

## E. Ensuring an effective role of the Security Council in the maintenance of international peace and security, particularly in Africa

### Decision of 7 September 2000 (4194th meeting): resolution 1318 (2000)

At its 4194th meeting,<sup>84</sup> held at the level of Heads of State and Government, on 7 September 2000, the Council was briefed by the Secretary-General. Statements were made by all Council members.<sup>85</sup>

In his introductory remarks, the President of the Council (Mali) stressed that Member States, in renewing their commitment to the ideals and objectives of the Charter of the United Nations as well as their commitment to achieving real progress towards international peace and security, must accord the United Nations the necessary means to achieve peace.<sup>86</sup>

The Secretary-General, citing what he considered to be a crisis of credibility facing the Council, noted the need for prompt, united and effective action in halting conflict and restoring peace, especially in Africa, where millions were suffering from the ravages of war. He stressed the importance of summoning the will to act preventively, before crises spiralled out of control. Whether in the case of sanctions, peacekeeping operations or armed intervention as a last resort, he stressed that the will to act had to be accompanied by the ability to act effectively and decisively. Affirming his commitment to implementing the changes proposed in the report of the Panel on United Nations Peace Operations of 21 August 2000 (the Brahimi report),<sup>87</sup>

he urged Council members and the larger United Nations membership to do likewise.<sup>88</sup>

Echoing the Secretary-General, Council members generally noted that in recent years, conflicts, including in Africa, were increasingly internal in nature and their settlement required addressing the root cause of conflict. Council members also highlighted the importance of conflict prevention, stressing the need for addressing such core issues as the illegal exploitation of natural resources, trafficking in narcotics and small arms, terrorism and fundamentalism. In that context, the representatives of France and the Netherlands advocated a greater role for the Secretary-General in the field of conflict prevention.<sup>89</sup>

Several speakers addressed the issue of State sovereignty and the principle of non-intervention.<sup>90</sup> While noting that the principle of non-intervention had to be respected, the representative of Argentina stated that a complementary value should be added, namely the principle of non-indifference, which meant that perpetrators of crimes that offended the common conscience of humankind could not be left unpunished.<sup>91</sup> Similarly, the representative of Jamaica observed that breaches of international humanitarian and human rights laws must not go unchallenged and therefore held that rightful concerns over sovereignty could not justify turning a blind eye to the forces of evil.<sup>92</sup> The representative of China held that wilful use of force and interference in the internal affairs of other countries in the name of humanitarianism not only ran counter to the purposes and principles of the Charter, but would also have severe negative consequences. He stressed that the success of peacekeeping operations

<sup>84</sup> For more information on the discussion at this meeting, see chap. I, part I, sect. B, case 2, with regard to procedural developments relating to meetings; and chap. XII, part III, sect. A, with regard to general considerations of the provisions of Chapter VIII of the Charter.

<sup>85</sup> Argentina, China, France, Mali, Namibia, the Russian Federation, Tunisia, Ukraine and the United States were represented by their respective Presidents; Bangladesh, Canada, Jamaica, the Netherlands and the United Kingdom were represented by their respective Prime Ministers; and Malaysia was represented by its Minister for Foreign Affairs.

<sup>86</sup> S/PV.4194, pp. 2-3.

<sup>87</sup> S/2000/809, prepared by the Panel on United Nations Peace Operations established by the Secretary-General, and chaired by former minister for foreign affairs of

Algeria, Lakhdar Brahimi. It contained an assessment of the ability of the United Nations to conduct peace operations effectively and offered specific recommendations for ways in which the Organization could enhance that capacity.

<sup>88</sup> S/PV.4194, pp. 3-4.

<sup>89</sup> *Ibid.*, p. 8 (France); and p. 17 (Netherlands).

<sup>90</sup> *Ibid.*, p. 6 (Argentina); pp. 7-8 (China); and p. 16 (Jamaica).

<sup>91</sup> *Ibid.*, p. 6.

<sup>92</sup> *Ibid.*, p. 16.

depended on the observance of the purposes and principles of the Charter, particularly the principles of respect for State sovereignty, non-interference in the internal affairs of recipient countries, seeking prior consent of the parties concerned, neutrality and the non-use of force except for self-defence.<sup>93</sup>

Many members welcomed the recommendations contained in the Brahimi report and recognized that further consideration of such proposals was needed with a view to implementing them. Furthermore, Council members supported the recommendations concerning the need for peace operations to have sufficient resources, quality troops and proper equipment, objectives in line with operating mandates, and a strengthened partnership between the Council, the Secretariat and regional organizations and initiatives.

Drawing attention to the destabilizing effect of infectious diseases, the representative of the United States stressed the need to define security more broadly. He added that the Council would increasingly have to deal with such issues as HIV/AIDS and climate change and expressed hope that the Council would have a twenty-first century vision of security.<sup>94</sup> A number of representatives held that international security in the twenty-first century had to be understood in terms of human security.<sup>95</sup> The representative of Canada noted that, while remaining essential, the security of States was not sufficient to ensure the safety and well-being of people. He further recalled his delegation's past efforts to broaden the Council's definition of security to encompass new human security challenges and insisted on the need for the Council to give greater weight to humanitarian principles and human rights when making decisions.<sup>96</sup>

The representative of Namibia urged the Council to accord equal importance to all regions of the world in undertaking swift response to breaches of international peace and security. He demanded that Africa not be treated as an afterthought.<sup>97</sup> Similarly, the representative of Malaysia stressed the importance

of an even-handed, rather than a selective, approach by the Council to conflict situations.<sup>98</sup>

Calling for better use of sanctions, several speakers noted that when such measures were resorted to, they should be proportionate to the objective and targeted to achieve maximum results with minimal effect on civilian populations.<sup>99</sup>

The President drew the attention of the Council to a draft resolution;<sup>100</sup> it was put to the vote and adopted unanimously as resolution 1318 (2000),<sup>101</sup> by which the Council decided to adopt a declaration, annexed to the resolution, on ensuring an effective role for the Security Council in the maintenance of international peace and security, particularly in Africa.

#### **Decision of 13 November 2000 (4220th meeting): resolution 1327 (2000)**

At its 4220th meeting,<sup>102</sup> on 13 November 2000, the Council included in its agenda a letter dated 10 November 2000 from the Chairman of the Security Council Working Group on the Brahimi Report<sup>103</sup> addressed to the President of the Council,<sup>104</sup> transmitting the report of the Working Group; the

<sup>98</sup> *Ibid.*, p. 18.

<sup>99</sup> *Ibid.*, p. 9 (France); p. 10 (Namibia); p. 13 (Ukraine); p. 18 (Malaysia); and p. 19 (Mali).

<sup>100</sup> S/2000/845.

<sup>101</sup> At the same meeting, the Council adopted a presidential statement in connection with the situation in the Democratic Republic of the Congo (S/PRST/2000/28). For more information, see section 10 of the present chapter (The situation concerning the Democratic Republic of the Congo).

<sup>102</sup> For more information on the discussion at this meeting, see chap. VI, part VI, case 18, with regard to relations with the Military Staff Committee; chap. X, part IV, with regard to the constitutional discussion bearing on the interpretation or application of the provisions of Chapter VI of the Charter; chapter XI, part V, section B, with regard to the discussion relating to Article 43 of the Charter; and chap. XI, part V, sect. F, with regard to the discussion relating to Articles 46 to 47.

<sup>103</sup> The Security Council Working Group on the Brahimi Report (S/2000/809) was established on 3 October 2000 pursuant to a decision by the Council to undertake a comprehensive review of the recommendations contained in the report on improving the role of the United Nations in peace operations. For more information, see chap. V, part I, sect. C, with regard to informal and ad hoc working groups.

<sup>104</sup> S/2000/1084.

<sup>93</sup> *Ibid.*, pp. 7-8.

<sup>94</sup> *Ibid.*, p. 5.

<sup>95</sup> *Ibid.*, p. 6 (Argentina); p. 14 (Bangladesh); and p. 15 (Canada).

<sup>96</sup> *Ibid.*, p. 15.

<sup>97</sup> *Ibid.*, p. 10.

results of its discussions were set out in the form of a draft resolution and an annex containing a number of decisions and recommendations for the Council.

At the meeting, statements were made by all Council members. At the outset, the President (Netherlands) drew attention to the report of the Secretary-General on the implementation of the Brahimi report,<sup>105</sup> and to the text of a draft resolution,<sup>106</sup> which contained an annex identical to that above-mentioned report of the Working Group. The draft resolution was adopted unanimously as resolution 1327 (2000), by which the Council, *inter alia*:

Agreed to adopt the decisions and recommendations contained in the annex to the resolution; and decided to review periodically the implementation of the provisions contained in the annex.

Decided to remain actively seized of the matter.

Following the adoption of the resolution, Council members expressed their support for the work undertaken by the Working Group and observed that the Council had taken an important step forward by adopting a resolution which implemented a number of the recommendations included therein. Speakers particularly supported the recommendations whereby the Council resolved to give peacekeeping operations clearer, more credible and achievable mandates as well as appropriate resources to fulfil those mandates, in the light of the changing nature of peacekeeping operations and conflicts. Speakers also drew attention to, *inter alia*, the need to improve the rapid deployment capacity of the United Nations, ensure the safety of peacekeepers and improve the training of peacekeeping forces. A number of Council members also recommended that, in line with the recommendations included in the Brahimi report, more effective conflict prevention strategies be adopted, and underlined the importance of addressing the root causes of conflicts and of elaborating better peacebuilding strategies.

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<sup>105</sup> S/2000/1081, including recommendations in the areas of enhancing the effectiveness of key peace and security instruments; creating new mechanisms for improving system-wide integration; enhancing rapid and effective deployment capacities; securing funding for Headquarters support to peacekeeping operations; restructuring the Department of Peacekeeping Operations; strengthening other parts of the United Nations system; and improving information technology and knowledge management.

<sup>106</sup> S/2000/1085.

The representative of Argentina observed that lack of participation by States with greater capability, in resources and means, could have a deterrent effect on other troop-contributing countries, which made all initiatives geared towards obtaining a stronger commitment from the most capable States attractive to countries of moderate resources.<sup>107</sup> Similarly, the representative of Tunisia noted that the provision of sufficient numbers of troops and equipment for peacekeeping operations was an issue of collective responsibility incumbent upon all Member States, in particular those having greater means and capacities.<sup>108</sup>

The representative of Bangladesh drew attention to the seriousness of the question of a commitment gap and supported the Panel's recommendations to keep Council resolutions in draft form until a firm commitment of troops was available. He also spoke in favour of permanent Council members each contributing 5 per cent of the troops needed for each peacekeeping operation.<sup>109</sup> In response, the representative of the United Kingdom rejected the implication that all permanent members failed to meet their responsibilities in respect of peacekeeping and recalled some of his country's contributions to peacekeeping operations.<sup>110</sup>

Council members unanimously underlined the importance of an improved system of consultations between troop-contributing countries, the Secretary-General and the Council. The representative of Bangladesh held that those consultations, whatever the provisions of the Council's provisional rules of procedure, should be neither traditional troop-contributor meetings nor private meetings in the Council Chamber. Rather, they should be in a format that allowed a free exchange of views between Council members and troop-contributing countries, and they should include the necessary substantive briefings.<sup>111</sup>

In that context, several members endorsed the Council's request for regular military briefings from the Secretariat.<sup>112</sup> The representative of Canada believed that the Council, when considering the creation of a peacekeeping force, should receive timely

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<sup>107</sup> S/PV.4220, p. 10.

<sup>108</sup> *Ibid.*, p. 13.

<sup>109</sup> *Ibid.*, p. 6.

<sup>110</sup> *Ibid.*, p. 12.

<sup>111</sup> *Ibid.*, p. 7.

<sup>112</sup> *Ibid.*, p. 3 (Jamaica); p. 7 (Bangladesh); p. 9 (Canada); and p. 11 (United Kingdom).

military advice from those directly involved in the military dimension of a peacekeeping mission.<sup>113</sup> The representative of Bangladesh voiced his delegation's strong support for humanitarian briefings by the Secretariat.<sup>114</sup> The representative of Jamaica, echoed by the representative of Mali, advocated the strengthening of consultations and cooperation with regional organizations.<sup>115</sup>

While welcoming the initiative to more frequently deploy fact-finding missions to areas of tension as a means of preventing crises, the representative of Mali cautioned that conflict-prevention measures should not be taken in violation of the principles of non-interference in the internal affairs of States.<sup>116</sup>

On the need to mainstream the gender perspective into United Nations peacekeeping operations, the representative of Jamaica, while recalling that the gender perspective had been absent from the Brahimi report, welcomed references to the issue in the implementation report of the Secretary-General<sup>117</sup> and the resolution.<sup>118</sup> The representative of Namibia fully endorsed the mainstreaming of a gender perspective into peacekeeping operations and was satisfied with the creation of a gender unit within the Department of Peacekeeping Operations.<sup>119</sup>

**Decision of 22 March 2001 (4302nd meeting): statement by the President**

At its 4288th meeting,<sup>120</sup> on 7 March 2001, the Council included in its agenda letter dated 28 February 2001 from the representative of Ukraine addressed to

<sup>113</sup> Ibid., p. 9.

<sup>114</sup> Ibid., p. 7.

<sup>115</sup> Ibid., p. 3 (Jamaica); and p. 16 (Mali).

<sup>116</sup> Ibid., p. 16.

<sup>117</sup> S/2000/1081.

<sup>118</sup> S/PV.4220, p. 3.

<sup>119</sup> Ibid., pp. 15-16.

<sup>120</sup> For more information on the discussion at this meeting, see chap. VI, part VI, case 18, with regard to relations with the Military Staff Committee; chap. XI, part III, sect. B, with regard to the discussion relating to Article 41 of the Charter, chap. XI, part V, sect. F, with regard to the discussions relating to Articles 46 to 47; chap. XI, part VIII, sect. B, with regard to the discussion relating to Article 50; and chap. XII, part III, sect. A, with regard to general considerations of the provisions of Chapter VIII of the Charter.

the Secretary-General,<sup>121</sup> transmitting a working paper prepared by the President of the Security Council to serve as the basis for the discussion. In his opening remarks, the President (Ukraine), recalling that the meeting constituted a follow-up to the high-level meeting held by the Council on 7 September 2000 on the same item, stated that the debate would focus on evaluating the progress achieved in the implementation of the declaration contained in resolution 1318 (2000) and on exploring further ways to enhance the role of the Council in the maintenance of international peace and security.<sup>122</sup>

At the meeting, the Council was briefed by the Secretary-General and statements were made by a majority of Council members,<sup>123</sup> and by the representatives of Algeria, Argentina, Australia, Belarus, Brazil, Canada, Croatia, Egypt, Japan, Namibia, Pakistan, Peru and Sweden (on behalf of the European Union<sup>124</sup>).

The Secretary-General, recalling his statement during the high-level meeting on 7 September 2000 that the Council was facing a crisis of credibility, expressed the hope that the current meeting would assess whether that was still true and what progress had been made in overcoming the crisis. Stressing that the impact of the Council's resolutions depended on a great deal of effort by Member States as well as by the Secretariat, he stated that continuous dialogue was needed with Member States to translate the aspirations of each resolution into real change on the ground. Referring to resolutions 1318 (2000) and 1327 (2000), and recognizing that by adopting such resolutions the Council had undertaken important new commitments, the Secretary-General hoped that the most strenuous effort would be made by Member States to translate into action the important provisions included therein.<sup>125</sup>

Focusing their statements on the implementation of resolutions 1318 (2000) and 1327 (2000), the majority of speakers reiterated the need to strengthen

<sup>121</sup> S/2001/185.

<sup>122</sup> S/PV.4288, p. 2.

<sup>123</sup> The representative of Ukraine did not make a statement in his national capacity.

<sup>124</sup> Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement.

<sup>125</sup> S/PV.4288, pp. 2-3.

the efficiency and effectiveness of United Nations peacekeeping operations, while highlighting the importance of conflict prevention and the need to address the root causes of conflicts; welcomed the establishment of the Working Group of the whole on United Nations Peacekeeping Operations;<sup>126</sup> and stressed the importance of enhancing the Council's cooperation with regional and subregional organizations as well as with troop-contributing countries.

With respect to consultations with troop-contributing countries, the representative of Canada emphasized that, to develop a meaningful three-way relationship between the Security Council, the Secretariat and the troop-contributing countries, a mechanism should be found for troop contributors to participate fully in the decision-making process for Council-mandated operations.<sup>127</sup> Similarly, the representative of Egypt called for the formalization and institutionalization of the method of consultation between troop-contributing countries and the Council at all stages of the formulation of the mandates of peacekeeping operations, and during all steps taken by the Council to revise, review, extend or terminate those mandates.<sup>128</sup> Several representatives noted that while in recent years the Council had paid more attention to the conflicts in Africa, its involvement came too late or was inadequate.<sup>129</sup> The representative of Singapore concluded that the Council's responses to conflict situations had remained inconsistent.<sup>130</sup> In response, the representative of France pointed out that the United Nations could not entrust the same objectives to all of its missions, as each operation had to be judged by what could and should be accomplished.<sup>131</sup> The representatives of the United Kingdom and the Russian Federation acknowledged that the Council could not give equal priority to all conflicts, but instead had to concentrate on those crises that were most susceptible to treatment.<sup>132</sup> The representative of Norway held that the authority of the Council depended to a great extent

on its ability to demonstrate that it gave equal priority to the maintenance of international peace and security in every region of the world.<sup>133</sup>

On the issue of peacebuilding, the representative of Sweden, speaking on behalf of the European Union, held that it was essential to give the Secretariat an information and analysis capacity that would permit it to understand both the profound and immediate causes of conflict.<sup>134</sup> The representative of Japan underlined the importance of ensuring a smooth transition from conflict prevention to peacebuilding.<sup>135</sup> Noting that peacebuilding was well beyond the responsibilities of the Council alone, the representative of Brazil stated that peacebuilding required strong political will and commitment on the part of both the recipient country and the donor community and that the involvement of the General Assembly and the Economic and Social Council was necessary.<sup>136</sup> In that sense, a number of speakers generally stressed the need for cooperation between the Council and other organs of the United Nations, including the General Assembly and the Economic and Social Council.<sup>137</sup> The representative of Mauritius believed that a special unit should be set up in the Secretariat to facilitate coordination between the Security Council and various United Nations bodies in the area of post-conflict peacebuilding.<sup>138</sup>

At its 4302nd meeting, on 22 March 2001, the Council resumed consideration of the letter dated 28 February 2001 from the representative of Ukraine addressed to the Secretary-General.<sup>139</sup>

The President (Ukraine) made a statement on behalf of the Council,<sup>140</sup> by which the Council, *inter alia*:

Noted the progress achieved in translating the commitments made at its summit meeting into practical results and expressed its determination to intensify efforts to that end;

Underlined the importance of the declaration on ensuring an effective role of the Security Council in the maintenance of international peace and security, particularly in Africa, as a

<sup>126</sup> For more information, see chap. V, part I, sect. C, with regard to informal and ad hoc working groups.

<sup>127</sup> S/PV.4288, p. 4.

<sup>128</sup> *Ibid.*, p. 13.

<sup>129</sup> *Ibid.*, p. 10 (Algeria); p. 12 (Egypt); p. 18 (Pakistan); and p. 22 (Namibia).

<sup>130</sup> S/PV.4288 (Resumption 1), p. 3.

<sup>131</sup> *Ibid.*, p. 6.

<sup>132</sup> *Ibid.*, p. 11 (United Kingdom); and p. 14 (Russian Federation).

<sup>133</sup> *Ibid.*, p. 19.

<sup>134</sup> S/PV.4288, p. 6.

<sup>135</sup> *Ibid.*, pp. 7-8.

<sup>136</sup> *Ibid.*, p. 17.

<sup>137</sup> *Ibid.*, pp. 20-21 (Peru); and p. 24 (Belarus); S/PV.4288 (Resumption 1), pp. 11-12 (United Kingdom); and p. 14 (Russian Federation).

<sup>138</sup> S/PV.4288 (Resumption 1), p. 23.

<sup>139</sup> S/2001/185.

<sup>140</sup> S/PRST/2001/10.

contribution towards the development of a well-targeted strategy and shared vision in the maintenance of international peace and security and of the deeper and broader involvement of Member States and the wider international community in that regard;

Underlined the need for closer cooperation and interaction within the United Nations system in addressing the challenges to

peace and security, including the root causes of conflicts, and intended to continue taking concrete steps in advancing that goal;

Decided to conduct a further review, with the active participation of non-members, of the implementation of the commitments made at its meeting at the level of Heads of State and Government.

## **38. Children and armed conflict**

### **Decision of 11 August (4185th meeting): resolution 1314 (2000)**

On 19 July 2000, the Secretary-General submitted the first report on children and armed conflict,<sup>1</sup> which contained an overview of the fate of children in conflict areas, traced the progress made in addressing the situation of children and indicated the challenges that lay ahead. Drawing on concrete activities from the field, the Secretary-General made a number of recommendations related to the normative foundation of the protection of children; the protection of children in the midst of conflict; integrating the protection of children into peacemaking and peacekeeping; post-conflict peacebuilding for children; regional initiatives on behalf of children affected by armed conflict; and the role of non-governmental organizations and civil society in shaping the agenda regarding children affected by armed conflict. With regard to the Security Council, the Secretary-General recommended, inter alia, that the Council urge armed groups to commit themselves to the child protection standards embodied in the Convention on the Rights of the Child and its Optional Protocol and in international humanitarian law, and to accept and cooperate in the monitoring of adherence to those standards; demand that parties involved in armed conflict not commit egregious crimes against children, or face the possibility of targeted sanctions if they failed to comply; call on all parties to conflict and other concerned actors to give systematic consideration to the special needs and particular vulnerabilities of girls; develop a coordinated and integrated approach to minimize the unintended consequences of sanctions on civilian populations, especially children, primarily through the establishment of effective humanitarian exemptions; reaffirm the responsibility of targeted States and armed groups to ensure the humanitarian

protection of all those under their control, particularly children; and encourage collaboration between the United Nations and regional organizations for the protection of children affected by armed conflict.

At its 4176th meeting,<sup>2</sup> on 26 July 2000, the Council included in its agenda the above-mentioned report.<sup>3</sup> The Council was briefed by the Deputy Secretary-General, the Special Representative of the Secretary-General for Children and Armed Conflict and the Executive Director of the United Nations Children's Fund (UNICEF). Statements were made by most Council members<sup>4</sup> and by the representatives of Austria (in his capacity as Chairman-in-Office of the Organization for Security and Cooperation in Europe), Barbados, Colombia, the Democratic Republic of the Congo, Ecuador, India, Indonesia, Iraq, Japan, Kenya, Lesotho, Mozambique, Nepal, New Zealand, Nigeria, Norway, Senegal, Sierra Leone, South Africa, the Sudan, the United Republic of Tanzania and Uganda, as well as by the head of the delegation of the International Committee of the Red Cross and the Permanent Observer of the Organization of the Islamic Conference.

Introducing the report, the Deputy Secretary-General noted that since the adoption of resolution 1261 (1999), which had placed the issue of children and armed conflict on the peace and security agenda,

<sup>2</sup> For more information on the discussion at this meeting, see chap. XI, part I, sect. B, with regard to the discussion relating to Article 39 of the Charter; and chap. XI, part III, sect. B, with regard to the discussion relating to Article 41.

<sup>3</sup> S/2000/712.

<sup>4</sup> The representative of Mali did not make a statement. The representative of France spoke on behalf of the European Union; Bulgaria, Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

<sup>1</sup> S/2000/712, submitted pursuant to paragraph 20 of resolution 1261 (1999).