

the Secretary-General, United Nations bodies, Member States and international and regional organizations aimed at developing general principles and practical guidelines for disarmament, demobilization and reintegration of ex-combatants in a peacekeeping environment.

The Council underlines the need to address this issue on a regular basis and, in this regard, requests the Secretary-General to submit to the Council, within a period of six months, a report

containing his analysis, observations and recommendations, in particular those relating to principles and guidelines as well as practices, experiences and lessons learned to facilitate its further consideration of the matter. The report should pay special attention to the problems of disarmament and demobilization of child soldiers and their reintegration into society.

The Council will remain seized of the matter.

42. Items relating to promoting peace and security

A. Promoting peace and security: humanitarian activities relevant to the Security Council

Initial proceedings

Deliberations of 21 January 1999 (3968th meeting)

At its 3968th meeting, held on 21 January 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the item "Promoting peace and security: humanitarian activities relevant to the Security Council" in its agenda. The President (Brazil), with the consent of the Council, then invited the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, under rule 39 of its provisional rules of procedure.

The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator suggested that the Council might consider taking specific action in assisting humanitarian agencies, such as ensuring access to populations in need (in that connection, he recalled the responsibility of States to take care of victims of emergencies occurring on their own territories). He pointed out that, as experience had shown, peacekeeping operations and political action could be used to avert or contain humanitarian crises, strengthen national forces to separate the combatants from the victims and counter hate propaganda. He expressed the belief that the Council could also use well-targeted sanctions to encourage the upholding of international law, combat impunity and help avert or reduce humanitarian crises. On the issue of ensuring the security of humanitarian personnel, he expressed the view that ways of extending the Convention on the Safety of United Nations Personnel of 1994 and

ensuring compliance by non-State actors needed to be further explored.¹

All members of the Council made statements noting, *inter alia*, the importance of humanitarian activities in the context of the maintenance of international peace and security; appreciation for the work of humanitarian personnel and the importance of ensuring their security and safety. A number of speakers expressed the view that the Council should attach particular attention to such humanitarian issues as the protection of refugees and the impact of armed conflict on children. Several representatives highlighted the importance of ensuring compliance with international humanitarian law and stressed that all violators of those norms should be brought to justice. A number of speakers underscored the importance of preventive action and post-conflict peacebuilding in the context of meeting humanitarian needs. They observed that humanitarian activities in peacekeeping should be foreseen and, when necessary, "built into" the mandate of some peacekeeping operations. Several representatives also noted the need to ensure the impartiality and neutrality of humanitarian activities.²

The representative of the United States stressed that the Council should consider addressing situations where violations of international humanitarian law and human rights posed a threat to international peace and

¹ S/PV.3968, pp. 2-5.

² *Ibid.*, pp. 8-9 (Argentina); pp. 9-10 (Bahrain); pp. 11-13 (the Netherlands); pp. 13-14 (Canada); p. 14 (Namibia); pp. 15-16 (Slovenia); pp. 16-17 (United Kingdom); pp. 17-18 (Gambia); pp. 18-19 (Malaysia); pp. 19-21 (France); p. 21 (Gabon); and pp. 21-23 (Brazil).

security, with due regard to the roles and responsibilities of other bodies.³

The representative of China noted that there was a tendency to politicize humanitarian questions and to use them as a pretext to interfere in the internal affairs of sovereign countries. He stated that without regard to the specific causes of humanitarian crises, frequent recourse to the threat or use of force would not help to solve the problems, but would serve merely to further complicate efforts to solve them. He expressed hope that the countries and organizations concerned would strictly adhere to the provisions of international law and the Charter of the United Nations and respect the sovereignty, territorial integrity and political independence of all countries.⁴

The representative of the Russian Federation, noting that the Council was being increasingly asked for active political support for the work of humanitarian organizations, stated that the Council was responsible for the maintenance of international peace and security, while humanitarian agencies had their own mandates and needed to deal with specific tasks that were different from the functions of peacekeeping contingents. Therefore, when a peacekeeping operation had a humanitarian element, the humanitarian tasks needed to be clearly defined in the mandates, and be feasible and supported by the appropriate human and financial resources. He also stressed that humanitarian assistance could not be used as an instrument for bringing political pressure to bear on any party to a conflict or for supporting just one side to the detriment of the other.⁵

The representative of Brazil expressed the belief that it was important for the Members of the Organization and especially for the members of the Council, to arrive at an understanding among themselves on the limits of action by the Council in the humanitarian area, with the Council reserving its attention and energy for those cases that truly threatened regional or international stability while other bodies, such as the Economic and Social Council and its strengthened humanitarian segment, dealt with other issues. He noted that the President of the Economic and Social Council had indicated that he intended to take up the invitation that had been issued

to the Economic and Social Council with a view to dealing with situations of post-conflict reconstruction and rehabilitation, including the implementation of Article 65 of the Charter. The representative of Brazil recalled that the humanitarian organizations themselves were often afraid that the use of military force with humanitarian goals, especially in the context of Chapter VII of the Charter, could compromise their impartiality and neutrality and have a negative impact on their ability to assist the victims of all the parties to the conflict and might increase violence against the personnel of the United Nations and other humanitarian organizations. While not excluding the possibility that there might be cases in which force might be truly indispensable as a last resort, he stressed that it was clear that the approval of the Council was essential. He underscored that Article 51 of the Charter set forth a single exception for the use of force without prior authorization of the Council: legitimate self-defence. Otherwise, accepting unilateral military action in humanitarian emergencies would imply the recognition in some form of one nation or a group of nations not only wielding greater power, but having a certain moral superiority of which they could take advantage in such situations.⁶

The representative of the United States intervened a second time stating that it was his Government's view that there were circumstances in which the international community needed to act to protect civilians against the depredations of their own Governments.⁷

The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator then responded to questions and statements from members of the Council.⁸

B. Promoting peace and security: humanitarian assistance to refugees in Africa

Initial proceedings

Deliberations of 26 July 1999 (4025th meeting)

At its 4025th meeting, held on 26 July 1999 in accordance with the understanding reached in its prior

³ *Ibid.*, pp. 6-7.

⁴ *Ibid.*, pp. 7-8.

⁵ *Ibid.*, pp. 10-11.

⁶ S/PV.3968, pp. 21-23.

⁷ *Ibid.*, pp. 23-24.

⁸ *Ibid.*, pp. 24-27.

consultations, the Security Council included the item “Promoting peace and security: humanitarian assistance to refugees in Africa” in its agenda. The President (Malaysia), with the consent of the Council, then extended an invitation to the United Nations High Commissioner for Refugees, under rule 39 of the Council’s provisional rules of procedure.

The United Nations High Commissioner for Refugees gave a briefing on humanitarian assistance in Africa and touched on situations relating to refugees in Angola, Burundi, the Central African Republic, Côte d’Ivoire, the Democratic Republic of the Congo, Guinea, Liberia, the Republic of the Congo, Rwanda, Sierra Leone, the United Republic of Tanzania and others. She also touched on the humanitarian situation in Kosovo,⁹ and on the perception of disparity in the assistance given to displaced persons from, for example, Kosovo, as opposed to that given to African refugees.¹⁰

⁹ For purposes of this Supplement, the term “Kosovo” is used as the abbreviation for “Kosovo, Federal Republic of Yugoslavia”, without prejudice to issues of status. In other instances, the terminology originally used in official documents has been preserved to the extent possible.

¹⁰ S/PV.4025, pp. 2-7.

All members of the Council made statements, which, inter alia, expressed concern over the situation of refugees in Africa; welcomed the signing of peace agreements in Sierra Leone and the Democratic Republic of the Congo; stressed the need for the international community to support relief efforts; and stressed the role of the Council in helping African States prevent and contain humanitarian disasters in Africa. Several representatives also noted the disparity in levels of aid received in different areas and appealed to the international community to abide by the principles of humanitarianism, neutrality and fairness in providing assistance. Several representatives also asked questions about specific situations in different areas of Africa, including Sierra Leone, the Democratic Republic of the Congo and the United Republic of Tanzania.¹¹

The United Nations High Commissioner for Refugees then responded to questions from members of the Council.¹²

¹¹ *Ibid.*, pp. 7-8 (Namibia); pp. 8-9 (Gabon); pp. 9-10 (China); pp. 10-12 (France); pp. 12-13 (Bahrain); pp. 13-14 (Brazil); pp. 14-15 (Slovenia); pp. 15-16 (Gambia); pp. 16-18 (Canada); pp. 18-20 (United States); pp. 20-21 (Russian Federation); pp. 21-22 (the Netherlands); p. 22 (United Kingdom); pp. 22-23 (Argentina); and pp. 23-24 (Malaysia).

¹² *Ibid.*, pp. 24-27.

43. Protection of civilians in armed conflict

Initial proceedings

Decision of 12 February 1999 (3978th meeting): statement by the President

At its 3977th meeting, held on 12 February 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the item “Protection of civilians in armed conflict”. The President (Canada) then extended an invitation to the President of the International Committee of the Red Cross (ICRC), the Executive Director of the United Nations Children’s Fund (UNICEF) and the Special Representative of the Secretary-General for Children and Armed Conflict, under rule 39 of the Council’s provisional rules of procedure.

The International Committee of the Red Cross, the Executive Director of UNICEF and the Special Representative of the Secretary-General for Children and Armed Conflict made statements stressing the importance of protecting civilians, particularly children, in armed conflict.¹

All members of the Council made statements which noted, inter alia, the increasing problem of the deliberate targeting of civilian populations; the

¹ S/PV.3977, pp. 2-5 (President of ICRC); pp. 5-8 (Executive Director of UNICEF); and pp. 8-11 (Special Representative of the Secretary-General for Children and Armed Conflict).