 4 (e) of the resolution, above	Newly mandated task

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Category and mandated task *Provisions*

Change to mandate

Other

Sanctions enforcement/ monitoring	Welcomes the cooperation of the Government of Afghanistan and the Mission with the Security Council Committee established pursuant to resolution 1267 (1999) in the implementation of resolution 1735 (2006), including by identifying individuals and entities participating in the financing or support of acts or activities of Al-Qaida and the Taliban using proceeds derived from illicit cultivation and production of and trafficking in narcotic drugs and their precursors, and encourages the continuation of such cooperation (para. 30)	Additional element
Development/ reconstruction	See para. 4 (c) of the resolution, under “Political processes” above	Additional element
Resource mobilization	See para. 4 (a) of the resolution, under “Coordination” above	Newly mandated task

Resolution 1868 (2009)

General

Benchmarks	Requests the Secretary-General to report to the Council every three months on developments in Afghanistan, and to develop, for inclusion in his next report, benchmarks for measuring and tracking progress in the implementation of the mandate of the Mission and priorities as set out in paragraph 4 [of the resolution], and calls upon all actors concerned to cooperate with the Mission in this process (para. 36)	Newly mandated task
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Coordination

Coordination with United Nations agencies in the country	To promote, as co-chair of the Joint Coordination and Monitoring Board, more coherent support by the international community to the Government of Afghanistan and the adherence to the principles of aid effectiveness enumerated in the Afghanistan Compact, including through mobilization of resources, coordination of the assistance provided by international donors and organizations and direction of the contributions of United Nations agencies, funds and programmes, in particular for counter-narcotics, reconstruction and development activities (para. 4 (a))	Reiteration
Coordination of donors	See para. 4 (a) of the resolution, above	Reiteration
Coordination of international engagement	See para. 4 (a) of the resolution, above	Reiteration

Category and mandated task Provisions

Change to mandate

Electoral assistance and certification

Electoral assistance	To support, at the request of the Afghan authorities, preparations for the crucial upcoming presidential elections, in particular through the Afghan Independent Electoral Commission, by providing technical assistance, coordinating other international donors, agencies and organizations providing assistance and channelling existing and additional funds earmarked to support the process (para. 4 (h))	Additional element
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Humanitarian issues

Humanitarian support/coordination	To play a central coordinating role to facilitate the delivery of humanitarian assistance in accordance with humanitarian principles and with a view to building the capacity of the Government of Afghanistan, including by providing effective support to national and local authorities in assisting and protecting internally displaced persons and to creating conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons (para. 4 (f))	Reiteration
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Refugees/internally displaced persons: facilitation of return	See para. 4 (f) of the resolution, above	Reiteration
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Human rights; women and peace and security; children and armed conflict

Human rights: promotion and protection	To continue, with the support of the Office of the United Nations High Commissioner for Human Rights, to cooperate with the Afghan Independent Human Rights Commission, to cooperate also with relevant international and local non-governmental organizations, to monitor the situation of civilians, to coordinate efforts to ensure their protection and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a State party, in particular those regarding the full enjoyment by women of their human rights (para. 4 (g))	Reiteration
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Human rights: legal and constitutional support	See para. 4 (g) of the resolution, above	Reiteration
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Human rights: monitoring	See para. 4 (g) of the resolution, above	Reiteration
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Repertoire of the Practice of the Security Council, 2008-2009

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Children and armed conflict	Expresses its strong concern about the recruitment and use of children by Taliban forces in Afghanistan as well as the killing and maiming of children as a result of the conflict, reiterates its strong condemnation of the recruitment and use of child soldiers in violation of applicable international law and all other violations and abuses committed against children in situations of armed conflict, in particular attacks against schools, calls for those responsible to be brought to justice, stresses the importance of implementing Council resolution 1612 (2005) in this context, and requests the Secretary-General to strengthen the child protection component of the Mission, in particular through the appointment of child protection advisers (para. 16)	Reiteration
Women and peace and security	See para. 4 (g) of the resolution, above	Reiteration
Military, police and security sector reform		
Civilian-military coordination	To strengthen cooperation with the International Security Assistance Force at all levels and throughout the country, in accordance with their existing mandates, in order to improve civil-military coordination, to facilitate the timely exchange of information and to ensure coherence between the activities of national and international security forces and of civilian actors in support of an Afghan-led development and stabilization process, including through engagement with provincial reconstruction teams and engagement with non-governmental organizations (para. 4 (b))	Newly mandated task
Political processes		
Facilitation of political process/ dialogue/preventive diplomacy/ mediation/good offices	To provide good offices to support, if requested by the Government of Afghanistan, the implementation of Afghan-led reconciliation programmes, within the framework of the Afghan Constitution and with full respect for the implementation of measures introduced by the Security Council in its resolution 1267 (1999) and other relevant resolutions of the Council (para. 4 (d))	Reiteration
National reconciliation	See para. 4 (d) of the resolution, above	Reiteration
Regional cooperation	To support regional cooperation to work towards a stable and prosperous Afghanistan (para. 4 (i))	Reiteration
Rule of law		
Promotion of the rule of law: general	To support and strengthen efforts to improve governance and the rule of law and to combat corruption at the local and national levels, and to promote development initiatives at the local level with a view to helping to bring the benefits of peace and deliver services in a timely and sustainable manner (para. 4 (e))	Reiteration

<i>Category and mandated task</i>	<i>Provisions</i>	<i>Change to mandate</i>
Organized crime/ human and drug trafficking	Through a strengthened and expanded presence throughout the country, to provide political outreach, promote at the local level the implementation of the Compact, the Afghanistan National Development Strategy and the National Drug Control Strategy, and facilitate inclusion in and understanding of the policies of the Government of Afghanistan (para. 4 (c))	Reiteration
Anti-corruption/ good governance	See para. 4 (e) of the resolution, above	Reiteration
Other		
Sanctions enforcement/ monitoring	Also welcomes the cooperation of the Government of Afghanistan and the Mission with the Security Council Committee established pursuant to resolution 1267 (1999) in the implementation of resolution 1822 (2008), including by identifying individuals and entities participating in the financing or support of acts or activities of Al-Qaida and the Taliban using proceeds derived from illicit cultivation and production of and trafficking in narcotic drugs and their precursors, and encourages the continuation of such cooperation (para. 31)	Reiteration
Development/ reconstruction	See para. 4 (e) of the resolution under “Rule of law” above	Reiteration
Resource mobilization	See para. 4 (a) of the resolution under “Coordination” above	Reiteration

United Nations Assistance Mission for Iraq

The United Nations Assistance Mission for Iraq (UNAMI) was established by the Security Council on 14 August 2003 by resolution 1500 (2003), to coordinate among United Nations and international agencies engaged in humanitarian assistance and reconstruction activities in Iraq and to advance efforts to restore and establish national and local institutions.

Mandate at start of review period

The Council extended the mandate of UNAMI by resolution 1770 (2007) for a period of 12 months, until 10 August 2008. By the same resolution the Council gave UNAMI a new mandate that included requests for the Mission to assist the Government of Iraq, including in the areas of national reconciliation; elections; the review and the implementation of constitutional provisions; the development of processes to resolve

disputed internal boundaries; facilitating regional dialogue, including on issues of border security, energy and refugees; disarmament, demobilization and reintegration; conduct of census; the coordination and delivery of humanitarian assistance and return of refugees; implementation of the International Compact with Iraq; the coordination and implementation of programmes to improve Iraq’s capacity to provide essential services for its people; economic reform, capacity-building and the conditions for sustainable development; the development of effective civil, social and essential services; and promoting the protection of human rights and judicial and legal reform in order to strengthen the rule of law.

Developments during 2008 and 2009

During the period under review, the Council extended the mandate of UNAMI twice for periods of one year, the last of which was until 7 August 2010. The Council decided that the Special Representative of

the Secretary-General and Head of UNAMI, at the request of the Government of Iraq, should continue to pursue that expanded mandate as set out in resolutions 1770 (2007) and 1830 (2008). By an exchange of letters between the Secretary-General and the President of the Security Council, the Council also authorized the continued provision by United States forces in Iraq of

security support for the United Nations presence in Iraq following the termination of the mandate of the multinational force in Iraq. There were no changes to the mandate of UNAMI.

Tables 70 and 71 provide an overview of the mandate of UNAMI during the period 2008-2009.

Table 70

UNAMI: extensions of mandate

	<i>Resolution</i>		
	<i>1770 (2007)</i>	<i>1830 (2008)</i>	<i>1883 (2009)</i>
Date of adoption	10 August 2007	7 August 2008	7 August 2009
Extension	One year	One year	One year

Table 71

UNAMI: overview of mandate by category

<i>Category and mandated task</i>	<i>Resolution</i>		
	<i>1770 (2007)</i>	<i>1830 (2008)</i>	<i>1883 (2009)</i>
Coordination			
Coordination with United Nations agencies in the country	X ^a		
Coordination of international engagement	X ^a		
Coordination of donors	X ^a		
Demilitarization and arms control			
Disarmament, demobilization and reintegration	X ^a		
Electoral assistance and certification			
Electoral assistance	X ^a		
Humanitarian issues			
Humanitarian support/coordination	X ^a		
Refugees/internally displaced persons: facilitation of return	X ^a		
Human rights; women and peace and security; children and armed conflict			
Human rights: promotion and protection	X ^a		
Institutions and governance			
Institution-building: strengthening/promotion of autonomy	X ^a		
Internal boundaries	X ^a		
Political processes			
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	X ^a		
National reconciliation	X ^a		
Regional cooperation	X ^a		
Rule of law			
Judicial and legal reform	X ^a		
Constitutional support	X ^a		

Category and mandated task	Resolution		
	1770 (2007)	1830 (2008)	1883 (2009)
Other			
Conduct of census	X ^a		
Development/reconstruction	X ^a		

^a Newly mandated task.

United Nations Mission in Nepal

The United Nations Mission in Nepal (UNMIN) was established by the Security Council on 23 January 2007 by resolution 1740 (2007) at the request of the Government of Nepal, to assist in the monitoring of the ceasefire arrangements, the preparation and conduct of the election of the Constituent Assembly in a free and fair atmosphere, as well as the management of arms and armed personnel of the Government of Nepal and the Communist Party of Nepal (Maoist).

Mandate at start of review period

The Mission was initially established for a period of one year, until 23 January 2008. UNMIN was mandated (a) to monitor the management of arms and armed personnel of both sides; (b) to assist the parties, through a Joint Monitoring Coordinating Committee, in implementing their agreement on the management of arms and armed personnel of both sides; (c) to assist in the monitoring of the ceasefire arrangements; (d) to provide technical support for the election of a Constituent Assembly; and (e) to provide a small team of electoral monitors to review all technical aspects of the electoral process, and report on the conduct of the election.

Developments during 2008 and 2009

During the period under review, the Council extended the mandate of UNMIN four times for periods of six months without modifying its mandate; the last extension was until 23 January 2010. The Council also endorsed the recommendations of the Secretary-General⁵⁹ for a phased, gradual drawdown and withdrawal of UNMIN staff, including arms monitors,⁶⁰ while repeatedly calling upon the Government of Nepal to continue to take the necessary decisions to create conditions conducive to completion of the activities of UNMIN by the end of the mandate, including through implementation of the agreement of 25 June 2008, in order to facilitate the withdrawal of UNMIN from Nepal.⁶¹ There were no changes to the mandate of UNMIN.

Tables 72 and 73 provide an overview of the mandate of UNMIN during the period 2008-2009. Information relating to the establishment of the Mission is provided for reference; previous Supplements should be consulted for information regarding any changes in the intervening periods not covered here.

⁵⁹ S/2009/1, paras. 62-63.

⁶⁰ Resolution 1864 (2009), para. 4.

⁶¹ Resolutions 1825 (2008), para. 6; 1864 (2009), para. 6; and 1879 (2009), para. 5.

Table 72
UNMIN: extensions of mandate

	Resolution				
	1740 (2007)	1796 (2008)	1825 (2008)	1864 (2009)	1879 (2009)
Date of adoption	23 January 2007	23 January 2008	23 July 2008	23 January 2009	23 July 2009
Establishment and extension	Establishment (initial period for one year beginning 23 January 2007)	Six months	Six months	Six months	Six months

Table 73
UNMIN: overview of mandate by category

Category and mandated task	Resolution				
	1740 (2007)	1796 (2008)	1825 (2008)	1864 (2009)	1879 (2009)
Demilitarization and arms control					
Demilitarization or arms monitoring	X ^a				
Electoral assistance and certification					
Electoral assistance	X ^a				
Military, police and security sector reform					
Ceasefire monitoring	X ^a				
Political processes					
Peace agreement monitoring/implementation	X ^a				

^a Newly mandated task.

Office of the United Nations Special Coordinator for Lebanon

The Office of the United Nations Special Coordinator for Lebanon (UNSCOL) was authorized by the Security Council by means of an exchange of letters between the Secretary-General and the President of the Security Council dated 8 and 13 February 2007.⁶² The position of Special Coordinator replaced that of the Personal Representative of the Secretary-General for Lebanon and his predecessors who had been in Lebanon since 2000.⁶³

Mandate at start of review period

The Office of the Special Coordinator for Lebanon was established with an open-ended mandate.

⁶² S/2007/85 and S/2007/86.

⁶³ S/2000/718.

The Special Coordinator was responsible for coordinating the work of the United Nations in the country and representing the Secretary-General on all political aspects of the United Nations work there. Among other functions, the Office ensured that the activities of the United Nations country team in Lebanon were well coordinated with the Government of Lebanon, donors and international financial institutions in line with the overall objectives of the United Nations in Lebanon.

Developments during 2008 and 2009

There were no changes to the mandate of the Office of the Special Coordinator during the period 2008-2009. Table 74 provides an overview of the mandate of the Office.

Table 74
UNSCOL: overview of mandate by category

Category and mandated task	S/2007/85 and S/2007/86
Coordination	
Coordination with United Nations agencies in the country	X ^a
Coordination of donors	X ^a
Political processes	
Facilitation of political process/dialogue/preventive diplomacy/mediation/good offices	X ^a

^a Newly mandated task.

United Nations Regional Centre for Preventive Diplomacy for Central Asia

The United Nations Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA) was authorized by the Security Council through an exchange of letters between the Secretary-General and the President of the Security Council dated 7 and 15 May 2007, at the initiative of the Governments of five Central Asian countries.⁶⁴ While initiating that proposal, the five Governments took into consideration the multiple threats that faced Central Asia, including international terrorism and extremism, drug trafficking, organized crime and environmental degradation.

Mandate at start of review period

The Regional Centre for Preventive Diplomacy for Central Asia was established with an open-ended mandate. The Centre was mandated (a) to liaise with the Governments of the region and other parties concerned on issues relevant to preventive diplomacy; (b) to monitor and analyse the situation on the ground and to provide the Secretary-General with

up-to-date information related to conflict prevention efforts; (c) to maintain contact with the Organization for Security and Cooperation in Europe, the Commonwealth of Independent States, the Shanghai Cooperation Organization and other regional organizations, and encourage their peacemaking efforts and initiatives; (d) to provide a political framework and leadership for the preventive activities of the United Nations country teams in the region; (e) to support the efforts of the resident coordinators and those of the United Nations system, including the Bretton Woods institutions, in promoting an integrated approach to preventive development and humanitarian assistance; and (f) to maintain close contact with the United Nations Assistance Mission in Afghanistan to ensure a comprehensive and integrated analysis of the situation in the region.

Developments during 2008 and 2009

There were no changes to the mandate of the Regional Centre for Preventive Diplomacy for Central Asia during the period 2008-2009. Table 75 provides an overview of the mandate of the Centre.

⁶⁴ S/2007/279 and S/2007/280.

Table 75
UNRCCA: overview of mandate by category

<i>Category and mandated task</i>	<i>S/2007/85 and S/2007/86</i>
Coordination	
Coordination with United Nations agencies in the country	X ^a
Coordination with other United Nations entities in the region	X ^a
Political processes	
Facilitation of political process	X ^a
Regional cooperation	X ^a
Cooperation with/support to regional and subregional organizations	X ^a

^a Newly mandated task.

Annex

Documents relating to peacekeeping operations and political and peacebuilding missions

<i>Mission</i>	<i>Symbol</i>	<i>Date</i>	<i>Details</i>
United Nations Mission for the Referendum in Western Sahara (MINURSO)	S/2008/251	14 April 2008	Report of the Secretary-General including a recommendation to extend MINURSO for six months
	S/2009/19 , S/2009/20	6 and 8 January 2009	Exchange of letters between the Secretary-General and the President of the Security Council appointing a new Personal Envoy for Western Sahara
	S/2009/200	13 April 2009	Report of the Secretary-General including a recommendation to extend MINURSO for one year
	S/2009/526 , S/2009/527	6 and 8 October 2009	Exchange of letters between the Secretary-General and the President of the Security Council appointing a new Special Representative of the Secretary-General for Western Sahara and Head of MINURSO
United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)	S/2008/591 , S/2008/592	2 and 3 September 2008	Exchange of letters between the Secretary-General and the President of the Security Council regarding the appointment of a Force Commander
	S/2008/703	31 October 2008	Letter from the Secretary-General to the President of the Security Council transmitting an explanatory note by the Department of Peacekeeping Operations regarding the additional requirements for MONUC
	S/2008/728	21 November 2008	Report of the Secretary-General including a recommendation to extend MONUC for one year
	S/2009/52	27 January 2009	Letter from the Secretary-General to the President of the Security Council regarding efforts to get additional commitments of troops and materiel from troop-contributing countries
	S/2009/105	19 February 2009	Letter from the Secretary-General to the President of the Security Council on the updating of the concept of operations and the rules of engagement for MONUC

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Mission</i>	<i>Symbol</i>	<i>Date</i>	<i>Details</i>
	S/2009/623	4 December 2009	Report of the Secretary-General including a recommendation to extend MONUC for six months and proposing priorities for that period
United Nations Mission in Ethiopia and Eritrea (UNMEE)	S/2008/368 , S/2008/427	5 and 30 June 2008	Exchange of letters between the Secretary-General and the President of the Security Council deciding that the UNMEE troops temporarily relocated from Eritrea to their home countries be considered as repatriated
United Nations Mission in Liberia (UNMIL)	S/2008/553	15 August 2008	Report of the Secretary-General including a recommendation to extend the mandate of UNMIL for one year
	S/2008/665 , S/2008/666	16 and 20 October 2008	Exchange of letters between the Secretary-General and the President of the Security Council regarding the appointment of a new Force Commander
	S/2009/411	10 August 2009	Report of the Secretary-General including a recommendation to extend the mandate of UNMIL for one year
	S/2009/546 , S/2009/547	19 and 22 October 2009	Exchange of letters between the Secretary-General and the President of the Security Council regarding the appointment of a new Force Commander
United Nations Operation in Côte d'Ivoire (UNOCI)	S/2008/1	2 January 2008	Report of the Secretary-General including a recommendation for the extension of UNOCI for one year
	S/2009/344	7 July 2009	Report of the Secretary-General including a recommendation for the extension of UNOCI for six months
	S/2009/637 , S/2009/638	8 and 10 December 2009	Exchange of letters between the Secretary-General and the President of the Security Council on appointing a new Force Commander
	S/2009/672 , S/2009/673	18 and 24 December 2009	Exchange of letters between the Secretary-General and the President of the Security Council on extending the appointment of the current Force Commander and delaying the appointment of the new Force Commander

Repertoire of the Practice of the Security Council, 2008-2009

<i>Mission</i>	<i>Symbol</i>	<i>Date</i>	<i>Details</i>
	S/2009/694	29 December 2009	Letter from the Secretary-General transmitting a letter from the President of Côte d'Ivoire, Laurent Gbagbo, and the President of Burkina Faso, Blaise Compaoré, proposing the deployment, for a limited period of three months, of a military unit of up to 500 troops from Burkina Faso to Côte d'Ivoire, as part of UNOCI, in order to reinforce the general security arrangements for the Ivorian presidential elections expected to be held by March 2010
United Nations Mission in the Sudan (UNMIS)	S/2008/339 , S/2008/340	20 and 23 May 2008	Exchange of letters between the Secretary-General and President of the Security Council on appointing a new Force Commander
	S/2009/211	17 April 2009	Report of the Secretary-General including a recommendation for the extension of UNMIS for one year and enhancing the Mission's electoral mandate by explicitly requesting it to support the National Electoral Commission in coordinating international assistance for the elections
African Union-United Nations Hybrid Operation in Darfur (UNAMID)	S/2008/714	17 November 2008	Letter from the representative of the Sudan transmitting the agreed outcomes of the Tripartite Committee meeting, comprising the Government of the Sudan, the African Union and the United Nations
	S/2009/104	19 February 2009	Letter from the representative of the Sudan transmitting the agreed outcomes of the Tripartite Committee meeting, comprising the Government of the Sudan, the African Union and the United Nations
	S/2009/173	1 April 2009	Letter from the representative of the Sudan transmitting the agreed outcomes of the Tripartite Committee meeting, comprising the Government of the Sudan, the African Union and the United Nations

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Mission</i>	<i>Symbol</i>	<i>Date</i>	<i>Details</i>
	S/2009/352	13 July 2009	Report of the Secretary-General including a recommendation for the extension of UNAMID for one year
	S/2009/356	14 July 2009	Letter from the representative of the Sudan transmitting the agreed outcomes of the Tripartite Committee meeting, comprising the Government of the Sudan, the African Union and the United Nations
	S/2009/382 , S/2009/383	22 and 24 July 2009	Exchange of letters between the Secretary-General and President of the Security Council on appointing a new Force Commander
	S/2009/621 , S/2009/622	1 and 3 December 2009	Exchange of letters between the Secretary-General and President of the Security Council on appointing a new Joint Special Representative for UNAMID
United Nations Mission in the Central African Republic and Chad (MINURCAT)	S/2008/52 , S/2008/53	25 and 29 January 2008	Exchange of letters between the Secretary-General and the President of the Security Council appointing a new Special Representative and Head of MINURCAT
	S/2008/679	28 October 2008	Letter from the representative of Chad requesting further consultations with a view to defining together with the Secretariat a suitable arrangement for the effective implementation of the mandate of MINURCAT
	S/2009/121 , S/2009/122	27 February and 3 March 2009	Exchange of letters between the Secretary-General and the President of the Security Council appointing a Force Commander following the transfer of authority from EUFOR in Chad and the Central African Republic on 15 March 2009
United Nations Stabilization Mission in Haiti (MINUSTAH)	S/2008/586	27 August 2008	Report of the Secretary-General including a recommendation to extend MINUSTAH for a year

Repertoire of the Practice of the Security Council, 2008-2009

<i>Mission</i>	<i>Symbol</i>	<i>Date</i>	<i>Details</i>
	S/2009/164 , S/2009/165	26 and 30 March 2009	Exchange of letters between the Secretary-General and the President of the Security Council appointing a new Force Commander
	S/2009/439	1 September 2009	Report of the Secretary-General including a recommendation to extend MINUSTAH for a year and make adjustments to the mandate
	S/2009/509	2 October 2009	Letter from the representative of Argentina transmitting a communiqué from the 2 x 9 Mechanism on Haiti of the Latin American countries contributing military and police personnel to MINUSTAH, inter alia, requesting an extension of MINUSTAH for one year
United Nations Military Observer Group in India and Pakistan (UNMOGIP)	S/2008/663 , S/2008/664	16 and 20 October 2008	Exchange of letters between the Secretary-General and the President of the Security Council regarding the appointment of a new Chief Military Observer
	S/2009/233 , S/2009/234	5 and 7 May 2009	Exchange of letters between the Secretary-General and the President of the Security Council regarding the decision of Denmark to stop contributing observers to the Mission and the decision of the Philippines to be added to the list of contributors to UNMOGIP
United Nations Integrated Mission in Timor-Leste (UNMIT)	S/2008/26	17 January 2008	Report of the Secretary-General including a recommendation to extend UNMIT for a year
	S/2009/72	4 February 2009	Report of the Secretary-General including a recommendation to extend UNMIT for a year
	S/2009/261	20 May 2009	Letter from the Secretary-General to the President of the Security Council noting that a revised concept of operations for the police component of UNMIT was being prepared and was close to being finalized

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Mission</i>	<i>Symbol</i>	<i>Date</i>	<i>Details</i>
	S/2009/612 , S/2009/613	25 November and 1 December 2009	Exchange of letters between the Secretary-General and the President of the Security Council regarding the appointment of a new Special Representative and Head of UNMIT
United Nations Peacekeeping Force in Cyprus (UNFICYP)	S/2008/244 , S/2008/245	9 and 14 April 2008	Exchange of letters between the Secretary-General and the President of the Security Council regarding the appointment of a new Special Representative
	S/2008/246 , S/2008/247	9 and 14 April 2008	Exchange of letters between the Secretary-General and the President of the Security Council regarding the appointment of a new Force Commander
	S/2008/353	2 June 2008	Report of the Secretary-General including a recommendation to extend UNFICYP for six months
	S/2008/744	28 November 2008	Report of the Secretary-General including a recommendation to extend UNFICYP for six months
	S/2009/248	15 May 2009	Report of the Secretary-General including a recommendation to extend UNFICYP for six months
	S/2009/609	25 November 2009	Report of the Secretary-General including a recommendation to extend UNFICYP for six months
United Nations Observer Mission in Georgia (UNOMIG)	S/2008/518 , S/2008/519	30 July and 1 August 2008	Exchange of letters between the Secretary-General and the President of the Security Council appointing a new Special Representative for Georgia and Head of UNOMIG
	S/2008/631	3 October 2008	Report of the Secretary-General including a recommendation for a technical extension of UNOMIG for four months
	S/2009/254	18 May 2009	Report of the Secretary-General including a recommendation for future activities of UNOMIG

Repertoire of the Practice of the Security Council, 2008-2009

<i>Mission</i>	<i>Symbol</i>	<i>Date</i>	<i>Details</i>
United Nations Interim Administration Mission in Kosovo (UNMIK)	S/2008/411 , S/2008/412	20 and 23 June 2008	Exchange of letters between the Secretary-General and the President of the Security Council appointing a new Special Representative and Head of UNMIK
United Nations Truce Supervision Organization (UNTSO)	S/2009/34 , S/2009/35	9 and 14 January 2009	Exchange of letters between the Secretary-General and the President of the Security Council regarding the appointment of the Head of Mission and Chief of Staff of UNTSO
United Nations Disengagement Observer Force (UNDOF)	S/2008/306 , S/2008/307	6 and 8 May 2008	Exchange of letters between the Secretary-General and the President of the Security Council regarding the withdrawal of the Slovak contingent and the decision to add Croatia to the list of countries that had agreed to provide military personnel
	S/2008/390	16 June 2008	Report of the Secretary-General including a recommendation to extend UNDOF for six months
	S/2008/737	26 November 2008	Report of the Secretary-General including a recommendation to extend UNDOF for six months
	S/2009/295	8 June 2009	Report of the Secretary-General including a recommendation to extend UNDOF for six months
	S/2009/597	18 November 2009	Report of the Secretary-General including a recommendation to extend UNDOF for six months
United Nations Interim Force in Lebanon (UNIFIL)	S/2008/568	21 August 2008	Letter from the Secretary-General to the President of the Security Council requesting the Council to extend UNIFIL for one year
	S/2009/407	6 August 2009	Letter from the Secretary-General to the President of the Security Council requesting the Council to extend UNIFIL for one year
	S/2009/628 , S/2009/629	7 and 9 December 2009	Exchange of letters between the Secretary-General and the President of the Security Council regarding the appointment of a new Force Commander

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Mission</i>	<i>Symbol</i>	<i>Date</i>	<i>Details</i>
United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS)	S/2009/55, S/2009/56	27 and 30 January 2009	Exchange of letters between the Secretary-General and the President of the Security Council appointing a new Representative in Guinea-Bissau and Head of UNOGBIS
	S/2009/302	10 June 2009	Report of the Secretary-General including a proposal that UNOGBIS be succeeded in January 2010 by the United Nations Integrated Peacebuilding Office in Guinea-Bissau for an initial period of one year
United Nations Peacebuilding Support Office in the Central African Republic (BONUCA)	S/2008/733	26 November 2008	Report of the Secretary-General including a recommendation to extend BONUCA for 12 months
	S/2009/279, S/2009/280	26 and 29 May 2009	Exchange of letters between the Secretary-General and the President of the Security Council appointing a new Special Representative of the Secretary-General in the Central African Republic and Head of BONUCA, which was to be succeeded by the United Nations Integrated Peacebuilding Office in the Central African Republic
United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA)	S/2009/128	3 March 2009	Letter from the Secretary-General recommending that BONUCA be succeeded, initially until 31 December 2009, by a United Nations integrated peacebuilding office, with a revised mandate and structure
	S/2009/279, S/2009/280	26 and 29 May 2009	Exchange of letters between the Secretary-General and the President of the Security Council appointing a new Special Representative of the Secretary-General in the Central African Republic and Head of BONUCA, which was to be succeeded by BINUCA
	S/2009/309	12 June 2009	Report of the Secretary-General including the proposed mandate, strength and structure for BINUCA, as well as the transitional arrangements for the handover from BONUCA

Repertoire of the Practice of the Security Council, 2008-2009

<i>Mission</i>	<i>Symbol</i>	<i>Date</i>	<i>Details</i>
Office of the Special Representative of the Secretary-General for West Africa (UNOWA)	S/2008/127 , S/2008/128	21 and 26 February 2008	Exchange of letters between the Secretary-General and the President of the Security Council appointing a new Special Representative of the Secretary-General for West Africa and Head of UNOWA
United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL)	S/2009/438	1 September 2009	Report of the Secretary-General including a recommendation to extend UNIPSIL for one year
	S/2009/17 , S/2009/18	5 and 8 January 2009	Exchange of letters between the Secretary-General and the President of the Security Council appointing a new Executive Representative of the Secretary-General for UNIPSIL, who would also serve as Resident Representative of the United Nations Development Programme and United Nations Resident Coordinator
United Nations Integrated Office in Burundi (BINUB)	S/2008/745	28 November 2008	Report of the Secretary-General including a recommendation to extend BINUB for one year
	S/2009/445	3 September 2009	Letter from the Secretary-General to the President of the Security Council reporting on the results of the needs assessment mission to Burundi, which had recommended that BINUB be prepared to provide, if required, specific logistical support to the National Independent Electoral Commission at crucial phases of the electoral process, such as the transportation of polling materials in remote areas. The needs assessment mission had also recommended that the transportation and air assets of BINUB be strengthened to allow the mission to provide such support
	S/2009/611	30 November 2009	Report of the Secretary-General including a recommendation to extend BINUB for one year

Part X. Subsidiary organs of the Security Council: peacekeeping operations and political and peacebuilding missions

<i>Mission</i>	<i>Symbol</i>	<i>Date</i>	<i>Details</i>
United Nations Assistance Mission in Afghanistan (UNAMA)	S/2008/165 , S/2008/166	6 and 7 March 2008	Exchange of letters between the Secretary-General and the President of the Security Council appointing a new Special Representative of the Secretary-General for Afghanistan and Head of UNAMA
United Nations Assistance Mission for Iraq (UNAMI)	S/2008/783 , S/2008/784	12 and 16 December 2008	Exchange of letters between the President of the Security Council and the Secretary-General authorizing the continued provision by United States forces in Iraq of security support for the United Nations presence in Iraq following the termination of the mandate of the multinational force
	S/2009/346 , S/2009/347	6 and 8 July 2009	Exchange of letters between the President of the Security Council and the Secretary-General appointing a new Special Representative of the Secretary-General for Iraq and Head of UNAMI
	S/2008/523	4 August 2008	Note verbale from the Permanent Mission of Iraq requesting an extension of the mandate of UNAMI for 12 months
	S/2009/395	30 July 2009	Note verbale from the Permanent Mission of Iraq requesting an extension of the mandate of UNAMI for 12 months
United Nations Mission in Nepal (UNMIN)	S/2008/5	3 January 2008	Report of the Secretary-General including a recommendation to extend UNMIN for six months
	S/2008/476	22 July 2008	Letter from the Secretary-General to the President of the Security Council transmitting a letter from the Government of Nepal requesting the continuation of UNMIN, at a smaller scale, to engage in the remainder of its mandate for another period of six months
	S/2008/837	30 December 2008	Letter from the Secretary-General to the President of the Security Council, transmitting a letter from the Government of Nepal requesting the continuation of UNMIN for another period of six months

Repertoire of the Practice of the Security Council, 2008-2009

<i>Mission</i>	<i>Symbol</i>	<i>Date</i>	<i>Details</i>
	S/2009/1	2 January 2009	Report of the Secretary-General including a recommendation to extend UNMIN for six months at the request of the Government of Nepal
	S/2009/57 , S/2009/58	27 and 30 January 2009	Exchange of letters between the Secretary-General and the President of the Security Council appointing a new Special Representative of the Secretary-General and Head of UNMIN
	S/2009/351	13 July 2009	Report of the Secretary-General including a recommendation to extend UNMIN for six months at the request of the Government of Nepal
	S/2009/360	14 July 2009	Letter from the Secretary-General to the President of the Security Council transmitting a letter from the Government of Nepal requesting the continuation of UNMIN for another period of six months
Office of the United Nations Special Coordinator for Lebanon	S/2008/236 , S/2008/237	8 and 11 April 2008	Exchange of letters between the Secretary-General and the President of the Security Council appointing a new Special Coordinator for Lebanon
	S/2008/516 , S/2008/517	30 July and 1 August 2008	Exchange of letters between the Secretary-General and the President of the Security Council appointing a new Special Coordinator for Lebanon
United Nations Regional Centre for Preventive Diplomacy for Central Asia	S/2008/285 , S/2008/286	28 and 30 April 2008	Exchange of letters between the Secretary-General and the President of the Security Council appointing a new Special Representative of the Secretary-General and Head of the United Nations Regional Centre for Preventive Diplomacy for Central Asia

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