

adoption of effective action to address the impunity of those who commit crimes against such personnel;

Underlined the importance of including in each status-of-forces agreement and status-of-missions agreement specific and practical measures based on the provisions of the Convention on the Safety of United Nations and Associated Personnel.

Decision of 26 August 2003 (4814th meeting): resolution 1502 (2003)

At the 4814th meeting, on 26 August 2003, the President (Syrian Arab Republic) drew the attention of the Council to a draft resolution.⁹ The Secretary-General and the representatives of the United States and Mexico made statements during the meeting.¹⁰

While expressing strong support for the draft resolution, the Secretary-General recalled the vicious attack against United Nations Headquarters in Baghdad one week earlier that had brought the issue in question to the forefront of United Nations priorities. He urged Member States in whose territories attacks against United Nations personnel had been committed to take practical and effective steps to investigate and prosecute those responsible, and urged Member States that had not yet done so to accede to the Convention on the Safety of United Nations and Associated Personnel. He stated that the adoption of the resolution would send an unambiguous message to all those who mistakenly believed that, in today's turbulent world, they could advance their cause by targeting the servants of humanity.¹¹

The draft resolution was then put to the vote, and

⁹ S/2003/581.

¹⁰ S/PV.4814, pp. 2-4.

¹¹ *Ibid.*, p. 2.

was unanimously adopted as resolution 1502 (2003), by which the Council, *inter alia*:

Expressed its strong condemnation of all forms of violence, including, *inter alia*, murder, rape and sexual assault, intimidation, armed robbery, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention, to which those participating in humanitarian operations are increasingly exposed, as well as attacks on humanitarian convoys and acts of destruction and looting of their property.

Following the vote, the representative of the United States made a statement highlighting the importance of humanitarian personnel and United Nations and associated personnel and the need to protect them. He noted that the resolution focused on the prevention of attacks against such personnel and on the accountability of those who committed such acts. The resolution, he further remarked, did not create any new international obligations, but rather reaffirmed the existing obligations of the parties to a conflict to comply fully with the relevant rules.¹²

The representative of Mexico stated that the resolution was intended to send a clear and unequivocal message that the Council and the United Nations as a whole were committed to carrying out concrete actions leading to the creation of a better framework of protection for humanitarian workers. He expressed regret that the text did not mention the International Criminal Court and the Rome Statute, noting, however, that given the purpose of the resolution and the vital importance of its unanimous adoption, the sponsors felt justified in reaching the difficult decisions made during the negotiation process.¹³

¹² *Ibid.*, p. 3.

¹³ *Ibid.*, pp. 3-4.

45. General issues relating to sanctions

Deliberations of 17 April 2000 to 25 February 2003 (4128th, 4394th and 4713th meetings)

At its 4128th meeting, on 17 April 2000,¹ the Security Council included in its agenda the item

¹ For more information on the discussion of this meeting, see chap. XI, part III, sect. B, with regard to the use of measures not involving the use of armed forces in accordance with Article 41 of the Charter; and chap. XI, part VIII, sect. B, with regard to the special economic problems of the nature described in Article 50 of the Charter.

entitled "General issues relating to sanctions". At the meeting, statements were made by all members of the Council,² the representatives of Australia, Bulgaria, Cuba, Germany, Iraq, Italy, the Libyan Arab Jamahiriya, New Zealand, Pakistan, Portugal (on behalf of the European Union³), Sweden, the former

² Canada was represented by its Minister for Foreign Affairs.

³ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement.

Yugoslav Republic of Macedonia and Turkey, the Permanent Observer of Switzerland to the United Nations and the Under-Secretary-General for Political Affairs.

The President (Canada) drew the attention of the Council to a note by the President dated 17 April 2000, by which the members of the Council decided to establish on a temporary basis an informal working group of the Council to develop general recommendations on how to improve the effectiveness of United Nations sanctions.⁴

In his opening remarks, the Under-Secretary-General for Political Affairs noted that while in recent years sanctions imposed by the Council had become a primary tool of peace enforcement, difficulties in their implementation, as well as the unintended consequences on civilian populations and on neighbouring or third States, had raised doubts about their effectiveness and made it imperative to consider improvements in their design. Properly targeted sanctions, he stressed, could play a major role in inducing compliance with resolutions of the Council and serve as a preventive measure while mitigating unintended consequences. Recalling that in order to make its contribution to the concept of “smart” sanctions the Secretariat had undertaken a review of lessons learned from recent sanctions regimes, he emphasized the need to protect vulnerable segments of the population of a State, while better targeting the sanctions to enhance their effectiveness. He added that sanctions regimes should be equipped with a credible monitoring mechanism, possibly in cooperation with regional or subregional organizations, and that the Secretariat should be provided with the resources and specialized expertise to administer the sanctions regimes effectively; in addition, the Council and its sanctions committees should be in a position to have available to them, when required, a comprehensive impact assessment of any given sanctions regime. With regard to the need to minimize the negative effects of sanctions, the Under-Secretary-General said that the Council should consider including provisions for humanitarian exemptions in its relevant resolutions, and the establishment of an appropriate mechanism providing the Council with periodic evaluations of the effectiveness of sanctions and their humanitarian, socio-economic and political impact. He also invited

the Council to consider including in its resolutions provisions to address the impact of sanctions on non-targeted States and mitigate the concerns deriving from Article 50 of the Charter of the United Nations. He added that greater clarity and uniformity of language and technical terminology in Council resolutions would be helpful, combined with the inclusion in resolutions of specific criteria for the lifting or suspension of sanctions. Although national authorities bore the responsibility for enforcing sanctions measures imposed by the Council, he noted that Member States often required advice and assistance in carrying out such a responsibility. He concluded by stating that sanctions could be effective only if the United Nations and its Member States were prepared to shoulder additional responsibilities and develop the necessary capacity to assure their monitoring and enforcement.⁵

During the debate, speakers generally acknowledged that the time had come to carry out an analytical review of the existing policy and practices in the field of sanctions, in order to address issues related to their design, management and effectiveness; welcomed the establishment of a working group of the Council for developing recommendations on how to improve the effectiveness of sanctions; recognized that sanctions remained a necessary and important instrument in the hands of the Council; expressed concern over the potential negative humanitarian impact of sanctions on the civilian population of a targeted country as well as the adverse economic effects on third States, and welcomed the trend towards the adoption of more targeted sanctions; and emphasized the need to improve the management and effectiveness of sanctions.

In connection with the general purpose of sanctions, many speakers emphasized that sanctions should be employed as an option for ensuring compliance only after all other peaceful options had been exhausted, while others noted that sanctions should not be an end in themselves but a means to an end. Concerning the concept of targeted sanctions, the vast majority of speakers shared the view that sanctions should be better targeted against those responsible for the sanctioned behaviour to ensure more effective compliance with Council decisions and prevent the harming of civilians. In addition, several delegations stated that the impact of sanctions on third

⁴ S/2000/319.

⁵ S/PV.4128, pp. 2-5.

States should be carefully considered, in line with the provisions of Article 50 of the Charter.⁶

In regard to the criteria for imposing and terminating sanctions, a number of speakers observed that sanctions should be imposed only when the Council had clearly established a threat to or a breach of the peace.⁷ The representative of the United States noted the need for sanctions regimes to be carefully tailored to fit the particular situation in which they were to be applied, as well as targeted and enforceable in order to be effective in forcing behavioural change. He observed that once sanctions were imposed, the burden of proof for their suspension or termination resided in the demonstrated behaviour of the sanctioned entity and remarked that sanctions should not be terminated due to a lack of resolve, a lack of will or a lack of patience.⁸ Several representatives insisted that sanctions should have a clearly defined purpose and should have objective criteria for their suspension or termination.⁹ Further, some delegations underlined the importance of a fixed duration whenever sanctions were imposed,¹⁰ while others advocated the use of more unified and precise terminology in resolutions relating to sanctions to enhance harmonized national implementation.¹¹

With regard to the implementation of sanctions, the majority of speakers called for more effective implementation and monitoring of sanctions regimes and agreed on the need to enhance capacities to implement and monitor sanctions at the national, regional, and international levels. Some delegations expressed the view that the provision of adequate resources for administration and implementation was a vital prerequisite for effective sanctions regimes, and

in particular called for an enhancement of the capacity of the Secretariat in providing support to the sanctions committees.¹² Other delegations stressed that Member States should be assisted in the implementation and enforcement of sanctions, including in the areas of national legislation, monitoring and enforcement.¹³

At the 4394th meeting,¹⁴ on 25 October 2001, statements were made by the majority of Council members,¹⁵ the representatives of Germany and Sweden,¹⁶ the Permanent Observer of Switzerland and the Assistant Secretary-General for Political Affairs.

At the outset, the Council heard briefings by the Permanent Observer of Switzerland and the representatives of Germany and Sweden, respectively.

The Permanent Observer of Switzerland, welcoming the concept of targeted sanctions, and particularly that of targeted financial sanctions, referred to the key results of the Interlaken process, which had focused on the question of the feasibility of such sanctions. Emphasizing that one of the essential preconditions to making targeted financial sanctions more effective was the ability to define the target clearly, including the effective identification of the actual economic beneficiary of assets, he noted that financial sanctions were likely to be most effective when considered as part of a broader coordinated political and diplomatic strategy.¹⁷

The representative of Germany focused his remarks on the results of the Bonn-Berlin process, designed to introduce targeted sanctions with respect to arms embargoes and travel bans. Observing that targeted sanctions required regular reviews to determine their effectiveness and consequences, he stated that even the most precise resolutions imposing

⁶ Ibid., p. 11 (Namibia); p. 14 (Malaysia); p. 19 (Tunisia); p. 23 (Russian Federation); p. 25 (Canada); p. 29 (Pakistan); pp. 35-36 (Bulgaria); p. 42 (Iraq); p. 44 (the former Yugoslav Republic of Macedonia); and p. 45 (Turkey).

⁷ Ibid., pp. 7-9 (France); pp. 13-15 (Malaysia); pp. 23-24 (Russian Federation); pp. 30-31 (Libyan Arab Jamahiriya); and pp. 38-39 (Cuba).

⁸ Ibid., pp. 6-7.

⁹ Ibid., p. 9 (France); p. 11 (Namibia); p. 12 (China); p. 16 (Argentina); p. 19 (Tunisia); p. 22 (Jamaica); p. 23 (Russian Federation); p. 30 (Pakistan); and p. 39 (Cuba).

¹⁰ Ibid., p. 9 (France); p. 14 (Malaysia); p. 20 (Mali); and p. 23 (Russian Federation).

¹¹ Ibid., p. 16 (Argentina); p. 27 (Portugal); and p. 40 (Permanent Observer of Switzerland).

¹² Ibid., p. 8 (France); p. 11 (Namibia); p. 15 (Malaysia); p. 17 (Argentina); p. 17 (Netherlands); p. 19 (Ukraine); p. 20 (Tunisia); p. 22 (Jamaica); p. 25 (Canada); and p. 27 (Portugal).

¹³ Ibid., p. 5 (Bangladesh); p. 18 (Netherlands); p. 19 (Tunisia); p. 22 (Jamaica); and p. 34 (Australia).

¹⁴ For more information on the discussion at this meeting, see chap. XI, part III, sect. B, with regard to measures not involving the use of armed force in accordance with Article 41 of the Charter.

¹⁵ The representatives of Bangladesh and Ireland did not make statements at the meeting.

¹⁶ Sweden was represented by its State Secretary for Foreign Affairs.

¹⁷ S/PV.4394, pp. 2-4.

sanctions might fail should some Member States lack the political will to implement them.¹⁸

Recognizing that the Interlaken and Bonn-Berlin processes had shown that more could be done to develop the concept and practice of targeted sanctions, the representative of Sweden announced that his Government intended to continue that work through the Stockholm Process in the Implementation of Targeted Sanctions, which would focus, *inter alia*, on how to achieve more coherent and effective incorporation of Security Council resolutions into national legislation and how to assist Member States in implementing sanctions, including through technical and financial support.¹⁹

Highlighting the importance of the Interlaken and Bonn-Berlin processes, the Assistant Secretary-General for Political Affairs welcomed the decision of the Government of Sweden to lead the process forward. Noting that, if sanctions were to be a useful tool at the disposal of the Council, a constructive dialogue on their implementation and monitoring was essential, he stated that pragmatic solutions should be found to the difficulties of monitoring sanctions regimes. Although the task of effective implementation and monitoring of sanctions fell primarily on Member States, he noted that the latter often lacked the necessary capacity and required assistance in that regard. He therefore proposed that assistance be provided to Member States by an augmented United Nations Secretariat as well as by the competent regional organizations. He also expressed the view that the establishment of a permanent sanctions monitoring mechanism might allow more systematic follow-up on violations of sanctions regimes and enable better cooperation in their implementation. Underscoring that targeted sanctions could also have important deterrent and preventive roles, he urged the Council to consider the use of sanctions in that context in the future. In conclusion, he expressed the view that enhanced substantive support to the sanctions committees, which would include more technical expertise and enhanced analytical capacity, required the commitment of adequate resources.²⁰

In the ensuing discussion, expressing their continuing support for the concept of targeted and

closely monitored sanctions, speakers supported the results of the Interlaken and Bonn-Berlin processes, which would provide a valuable tool for the Council in formulating future sanctions regimes, aimed at avoiding the negative consequences for the general population and third countries; and welcomed the decision of the Government of Sweden to carry forward the results of the Interlaken and Bonn-Berlin processes through the Stockholm Process. With regard to ways to improve the monitoring and implementation of sanctions, the representative of France advocated the establishment of a permanent mechanism for monitoring sanctions, available to both the Council and the sanctions committees, which would allow for a greater synergy of approach between the different subjects and crises, particularly in Africa where several situations were interconnected.²¹ On the same issue, other representatives welcomed further work on the proposal to establish a permanent unit charged with monitoring the effectiveness of sanctions regimes.²² Finally, a number of speakers encouraged the Council to adopt, without further delay, the draft report produced by the Working Group on General Issues of Sanctions, maintaining that the recommendations contained in that report, together with those comprising the outcome of the Interlaken and Bonn-Berlin processes, provided the necessary tools for ensuring better implementation of the Council's current and future sanctions measures.²³

At the 4713th meeting, on 25 February 2003,²⁴ statements were made by all Council members, the representative of Sweden²⁵ and the Assistant Secretary-General for Political Affairs.

Presenting to the Council the results of the Stockholm Process, the representative of Sweden noted that the main goal had been to increase the efficiency

²¹ S/PV.4394, pp. 8-9.

²² S/PV.4394, p. 10 (Ukraine); S/PV.4395 (Resumption 1) and Corr.1, p. 4 (United Kingdom); p. 5 (Norway); p. 6 (Mauritius); and p. 7 (Colombia).

²³ S/PV.4394, p. 8 (France); and p. 10 (Ukraine); S/PV.4395 (Resumption 1) and Corr.1, p. 3 (Jamaica); p. 7 (Colombia); p. 8 (Mali); p. 10 (Tunisia); and p. 11 (China).

²⁴ For more information the discussion of this meeting, see chap. XI, part III, sect. B, with regard to use of measures not involving the use of armed force in accordance with Article 41 of the Charter.

²⁵ Sweden was represented by its State Secretary for Foreign Affairs.

¹⁸ *Ibid.*, pp. 4-5.

¹⁹ *Ibid.*, pp. 5-6.

²⁰ *Ibid.*, pp. 6-8.

of targeted sanctions by reforming and improving their implementation, both within the United Nations system and among Member States, while also minimizing unintentional negative consequences. In particular, he added that one specific priority had been to identify measures to enhance planning, monitoring, reporting and coordination among sanctions committees and monitoring bodies. Noting that the report had made numerous suggestions in that regard, he recalled a few recommendations which included, *inter alia*, the establishment of a sanctions coordinator to further improve and support greater cooperation among sanctions entities, and the development of legal frameworks for implementation of sanctions.²⁶

The Assistant Secretary-General for Political Affairs noted that the Stockholm Process had drawn attention to some pitfalls related to the implementation of sanctions. He encouraged the Council to take into account the findings of the Stockholm Process when conducting sanctions reviews or when considering future application of the targeted sanctions instrument. He also expressed the hope that work would continue, particularly in the areas that remained to be addressed, such as improving coordination among all relevant actors; enhancing coordination among different expert groups; optimizing the design and use of sanctions lists; and studying ways by which to probe the deterrent value of targeted Council sanctions and their integration into an overall strategy for preventive diplomacy.²⁷

In the ensuing discussion, members of the Council generally acknowledged and welcomed the contribution made by the Stockholm Process in the development of more refined approaches to the use of sanctions, building on the findings of the Interlaken and Bonn-Berlin processes. Reiterating that comprehensive sanctions had at times led to unintended negative consequences for the civilian population of the targeted country and third countries, Council members concurred that targeted sanctions were a good means of minimizing such occurrences. Members of the Council also agreed that care should be exercised in the decision to apply sanctions and in their actual design, with the majority of them noting that new sanctions regimes should have a built-in monitoring process to regularly assess the political and

humanitarian impact of sanctions. The representative of Bulgaria supported the introduction of a preliminary comprehensive assessment, which would help to focus targeted sanctions on responsible decision makers while minimizing unintended side effects, and the representatives of China, the Russian Federation, France and Pakistan urged the Council to undertake a humanitarian impact assessment of measures.²⁸ With regard to the termination of sanctions, some speakers called attention to the need for an exit strategy to be built into the design of sanctions regimes, endorsing the notion of time-bound sanctions.²⁹ The representative of the Syrian Arab Republic underlined the need for sanctions to be lifted immediately, once compliance was verified, while the representative of Pakistan held that provisions should be made to ease sanctions in response to partial compliance.³⁰ Expressing another view, the representative of the United States contended that sanctions measures should be tied directly to the change in policy and behaviour of targeted actors, rather than artificially linking the duration of sanctions to an arbitrary time limit.³¹

With regard to the monitoring of sanctions regimes, the majority of members of the Council agreed that monitoring mechanisms and expert groups were among the most important tools available to the Council to implement sanctions. The representatives of China and the Russian Federation drew particular attention to the monitoring mechanism applied to the sanctions regime against the União Nacional para a Independência Total de Angola (UNITA), arguing that it might serve as a model for other circumstances.³² The representative of Germany held that the very existence of monitoring mechanisms, such as in the case of measures against UNITA, had served as a deterrent for those involved in sanctions breaking, and at the same time, an early-warning instrument against disproportionate collateral damage.³³ The representatives of France and the United Kingdom expressed satisfaction that the conclusions of the Stockholm Process accorded with the proposal for a

²⁶ S/PV.4713, pp. 2-3.

²⁷ *Ibid.*, pp. 3-5.

²⁸ *Ibid.*, p. 5 (Bulgaria); p. 7 (China); p. 8 (France); p. 14 (Russian Federation); and p. 16 (Pakistan).

²⁹ *Ibid.*, p. 7 (China); p. 8 (France); p. 13 (Syrian Arab Republic); and p. 15 (Pakistan).

³⁰ *Ibid.*, p. 13 (Syrian Arab Republic); and p. 15 (Pakistan).

³¹ *Ibid.*, p. 11.

³² *Ibid.*, p. 7 (China); and p. 14 (Russian Federation).

³³ *Ibid.*, p. 20.

semi-permanent monitoring mechanism for the implementation of targeted sanctions.³⁴ Along similar lines, other members called for the establishment of an autonomous uniform mechanism for the monitoring of sanctions within the Secretariat. For instance, the representative of the United States recommended that the Secretariat establish an informal system that would document and categorize the relevant findings and recommendations of the various expert groups in order to generate commonalities, as well as reduce overlap and increase efficiency.³⁵ The representatives of France and Chile maintained that the idea of setting up a United Nations special coordinator for sanctions merited close attention.³⁶

Several speakers drew attention to the importance of coordination in the implementation of sanctions. The representative of Bulgaria, echoed by the representatives of Guinea and Mexico, advocated regular coordination between the sanctions committees, including through the holding of joint meetings, aimed at ensuring consistency and continuity among them and

avoiding duplication.³⁷ The representative of China called for greater communication and coordination among sanctions committees, monitoring mechanisms and expert bodies, while the representative of Guinea encouraged regular consultation and cooperation between the Secretariat and the sanctions committees on the one hand, and interested international, regional and subregional organization, on the other.³⁸ The representative of Mexico also stressed the importance of improving coordination between sanctions committees and other actors, including humanitarian agencies, international and local non-governmental organizations.³⁹

Finally, a number of speakers called for an enhancement of the capacity of the Secretariat in supporting the implementation of sanctions,⁴⁰ while others called for the provision of adequate financial resources to Member States lacking in resources.⁴¹

³⁴ Ibid., p. 8 (France); and p. 12 (United Kingdom).

³⁵ Ibid., p. 10.

³⁶ Ibid., p. 8 (France); and p. 12 (Chile).

³⁷ Ibid., p. 6 (Bulgaria); p. 9 (Guinea); and p. 18 (Mexico).

³⁸ Ibid., p. 7 (China); and p. 9 (Guinea).

³⁹ Ibid., p. 18.

⁴⁰ Ibid., p. 8 (France); and p. 19 (Mexico).

⁴¹ Ibid., p. 9 (Guinea); pp. 13-14 (Syrian Arab Republic); and p. 19 (Mexico).

46. Women and peace and security

Initial proceedings

Decision of 31 October 2000 (4213th meeting): resolution 1325 (2000)

At its 4208th meeting, on 24 October 2000, the Security Council included in its agenda the item entitled “Women and peace and security”. At the meeting, the Council heard briefings by the Secretary-General, the Assistant Secretary-General and Special Adviser on Gender Issues and Advancement of Women, and the Executive Director of the United Nations Development Fund for Women (UNIFEM), following which statements were made by all members of the Council¹ and the representatives of Australia, Belarus, Botswana, Croatia, Cyprus, the Democratic

Republic of the Congo, Egypt, Ethiopia, Guatemala, India, Indonesia, Japan, Liechtenstein, Malawi, Mozambique, Nepal, New Zealand (on behalf of the Pacific Islands Forum), Norway, Pakistan, the Republic of Korea, Rwanda, Singapore, South Africa, the United Arab Emirates, the United Republic of Tanzania and Zimbabwe.

The Secretary-General observed that the United Nations was making special efforts to recruit more women for its peacekeeping and peacemaking missions, and to make all its operations more aware of gender issues. He recognized that women were still grossly underrepresented at the decision-making level, from conflict prevention to conflict resolution to post-conflict reconciliation. He asked the Council to help ensure that women and girls in conflict situations were protected, that perpetrators of violence against women in conflict were brought to justice and that women

¹ The representative of France made a statement on behalf of the European Union: Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement.