28. The situation concerning Iraq

Overview

During the period under review, the Security Council held 16 meetings, including 2 closed meetings, in connection with the situation concerning Iraq, adopting five resolutions (three under Chapter VII of the Charter) and three presidential statements.

During the course of the meetings held under the item, the Council was briefed by the Special Representative of the Secretary-General for Iraq and Head of the United Nations Assistance Mission for Iraq (UNAMI) on the activities of UNAMI and on the political and security situation in Iraq, including preparations for the national parliamentary elections and subsequent efforts to form a national government. The Council also heard briefings pursuant to resolution 1905 (2009), in which the Council, inter alia, requested that both the Secretary-General and the Government of Iraq provide details on progress made in strengthening the financial and administrative oversight of the Development Fund for Iraq, and that the Secretary-General provide details on the legal issues and options to be considered to implement successor arrangements.

From 2010 to 2011, the Council renewed the mandate of UNAMI twice for a period of one year each time.636

26 February and 12 November 2010: adoption of a presidential statement concerning steps taken by Iraq to comply with non-proliferation and disarmament regimes

On 26 February 2010, the Council adopted a presidential statement in which it, inter alia, welcomed the letter dated 18 January 2010 from the Minister for Foreign Affairs of Iraq confirming that the Government of Iraq supported the international non-proliferation regime and complied with disarmament treaties and other relevant international instruments, and underlined the importance of Iraq ratifying the Additional Protocol to its comprehensive safeguards agreement with the International Atomic Energy Agency, which it had signed in 2008. The Council also underlined its readiness, once the necessary steps had been taken, to review, with a view towards lifting, the restrictions in resolutions 687 (1991) and 707 (1991) related to weapons of mass destruction and civil nuclear activities.637

On 12 November 2010, the Council adopted a presidential statement in which it, inter alia, welcomed the agreement reached to form a national partnership government, and encouraged the leaders of Iraq to rededicate themselves to the pursuit of national reconciliation.638

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637 S/PRST/2010/5.

16 February to 4 August 2010: briefings on UNAMI support for national parliamentary elections held in March 2010

On 16 February 2010, the Council heard a briefing by the Special Representative of the Secretary-General, who reported on the preparations being made for the parliamentary elections. He stated that UNAMI had provided advice and technical support for the Independent High Electoral Commission. As a result of a huge collective effort, the infrastructure was in place to allow voters to visit polling stations on the day of the elections scheduled for 7 March. He stated that it was important that the lessons learned in the process be properly applied in the future. It was therefore highly relevant for UNAMI to advise the new Government on the general fundamentals of electoral legislation and parliamentary procedures, as well as to clarify the roles and responsibilities of the three powers, as that was necessary to strengthen the authority of the institutions. Among other undertakings, UNAMI would also provide support to the new Government on the adoption of its budget, in cooperation with the World Bank and the International Monetary Fund.639

The representative of Iraq highlighted recent political and security-related developments in the country, including the successful adoption of an amended Election Law and efforts being made by the Government towards improving the security situation surrounding the upcoming elections. Reflecting on the progress being made at the social and economic levels, he reiterated his Government’s request for the Council to consider the removal of all restrictions imposed pursuant to its resolutions on Iraq pertaining to disarmament and weapons of mass destruction, including resolutions 687 (1991) and 707 (1991).640

On 25 May 2010, the Council heard a briefing by the Special Representative of the Secretary-General for Iraq, who noted that despite the successful completion of the parliamentary elections and the certification of results, delays in forming the next Government presented a real test for the transition of Iraq to democracy. Although UNAMI stood ready to provide assistance and support, he emphasized that the formation of the Government was a sovereign process and the full responsibility of the Iraqis themselves, and called on the country’s leaders to show a higher sense of urgency in reaching agreement through an inclusive process. He emphasized that delays in the formation of the Government were affecting the country’s basic infrastructure and services, as shown for instance by

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639 S/PV.6271, pp. 2-5.
640 Ibid., pp. 5-9.
641 S/PV.6320, pp. 2-5.
642 Ibid., pp. 5-8.
protests over the long blackouts in the electricity supply.643

The representative of Iraq reported that at that time all major political parties were making extensive contacts in order to hold a fruitful session of the newly elected Council of Representatives, which would elect a new Speaker. He also underlined the significant improvement of the security situation in Iraq, including a substantial drop in violence, which had encouraged many foreign countries to reopen their diplomatic missions. He emphasized, however, that the most important issue for his country was to free itself from the burden of Chapter VII of the Charter of the United Nations, which imposed on Iraq financial and other burdens that affected its sovereignty. He asserted that Iraq had fulfilled its obligations and had taken important steps in the area of disarmament and non-proliferation, including voluntary adherence to the Additional Protocol to its comprehensive safeguards agreement. He reiterated his request to the Council to lift the remaining restrictions imposed upon Iraq.644

6 April to 10 November 2010: briefings on the transition of the Development Fund for Iraq to a successor arrangement

On 6 April 2010, the representative of Iraq645 briefed the Council on the action plan and timeline established by the Government for the transition to a mechanism to succeed the Development Fund for Iraq, in fulfilment of the requirements in paragraph 5 of resolution 1905 (2009). He stated that the main elements of the action plan involved maintaining the same mechanisms of the Development Fund, using bank accounts opened at the Federal Reserve Bank in New York to ensure the central deposit of the proceeds from the sale of oil, petroleum products and natural gas, while continuing the automatic deposit of compensation, as provided for in paragraph 21 of resolution 1483 (2003) and in subsequent related resolutions. He stated that the transition was scheduled to be completed by 31 December 2010.646

The Controller of the United Nations, in his briefing to the Council, affirmed that the action plan and timeline presented by the Government regarding the successor arrangement were realistic, and welcomed the selection of an independent international auditor to confirm that all proceeds of export sales of petroleum, petroleum products and natural gas from Iraq were accounted for. He reiterated the obligation of the Government, under the successor mechanism, to continue making payments of 5 per cent of the proceeds of all petroleum and other export sales to the Compensation Fund, as set out in paragraph 21 of resolution 1483 (2003). He also noted that the privileges and immunities approved in conjunction with the Development Fund for Iraq would not continue under the successor mechanism unless otherwise decided by the Council.647

On 12 July 2010, the Council heard a briefing by the Controller of the United Nations, who expressed concern about the delays in the implementation of the oil metering system of Iraq, which was designed to determine the volume of export sales of petroleum products and natural gas. He noted that the system was initially planned to become fully operational by the end of 2011. Regarding preparations for the successor arrangement to the Development Fund for Iraq, he stated that while some measures had been implemented, work remained to be done to fully implement the action plan.648

The representative of Iraq stated that the Government had taken a number of actions, including the review of outstanding letters of credit from the oil-for-food programme and initiation of settlement negotiations with both State and commercial creditors for debts inherited from the previous regime.649

On 10 November 2010, the Council heard a briefing by the Controller of the United Nations, who reported on the external audit being undertaken on behalf of the International Advisory and Monitoring Board.650 He encouraged the Government to make every effort to implement the oil metering plan on schedule and address the further steps recommended by the auditors, including the appointment of a third party to verify the implementation on the basis of petroleum industry best practices. Regarding the Iraq

643 S/PV.6368, pp. 2-4.
644 Ibid., pp. 4-7.
645 At the 6293rd, 6356th and 6418th meetings, Iraq was represented by the Head of the Committee of Financial Experts of Iraq.
646 S/PV.6293, pp. 2-4.
647 Ibid., pp. 4-5.
648 S/PV.6356, pp. 2-3.
649 Ibid., pp. 3-5.
650 The International Advisory and Monitoring Board was established pursuant to resolution 1483 (2003) as the audit oversight body for the Development Fund for Iraq.
escrow account\textsuperscript{651} he stated that when all outstanding activities of the oil-for-food programme were concluded, uncommitted remaining funds would need to be transferred to the Development Fund for Iraq.\textsuperscript{652}

The representative of Iraq stressed that with respect to the requirements for successor arrangements for the Development Fund for Iraq, despite efforts made with foreign banks and international financial institutions, the Government had been unable to secure guarantees to protect its assets at the level of protection provided in resolution 1483 (2003).\textsuperscript{653} In view of the difficult circumstances and the ongoing delay in forming a new Government, Iraq hoped that the Council would take those efforts into account in considering its request to extend the immunities of the Development Fund for another year. The representative outlined specific measures the Government was undertaking to strengthen the financial and administrative controls of the Development Fund.\textsuperscript{654}

15 December 2010: high-level meeting and adoption of decisions concerning termination of the oil-for-food programme and sanctions measures

On 15 December 2010, the Council held a high-level meeting on the situation concerning Iraq. During the meeting, three resolutions and one presidential statement were adopted.

By resolution 1956 (2010), the Council decided that after 30 June 2011, all arrangements for depositing proceeds from export sales of petroleum, petroleum products and natural gas into the Development Fund for Iraq would be terminated, and affirmed the requirement established in resolution 1483 (2003) that 5 per cent of the proceeds shall be deposited into the United Nations Compensation Fund. In addition, in resolution 1956 (2010) the Council called upon the Government of Iraq to work closely with the Secretary-General to finalize the full and effective transition to a post-Development Fund for Iraq mechanism by 30 June 2011. By resolution 1957 (2010), the Council terminated the sanction measures imposed against Iraq under resolutions 687 (1991) and 707 (1991) related to weapons of mass destruction and, inter alia, urged Iraq to ratify the Additional Protocol to its comprehensive safeguards agreement and the Comprehensive Nuclear-Test-Ban Treaty as soon as possible. By resolution 1958 (2010), the Council terminated the oil-for-food programme,\textsuperscript{655} and authorized the Secretary-General to establish an escrow account for the expenses of the United Nations related to the orderly termination of the residual activities of the programme, and for the purpose of providing indemnification to the United Nations for a period of six years with regard to all activities in connection with the programme since its inception. Resolution 1956 (2010) and resolution 1957 (2010) were adopted unanimously. Resolution 1958 (2010) was adopted by a vote of 14 in favour and one abstention.\textsuperscript{656}

In the presidential statement, the Council welcomed the positive developments in Iraq, and outlined the provisions of the resolutions adopted at the same meeting. The Council called upon Iraq to quickly fulfil its remaining obligations under the relevant Chapter VII resolutions pertaining to the situation between Iraq and Kuwait.\textsuperscript{657}

The Vice-President of the United States noted that the United States had ended its combat mission in Iraq and had transitioned from a military-led to a civilian-led engagement whose primary mission was to provide advice and assistance. He stressed that the United States would continue to maintain a partnership with Iraq across a range of sectors and in accordance with the strategic framework agreement.\textsuperscript{658}

The Secretary-General acknowledged the progress made in Iraq and highlighted the Council’s decision to end several major Chapter VII mandates, including on weapons of mass destruction and the oil-for-food programme. He urged the political blocs in Iraq to honour their agreements, and pointed out that a

\textsuperscript{651} The Iraq escrow account was established pursuant to resolution 986 (1995) to receive payments for Iraqi petroleum and petroleum products purchased in accordance with the provisions of the resolution.

\textsuperscript{652} S/PV.6418, pp. 2-3.

\textsuperscript{653} Resolution 1483 (2003) provided, inter alia, that subject to conditions, proceeds and obligations arising from sales of petroleum, petroleum products and natural gas originating in Iraq shall enjoy privileges and immunities equivalent to those enjoyed by the United Nations (see para. 22).

\textsuperscript{654} Ibid., pp. 2-5.

\textsuperscript{655} The Council established the oil-for-food programme by resolution 986 (1995).

\textsuperscript{656} France abstained.

\textsuperscript{657} S/PRST/2010/27.

\textsuperscript{658} S/PV.6450, pp. 5-6.
new Government would also need to continue making domestic progress and improve relations with its neighbours and the region. He encouraged the new Government to fulfil its Chapter VII obligations with respect to its land and maritime boundary with Kuwait as well as in connection with missing persons and property, compensation and the maintenance of boundary markers. He stated that UNAMI would continue to carry out tasks in accordance with its mandate, including promoting political dialogue, providing constitutional support, monitoring human rights, and delivering humanitarian assistance to refugees and internally displaced persons.659

The Minister for Foreign Affairs of Iraq reported that following a political stalemate lasting several months, all political leaders and blocs had now agreed to the formation of a Government that would be based upon the principles of participation, inclusion and national reconciliation. He highlighted the major progress made by the Government towards meeting its obligations on disarmament and non-proliferation set out in the relevant Council resolutions, as well as in developing arrangements to replace the Development Fund for Iraq. With regard to the relationship between Iraq and Kuwait, he stressed the commitment by the Government towards fulfilling its remaining obligations under the relevant Council resolutions. He concluded by stating that Iraq continued to need international cooperation and support to make progress towards a stable, peaceful and prosperous future.660

The representative of France, explaining his abstention on the vote on resolution 1958 (2010), stated that the modalities for implementation with respect to the termination of the oil-for-food programme remained pending, and discussions had not resulted in a text within the necessary time frame that included all the guarantees France considered necessary to end activities under the programme. He expressed the hope that the requests by France would be taken into account when the agreements provided under the resolution were implemented.661

Most Council members acknowledged the progress made by Iraq towards the establishment of a democratic Government and its assumption of responsibility for self-governance and security. Several Council members welcomed the agreement reached by the political groups, and urged all political factions to form a partnership Government as soon as possible, in order to deal with security issues and work towards reconciliation.662 Others expressed support for the role played by UNAMI in the political process and urged it to continue its assistance to the Government.663 Most speakers also urged Iraq to continue to cooperate with Kuwait in settling remaining bilateral issues, such as the fate of missing persons, as well as seeking to improve relations with other neighbouring countries. Some Council members called upon Iraq to ratify the Additional Protocol to its comprehensive safeguards agreement and the Comprehensive Nuclear-Test-Ban Treaty.664

**8 April to 6 December 2011: briefings on the situation concerning Iraq and UNAMI**

On 8 April 2011, the Council heard a briefing by the Special Representative of the Secretary-General for Iraq, who reported that, while notable progress had been made in the four months since the formation of a new national partnership Government, many challenges remained. There had been protests by Iraqis calling for better employment opportunities, the delivery of basic services and accountability. He stated that UNAMI had initiated discussions with the Government of Iraq on how the United Nations could support its efforts, and had proposed projects that could be rapidly expanded, in particular youth employment, health, nutrition, the public distribution of food rations and clean water. UNAMI had also reached an agreement with the Government and the main political parties on a standing consultation mechanism on key outstanding issues, including the resolution of disputed internal boundaries and the status of Kirkuk. He further reported that despite an overall downward trend in security incidents, terrorist attacks targeting communities and Government institutions had resulted in civilian deaths and injuries.

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659 Ibid., pp. 7-8.
660 Ibid., pp. 8-10.
661 Ibid., pp. 24-25.
662 Ibid., p. 11 (Uganda); p. 12 (Turkey); p. 14 (Bosnia and Herzegovina); p. 15 (Gabon); p. 16 (Brazil); p. 21 (Russian Federation); p. 23 (Lebanon); and p. 25 (Nigeria).
663 Ibid., p. 18 (Austria); p. 21 (Russian Federation); and p. 22 (China).
664 Ibid., p. 11 (Uganda); p. 17 (Austria); and p. 21 (Russian Federation).
underscoring the continued threats to the stability of the country. 665

The representative of Iraq, citing the platform of the ministerial Government, stated that its goal was to build a federal, democratic, pluralist and unified Iraq. He said that the programme of work for the Government was based on a clear set of principles, including maintaining and upholding the Constitution, building the rule of law and respecting human rights. He reported on the progress being made in improving the security situation and addressing social and economic issues. On the question of its relations with neighbouring countries, he stated that the Government was working to strengthen relations, for example, by accepting the challenging task of hosting the next Arab Summit in Baghdad in May 2011. 666

On 19 July 2011, the Council heard a briefing by the Special Representative of the Secretary-General for Iraq, who reported that there were grounds for cautious optimism, provided that determined leadership within the country and a stronger spirit of cooperation in the region prevailed. He stressed that Iraq was at the heart of fundamental changes in the region, with a system of Government incorporating a power-sharing Constitution that guaranteed the participation of women and minorities and with regular elections being conducted in line with international standards. The economy of Iraq was growing at a rate of 10 per cent, with oil revenues higher than projected, but the poverty index remained high, which posed an instability risk. He noted that UNAMI was prepared to do all it could to support the efforts of the Government, and that the Mission was committed to helping stakeholders find common ground and mutually acceptable solutions to resolve the status of Kirkuk and other disputed areas. 667

The representative of Iraq stated that the Government was continuing to improve the ability of its security forces to address threats. In that regard, the Government would work on the implementation of the strategic framework agreement with the United States and the partnership agreement with the European Union. He also reported on progress being made in such areas as national reconciliation, economic development and the protection of human rights. 668

On 6 December 2011, the Council heard a briefing by the Special Representative of the Secretary-General, who stated that the planned withdrawal of United States forces by the end of 2011 was an important milestone in the history of Iraq. Iraqi security forces had assumed full control of the country’s security but continued to face armed opposition. He emphasized that UNAMI was ready to work with the Government to consolidate the country’s democratic gains, especially with regard to human rights and electoral and legislative support. Regarding the implementation of the United Nations Development Assistance Framework, he stated that UNAMI would focus on issues with political, security and governance implications, including the question of improving the situation of women. 669

The representative of Iraq stated that the political and security situation in Iraq had improved significantly during the last few months. Preparations were being made for the withdrawal of the United States forces, which would bring great challenges and responsibilities to the Government in the coming year. He highlighted progress being made in several areas, including the efforts of the Government to address unresolved issues with Kuwait. Regarding the situation at Camp Ashraf, he stated that the Government was committed to its relocation with the assistance of the Office of the United Nations High Commissioner for Refugees. 670

665 S/PV.6511, pp. 2-5.
666 Ibid., pp. 5-8.
667 S/PV.6586, pp. 2-5.
668 Ibid., pp. 5-9.
669 S/PV.6675, pp. 2-6.
670 Ibid., pp. 6-10.
### Meetings: the situation concerning Iraq

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## Repertoire of the Practice of the Security Council, 2010-2011

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

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a Australia, Bahrain, Belgium, Czech Republic, Denmark, Egypt, Finland, Germany, Greece, Hungary, Indonesia, Iraq, Jordan, Kazakhstan, Kuwait, Malaysia, Netherlands, Philippines, Poland, Portugal, Slovakia, Slovenia, Sweden, Switzerland, Syrian Arab Republic and Qatar.
b Austria, Bosnia and Herzegovina, China, France, Gabon, Japan, Lebanon, Nigeria, Russian Federation, Turkey, Uganda, United Kingdom and United States.
c Austria, Bosnia and Herzegovina, China, Gabon, Japan, Lebanon, Nigeria, Russian Federation, Turkey, Uganda, United Kingdom and United States.
d Uganda and United States were represented by the Vice-President; Austria, Bosnia and Herzegovina, Gabon and Turkey were represented by the Minister for Foreign Affairs; Japan was represented by the Parliamentary Vice-Minister for Foreign Affairs; United Kingdom was represented by the Parliamentary Under-Secretary of State for the Foreign and Commonwealth Office; and Brazil was represented by the Vice-Minister for Political Affairs of the Ministry of External Relations.

For: Austria, Bosnia and Herzegovina, Brazil, China, Gabon, Japan, Lebanon, Mexico, Nigeria, Russian Federation, Turkey, Uganda, United Kingdom, United States; abstaining: France.
Thematic issues

29. United Nations peacekeeping operations

Overview

During the period under review, the Security Council held four meetings and adopted two presidential statements in connection with the item entitled “United Nations peacekeeping operations”. At the meetings, the Council considered several themes, including the linkages between peacekeeping and peacebuilding and the question of transition and exit strategies for peacekeeping operations. The Council also heard two briefings by Force Commanders of peacekeeping operations regarding the challenges that they faced in the field.

12 February 2010: debate on transition and exit strategies

On 12 February 2010, on the basis of a concept paper prepared by the presidency (France), the Council held an open debate on transition and exit strategies of United Nations peacekeeping operations. In his statement to the Council, the Secretary-General noted that United Nations peacekeeping operations, which had seen a surge over the past decade, were likely in the years ahead to focus not so much on new missions but more on the consolidation of peace and stability by current missions in countries emerging from conflict. To ensure that current missions and their successor presences could help to consolidate peace and support lasting stability, a good “entrance” was needed: the mandate of an operation needed to address the root causes of conflict, a solid and sustainable peace process needed to chart a path out of violence, a clear goal that could be jointly owned by national stakeholders and the international community needed to be articulated, and timely allocation of human and material resources was needed. Furthermore, in assessing whether a peacekeeping operation should be drawn down, various factors, including the strength of national governance structures and the prospects for socioeconomic recovery, needed to be taken into account. The Under-Secretary-General for Peacekeeping Operations stated that beyond the basic level of security that the peacekeeping operations provided, such as the protection of civilians, the rule of law and the demobilization and reintegration of former combatants, missions were also tasked with various additional roles, including providing support for political and electoral processes, national and local reconciliation and restoring essential government functions. A common understanding regarding the link between peacekeeping and peacebuilding was crucial in this regard, which would allow clear foundations on which to plan transitions in a coherent fashion and help countries emerging from conflict more effectively. He outlined several initiatives being undertaken by the Department of Peacekeeping Operations, including the earlier initiation of transition planning, a study of transition cases in Haiti, Liberia and Timor-Leste, and the strengthening of partnerships with such institutions as the World Bank. The Under-Secretary-General for Field Support outlined the newly completed global field support strategy, which included a proposal to service multiple operations from a regional service centre, allowing for a smoother transformation from one type of mission to another. She also pointed to several specific issues that needed to be addressed in this area, including the question of generating the civilian capacity and financing necessary for field operations. The Special Representative of the Secretary-General and Head of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) stated that it was necessary to accept that most conflicts were not resolved through single solutions or in conformity with timetables and that transition and exit strategies should therefore not be conceived as a linear exercise with one step leading inexorably to another. He outlined several specific initiatives being undertaken by MONUC in carrying out its mandate, in such areas as the development of integrated strategic frameworks and the efficient use of capacity and resources. The Special Representative of the Secretary-General and Head of the United Nations Mission in Liberia (UNMIL) stated that

672 S/PV.6270, pp. 2-4.