

The Council notes with satisfaction the growing attention paid within the United Nations system to the problems associated with the destabilizing accumulation of small arms. The Council welcomes the initiative by the Secretary-General for Coordinated Action on Small Arms, designed to ensure a coherent and coordinated approach to the small arms issue within the United Nations system.

The Council notes that although the humanitarian impact of small arms in a conflict situation is verifiably serious, a detailed analysis is not available. The Council therefore requests the Secretary-General to include specifically the humanitarian and socio-economic implications of the excessive and destabilizing accumulation and transfer of small arms and light weapons, including their illicit production and trade, in relevant studies he is currently undertaking.

The Council calls for effective implementation of arms embargoes, imposed by the Council in its relevant resolutions. The Council encourages Member States to provide the sanctions committees with available information on alleged violations of arms embargoes and recommends that the chairmen of the sanctions committees invite relevant persons from organs, organizations and committees of the United Nations system, as well as other intergovernmental and regional organizations and other parties concerned, to provide information on issues relating to the implementation and enforcement of arms embargoes.

The Council also calls for measures to discourage arms flows to countries or regions engaged in or emerging from armed conflicts. The Council encourages Member States to establish and abide by voluntary national or regional moratoria on arms transfers with a view to facilitating the process of

reconciliation in these countries or regions. The Council recalls the precedents for such moratoria and the international support extended for their implementation. The Council recognizes the importance of incorporating, as appropriate, within specific peace agreements, with the consent of the parties, and on a case-by-case basis within United Nations peacekeeping mandates, clear terms for the disarmament, demobilization and reintegration of ex-combatants, including the safe and timely disposal of arms and ammunition. The Council requests the Secretary-General to provide the negotiators of peace accords with a record of best practice based upon experience in the field.

The Council requests the Secretary-General to develop a reference manual for use in the field on ecologically safe methods of weapons destruction in order better to enable Member States to ensure the disposal of weapons voluntarily surrendered by civilians or retrieved from former combatants. The Council invites Member States to facilitate the preparation of such a manual.

The Council welcomes the recommendations of the Group of Governmental Experts on Small Arms, including the convening of an international conference on the illicit arms trade in all its aspects no later than 2001, noting the offer by Switzerland to host the conference. The Council encourages Member States to participate actively and constructively in the conference and any preparatory meetings, taking into account the recommendations contained in this statement, with a view to ensuring that the conference makes a meaningful and lasting contribution to reducing the incidence of illicit arms trafficking.

45. Role of the Security Council in the prevention of armed conflicts

Initial proceedings

Decision of 30 November 1999 (4073rd meeting): statement by the President

At its 4072nd meeting, held on 29 November 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the item "Role of the Security Council in the prevention of armed conflicts" in its agenda. The President (Slovenia), with the consent of the Council, then invited the representatives of Australia, Bangladesh, Belarus, Croatia, Egypt, Finland, the Islamic Republic of Iran, Iraq, Japan, the Libyan Arab Jamahiriya, Liechtenstein, New Zealand, Nigeria, Norway, Pakistan, the Republic of Korea, Senegal, South Africa, the Sudan, Ukraine, the United Arab

Emirates and Zambia, at their request, to participate in the discussion, without the right to vote.

The Secretary-General stated that it was clear that the prevention of armed conflicts was one of the main tasks of the Organization, and yet the United Nations found itself dealing with the effects of conflict rather than its roots. He noted that the case for prevention was that it was cost-effective, in financial as well as in human terms. He informed the Council that he had tried to strengthen the capacity of the United Nations for preventive diplomacy, preventive disarmament, preventive deployment and both pre-conflict and post-conflict peacebuilding. However, efforts would fall short unless they were complemented by a renewed

commitment to effective prevention on the part of the Council and of all Member States. He suggested several steps that the Council could take, including: the greater use of fact-finding missions in accordance with the Council's Charter responsibility to "investigate any dispute, or any situation which might lead to international friction or give rise to a dispute" and "endanger the maintenance of international peace and security"; encouraging States which had become aware of potential conflict within or among their neighbours to bring the issue promptly to the Council's attention; giving urgent attention to the problems of States which suffered acute economic, environmental and security strains; establishing an informal working group or a subsidiary organ, to study early warning and prevention issues and report back; and instituting regular meetings on prevention, at which the Council would identify areas that would require urgent preventive action. The Secretary-General maintained that in the longer term it was even more important to address the deep-rooted causes of conflicts, which often lay in the social and economic sphere. Noting that deterrence also had an important role to play in maintaining international order, he stressed that nothing would be more effective in deterring States and other parties from resorting to the extreme measures that characterize too many present-day conflicts than a clear demonstration that the Council was indeed prepared to take decisive action when faced with crimes against humanity.¹

The representative of the United States expressed hope that the Council would increasingly address conflict prevention by dealing with causes. He stated that there was a need for a comprehensive approach to conflict prevention. The promotion of democracy, human rights, the rule of law, equal economic opportunity and market-based economic systems provided the surest path to long-term global stability and development. He noted that the Secretary-General played an important role in identifying and mitigating potential conflicts and also suggested that the Council needed to become more deeply engaged. However, both the complexity and volume of recent crises demonstrated the need for coordinated and broader responses through better coordination with regional and subregional organizations and international development and financial institutions. He also noted

¹ S/PV.4072, pp. 2-4.

the need to enhance the capability of the United Nations to recruit, train and deploy international civilian police and the importance of effective measures to combat the illicit trade in commodities.²

The representative of France welcomed the contribution of the Secretary-General and noted that it was Article 99 of the Charter that gave the Secretary-General the power and the right to contribute to the maintenance of international peace and security. The Charter also gave the Council a role in the prevention of armed conflict. Chapter VI of the Charter, which related to the pacific settlement of disputes, set out the role the Council could play in assisting the parties, in determining whether the persistence of a dispute seemed to threaten the maintenance of international peace and security, and in recommending procedures or methods of adjustment, or even the terms of a settlement. Chapter VII of the Charter dealt with actions in the event of a threat to the peace. He noted that even there it was still in the preventive stage, and the Council had a range of resources that could go as far as the use of enforcement measures. He stated that preventive action often required discretion and tenacity, virtues that were not well adapted to the constraints of an "ultra-media-oriented world". He suggested that while sometimes it could be useful for the Council to deal openly and publicly with an issue so as to mobilize attention and put pressure on the parties, in other cases it could be preferable to act with discretion. He further noted that, as most recent conflicts were internal, their prevention could be seen as an infringement of the principle of State sovereignty. However, if action was not taken soon enough, an internal crisis could rapidly degenerate into an armed conflict which often had international repercussions. It was therefore necessary to find a balance between those "apparently contradictory preoccupations" in such a way that the Council could be called upon early enough to prevent a spiral of violence. He noted that in this respect the text of the Charter did not exclude the Council from debating an internal situation if, according to Article 34 the continuance of the situation was "likely to endanger the maintenance of international peace and security" or, as in Article 39, if the Security Council should determine the existence of any threat to the peace". However, he stressed that one must not confuse debate with having recourse to force,

² *Ibid.*, pp. 4-7.

which came under other provisions that were precise and limiting. The Council could take up an issue and take preventive measures without necessarily envisaging the use of force.³

The representative of the United Kingdom stated that his Government shared the Secretary-General's belief that there was a joint responsibility to act when confronted by genocide, mass displacement of people or major breaches of international humanitarian law. He maintained that preventive actions could take many forms, and military action would not always be desirable or feasible. But when the international community did use force in response to humanitarian crises, it needed a framework for that response: a common understanding within the Council and wider United Nations membership of the circumstances and conditions of action. Force needed to be used as a last resort, be limited in scope, and be proportionate to the humanitarian objective of preventing major loss of civilian life.⁴

The representative of China stated that there was often debate on intervention and even invocation of Chapter VII of the Charter, while neither the issue of prevention nor serious study into the root causes of conflicts was given adequate attention. He noted that there were various kinds of measures that could be taken. However, they had to abide by the general principle that actions needed to be taken in accordance with the purposes and principles of the Charter of the United Nations. The Chinese delegation maintained that all preventive measures needed to be taken only under the prerequisite of respect for the political independence, sovereignty and territorial integrity of all countries and the will of the Government and people of the country concerned. He underscored that the principle of non-interference in internal affairs was the primary principle guiding United Nations actions in conflict prevention. He recommended that to prevent armed conflicts from occurring in the first place, the Council needed to take a long-term view and take meaningful steps to help developing countries in their economic development. In conclusion, he noted that the Council needed to treat all regions of the world

equally, especially in the case of Africa. There could be no preferential treatment for one or neglect of another.⁵

The Russian Federation stated that a key role in preventive diplomacy rightly belonged to the United Nations, and the main issues of preventive strategy as well as political monitoring of their implementation needed to remain exclusively within the purview of the Council. He maintained that in fulfilling its Charter role as the body that bore major responsibility for the maintenance of international peace and security, the Council had the right to use a broad set of instruments established within the framework of the United Nations to prevent disputes from erupting into armed conflicts. However, his delegation was convinced that preventive services to Member States needed to be provided only with their consent and with respect for the principle of non-interference in internal affairs. Only the unequivocally expressed agreement of the host country to preventive actions could serve as a legal and political basis for the adoption of relevant measures and also serve as a guarantee for their effectiveness. In that connection, the Russian Federation proceeded from the premise that any United Nations response, including in situations of a humanitarian nature, needed to be undertaken pursuant to the Charter and through a decision of the Security Council.⁶

The representative of the Netherlands observed that all Council members subscribed to the purposes and principles of the Charter. These were contained in Chapter I of the Charter and included Article 2 (7), which stipulated that nothing shall authorize the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any State. He pointed out that everything the Charter said with regard to the prevention of armed conflict in Chapters VI and VII and in Article 99 appeared to have been drafted with conflicts between States in mind, while the overwhelming majority of conflicts on the Council's agenda were of an internal, domestic nature. Against that background, a rigid interpretation of Article 2 (7), would preclude adaptation to that reality and, in effect, make all the Charter's provisions on the prevention of armed conflict ineffectual. However, he noted that the Council should not feel restricted to the measures for preventing armed conflict found in Chapters VI and

³ Ibid., pp. 7-9.

⁴ Ibid., pp. 12-14.

⁵ Ibid., pp. 14-15.

⁶ Ibid., pp. 15-16.

VII as peacekeeping operations had not been mentioned in the Charter, but had become a major tool in the Council's hands.⁷

The representative of the Libyan Arab Jamahiriya stated that the principles governing the work of the United Nations and its organs were set forth in Article 2 of the Charter, which provided for, *inter alia*, the sovereign equality of all its Members, settlement of disputes by peaceful means, Members' refraining from the threat or use of force in their international relations and non-interference in the internal affairs of States. Under Article 11 (1), the General Assembly might consider the general principles of cooperation in the maintenance of international peace and security, and make recommendations with regard to such principles to its Members, to the Council or to both. Under Article 24 of the Charter, Members of the United Nations had entrusted the Council with the primary responsibility for the maintenance of international peace and security, and Member States agreed that the Council, in carrying out its duties under this responsibility, act on their behalf. In discharging these duties, the Council should act in accordance with the purposes and principles of the United Nations and the powers vested in the Council. Hence, the mandate for the maintenance of international peace and security was a joint responsibility of the General Assembly and the Security Council and, therefore, the primary responsibility for the maintenance of international peace and security was not an exclusive function of the Council. He continued that the Council's work and resolutions could not be respected or complied with by Member States unless they reflected the will of the majority of Member States, which was embodied in Article 25 of the Charter. He suggested that the majority of States represented in the General Assembly therefore needed to participate in the open debates held by the Council from time to time before the adoption of any important decisions by the Council, and should form the basis of any resolution adopted by the Council. He also suggested that the Council should not deal with subjects such as the illicit arms trade, human rights and drugs, because there were other competent organs in the United Nations system that could adequately deal with such subjects. He also stressed that his country expected the Council to respond to genuine potential threats anywhere in the world, in the

⁷ *Ibid.*, pp. 28-29.

real interest of world peace and security. Finally, he noted that regarding "humanitarian intervention" it was not difficult to cite problems in a given country in order to "justify and provide cover for an intervention" that had implicit and predetermined purposes that affected the interests of those who would intervene. Therefore, the Libyan Arab Jamahiriya was not prepared to accept any resolution that would contravene paragraph 7 of Article 2 of the Charter, conveying the right to intervene in the domestic affairs of any State, even under the pretext of humanitarian considerations.⁸

The representatives of South Africa and the Sudan noted that the Council would be unable to assume its full role in the maintenance of international peace and security, particularly in the prevention of conflicts until it was transformed into a more representative body.⁹

A number of speakers made statements that stressed the importance of the Council's role in the prevention of armed conflicts in the context of its maintenance of international peace and security as set out in Articles 1 and 24 of the Charter. They noted, *inter alia*, the need for better information-gathering and analysis and for enhancing its early-warning capacity; the importance of coordination between different parts of the United Nations system; and the importance of coordination with regional organizations on the basis of Chapter VIII of the Charter. A number of speakers stressed the particular importance of the Council involvement in Africa in regard to prevention of conflicts. Several representatives stressed the importance of the use of provisions of Chapter VI of the Charter, in particular Article 33, in prevention of conflicts and the use of Chapter VII when appropriate. A number of speakers spoke in favor of the development of an early-warning system to identify potential conflicts. A number of delegations noted the particular importance of the role of the Secretary-General in providing information to the Council and other tasks in conformity with Article 99 of the Charter.¹⁰ Several delegations noted that before

⁸ *Ibid.*, pp. 29-32.

⁹ *Ibid.*, pp. 36-38 (South Africa); and pp. 41-43 (Sudan).

¹⁰ *Ibid.*, pp. 9-10 (Argentina); pp. 10-12 (Canada); pp. 16-19 (Bahrain); pp. 21-22 (Brazil); pp. 22-24 (Gabon); pp. 24-26 (Gambia); pp. 32-34 (Finland on behalf of the European Union and associated countries; Bulgaria,

sanctions were imposed their scope and purpose needed to be defined and their duration clearly specified.¹¹

At the resumption of the meeting on 30 November 1999, the representative of Egypt stated that in implementing Chapter VI of the Charter, the Council had a mandate to take measures to prevent disputes and situations that were likely to endanger international peace and security. Yet, its means to do so were voluntary and fell within the framework of the peaceful resolution of conflicts. That required absolute respect for the sovereignty and territorial integrity of States and non-intervention in their internal affairs by attempting to obtain their approval before adopting or implementing such measures. Chapter VII also enabled the Council to assume a preventive role by calling on the parties to a conflict to take interim measures until the dispute was settled peacefully. Problems arose when the Council was either called upon or acted on its own to intervene and deal with situations within its mandate under Chapter VI by using the means provided by Chapter VII. Those Chapter VII provisions pertained to coercive and punitive measures and ranged from interim measures to the use of force. However, the use of Chapter VII to deal with situations that fell under Chapter VI transcended the authority of the edifice that was set up by the Charter, which was based on a careful and clear respect for the dividing line between those two Chapters. It was, therefore, absolutely important that any preventive intervention by the Council not cause collateral damage to the parties directly involved or to third parties whose interests were linked to one of the parties to the dispute. The Council needed to give the parties directly involved an opportunity to present their points of view to it before it made recommendations or implemented specific measures. He also called upon the Council to

permit States that were not members of the Council and that might believe that their interests might be harmed by the Council's action to discuss the measures under consideration, in accordance with Article 31 of the Charter. He suggested that if the Council failed to fulfil its functions, then the only option was to resort to the General Assembly on the basis of the resolution "Uniting for Peace".¹² He expressed the belief that in its work the Council should not take up concepts that did not enjoy full acceptance by Member States, particularly those which remained controversial. Concepts such as "humanitarian intervention and humanitarian security" could prove to be more harmful than useful. He also stated that the Council should only adopt measures when it determined that a threat to peace existed or that an internal conflict might threaten international peace and security. It needed to do this in accordance with the provisions of Article 39 and with a full awareness of the serious implications of its actions if it decided to intervene by using force.¹³

The representative of the Islamic Republic of Iran cited the use of the veto and a "lack of transparency" in the work of the Council, and noted that that had been at the core of the Council's inaction in the face of the Kosovo tragedy and had prompted the use of force without the authorization of the Council. He called for better management of the mechanism of the veto.¹⁴

The representative of Pakistan stated that his country saw the concept of preventive disarmament as a possible means to militate against the inherent right to self-defence, which, would most likely be applied against the small and the weak. He also urged the Council to resist the temptation to seek to assume jurisdiction over some of the tasks assigned to other bodies of the United Nations.¹⁵

The representative of Iraq expressed the view that the Council should have been guided by the principle of the prevention of conflicts by using peaceful means and by avoidance of coercive measures, such as the resort to force, and punitive measures, such as full-scale sanctions. However, he continued that the Council's record in fulfilling that goal was very

Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus, Malta and Iceland); p. 35 (United Arab Emirates); pp. 38-40 (Australia); pp. 43-44 (Republic of Korea); pp. 45-46 (Belarus); and pp. 46-47 (Japan); S/PV.4072 (Resumption 1), pp. 6-8 (Zambia); pp. 8-9 (Nigeria); pp. 9-11 (New Zealand); pp. 11-13 (Bangladesh); pp. 13-14 (Senegal); pp. 15-16 (Norway); pp. 22-24 (Ukraine); and pp. 26-28 (Croatia).

¹¹ S/PV.4072 and Corr.1, pp. 19-21 (Malaysia); and pp. 26-28 (Namibia); S/PV.4072 (Resumption 1), pp. 5-7 (Liechtenstein).

¹² General Assembly resolution 377 A of 3 November 1950.

¹³ S/PV.4072 (Resumption 1), pp. 2-5.

¹⁴ *Ibid.*, pp. 17-19.

¹⁵ *Ibid.*, pp. 19-22.

unsatisfactory for two main reasons: the manipulation by the United States of the mechanisms of the Council to enforce its policies and the use of force without specific authorization by the Council in order to intervene in the internal affairs of States. As an example, he cited the use of force by the United States and the United Kingdom against Iraq since 1991 in the “illegal no-fly-zones”.¹⁶

The representative of Slovenia stated that the powers of the Council should be used in situations of imminent armed conflicts, which at times meant situations of particular sensitivity and risk. In such circumstances, he noted, the States and others involved could be reluctant to accept the Council’s intervention. In his view, the argument of preservation of sovereignty could be used irrationally, even to the extent of actually endangering sovereignty in a potential armed conflict, which could be prevented by timely action by the Council.¹⁷

At its 4073rd meeting, held on 30 November 1999, the Security Council continued its consideration of the item. At the same meeting, the President (Slovenia) made the following statement on behalf of the Council:¹⁸

The Security Council has considered, within its primary responsibility for the maintenance of international peace and security, its role in the prevention of armed conflicts. The Council emphasizes the need fully to respect and implement the principles and provisions of the Charter of the United Nations and norms of international law, in particular, in this context, those related to prevention of armed conflicts and settlement of disputes by peaceful means. It affirms its commitment to the principles of the political independence, sovereign equality and territorial integrity of all States. The Council also affirms the need for respect for human rights and the rule of law. It will give special attention to the humanitarian consequences of armed conflicts. The Council recognizes the importance of building a culture of prevention of armed conflicts and the need for a contribution from all principal organs of the United Nations in that regard.

The Council stresses the importance of a coordinated international response to economic, social, cultural or humanitarian problems, which are often the root causes of armed conflicts. Recognizing the need for the development of effective long-term strategies, it emphasizes the need for all United Nations organs and agencies to pursue preventive strategies and

to take action within their respective areas of competence to assist Member States to eradicate poverty, strengthen development cooperation and assistance and promote respect for human rights and fundamental freedoms.

The Council recognizes that early warning, preventive diplomacy, preventive deployment, preventive disarmament and post-conflict peace-building are interdependent and complementary components of a comprehensive conflict-prevention strategy. The Council emphasizes its continuing commitment to addressing the prevention of armed conflicts in all regions of the world.

The Council is aware of the importance of its early consideration of situations which might deteriorate into armed conflicts. In this context it underlines the importance of the settlement of disputes by peaceful means, in accordance with Chapter VI of the Charter of the United Nations. The Council recalls that parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, have an obligation to seek peaceful means of settlement.

The Council reaffirms its responsibility under the Charter to take action on its own initiative in order to maintain international peace and security. The results of the Council’s mission to Jakarta and Dili from 6 to 12 September 1999 demonstrate that such missions undertaken with the consent of the host country and with clear goals can be useful if dispatched in a timely and appropriate manner. The Council expresses its intention to support, with appropriate follow-up action, efforts by the Secretary-General to prevent conflict through such areas as fact-finding missions, good offices and other activities requiring action by his envoys and Special Representatives.

The Council emphasizes the important role of the Secretary-General in the prevention of armed conflicts. The Council expresses its readiness to consider appropriate preventive action in response to the matters brought to its attention by States or the Secretary-General and which it deems likely to threaten international peace and security. It invites the Secretary-General to present to the members of the Council periodic reports on such disputes, including, as appropriate, early warnings and proposals for preventive measures. In this regard the Council encourages the Secretary-General to improve further his capacity to identify potential threats to international peace and security and invites him to indicate any requirements to fulfil that capacity, including the development of the expertise and resources of the Secretariat.

The Council recalls that the United Nations Preventive Deployment Force, as the first United Nations preventive deployment mission, has prevented the spillover of conflict and tensions from the region to the host country. The Council will continue to consider the establishment of such preventive missions in appropriate circumstances.

The Council will also consider other preventive measures such as the establishment of demilitarized zones and preventive disarmament. While fully conscious of the responsibilities of

¹⁶ Ibid., pp. 24-26.

¹⁷ Ibid., pp. 28-29.

¹⁸ S/PRST/1999/34.

other United Nations organs, it emphasizes the crucial importance of disarmament and the non-proliferation of weapons of mass destruction and the means of their delivery for the maintenance of international peace and security. In particular, progress in preventing and combatting the excessive and destabilizing accumulation of and illicit trafficking in small arms and light weapons is of vital importance to the prevention of armed conflicts. The Council will also take appropriate measures in situations of post-conflict peace-building aimed at preventing the recurrence of armed conflicts, including through adequate programmes for the disarmament, demobilization and reintegration of ex-combatants. The Council acknowledges the increasingly important role of the civilian components of multifunctional peacekeeping operations and will look towards their playing a greater role in wider preventive efforts.

The Council recalls the provisions of Article 39 of the Charter concerning measures to prevent armed conflicts. Such measures may include targeted sanctions, in particular arms embargoes and other enforcement measures. In imposing such measures the Council will pay special attention to their likely effectiveness in achieving clearly defined objectives, while avoiding negative humanitarian consequences as much as possible.

The Council recognizes the link between the prevention of armed conflicts, the facilitation of the peaceful settlement of disputes and the promotion of security for the civilian population, in particular the protection of human life. Furthermore, the Council underlines the fact that the existing international criminal tribunals represent useful instruments to

combat impunity and can, by helping to deter crimes against humanity, contribute to the prevention of armed conflicts. In this context, the Council acknowledges the historic significance of the adoption of the Rome Statute of the International Criminal Court.

The Council recognizes the important role that regional organizations and arrangements are playing in the prevention of armed conflicts, including through the development of confidence- and security-building measures. The Council also emphasizes the importance of supporting and improving regional capacities for early warning. It emphasizes the importance of cooperation between the United Nations and regional organizations in preventive activities in accordance with Chapter VIII of the Charter. The Council welcomes meetings between the United Nations, including the Security Council, and regional organizations, and encourages participants to continue to keep those meetings focused on issues related to prevention of armed conflicts.

The Council will continue to review its activities and strategies for the prevention of armed conflicts. It will consider the possibility of holding further orientation debates and strengthening its cooperation with the Economic and Social Council. The Council will also consider the possibility of a meeting at the level of Ministers for Foreign Affairs on the issue of prevention of armed conflicts during the Millennium Assembly.

The Council will remain seized of the matter.