

42. Items relating to the maintenance of international peace and security

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

Initial proceedings

Decision of 12 July 2005 (5225th meeting): statement by the President

At its 5225th meeting, on 12 July 2005, the Security Council included in its agenda the item entitled “The maintenance of international peace and security: the role of the Security Council in humanitarian crises — challenges, lessons learned and the way ahead” and a letter from the representative of Greece to the Secretary-General, transmitting a discussion paper prepared by the presidency on the topic.¹

Statements were made by all members of the Council,² the Secretary-General, the Under-Secretary-General for Peacekeeping Operations and the representatives of Canada, Fiji, India, Indonesia, Malaysia, Norway, Peru and Venezuela (Bolivarian Republic of).³

Opening the meeting, the President (Greece), speaking in his national capacity, stated that the early prevention of humanitarian crises had become a political and moral imperative for the Security Council, and called for the United Nations to strengthen its capacity to move from reaction to prevention of crises. While the duty and responsibility for the protection of civilians rested primarily with the States concerned, in cases of extreme violations and atrocities against

human beings, the international community had an obligation to the victims of such violence. He held that to prevent the re-emergence of humanitarian suffering and the potential recurrence of the conflict, three key fields of post-conflict security had to be adequately addressed: the promotion of the rule of law; the disarmament, demobilization and reintegration of ex-combatants; and security sector reform. However, any measures adopted in those fields could be successful only if local ownership was ensured.⁴

The Secretary-General noted that almost the entire Council agenda and almost every crisis it had to deal with had a humanitarian dimension. The task should be to prevent suffering, and all too often efforts failed because the gravity of the threat was not recognized until it was too late. That was why he believed that Member States should recognize that whenever a particular State was unable or unwilling to protect its citizens against extreme violence, there was a collective responsibility for all States to do so, a responsibility that must be assumed by the Council.⁵

The Under-Secretary-General for Peacekeeping Operations stressed that if peace was to be lasting, the short-, medium- and long-term security and justice needs of both the State and its population must be addressed equally. On that front, there were several areas that deserved further study and potential improvements. First, insufficient attention was accorded to a comprehensive national security review process to identify the threats to State and human security and the development of a security architecture that was responsive to identified threats. Secondly, international efforts related to the security and justice sectors were often disjointed. Thirdly, within the United Nations, there was no agreement on a single, system-wide approach on those issues. Fourthly, international approaches in support of security sector reform in post-conflict countries often applied foreign models and standards, which might be unsuitable in the light of the realities on the ground. He made clear that the United Nations system must continue to work on rationalizing its approaches, integrating its resources and capacities, and delivering a single and

¹ S/2005/434.

² The meeting was chaired by the Minister for Foreign Affairs of Greece. The representative of the United Kingdom made a statement on behalf of the European Union; Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Liechtenstein, the Republic of Moldova, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Ukraine aligned themselves with the statement.

³ The representative of the Republic of Korea was invited to participate in the meeting but did not make a statement.

⁴ S/PV.5225, pp. 2-3.

⁵ *Ibid.*, pp. 3-5.

comprehensive United Nations response for the Governments and peoples it was called on to assist.⁶

Speakers agreed that the three fundamental pillars of lasting peacebuilding — promotion of the rule of law, disarmament, demobilization and reintegration; and security sector reform were most suitable to address the fundamental causes of most conflicts and that those pillars needed to be further strengthened. They emphasized that there was no one-size-fits-all approach, and the representative of Denmark pointed out that “as a supervisor of its own decisions”, the Council must always stand ready to re-examine a conflict situation on the basis of relevant advice and adjust its mandate accordingly.⁷

Most speakers acknowledged the link between security and development. The representative of the Philippines reminded States that the Security Council had recognized the link between security and human rights, as the peacekeeping mandates for El Salvador, Cambodia, Angola, Liberia and Georgia had included a human rights component, and the protection of civilians had been enshrined in resolution 1296 (2000), among others.⁸ Speakers in general agreed that a greater role of the Council in tackling root causes of conflicts would contribute to conflict prevention. The representative of the Philippines stated that there was “a more ideal role for the Council” to prevent the onset of humanitarian crises.⁹ Most speakers welcomed the proposed creation of a peacebuilding commission, as they saw a need for a more coordinated and comprehensive approach to and a coherent vision of peacebuilding.

The representative of Canada emphasized that the international community already had at its disposal the necessary tools and powers to exercise its responsibility to protect civilian populations — they were in the Charter of the United Nations. However, he held that a framework was needed to guide that responsibility, and the “responsibility to protect” provided such a framework.¹⁰ The representative of France maintained that a consensus was emerging on the concept of a “responsibility to protect”,¹¹ which was in no way synonymous with interference and was not so different

from the current practice of the Security Council.¹² The representative of Venezuela (Bolivarian Republic of) said that the “responsibility to protect” was rooted in the belief that the international community had the right to intervene in any Member State in “a false rescue operation on behalf of the people supposedly afflicted by State repression”, and that it had no basis in the Charter or international law.¹³

The representative of Benin pointed to the need to promote the political settlement of conflicts from which humanitarian crises resulted.¹⁴ Other speakers stressed the need for the Council to be provided with credible, reliable and verifiable information to ensure that it took the correct actions and initiated early action.¹⁵ Some speakers stressed an early warning capability of the Secretariat¹⁶ or called for the Council itself to act as an early warning mechanism.¹⁷ The representative of the United Kingdom said that the Council should be prepared from the earliest stage to make a leading contribution to international efforts to avert a descent into conflict and humanitarian suffering.¹⁸

The representative of India stated that the topic of the debate belonged more to the General Assembly.¹⁹ Along the same lines, the representative of Algeria held that, as the Council could not always try to do everything everywhere, the Peacebuilding Commission could be the appropriate body for crafting and implementing strategies for addressing pre-conflict and post-conflict situations.²⁰ The representative of Malaysia maintained that, with regard to the interconnectedness of threats and challenges faced by the international community, the role played by the Security Council could certainly be augmented by debate in the other principal organs of the United Nations, namely, the General Assembly and the Economic and Social Council.²¹ The representative of Venezuela (Bolivarian Republic of) maintained that,

⁶ Ibid., pp. 5-8.

⁷ Ibid., p. 16.

⁸ Ibid., p. 17.

⁹ Ibid., p. 18.

¹⁰ Ibid., p. 31.

¹¹ See also section 39 (Protection of civilians in armed conflict) of the present chapter.

¹² Ibid., p. 34.

¹³ Ibid., p. 26.

¹⁴ Ibid., p. 29.

¹⁵ Ibid., p. 18 (Fiji); pp. 20-21 (United Republic of Tanzania); p. 24 (Malaysia); and p. 29 (Benin).

¹⁶ Ibid., p. 24 (Malaysia); and p. 32 (United Kingdom, on behalf of the European Union).

¹⁷ Ibid., pp. 12-13 (Peru); and p. 29 (Benin).

¹⁸ Ibid., p. 32.

¹⁹ Ibid., p. 14.

²⁰ Ibid., p. 11.

²¹ Ibid., p. 24.

while peacekeeping operations were the responsibility of the Security Council and, on a subsidiary basis, the General Assembly, peacebuilding operations were exclusively the responsibility of the people of the country afflicted by conflict. The United Nations was obliged to respect the self-determination of peoples and therefore its sole task was to support the process through international cooperation and on the basis of the parameters, norms and principles freely established by the people concerned.²²

The representative of China stressed that the Security Council, as the organ of the United Nations bearing the primary responsibility for international peace and security, should, as a matter of course, play a lead role in conflict prevention and management; effective conflict prevention and resolution, as well as post-conflict reconstruction, were the primary functions of the Security Council in response to humanitarian crises. At the same time, he emphasized that all the participants in post-conflict reconstruction efforts should abide by the purposes and principles of the Charter and universally recognized norms of international law and should respect the sovereignty and territorial integrity of the countries concerned.²³

The representative of Peru believed that, to improve the Security Council's response to humanitarian crises, its five permanent members could arrive at a gentleman's agreement not to use the veto when it was a question of crises involving crimes against humanity, such as massive violations of human rights, ethnic cleansing and genocide.²⁴

The President made a statement on behalf of the Council,²⁵ by which the Council, *inter alia*:

Reaffirmed the purposes and principles enshrined in the Charter of the United Nations and bore in mind its primary responsibility for the maintenance of international peace and security;

Remained deeply concerned by the devastating humanitarian, political and economic consequences of armed conflicts; stressed the political and moral imperatives to prevent the outbreak and escalation of armed conflicts and humanitarian crises, and the benefits therein for peace and development and friendly relations among States;

Reiterated the importance it attached to the urgent restoration of justice and the rule of law in post-conflict societies and in promoting national reconciliation, democratic development, and human rights;

Recognized the increasing importance of civilian aspects of conflict management in addressing complex crisis situations and in preventing the recurrence of conflict and acknowledged the importance of civilian-military cooperation in crisis management;

Took note with interest of the important proposal by the Secretary-General to establish a peacebuilding commission;

Acknowledged that in post-conflict societies successful peacebuilding rested on the premise that protection of civilians, the promotion of the rule of law and transitional justice, disarmament, demobilization, repatriation, reintegration and rehabilitation of former combatants, security sector and democratic, economic and social reform were integrated elements and that national ownership played an important role which should be supported by the international community.

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

Decision of 18 July 2005 (5228th meeting): statement by the President

At its 5228th meeting, on 18 July 2005,²⁶ the Security Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations and the Executive Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS). Statements were made by all members of the Council.

The Under-Secretary-General said that some had initially wondered whether resolution 1308 (2000) belonged on the agenda of the Council,²⁷ but the resolution had helped AIDS gain the attention it deserved from the Department of Peacekeeping Operations, and the Department had developed a comprehensive strategy since the adoption of the resolution to reduce the risk of peacekeepers contracting or transmitting the virus. The Under-Secretary-General discussed, *inter alia*, the support of

²² *Ibid.*, p. 24-25.

²³ *Ibid.*, p. 19-20.

²⁴ *Ibid.*, p. 13.

²⁵ S/PRST/2005/30.

²⁶ For more information on this discussion, see chap. VI, part II, sect. B, case 11 (a), with regard to relations with the Economic and Social Council.

²⁷ By resolution 1308 (2000) the Security Council expressed concern at the potential damaging impact of HIV/AIDS on the health of peacekeeping personnel.