

Reiterated its commitment to make a wider and more effective use of the procedures and means enshrined in the provisions of the Charter regarding the peaceful settlement of disputes, as one of the essential components of its work to promote and maintain international peace and security.

## 54. Security Council mission

### Overview

During the period under review the Security Council completed 13 missions. Destinations included several African countries as well as Yugoslavia, East Timor, Indonesia and Afghanistan<sup>1</sup>. Prior to 2003, missions were discussed at Council meetings under the items pertaining to the specific country or situation.<sup>2</sup> From 2003 onward, all missions were discussed under the item entitled "Security Council mission". The table provides an overview of the missions completed during the review period. For missions discussed in 2003 under the item "Security Council mission", summaries of the corresponding reports and meetings are presented by region.

### Security Council missions 2000-2003

<i>Mission</i>	<i>Duration</i>	<i>Composition</i>	<i>Reports and terms of reference</i>	<i>Meeting No.</i>	<i>Item</i>
Implementation of Security Council resolution 1244 (1999)	27-29 April 2000	Bangladesh (head of mission), Argentina, Canada, China, Jamaica, Malaysia, Russian Federation and Ukraine	S/2000/363	4138	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
Special Mission visit to Eritrea and Ethiopia	9-10 May 2000	United States (head of mission), France, Mali, Namibia, Netherlands, Tunisia and United Kingdom	S/2000/413	4142	The situation between Eritrea and Ethiopia
Democratic Republic of the Congo	4-8 May 2000	United States (head of mission), France, Mali, Namibia, Netherlands, Tunisia and United Kingdom	S/2000/416	4143	The situation concerning the Democratic Republic of the Congo
Sierra Leone	7-14 October 2000	United Kingdom (head of mission), Bangladesh, China, France, Jamaica, Mali, Netherlands, Russian Federation, Ukraine and United States	S/2000/992	4216	The situation in Sierra Leone
East Timor and Indonesia	9-17 November 2000	Namibia (head of mission), Argentina, Malaysia, Tunisia, Ukraine, United Kingdom and United States	S/2000/1105	4244	The situation in East Timor
Great Lakes region	15-26 May 2001	France (head of mission), China, Colombia, Ireland, Jamaica, Mali, Mauritius, Singapore,	S/2001/521 and Add.1	4323	The situation in the Great Lakes region

<sup>1</sup> Angola, Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Guinea, Guinea-Bissau, Nigeria, Rwanda, Sierra Leone, South Africa, Uganda, United Republic of Tanzania and Zimbabwe.

<sup>2</sup> For Security Council missions from 2000 to 2002, see the section of chap. VIII that relates to the specific country or situation.

## Repertoire of the Practice of the Security Council

<i>Mission</i>	<i>Duration</i>	<i>Composition</i>	<i>Reports and terms of reference</i>	<i>Meeting No.</i>	<i>Item</i>
Kosovo	16-18 June 2001	Tunisia, Ukraine, United Kingdom and United States Bangladesh (head of mission), China, Colombia, France, Ireland, Jamaica, Mali, Mauritius, Norway, Russian Federation, Singapore, Tunisia, Ukraine, United Kingdom and United States	S/2001/600	4331	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
Ethiopia and Eritrea	21-25 February 2002	Norway (head of mission), Bulgaria, Cameroon, China, Colombia, France, Guinea, Ireland, Mauritius, Mexico, Russian Federation, Singapore, Syrian Arab Republic, United Kingdom and United States	S/2002/205	4485	The situation between Eritrea and Ethiopia
Great Lakes region	27 April-7 May 2002	France (head of mission), Bulgaria, Cameroon, China, Colombia, Guinea, Ireland, Mauritius, Mexico, Norway, Russian Federation, Singapore, Syrian Arab Republic, United Kingdom and United States	S/2002/537 and Add.1	4532	The situation in the Great Lakes region
Kosovo and Belgrade	14-17 December 2002	Norway (head of mission), Bulgaria, Cameroon, China, Colombia, France, Guinea, Ireland, Mauritius, Mexico, Russian Federation, Singapore, Syrian Arab Republic, United Kingdom and United States	S/2002/1376	4676	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
Central Africa	7-16 June 2003	France (head of mission), Angola, Bulgaria, Cameroon, Chile, China, Germany, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic, United Kingdom and United States	S/2003/653	4775, 4794	Security Council mission
West Africa	26 June-5 July 2003	United Kingdom (head of mission), Angola, Bulgaria, Cameroon, Chile, China, France, Germany, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic and United States	S/2003/688	4785, 4794	Security Council mission
Afghanistan	31 October - 7 November 2003	Germany (head of mission), Angola, Bulgaria, Cameroon, Chile, China, France, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic, United Kingdom and United States	S/2003/1074	4855	Security Council mission

## Africa

### Missions to Central Africa (7-16 June 2003) and West Africa (26 June-5 July 2003)

#### Deliberations of 18 June 2003 (4775th meeting)

The Security Council mission to Central Africa from 7 to 16 June 2003 was led by the representative of France and visited Pretoria, Luanda, Kinshasa, Bunia (Democratic Republic of the Congo), Bujumbura, Kigali, Dar-es-Salaam and Entebbe (Uganda). The mission met with the President of South Africa; the President of Angola; the President of the Democratic Republic of the Congo; the President of Burundi; the President of Rwanda; the President of the United Republic of Tanzania; and the President of Uganda. The mission also met with a number of other Government officials and was briefed in Kinshasa, Bujumbura and Kigali by the United Nations Observer Mission in the Democratic Republic of the Congo (MONUC), the United Nations Office in Burundi and the Special Representative of the Secretary-General for the Great Lakes Region, respectively. In addition, some members of the mission met with representatives of international non-governmental organizations and representatives of women's organizations in Burundi. In its report to the Council dated 20 June 2003,<sup>3</sup> found that urgent attention should be given to finishing the establishment of a transitional Government and the creation of a unified national army in the Democratic Republic of the Congo. It was also stressed that the situation in Bunia and North Kivu required regional efforts to stabilize security and end impunity for crimes committed in the region. Regarding Burundi, the mission strongly encouraged the international community to provide logistic and financial assistance to the peace process to ensure its successful outcome. In addition, the mission advocated immediate budgetary support to the transitional Government so as to not compromise the progress made, and stressed the importance of examining the Government's request to establish an international judicial commission of inquiry, as stipulated in the Arusha Peace and Reconciliation Agreement for Burundi.

At its 4775th meeting held on 18 June 2003, the Council included in its agenda the report of the

Security Council mission to Central Africa from 7 to 16 June 2003.<sup>3</sup> During the meeting, the Council heard a briefing by the head of mission (France), followed by statements by the representatives of Rwanda, the Democratic Republic of the Congo and the United Republic of Tanzania.

In his briefing, the representative of France noted that the main goal of the mission had been to bring support to the peace processes in the Democratic Republic of the Congo and Burundi, in a context of persistent hostilities in both countries. With regard to the Democratic Republic of the Congo, the mission had requested the President to facilitate the establishment of a transitional Government, with a focus on national reconciliation. While the mission took place only shortly after a humanitarian crisis in the Ituri region, and in the context of intensified attacks in North and South Kivu, the head of mission underlined that the mission had called for a cessation of all hostilities and emphasized the need for regional cooperation to halt transborder support to armed groups. He commended the cooperation between MONUC and the Interim Emergency Multinational Force in stabilizing the security situation in Bunia. However, he emphasized that resolving the conflict required a political solution. In that respect, he raised the question of the role MONUC could play in the peace process and mentioned the possibility of providing the mission with a stronger mandate, particularly in the context of the Multinational Force's departure from Bunia. Regarding Burundi, the representative of France reported that the mission had welcomed the Presidential transition while also showing concern over the absence of a complete ceasefire. He underlined that, consequently, peace remained fragile and that for the transition to be a success, the rebels had to end hostilities and join the peace talks. As for the reconciliation process, he added that it was necessary for the Government to implement fully a number of reforms, particularly in the areas of justice and security. He concluded his briefing by declaring that although the mission had raised high expectations among the visited countries, it was ultimately the responsibility of each government to achieve peace by implementing the provisions of the Peace agreement. He stressed that both parties had acknowledged the need to restore confidence on both sides of the border and that the mission would welcome a declaration of good neighbourliness, in

<sup>3</sup> S/2003/653.

addition to an international conference on peace in the Great Lakes region.<sup>4</sup>

In his statement, the representative of Rwanda expressed his hope that the recommendations made by the mission would help to resolve such pending issues as the complete disarmament of the former Rwandese Armed Forces and Interahamwe militias. He denied all allegations of support by the Rwandan Defence Forces to the Union des patriotes congolais and the Rassemblement congolais pour la démocratie (RCD) in the Ituri region. He argued that Rwanda had not sent troops to the Democratic Republic of the Congo since October 2002 and that the withdrawal of the Rwandan troops had been acknowledged by the Third Party Verification Mechanism following the signing of the Pretoria Agreement on 30 July 2002. He further argued that the Rwandan presence prior to the withdrawal had been beneficial to the population in stopping the former Rwandese Armed Forces and Interahamwe from crossing the borders, protecting Rwandan territory and averting the risk of renewed genocide. He also criticized the lack of cooperation from the Congolese leadership in re-establishing a climate of trust between the two Governments, in spite of Rwandan efforts and good will. Consequently, he requested that the Council pressure the government of the Democratic Republic of the Congo to, *inter alia*, honour its commitment under the various agreements and Council resolutions, stop the supply of weapons to the former Rwandese Armed Forces and Interahamwe militias and commit to establishing an inclusive, power-sharing government.<sup>5</sup>

In her statement, the representative of the Democratic Republic of the Congo argued that her government was actively engaged in the establishment of transitional institutions but that the attacks of the RCD-Goma forces and their control over the Eastern region was putting a break on the State-building efforts. She held the view that RCD-Goma received support from the government of Rwanda and asked the Council to maintain its pressure on them and their supporters. In addition, she stated that the emergency situation in Bunia required a long-term solution and that the temporary action of the Interim Emergency Multinational Force, as mandated, was insufficient. Rather, she argued, the mandate of MONUC should be amended and Chapter VII invoked in order to allow the

mission to restore the peace and then maintain the peace.<sup>6</sup>

Finally, the representative of the United Republic of Tanzania expressed the hope that the Council would make every effort to maintain the momentum created through its mission to Central Africa. She argued that the efforts accomplished by Burundi and the Democratic Republic of the Congo would not suffice without decisive actions and the support of the international community. She concurred with the Congolese delegate that the Council should reinforce the mandate of MONUC to ensure viable and sustained peace and security in the volatile areas. She concluded by reiterating the four-point proposal made by the President of the United Republic of Tanzania to promote peace and good governance in the region. The proposal included the adoption of a non-aggression pact, the promotion of the New Partnership for Africa's Development, an increased level of contacts and exchanges within the region and the cessation of arms proliferation.<sup>7</sup>

#### **Deliberations of 9 July 2003 (4785th meeting)**

The Security Council mission to West Africa was led by the representative of the United Kingdom, visited Guinea-Bissau, Nigeria, Ghana, Côte d'Ivoire, Guinea and Sierra Leone. The mission was scheduled to visit Liberia but, owing to the conflict in Liberia at that time, the mission instead travelled to Accra and met with the parties to the Liberian peace talks gathered under the auspices of the Economic Community of West African States (ECOWAS). The mission met with the President of Guinea-Bissau; the President of Côte d'Ivoire; the President of Ghana and Chairman of ECOWAS (Economic Community of West African States); the President of Nigeria; and the President of Sierra Leone. The mission also met with ministers, Government officials and parliamentarians, leaders of political parties and representatives of civil society. In addition, the mission met with a number of representatives of the United Nations missions, programmes and agencies of the United Nations system.

In its report to the Council dated 11 July 2003,<sup>8</sup> the mission emphasized, *inter alia*, the need to increase

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<sup>4</sup> S/PV. 4775, pp. 2-4.

<sup>5</sup> *Ibid.*, pp. 4-6.

<sup>6</sup> *Ibid.*, p. 7.

<sup>7</sup> *Ibid.*, p. 8.

<sup>8</sup> S/2003/688.

international support to and coordination with ECOWAS, and stressed the important role of the new Office of the Special Representative of the Secretary-General for West Africa in that regard. In addition, the mission stated that security sector reform was a priority in the region and that both donor countries and the United Nations system should deliver financial and training assistance in that area. The mission also proposed measures to be taken or strengthened to address such issues as the proliferation of small arms, the protection of civilians in armed conflict and the economic factors of instability and war in the region.

At its 4785th meeting, on 9 July 2003, the Council included in its agenda the item entitled "Report of the Security Council mission to West Africa from 26 June to 5 July 2003". The Council heard a briefing, delivered jointly by the representative of the United Kingdom, in his capacity as head of the Security Council mission to West Africa, and the representative of Mexico, in his capacity in his capacity as head of mission in Guinea-Bissau.

In his briefing, the representative of the United Kingdom underlined that the objective of the mission had been to generate within and outside of the United Nations a new momentum of support, assistance and partnership with West Africa. He was hopeful that the mission, as well as other important events such as the official visit of the President of the United States to Africa and the Summit of the African Union in Maputo, would help to trigger a new stage of effective action on African development. In Côte d'Ivoire, he stated that the mission had encouraged the President to speed the national reconciliation process and adopt an amnesty law. The mission also invited the Forces armées nationales de Côte d'Ivoire and Forces nouvelles to engage in closer dialogue, and welcomed the declaration of permanent end to hostilities issued by both groups. In respect of Liberia, the mission took stock of the call formulated by civil society groups and political parties to see an increased international involvement in their country. The head of mission expressed hope for a deployment of forces by ECOWAS, although he stressed that the effective implementation of a ceasefire and the basics of a peace agreement between the parties were a necessary prerequisite for such a deployment to be successful. He noted that, in Sierra Leone, the conditions for self-sustained stability still needed to be attained, and that the focus should be given to the diamond industry and

the security sector. He added that the drawdown of the United Nations Mission in Sierra Leone should be decided with regard to the progress made in the field of national institution-building. He concluded his briefing by stressing that at the regional level, the strong desire to tackle peace and development issues was weakened by a lack of resources. He therefore encouraged the international community to fund and support ECOWAS.<sup>9</sup>

Regarding the situation in Guinea-Bissau, the representative of Mexico informed the Council that the main goal of the visit had been to urge the government to achieve concrete steps in the political process and encourage the prompt holding of legislative elections. He stressed the distinctive, joint nature of the mission as a partnership between the Security Council and the Economic and Social Council. He stated that, this particular configuration allowed the mission to approach the situation of Guinea-Bissau from a double perspective: development and security. While highlighting the combined effect of economic, social and political development on peace and security, he stressed the need to adopt a regional approach to assess the impact of West African dynamics on the future of Guinea-Bissau. He stated that the process of post-conflict political reconstruction remained uncertain and warned that the national institutions were at risk owing to a very high level of instability in the country. In response, a clear commitment from the government was needed as well as increased support from the international community, in particular from the International Monetary Fund, the World Bank and donor countries.<sup>10</sup>

**Decision of 25 July 2003 (4794th meeting):  
statement by the President**

At its 4794th meeting, on 25 July 2003, the Council included in its agenda the item reports of the Security Council missions to Central Africa from 7 to 16 June 2003 and of the Security Council mission to West Africa from 26 June to 5 July 2003.<sup>11</sup> At the meeting, the President (Spain) made a statement on behalf of the Council,<sup>12</sup> by which the Council, *inter alia*:

<sup>9</sup> S/PV.4785, pp. 2-5.

<sup>10</sup> *Ibid.*, pp. 5-7.

<sup>11</sup> S/2003/653 and S/2003/688.

<sup>12</sup> S/PRST/2003/12.

Welcomed the recommendations made in the reports of its mission to Central Africa undertaken from 7 to 16 June 2003 and its mission to West Africa undertaken from 26 June to 5 July 2003;

Endorsed the recommendations which fall within its area of responsibility and wished to see them implemented;

Emphasized the importance of a subregional approach to issues such as small arms and light weapons, mercenaries, child soldiers and humanitarian access, and stressed that follow-up activity by the United Nations would require close cooperation and coordination throughout the United Nations system.

## **Asia**

### **Mission to Afghanistan (31 October-7 November 2003)**

#### **Deliberations of 11 November 2003 (4855th meeting)**

The Security Council mission to Afghanistan, was led by the representative of Germany and was based in Kabul but travelled to Herat and Mazar-e-Sharif. A visit to Kandahar was cancelled owing to the prevailing security situation. The mission held discussions with the Afghan Transitional Administration, regional leaders, the United Nations Assistance Mission in Afghanistan, United Nations agencies, the International Security Assistance Force (ISAF), the coalition forces, the diplomatic community, non-governmental organizations and civil society. In its report to the Council of 11 November 2003,<sup>13</sup> the mission found that the withdrawal of all factional forces from Kabul should be addressed as a matter of urgency; that security sector reform should receive prompt financial support from the international community; and that the reform of the Afghan Ministry of Defence should be adapted and applied to the other key State institutions. The mission also recommended that a national reconciliation process be initiated and a conference be organized in follow-up to the Bonn Agreement of 5 December 2010.<sup>14</sup>

At its 4855th meeting, held on 11 November 2003, the Council included in its agenda the report of the Security Council mission to Afghanistan from 31 October to 7 November 2003.<sup>13</sup> During the meeting,

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<sup>13</sup> S/2003/1074.

<sup>14</sup> Agreement on Provisional Arrangements in Afghanistan pending the Re-establishment of Permanent Government Institutions (see S/2001/1154).

the head of the mission (Germany) briefed Council members on the visit.

In his briefing, the head of mission noted that the mission had given the Council an opportunity to collect information on the ongoing constitutional process, in particular the release of a draft constitution, two years after the signature of the Bonn Agreement. He stressed that the purpose of the mission had been to assure the Afghan people that the Council and the international community would continue to promote and support reconstruction and stabilization efforts in the country. The mission had requested that the various parties and local political actors stop factional fighting, engage in the Bonn process and cooperate with the central Government. The head of mission noted that significant progress had been made towards the reconstruction of the country. However terrorism, factional fighting and drug-related crimes, which were identified by all interlocutors as the three main causes of insecurity, had slowed down the reconstruction efforts and challenged the national institution-building processes. On the crucial issue of security in Afghanistan, he pointed out the destructive effect of terrorist activities on reconstruction efforts. Similarly, he noted that the issue of local factionalism required greater cooperation between the provinces and the central Government and the strengthening of the rule of law. To that end, the mission had strongly encouraged the authorities to apply reforms, already conducted in the northern region, such as the integration of local forces into a national army, the demilitarization of Mazar-e-Sharif and the appointment of staff in key positions in the local administration. In regard to international assistance in the security sector, he recalled that Afghan ownership over its national security was crucial. He acknowledged, however, that the deployment of international forces would be necessary until Afghan security institutions could be developed. In that respect, the mission commended the positive role of the International Security Assistance Force in maintaining security in Kabul and providing reconstruction assistance in Mazar-e-Sharif, and expressed its hope with regard to the contribution of ISAF in supporting the adoption of the new Afghan constitution and the upcoming electoral process. In conclusion, he noted that the mission had also met with representatives of civil society, who underlined the importance of establishing a mechanism for transitional justice, owing the continued presence of perpetrators of grave human rights violations at a high

level in public institutions. However, senior officials of the Government and others suggested that Afghanistan was too weak to face the challenges of the past and that measures to enhance good governance should be given priority. Finally, representatives of women's

organizations pointed out that their active participation in the public arena was being hampered, and expressed special concern over the lack of explicit guarantees for women's rights in the draft constitution.<sup>15</sup>

<sup>15</sup> S/PV.4855, pp. 2-6.

## 55. Justice and the rule of law: the United Nations role

### Initial proceedings

#### Decision of 24 September 2003 (4833rd meeting): statement by the President

At its 4833rd meeting, on 24 September 2003, the Security Council included in its agenda the item entitled "Justice and the rule of law: the United Nations role". Statements were made by the Secretary-General and by all members of the Council.<sup>1</sup>

The Secretary-General observed that the United Nations, through many complex operations, had learned that the rule of law was not a luxury and that justice was not a side issue. He advocated a comprehensive approach to justice and the rule of law, which needed to encompass the entire criminal justice chain. He pointed out that the actions of the United Nations needed to be based in its standards for human rights and the administration of justice and in the principles of international humanitarian law, human rights law, refugee law and criminal law. He stated that the United Nations needed, wherever possible, to guide rather than direct, and reinforce rather than replace, with the aim of leaving behind strong local institutions when it departed. He asserted that ending the climate of impunity was vital to restoring public confidence, and that transitional justice mechanisms needed to concentrate not only on individual responsibility for serious crimes, but also on the need to achieve national reconciliation. He recognized that at times, the goals of justice and reconciliation competed with each other, and added that, in each case, the Council needed to attempt to balance the demands of peace and justice.<sup>2</sup>

<sup>1</sup> At the meeting, Bulgaria, Chile, China, France, Guinea, Mexico, Pakistan, the Russian Federation, Spain and the Syrian Arab Republic were represented by their respective Ministers for Foreign Affairs. The United Kingdom was represented by the Secretary of State for Foreign and Commonwealth Affairs.

<sup>2</sup> S/PV.4833, pp. 2-4.

In their statements, participants called for, inter alia, a more intensive use of measures for the pacific settlement of disputes, as contemplated in Article 33 of the Charter of the United Nations; greater compliance with the resolutions of the Council; ensuring application of international human rights and humanitarian law and all the provisions of the Geneva Conventions; and greater coordination within the United Nations system, as well as with other international institutions, regional organizations, local partners and non-governmental organizations. Many speakers commended the creation of the ad hoc tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone, and the International Criminal Court. A number of representatives advocated the formation of a pool of experts for emergency situations in the areas of justice and the rule of law. A number of speakers held the view that justice and the rule of law needed to be given earnest attention in United Nations peacekeeping operations and post-conflict reconstruction. Some representatives emphasized the need for development, which was a necessary condition for justice and the rule of law.

The representative of Pakistan observed that the resolutions and decisions of the Council needed to be implemented uniformly and without discrimination and also with equal force, irrespective of their falling within Chapter VI or Chapter VII of the Charter. He warned that selective implementation eroded confidence in the system and undermined the credibility of the United Nations.<sup>3</sup> The representative of the Syrian Arab Republic expressed the view that a number of the resolutions adopted by the Council had been imposed on some States while not truly imposed on others.<sup>4</sup>

<sup>3</sup> *Ibid.*, p. 4.

<sup>4</sup> *Ibid.*, p. 10.