

Decision of 22 December 2003 (4891st meeting): statement by the President

At its 4891st meeting, on 22 December 2003, the Council included in its agenda the report of the Secretary-General on the situation in Burundi.⁵⁸

In his report, the Secretary-General underlined that the transfer of power at the level of the Head of State and intensive ceasefire negotiations in 2003 had created a new hope for a democratic and peaceful Burundi. The transitional institutions were working well and the people of Burundi were adjusting themselves to the new situation. He reiterated his call on Palipehutu-FNL to “immediately and without conditions” begin ceasefire negotiations with the Transitional Government. He expressed concern about the living conditions of the people of Burundi and called on the donor community to provide “all-round assistance” and support to the African Mission in Burundi. Finally, he indicated that the preparation and

⁵⁸ S/2003/1146.

conduct of the elections would need to be undertaken in the coming year.

At the meeting, the President (Bulgaria) made a statement on behalf of the Council,⁵⁹ by which the Council, *inter alia*:

Reaffirmed its full support for the peace process of the Arusha Agreement for Peace and Reconciliation for Burundi, called on all the Burundian parties to implement their commitments and assured them of its determination to support their efforts in this direction;

Welcomed the progress recently made by the Burundian parties, in particular by the signing, in Pretoria, of the protocols of 8 October and 2 November 2003 and by the conclusion, on 16 November 2003 in Dar es Salaam, of the Global Ceasefire Agreement between the Transitional Government and CNDD-FDD of Mr. Nkurunziza;

Condemned all acts of violence as well as violations of human rights and international humanitarian law, and reaffirmed its determination to support Burundian efforts to prevent such acts, based on the rule of law, in order to put an end to impunity.

⁵⁹ S/PRST/2003/30.

7. Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America

Decision of 12 September 2003 (4820th meeting): resolution 1506 (2003)

By a letter dated 15 August 2003 addressed to the President of the Security Council, the representative of the Libyan Arab Jamahiriya informed the Council that the remaining issues relating to the fulfilment of all Security Council resolutions resulting from the Lockerbie incident had been resolved. The Libyan Arab Jamahiriya had facilitated the bringing to justice of the two suspects charged with the bombing of Pan Am flight 103 and accepted responsibility for the actions of its officials; had cooperated with the Scottish investigating authorities; and had arranged for the payment of appropriate compensation. His Government had also repeatedly condemned all acts of terrorism. He then called on the Security Council to immediately lift the measures set forth in its resolutions 748 (1992) and 883 (1993).¹

¹ S/2003/818.

By a letter dated 15 August 2003 addressed to the President of the Security Council, the representatives of the United Kingdom and the United States referred to the letter dated 15 August 2003 from Libyan Arab Jamahiriya related to bombing of Pan Am flight 103 and reported that the Governments of the United Kingdom and the United States were prepared to allow the lifting of the measures set forth in resolutions 748 (1992) and 883 (1993) once the necessary sums referred to in the Libyan letter had been transferred to the agreed escrow account.²

At its 4820th meeting, convened on 9 September 2003, the Security Council included in its agenda the above-mentioned letters. The representative of the Libyan Arab Jamahiriya was invited to participate in the meeting. The President (United Kingdom) stated that, as a result of painstaking negotiations, the Libyan Arab Jamahiriya had accepted its responsibility for the bombing of Pan Am flight 103 over Lockerbie and had

² S/2003/819.

agreed to pay compensation to the relatives of the victims, to cooperate with any further Lockerbie investigation and to renounce terrorism. He stated that these agreements were all substantial gains, which opened the possibility of the Libyan Arab Jamahiriya moving back into the international community and of the lifting sanctions. However, he also stated that the Council members were conscious of two factors: that the Council needed to act unanimously; and that there were legitimate concerns pertaining to the Libya Arab Jamahiriya which still needed resolution. As a result of a discussion on the issues among the Council members, the President invoked rule 33 of the provisional rule of the procedures and proposed the adjournment of the meeting. The procedural motion was then put to the vote and was carried unanimously.

On 12 September 2003, the meeting was reconvened, and statements were made by the representatives of Bulgaria, France, Germany, Pakistan, the Russian Federation, Spain, the Syrian Arab Republic, the United Kingdom and the United States. The President (United Kingdom) drew attention to a draft resolution submitted by Bulgaria and the United Kingdom;³ it was put to the vote and adopted by 13 votes to none, with 2 abstentions (France, United States) as resolution 1506 (2003), by which the Council, *inter alia*:

Decided to lift, with immediate effect, the measures set forth in paragraphs 4, 5 and 6 of its resolution 748 (1992) and paragraphs 3, 4, 5, 6 and 7 of its resolution 883 (1993);

Decided further to dissolve the Committee established by paragraph 9 of resolution 748 (1992);

Decided also that it had concluded its consideration of the item entitled "Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America" and removed the item from the list of matters of which the Council was seized.

The representative of the United States stated that the sanctions had been suspended in 1999 after the Libyan Arab Jamahiriya had fulfilled one demand by transferring the two Libyan suspects for trial and that the country had subsequently addressed the remaining United Nations requirements related to the bombing of Pan Am flight 103. In recognition of these steps, his country had not opposed the formal lifting of the sanctions on the Libyan Arab Jamahiriya. However, he emphasized that this decision must not be misconstrued

by the Libyan Arab Jamahiriya or by the world community as United States acceptance that the Government of the Libyan Arab Jamahiriya had rehabilitated itself. He also stated that the United States continued to be concerned about other aspects of Libyan behaviour, including its poor human rights record; its rejection of democratic norms and standards, its irresponsible behaviour in Africa; its history of involvement in terrorism; and its pursuit of weapons of mass destruction and their means of delivery. He stated that the United States would intensify its efforts to end the Libyan Arab Jamahiriya's threatening actions. This included keeping United States bilateral sanctions on the Libyan Arab Jamahiriya. He stated that the United States could not guarantee that the Libyan Arab Jamahiriya would take the required steps and it would not want the United States' vote on the resolution lifting sanctions to be misconstrued as a decision now to modify United States bilateral measures. He stated that for this reason, and because of the concerns he had stated, his country had abstained in the voting on this resolution.⁴

The representative of France stated that the agreement reached on the previous day between the representatives of the families of UTA flight 772 and the Qaddafi Foundation had allowed France not to oppose the lifting of sanctions against the Libyan Arab Jamahiriya. The lifting of sanctions against the Libyan Arab Jamahiriya was an important phase in the process of reintegrating that country into the international community. He stressed that this normalization, which France encouraged, presumed that the Libyan Arab Jamahiriya would continue to make the necessary gestures beyond the requirements for the lifting of sanctions. He also stressed that France would be vigilant in ensuring that the agreement reached between the families of the victims of the bombing of the UTA flight and the Qaddafi Foundation was rapidly implemented. He stated that this was the substance of the position according to which France had abstained in the voting on the resolution just adopted by the Security Council. He emphasized that France also intended to be vigilant with respect to all aspects involving human rights and combating terrorism.⁵

⁴ S/PV.4820 (Part II), p. 3.

⁵ *Ibid.*, pp. 3-4.

³ S/2003/824.

The representative of the United Kingdom emphasized that the arrangements for the trial and appeal were made in accordance with the Security Council resolution. He appreciated that the Council had placed sanctions on the Libyan Arab Jamahiriya until certain requirements were met, sanctions being the only means of actually delivering justice. He stated that his country would pursue those responsible for terrorism. He stressed that his country hoped the resolution would bring some comfort to the relatives and friends of the victims of the bombing of Pan Am flight 103 and that the agreement was the result of patient diplomacy over many years.⁶

Speakers expressed their sympathy with the families of the victims of the bombings of Pan Am flight 103 and UTA flight 772 and the terrorist attack on the La Belle discotheque in Berlin. They also agreed that the Libyan Arab Jamahiriya had fully met with the conditions for the lifting of the sanctions imposed by the Security Council. A number of speakers called on the Libyan Arab Jamahiriya for further commitment to the implementation of the agreements, including, *inter alia*, cooperating in anti-terrorism and paying the compensation to the relatives of the victims of the relevant terrorist attacks.

The representatives of France, Germany, and the United Kingdom welcomed that the representatives of the families of the bombings of UTA flight 772 and the Qaddafi Foundation had reached agreement on the compensation for the relatives of the victims. They also urged the Libyan Arab Jamahiriya to reach an appropriate settlement with the representatives of victims and their families of the bombing in Berlin.⁷

The representative of Spain stated that the lifting of the sanctions not only ended the alienation of a country like the Libyan Arab Jamahiriya from the international community, but it also reflected recognition of an improvement in the relations of that country with the international community. For Spain, which was committed to anti-terrorism, the act of proclaiming the renunciation of terrorism as an instrument of political action was a source of great satisfaction.⁸

⁶ *Ibid.*, pp. 5-6.

⁷ *Ibid.*, p. 4 (France, Germany); and p. 6 (United Kingdom).

⁸ *Ibid.*, p. 5.

The representative of Bulgaria emphasized its close and important relationship with the Libyan Arab Jamahiriya. He also stated that Bulgaria had always maintained that once a country under sanctions fulfilled the conditions imposed on it by the Council, the sanctions must be lifted.⁹

However, the representatives of the Russian Federation, Pakistan and the Syrian Arab Republic regretted that the Security Council had been delayed in resolving the question of lifting the sanctions.¹⁰ The representatives of Pakistan and the Syrian Arab Republic expressed happiness that the long-standing suffering of the fraternal Libyan people under the weight of those sanctions was now coming to an end.¹¹ The representative of Pakistan stressed that, while his country understood the French position, given the humanitarian aspects of the issue of the compensation for the families of the bombing of UTA flight 772, adjudication of issues such as compensation rested with other relevant organs, in the light to the provisions of the Charter. He also stressed that if that approach had been followed the delay in the final lifting of the sanctions and a strain on the Council could have been avoided.¹² The representative of the Russian Federation stated that, as a result of the delay in resolving the question of lifting the sanctions, the political image of the Libyan Arab Jamahiriya had been undermined, despite the suspension of action related to the sanction measures by the Council in 1998. He emphasized that restrictive measures under Chapter VII of the Charter must immediately cease once all Security Council requirements had been met.¹³ The representative of the Syrian Arab Republic emphasized that his country believed that the Council did not have to impose sanctions that would adversely impact the civilian population and that exposed people to suffering under collective sanctions that were unacceptable under international law and the Charter.¹⁴

⁹ *Ibid.*, p. 4.

¹⁰ *Ibid.*, p. 4 (Bulgaria, Pakistan); and p. 5 (Russian Federation and Syrian Arab Republic).

¹¹ *Ibid.*, p. 4 (Pakistan); and p. 5 (Syrian Arab Republic).

¹² *Ibid.*, pp. 4-5.

¹³ *Ibid.*, p. 4 (Bulgaria, Pakistan); and p. 5 (Russian Federation, Syrian Arab Republic).

¹⁴ *Ibid.*, p. 5.