

Chapter IV

Asia and the Pacific

An overriding concern of the United Nations in the Asia and Pacific region in 1999 was securing Iraq's compliance with its unmet obligations under Security Council resolution 687(1991). Since the cessation of UN disarmament inspections and long-term monitoring operations in Iraq, following the withdrawal from that country in December 1998 of the United Nations Special Commission and the International Atomic Energy Agency (IAEA), and the ensuing military strikes against it by the United States and the United Kingdom, Iraq had not allowed the UN inspectors to return. In December 1999, the Council, following consideration of the recommendations of three panels on Iraq that it created in January, adopted, albeit not unanimously, a resolution that preserved disarmament standards for Iraq, with a series of steps to terminate sanctions; established a new reinforced monitoring and verification arrangement in the form of the United Nations Monitoring, Verification and Inspection Commission to address the remaining disarmament tasks; reiterated Iraq's obligation to cooperate in accounting for missing persons and to return properties it had seized from Kuwait; and provided for Iraq's humanitarian concerns resulting from the sanctions, including lifting the ceiling on its oil production and export capacities under the oil-for-food formula on which the 1995 humanitarian programme for the Iraqi people was based. In the meantime, the Council extended the humanitarian programme thrice during the year, the last time until 8 June 2000.

In Afghanistan, where a long-standing war continued to rage, the United Nations Special Mission to Afghanistan succeeded early in the year in bringing the two warring parties together in two rounds of talks. In April, however, the Taliban, the party with significant territorial and military advantage, declined to continue the talks and thereafter mounted a major offensive intended finally to defeat the United Front, the other party to the conflict. In the waves of fighting that followed, without decisive result, tens of thousands of civilians were forcibly displaced. Concluding that the shuttle missions of his Special Envoy for Afghanistan between the warring parties and the countries bordering Afghanistan had limited impact, the Secretary-General and

the Special Envoy agreed to shift the latter's activities to the Special Mission. In October, the Council demanded, under penalty of sanctions, that the Taliban turn over Usama bin Laden, a Saudi Arabian national indicted by the United States for terrorist activities, to appropriate authorities to face trial. As the Taliban failed to comply, the sanctions took effect on 14 November.

In Tajikistan, the Commission on National Reconciliation, the joint implementing body of the Government, and the United Tajik Opposition (UTO), the two parties to the 1997 General Agreement on the Establishment of Peace and National Accord in Tajikistan, reached several milestones towards its goal of national reconciliation and democratization. They included UTO's official declaration in August of the disbandment of its armed forces, paving the way for the Supreme Court's lifting in that month of the 1993 ban on political parties; and the September referendum that approved the amendments to the Constitution, leading to presidential elections in November. Preparations were under way for the parliamentary elections—the last major step to be achieved under the General Agreement—scheduled to take place before February 2000. The Secretary-General observed that those achievements were due in no small measure to the extraordinary efforts of the United Nations Mission of Observers in Tajikistan, with the active support of the Contact Group of Guarantor States and International Organizations, and of the Mission in Tajikistan of the Organization for Security and Cooperation in Europe. To prepare for and monitor the parliamentary elections, the Council extended the Mission's mandate until 15 May 2000.

On the Korean peninsula, the United Nations Command continued to discharge its responsibilities relating to the 1953 Armistice Agreement. In view of the continued report by IAEA that the cooperation of the Democratic People's Republic of Korea (DPRK) with it remained limited, the General Assembly, in November, reiterated its call on the DPRK to cooperate fully in the fulfilment of its nuclear safeguards agreement with IAEA.

The Secretary-General dispatched a Group of Experts to Cambodia to assist it in addressing the

issue of bringing to justice those responsible for past serious violations of Cambodian and international law. Following a review of the Group's report, the Prime Minister decided that the perpetrators should be tried by a Cambodian court, rather than by an international tribunal, as recommended by the Group. The Assembly, in December, appealed to the Government to ensure that those most responsible be brought to account in accordance with international standards of justice, fairness and due process of law.

In a popular consultation held on 30 August, the people of the Non-Self-Governing Territory of East Timor voted overwhelmingly against the offer of special autonomy within Indonesia in favour of transition to independence. The offer, embodied in one of the 5 May Agreements concluded under the Secretary-General's good offices between Indonesia and Portugal (the administering Power) and with the UN Secretariat, called for the consultation under UN auspices, for which the Council created the United Nations Mission in East Timor. Following the announcement of the consultation result, the already serious security situation prevailing before the consultation erupted into violence unleashed by rampaging anti-independence militias, with the alleged acquiescence of the Indonesian military and police, resulting in numerous deaths, the displacement of hundreds of thousands of East Timorese and a grave humanitarian situation. As conditions deteriorated into chaos, the Council, in September, authorized an international force led by Australia to restore law and order and pave the way for an orderly transition of authority in East Timor under UN administration. For that purpose, the Council, in October, established the United Nations Transitional Administration in East Timor for an initial three-month period until 31 January 2000.

The United Nations Political Office in Bougainville (UNPOB), Papua New Guinea, continued to monitor and report on the implementation of the 1998 Lincoln Agreement on Peace, Security and Development on Bougainville by the parties to that Agreement, as well as by the Peace Monitoring Group composed of Australia, Fiji, New Zealand and Vanuatu. At the request of the Government, the Secretary-General, with the concurrence of the Council, extended UNPOB's mandate for a further 12-month period to 31 December 2000.

Among other matters brought to the attention of the United Nations were the long-standing dispute between India and Pakistan over Jammu and Kashmir, violations reported by Iran and Iraq of their 1987 ceasefire agreement and of the

area of separation between them, as well as the continued occupation by Iran of Greater Tunb, Lesser Tunb and Abu Musa, three islands claimed by the United Arab Emirates.

Iraq

Throughout 1999, relations between the Security Council and Iraq were marked by a stalemate precipitated by the withdrawal on 16 December 1998 of the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA)—both mandated by the Council's ceasefire resolution 687(1991)[YUN 1991, p. 172] to disarm Iraq of its weapons of mass destruction and to ensure that it did not reconstitute or reacquire them—and the military strike that ensued against Iraq by the United States and the United Kingdom. Although UNSCOM and IAEA ceased operations in Iraq, they each submitted to the Council, in addition to the required biannual reports, a comprehensive report on the status of the disarmament of Iraq and of the monitoring and verification activities in that country for which each was responsible.

To assist in its consideration of options for the full implementation of resolution 687(1991) and all other related resolutions regarding Iraq, the Council, in January, set up three panels to deal with the unresolved issues concerning disarmament in the context of the established ongoing monitoring and verification (OMV) systems, Iraq's humanitarian situation, and prisoners of war (POWs) and Kuwaiti property.

In December, drawing on the recommendations of the three panels, the Council, by resolution 1284(1999), created the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) to replace UNSCOM, assume the latter's responsibilities connected with verifying Iraq's compliance with its weapons-related obligations under resolution 687(1991) and other relevant resolutions, and establish and operate a reinforced OMV system and address unresolved disarmament issues within that framework. The resolution retained the linkage between compliance by Iraq and lifting of the sanctions against it, but introduced the principle of their suspension commensurate with compliance achieved. It also removed the ceiling for Iraqi oil exports, exempted from travel restrictions those Hajj pilgrimage flights that were not also transporting cargo into or out of Iraq, and asked an expert group to recommend alternatives for increasing Iraq's production and export capacity.

Before the resolution was adopted, Iraq categorically rejected the draft text, insisting that, since it had honoured its fundamental obligations under the relevant resolutions, it was incumbent on the Council to adopt forthwith a resolution providing for the complete and unconditional lifting of the sanctions. It could not accept the new and arbitrary conditions to be imposed on Iraq, as they constituted a threat to its sovereignty and national interests.

In view of the continuing sanctions, the Council extended the humanitarian programme for three 180-day periods (26 November 1998-24 May 1999; 25 May-20 November 1999, later extended to 4 and then to 11 December; and 11 December 1999-8 June 2000).

On 23 December, the General Assembly decided that the agenda item on the financing of the activities arising from Security Council resolution 687(1991) would remain for consideration during its resumed fifty-fourth (2000) session (**decision 54/465**) and that the Fifth (Administrative and Budgetary) Committee should continue consideration of the item at the resumed session (**decision 54/462 A**).

By decisions 54/425 and 54/426 of 9 December, the Assembly deferred consideration of, respectively, Israel's armed aggression against Iraqi nuclear installations and its grave consequences for the established international system on the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security; and the consequences of Iraq's occupation of and aggression against Kuwait. It included both items in the provisional agenda of its fifty-fifth (2000) session.

UN Special Commission and IAEA post-withdrawal activities

UN Special Commission

UNSCOM remained in being until 17 December 1999, when the Security Council replaced it with a new body (see p. 229). Richard Butler (Australia) remained as Executive Chairman until the end of his two-year tenure on 30 June. Thereafter, the Deputy Executive Chairman, Charles Duelfer (United States), acted as Officer-in-Charge until the successor body was created.

Report of UNSCOM (January). The Executive Chairman forwarded to the Security Council on 25 January two UNSCOM reports [S/1999/94]: one on the current status of the disarmament of Iraq's proscribed missile, chemical and biological weapons and the other on the status of the OMV operations in Iraq to ensure that it did not reconstitute or retain prohibited chemical and

biological weapons and missiles with a range greater than 150 kilometres.

The first report contained a comprehensive record of those disarmament issues for which UNSCOM was responsible: a description of UNSCOM's mandate, the methodology for its execution, and the impact of its working environment on its accounting for proscribed weapons; the outstanding priority issues in each weapons area, as summarized in the Executive Chairman's 1998 consolidated biannual reports [YUN 1998, p. 247]; three appendices on the current status of the material balances of proscribed operational weapons and capabilities in each weapons area, with tabulated records of, among others, items in question, declared quantities and disposal status, UNSCOM's comments and accounting status; and an appendix describing Iraqi actions to obstruct disarmament. In the biological weapons area, each element of Iraq's full, final and complete disclosure (FFCD), submitted in three versions but without significant new information—the first rejected by UNSCOM as incomplete and the third declared by international experts as deficient in all areas—was dealt with in detail, with the tabulated record of UNSCOM's assessment and comments. A summary of biological disarmament efforts from 1991 to 1998 was also provided.

The second report, on the status of OMV operations in Iraq, gave an overview of the system, underscoring the key elements for its effectivity and credibility, namely, Iraq's adherence to its obligations and cooperation with monitoring activities, UNSCOM's unhindered access to sites and information, and resources available to it for implementing its mandate.

Attention was drawn to the shortcomings of the OMV operations in terms of funding and availability of experts. Suggestions for the system's improvement were put forward, among them a specialized training programme for inspection teams and the creation of two monitoring sub-centres or operational bases, in Mosul in the north and Basrah in the south, to enable access to practically all of the sites designated for monitoring within two hours.

The report pointed out that the UNSCOM OMV system was based on the assumption that the mandated objective of the full verification and disposal of Iraq's proscribed weapons would be achieved. It stated that the current review took account of the possibility that that would prove not to be the case, but that UNSCOM might nevertheless be required to operate its OMV system under the shadow of Iraq possibly retaining prohibited materials; and that, once sanctions were reduced

or lifted, UNSCOM would face a considerable increase in its OMV work.

Further reports (April and October). As called for by Security Council resolution 1051(1996) [YUN 1996, p.218], UNSCOM submitted to the Council, through the Secretary-General, two biannual reports, on 9 April [S/1999/401] and 8 October [S/1999/1037]. The April report, covering the period 6 October 1998-11 April 1999, outlined developments in 1998 that had led to the suspension of UNSCOM's activities, its withdrawal from Iraq and subsequent resumption of activities, its final withdrawal in December and the ensuing military action against that country. It briefly described UNSCOM's disarmament and OMV activities until then. The report recorded that neither the declarations on Iraq's activities, facilities, materials and other items that might be used for prohibited purposes, due on 15 January 1999, nor any notifications on national implementation measures, had been received. Moreover, after 15 December 1998, Iraq ceased to provide the notification forms on its import of notifiable items. The report concluded that, not having received the cooperation required of Iraq, UNSCOM remained unable to give the Council the assurances it required regarding the final disposition of Iraq's proscribed weapons programmes and their possible reconstitution.

The October report covered the period 12 April-11 October 1999, during which UNSCOM focused on facilitating an eventual resumption of UN disarmament and monitoring operations in Iraq. To that end, it continued to organize, analyse and computerize the large store of data accumulated during its operations to make them more readily usable. It prepared recommendations for a reconstituted OMV system, including steps for its implementation. Notifications received from Governments on the supply to Iraq of dual-use materials were analysed and registered. At the Council's request, UNSCOM provided written information and oral briefings on various matters at informal Council consultations. It settled some of its liabilities, including reimbursing Chile for expenditures for helicopter support, France for a camera system and Germany for aerial support between April 1995 and September 1996. In the light of discussions with Bahrain, the Secretary-General and the IAEA Director General proposed, on 29 September, an interim arrangement to hold the field office in that country (relocated to Manama in July) in caretaker status to enable the quick resumption of work when conditions allowed.

Communications from Iraq. On 28 July [S/1999/831], Iraq protested the destruction of seven specimens of VX nerve gas at UNSCOM's

premises (Canal Hotel) in Baghdad by a team directed to do so by the Executive Chairman. It claimed that the existence of those specimens, revealed only after the team's arrival in Baghdad, supported its suspicion that the specimens had been deliberately used to contaminate the war-head remnants sent to the United States for analysis in 1998 [YUN 1998, p. 249] so as to result in findings of VX traces. Iraq demanded an inventory by an impartial body of all items at UNSCOM's premises in Baghdad to bring out facts that would vindicate Iraq. It repeated that demand on 16 August [S/1999/897], in the light of a 5 August report of the Organization for the Prohibition of Chemical Weapons (OPCW) on the work of its special team for Iraq, which included an inventory of materials in the two UNSCOM laboratories at the Baghdad Monitoring and Verification Centre (BMVC). The inventory referred to five bottles identified as "Iraq GD-hexane", a toxic agent Iraq claimed it never submitted to UNSCOM, and to seven comparison samples of VX nerve agent, marked to be kept in a container designed to ensure the secure transportation of dangerous materials, such as explosives. Iraq took the reference to imply the presence of explosives in the UNSCOM wing of the BMVC, a claim denied by the former Executive Chairman. Iraq said the references, as well as opposition by the United States and the United Kingdom to submitting those VX samples to analysis, made clear that the Canal Hotel VX samples were destroyed, not for the danger they posed, but to get rid of proof of UNSCOM's illegitimate activities.

On 1 August [A/54/202], Iraq took exception to the Secretary-General's statement in his report to the General Assembly on the role of the United Nations in the field of verification [A/54/166], namely, that UNSCOM activities to verify Iraq's compliance with relevant Security Council resolutions ceased on 16 December 1998, without stating why or how those activities were conducted. Iraq claimed that UNSCOM had exceeded its mandate and significantly deviated from its original course, that the former Executive Chairman, on orders from United States officials and without the Council's or the Secretary-General's authorization, withdrew UNSCOM personnel from Iraq in November and December, and that, in consultation with such officials, he prepared a report that provided grounds for the 16 December military strike on Iraq.

Earlier, on 27 February [S/1999/219], Iraq claimed that efforts to contain the spread of foot-and-mouth disease in a number of governorates were severely hampered by the shortage of vaccine owing to UNSCOM's destruction of equipment in the laboratory devoted to producing it.

That statement, the Executive Chairman asserted on 11 March [S/1999/285], did not accord with the pertinent facts. The Daura facility for the production of vaccines was, by Iraq's admission in 1995, not a purely civilian facility, but had been used for biological-warfare-agent production, research and development. The installations, facilities and 28 pieces of equipment used for those purposes were destroyed in 1996 and special air-handling equipment was disabled. Some 40 major pieces originally imported for the production of foot-and-mouth disease vaccine remained, as UNSCOM could not establish their use in Iraq's biological warfare programme. Iraq unilaterally halted vaccine production in September 1992.

IAEA

IAEA report (February). In connection with the establishment of the disarmament and OMV panel on Iraq [S/1999/100], the IAEA Director General transmitted to the Security Council a report on 8 February 1999 [S/1999/127], summarizing the status of the implementation of the Agency's mandate in Iraq up to its withdrawal on 16 December 1998 [YUN 1998, p. 267], which could facilitate that panel's work. The summary incorporated information provided in the 1997 [YUN 1997, p. 225] and 1998 [YUN 1998, p. 264] six-monthly reports.

The report identified and examined the three areas where questions and concerns remained: the lack of certain technical documentation relating to engineering drawings of centrifuge and nuclear-weapon mechanical designs, and Iraq's inability to provide further information regarding the identification and location of a foreign national alleged to have offered assistance to its clandestine nuclear weapons programme, as well as documentary evidence of the timing and modalities of the abandonment of the programme. However, the uncertainties those created presented no technical impediment to the full implementation of the IAEA OMV plan, which took them into account. Provided IAEA was allowed full and free access in Iraq, it would be able to proceed with that implementation, and to investigate further the remaining questions and concerns and any other aspect of Iraq's clandestine nuclear programme arising out of new information acquired by IAEA. The scope of the activities to be carried out was based on the technically coherent picture of Iraq's clandestine nuclear programme derived from IAEA's intensive verification activities since 1991; the remaining uncertainties were compensated for by prudent assumptions regarding Iraq's nuclear capabilities.

Direct annual implementation costs were estimated at about \$10 million, not including substantial logistical costs and other assistance provided through UNSCOM.

Further report (April) and communications. Pursuant to Security Council resolution 1051(1996), IAEA submitted its consolidated six-monthly report for the period 1 October 1998 to 1 April 1999 [S/1999/393 & Corr.1].

According to the report, the BMVC-based Nuclear Monitoring Group, since its establishment in August 1994 until IAEA's withdrawal from Iraq in 1998, carried out some 1,625 OMV inspections, the majority without prior notice and some in cooperation with UNSCOM. The results of the analyses of the environmental samples taken in connection with the 1998 visits to Iraq's presidential sites [YUN 1998, p. 266], received and evaluated during the reporting period, did not indicate the presence of proscribed materials or of proscribed activities at any of those sites. Seven of eight requests for the release or relocation of equipment and materials, or for the change of use of monitored facilities, were approved, as were the intended export to Iraq of items under some 30 transactions, for which notifications were received under the export/import mechanism jointly administered with UNSCOM. In addition, the report included excerpts from IAEA's February report on the status of its verification activities.

In lieu of its second six-monthly report, IAEA recorded in a 6 October letter [S/1999/1035] that it had not received the semi-annual declarations required of Iraq regarding changes in its use of facilities, installations and sites, as well as the inventory and location of materials, equipment and isotopes that were under IAEA monitoring. The declarations were due on 15 January and 15 July. IAEA indicated that it maintained an operational plan for resuming OMV operations in Iraq on short notice. For the full implementation of its mandate, however, retention of its right to unrestricted access was essential, as provided for in relevant Council resolutions and in the IAEA OMV plan.

On 10 December [S/2000/120], IAEA notified the Council that, in keeping with the safeguards agreement between Iraq and IAEA pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons, adopted by the General Assembly in resolution 2373(XXII) [YUN 1968, p. 17], it needed to carry out a physical inventory verification by 14 December of the nuclear material subject to safeguards in Iraq to ensure that it remained accounted for, unaltered and under IAEA seal. Required under the safeguards system once a year, or not less than every 14 months, that task was

subsumed under the more comprehensive and intrusive disarmament and OMV activities mandated by Council resolution 687(1991) and related resolutions. The last inventory verification took place on 14 October 1998. IAEA stressed that the dispatch of the safeguards mission did not in any way obviate the need to resume OMV operations and clarification of outstanding disarmament questions as soon as possible.

By **resolution 54/26** of 15 November (see p. 962), the General Assembly stressed the need for the resumption without delay of IAEA's OMV activities in Iraq.

Transitional arrangements

UN Monitoring, Verification and Inspection Commission

The Security Council President, on 30 January [S/1999/100], announced that the Council, while continuing discussions on options for the full implementation of all of its resolutions regarding Iraq, would establish three panels on that country. The first panel, on disarmament and current and future OMV issues, would involve the participation and expertise of UNSCOM, IAEA, the UN Secretariat and others. It would assess all information, including OMV data, relating to the state of disarmament in Iraq and make recommendations on how to re-establish an effective disarmament/OMV regime in that country. The second panel, on humanitarian issues, would involve the participation and expertise of the United Nations Office of the Iraq Programme, the secretariat of the Sanctions Committee for Iraq and the UN Secretariat. It would assess Iraq's current humanitarian situation and recommend measures for its improvement. The third panel, on POWs and Kuwaiti property, including archives, and involving the participation and expertise of the Secretariat and any other relevant expertise, would assess Iraq's compliance relating to POWs and Kuwaiti property, as stipulated by relevant Council resolutions. The panels would submit their recommendations to the Council no later than 15 April. The current Council President, Celso L. N. Amorim (Brazil), would chair each panel.

Report of disarmament/OMV panel. On 27 and 30 March [S/1999/356], the Chairman of the panels transmitted the report of the panel on disarmament and OMV issues, as well as those of the panels on humanitarian issues (see p. 251) and on POWs and Kuwaiti property (see p. 235). Composed of 20 experts, the first panel met in New York from 23 to 27 February and from 22 to 27 March to consider information on the OMV re-

gime; the export/import monitoring mechanism; the nuclear, missile, chemical and biological weapons areas; and overhead imagery. The panel's mandate reflected the Council's assessment that the presence of inspectors on the ground remained the most effective way to provide assurance that Iraq did not retain, reacquire or rebuild its proscribed weapons programmes. Bearing in mind the need to ensure full implementation of all relevant Council resolutions regarding Iraq, particularly resolutions 687(1991) [YUN 1991, p. 172], 707(1991) [ibid., p. 188], 715(1991) [ibid., p. 194] and 1051(1996) [YUN 1996, p. 218], the panel needed to answer the fundamental question of whether it was feasible to address the remaining disarmament issues and areas of uncertainty through their integration into a reinforced OMV regime developed to its full potential.

The panel heard briefings by UNSCOM and IAEA on the current status of disarmament and OMV in the four proscribed weapons areas, which concentrated on specific, outstanding priority issues. It also considered Iraqi documentation containing its views on the subject. The briefings indicated that, despite the well-known difficult circumstances, both bodies had effectively uncovered and eliminated the bulk of Iraq's proscribed weapons programmes: IAEA was able to evolve a technically coherent picture of Iraq's nuclear weapons programme and UNSCOM achieved considerable progress in establishing material balances of Iraq's proscribed weapons. As to the disarmament issues still to be resolved, reference was made to a possible "point of impasse" in further investigating those issues under current procedures.

The briefings demonstrated that it was technically possible to pursue resolution of the remaining issues within the OMV framework, provided adequate arrangements were established to ensure the full exercise of the rights contemplated in the UNSCOM and IAEA OMV plans. An adequate legal framework for implementing a rigorous and effective OMV system, integrating into it the investigation of unresolved issues relating to proscribed weapons programmes, was provided for in those plans. From a legal perspective, specific operations aimed at clarifying certain questions and detecting the retention of proscribed items that escaped being destroyed, removed or rendered harmless were fully guaranteed. The reinforced OMV system should make maximum use of synergies, cross-checks and cross-fertilizations between the activities of the four disciplines (nuclear, missile, chemical, biological) and the export/import monitoring mechanism. Such an integrated approach could enable rapid and effective work towards confirming

Iraq's disarmament status. The BMVC, which might be strengthened further, would continue to play a pivotal role.

The panel advanced some parameters under which unresolved or not sufficiently resolved disarmament issues could be integrated into OMV. It insisted that Iraq should confirm the rights and privileges of UNSCOM and IAEA inspectors and support staff and, consistent with past experience, confirm that their health and safety would be protected at all times within its territory.

To achieve its objectives, the reinforced OMV system would require Iraq to provide immediate and unobstructed access to all sites, as well as documentation to determine the legitimacy of activities under monitoring. It should ensure access to information and materials related to past proscribed activities and to the Iraqi personnel involved for interviews without interference. It should not conceal, remove or destroy relevant evidence, or interfere with monitoring equipment. It should adopt national legislation for the implementation of its obligations under Council resolutions.

The panel suggested the possibility of restructuring UNSCOM as a collegiate body, comprising a core of technical experts, including from IAEA and OPCW, Security Council members, the Under-Secretary-General for Disarmament Affairs and other Secretariat representatives, which could provide independent advice, guidance and general oversight, at the expert and diplomatic levels, on OMV activities and problems. Its functions could include consideration of matters relating to the execution of the OMV plan; reports from the Executive Chairman on the conduct of operations; issues submitted for resolution or recommendation to the Council; Iraqi complaints regarding the conduct of inspections; developing rosters of monitoring experts; and advising on personnel policy. The collegiate body should meet at least every three months, possibly with a non-permanent Council member presiding. The restructured UNSCOM should ensure a clear UN identity and be guided by the principles of full independence, rigour and transparency to ensure the effectiveness of its work and credibility of its results. Weight should be given to training aimed at developing and reinforcing core inspection skills, with emphasis on understanding national sensitivities during inspections. OMV information, whether provided by Iraq or other Member States or generated by inspections, should be held confidential and assessed strictly in terms of its credibility and relevance to the mandate. Difficulties encountered in the past, including instances of obstruction and/or decep-

tion, should be taken into account; at the same time, unnecessary confrontation or disproportionate reactions should be avoided. Confidentiality should also be maintained during all stages of the planning and execution phases. There should be a single point of contact with the press and public comment by the verification entity should be restricted to the factual, leaving to the Council evaluations or comments with obvious political implications.

The panel concluded that a reinforced OMV system, integrating intrusive inspections and investigation of relevant elements of past proscribed activities, was viable. It was in fact the same system as conceived in the plans approved by resolution 715(1991), developed to its full potential.

The panel observed that, the longer inspection and monitoring activities remained suspended, the more difficult the comprehensive implementation of Council resolutions would become. The current absence of inspectors had exponentially increased the risk of compromising the already achieved level of assurance regarding Iraq's compliance with its weapons-related obligations, given the difficulty of re-establishing the necessary OMV baseline. The panel considered the status quo as not a practical alternative and recommended that an effective, rigorous and credible international inspection regime be restored in Iraq. The reinforced OMV would be more intrusive than the one so far practised, and the Council had to devise ways to ensure Iraq's acceptance of it.

On 13 April [S/1999/415], the Council President circulated the personal remarks of the panels' Chairman at the 7 April Council consultations of the whole, strongly urging the Council to give due consideration to the disarmament/OMV panel's suggestions, in spite of the cautious diplomatic but by no means opaque language in which they were couched.

SECURITY COUNCIL ACTION

On 17 December [meeting 4084], the Security Council adopted resolution 1284(1999) by vote (11-0-4), based on a draft by the United Kingdom [S/1999/1232].

The Security Council,

Recalling its previous relevant resolutions, including its resolutions 661(1990) of 6 August 1990, 687(1991) of 3 April 1991, 699(1991) of 17 June 1991, 707(1991) of 15 August 1991, 715(1991) of 11 October 1991, 986(1995) of 14 April 1995, 1051(1996) of 27 March 1996, 1153(1998) of 20 February 1998, 1175(1998) of 19 June 1998, 1242(1999) of 21 May 1999 and 1266(1999) of 4 October 1999,

Recalling the approval by the Council in its resolution 715(1991) of the plans for future ongoing monitor-

ing and verification submitted by the Secretary-General and the Director General of the International Atomic Energy Agency in pursuance of paragraphs 10 and 13 of resolution 687(1991),

Welcoming the reports of the three panels on Iraq, and having undertaken a comprehensive consideration of those reports and the recommendations contained in them,

Stressing the importance of a comprehensive approach to the full implementation of all relevant Security Council resolutions regarding Iraq and the need for Iraqi compliance with those resolutions,

Recalling the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons as referred to in paragraph 14 of resolution 687(1991),

Concerned at the humanitarian situation in Iraq, and determined to improve that situation,

Recalling with concern that the repatriation and return of all Kuwaiti and third-country nationals or their remains, present in Iraq on or after 2 August 1990, pursuant to paragraph 2 (c) of resolution 686(1991) of 2 March 1991 and paragraph 30 of resolution 687(1991), have not yet been fully carried out by Iraq,

Recalling that in its resolutions 686(1991) and 687(1991) the Council demanded that Iraq return in the shortest possible time all Kuwaiti property it had seized, and noting with regret that Iraq has still not complied fully with that demand,

Acknowledging the progress made by Iraq towards compliance with the provisions of resolution 687(1991), but noting that, as a result of its failure to implement the relevant Council resolutions fully, the conditions do not exist which would enable the Council to take a decision pursuant to resolution 687(1991) to lift the prohibitions referred to in that resolution,

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait, Iraq and the neighbouring States,

Acting under Chapter VII of the Charter of the United Nations, and taking into account the fact that operative provisions of the present resolution relate to previous resolutions adopted under Chapter VU of the Charter,

A

1. *Decides* to establish, as a subsidiary body of the Council, the United Nations Monitoring, Verification and Inspection Commission, which replaces the Special Commission established pursuant to paragraph 9 (b) of resolution 687(1991);

2. *Decides also* that the Monitoring, Verification and Inspection Commission will undertake the responsibilities mandated to the Special Commission by the Council with regard to the verification of compliance by Iraq with its obligations under paragraphs 8, 9 and 10 of resolution 687(1991) and other related resolutions, that the Commission will establish and operate, as was recommended by the panel on disarmament and current and future ongoing monitoring and verification issues, a reinforced system of ongoing monitoring and verification, which will implement the plan approved by the Council in resolution 715(1991) and address unresolved disarmament issues, and that the Commission will identify, as necessary in accordance

with its mandate, additional sites in Iraq to be covered by the reinforced system of ongoing monitoring and verification;

3. *Reaffirms* the provisions of the relevant resolutions with regard to the role of the International Atomic Energy Agency in addressing compliance by Iraq with paragraphs 12 and 13 of resolution 687(1991) and with other related resolutions, and requests the Director General of the International Atomic Energy Agency to maintain this role with the assistance and co-operation of the Monitoring, Verification and Inspection Commission;

4. *Reaffirms* its resolutions 687(1991), 699(1991), 707(1991), 715(1991), 1051(1996), 1154(1998) of 2 March 1998, and all other relevant resolutions and statements by its President, which establish the criteria for Iraqi compliance, affirms that the obligations of Iraq referred to in those resolutions and statements with regard to cooperation with the Special Commission, unrestricted access and provision of information will apply in respect of the Monitoring, Verification and Inspection Commission, and decides in particular that Iraq shall allow Commission teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transport which they wish to inspect in accordance with the mandate of the Commission, as well as to all officials and other persons under the authority of the Iraqi Government whom the Commission wishes to interview so that it may fully discharge its mandate;

5. *Requests* the Secretary-General, within 30 days of the adoption of the present resolution, to appoint, after consultation with and subject to the approval of the Council, an Executive Chairman of the Monitoring, Verification and Inspection Commission who will take up his mandated tasks as soon as possible and, in consultation with the Executive Chairman and the Council members, to appoint suitably qualified experts as a College of Commissioners for the Commission, which will meet regularly to review the implementation of the present and other relevant resolutions and provide professional advice and guidance to the Executive Chairman, including on significant policy decisions and on written reports to be submitted to the Council through the Secretary-General;

6. *Requests* the Executive Chairman of the Monitoring, Verification and Inspection Commission, within 45 days of his appointment, in consultation with and through the Secretary-General, to submit to the Council for its approval an organizational plan for the Commission, including its structure, staffing requirements, management guidelines, recruitment and training procedures, incorporating as appropriate the recommendations of the panel on disarmament and current and future ongoing monitoring and verification issues, and recognizing in particular the need for an effective, cooperative management structure for the new organization, for staffing with suitably qualified and experienced personnel, who would be regarded as international civil servants subject to Article 100 of the Charter of the United Nations, drawn from the broadest possible geographical base, including as he deems necessary from international arms control organizations, and for the provision of high quality technical and cultural training;

7. *Decides that* the Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency, not later than 60 days after they have both started work in Iraq, will each draw up, for approval by the Council, a work programme for the discharge of their mandates, which will include both the implementation of the reinforced system of ongoing monitoring and verification, and the key remaining disarmament tasks to be completed by Iraq pursuant to its obligations to comply with the disarmament requirements of resolution 687(1991) and other related resolutions, which constitute the governing standard of Iraqi compliance, and further decides that what is required of Iraq for the implementation of each task shall be clearly defined and precise;

8. *Requests* the Executive Chairman of the Monitoring, Verification and Inspection Commission and the Director General of the International Atomic Energy Agency, drawing on the expertise of other international organizations as appropriate, to establish a unit which will have the responsibilities of the joint unit constituted by the Special Commission and the Director General under paragraph 16 of the export/import mechanism approved by resolution 1051(1996), and also requests the Executive Chairman, in consultation with the Director General, to resume the revision and updating of the lists of items and technology to which the mechanism applies;

9. *Decides that* the Government of Iraq shall be liable for the full costs of the Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency related to their work under the present and other related resolutions on Iraq;

10. *Requests* Member States to give full cooperation to the Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency in the discharge of their mandates;

11. *Decides that* the Monitoring, Verification and Inspection Commission shall take over all assets, liabilities and archives of the Special Commission, and that it shall assume the part of the Special Commission in agreements existing between the Special Commission and Iraq and between the United Nations and Iraq, and affirms that the Executive Chairman, the Commissioners and the personnel serving with the Monitoring, Verification and Inspection Commission shall have the rights, privileges, facilities and immunities of the Special Commission;

12. *Requests* the Executive Chairman of the Monitoring, Verification and Inspection Commission to report every three months, through the Secretary-General, to the Council, following consultation with the Commissioners, on the work of the Commission, pending submission of the first reports referred to in paragraph 33 below, and to report immediately when the reinforced system of ongoing monitoring and verification is fully operational in Iraq;

B

13. *Reiterates* the obligation of Iraq, in furtherance of its commitment to facilitate the repatriation of all Kuwaiti and third-country nationals referred to in paragraph 30 of resolution 687(1991), to extend all necessary cooperation to the International Committee of the Red Cross, and calls upon the Government of Iraq to resume cooperation with the Tripartite Commission

and the Technical Subcommittee established to facilitate work on this issue;

14. *Requests* the Secretary-General to report to the Council every four months on compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains, to report every six months on the return of all Kuwaiti property, including archives, seized by Iraq, and to appoint a high-level coordinator for these issues;

C

15. *Authorizes* States, notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661(1990) and subsequent relevant resolutions, to permit the import of any volume of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto, as required for the purposes and on the conditions set out in paragraphs 1 (a) and 1 (b) and subsequent provisions of resolution 986(1995) and related resolutions;

16. *Underlines*, in this context, its intention to take further action, including permitting the use of additional export routes for petroleum and petroleum products, under appropriate conditions otherwise consistent with the purpose and provisions of resolution 986(1995) and related resolutions;

17. *Directs* the Security Council Committee established by resolution 661(1990) to approve, on the basis of proposals from the Secretary-General, lists of humanitarian items, including foodstuffs, pharmaceutical and medical supplies, as well as basic or standard medical and agricultural equipment and basic or standard educational items, decides, notwithstanding paragraph 3 of resolution 661(1990) and paragraph 20 of resolution 687(1991), that supplies of these items will not be submitted for the approval of that Committee, except for items subject to the provisions of resolution 1051(1996), and that they will be notified to the Secretary-General and financed in accordance with the provisions of paragraphs 8 (a) and 8 (b) of resolution 986(1995), and requests the Secretary-General to inform the Committee in a timely manner of all such notifications received and actions taken;

18. *Requests* the Committee established by resolution 661(1990) to appoint, in accordance with resolutions 1175(1998) and 1210(1998) of 24 November 1998, a group of experts, including independent inspection agents appointed by the Secretary-General in accordance with paragraph 6 of resolution 986(1995), decides that this group will be mandated to approve speedily contracts for the parts and equipment necessary to enable Iraq to increase its exports of petroleum and petroleum products, according to lists of parts and equipment approved by that Committee for each individual project, and requests the Secretary-General to continue to provide for the monitoring of these parts and equipment inside Iraq;

19. *Encourages* Member States and international organizations to provide supplementary humanitarian assistance to Iraq and published material of an educational character to Iraq;

20. *Decides* to suspend, for an initial period of six months from the date of the adoption of the present resolution and subject to review, the implementation of paragraph 8 (g) of resolution 986(1995);

21. *Requests* the Secretary-General to take steps to maximize, drawing as necessary on the advice of specialists, including representatives of international humanitarian organizations, the effectiveness of the arrangements set out in resolution 986(1995) and related resolutions, including the humanitarian benefit to the Iraqi population in all areas of the country, and further requests the Secretary-General to continue to enhance as necessary the United Nations observation process in Iraq, ensuring that all supplies under the humanitarian programme are utilized as authorized, to bring to the attention of the Council any circumstances preventing or impeding effective and equitable distribution and to keep the Council informed of the steps taken towards the implementation of this paragraph;

22. *Also requests* the Secretary-General to minimize the cost of the United Nations activities associated with the implementation of resolution 986(1995) as well as the cost of the independent inspection agents and the certified public accountants appointed by him, in accordance with paragraphs 6 and 7 of resolution 986(1995);

23. *Further requests* the Secretary-General to provide Iraq and the Committee established by resolution 661(1990) with a daily statement of the status of the escrow account established by paragraph 7 of resolution 986(1995);

24. *Requests* the Secretary-General to make the necessary arrangements, subject to Security Council approval, to allow funds deposited in the escrow account established by resolution 986(1995) to be used for the purchase of locally produced goods and to meet the local cost for essential civilian needs which have been funded in accordance with the provisions of resolution 986(1995) and related resolutions, including, where appropriate, the cost of installation and training services;

25. *Directs* the Committee established by resolution 661(1990) to take a decision on all applications in respect of humanitarian and essential civilian needs within two working days of receipt of these applications from the Secretary-General, and to ensure that all approval and notification letters issued by the Committee stipulate delivery within a specified time, according to the nature of the items to be supplied, and requests the Secretary-General to notify the Committee of all applications for humanitarian items which are included in the list to which the export/import mechanism approved by resolution 1051(1996) applies;

26. *Decides* that Hajj flights which do not transport cargo into or out of Iraq are exempt from the provisions of paragraph 3 of resolution 661(1990) and resolution 670(1990), provided timely notification of each flight is made to the Committee established by resolution 661(1990), and requests the Secretary-General to make the necessary arrangements, for approval by the Security Council, to provide for reasonable expenses related to the Hajj to be met by funds in the escrow account established by resolution 986(1995);

27. *Calls upon* the Government of Iraq:

(a) To take all steps to ensure the timely and equitable distribution of all humanitarian goods, in particular medical supplies, and to remove and avoid delays at its warehouses;

(b) To address effectively the needs of vulnerable groups, including children, pregnant women, the disabled, the elderly and the mentally ill among others, and to allow freer access, without any discrimination, including on the basis of religion or nationality, by United Nations agencies and humanitarian organizations to all areas and sections of the population for evaluation of their nutritional and humanitarian condition;

(c) To prioritize applications for humanitarian goods under the arrangements set out in resolution 986 (1995) and related resolutions;

(d) To ensure that those involuntarily displaced receive humanitarian assistance without the need to demonstrate that they have resided for six months in their places of temporary residence;

(e) To extend full cooperation to the mine-clearance programme of the United Nations Office for Project Services in the three northern governorates of Iraq and to consider the initiation of the demining efforts in other governorates;

28. *Requests* the Secretary-General to report on the progress made in meeting the humanitarian needs of the Iraqi people and on the revenues necessary to meet those needs, including recommendations on necessary additions to the current allocation for oil spare parts and equipment, on the basis of a comprehensive survey of the condition of the Iraqi oil-production sector, not later than 60 days from the date of the adoption of the present resolution, and updated thereafter as necessary;

29. *Expresses its readiness* to authorize additions to the current allocation for oil spare parts and equipment, on the basis of the report and recommendations requested in paragraph 28 above, in order to meet the humanitarian purposes set out in resolution 986(1995) and related resolutions;

30. *Requests* the Secretary-General to establish a group of experts, including oil industry experts, to report within 100 days of the date of adoption of the present resolution on Iraq's existing petroleum production and export capacity and to make recommendations, to be updated as necessary, on alternatives for increasing Iraq's petroleum production and export capacity in a manner consistent with the purposes of relevant resolutions, and on the options for involving foreign oil companies in Iraq's oil sector, including investments, subject to appropriate monitoring and controls;

31. *Notes* that in the event of the Council acting as provided for in paragraph 33 below to suspend the prohibitions referred to in that paragraph, appropriate arrangements and procedures will need, subject to paragraph 35 below, to be agreed by the Council in good time beforehand, including suspension of provisions of resolution 986(1995) and related resolutions;

32. *Requests* the Secretary-General to report to the Council on the implementation of paragraphs 15 to 30 of the present resolution within 30 days of the adoption of this resolution;

D

33. *Expresses its intention*, upon receipt of reports from the Executive Chairman of the Monitoring, Verification and Inspection Commission and from the Director General of the International Atomic Energy Agency that Iraq has cooperated in all respects with the

Commission and the Agency in particular in fulfilling the work programmes in all the aspects referred to in paragraph 7 above, for a period of 120 days after the date on which the Council is in receipt of reports from both the Commission and the Agency that the reinforced system of ongoing monitoring and verification is fully operational, to suspend with the fundamental objective of improving the humanitarian situation in Iraq and securing the implementation of the Council's resolutions, for a period of 120 days renewable by the Council, and subject to the elaboration of effective financial and other operational measures to ensure that Iraq does not acquire prohibited items, prohibitions against the import of commodities and products originating in Iraq, and prohibitions against the sale, supply and delivery to Iraq of civilian commodities and products other than those referred to in paragraph 24 of resolution 687(1991) or those to which the mechanism established by resolution 1051(1996) applies;

34. *Decides* that in reporting to the Council for the purposes of paragraph 33 above, the Executive Chairman of the Monitoring, Verification and Inspection Commission will include as a basis for his assessment the progress made in completing the tasks referred to in paragraph 7 above;

35. *Decides* that if at any time the Executive Chairman of the Monitoring, Verification and Inspection Commission or the Director General of the International Atomic Energy Agency reports that Iraq is not cooperating in all respects with the Commission or the Agency or if Iraq is in the process of acquiring any prohibited items, the suspension of the prohibitions referred to in paragraph 33 above shall terminate on the fifth working day following the report, unless the Council decides to the contrary;

36. *Expresses its intention* to approve arrangements for effective financial and other operational measures, including on the delivery of and payment for authorized civilian commodities and products to be sold or supplied to Iraq, in order to ensure that Iraq does not acquire prohibited items in the event of suspension of the prohibitions referred to in paragraph 33 above, to begin the elaboration of such measures not later than the date of receipt of the initial reports referred to in paragraph 33 above, and to approve such arrangements before the Council decision in accordance with that paragraph;

37. *Also expresses its intention* to take steps, based on the report and recommendations requested in paragraph 30 above, and consistent with the purpose of resolution 986(1995) and related resolutions, to enable Iraq to increase its petroleum production and export capacity, upon receipt of the reports relating to the cooperation in all respects with the Monitoring, Verification and Inspection Commission and the Agency referred to in paragraph 33 above;

38. *Reaffirms its intention* to act in accordance with the relevant provisions of resolution 687(1991) on the termination of prohibitions referred to in that resolution;

39. *Decides* to remain actively seized of the matter, and expresses its intention to consider action in accordance with paragraph 33 above no later than 12 months from the date of the adoption of the present resolution provided the conditions set out in paragraph 33 above have been satisfied by Iraq.

VOTE ON RESOLUTION 1284(1999):

In favour Argentina, Bahrain, Brazil, Canada, Gabon, Gambia, Namibia, Netherlands, Slovenia, United Kingdom, United States.

Against: None.

Abstaining: China, France, Malaysia, Russian Federation.

China pointed out that implementation of the resolution was highly questionable without Iraqi cooperation. China had always believed that Iraq was obligated to implement the relevant Council resolutions; however, the Council also had to assess objectively Iraq's implementation and gradually lift or at least suspend the sanctions accordingly. It said a draft put to the vote on which there was no consensus, even if adopted, would not help resolve the long-standing issue of Iraq.

France said two matters were regrettable: the refusal to break the isolation of the Iraqi population and, in that connection, to permit the resumption of civil aviation; and the lack of a real exception to the sanctions for religious activities, such as the Hajj and the Omra pilgrimage, since everything remained in the hands of the Sanctions Committee. The resolution did not include the specifics for the financial mechanism to be applicable during the period of sanctions suspension. The criteria for the suspension and lifting of sanctions were ambiguous and thus subject to interpretation difficulties. Its abstention notwithstanding, France would plead for wisdom to prevail in the interpretation of paragraphs 33 and 34 so that a reasonable financial mechanism could be adopted.

The Russian Federation stated that, while it could not support the resolution, it would not hinder its adoption since, at its insistence, serious changes offering an opportunity to break the Iraqi stalemate had been introduced into the text. That should not be taken to mean that Russia was obliged to play along with attempts to enforce implementation. It agreed that Iraq had to fulfil its obligations, but that the Council had to act in an unbiased manner and not allow its work to be politicized. Russia was not trying to shield Iraq, but a repetition of the previous situation under UNSCOM was unacceptable.

Malaysia said the resolution was driven by political rather than humanitarian considerations and left out the important issue of financial modalities. It established no definite benchmark or time frame for the final lifting of sanctions and persisted in effecting stringent controls that impacted negatively on innocent civilians. Its formulation on the Hajj issue was such as not to resolve the problems occurring every Hajj season. Malaysia regretted that its proposal to hear Iraq's views before acting on the draft was not accommodated. While there was broad agreement on continued monitoring and on the urgency to re-

solve the key remaining disarmament issues, any reinforced OMV system should take account of Iraq's dignity as a sovereign State, as well as of the religious and cultural sensitivities of its people.

Communication from Iraq. Prior to the resolution's adoption, Iraq, on 5 December [S/1999/1218], categorically rejected the draft text as a "malicious and biased rewriting" of existing Council resolutions, saying that, since it had honoured its fundamental obligations under those resolutions, it was incumbent on the Council to follow suit and adopt forthwith a resolution providing for the complete and unconditional lifting of the sanctions against Iraq. It could not accept the "new and arbitrary conditions" that the draft sought to impose on Iraq as they constituted "a threat to its sovereignty and national interests".

Iraq-Kuwait

Kuwait, on 14 January [S/1999/40], drew attention to an article in the 10 January Iraqi paper *Al-Thawrah* by Iraq's Deputy Prime Minister, maintaining that Kuwait was created by the United Kingdom to contain Iraq and deny it access to its coasts, which historically had always been part of Iraqi territory. The article went on to say that Iraq's overtures to settle the demarcation of the boundaries between it and Kuwait had been met with delays and obstacles, while Kuwait continued to construct oil-production facilities and military installations and to create farm settlements on what was Iraqi territory.

Kuwait called the article a distortion of internationally recognized historical facts, namely, that Kuwait was a State with recognized boundaries before Iraq was established as a political entity in 1921. More seriously, the article constituted a complete repudiation of Security Council resolution 687(1991) [YUN 1991, p. 172], setting forth Iraq's obligations in the aftermath of its aggression against Kuwait, and resolution 833(1993) [YUN 1993, p. 400] on the completion of demarcating for the first time the precise coordinates of the international boundary between Iraq and Kuwait.

POWs and Kuwaiti property

Report of POW/Kuwaiti property panel. The Chairman of the three panels on Iraq, established pursuant to the Security Council President's note of 30 January (see p. 229), transmitted the report of the panel on POWs and Kuwaiti property to the Council on 30 March [S/1999/356]. The panel, composed of UN Secretariat officials, agreed to base its assessment on briefings and written submissions of those with first-hand information, including those directly

concerned, and not to engage in any investigative work of its own. The panel met on 18 February and on 3, 4 and 9 March to consider information from a variety of sources.

POWs

For its work on POWs, the panel considered written submissions from the International Committee of the Red Cross (ICRC) and from Max van der Stoep, Special Rapporteur on the situation of human rights in Iraq; a non-paper by Iraq; and oral briefings from the Special Envoy of the Secretary-General in Baghdad, the Permanent Representative of Kuwait to the United Nations, the Vice-Chairman of the Kuwaiti National Committee on Missing Persons and Prisoner of War Affairs, the Chairman of the Committee for Saudi Prisoners of War in Iraq, and the French, United Kingdom and United States representatives in the Tripartite Commission, formally created by the 1991 Riyadh Agreement (see p. 236) to ascertain the fate of missing military personnel and civilians.

In assessing Iraqi compliance relating to POWs as stipulated by Council resolutions, the panel took as the legal framework for its own work the relevant Council resolutions and international humanitarian law provisions, as well as other pertinent international agreements.

The panel noted that, at the end of the Gulf War, ICRC arranged for the global repatriation of more than 70,000 Iraqi and 4,000 Kuwaiti and allied POWs, and over 1,300 civilian internees and detained civilians of Kuwaiti or third-State nationality. Others reportedly returned to Kuwait after the 1991 insurrection in southern Iraq. Although the efforts of the Tripartite Commission, which, under the chairmanship of ICRC had held 23 meetings by September 1998, had yielded limited results, it was deemed the most appropriate mechanism to deal with the issue of missing persons. Its Technical Subcommittee (TSC), set up in 1994 to expedite the search for all persons for whom inquiry files had been opened, met monthly in the demilitarized zone on the Iraq-Kuwait border, holding its thirty-sixth meeting on 2 December 1998. Iraq notified ICRC, however, that it would not participate in the next scheduled 1999 meeting of either the Commission or TSC. ICRC was unable to obtain Iraq's agreement to grant it access to those detained in Iraq.

According to ICRC, individual files for persons not accounted for submitted by the July 1996 deadline set by the Commission numbered 608 from Kuwait (including 7 files for Saudi nationals), 17 from Saudi Arabia and 789 from Iraq. Three Kuwaiti files had since been closed, leav-

ing 605 open, relating to 570 Kuwaiti nationals and 35 third-State nationals legally in Kuwait at the time of its occupation by Iraq. According to Saudi Arabia, 24 of its nationals (21 of them civilians) remained unaccounted for; approximately 5,300 Iraqis, in that country as refugees under the auspices of the Office of the United Nations High Commissioner for Refugees (UNHCR), refused repatriation to Iraq after the Gulf War.

Iraq held that there were no POWs or detainees in its territory and that the issue was one of missing persons. Of the 126 cases to which it had responded, 121 were arrested and sent to detention centres in southern Iraq, but their fate could not be established after their escape from detention during the unrest in the area; five cases were identified as those of persons killed in Kuwait or in combat, one of whose remains was returned, thus closing that file. Eight other cases were solved or withdrawn by Kuwait. As for the rest of the files, Iraq claimed that all documents that could provide a basis for a search had been destroyed, burned or lost in the riots in the south. While reaffirming that it held no POWs, Iraq said it was not possible to reach agreement with ICRC on the question of visits to detention sites, for it was under no obligation to accept proposals that would extend the scope and duration of the search for the missing.

The panel observed that, were Iraq's compliance with its obligations to be assessed in the light of current circumstances, the status of the remaining 605 persons unaccounted for, whether POWs, civilian detainees or missing persons, would be crucial, as each of those categories of individuals entailed for the detaining Power different obligations under the relevant legal instruments. Given the limitation of not being able to investigate the facts, the panel found itself unable to make a definitive determination. The absence of a direct legal link between the Council resolutions and 1991 agreements concluded by Iraq and the coalition forces in Riyadh, Saudi Arabia (the Riyadh Agreements), did not exonerate Iraq from its obligation to cooperate with the Tripartite Commission under those agreements. The panel thus urged Iraq to reconsider its decision not to participate in the Commission and TSC. In reaffirming the humanitarian character of the issues, it stressed the need to avoid politicizing them and the imperative to provide information to the families of the missing. Although progress had been below the level expected and desired by the international community, the Tripartite Commission and TSC offered the best chance of progress for the issue; it was therefore the responsibility of all involved to cooperate fully with them. The panel recommended that,

since the Council had addressed the POW issue in its resolutions, the Secretary-General should keep it informed of progress on the situation through a semi-annual or annual report, based on information collected by the Secretariat from Iraq, Kuwait and the Commission. The panel believed that, for progress to be achieved, it was fundamental to show good will in ascertaining the fate of the missing by transparency and openness.

Kuwaiti property

For its assessment of Iraqi compliance relating to Kuwaiti property, including archives, the panel took as its legal framework those provisions of Security Council resolutions 686(1991) and 687(1991) requiring Iraq immediately to begin to return all Kuwaiti property it had seized, the return to be completed in the shortest possible period. Considered as part of that framework were relevant provisions of the Hague Regulations Concerning the Laws and Custom of War on Land, annexed to the 1907 IV Hague Convention, generally recognized as part of customary international law, in so far as they related to respect for property and the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War.

The panel outlined the actions taken relating to the return of Kuwaiti property in 1991 [YUN 1991, p. 195], 1994 [YUN 1994, p. 476] and 1996 [YUN 1996, p. 234]. It noted that in June 1997 and December 1998, Iraq's Permanent Representative to the United Nations informed the Coordinator for the return of Kuwaiti property that several small items identified by markings as belonging to Kuwait had been found in local markets but not returned due to the absence in Iraq of a field representative of the Coordinator. The matter of the missing archives and military equipment previously reported to the United Nations was again brought to the attention of Iraq in October 1997 and March 1998.

In his oral presentation, the Secretary-General's Special Envoy in Baghdad said he had raised the missing-property issue in December 1998 as an important one to be resolved; Iraq's Deputy Prime Minister replied that it could be easily settled in the context of the comprehensive review of Iraq's disarmament compliance that was shortly to have been undertaken by the Council [YUN 1998, p. 259]. The panel also heard from Kuwait's Permanent Representative that no private property had been returned but for which compensation claims had been presented to the United Nations Compensation Commission; that, while much of the outstanding property could be subject to claims, the return of the ar-

chives was essential—no compensation could be paid for them, nor for museum objects, being unique items; and that Kuwaiti anti-aircraft weapons were intact and emplaced around Baghdad and at other Iraqi sites. Documentation provided by the Compensation Commission indicated that, since the Commission had no enforcement mechanism, it could do nothing for claimants seeking compensation for loss of irreplaceable objects and other tangible properties stolen by Iraq. It had also rejected some other Kuwaiti claims for lack of supporting evidence. The panel recognized the difficulty in providing such evidence, given the destruction or loss of documentation during Iraq's occupation of and departure from Kuwait.

Given Kuwait's emphasis on the return of irreplaceable items, especially the archives and military equipment, besides the still unaccounted-for items of the Islamic and National Museums of Kuwait, the panel encouraged Iraq to exert additional efforts to find Kuwaiti property in its territory and to continue to return those found through the Secretariat. Since no mechanism existed to foster the return of property, progress could be achieved through periodic reports by the parties to a Secretariat focal point, who would maintain an updated list of items yet to be returned, together with supporting evidence. On the basis of such data, the Secretary-General would submit an annual progress report to the Council. A field representative of the Coordinator should be appointed as soon as possible to facilitate the handover of any property found by Iraq. The panel suggested that the Compensation Commission could consider making settlements, even for claims submitted beyond the deadline, for replaceable items claimed to have been lost in Iraqi possession. Kuwait should submit an updated list of items whose return need not be pursued, provided compensation was arranged.

The panel asserted that Iraq was under obligation to return the missing archives of the Emir, the Prime Minister, the Cabinet and the Foreign Ministry and had also to respond to Kuwait's repeated claims that there was still military equipment to be returned. The absence of a credible explanation from Iraq on the missing archives and military material, the panel observed, did not allow it to conclude that Iraq was in full compliance with its obligation to implement paragraph 2 of resolution 686(1991).

By section B of **resolution 1284(1999)**, the Council reiterated Iraq's obligation and commitment to repatriate all Kuwaiti and third-country nationals or return their remains, as well as to return all Kuwaiti property, including archives, it

had seized; it asked the Secretary-General to report on Iraq's compliance and to appoint a high-level coordinator for those issues.

UN Iraq-Kuwait Observation Mission

The United Nations Iraq-Kuwait Observation Mission (UNIKOM), established by Security Council resolution 687(1991) [YUN 1991, p. 172], continued in 1999 to discharge its functions in accordance with its terms of reference, as expanded by resolution 806(1993) [YUN 1993, p. 406].

UNIKOM operations involved surveillance, control, investigation and liaison. Surveillance of the demilitarized zone (DMZ), an area about 200 to 240 kilometres long and extending 10 kilometres into Iraq and 5 kilometres into Kuwait, was based on ground and air patrols and observation points. Control operations included static checkpoints, random checks and maintenance of a mobile reserve force. For operational purposes, the DMZ was divided into the northern and southern sectors, with 10 and 7 patrol/observation bases, respectively. Investigation teams were stationed in those sectors and at UNIKOM headquarters. Continuous liaison was maintained with Iraqi and Kuwaiti authorities at all levels.

The military observers were responsible for patrol, observation, investigation and liaison activities. The infantry battalion, deployed at Camp Khor, Kuwait, at a company camp in Al-Abdali, at platoon camps in the two DMZ sectors, and in the easternmost patrol/observation base on the DMZ's Iraqi side, conducted armed patrols within those areas and manned checkpoints at border-crossing sites, making random checks in cooperation with Iraqi and Kuwaiti liaison officers. It also provided security for UNIKOM personnel and installations.

UNIKOM maintained headquarters at Umm Qasr in Iraq, liaison offices in Baghdad and Kuwait City and a support centre at Camp Khor.

Reports of Secretary-General (March and September). UNIKOM's activities were described in two reports by the Secretary-General, covering the periods 24 September 1998 to 23 March 1999 [S/1999/330] and 24 March to 23 September 1999 [S/1999/1006 & Corr.1].

The reports noted that the situation in the DMZ remained generally calm. However, the military strike against Iraq in December 1998 [YUN 1998, p. 262] and the subsequent skirmishes over the no-fly zones in the north and south of the country affected some operational aspects of the Mission. UNIKOM flights by fixed-wing aircraft in Iraq and by helicopter on the DMZ's Iraqi side remained suspended since December 1998, when Iraqi authorities informed UNIKOM that they could not guarantee the safety of such flights due

to Iraq's conflict with the United States and the United Kingdom regarding the no-fly zones. For security reasons, therefore, deployment of military observers from those countries had since been restricted to patrol and observation bases on the Kuwaiti side of the DMZ and to UNIKOM headquarters.

DMZ violations increased to 122 during the first period but dropped to 49 during the second period. The ground and maritime violations were mostly by Iraqi police or military personnel and civilians, while the air violations were by aircraft generally flying too high to be identified. UNIKOM received six official complaints, five from Kuwait and one from Iraq; none could be verified as the complaints were received long after the alleged incidents occurred. Twenty-one other incidents in the DMZ were recorded during the second period. UNIKOM also provided security and logistic support for ICRC humanitarian activities.

The Secretary-General observed that UNIKOM received the cooperation of the Iraqi and Kuwaiti authorities in the performance of its tasks and recommended that it be maintained in view of its continued contribution to the maintenance of calm and stability in the DMZ.

SECURITY COUNCIL ACTION

The Security Council informed the Secretary-General on 6 April [S/1999/384] and on 6 October [S/1999/1033] that, in the light of his reports, it had reviewed the question of the termination or continuation of UNIKOM and its modalities of operation and concurred with his recommendation that UNIKOM be maintained. The Council would review the question again by 6 April 2000.

Composition

As at 1 September, UNIKOM, under the command of Major-General Esa Kalervo Tarvainen (Finland), had an overall strength of 1,299, comprising 193 military observers from 32 Member States; an infantry battalion of 767 from Bangladesh; 133 support personnel, including a 50-member engineering unit and a 34-member logistic unit from Argentina, a helicopter unit of 35 from Bangladesh and a medical unit of 14 from Germany; plus a civilian staff of 205, of whom 57 were recruited internationally.

On 5 November [S/1999/1154], the Secretary-General informed the Security Council of his intention to appoint General John Augustine Vize (Ireland) to succeed Major-General Tarvainen, who was to relinquish his post on 30 November; the Council agreed to the appointment on 10 November [S/1999/1155]. General Vize assumed the post of Force Commander on 1 December.

Financing

On 8 June [meeting 101], the General Assembly considered the Secretary-General's reports on the financial performance of UNIKOM for the period 1 July 1997-30 June 1998 [A/53/782] and its proposed budget for 1 July 1999-30 June 2000 [A/53/817], together with related reports of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) [A/53/895 & Add.2]. On the recommendation of the Fifth Committee [A/53/987], the Assembly adopted **resolution 53/229** without vote [agenda item 124 (a)].

Financing of the United Nations Iraq-Kuwait Observation Mission

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Iraq-Kuwait Observation Mission and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolutions 687(1991) of 3 April 1991 and 689(1991) of 9 April 1991, by which the Council decided to establish the United Nations Iraq-Kuwait Observation Mission and to review the question of its termination or continuation every six months,

Recalling also its resolution 45/260 of 3 May 1991 on the financing of the Observation Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 52/238 of 26 June 1998,

Reaffirming that the costs of the Observation Mission that are not covered by voluntary contributions are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Observation Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Expressing its appreciation for the substantial voluntary contributions made to the Observation Mission by the Government of Kuwait and the contributions of other Governments,

Mindful of the fact that it is essential to provide the Observation Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. *Takes note* of the status of contributions to the United Nations Iraq-Kuwait Observation Mission as at 30 April 1999, including the contributions outstanding in the amount of 9.8 million United States dollars, representing some 4 per cent of the total assessed contributions from the inception of the Mission to the period ending 30 April 1999, notes that some 21 per cent of the

Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

2. *Expresses its continued appreciation* of the decision of the Government of Kuwait to defray two thirds of the cost of the Observation Mission, effective 1 November 1993;

3. *Expresses concern* about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

4. *Expresses its appreciation* to those Member States which have paid their assessed contributions in full;

5. *Urges* all other Member States to make every possible effort to ensure payment of their assessed contributions to the Observation Mission in full and on time;

6. *Endorses* the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

7. *Requests* the Secretary-General to take all necessary action to ensure that the Observation Mission is administered with a maximum of efficiency and economy;

8. *Also requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Observation Mission against General Service posts, commensurate with the requirements of the Mission;

9. *Decides* to appropriate to the Special Account for the United Nations Iraq-Kuwait Observation Mission the amount of 53,991,024 dollars gross (51,996,124 dollars net) for the maintenance of the Observation Mission for the period from 1 July 1999 to 30 June 2000, inclusive of the amount of 2,686,445 dollars for the support account for peacekeeping operations and the amount of 526,779 dollars for the United Nations Logistics Base at Brindisi, Italy, a two-thirds share of this amount, equivalent to 34,664,080 dollars, to be funded through voluntary contributions from the Government of Kuwait, subject to the review by the Security Council with regard to the question of termination or continuation of the Mission;

10. *Decides also*, as an ad hoc arrangement, taking into consideration the funding through voluntary contributions from the Government of Kuwait of the two-thirds share of the cost of the Observation Mission, equivalent to 34,664,080 dollars, to apportion among Member States the amount of 19,326,944 dollars gross (17,332,044 dollars net), representing one third of the cost of the maintenance of the Mission for the period from 1 July 1999 to 30 June 2000, the said amount to be apportioned at a monthly rate of 1,610,579 dollars gross (1,444,337 dollars net), in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1999 and 2000, as set out in its

resolution 52/215 A of 22 December 1997, subject to the review by the Security Council with regard to the question of termination or continuation of the Mission;

11. *Decides further that*, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 10 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,994,900 dollars approved for the Observation Mission for the period from 1 July 1999 to 30 June 2000;

12. *Decides* that, taking into consideration the funding through voluntary contributions from the Government of Kuwait of the two-thirds share of the cost of the Observation Mission, for Member States that have fulfilled their financial obligations to the Mission, there shall be set off against the apportionment, as provided for in paragraph 10 above, their respective share of the unencumbered balance of 1,339,300 dollars gross (1,028,100 dollars net), representing one third of the unencumbered balance of 3,395,500 dollars gross (3,084,300 dollars net) in respect of the period from 1 July 1997 to 30 June 1998;

13. *Decides also* that, for Member States that have not fulfilled their financial obligations to the Observation Mission, their share of the unencumbered balance of 1,339,300 dollars gross (1,028,100 dollars net) in respect of the period from 1 July 1997 to 30 June 1998 shall be set off against their outstanding obligations;

14. *Decides further* that two thirds of the net unencumbered balance of 3,084,300 dollars, equivalent to 2,056,200 dollars, shall be returned to the Government of Kuwait;

15. *Expresses concern* that the Secretary-General did not submit to the General Assembly during the main part of its fifty-third session the separate report on developments relating to the issue of overpayment of mission subsistence allowance and compensatory time off, including measures taken with respect to those responsible for the overpayment on the basis of the conclusion of the inquiry, as requested in paragraph 18 of Assembly resolution 52/238, and requests the Secretary-General to submit that report to the Assembly no later than 30 June 1999;

16. *Invites* voluntary contributions to the Observation Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

17. *Decides to* include in the provisional agenda of its fifty-fourth session, under the item entitled "Financing of the activities arising from Security Council resolution 687(1991)", the sub-item entitled "United Nations Iraq-Kuwait Observation Mission".

On 29 October [meeting 43], the Assembly considered the Secretary-General's report on the results of efforts to recover overpayment of mission subsistence allowance in UNIKOM [A/53/1023], together with the related ACABQ report [A/54/418]. On the Fifth Committee's recommendation [A/54/510], the Assembly adopted **resolution 54/18 A** without **vote** [agenda item 130 (a)].

Financing of the United Nations Iraq-Kuwait Observation Mission

The General Assembly,

Recalling its resolutions 52/238 of 26 June 1998 and 53/229 of 8 June 1999,

Having considered the report of the Secretary-General on the financing of the United Nations Iraq-Kuwait Observation Mission and the related report of the Advisory Committee on Administrative and Budgetary Questions,

1. *Notes with deep concern* the mishandling of this matter by the Administration, as observed by the Advisory Committee on Administrative and Budgetary Questions in paragraph 4 of its report;

2. *Requests* the Board of Auditors to undertake a comprehensive audit of the United Nations Iraq-Kuwait Observation Mission, in particular the question of the payment of mission subsistence allowance, as a matter of priority;

3. *Requests* the Secretary-General to submit a comprehensive report on this question within a period not exceeding three months following the adoption of the present resolution, for consideration during the first part of its resumed fifty-fourth session;

4. *Decides* to continue its consideration of this question during the first part of its resumed fifty-fourth session in the light of the reports of the Board of Auditors and the Secretary-General, and decides that, pending its decision, all actions on this question should remain in abeyance.

By **decision 54/462 A** of 23 December, the Assembly decided that the Fifth Committee should continue its consideration of the item on the financing of UNIKOM at the resumed fifty-fourth (2000) session.

Arms and related sanctions

The Security Council's yearly reviews of the sanctions provisions against Iraq, pursuant to its resolution 687(1991) [YUN 1991, p. 172], remained suspended in 1999, in accordance with resolution 1194(1998) [YUN 1998, p. 257]. As it later reaffirmed in resolution 1205(1998) [ibid., p. 258], the Council would act in accordance with the relevant provisions of resolution 687(1991) on the duration of the prohibitions referred to in that resolution.

Communications from Iraq. By a 14 January statement [S/1999/41], Iraq called for the immediate lifting of the embargo against it, based on what had been achieved to disarm it of weapons of mass destruction, which should be considered as meeting in full Iraq's weapons-related obligations under resolution 687(1991).

On 8 November [S/1999/1170], the Speaker of Iraq's National Assembly drew attention to the grave consequences of the unjust embargo imposed on Iraq, which was entering its ninth year, and to continued United States and United Kingdom military assaults on Iraq under the so-called

aerial exclusion (also no-fly) zones, which were destroying vital infrastructure and basic utilities. The Speaker urged an immediate halt to the "daily" attacks by the United States and the United Kingdom and pleaded for the lifting of the embargo that was inflicting untold suffering on the Iraqi people.

Sanctions Committee activities

The Security Council Committee established by resolution 661(1990) [YUN 1990, p. 192] (Sanctions Committee for Iraq), in its annual report [S/2000/133], described its activities from 1 August 1998 to 20 November 1999. In addition to its implementation activities under Council resolutions 986(1995) [YUN 1995, p. 475], and 1175(1998) [YUN 1998, p. 274] relating to the humanitarian programme for the Iraqi people (see p. 251), the Committee processed 6,070 notifications and applications from States and international organizations to send humanitarian goods to Iraq under resolutions 661(1990) and 687(1991). Of that total, 98 for foodstuffs and 46 for medical supplies were acknowledged. The remaining 5,926 applications, for the supply of other categories of goods, were processed under the no-objection procedure, of which 2,654, estimated at \$4,413,446,701, were approved; 427, valued at \$7,623,378,005, were placed on hold for further information or clarification; 2,823, valued at \$24,892,308,758, were blocked; and 22, valued at \$6,715,325, were withdrawn or nullified.

Pursuant to resolution 1153(1998) [YUN 1998, p. 271], the Committee Chairman discussed with the Permanent Representatives of Iraq and of Saudi Arabia suggested arrangements to facilitate the participation of Iraqi pilgrims in the Hajj, possibly involving third parties to assist in those arrangements. The Chairman was informed, however, of Iraq's insistence that funds for the Hajj be made directly to Iraq, regarding which the Committee reached no consensus. Iraq's representative confirmed in March that, as Iraq did not agree with the Committee's suggestions, it would not communicate further on the matter.

The Committee received seven requests for humanitarian flights to Iraq: one for medical evacuation (United Kingdom), four for sending humanitarian supplies (Cyprus, Russian Federation, United Arab Emirates) and two for transporting other personnel to Iraq (Austria, Venezuela). The first five requests were approved and letter exchanges were in progress on the remaining two. On the United Arab Emirates request for weekly flights to Baghdad, the Committee reiterated its inability to grant blanket approvals for regular flights to Iraq.

The Committee considered several financial matters. It did not approve a request by Lebanon that the funds held by Lebanese nationals and companies at the Rafidain Bank in Beirut be released to their depositors. Concerning a request from the Danish Agency for Trade and Industry inquiring whether Iraq's frozen account in a Danish bank could be reactivated to cover the administrative expenses of Iraq's Embassy in Stockholm, Sweden, the Committee responded that it was not in a position to authorize the unfreezing of Iraqi accounts as such. Following its own request for clarification as to why the funds had to be moved from Denmark to Sweden, the inquiry was withdrawn. The Committee granted permission to a Danish company to invest in a project in which Iraq had a 5 per cent minority share, provided the profits generated were placed in a frozen account. It did not object to a request from Bahrain for the release of funds of Yemeni citizens with Al-Rafadeen Bank, provided the funds released were not made available directly or indirectly to any Iraqi citizens or entities.

The Committee continued discussions on air travel to and from Baghdad for diplomats and their families with the Dean of the Diplomatic Corps in that city, who submitted a new proposal on the question. It approved the United Arab Emirates request to include private vehicles as "personal effects" in its passenger shipping service to and from Iraq, denied Iraq's request to have its deteriorating vessel *Al-Bahr al-Ambi* towed out of the territorial waters of the United Arab Emirates to the port of Umm Qasr, and approved the operation of a ferry service to transport pilgrims from Bahrain to Iraq.

Other matters considered, but on which no decisions were reached, included a request from Turkey, first introduced in 1996, to resume importing petroleum and petroleum products from Iraq for domestic purposes, and another from Iraq for access to the Committee's summary records and for participation in its formal meetings on matters on which Iraq's opinion might be needed. In May, the Committee approved IAEA's request to implement seven new technical projects in Iraq, provided they were implemented together with appropriate monitoring mechanisms. It also advised IAEA, in August, that its query as to whether it could send a fact-finding mission to Iraq, at the latter's request, was not within the Committee's purview. The Committee agreed in principle to the 1999 aerial pesticide campaign of the Food and Agriculture Organization of the United Nations (FAO), provided the campaign complied with procedures established for that purpose and the related dual-use items to

be shipped to Iraq were submitted for the Committee's consideration on a case-by-case basis.

In addition, the Committee raised with Iran the smuggling of Iraqi oil through Iranian waters, as reported by the Multinational Interception Force operating in the Gulf region, and was awaiting a reply. It informed Saudi Arabia that it reached no consensus on that country's request for advice on an Iraqi aircraft transporting Iraqi Hajj pilgrims to Jeddah on 17 March, which Saudi Arabia detained at the Jeddah airport but would allow it to return to Iraq without its passengers, unless an immediate response was received from the Committee.

During the year, the Committee issued four reports on the implementation of arms and related sanctions against Iraq, in accordance with the guidelines [YUN 1991, p. 198] approved by Council resolution 700(1991) [ibid.] for facilitating full international implementation of resolution 687(1991). The reports were transmitted to the Council on 3 February [S/1999/110], 4 May [S/1999/519], 2 August [S/1999/848] and 29 October [S/1999/1113].

Each report indicated that, during the period under review, no State had brought to the Committee's attention any information relating to possible violations of the arms and related sanctions against Iraq committed by other States or foreign nationals; no State or international organization had consulted the Committee on whether certain items fell within the provisions of paragraph 24 of resolution 687(1991), or on cases relating to dual-use or multiple-use items; and no international organization had reported any relevant information requested under the guidelines.

Communication. On 21 October [S/1999/1088], Iraq accused the United States of circulating to the Committee, at its 12 October meeting, a document entitled "Saddam Hussein's Iraq", containing information on Iraq's policy of expulsion, destruction of homes, threats to its neighbours and failure to comply with Security Council resolutions, intended to influence the Committee's work and deflect it from the exercise of its proper mandate.

Oil-for-food programme

In accordance with Security Council resolutions 1210(1998) [YUN 1998, p. 279] and 1242(1999) (see p. 246), each extending for a 180-day period the provisions of resolution 986(1995) [YUN 1995, p. 475], which authorized States to import Iraqi petroleum and petroleum products as a temporary measure to finance a humanitarian programme to alleviate the adverse consequence of the sanc-

dons regime on the Iraqi people (also known as the oil-for-food programme) [YUN 1996, p. 225], the Secretary-General and the Sanctions Committee for Iraq separately submitted a report 90 days after entry into force of each resolution and again before the end of the next 90 days. The 180-day periods under the first and second resolutions were extended, respectively, from 26 November 1998 to 24 May 1999 (phase V) and from 25 May to 20 November (phase VI). The latter period was subsequently extended until 4 December by resolution 1275(1999) and until 11 December by resolution 1280(1999) (see pp. 249 and 250).

The reports described progress in implementing the arrangements specified by the resolutions, taking account of the provisions of the 1996 Memorandum of Understanding between the UN Secretariat and the Government of Iraq [YUN 1996, p. 226] and the procedures established by the Sanctions Committee for the resolutions' implementation [ibid., p. 228]. They also described the distribution of humanitarian relief, on behalf of the Government, in the three northern governorates of Arbil, Dihouk and Suleimaniyeh under the United Nations Inter-Agency Humanitarian Programme, to complement government distribution in central and southern Iraq, thereby ensuring equitable distribution to all segments of the Iraqi population.

The provisions of resolution 986(1995) were extended for a further 180-day period beginning on 12 December by resolution 1281(1999) (see p. 250), inaugurating phase VII of the programme. Shortly thereafter, by section C of resolution 1284(1999) (see p. 230), the Council authorized a series of measures, including removal of the ceiling for the export of Iraqi oil, to secure additional funds for the programme and speed up its implementation, on the basis of the report of a panel created to review the humanitarian situation in Iraq and make recommendations for its improvement.

Programme review

On 28 April 1999 [S/1999/481], the Secretary-General reported to the Security Council on the results of a comprehensive review and assessment of the humanitarian programme's implementation and of Iraq's overall humanitarian situation. Undertaken by the Office of the Iraq Programme (OIP), with the participation of the UN agencies and programmes involved and the United Nations Office of the Humanitarian Coordinator in Iraq acting as focal point, the review covered the period from the programme's inception, which began with phase I on 10 December 1996, through phase IV, which ended on 25 November 1998.

Highlighted were the programme's development and incremental enhancement by encompassing, in addition to Iraq's priority humanitarian requirements, a range of additional sectors and support activities; the consequent raising, by Council resolution 1153(1998) [YUN 1998, p. 271], of the oil sales ceiling to \$5.256 billion during a given 180-day period and authorization of the export of oil-production spare parts and equipment to enable Iraq to produce oil up to that ceiling; and the Secretary-General's recommendations to improve procedures for contracting, processing and approving applications, the procurement and shipment of humanitarian supplies and their timely distribution, as well financial and banking arrangements.

The report pointed out, however, that, regardless of improvements to the programme's scope and implementation, the humanitarian needs were of a magnitude that could not be met within the parameters set by resolution 986(1995) and succeeding resolutions, particularly 1153(1998). The enhanced programme's objectives could not be fully achieved due primarily to revenue shortfalls. Of the \$3.436 billion funding level envisaged by the Secretary-General's 1998 supplementary report [YUN 1998, p. 270] and authorized by resolution 1153(1998), only \$1.9 billion (including \$300 million for oil spare parts and equipment) could be made available for the enhanced distribution plan under phase IV—an amount not much greater than that provided for each of the previous three phases. Thus, with the exception of the agriculture and electricity sectors, none of the additional projects set out in the supplementary report could be implemented.

The Secretary-General again asked the Sanctions Committee to endeavour to reduce the number of applications placed on hold; review the distribution plan's annexes at the outset so as to identify those items likely to be put on hold, or to require further information and end-use verification, and to so inform the applicants concerned in writing within 48 hours; endorse the 11 February OIP proposal to improve the current reimbursement system from the 13 per cent account (the account for the three northern governorates) to the 53 per cent account (the account for the 15 central and southern governorates); expedite applications for oil spare parts and equipment to enable sustained oil production; recognize the technical complexity of rehabilitation projects in such sectors as electricity, and promptly approve complementary spare parts and equipment when their linkage to those projects was appropriately explained by Iraq; authorize OIP, in case of a fund shortfall during a given phase, to transfer approved but unfunded appli-

cations from that phase to the next without resubmitting them to the Committee; and exercise flexibility in response to unforeseen events, such as epidemics and natural disasters.

The Secretary-General also recommended that Iraq, in developing its distribution plan, which was central to the entire system of procurement, approval and distribution of humanitarian supplies, should adopt a genuinely multisectoral approach towards improving the population's nutrition and health. It should urgently address the growing imbalance between the procurement of pharmaceuticals and equipment with a view to establishing a pragmatic basis for procurement decisions in the health sector, utilize excess supplies currently in storage, and set up a comprehensive infrastructure and equipment inventory to serve as a basis for procurement decisions. It should also review difficulties relating to the late submission of health-sector applications, including contracts for the targeted nutrition programme.

Phase V

Referring to the exception he had made to Iraq's telecommunications requirements set out in annex VII to the phase V distribution plan [YUN 1998, p. 280], the Secretary-General informed the Security Council on 13 May [S/1999/559] that he had that day approved the revised part seven of the plan's executive summary and revised annex VII, submitted by Iraq following a joint technical review of those requirements by experts from the International Telecommunication Union and relevant Iraqi ministries. Approval was given on the understanding that the implementation of the revised plan for telecommunications would be governed by resolutions 986(1995) and 1210(1998) and the 1996 Memorandum of Understanding between the UN Secretariat and Iraq, and without prejudice to the Sanctions Committee procedures.

Reports of Secretary-General (February and May). Pursuant to resolution 1210(1998), the Secretary-General issued two progress reports covering the two 90-day periods under phase V, which began on 26 November 1998. The first, issued on 22 February 1999 [S/1999/187], and the second, on 18 May [S/1999/573 & Corr.2], provided information on all implementation aspects up to 31 January and 31 March, respectively.

The February report drew attention, as had previous others, to certain constraints preventing full implementation of the approved distribution plan for the current phase, the most serious being the growing revenue shortfall, projected to reach some \$950 million. Consequently, Iraq was asked to revise the plan's fund allocations in line

with resolutions 1153(1998) and 1210(1998) and promptly to submit costed annexes and projects. By 31 January, a reimbursable sum of \$111 million for food under phases II to IV remained to be transferred from the 13 per cent account to the 53 per cent account.

Drawn to Iraq's urgent attention were the slow distribution of medicine and medical supplies from central to governorate warehouses and thence to health facilities, resulting in the accumulation in warehouses of some \$275 million worth of such items; the bulk of applications for targeted nutrition inputs under phases IV and V, which had yet to be submitted to the Secretariat; and the need for intersectoral linkages and coordinated planning, as well as timely submission of applications and delivery of supplies to make for effective programme management in the central and southern governorates.

The report noted the severe disruption of UN observation activities due to events in Iraq in November and December 1998, as well as the Secretary-General's 4 February 1999 decision to withdraw from Iraq UN personnel of British and United States nationality in the absence of government assurances for their security and safety.

In his May report, the Secretary-General reiterated his observations and recommendations resulting from the review and assessment of the overall humanitarian programme (see p. 242). Annex I to the report, detailing the status of the UN Iraq Account established under resolution 867(1995), recorded that, by 15 April, of the \$5.256 billion authorized under resolution 1210(1998), \$1,606.4 million had been deposited into that account, bringing total oil sales since inception to \$10,993.2 million. The cumulative amounts allocated from that sum to the seven different accounts specified in paragraph 8 of resolution 986(1995) included \$5,508 million for the purchase of humanitarian supplies by Iraq for the 15 central and southern governorates and \$1,350.2 million for similar purchases for distribution to the three northern governorates by the United Nations Inter-Agency Humanitarian Programme.

Sanctions Committee reports (March and May). The Sanctions Committee reports for the first and second 90-day periods of phase V were transmitted to the Council on 15 March [S/1999/279] and 19 May [S/1999/582], respectively. They noted that the export of petroleum from Iraq had proceeded smoothly, with excellent cooperation among the oil overseers, the independent inspection agents (contracted through Saybolt Nederland BV), Iraq's State Oil Marketing Organization and the national oil purchasers. The overseers continued to advise the Committee

on oil pricing mechanisms, oil contract approval and modifications, management of the revenue objective and other pertinent questions related to export and monitoring. They continued to work closely with the Saybolt inspection agents monitoring oil loadings and transfers to ensure the effective monitoring of the relevant oil installations and liftings. For the third consecutive year, both had received Iraq's full cooperation. The reports stressed that the Committee continued to attach high priority to the processing of contracts to supply humanitarian goods to Iraq under the expanded programme.

The March report noted that, in view of projections that phase IV revenues would not be sufficient to fund all applications received, at Iraq's request 132 phase IV applications worth some \$358,938,878 had been transferred to phase V by 24 February. Of those, 34 food-sector applications valued at \$179,607,075 had received Committee approval. Due to projected phase V revenue shortfalls, circulation to the Committee of 98 phase IV applications for other sectors, valued at \$179,331,803 and rolled over to phase V, was being held in abeyance pending Iraq's submission of the requested adjustment to phase V sectoral allocations. In addition, 112 applications, valued at \$213,730,123 and already evaluated by the Secretariat, remained in phase IV due to insufficient revenues.

Confirmation of the arrival of goods at the four entry points to Iraq (Al-Walid, Trebil, Umm Qasr and Zakho) by the UN independent inspection agents—performed by Lloyd's Register Inspection Ltd. and, from 1 February, by Cotecna Inspection S.A.—went according to plan, except for an interruption during the military strike against Iraq in December 1998 [YUN 1998, p. 262]. As in previous phases, the inspection agents enjoyed Iraq's full cooperation.

According to the reports, the level of oil exports increased during the second 90-day period, with more crude oil being exported from the southern terminal at Mina al-Bakr—an imbalance the Committee wanted corrected without delay through the maximum use of the northern Kirkuk-Yumurtalik pipeline. The reports recorded, as at 10 May, a total of 178 oil contracts approved under phase V, corresponding to about 671 million barrels of oil; and 374 liftings completed, amounting to 485.4 million barrels valued at \$2,808 million. At current prices, total phase V revenues were estimated to approximate \$3.9 billion (including \$180 million in pipeline fees).

Applications received, as at 14 May, for the export of humanitarian supplies to Iraq totalled 1,071. Of the 786 of them circulated to the Com-

mittee, 674 were found eligible for payment from the UN Iraq Account, in the amount of \$1,654 million. Consignments of humanitarian supplies from previous phases confirmed as having arrived in Iraq in total or in partial shipments totalled 2,514 in the first half of phase V and 3,161 in the second half.

Since Council resolution 1175(1998) [YUN 1998, p. 274] authorized the export to Iraq of oil-production parts and equipment, up to 14 May 1999, the number of applications to ship such items had reached 792, with a value of \$434,633,918. Of those, 80 were returned for clarification, 14 were declared null and void, 7 were under review by Committee experts, and 638 were circulated to the Committee. Of the latter, 481, valued at \$264,526,444, were approved; 134, valued at \$53,915,885, were placed on hold; and 23 were pending under the no-objection procedure. As at 14 May, a total of 54 full or partial shipments of parts and equipment had arrived in Iraq.

Issues considered by the Committee included: a February proposal by OIP regarding the reimbursement from the 13 per cent account to the 53 per cent account for government bulk purchases of food and medicines; the transfer of 1 per cent of oil sales proceeds from the UN Iraq Account for the payment envisaged in paragraph 6 of resolution 778(1992) [YUN 1992, p. 320], concerning which the Under-Secretary-General for Management was advised that the amount agreed upon by the Committee for that purpose should be \$10 million every 90 days, as specified by paragraph 8 (g) of resolution 986(1995); options to resolve the financial issue relating to the Hajj pursuant to paragraph 3 of resolution 1210(1998); and the stock of pharmaceuticals and medical supplies and equipment accumulating in Iraq's warehouses, currently valued at \$291 million.

Communications. A number of communications on various subjects were received from Iraq during phase V. On 4 January [S/1999/9], it questioned the amount of \$29,140,708 withheld from the proceeds of oil sales under phase IV, as not consistent with paragraph 8 (g) of resolution 986(1995). Iraq asked that the excess amounts withheld be returned to the UN Iraq Account and that the Iraqi Central Bank be provided with the financial statements relating to the Account's operations.

On 23 February [S/1999/199], Iraq sought the Secretary-General's intervention with the Sanctions Committee for the release of 102 spare-parts contracts currently on hold at the instigation of the United States and the United Kingdom, under the usual pretext of requiring more information or time for their technical evalua-

tion. Iraq repeated that request on 18 April [S/1999/442] for similar contracts on hold for as long as six months. It spoke of a deliberate obstruction focused on contracts pertaining to the southern oil companies, including for Mina al-Amiq, a terminal being readied to supplement Mina al-Bakr, on the grounds that that terminal was not covered by the export plan.

On 29 April [S/1999/500], Iraq urged a reconsideration of the amount of oil revenue to be transferred from the UN Iraq Account to the United Nations Compensation Fund, namely, not more than 30 per cent of the annual value of Iraq's export of petroleum and petroleum products. Since oil revenues continued to fall short of meeting Iraq's most basic humanitarian needs, Iraq called for a stop to such fund transfers. It reiterated that demand on 11 June [S/1999/674], especially since resolution 687(1991) on the Gulf War ceasefire [YUN 1991, p. 172] had asked that in determining the appropriate level of the amount to be withheld, account should be taken of the Iraqi people's requirements, Iraq's payment capacity, its external debt service and the needs of the Iraqi economy. Iraq referred to the allocation of \$125.4 million to cover the Compensation Commission's operating expenses, and queried the whereabouts of \$427.4 million unaccounted for by the status report on the UN Iraq Account as at 15 April 1999 [S/1999/573 & Corr.2]. Besides inquiring into the disposition of that amount, Iraq called for a halt to the withholding of amounts for compensation payments and for a review of that Commission's budget.

On 11 May [S/1999/549], Iraq set out in detail the setbacks suffered during the implementation of phases I to V, confirming the humanitarian programme's failure just when the humanitarian situation in Iraq was worsening. It called on the Secretary-General to announce that the programme had not and could not mitigate the suffering of the Iraqi people; and that the only way to do that was for the Council to lift the sanctions on Iraq without further conditions. Iraq's National Assembly on 26 June [S/1999/742] further called for an immediate lifting of the sanctions in view of their cumulative catastrophic effects since 1990, as well as of the inability of the humanitarian programme significantly to alleviate the Iraqi people's suffering.

In reply to the OIP Executive Director's press statement that in just over two years some \$570 million worth of medicines and medical supplies had arrived in Iraq, but that only 48 per cent had been distributed, Iraq, on 16 May [S/1999/572], said the sum allocated to the health sector under phases I-V was \$1,029 million; delivery of more than 42 per cent of items ordered were still being awaited.

To a United States allegation that Iraq was re-exporting infant dried milk powder imported under the humanitarian programme, Iraq replied on 22 August [S/1999/910] that the shipment in question consisted, not of infant powdered milk, which Iraq had never imported under the programme, but of 75 cartons of baby's talcum powder and 25 cartons of teats and infant feeding bottles, which were being returned to the supplier as not in conformity with standard specifications. On 1 October [S/1999/1017] and again on 29 December [S/1999/1298], Iraq protested interceptions and time-consuming inspections by United States naval forces of civilian vessels in the Persian Gulf carrying humanitarian goods for Iraq under duly documented bills of lading, thus delaying delivery of those urgently needed goods.

Other related communications. Iraq, on 28 February [S/1999/220], drew attention to the United States bombing of a radio relay station that was a key component of the operational control system for the Kirkuk-Yumurtalik pipeline, 40 kilometres south-west of Mosul, within the so-called air-exclusion (no-fly) zone in northern Iraq illegally imposed by the United Kingdom and the United States. The attack killed one and injured three others. Iraq stressed that no air defence or other installations were in the area for kilometres around. By identical letters of 2 March to the Security Council [S/1999/225] and the Secretary-General [S/1999/228], Iraq reported that two later raids, on a residential complex for the North Oil Company's Ayn Zalah oilfield, 55 kilometres north-west of Mosul, that killed one and injured nine others, had completely halted the flow of crude oil through the northern pipeline. That meant a daily loss of 1 million barrels of oil, or \$9 million in revenues, over and above the human and material losses. Iraq said the action was at odds with the Sanction Committee's insistence that more than half of oil produced had to be exported through the Kirkuk-Yumurtalik pipeline.

By identical letters, dated 2 April, to the Secretary-General [S/1999/373] and the Council [S/1999/374], Iraq called on them to take a clear and unambiguous position on the repeated acts of aggression against Iraq in the face of another bombing by United States and United Kingdom warplanes, this time on the main oil pumping station serving the Mina al-Bakr terminal in Hamdan, in the southern governorate of Basrah. On the same date [S/1999/370], Iraq said it awaited measures which the Council might deem fit to take in response to that aggression.

On 15 March [S/1999/281], Iraq reported that on 23 February customs authorities found a staff

member of FAO smuggling rugs out of the country in violation of Iraqi laws. On 5 July [S/1999/757], Iraq protested against an alleged sabotage by an employee of an Australian company contracted for by the United Nations to clear mines in the northern governorates. The employee allegedly buried a number of boxes in areas contiguous to Khanaqin district villages, which, it was later revealed, contained locusts' eggs intended to be unleashed on Khanaqin and other central and southern governorates. Iraq demanded an investigation and the termination of the Australian company's contract.

Iraq, on 11 April [S/1999/411], had also appealed for an urgent supply of vaccine in sufficient quantities to halt an epidemic of foot-and-mouth disease that threatened the large-scale destruction of livestock, which would exacerbate the suffering of the Iraqis.

SECURITY COUNCIL ACTION

On 21 May [meeting 4008], the Security Council unanimously adopted **resolution 1242(1999)**. The draft [S/1999/588] was sponsored by Argentina, the United Kingdom and the United States.

The Security Council,

Recalling its previous relevant resolutions, in particular its resolutions 986(1995) of 14 April 1995, 1111(1997) of 4 June 1997, 1129(1997) of 12 September 1997, 1143(1997) of 4 December 1997, 1153(1998) of 20 February 1998, 1175(1998) of 19 June 1998 and 1210(1998) of 24 November 1998,

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until the fulfilment by the Government of Iraq of the relevant resolutions, including notably resolution 687(1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661(1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Convinced also of the need for equitable distribution of humanitarian supplies to all segments of the Iraqi population throughout the country,

Determined to improve the humanitarian situation in Iraq,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the provisions of resolution 986(1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for a new period of 180 days beginning at 0001 hours eastern standard time on 25 May 1999;

2. *Also decides* that paragraph 2 of resolution 1153(1998) shall remain in force and shall apply to the 180-day period referred to in paragraph 1 above;

3. *Requests the* Secretary-General to continue to take the actions necessary to ensure the effective and efficient implementation of the present resolution, and to continue to enhance as necessary the United Nations observation process in Iraq in such a way as to provide

the required assurance to the Council that the goods produced in accordance with the present resolution are distributed equitably and that all supplies authorized for procurement, including dual-usage items and spare parts, are utilized for the purpose for which they have been authorized;

4. *Notes* that the Security Council Committee established by resolution 661(1990) is reviewing various options, in particular the proposal made by the Secretary-General, as requested by paragraph 4 of resolution 1210(1998), to resolve the difficulties encountered in the financial process, referred to in his report of 19 November 1998;

5. *Decides* to conduct a thorough review of all aspects of the implementation of the present resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day period, upon receipt of the reports referred to in paragraphs 6 and 10 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably renewal of the provisions of the present resolution as appropriate, provided that the said reports indicate that those provisions are being satisfactorily implemented;

6. *Requests* the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the 180-day period, on the basis of observations of United Nations personnel in Iraq, and of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986(1995), including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 2 of resolution 1153(1998);

7. *Also requests* the Secretary-General to report to the Council if Iraq is unable to export petroleum and petroleum products sufficient to produce the total sum provided for by paragraph 2 above and, following consultations with relevant United Nations agencies and the Iraqi authorities, make recommendations for the expenditure of the sum expected to be available, consistent with the priorities established in paragraph 2 of resolution 1153(1998) and with the distribution plan referred to in paragraph 5 of resolution 1175(1998);

8. *Decides that* paragraphs 1, 2, 3 and 4 of resolution 1175(1998) shall remain in force and shall apply to the new 180-day period referred to in paragraph 1 above;

9. *Requests* the Secretary-General, in consultation with the Government of Iraq, to submit to the Council, by 30 June 1999, a detailed list of parts and equipment necessary for the purpose described in paragraph 1 of resolution 1175(1998);

10. *Requests* the Committee established by resolution 661(1990), in close coordination with the Secretary-General, to report to the Council 90 days after the entry into force of paragraph 1 above, and again prior to the end of the 180-day period, on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986(1995);

11. *Urges* all States, and in particular the Government of Iraq, to provide their full cooperation in the effective implementation of the present resolution;

12. *Appeals* to all States to continue to cooperate in the timely submission of applications and the expeditious issue of export licences, facilitating the transit of humanitarian supplies authorized by the Committee established by resolution 661(1990), and to take all other appropriate measures within their competence in order to ensure that urgently required humanitarian supplies reach the Iraqi people as rapidly as possible;

13. *Stresses* the need to continue to ensure respect for the security and safety of all persons directly involved in the implementation of the present resolution in Iraq;

14. *Decides* to keep these arrangements under review, including, in particular, those in paragraph 2 above, to ensure the uninterrupted flow of humanitarian supplies into Iraq, and expresses its willingness to review the relevant recommendations of the report of the panel established to review humanitarian issues as appropriate with regard to the 180-day period referred to in paragraph 1 above;

15. *Decides* to remain seized of the matter.

Communications from Secretary-General. In the light of the foregoing resolution, the Secretary-General transmitted to the Council a 24 May exchange of letters [S/1999/601] between the UN Secretariat and Iraq constituting their agreement to extend for the new 180-day period the provisions of the 1996 Memorandum of Understanding between them on the implementation of Council resolution 986(1995).

Responding to paragraph 9 of the resolution, the Secretary-General, on 2 July [S/1999/746 & Add.1], transmitted Iraq's detailed list of spare parts and equipment necessary for Iraq to produce oil exports up to the sum of \$5.256 billion set by resolution 1153(1998). Examined by a Saybolt expert group during its visit to Iraq (6-12 June) to review the situation on the ground, the list was valued at twice the amount approved by the resolution, but deemed commensurate with the production levels achieved and stated targets, in barrels per day: 3 million by December 1999, 3.2 million by March 2000 and 3.5 million by December 2000. The expert group observed that the spare-parts-and-equipment distribution plan under phase VI aimed to stabilize and, where possible, to increase crude oil production while undertaking prudent repair and maintenance; to enhance operational efficiency; and to undertake projects to improve product quality and address environmental and safety issues.

Phase VI

Pursuant to paragraph 1 of Security Council resolution 1242(1999) (see p. 246), the new 180-day extension (phase VI) of the humanitarian programme established by resolution 986(1995) began on 25 May. The corresponding distribution plan was approved by the Secretary-General

on 11 June [S/1999/671], on the understanding that, should total revenues generated exceed the \$5.256 billion target authorized in resolution 1242(1999), he would invite Iraq to submit proposals for utilizing the excess revenue and make recommendations to the Council. The accompanying list of supplies and goods was made available to the Sanctions Committee, which concluded that, based on the limited information in the annexes, no prohibited items could be identified.

Report of Secretary-General (August). In a report of 19 August [S/1999/896 & Corr.1] on the first 90-day period of phase VI, the Secretary-General described developments in the programme's implementation up to 31 July. He reported a steady increase in the price of crude oil since the phase began, rising by about \$5 in June and \$2.50 in July, to \$17 a barrel. Were prices to remain at that level, estimated revenues from contracts approved and under review would reach \$6.3 billion (including pipeline fees). While exceeding the authorized target of \$5.256 billion for phase VI, it was still insufficient to cover the shortfall of about \$3.1 billion under phases IV and V. In anticipation of the Security Council's review pursuant to paragraph 14 of resolution 1242(1999), Iraq was invited to submit proposals for utilizing the additional revenue for the Secretary-General's consideration and recommendation to the Council.

The findings detailed in the report led the Secretary-General to appeal to the Council and the Sanctions Committee to expedite approval of the applications for oil spare parts and equipment submitted under phases IV to VI and the appointment of additional oil overseers; to review further all applications placed on hold, including those related to the current drought; and to resolve the difficulties in the current system of reimbursement for Iraq's bulk purchases of humanitarian supplies from the 13 per cent account to the 53 per cent account. Based on a report by a UN team sent to the Mina al-Bakr oil-loading site in April, in response to a complaint about the deteriorating working conditions there, the Secretary-General asked Iraq urgently to ensure a safe working environment for Saybolt's oil inspection agents and local staff at the site.

In welcoming the World Food Programme (WFP) and Iraqi initiatives to ensure a mechanism for more timely and equitable food distribution to the three northern governorates, the Secretary-General asked Iraq to procure better quality commodities through more reputable contractors. Based on a July survey of child and maternal mortality conducted by the United Nations Children's Fund (UNICEF) and the Government, Iraq should expedite the implementation of and increase funding for the targeted nutri-

tion programmes in the 15 central and southern governorates, as provided for in the distribution plans for phases IV to VI.

Communication. On 11 September [S/1999/968], Iraq criticized the Secretary-General's report for a number of reasons, among them that it was wanting in objectivity in a number of respects and was not prepared in consultation with the Government of Iraq, as required by resolution 986(1995); its report on the UN Iraq Account did not include information on how, when and on what basis expenditures were made from the programme's various accounts; it made no assessment of OIP's activities and said nothing of the hundreds of applications languishing in its filing cabinets; it made no reference to the fundamental reasons why the humanitarian programme had not been satisfactorily implemented; and it was silent on the impact of the use of depleted uranium by the United States and the United Kingdom on the health of Iraqis. Iraq took exception to being asked to deal with more reputable contractors. The programme should support Iraq's suggestion that contracts should contain a clause safeguarding Iraq's rights and ensure that the goods supplied met specifications.

SECURITY COUNCIL ACTION

On 4 October [meeting 4050], the Security Council unanimously adopted **resolution 1266(1999)**. The draft [S/1999/1020] was sponsored by the Netherlands.

The Security Council,

Recalling its previous relevant resolutions, in particular resolutions 986(1995) of 14 April 1995, 1111(1997) of 4 June 1997, 1129(1997) of 12 September 1997, 1143(1997) of 4 December 1997, 1153(1998) of 20 February 1998, 1175(1998) of 19 June 1998, 1210(1998) of 24 November 1998 and 1242(1999) of 21 May 1999,

Recalling also the report of the Secretary-General of 19 August 1999, in particular paragraphs 4 and 94 thereof,

Determined to improve the humanitarian situation in Iraq,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that paragraph 2 of resolution 1153(1998), as extended by resolution 1242(1999), shall be modified to the extent necessary to authorize States to permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly related thereto, sufficient to produce an additional sum, beyond that provided for by resolution 1242(1999), equivalent to the total shortfall of revenues authorized but not generated under resolutions 1153(1998) and 1210(1998), 3.04 billion United States dollars, within the period of 180 days from 0001 hours eastern standard time on 25 May 1999;

2. *Decides* to remain seized of the matter.

Communication from Secretary-General. On 12 October [S/1999/1053], the Secretary-General informed the Council that he had approved the proposed adjustments to the allocations in the phase VI distribution plan submitted by Iraq, as it appeared likely that increased oil revenues would exceed the \$3.04 billion required for that plan's implementation. Recalling his report that Iraq's oil industry continued to be in a lamentable state, the Secretary-General recommended approval of the additional \$300 million for oil spare parts and equipment, bringing that sector's adjusted allocation to \$600 million. The adjustments were approved with the understanding that the food-and-nutrition and health sectors received priority, the food basket was increased to the approved 2,300 kilocalories per person per day, and the allocation for the targeted nutrition programme was increased to provide adequate warehousing, transportation and related infrastructure. Acceptance of the revised sectoral allocations did not imply endorsement of those for either the housing construction programme or banking equipment and supplies. The availability of phase VI revenues to fund the full extent of new contracts arising from Iraq's plan to use the revenue increases, as authorized by resolution 1266(1999), would need to be considered vis-a-vis the transfer of some \$510 million phase IV-approved applications and the yet to be determined transfers from phase V.

Report of Secretary-General (November). In a 12 November report on the second 90-day period of phase VI [S/1999/1162 & Corr.1], the Secretary-General gave an account of implementation activities up to 31 October. As at that date, of the \$8.3 billion authorized by Council resolutions 1242(1999) and 1266(1999), \$4,807.6 million had been deposited to the UN Iraq Account for phase VI, bringing total oil sales since the programme's inception to \$18,141.5 million. The cumulative amounts allocated from that total to the seven different accounts specified in paragraph 8 of resolution 986(1995) included Iraq's purchases of humanitarian supplies totalling \$9,242.3 million for its 15 central and southern governorates and \$2,247.5 million for its three northern governorates. The sum of \$239.6 million was due for reimbursement for Iraq's bulk purchases for the northern governorates.

The programme had delivered 12 million tonnes of food and related items, which continued to be distributed efficiently through the rationing system, and health-sector supplies worth over \$729 million. Owing to increased contractual volume and higher oil prices, phase VI revenues were projected to reach \$7.2 billion, including pipeline fees, but which were still \$1.3 billion

short of the revenue target authorized by resolution 1266(1999). In the current favourable revenue situation, the Secretary-General reiterated that Iraq provide a food basket of 2,300 kilocalories minimum per person per day countrywide, in line with its undertaking in the enhanced distribution plan, and that funding for targeted nutrition programmes be increased.

In view of the programme's sizeable expansion, the Secretary-General urged the further streamlining of the applications approval process by every means possible, an increase in OIP staff commensurate with its growing workload, and the expeditious appointment of additional oil overseers. He reiterated his recommendation for Council approval of Iraq's request for an additional \$300 million for oil spare parts and equipment, and called for an early decision on each application currently on hold, to facilitate which he also urged Iraq and its suppliers to provide timely technical specifications and end-user information. He asked the Council to consider widening the programme's scope to include end-user training so as to maximize the use of programme resources. In noting the disruption of UN observation activities due to lack of Iraqi escorts, the Secretary-General called on Iraq to ensure freedom of movement and to rescind its new regulations requiring travel permits for UN staff.

Communication. On 29 November [S/1999/1209], Iraq commented that the Secretary-General's report did not refer to the adverse impact that the holds on contracts by the United States and the United Kingdom had on the implementation of the humanitarian programme; that the programme's exorbitant administrative expenses and other extravagant deductions from the oil revenues were depriving Iraq of funds for its humanitarian needs; and that the report neglected to mention the Sanctions Committee's inability to improve its procedures so that long processing delays had led to the accumulation of more than \$5 billion in the UN Iraq Account, instead of being used immediately for the purchase of humanitarian items. Iraq set out its detailed observations on all sectors encompassed by the programme.

Sanctions Committee reports (August and November). The Sanctions Committee reports for the first and second 90-day periods of phase VI, respectively dated 24 August [S/1999/907] and 17 November [S/1999/1177], noted a continuing trend of increased oil export levels, largely from Mina al-Bakr. They recorded, as at 10 November, a total of 158 contracts approved under phase VI for the export of some 762 million barrels of oil and 389 liftings completed, equivalent to 506.9 million barrels worth \$9,157 million.

Data on the export of humanitarian supplies indicated that phase VI applications received totalled 942. Of that number, 623 were circulated to the Committee, which found 452 eligible for payment, in the amount of \$1,124 million, from the UN Iraq Account. Meanwhile, 2,395 phase V applications were also received: 2,071 were circulated to the Committee, of which 1,165 were eligible for payment in the amount of \$2.9 billion. Consignments of humanitarian supplies from previous phases confirmed as having arrived in Iraq in full or in part numbered 4,012 during the first half of phase VI and 4,850 during the second half from the current and previous phases. Circulation of an increasing number of applications was being delayed because they contained payment mechanisms inconsistent with Committee guidelines and procedures.

As for the export of oil-production spare parts and equipment to Iraq, 1,108 applications had been circulated to the Committee, of which 783, worth \$396.5 million, were approved; 385 such shipments had arrived in Iraq in full or in part.

The Committee affirmed its commitment to reach a solution to filling the overseer vacancies. It discussed the absence of audit reports on the operations of UN agencies in northern Iraq, contracts containing payment-mechanism clauses, the reimbursement from the 13 per cent account to the 53 per cent account, the need to increase oil revenues (authorized for phase IV) and the impact of holds on contracts for, as well as monitoring in Iraq of, oil-production spare parts and equipment.

Communication from Secretary-General. On 22 October [S/1999/1086], the Secretary-General transmitted a note from the OIP Executive Director drawing attention to the growing number of applications placed on hold, which, by 12 October, made up 23.7 per cent of applications circulated under phase V, and saying the Sanctions Committee was also taking longer (34 days on average) to review such applications. Moreover, specific activities or projects could not be completed because of holds on interrelated or complementary applications. The Secretary-General therefore asked the Committee to undertake an early review of all applications currently on hold and expedite a decision, as appropriate, in each case.

The foregoing was preceded by Iraq's 23 August communication [S/1999/902] complaining about the large number of contracts blocked or on hold. Iraq subsequently wrote that, as at 30 December, contracts on hold numbered 778, with a total value of \$1.27 billion [S/2000/2].

SECURITY COUNCIL ACTION

On 19 November [meeting 4070], the Security Council unanimously adopted **resolution 1275**

(1999). The draft [S/1999/1180] was prepared during prior Council consultations.

The Security Council,

Recalling its resolutions 1242(1999) of 21 May 1999 and 1266(1999) of 4 October 1999,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the period referred to in paragraphs 1, 2 and 8 of resolution 1242(1999) and in paragraph 1 of 1266(1999) until 4 December 1999;

2. *Decides* to remain seized of the matter.

On 3 December [meeting 4077], the Council adopted **resolution 1280(1999)** by vote (11-0-3), based on a draft [S/1999/1215] sponsored by the United States.

The Security Council,

Recalling its resolutions 1242(1999) of 21 May 1999, 1266(1999) of 4 October 1999 and 1275(1999) of 19 November 1999,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the period referred to in paragraphs 1, 2 and 8 of resolution 1242(1999) and in paragraph 1 of resolution 1266(1999) until 11 December 1999;

2. *Decides* to remain seized of the matter.

VOTE ON RESOLUTION 1280(1999):

In favour: Argentina, Bahrain, Brazil, Canada, Gabon, Gambia, Namibia, Netherlands, Slovenia, United Kingdom, United States.

Against: None.

Abstaining: China, Malaysia, Russian Federation.

Not Participating: France.

China explained that extending phase VI for one week would neither help to improve Iraq's humanitarian situation nor advance consultations among the permanent Council members on an omnibus text on Iraq currently being drafted. China's appeals, which had not received due attention, were for the parties to seek common ground, while reserving differences and avoiding confrontation, in devising a roll-over programme that best met the needs of Iraqi civilians. The Russian Federation, which felt that the one-week extension was not in keeping with the realities of the grave humanitarian situation in Iraq, was unable to support the resolution as it took no account of the logical amendment proposed by France for a longer "technical" rollover, which would have allowed the programme to remain in operation.

France said it did not participate in the voting because the measure proposed could not be realized within so short an extension.

Communication. Iraq, on 5 December [S/1999/1218], refused to comply with resolutions 1275(1999) and 1280(1999). Given the implementation experience during the humanitarian programme's six phases, the successive extensions of phase VI for two weeks and one week authorized by those resolutions were impractical and farci-

cal. Iraq was willing to cooperate in a six-month extension, however, and hoped to see improvements in the programme, as proposed by the Secretary-General and some Council members.

Phase VII

On 10 December [meeting 4079], the Security Council unanimously adopted **resolution 1281(1999)**. The draft [S/1999/1230] was sponsored by the United States.

The Security Council,

Recalling its previous relevant resolutions, in particular resolutions 986(1995) of 14 April 1995, 1111(1997) of 4 June 1997, 1129(1997) of 12 September 1997, 1143(1997) of 4 December 1997, 1153(1998) of 20 February 1998, 1175(1998) of 19 June 1998, 1210(1998) of 24 November 1998, 1242(1999) of 21 May 1999, 1266(1999) of 4 October 1999, 1275(1999) of 19 November 1999 and 1280(1999) of 3 December 1999,

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until the fulfilment by the Government of Iraq of the relevant resolutions, including notably resolution 687(1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661(1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Convinced also of the need for equitable distribution of humanitarian supplies to all segments of the Iraqi population throughout the country,

Determined to improve the humanitarian situation in Iraq,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the provisions of resolution 986(1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for a new period of 180 days beginning at 0001 hours eastern standard time on 12 December 1999;

2. *Also decides* that paragraph 2 of resolution 1153(1998) shall remain in force and shall apply to the 180-day period referred to in paragraph 1 above;

3. *Requests the* Secretary-General to continue to take the actions necessary to ensure the effective and efficient implementation of the present resolution and to continue to enhance as necessary the United Nations observation process in Iraq in such a way as to provide the required assurance to the Council that the goods produced in accordance with the present resolution are distributed equitably and that all supplies authorized for procurement, including dual-use items and spare parts, are utilized for the purpose for which they have been authorized;

4. *Decides* to conduct a thorough review of all aspects of the implementation of the present resolution 90 days after the entry into force of paragraph 1 above, and again prior to the end of the 180-day period, upon receipt of the reports referred to in paragraphs 5 and 10 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably renewal of the provisions of the present resolution, as appropri-

ate, provided that the said reports indicate that those provisions are being satisfactorily implemented;

5. *Requests* the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the 180-day period, on the basis of observations of United Nations personnel in Iraq, and of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986(1995), including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 2 of resolution 1153(1998);

6. *Requests* the Secretary-General to report to the Council if Iraq is unable to export petroleum and petroleum products sufficient to produce the total sum provided for by paragraph 2 above and, following consultations with the relevant United Nations agencies and the Iraqi authorities, make recommendations for the expenditure of sums expected to be available, consistent with the priorities established in paragraph 2 of resolution 1153(1998) and with the distribution plan referred to in paragraph 5 of resolution 1175(1998);

7. *Decides* that paragraph 3 of resolution 1210(1998) shall apply to the new 180-day period referred to in paragraph 1 above;

8. *Also decides that* paragraphs 1, 2, 3 and 4 of resolution 1175(1998) shall remain in force and shall apply to the new 180-day period referred to in paragraph 1 above;

9. *Requests* the Secretary-General, in consultation with the Government of Iraq, to submit to the Council no later than 15 January 2000 a detailed list of parts and equipment necessary for the purpose described in paragraph 1 of resolution 1175(1998);

10. *Requests* the Security Council Committee established by resolution 661(1990), in close coordination with the Secretary-General, to report to the Council 90 days after the entry into force of paragraph 1 above, and again prior to the end of the 180-day period, on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986(1995);

11. *Urges* all States, and in particular the Government of Iraq, to provide their full cooperation in the effective implementation of the present resolution;

12. *Appeals* to all States to continue to cooperate in the timely submission of applications and the expeditious issue of export licences, facilitating the transit of humanitarian supplies authorized by the Committee established by resolution 661(1990), and to take all other appropriate measures within their competence in order to ensure that urgently needed humanitarian supplies reach the Iraqi people as rapidly as possible;

13. *Stresses* the need to continue to ensure respect for the security and safety of all persons directly involved in the implementation of the present resolution in Iraq;

14. *Decides* to keep these arrangements under review, including in particular those in paragraph 2 above, to ensure the uninterrupted flow of humanitarian supplies into Iraq, and expresses its determination

to act without delay to address the recommendations of the report of the panel established to review humanitarian and other issues in Iraq in a further, comprehensive resolution;

15. *Decides* to remain seized of the matter.

In the light of the new 180-day extension of the humanitarian programme (phase VII) from 12 December, the UN Secretariat and Iraq, by an 11 December exchange of letters [S/1999/1241], agreed to extend for the same period the provisions of the 1996 Memorandum of Understanding between them on the implementation of resolution 986(1995).

Panel on humanitarian issues

Panel report. In accordance with the Security Council President's note of 30 January, which established three panels on Iraq (see p. 229), the Chairman of those panels on 30 March [S/1999/356] transmitted the report of the panel mandated to assess the current humanitarian situation in Iraq and recommend measures for its improvement. The panel, which was composed of four senior UN Secretariat officials, met between 19 February and 29 March.

In addition to reports and data from OIP, the panel considered written submissions from the United Nations Development Programme (UNDP), UNICEF, the United Nations Population Fund, UNHCR, the United Nations Office for Project Services (UNOPS), WFP, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, FAO, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, ICRC, the International Federation of Red Cross and Red Crescent Societies, the European Community Humanitarian Office and the Middle East Council of Churches. The panel heard briefings by the Special Envoy of the Secretary-General for Iraq, representatives of several UN offices, bodies and agencies, the UN independent oil monitors (Saybolt Nederland BV) and the Permanent Observer of the League of Arab States.

The report provided a comparative analysis between the current situation and that which prevailed before the events leading to the Gulf War (1990-1991). It noted that the Iran-Iraq war (1980-1988) had already taken a heavy toll on Iraqi society. Nonetheless, towards the end of the 1980s, Iraq's social and economic indicators were generally above the regional and developing country averages.

Data provided to the panel on conditions in Iraq under the effects of war and sanctions pointed to a continuing degradation of the econ-

omy, with an acute deterioration in the living conditions of the population and severe strains on its social fabric. As summed up by UNDP, the country had experienced a shift from relative affluence to massive poverty. Iraqi infant mortality rates were currently among the highest in the world. Low birth weight affected at least 23 per cent of all births, and chronic malnutrition affected every fourth child under five years old. Only 41 per cent of the population had regular access to clean water. Eighty-three per cent of all schools were in need of substantial repairs. Communicable diseases, which had been under control, returned on an epidemic scale in 1993 and had become part of the endemic pattern of the precarious health situation.

Regardless of improvements that might be brought about in the implementation of the current humanitarian programme, including speedier approval procedures, better government performance and higher funding levels, the magnitude of Iraq's humanitarian needs could not be met within the parameters of resolution 986(1995) and succeeding resolutions, in particular 1153(1998). Nor was the programme intended to meet all of the Iraqi people's needs. In the light of Iraq's near absolute dependence on oil exports to generate foreign exchange, the precarious state of the oil industry infrastructure, if allowed to deteriorate further, would have disastrous effects on the country's ability to cover the costs of basic humanitarian needs. That those were being met through handouts did not contribute to stimulating the economy and had a negative impact on agriculture, while increasing State control over a population whose private initiative was already under severe internal and external constraints.

The gravity of the humanitarian situation of the Iraqi people was indisputable and could not be overstated. Data and qualitative assessments of bona fide observers and sheer common-sense analysis of economic variables converged to corroborate that evaluation.

The panel made a series of recommendations that it believed might lead to incremental improvements. Those on the paramount question of securing additional funds for the purchase of urgently needed humanitarian supplies included: lifting the ceiling of allowable oil exports from Iraq and facilitating the speedy provision of oil-production parts and equipment; authorizing bilateral production-sharing agreements between Iraq and foreign oil companies that would supply maintenance and related equipment, thereby freeing the \$300 million earmarked for parts and equipment; authorizing private investment flows into the oil industry and other second-

dary export industries, as well as into agriculture; encouraging the international community to provide supplementary funding within and outside the oil-for-food programme, either bilaterally or through multilateral organizations and non-governmental organizations (NGOs); temporarily reducing, by an agreed percentage, the revenue allocated to the United Nations Compensation Commission, or borrowing from it; temporarily suspending the implementation of paragraph 8 (g) of resolution 986(1995), which provided for the transfer of up to \$10 million every 90 days from the UN Iraq Account to the escrow account for the purpose envisaged in paragraph 6 of resolution 778(1992)[YUN 1992, p. 320]; authorizing, at the request of States holding frozen Iraqi assets, the release of such assets to the UN Iraq Account or to another mechanism; minimizing the costs of the UN activities associated with implementing resolution 986(1995); and, as a confidence-building measure, furnishing Iraq with a daily statement of the status of the UN Iraq Account.

Foodstuffs, pharmaceuticals and medical supplies, as well as basic or standard medical and agricultural equipment and educational items, included in the pre-approved list of humanitarian supplies, could be contracted for and procured directly by the Government without notification to or approval by the Sanctions Committee. Dual-use items should be processed under the export/import mechanism in accordance with resolution 1051(1996) [YUN 1996, p. 218] and submitted to the Sanctions Committee for approval under the no-objection procedure. The export of other goods to Iraq should be authorized by the Committee within two business days upon receipt of the application indicating the goods, the agreed price and the estimated time of arrival.

Other recommendations called on Iraq to ensure the timely distribution of humanitarian goods, particularly medical supplies, and to clear the unjustifiable bottlenecks at its warehouses; to address the needs of vulnerable groups (street children, the disabled, elderly and mentally ill) in central and southern Iraq and allow UN agencies and bona fide NGOs freer access to restricted areas and sections of the population to evaluate their nutritional and general humanitarian condition; to refine its list of priorities in terms of packaging contracts through the humanitarian programme; to ensure adequate humanitarian assistance for the involuntarily displaced without their having to demonstrate the required six-month residence in their current domicile; and to extend full cooperation to the mine-clearance programme in northern Iraq, facilitate the work of UNOPS, and consider initiating demining efforts in other areas of the country.

The panel reiterated its understanding that the humanitarian situation in Iraq would continue to be a dire one in the absence of a sustained revival of the Iraqi economy, which in turn could not be achieved solely through remedial humanitarian efforts.

On 17 December, the Security Council incorporated the panel's main recommendations into section C of **resolution** 1284(1999).

UN Compensation Commission and Fund

The United Nations Compensation Commission, established in 1991 [YUN 1991, p. 195] for the resolution and payment through the United Nations Compensation Fund, established at the same time, of claims against Iraq for losses and damage resulting from its 1990 invasion and occupation of Kuwait [YUN 1990, p. 189], continued in 1999 to expedite the prompt settlement of claims. The Commission was headquartered in Geneva, where its Governing Council held all of its sessions.

Governing Council. The Commission's Governing Council held four regular sessions during the year (thirty-first (15-18 March) [S/1999/470], thirty-second (22-24 June) [S/1999/856], thirty-third (28-30 September) [S/2000/68] and thirty-fourth (7-9 December) [S/2000/69]) at which it considered the reports and recommendations of the Panels of Commissioners appointed to review specific instalments of various categories of claims. Each report described in detail the measures taken by the Panel to determine whether a given claim fell within the Commission's jurisdiction, to verify its validity, to evaluate compensable losses and to arrive at the compensation amounts to be recommended. The Governing Council also acted on the Executive Secretary's report submitted at each session, which, in addition to providing a summary of the previous period's activities, covered corrections to approved claim awards, claim withdrawals, the processing and payment of approved claims, the appointment of Commissioners and the 1999 progress report on the Commission's 1997-2003 work programme.

In March, the Council considered Panel reports on specific instalments of corporate claims under category E, grouped as follows: one on tourism and non-tourism claims (E2), four on construction and engineering claims (E3) and one on Kuwaiti private-sector claims (E4). Also considered was a Panel report on the third instalment of F1 claims filed by 14 Governments on behalf of national entities or nationals for losses related to departure and evacuation costs or damage to physical property. The session report

tabulated those groups of claims, together with the total amounts of compensation claimed and amounts recommended for award, as approved by the Council. Discussions continued on priority of payment and payment mechanisms for the second payment phase due to begin on completion of the first phase, in July 1999. In keeping with Council decision 17 [YUN 1994, p. 478], each individual claimant in categories A (for departure from Iraq or Kuwait during 2 August 1990-2 March 1991), B (for serious personal injury or death) and C (for damages up to \$ 100,000) had been accorded priority in the first phase and paid an initial amount of up to \$2,500 each.

Considered at the June session were: a special Panel report concerning 636 unresolved category A claims from Pakistan; four Panel reports and recommendations on the seventh instalment of C, the third instalment of D (individual claims for damages above \$ 100,000) and the second and third instalments of E1 (oil-sector claims by corporations, other private legal entities and public-sector enterprises) categories of claims; as well as the Executive Secretary's report on corrections to approved awards to Governments and international organizations on behalf of 10,757 category A claimants. The session noted that the Panel report on the category C claims marked the completion of the processing of such claims. The Council approved the Panel's recommendations on the groups of claims mentioned. Each of those decisions, as well as those taken at the following two sessions, included: a table indicating the countries or organizations concerned, the numbers of claims recommended and not recommended for payment, the compensation amounts claimed and recommended, and a request that a copy of the Panel report be provided to the Secretary-General, Iraq, and the respective Governments and international organizations. The Council also adopted a decision concerning the priority of payment and mechanisms for the second payment phase.

The September session examined five reports and recommendations by the Panels for the fourth, eighth and ninth instalments of E3 non-Kuwaiti construction and engineering claims; and for the second and fourth instalments of E4 private-sector Kuwaiti claims. The Council approved the recommendations for those groups and categories of claims. It also corrected additional approved category A awards, based on the Executive Secretary's report, and approved awards in the first three instalments of category D claims, in accordance with the relevant Panel's recommended adjustments. The Council further decided that, where previously undistributed funds were returned to Governments for

payment to claimants who had since been located, each Government should distribute those funds to claimants within four months and report thereon to the Commission within two additional months. In the light of increased income received by the Compensation Fund, the Council decided that its working group should begin discussing the mechanism for the third payment phase. In addition, the Council appointed a new Commissioner, on the Secretary-General's nomination, and changed the chairmen of two Panels.

The December session considered four reports with recommendations by Panels for the fourth instalment of category D claims; the third instalment of E2 non-Kuwaiti corporate transport-sector claims; and the first instalments of F2 and F3 claims filed by Jordan and Kuwait, respectively, on behalf of their government ministries and other entities. Also considered was the Executive Secretary's report recommending corrections to the approved awards in the fifth and sixth instalments of category A claims and to those in the first to the seventh instalments of C claims. The Council approved the Panels' and Executive Secretary's recommendations. It noted that the Committee on Administrative Matters, at its 18 November meeting, approved the proposed budget for the 2000-2001 biennium in the amount of \$99,629,600.

Communications from Iraq. Between February and December, Iraq drew to the Secretary-General's attention examples of illegal and arbitrary measures applied by the Compensation Commission in processing what it said were unjustified claims and asked his intervention to ensure the Commission's compliance with international law and principles of justice. In that regard, Iraq complained of neither having been given detailed information nor the opportunity to present its views on the following: a large and complex Kuwaiti E claim referred to in the Commission's procedural order No. 8 [S/1999/112]; 15 category E1 oil-sector claims [S/1999/180]; 20 category F claims filed by Jordan on behalf of government ministries and entities [S/1999/113] and 25 similar claims filed by Saudi Arabia [S/1999/1243], although Iraq had received the corresponding procedural orders for both groups of F claims. Iraq insisted that it be provided with details of the Jordanian claims [S/1999/570].

Other matters

Iraqi complaints

Iraq asserted on 15 January [S/1999/45] that the continued forceful imposition of the northern and southern air-exclusion (no-fly) zones over

Iraqi territory by the United States and the United Kingdom—and also by France initially—were illegal and violated UN resolutions and international law regarding sovereignty. Iraq claimed that, with its official acceptance of the provisions of Security Council resolution 687(1991) [YUN 1991, p. 172], a formal ceasefire to the Gulf War became effective and brought to an end the authorizations of military intervention implicit in resolution 678(1990) [YUN 1990, p. 204]. Furthermore, the pretext of humanitarian protection for the Kurds in the north and the Shia in the south, which had demarked the no-fly zones, was based on claims about human rights violations. The refusal of China and the Russian Federation to condone the zones and France's withdrawal from their unilateral enforcement underscored the lack of Council support for the illegal imposition of the zones and incursions by the United States and the United Kingdom.

Affirming its absolute rejection of the no-fly zones, Iraq regarded as violations of its airspace the zone-enforcement sorties by United States and United Kingdom aircraft based in Kuwait, Saudi Arabia and Turkey, all of which Iraq tracked throughout 1999 and reported regularly through identical letters to the Secretary-General and the Council. Alleged wanton military attacks in the process, causing civilian deaths and injuries, as well as destruction to private and public property, were recorded in a number of additional communications [S/1999/101, S/1999/447, S/1999/819, S/1999/880, S/1999/893, S/1999/901, S/1999/978, S/1999/1009, S/1999/1149, S/1999/1208]. Iraq warned of the dangerous repercussions for international peace and security stemming from UN silence in the face of such brutal acts of aggression [S/1999/153], adding that, as the aggressors were permanent Council members, their actions were conducive to the collapse of the collective security regime enshrined in the UN Charter [S/1999/842].

Iraq also alleged violations of its territorial waters by Kuwait [S/1999/364, S/1999/467, S/1999/540, S/1999/553, S/1999/931, S/1999/1077], whose patrols increasingly subjected Iraqi fishing boats and other marine craft to searches, confiscations of fishing permits, even detention and torture of Iraqi fishermen. Kuwait denied certain of those allegations as fabrications [S/1999/616] and, in turn, claimed the incursion into its territorial waters by two Iraqi naval units, necessitating the crews' detention and interrogation [S/1999/784], and by an Iraqi boat allegedly exporting oil-for-food humanitarian goods out of Iraq [S/1999/885].

In the light of the admission by the United States Department of Defense that the United States and the United Kingdom had fired more

than 1 million depleted uranium rounds weighing 315 tons during the Gulf War, Iraq reaffirmed its previously announced position that it held those States responsible for the environmental and health-related consequences of such use [A/54/75-S/1999/345]. In that connection, Iraq submitted several reports [S/1999/195, S/1999/410, S/1999/6G8, S/1999/891, S/1999/1039, S/1999/1254] concerning its disposal of unexploded ordnance—left behind by what it called the 1991 30-Power aggression against it—which continued to be found in large quantities in the country.

Also during 1999, Iraq protested against the increasing land and air incursions into its northern territory by Turkey, which maintained that the object was to pursue and root out terrorist groups posing a threat to its national security. Iraq rejected that as a legitimate reason for Turkey's open violation of its sovereignty and territorial integrity and drew attention to several large-scale incursions between April and November [S/1999/560, S/1999/580, S/1999/778, S/1999/1028, S/1999/1222, S/1999/1225], which, it claimed, left in their wake serious losses of Iraqi lives and property.

In other communications, Iraq protested against the illegal entry, through Turkey, into northern Iraq of a United States official at the head of a British and Turkish delegation [S/1999/103]; the so-called Iraq Liberation Act passed by the United States Congress to finance and arm terrorist groups seeking to undermine Iraq's stability and challenge its unity [S/1999/651]; and United States use of UN agencies working in northern Iraq as covers for its agents to carry out acts of espionage and sabotage [S/1999/690], as well as its sponsorship of military training for opponents of President Saddam Hussein [S/1999/1129].

Afghanistan

The war in Afghanistan between the Taliban and the United Front (UF), which was fuelled by ever-increasing numbers of foreign-supplied arms and combatants, as well as by revenue from opium production that reached record levels during the year, continued throughout 1999. The Taliban, holding significant military and territorial advantage, attempted to prosecute the war to victory, while UF defended its hold on the remaining territories outside Taliban control. Although the United Nations Special Mission to Afghanistan (UNSM) and certain neighbouring countries succeeded in bringing the parties to-

gether in two rounds of talks in February and March, the Taliban, in April, declined to continue the talks unless UF accepted to join the "Islamic Emirate of Afghanistan". Only nine days after the "six plus two" group—the six countries bordering Afghanistan: China, Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan; plus the Russian Federation and the United States—issued a 19 July declaration calling for a resumption of the talks and agreeing not to give military support to any Afghan party, the Taliban mounted a major offensive intended decisively to defeat UF. The waves of fighting, which saw-sawed without significant gains on either side, left in their wake more death and destruction and tens of thousands of civilians forcibly displaced.

In view of the limited impact of the activities of the Special Envoy for Afghanistan, Lakhdar Brahimi (Algeria), on the military and political situation, he and the Secretary-General decided to freeze his activities until conditions warranted his renewed intervention. To improve the Organization's political effectiveness, the Secretary-General proposed to strengthen UNSMA to enable it to assume the primary role of UN peacemaking and to deploy its offices to facilitate regular liaison with belligerents and non-belligerents alike, proposals which the General Assembly supported in December.

Acting on evidence that the Taliban provided training and sanctuary for international terrorists, notably Usama bin Laden, a Saudi national indicted by the United States for terrorist activities and intentions against the United States and its nationals, the Security Council, in October, demanded that the Taliban turn Mr. bin Laden over to appropriate authorities for trial. Council sanctions on the Taliban for failure to comply with that demand went into effect on 14 November.

Meanwhile, UN agencies, in cooperation with international humanitarian organizations and NGOs, attempted to provide emergency relief to the neediest of war victims, especially the forcibly displaced, as well as to victims of an earthquake in February. The Mine Action Programme of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) recorded the successful clearance of some 400 square kilometres of mined areas since its inception. UNHCR helped in the orderly repatriation of large numbers of Afghan refugees from Pakistan and Iran. As to the year's record levels of opium cultivation and production, the Secretary-General instructed the United Nations International Drug Control Programme to coordinate response to it, in cooperation with the Secretariat's Department of Political Affairs and UNSMA.

(For Afghanistan's credentials to the fifty-fourth session of the General Assembly, see PART FIVE, Chapter IV.)

Situation in Afghanistan

Reports of Secretary-General (March, June and September). The situation in Afghanistan during 1999 was described by the Secretary-General in four progress reports, submitted in response to General Assembly resolution 53/203 A [YUN 1998, p. 289]. The first three were quarterly, issued on 31 March [A/53/889-S/1999/362], 21 June [A/53/1002-S/1999/698] and 21 September [A/54/378-S/1999/994]; the fourth was an annual report, issued in the last quarter of the year (see p. 258). The reports gave accounts of the political and military developments in the country; the peacemaking activities of the Special Envoy, of UNSMA and at UN Headquarters in New York; UN assistance and programmes to alleviate the progressively deteriorating humanitarian and human rights situations of the war victims; and UN efforts to curb terrorism within and from Afghanistan, as well as to reduce the illicit cultivation, production and trafficking of drugs.

The September report underscored the adoption, by the high-level meeting of the "six plus two" group (Tashkent, Uzbekistan, 19-20 July)—attended also by the Taliban and UF—of the Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan [A/54/174-S/1999/812]. By the Declaration, the group urged the resumption of political negotiations under UN auspices aimed at establishing a broad-based, multi-ethnic and fully representative Government; agreed not to provide military support to any Afghan party and to prevent the use of its members' territories for that purpose so as to help bring about a cessation of hostilities; and outlined two stages for the negotiations: the first stage to agree on an immediate ceasefire without preconditions and to engage in confidence-building measures, including prisoner-of-war (POW) exchanges and lifting blockades to enable reciprocal trade and delivery of humanitarian assistance; the second to draw up basic principles for Afghanistan's future State structure. The Declaration further urged the Afghan parties, particularly the Taliban, to cease providing refuge and training to international terrorists and called on the international community to respond to the 1999 Inter-Agency Consolidated Appeal for Emergency Humanitarian and Rehabilitation Assistance for Afghanistan (see p. 837).

However, immediately following that hopeful event, the Taliban launched a major offensive on

28 July in northern Afghanistan, aimed at capturing the remaining part of the country outside their control. Besides noting the involvement of thousands of non-Afghan nationals and boy soldiers, mainly on the side of the Taliban forces, and the external supply of materiel to both warring parties, the report spoke of brutalities inflicted on civilians, as had occurred during past Taliban offensives, and the deteriorating humanitarian situation.

Communications. Among a series of identical letters addressed to the Secretary-General and the Security Council, Afghanistan, on 10 March [A/53/860-S/1999/261], forwarded a declaration reiterating its conviction that genuine intra-Afghan dialogue was the only solution to the Afghan turmoil, its resolve to defend Afghanistan's national unity, political independence and territorial integrity should the Taliban and its sponsors continue to reject a peaceful solution, its calls on Pakistan to stop supporting the Taliban, and its condemnation of the Taliban's massacre of civilians in the north-western provinces and support of terrorism and narcotics trafficking.

On 12 April [A/53/906-S/1999/409], Afghanistan reported that, during arrangements for the second (March) round of talks, the Taliban was preparing for a massive assault on government positions, towards which Pakistan had been contributing arms and ammunition shipments throughout March, in addition to dispatching a regiment of paramilitary force to the western suburbs of Kabul.

On 24 July [A/53/1027-S/1999/824], Afghanistan quoted a 22 July Pakistani news report that 5,000 armed Pakistani "students" had been dispatched to help in the "decisive offensive" against anti-Taliban fighters, that from 3,000 to 5,000 Pakistani militants from a number of Islamic fundamentalist parties had arrived in Kabul and that a brigade of some 400 Arab Islamic militants from the Middle East, under the control of the Saudi terrorist Usama bin Laden, had taken up positions along Kabul's front line. Afghanistan also set out the main points of its statement to the "six plus two" Tashkent meeting, including the imperative to unite the nation through a broad-based Government representing all of the country's ethnic groups and extending equal rights to all, its rejection of continued foreign military intervention, its opposition to terrorism and its commitment to fight the illicit drug production.

President Burhanuddin Rabbani of Afghanistan, on 1 August [S/1999/838], expanded on Pakistan's support of the Taliban, adding that he expected the Security Council to address the issue and adopt measures against Pakistan. On 17 August [A/53/1038-S/1999/884], he called for imme-

diate and adequate UN assistance for the victims of the Pakistan/Taliban campaign of ethnic cleansing and forcible deportation in the Shomali Plains and in Parwan and Kapisa provinces. On 5 November [A/54/532-S/1999/1142 & Corr.1], Afghanistan forwarded a 3 November Afghan Online Press editorial urging the United Nations to be wary about offering diplomatic recognition to the Taliban and to remain tough in its dealings with it, along with a report in *The Guardian* (London) of 20 October stating that the Taliban, in the course of its July offensive, drove some 130,000 people from their homes and caused immense human and physical wreckage.

In August, Uzbekistan appealed to the "six plus two" group to observe its commitment not to render military assistance to any Afghan party [A/54/203-S/1999/849]; the European Union (EU) called on Afghanistan's neighbouring States to prevent the flow of arms and personnel from and through their territories, and to use their influence with Afghan factions to support UN peace efforts [S/1999/886]; and Iran, on the anniversary of the still unresolved 1998 murder of its consular staff and journalist in Mazar-e-Sharif [YUN 1998, p. 294], pursued its demand that the Taliban apprehend and bring the perpetrators to justice, calling on the Council to implement its decisions in that regard so as to underscore the inviolability of diplomatic premises and dispel the Taliban's notion that it could disregard international law and UN resolutions with impunity [A/54/204-S/1999/851, S/1999/855].

SECURITY COUNCIL ACTION

On 22 October [meeting,4055], the Security Council President made statement **S/PRST/1999/29** on the Council's behalf:

The Security Council has considered the report of the Secretary-General of 21 September 1999 concerning the situation in Afghanistan and its implications for international peace and security.

The Council reiterates its grave concern at the continued Afghan conflict, which is a serious and growing threat to regional and international peace and security. It strongly condemns the Taliban for the launching in July 1999, only one week after the meeting of the "six plus two" group in Tashkent, of a new offensive, despite the repeated demands by the Council to cease fighting. This has undermined international efforts to facilitate the restoration of peace in Afghanistan. The fighting following the offensive has resulted in enormous suffering to the civilian population of Afghanistan. The Taliban has a primary responsibility for this.

The Council reiterates that there is no military solution to the conflict in Afghanistan and that only a negotiated political settlement aimed at the establishment of a broad-based, multi-ethnic and fully representative government acceptable to all Afghans

can lead to peace and reconciliation. It recalls its demand that the parties to the conflict, especially the Taliban, resume negotiations under United Nations auspices without delay and preconditions in full compliance with the relevant resolutions of the General Assembly and the Council. The Council notes that the United Front of Afghanistan has repeatedly made clear that it is willing to talk with the Taliban in order to reach a solution to the country's problems.

The Council reiterates that outside interference in the internal affairs of Afghanistan, including the involvement of foreign combatants and military personnel and the supply of weapons and other materials used in the conflict, should cease immediately. It calls upon all States to take resolute measures to prohibit their military personnel from planning and participating in combat operations in Afghanistan, and immediately to withdraw their personnel and to assure that the supply of ammunition and other war-making materials is halted. The Council expresses its deep distress over reports indicating the involvement in the fighting in Afghanistan, on the side of the Taliban forces, of thousands of non-Afghan nationals, mostly from religious schools and some of whom are below the age of fourteen.

The Council reaffirms its full support for the efforts of the United Nations, in particular the activities of the United Nations Special Mission to Afghanistan and those of the Special Envoy of the Secretary-General for Afghanistan, in facilitating the political process towards the goals of national reconciliation and a lasting political settlement with the participation of all parties to the conflict and all segments of Afghan society, and reiterates its position that the United Nations must continue to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict.

The Council expresses its grave concern at the seriously deteriorating humanitarian situation in Afghanistan. It calls upon all Afghan parties, and in particular the Taliban, to take the necessary steps to secure the uninterrupted supply of humanitarian aid to all in need of it and in this connection not to create impediments to the activities of the United Nations humanitarian agencies and international humanitarian organizations.

The Council once again urges all Afghan factions to cooperate fully with the Special Mission and international humanitarian organizations, and calls upon them, in particular the Taliban, to take the necessary steps to ensure the safety and freedom of movement of such personnel.

The Council welcomes the Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan, adopted by the "six plus two" group on 19 July 1999, particularly the agreement of members of the group not to provide military support to any Afghan party and to prevent the use of their territories for such purposes. It urges the members of the group and the Afghan factions to implement these principles in support of the efforts of the United Nations towards a peaceful resolution of the Afghan conflict.

The Council strongly condemns the continuing use of Afghan territory, especially areas controlled by the Taliban, for the sheltering and training of ter-

rorists and planning of terrorist acts, and reaffirms its conviction that the suppression of international terrorism is essential for the maintenance of international peace and security. It insists that the Taliban cease the provision of sanctuary and training for international terrorists and their organizations, take effective measures to ensure that the territory under its control is not used for terrorist installations and camps or for the preparation or organization of terrorist acts against other States or their citizens, and cooperate with efforts to bring indicted terrorists to justice. The Council demands once again that the Taliban turn over indicted terrorist Usama bin Laden to appropriate authorities as set out in its resolution 1267(1999) of 15 October 1999. It reaffirms its decision to implement on 14 November 1999 the measures contained in that resolution, unless the Secretary-General reports that the Taliban has fully complied with the obligation set out in paragraph 2 of that resolution.

The Council is deeply disturbed also by a significant increase in the cultivation, production and trafficking of drugs in Afghanistan, especially in areas controlled by the Taliban, which will contribute to the war-making capabilities of the Afghans and will have even more serious international consequences. It demands that the Taliban, as well as others, halt all illegal drug activities. The Council calls upon Member States, in particular those neighbouring Afghanistan, and all others concerned to undertake concerted measures to stop the trafficking of illegal drugs from Afghanistan.

The Council deplors the worsening human rights situation in Afghanistan. It expresses particular alarm at the continuing disregard by the Taliban of the concerns expressed by the international community. The Council underlines the unacceptability of the forced displacement of the civilian population, in particular that conducted by the Taliban during their recent offensive, summary executions, the deliberate abuse and arbitrary detentions of civilians, violence and continuing discrimination against women and girls, the separation of men from their families, the use of child soldiers, the widespread burning of crops and destruction of homes, the indiscriminate bombing and other violations of human rights and international humanitarian law in Afghanistan. It calls upon all Afghan parties, especially the Taliban, to put an end to such practices, to adhere to the international norms and standards in this sphere, to take urgent measures to improve the human rights situation and, as an immediate first step, to ensure the protection of civilians.

The Council reiterates that the capture by the Taliban of the Consulate-General of the Islamic Republic of Iran and the murder of the Iranian diplomats and a journalist in Mazar-e-Sharif constitute flagrant violations of international law. It demands that the Taliban cooperate fully with the United Nations in investigating these crimes with a view to prosecuting those responsible.

The Council looks forward to the next report of the Secretary-General on the situation in Afghanistan, and encourages him to review options for the Council and the General Assembly.

The Council deplors the failure of the leadership of the Taliban to take measures to comply with the demands made in its previous resolutions, especially to conclude a ceasefire and to resume negotiations, and in this context reaffirms its readiness to consider the imposition of measures, in accordance with its responsibility under the Charter of the United Nations, with the aim of achieving the full implementation of its relevant resolutions.

Further report of Secretary-General (November). The Secretary-General's fourth progress report, dated 16 November [A/54/536-S/199971145] (see p. 261), summarized developments since the issuance of his 23 November 1998 annual report [YUN 1998, p. 289].

GENERAL ASSEMBLY ACTION

On 17 December [meeting 84], the General Assembly adopted **resolution 54/189 A** [draft: A/54/L.58] without vote [agenda items 20 (f) & 50].

The situation in Afghanistan and its implications for international peace and security

The General Assembly,

Recalling its resolutions 50/88 B of 19 December 1995, 51/195 B of 17 December 1996, 52/211 B of 19 December 1997 and 53/203 A of 18 December 1998,

Recalling also Security Council resolutions 1193(1998) of 28 August 1998, 1214(1998) of 8 December 1998 and 1267(1999) of 15 October 1999 and all statements of the President of the Security Council on the situation in Afghanistan,

Noting all recent declarations by participants of regional international meetings and by international organizations on the situation in Afghanistan,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, and respecting its multicultural, multi-ethnic and historical heritage,

Convinced that there is no military solution to the Afghan conflict and that only a political settlement aimed at the establishment of a broad-based, multi-ethnic and fully representative government acceptable to the Afghan people can lead to peace and reconciliation,

Stressing the importance of non-intervention and non-interference in the internal affairs of Afghanistan, and deeply concerned at all forms of continued external support, which is causing the prolongation and intensification of the conflict,

Expressing its grave concern at the failure of all Afghan parties, in particular the Taliban, to put an end to the conflict, which seriously threatens stability and peace in the region, and welcoming the willingness of the United Front to talk to the Taliban in order to find a solution to the country's problems,

Deeply concerned by the increasingly ethnic nature of the conflict, by reports of persecution on the grounds of ethnic origin and religious persuasion and by the threat this poses to the unity of the Afghan State,

Strongly condemning the sharp escalation of the conflict, in particular after the launching of a new offensive by the Taliban in July 1999, only one week after the meeting of the "six plus two" group in Tashkent, despite the repeated demands by the Security Council

and continuing attempts by the Special Envoy of the Secretary-General for Afghanistan to avert the Taliban offensive.

Noting with concern the resulting exacerbation of the enormous suffering of the Afghan people, including the massive loss of human life, summary executions, deliberate abuse and arbitrary detention of civilians, refugee flows, use of child soldiers, harassment, forcible displacement of innocent civilians and extensive destruction,

Expressing its grave concern at persistent violations of human rights and at breaches of international humanitarian law in Afghanistan, as exemplified by reports of mass killings and atrocities committed by combatants against civilians and prisoners of war, including the finding in the report of the United Nations investigation team for Afghanistan, submitted by the Office of the United Nations High Commissioner for Human Rights, that serious violations of human rights and international humanitarian law took place in Afghanistan in 1997 and 1998,

Noting with alarm the massive displacement by the Taliban of the civilian population and, in particular, of women and children, in the Shomali Plains, as well as the indiscriminate destruction of their homes and agricultural land, thereby eliminating their source of income,

Expressing its grave concern at the continuing and substantiated reports of systematic human rights violations against women and girls, including all forms of discrimination against them, notably in areas under the control of the Taliban,

Strongly condemning the capture by Taliban militia of the Consulate-General of the Islamic Republic of Iran and the murder of Iranian diplomats and a journalist in Mazar-e Sharif, and stressing that these unacceptable acts, which constitute flagrant violations of established international law, must not go unpunished,

Deeply disturbed by the continuing use of Afghan territory, especially areas controlled by the Taliban, for the recruitment, sheltering and training of terrorists, including international terrorists, and the planning of terrorist acts within and outside Afghanistan,

Deeply disturbed also by the continuing use of Afghan territory, especially areas controlled by the Taliban, for the increasing cultivation and trafficking of drugs, as well as by the significant rise in the illicit production of opium, which contribute to the war-making capabilities of the Afghans and have dangerous repercussions reaching Afghanistan's neighbours and far beyond,

Reiterating that the United Nations, as a universally recognized and impartial intermediary, must continue to play the central role in international efforts towards a peaceful resolution of the Afghan conflict,

Expressing its appreciation for the efforts made in this regard by the United Nations Special Mission to Afghanistan and by the Special Envoy of the Secretary-General for Afghanistan, and noting with concern that, following years of continuing negotiation, insufficient cooperation with the Special Envoy of the Secretary-General by the parties to the conflict has led to the freezing of his activities,

Noting and welcoming the meeting of the "six plus two" group under the auspices of the United Nations, with the participation of representatives of the warring Afghan parties, held in Tashkent on 19 and 20 July

1999, and the Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan adopted on 19 July 1999, as well as the working meeting of the "six plus two" group at the level of foreign ministers, held in New York in September 1999,

Regretting recent reports by the Secretary-General indicating that the "six plus two" group has not yet had the desired impact on the warring parties in Afghanistan,

Welcoming the contacts between the United Nations Special Mission to Afghanistan and various non-warring Afghan parties and personalities, and supporting calls by these independent Afghans for an end to the fighting and any proposals that might advance the cause of peace, including the meeting, held in Rome from 22 to 25 November 1999, of a group of Afghan personalities aimed at the convening of a genuine *loya Jirgah* to promote a political settlement,

1. *Takes note* of the report of the Secretary-General, and endorses the observations and recommendations set out therein;

2. *Stresses* that the main responsibility for finding a political solution to the conflict lies with the Afghan parties, and urges all of them to respond to the repeated calls for peace by the United Nations;

3. *Calls upon* all Afghan parties, in particular the Taliban, to cease immediately all armed hostilities, to renounce the use of force and to engage, without delay or preconditions, in a political dialogue under United Nations auspices aimed at achieving a lasting political settlement of the conflict by creating a broad-based, multi-ethnic and fully representative government, which would protect the rights of all Afghans and observe the international obligations of Afghanistan;

4. *Welcomes* the intra-Afghan meetings in Ashgabat at the beginning of 1999 and in Tashkent in July 1999, and urges all Afghan parties to take further confidence-building measures with a view to resuming direct intra-Afghan talks;

5. *Urges* the Taliban and other Afghan parties to refrain from all acts of violence against civilians, including women and children;

6. *Strongly condemns* the sharp escalation of the conflict, in particular after the launching of a new offensive by the Taliban in July 1999;

7. *Notes with distress* reports indicating the involvement in the fighting in Afghanistan, mainly on the side of the Taliban forces, of two thousand to five thousand non-Afghan nationals, mostly from religious schools, some of whom are still children;

8. *Strongly condemns* the fact that foreign military support to the Afghan parties continued unabated through 1999, and calls upon all States to refrain strictly from any outside interference and to end immediately the supply of arms, ammunition, military equipment, training or any other military support to all parties to the conflict in Afghanistan;

9. *Calls upon* all States to take resolute measures to prohibit their military personnel from planning and participating in combat operations in Afghanistan and immediately to withdraw their personnel and to assure that the supply of ammunition and other war-making materials is halted;

10. *Reiterates its position* that the United Nations must continue to play its central and impartial role in

international efforts towards a peaceful resolution of the Afghan conflict;

11. *Reaffirms its full support* for the efforts of the United Nations in facilitating the political process towards the goal of national reconciliation and a lasting political settlement with the participation of all parties to the conflict and all segments of Afghan society, and fully supports, in particular, the comprehensive efforts of the Secretary-General, of the Special Envoy of the Secretary-General for Afghanistan and those of the United Nations Special Mission to Afghanistan;

12. *Supports* the intention of the Secretary-General to strengthen the United Nations Special Mission to Afghanistan with a view to assuring its primary role in conducting United Nations peacemaking activities in Afghanistan, in particular by appointing a new head of Mission, by progressively moving its head office to Kabul and by increasing its presence in neighbouring countries;

13. *Also supports* the intention of the Secretary-General to redouble the efforts of the United Nations Special Mission to Afghanistan to achieve a durable and equitable political settlement by facilitating an immediate and durable ceasefire and the resumption of a dialogue between the Afghan parties, by instituting a negotiating process leading to the formation of a broad-based, multi-ethnic and fully representative government of national unity and by continuing to work closely with all countries that are willing to help find a peaceful solution to the Afghan conflict, in particular with the members of the "six plus two" group, while continuing to monitor closely and encouraging the various peace initiatives of non-warring Afghan parties and personalities;

14. *Welcomes* the establishment of the Civil Affairs Unit within the United Nations Special Mission to Afghanistan, as approved by the General Assembly in its resolution 53/203 A, and the efforts of the Secretary-General and the United Nations High Commissioner for Human Rights to ensure that the ongoing process of deployment of a first group of civil affairs officers, including a coordinator for the Civil Affairs Unit, is completed as soon as possible;

15. *Also welcomes* the constitution of groups of interested States to coordinate their efforts as well as the activities of international organizations, in particular the Organization of the Islamic Conference, and encourages those organizations and States, in particular the "six plus two" group, to use their influence in a constructive manner in support of and in close coordination with the United Nations to promote peace in Afghanistan;

16. *Supports* the intention of the Secretary-General to continue to work with the "six plus two" group, to seek ways of improving the creativity and effectiveness of the group so as to ensure its more constructive and concrete involvement in a peaceful resolution of the conflict in Afghanistan and to consult other States on supplementary measures that could be taken in the search for peace;

17. *Calls upon* all Afghan parties, in particular the Taliban, and countries concerned to increase their level of cooperation within the framework of the peacemaking efforts of the United Nations with a view to enabling the Special Envoy of the Secretary-General

for Afghanistan to renew his active involvement in these efforts as soon as possible;

18. *Calls upon* all signatories to the Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan and the Afghan parties to implement the principles contained in the Declaration in support of the efforts of the United Nations towards a peaceful resolution of the Afghan conflict, in particular the agreement of members of the "six plus two" group not to provide military support to any Afghan party and to prevent the use of their territories for such purposes, and recalls their appeal to the international community to take identical measures to prevent the delivery of weapons to Afghanistan;

19. *Reiterates its strong condemnation* of the armed attacks against United Nations personnel in the summer of 1998 and the recent attacks against United Nations personnel and property following the imposition of sanctions against the Taliban by the Security Council;

20. *Expresses deep concern* at the lack of tangible progress in the Taliban's investigations of the death, serious injury or disappearance of international or national staff members and other persons employed by the United Nations, in particular the killing of the two Afghan staff members of the World Food Programme and of the Office of the United Nations High Commissioner for Refugees in Jalalabad and of the Military Adviser to the United Nations Special Mission to Afghanistan in Kabul, and once again urges the Taliban to proceed with the immediate and thorough investigation of these cases and to inform the United Nations about the progress of their investigation without further delay;

21. *Reiterates its strong condemnation* of the killing of the diplomatic and consular staff of the Consulate-General of the Islamic Republic of Iran in Mazar-e-Sharif and the correspondent of the Islamic Republic News Agency, expresses deep concern at the lack of progress in the Taliban's investigation of the murders, and once again urges the Taliban to carry out, without further delay, a credible investigation with a view to prosecuting the guilty parties and to inform the Government of the Islamic Republic of Iran and the United Nations about the results thereof;

22. *Urges* all Afghan parties to recognize, protect and promote all human rights and freedoms, including the right to life, liberty and security of persons, regardless of gender, ethnicity or religion;

23. *Calls upon* all Afghan parties, in particular the Taliban, to end discriminatory policies against women and girls, including policies regarding their rights to education, work and equal health care, and to recognize, protect and promote the equal rights and dignity of men and women;

24. *Condemns* the continuing widespread violations of international humanitarian law in Afghanistan, and urgently calls upon all Afghan parties to respect strictly all its provisions that provide essential protection for the civilian population in armed conflicts;

25. *Strongly demands* that all Afghan parties, in particular the Taliban, refrain from providing sanctuary or training for international terrorists and their organizations, cease the recruitment of terrorists, close down terrorist training camps inside Afghanistan, take effective measures to ensure that the territory under its control is not used for terrorist organizations and

camps and take the necessary steps to cooperate with efforts to bring indicted terrorists to justice without delay;

26. *Condemns* the acts of terrorists based in Afghanistan, including those in support of extremist groups operating against the interests of Member States and against their citizens, deplores the fact that the Taliban continues to provide safe haven to Usama bin Laden and to allow him and others associated with him to use Afghanistan as a base from which to sponsor international terrorist operations, recalls that the Security Council in its resolution 1267(1999) has demanded that the Taliban turn over Usama bin Laden without further delay, and urges the Taliban to comply;

27. *Reiterates its call* to all Afghan parties, in particular the Taliban, to halt all illegal drug activities and to support international efforts to ban illicit drug production and trafficking, and calls upon all Member States and all parties concerned to undertake concerted measures to stop the trafficking of illegal drugs from Afghanistan;

28. *Takes note* of the severe impact of the illicit drug production and trafficking on Afghanistan's immediate neighbours, and calls for further international co-operation in support of the efforts of the neighbouring States to stop the trafficking of illegal drugs from Afghanistan;

29. *Requests* the United Nations International Drug Control Programme to continue its crop monitoring and other work inside Afghanistan, including its alternative development pilot projects, and to further develop international measures against drug trafficking;

30. *Reiterates* that the cultural and historic relics and monuments of Afghanistan belong to the common heritage of mankind, calls upon all Afghan parties, in particular the Taliban, to protect the cultural and historic relics and monuments of Afghanistan from acts of vandalism, damage and theft, and requests all Member States to take appropriate measures to prevent the looting of cultural artifacts and to ensure their return to Afghanistan;

31. *Requests* the Secretary-General to report to the General Assembly every three months during its fifty-fourth session on the progress of the United Nations Special Mission to Afghanistan and to report to the Assembly at its fifty-fifth session on the progress made in the implementation of the present resolution;

32. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "The situation in Afghanistan and its implications for international peace and security".

Also on 17 December, the Assembly adopted **resolution 54/189 B** on emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan (see PART THREE, Chapter III).

By **decision 54/465** of 23 December, the Assembly decided that the agenda item on the situation in Afghanistan and its implications for international peace and security would remain for consideration at its resumed fifty-fourth (2000) session.

Military and political developments

In his November report [A/54/536-S/1999/1145], the Secretary-General stated that fighting between the Taliban and UF ebbed and flowed during the year, with both ending roughly at the same positions they held in late 1998. The Taliban offensive of 28 July resulted only in further loss of lives, massive civilian displacement and suffering, and extensive physical destruction. Believed to have been reinforced by between 2,000 and 5,000 recruits from religious schools within Pakistan, including many non-Afghans and some under age 14, the offensive quickly overran most of the Shomali Plains, north of Kabul, up to the Panjshir Valley's entrance and areas near the Amu Darya (Oxus) River. A UF counter-attack, however, recaptured virtually all on 5 August.

On 11 August, the Taliban opened a new front line 50 kilometres north of Kabul that traversed the Kohi Safi Mountains to the vicinity of Nijrab. Through a similar move in the south-eastern region, UF made minor territorial gains. In Kandahar on 24 August, a large truck-bomb exploded outside the residential compound of the Taliban supreme leader, Mullah Mohammad Omar, killing at least 10 persons, including some of his close relatives. In September, the Taliban stepped up pressure on UF positions north of Kunduz and to the east of Khanabad in Takhar Province, while UF kept up diversionary attacks in the north-west and south-east. In a fresh offensive, the Taliban retook the territory lost to UF on 5 August, but by late October UF had once again driven the Taliban back to its starting positions. Intermittent fighting continued in the west. In early November, UF claimed to have made further advances in the northern provinces of Samangan and Sar-e-Pul.

Several events marked the political situation, starting with two rounds of intra-Afghan talks in Ashkabad, Turkmenistan, under UN auspices: the first (10-11 February) was held without a fixed agenda; the second (11-14 March) led to a framework agreement to form, in principle, a shared executive, legislature and judiciary. Shortly thereafter, however, the two sides lapsed into mutual recriminations. On 10 April, Mullah Omar suspended further talks, making clear they could be resumed only if UF accepted to join in a system of governance under an "Islamic Emirate of Afghanistan". That condition was unacceptable to President Rabbani's administration, which maintained that the Taliban had no popular or legal mandate to govern or impose an emirate system. The talks remained stalled, despite intense UN and diplomatic efforts to revive them, including President Rabbani's proposal to meet Mr. Omar under UN, Organization of the

Islamic Conference, or "six plus two" group auspices.

Apart from the July Tashkent Declaration (see p. 256), Pakistan, responding to the President's personal appeal, undertook several rounds of shuttle diplomacy between the parties in August and September, an initiative rejected by UF on the grounds that Pakistan's military and political support for the Taliban prevented it from acting as an honest broker. Another peace initiative, proposed on 29 April by the former King of Afghanistan, Zahir Shah, was to convene an emergency *loya Jirgah* (grand assembly) as the most effective mechanism for resolving the Afghan conflict. Two preparatory meetings (Rome, 25 June and 22-25 November) were held for that purpose. Also in November, a parallel meeting with the same objective was held in Tehran, Iran.

In other developments, UF consolidated the anti-Taliban forces under a single command and established a 40-member Leadership Council, as well as a Supreme Military Council. It also announced the formation of a 10-member Political Committee and a ministerial cabinet reshuffle aimed at a broader representation of Afghanistan's four major ethnic groups: the Pashtun, Tajik, Hazara and Uzbek. On the Taliban side, Mr. Omar reshuffled his administration, appointing new foreign, interior and information ministers and replacing most of the governors and corps commanders. The Taliban continued to seek improved relations with certain regional States, including Kazakhstan, Pakistan, Turkmenistan and the United Arab Emirates, in addition to meeting representatives of the "six plus two" group at the Tashkent meeting. In February, senior Taliban and Iranian representatives met in Dubai, United Arab Emirates, which failed to satisfy Iran's continuing demand that the Taliban apprehend and bring to justice those responsible for the 1998 murder of its consular officials in Mazar-e Sharif.

UN activities

Special Envoy

The Secretary-General's Special Envoy for Afghanistan and head of UNSMA, Lakhdar Brahimi, undertook two missions to the region in 1999, in February and March visiting, in addition to Afghanistan, Saudi Arabia, Pakistan, Iran, the Russian Federation, Uzbekistan, Tajikistan and Turkmenistan. He met with the Taliban supreme leader in Kandahar and twice with the Taliban leadership in Kabul. He also held two meetings with UF Commander Ahmad Shah Massoud in Dushanbe (Tajikistan) and Taloqan (northern

Afghanistan). He urged the parties to settle their differences by peaceful means through the resumption of the intra-Afghan talks. To facilitate those talks, he suggested that the parties pursue confidence-building measures, including agreement on a permanent ceasefire, the exchange of POWs and appointment of military liaison officers. He repeatedly underlined the importance for Afghanistan's neighbours, Iran and Pakistan in particular, to discuss their concerns more candidly and seriously.

The Special Envoy visited the region for the second time in July to represent the United Nations at the Tashkent meeting of the "six plus two" group, where he reiterated his confidence-building proposals to the Taliban and UF and helped bring them together in a private meeting. In a 22 July meeting with the Taliban in Kabul, he warned that its planned military offensive would prove costly to the Afghan people, negatively affect UN and international community efforts to broker peace, and never bring about lasting peace. He added that the hostile attitude of non-Afghan youths arriving from Pakistan in alarmingly large numbers posed a potential danger to the aid community in Kabul. In a last-minute attempt to avert the imminent offensive, he pleaded with Pakistani political, military and other leaders on his return to Islamabad on 25 July to exert their influence on the Taliban; no serious, sustained efforts were made to that end, however. The Special Envoy further pleaded with Afghanistan's neighbouring States for their constructive engagement, through the mechanism of the "six plus two" group, and made clear his disappointment at the continuous influx into Afghanistan of materiel and thousands of non-Afghan fighters, a trend contrary to their stated wish that the Afghans should resolve their own problems without outside interference.

Following a careful review of those developments, the Secretary-General and the Special Envoy concluded that, given the lack of progress so far, the Special Envoy's activities should be frozen until such time as circumstances justified his renewed intervention.

UN Special Mission to Afghanistan

Throughout 1999, the United Nations Special Mission to Afghanistan performed its mandated tasks: to support the Special Envoy in promoting peace through contact with the two warring parties and with the wider Afghan political and civil community; to monitor and report political and military developments in the country; and to coordinate activities with UNOCHA and with the indigenous and international humanitarian assistance community. UNSMA's mediation efforts

early in the year with the Taliban and UF leaderships contributed greatly to the two rounds of talks between them in Ashkabad. Despite the Taliban's suspension of those talks, UNSMA endeavoured to promote confidence between the parties through a range of military, political and humanitarian measures, such as the establishment of an embryonic conflict-resolution centre, in addition to those suggested by the Special Envoy.

Although UNSMA's political and military monitoring were heavily circumscribed by the lack of security and cooperation from the Taliban military, it had maintained since March a rotational presence of a military officer in Kabul and visits by political officers to locations elsewhere in Afghanistan.

Establishment of the Civil Affairs Unit within UNSMA, proposed in 1998 [YUN 1998, p. 297], was set in motion by the dispatch of an assessment mission to Afghanistan in late April/early May. Following the agreement of both parties to the Unit's operation in the country, recruitment of the initial personnel began.

Reorganization

In his November report [A/54/536-S/199971145], the Secretary-General indicated that, in view of the freezing of the Special Envoy's activities, UNSMA would assume the primary role in conducting UN peacemaking activities in Afghanistan. To that end, he would appoint a substantive head of Mission at the Assistant Secretary-General level, to be assisted by a deputy director and four political affairs officers. The number of military advisers would be reduced from four to two owing to difficulties in fulfilling their monitoring and advisory functions. To increase the Organization's political effectiveness, UNSMA would progressively move its head office from Islamabad to Kabul, starting with the stationing of political affairs officers in Kabul and Kandahar when security conditions permitted. The closer proximity to both belligerents and non-belligerents should afford UNSMA more frequent contact with them. A sub-office would be opened in Tehran in early 2000 to increase regular contact with neighbouring States and with Afghan factions and individuals. Arrangements would be made to ensure effective liaison with representatives of Afghan factions in Dushanbe.

UNSMA would redouble efforts to bring about a durable and equitable political settlement. It would seek to persuade the two parties to agree to a ceasefire and resume dialogue while strengthening its links with Afghan civil society, and would closely monitor and encourage the various

peace initiatives of non-UN actors, notably from within the Afghan diaspora, while continuing to work closely with the countries willing to help find a peaceful solution to the Afghan conflict, including those not represented in the "six plus two" group.

The new UNSMA Civil Affairs Unit, expected to be operational in early 2000, would work within Afghanistan primarily to promote respect for minimum humanitarian standards and deter massive and systematic violations of human rights.

Financing

Following the General Assembly's endorsement, in resolution 54/189 A, of the proposed reorganization of UNSMA as described above, the financial implications on the proposed programme budget for the 2000-2001 biennium, estimated by the Secretary-General at \$3,407,600 [A/C.5/54/41], were considered by the Assembly. Based on the related ACABQ report [A/54/667] and the Fifth Committee's recommendation [A/54/671], that amount was to be charged against the \$90,387,200 provided for in Assembly **resolution 54/251, section VIII**, on special political missions, of 23 December.

Humanitarian assistance

As presented in the 1999 Consolidated Appeal for Afghanistan, the common programme of humanitarian assistance undertaken in Afghanistan by UN agencies and the assistance community as a whole represented a significant step towards greater coherence and effectiveness (see also p. 837). The programme benefited from the Afghanistan Programming Body, which provided a forum for policy discussion and consensus-building on the direction of humanitarian activities, as well as from the biannual high-level policy discussions of the Afghanistan Support Group of donors. With the limited and phased return to the country of UN international staff in March 1999, the momentum of assistance increased from its restricted level stemming from their absence since 21 August 1998 [YUN 1998, p. 296]. Assistance delivery continued to be hampered, however, by security and access constraints arising from the fighting, as well as by the uneven receipt of funding against the Consolidated Appeal.

In 1999, UN programmes and agencies mounted emergency relief assistance jointly with ICRC, the International Federation of Red Cross and Red Crescent Societies, the American Red Cross Society and NGOs for some 16,000 families victims of an earthquake on 11 February (see

p. 838). Assistance was also being provided for over 30,000 households affected by the waves of fighting across the Hazarajat region in the central highlands, especially in Bamian, Shiber and Yakaolang. Of the estimated 65,000 displaced people who escaped to the Panjshir Valley from the July fighting in the Shomali Plains, where widespread burning of crops and destruction of homes reportedly occurred, about 50,000 were found to need food aid. A further 60,000 people forcibly displaced from the Shomali Plains were in Kabul, where, since August, WFP and NGOs had been providing food assistance for some 12,000 people housed in the former Soviet embassy compound, 90 per cent of whom were women and children.

With UNHCR assistance, 82,000 Afghan refugees voluntarily returned to Afghanistan from Pakistan and Iran between 1 January and 30 September. During the same period, some 70,000 Afghans were forcibly returned from Iran. Negotiations were under way between UNHCR and Iran for the orderly and voluntary return of refugees from that country.

Since its inception, the UNOCHA Mine Action Programme had cleared almost 400 square kilometres of mined areas, with a further 55 square kilometres already marked and surveyed for future clearance.

Human rights violations

Reported human rights violations in Afghanistan, largely attributable to the continuing war, had worsened, especially for civilians trapped in front-line areas. Abuses against civilians during the April/May fighting in the central highlands included the summary execution of women and children, forced displacement, looting and burning of homes, arbitrary detention and forced labour. Added to the same abuses perpetrated during the Taliban's July offensive in the Shomali Plains were the separation of men from families, the abduction and disappearance of women, the destruction and burning of agricultural assets and use of boy soldiers.

Report of UN investigation team. On 23 November [A/54/626], the Secretary-General submitted to the General Assembly a summary of the report of the UN investigation team for Afghanistan, submitted by the Office of the High Commissioner for Human Rights. Prepared in response to Assembly resolution 52/211 B [YUN 1997, p. 262] and Security Council presidential statement S/PRST/1997/55 [ibid., p. 261] and resolution 1193(1998) [YUN 1998, p. 296], the report summarized the results of an investigation into allegations of serious violations of international human

rights or humanitarian law, including reported mass killings of POWs and civilians, incidents of rape in northern Afghanistan in 1997, and reports of atrocities alleged to have taken place in Mazar-e Sharif and Bamian in August 1998 [ibid., p. 301] in the wake of the Taliban conquests of those cities.

According to the findings, little information was forthcoming from the warring parties and neither extended meaningful cooperation, information provided by others and persons interviewed was patchy, site evidence was inconclusive and allegations against both parties were made at different times. Clearly, killings of civilians and serious violations of international humanitarian law and human rights had taken place, but for the foregoing reasons, the investigation team was unable to reach definitive conclusions.

(For the human rights situation in Afghanistan, see p. 704; for the situation of women and girls in Afghanistan, see pp. 670 and 1094.)

Communications. In a statement of 29 January [S/1999/109], Afghanistan described the inhumane and brutal conditions under which the detainees it visited, through facilitation by ICRC, in Taliban detention centres in Kandahar (15-20 January) and Kabul (21-23 January) were held, among whom were civilians detained on the basis of ethnicity and religion. By contrast, the Taliban detained by Afghanistan were treated humanely. Afghanistan appealed to the international community to urge the Taliban to respect the human dignity of detainees held by it and to end the suffering of those individuals.

Drug control

The annual survey by the United Nations International Drug Control Programme (UNDCP) estimated that opium production in Afghanistan would reach a record level of 4,600 metric tons in 1999, potentially convertible into 460 metric tons of heroin; an estimated 90,983-hectares were under opium poppy cultivation, representing a 43 per cent increase over 1998, with cultivation having spread from 73 to 104 districts. Those statistics put Afghanistan as the world's largest illicit producer of opium in 1999, with its output reaching up to 75 per cent of all illicit opium worldwide.

Such a large increase in available opium and heroin would weigh heavily on States bordering Afghanistan, which would have to counter the threat to their internal security from massive cross-border illicit-drug trafficking and associated criminal activity. To bolster their inadequate and under-resourced border security systems, Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan agreed with UNDCP to implement border control and law enforcement programmes.

UNDCP approved two such programmes and concluded memoranda of understanding with all Central Asian countries for the improvement of coordination among their border control and law enforcement authorities. The UNDCP Executive Director was instructed by the Secretary-General to coordinate response to the growing drug problem in cooperation with the Department of Political Affairs and UNSMA. (See also PART THREE, Chapter XIV.)

Counter-terrorism measures

In his November report, the Secretary-General drew attention to the growing concern that Afghanistan was becoming a breeding ground for religious extremism and sectarian violence, as well as various types of international terrorism, whose scope far exceeded Afghanistan's boundaries. He pointed to a 7 October press conference at which Pakistan's former Prime Minister, Nawaz Sharif, claimed that Pakistan had evidence of the existence in Afghanistan of terrorist training camps, which had trained persons involved in terrorist activities in Pakistan. Most of Afghanistan's neighbours and other States beyond had made similar allegations.

The United States had earlier, on 5 July, imposed unilateral financial and economic sanctions against the Taliban until such time as Saudi national Osama bin Laden—whom it indicted for the 1998 bombings of its embassies in Nairobi, Kenya, and Dar es Salaam, United Republic of Tanzania, and for conspiring to kill United States nationals outside their country—was either expelled from Afghanistan or extradited to a country where he would be brought to justice. In August, the assets of Ariana Afghan Airlines held in United States banks were frozen. In September, India terminated the air link between Amritsar and Kabul, leaving the United Arab Emirates as that airline's only destination outside Afghanistan.

SECURITY COUNCIL ACTION

On 15 October [meeting 4051], the Security Council unanimously adopted **resolution 1267(1999)**. The draft [S/1999/1054] was sponsored by Canada, the Netherlands, the Russian Federation, Slovenia, the United Kingdom and the United States.

The Security Council,

Reaffirming its previous resolutions, in particular resolutions 1189(1998) of 13 August 1998, 1193(1998) of 28 August 1998 and 1214(1998) of 8 December 1998, and the statements by its President on the situation in Afghanistan,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity

of Afghanistan, and its respect for Afghanistan's cultural and historical heritage,

Reiterating its deep concern over the continuing violations of international humanitarian law and of human rights, particularly discrimination against women and girls, and over the significant rise in the illicit production of opium, and stressing that the capture by the Taliban of the Consulate-General of the Islamic Republic of Iran and the murder of Iranian diplomats and a journalist in Mazar-e-Sharif constituted flagrant violations of established international law,

Recalling the relevant international counter-terrorism conventions and in particular the obligations of parties to those conventions to extradite or prosecute terrorists,

Strongly condemning the continuing use of Afghan territory, especially areas controlled by the Taliban, for the sheltering and training of terrorists and planning of terrorist acts, and reaffirming its conviction that the suppression of international terrorism is essential for the maintenance of international peace and security,

Deploring the fact that the Taliban continues to provide safe haven to Usama bin Laden and to allow him and others associated with him to operate a network of terrorist training camps from Taliban-controlled territory and to use Afghanistan as a base from which to sponsor international terrorist operations,

Noting the indictment of Usama bin Laden and his associates by the United States of America for, inter alia, the 7 August 1998 bombings of the United States embassies in Nairobi and Dar es Salaam and for conspiring to kill American nationals outside the United States, and noting also the request of the United States to the Taliban to surrender them for trial,

Determining that the failure of the Taliban authorities to respond to the demands in paragraph 13 of resolution 1214(1998) constitutes a threat to international peace and security,

Stressing its determination to ensure respect for its resolutions,

Acting under Chapter VII of the Charter of the United Nations,

1. *Insists* that the Afghan faction known as the Taliban, which also calls itself the Islamic Emirate of Afghanistan, comply promptly with its previous resolutions and in particular cease the provision of sanctuary and training for international terrorists and their organizations, take appropriate effective measures to ensure that the territory under its control is not used for terrorist installations and camps, or for the preparation or organization of terrorist acts against other States or their citizens, and cooperate with efforts to bring indicted terrorists to justice;

2. *Demands* that the Taliban turn over Usama bin Laden without further delay to appropriate authorities in a country where he has been indicted, or to appropriate authorities in a country where he will be returned to such a country, or to appropriate authorities in a country where he will be arrested and effectively brought to justice;

3. *Decides* that on 14 November 1999 all States shall impose the measures set out in paragraph 4 below, unless the Council has previously decided, on the basis of a report of the Secretary-General, that the Taliban has

fully complied with the obligation set out in paragraph 2 above;

4. *Decides also* that, in order to enforce paragraph 2 above, all States shall:

(a) Deny permission for any aircraft to take off from or land in their territory if it is owned, leased or operated by or on behalf of the Taliban as designated by the Committee established by paragraph 6 below, unless the particular flight has been approved in advance by the Committee on the grounds of humanitarian need, including religious obligation such as the performance of the Hajj;

(b) Freeze funds and other financial resources, including funds derived or generated from property owned or controlled directly or indirectly by the Taliban, or by any undertaking owned or controlled by the Taliban, as designated by the Committee established by paragraph 6 below, and ensure that neither they nor any other funds or financial resources so designated are made available, by their nationals or by any persons within their territory, to or for the benefit of the Taliban or any undertaking owned or controlled, directly or indirectly, by the Taliban, except as may be authorized by the Committee on a case-by-case basis on the grounds of humanitarian need;

5. *Urges* all States to cooperate with efforts to fulfil the demand in paragraph 2 above, and to consider further measures against Usama bin Laden and his associates;

6. *Decides to establish*, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States further information regarding the action taken by them with a view to effectively implementing the measures imposed by paragraph 4 above;

(b) To consider information brought to its attention by States concerning violations of the measures imposed by paragraph 4 above and to recommend appropriate measures in response thereto;

(c) To make periodic reports to the Council on the impact, including the humanitarian implications, of the measures imposed by paragraph 4 above;

(d) To make periodic reports to the Council on information submitted to it regarding alleged violations of the measures imposed by paragraph 4 above, identifying where possible persons or entities reported to be engaged in such violations;

(e) To designate the aircraft and funds or other financial resources referred to in paragraph 4 above in order to facilitate the implementation of the measures imposed by that paragraph;

(f) To consider requests for exemptions from the measures imposed by paragraph 4 above as provided for in that paragraph, and to decide on the granting of an exemption to these measures in respect of the payment by the International Air Transport Association to the aeronautical authority of Afghanistan on behalf of international airlines for air traffic control

(g) To examine the reports submitted pursuant to paragraph 10 below;

7. *Calls upon* all States to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of coming into force of the measures imposed by paragraph 4 above;

8. *Calls upon* States to bring proceedings against persons and entities within their jurisdiction that violate the measures imposed by paragraph 4 above and to impose appropriate penalties;

9. *Calls upon* all States to cooperate fully with the Committee established by paragraph 6 above in the fulfilment of its tasks, including supplying such information as may be required by the Committee in pursuance of the present resolution;

10. *Requests* all States to report to the Committee established by paragraph 6 above within thirty days of the coming into force of the measures imposed by paragraph 4 above on the steps they have taken with a view to effectively implementing paragraph 4 above;

11. *Requests* the Secretary-General to provide all necessary assistance to the Committee established by paragraph 6 above and to make the necessary arrangements in the Secretariat for this purpose;

12. *Requests* the Committee established by paragraph 6 above to determine appropriate arrangements, on the basis of recommendations of the Secretariat, with competent international organizations, neighbouring and other States, and parties concerned with a view to improving the monitoring of the implementation of the measures imposed by paragraph 4 above;

13. *Requests* the Secretariat to submit for consideration by the Committee established by paragraph 6 above information received from Governments and public sources on possible violations of the measures imposed by paragraph 4 above;

14. *Decides to terminate* the measures imposed by paragraph 4 above once the Secretary-General reports to the Security Council that the Taliban has fulfilled the obligation set out in paragraph 2 above;

15. *Expresses its readiness* to consider the imposition of further measures, in accordance with its responsibility under the Charter of the United Nations, with the aim of achieving the full implementation of the present resolution;

16. *Decides to remain actively seized* of the matter.

As the Taliban failed to comply with the Council's demand in paragraph 2 of the foregoing resolution, its sanctions provisions went into effect on 14 November. Ariana's flights to its only destination were discontinued, Afghan bank branches in Pakistan were closed and Taliban accounts were frozen. The Taliban, who had made some attempts to resolve the question, had earlier announced that the case against Mr. bin Laden had been closed for lack of evidence and that, as a guest of the Afghan people, he could not be forced to leave the country and, in any case, was prevented from acting on Afghan soil against any country.

Tajikistan

Implementation of the 1997 General Agreement on the Establishment of Peace and National Accord in Tajikistan (the General Agreement) [YUN 1997, p.264] by the two parties to the Agreement, the Government and the United Tajik Opposition (UTO) was marked by two major achievements in 1999 that moved Tajikistan closer to its goal of national reconciliation and democratization: the proposed amendments to the Constitution were finally approved by referendum on 6 September; and the presidential elections were conducted without incident on 6 November, with the incumbent President, Emomali S. Rakhmonov, elected for a single seven-year term in accordance with the new Constitution. Those achievements were due in no small measure, the Secretary-General observed, to the extraordinary efforts of the United Nations Mission of Observers in Tajikistan (UNMOT), with the active support of the Contact Group of Guarantor States and International Organizations (Contact Group), as well as of the Organization for Security and Cooperation in Europe (OSCE) mission in Tajikistan. Following the presidential elections, preparations were under way for the forthcoming parliamentary elections.

On the recommendation of the Secretary-General, who deemed that international involvement in Tajikistan remained essential, the Security Council extended UNMOT's mandate twice during the year, the second time until 15 May 2000. UN system humanitarian operations involved mainly UNHCR, which assisted in the voluntary repatriation of Tajik refugees from neighbouring countries, the World Bank and UNDP, which were providing assistance to facilitate the reintegration into civilian life of former UTO combatants.

UN Mission of Observers in Tajikistan

The United Nations Mission of Observers in Tajikistan, established by Security Council resolution 968(1994) [YUN 1994, p. 596], continued to promote peace and national reconciliation and to assist in the implementation of the 1997 General Agreement. Its mandated tasks were to provide good offices and expert advice as stipulated in the General Agreement; cooperate with the joint Commission on National Reconciliation (CNR), the main implementation body, and its sub-commissions, as well as with the Central Commission on Elections and Referendums (CCER); participate in the work of the Contact Group and serve as its coordinator; investigate reports of ceasefire

violations and report on them to the United Nations and CNR; monitor the assembly of UTO fighters and their reintegration, disarmament and demobilization; assist ex-combatants in their reintegration into governmental power structures or in demobilization; coordinate UN assistance to Tajikistan during the transition period; and maintain close contacts with the parties, as well as cooperative liaison with the collective peacekeeping forces of the Commonwealth of Independent States (CIS), the Russian border forces and the OSCE mission in Tajikistan.

UNMOT, which had suspended its field activities following the July 1998 shooting of four members of its team in Garm [YUN 1998, p. 303], reopened its field offices in Khorog and Khujand on 1 and 21 June 1999, respectively. The three men accused of killing the four UNMOT personnel were found guilty of murder and related charges and sentenced to death by Tajikistan's Supreme Court on 26 March. The Secretary-General appealed to the President to consider commuting the sentence.

UNMOT maintained its headquarters in Dushanbe and three field offices: Kurgan-Tyube and the two reopened in June.

During the year, UNMOT continued to cooperate with OSCE on constitutional reform, democratization and elections. It maintained contact with the CIS collective peacekeeping forces regarding maintenance of the ceasefire and security, as well as with the Russian border forces on matters of mutual concern.

Composition

UNMOT was headed by the Special Representative of the Secretary-General for Tajikistan, Jan Kubis (Slovakia), until 21 June. He was succeeded by Ivo Petrov (Bulgaria), who was appointed by the Secretary-General with effect from 20 September through an exchange of letters with the Security Council on 13 and 17 September [S/1999/985, S/1999/986].

UNMOT's military component was under the command of the Chief Military Observer, Brigadier-General Tengku Ariffin Bin Tengku Mohammed (Malaysia), until 4 April. He was succeeded by Brigadier-General John Hvidegaard (Denmark), also appointed by the Secretary-General through an exchange of letters with the Council on 5 and 9 March [S/1999/254, S/1999/255].

As at October, UNMOT comprised 37 military observers from 13 contributing countries and 167 civilian staff (including 2 civilian police, four medical staff and 3 UN Volunteers), of whom 50 were internationally recruited.

UNMOT's mandate, which expired on 15 May, was extended by the Council for two six-month

periods: the first ended on 15 November; the second was to end on 15 May 2000.

Financing

On 8 June 1999 [meeting 101], the General Assembly considered the Secretary-General's February reports on UNMOT's proposed budget for the 12-month period from 1 July 1999 to 30 June 2000 [A/53/816] and financial performance from 1 July 1997 to 30 June 1998 [A/53/784], together with ACABQ's related reports [A/53/895 & Add.5]. On the recommendation of the Fifth Committee [A/53/545/Add.i], the Assembly adopted **resolution 53/19 B** without vote [agenda item 136].

Financing of the United Nations Mission of Observers in Tajikistan

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Mission of Observers in Tajikistan and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 968(1994) of 16 December 1994, by which the Council established the United Nations Mission of Observers in Tajikistan, and the subsequent resolutions by which the Council extended the mandate of the Mission of Observers, the latest of which was resolution 1240(1999) of 15 May 1999,

Recalling also Security Council resolution 1138(1997) of 14 November 1997, by which the Council authorized the Secretary-General to expand the size of the Mission of Observers,

Recalling further its resolution 49/240 of 31 March 1995 on the financing of the Mission of Observers and its subsequent resolutions and decisions thereon, the latest of which was resolution 53/19 A of 2 November 1998,

Reaffirming that the costs of the Mission of Observers are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission of Observers, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Mission of Observers,

Mindful of the fact that it is essential to provide the Mission of Observers with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. *Takes note* of the status of contributions to the United Nations Mission of Observers in Tajikistan as at 30 April 1999, including the contributions outstanding in the amount of 37 million United States dollars, representing some 7 per cent of the total assessed contributions from the inception of the Mission of Observers to the period ending 15 May 1999, notes that some 15 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

2. *Expresses concern* about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

3. *Expresses its appreciation* to those Member States which have paid their assessed contributions in full;

4. *Urges* all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission of Observers in full and on time;

5. *Endorses* the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. *Requests* the Secretary-General to take all necessary action to ensure that the Mission of Observers is administered with a maximum of efficiency and economy;

7. *Also requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Mission of Observers against General Service posts, commensurate with the requirements of the Mission;

8. *Decides* to appropriate to the Special Account for the United Nations Mission of Observers in Tajikistan the amount of 18,708,926 dollars gross (17,475,926 dollars net) for the maintenance of the Mission of Observers for the period from 1 July 1999 to 30 June 2000, inclusive of the amount of 930,639 dollars for the support account for peacekeeping operations and the amount of 182,487 dollars for the United Nations Logistics Base at Brindisi, Italy, for the period from 1 July 1999 to 30 June 2000, to be apportioned, as an ad hoc arrangement, among Member States at a monthly rate of 1,559,077 dollars gross (1,456,327 dollars net) in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1999 and 2000, as set out in its resolution 52/215 A of 22 December 1997, subject to the decision of the Security Council to extend the mandate of the Mission of Observers beyond 30 June 1999;

9. *Decides also* that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 8 above, their respective share in the Tax Equalization Fund of

the estimated staff assessment income of 1,233,000 dollars approved for the period from 1 July 1999 to 30 June 2000;

10. *Decides further that*, for Member States that have fulfilled their financial obligations to the Mission of Observers, there shall be set off against the apportionment, as provided for in paragraph 8 above, their respective share of the unencumbered balance of 2,408,400 dollars gross (2,048,400 dollars net) in respect of the period from 1 July 1997 to 30 June 1998;

11. *Decides that*, for Member States that have not fulfilled their financial obligations to the Mission of Observers, their share of the unencumbered balance of 2,408,400 dollars gross (2,048,400 dollars net) in respect of the period from 1 July 1997 to 30 June 1998 shall be set off against their outstanding obligations;

12. *Invites* voluntary contributions to the Mission of Observers in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

13. *Decides* to include in the provisional agenda of its fifty-fourth session the item entitled "Financing of the United Nations Mission of Observers in Tajikistan".

By **decision 54/462 A** of 23 December, the Assembly decided that the Fifth Committee should continue its consideration of the agenda item on the financing of UNMOT at its resumed fifty-fourth (2000) session. By **decision 54/465** of the same date, the Assembly decided that the same item would remain for consideration during that session.

Activities

During the year, the Secretary-General submitted to the Security Council four reports bringing up to date the record of developments in Tajikistan and activities of UNMOT: the first two pursuant to Council resolution 1206(1998) [YUN 1998, p. 312] and the next two pursuant to resolution 1240(1999) (see p. 271).

Reports of Secretary-General (February and May). In his 8 February interim report [S/1999/124], the Secretary-General observed that progress in implementing the General Agreement remained slow. The first two stages foreseen in the military protocol had not been completed, as reflected in a 5 January CNR resolution, which acknowledged that UTO had not fully complied with the protocol's provisions and urged all UTO fighters, therefore, to return to their assembly sites and place their weapons in the designated storage areas, as well as stricter control over the carrying of weapons outside assembly sites. The Joint Central Review Commission, set up under stage III of the protocol, had so far reviewed only 225 fighters in Gorno-Badakshan and 1,084 in Kofarnikhon, Leninsky

and Dushanbe, in addition to personnel of various government power structures.

At the beginning of the year, President Rakhmonov publicly announced the Government's intention to hold, in addition to a referendum on amendments to the Constitution, parliamentary and presidential elections in 1999, as his five-year term would end in November 1999 and the current Parliament's term in February 2000. Constitutional issues were still being debated, however, with the most contentious issue, namely, the retention of the constitutional provision describing the character of the State as "secular", held in abeyance. The Secretary-General, noting that, at the current stage, the referendum and elections remained uncertain, warned of the risk inherent in the slow pace, namely, the growing restlessness among the groups not direct parties to the General Agreement and to its power-sharing arrangements, as well as among UTO fighters awaiting demobilization or reintegration into the national army.

The Secretary-General remained concerned by the precarious security situation, characterized by an increase in crime, especially drug-related crime, and numerous violent incidents with possible political background. UNMOT thus continued to limit its activities to Dushanbe and to observe strict security precautions.

SECURITY COUNCIL ACTION (February)

On 23 February [meeting 3981], the Security Council President made statement S/PRST/1999/8 on behalf of the Council:

The Security Council has considered the report of the Secretary-General of 8 February 1999 on the situation in Tajikistan, submitted pursuant to paragraph U of its resolution 1206(1998) of 12 November 1998.

The Council welcomes the regular contacts between the President of the Republic of Tajikistan and the leader of the United Tajik Opposition and the work of the Commission on National Reconciliation aimed at achieving further progress in the peace process. It regrets that progress has remained slow during the last three months and underlines the necessity for the parties to speed up the full and sequential implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, especially the protocol on military issues. The Council calls upon the parties to intensify their efforts to create conditions for the holding in 1999 of a constitutional referendum and presidential elections, as well as for the timely holding of parliamentary elections.

The Council notes with appreciation the work of the Special Representative of the Secretary-General and of all the personnel of the United Nations Mission of Observers in Tajikistan and encourages them to continue assisting the parties in the implementation of the General Agreement. It underlines the im-

portance of the Mission playing a full and active role in the implementation of the General Agreement and requests the Secretary-General to continue to consider means of achieving this, taking into account the security situation.

The Council welcomes the continued contribution made by the collective peacekeeping forces of the Commonwealth of Independent States in assisting the parties in the implementation of the General Agreement in coordination with all concerned.

The Council welcomes also the contribution of the Contact Group of Guarantor States and International Organizations to the peace process and, in this context, considers that the holding of a meeting of the Contact Group at the level of Ministers for Foreign Affairs, in support of the peace process, could indeed be useful, if properly prepared.

The Council welcomes further the activities of various international organizations and humanitarian workers related to the implementation of the General Agreement and addressing the humanitarian, rehabilitation and development needs of Tajikistan. It calls upon Member States and others concerned to respond promptly and generously to the consolidated appeal for Tajikistan for 1999 launched in Geneva in December 1998.

The Council reiterates its concern that the security situation in some parts of Tajikistan remains precarious. It reiterates the importance of a full investigation into the murder in July 1998 of four members of the Mission and notes with appreciation the efforts of the Government of Tajikistan in this regard. The Council calls upon the United Tajik Opposition to contribute more effectively to the investigation in order to bring those responsible to justice. It acknowledges the efforts of the Government of Tajikistan to enhance the protection of international personnel and calls upon the parties to cooperate further in ensuring the security and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces and other international personnel. The Council reminds both parties that the ability of the international community to mobilize and to continue assistance for Tajikistan is linked to the security of the personnel of the Mission and international organizations, and of humanitarian workers.

According to the Secretary-General's May report [S/1999/514], President Rakhmonov instructed his Cabinet and CNR on 2 March to expedite outstanding military and political issues, among them the pending UTO amnesty cases and nominations to high-level posts and incorporation of UTO representatives into regional governmental structures, discussion on constitutional amendments, reinstatement of UTO members and sympathizers to their former positions in the Government, as well as in the so-called power structures (army, police, security), the attestation process in Garm, Tajikabad and Jirgital, and the appointment of the Government's choice for the defence portfolio.

The CNR compromise proposals for constitutional reforms, hammered out after 14 months, were forwarded to the President, who rejected most of them, the notable exception being the proposed professional, bicameral parliament. Underlying much of the debate on constitutional reform was a dispute over the sequence of the forthcoming elections. The Government wanted the presidential election to take precedence, to ensure that a constitutionally elected executive was in place, bearing in mind that UTO retained its military capacity, whereas UTO wanted parliamentary elections first out of concern that an elected president might be emboldened to regard the power-sharing agreement as superseded.

Meanwhile the United Nations and OSCE had agreed on a joint effort to encourage preparations for holding credible elections acceptable to all. The Contact Group recommended that the media improve their credibility by including the views of every legitimately interested party and urged the inclusion of other parties in the political process to strengthen civil accord, in accordance with CNR's commitment to engage in a broad dialogue with all elements of the political spectrum.

The report provided CNR figures illustrating progress achieved in the demobilization and reintegration of ex-UTO fighters, noting at the same time that delays in that process and lack of support for the ex-fighters were creating discontent among them and their field commanders. To the two parties' request for international assistance for the fighters, the United Nations explained that, since UNMOT had exhausted its limited food and other assistance (meant to bridge only the first two of the six months envisaged for the quartering, registration and disarmament of the UTO fighters), it would renew efforts to obtain funds for reconstruction and other projects, such as food-for-work, food-for-training and land-lease projects, designed to create jobs and enable former fighters to return to civilian life.

On 5 May, the CNR Chairman and UTO leader wrote to the Special Representative, expressing the widespread dissatisfaction within UTO over the many unresolved problems, notably the President's rejection of the proposed constitutional amendments, the failure to grant amnesty to former UTO fighters and supporters, and the slow pace of power-sharing, including the Government's unwillingness to appoint a UTO representative to the defence portfolio.

Although security improved during the reporting period, the situation remained tense. Between March and April, a Parliament member was killed, a police post in Yavan, some 40 kilo-

metres south-east of Dushanbe, was attacked, with six policemen taken hostage, and an NGO employee was stopped between Komsomolobad (Darband) and Obi-Garm by an armed group who threatened to kill all international persons entering the area. A ban on movement there remained in effect for all UN and related personnel.

Regarding UN humanitarian activities, at the time of reporting 1,800 housing units had been rebuilt or repaired, benefiting 15,000 refugees who had returned since the 1997 General Agreement. The World Bank earmarked \$95 million for structural reforms, enhancement of the Government's organizational capabilities, educational reform, rehabilitation of private farms and disaster relief. UNDP, in conjunction with the World Bank, financed a survey of living conditions to enable the Government to review its poverty strategy and better focus on vulnerable groups. The 1999 consolidated inter-agency appeal for Tajikistan had so far generated only \$617,045, or 2.5 per cent of the target funding (see also p. 841).

The Secretary-General stated that the peace process in Tajikistan continued to require direct international attention and support. He therefore recommended that UNMOT's mandate be extended for another six months, until 15 November.

SECURITY COUNCIL ACTION (May)

On 15 May [meeting 4004], the Security Council unanimously adopted **resolution 1240** (1999). The draft [S/1999/557] was prepared in the course of the Council's prior consultations.

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

Having considered the report of the Secretary-General of 6 May 1999 on the situation in Tajikistan,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming progress in the peace process in Tajikistan and the effective maintenance of the ceasefire between the Government of Tajikistan and the United Tajik Opposition, while underlining the fact that more needs to be done to translate agreements and decisions into concrete actions and to deal with the many pending issues,

Welcoming also the renewed efforts of the President of the Republic of Tajikistan and the leadership of the Commission on National Reconciliation to advance and to expedite the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, which have helped to achieve movement on both military and political issues,

Welcoming further the maintenance of close contact by the United Nations Mission of Observers in Tajikistan with the parties, as well as its cooperative liaison with

the collective peacekeeping forces of the Commonwealth of Independent States, the Russian border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe,

Noting with appreciation the continued contribution of the Contact Group of Guarantor States and International Organizations to the peace process, in particular through periodic joint plenary meetings with the Commission on National Reconciliation to review progress in the implementation of the General Agreement,

Welcoming the fact that the general situation in Tajikistan has remained relatively calm with better security than in earlier periods, while noting that the situation in some parts of the country has remained tense,

Recognizing that comprehensive international support remains crucial for achieving a positive outcome of the peace process in Tajikistan,

1. *Welcomes* the report of the Secretary-General of 6 May 1999;

2. *Calls upon* the parties to speed up the full and sequential implementation, in a balanced manner, of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, especially the protocol on military issues, and to create conditions for the holding in 1999 of a constitutional referendum, as well as for the timely holding of presidential and parliamentary elections, and encourages the Commission on National Reconciliation to intensify its efforts aimed at the institution of a broad dialogue among the various political forces in the country in the interests of the restoration and strengthening of civil accord in Tajikistan;

3. *Notes with appreciation* the work of the Special Representative of the Secretary-General and of all the personnel of the United Nations Mission of Observers in Tajikistan, encourages them to continue assisting the parties in the implementation of the General Agreement, notes that the reopening of field offices should strengthen the Mission in this regard, underlines the need for the Mission to have the necessary personnel and financial support, and requests the Secretary-General to continue to consider means of ensuring a full and active role for the Mission in the implementation of the General Agreement;

4. *Encourages* the Organization for Security and Cooperation in Europe to continue its close cooperation with the United Nations on matters relating to constitutional reform, democratization and elections, as requested under the General Agreement;

5. *Supports* the active political work of the Contact Group of Guarantor States and International Organizations in promoting the implementation of the General Agreement, and considers that a meeting of the Contact Group at the level of Ministers for Foreign Affairs could lend further impetus to the peace process;

6. *Welcomes* the continued contribution made by the collective peacekeeping forces of the Commonwealth of Independent States in assisting the parties in the implementation of the General Agreement, in coordination with all concerned;

7. *Calls upon* the parties to cooperate further in ensuring the security and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces and other international personnel, and reminds the parties that the ability of the international community to mobilize and to continue

assistance for Tajikistan is linked to the security of those personnel;

8. *Calls upon* Member States and others concerned to make voluntary contributions to launch projects for demobilization and to provide support for the elections, and to respond promptly and generously to the consolidated inter-agency appeal for Tajikistan for 1999;

9. *Decides* to extend the mandate of the Mission for a period of six months until 15 November 1999;

10. *Requests* the Secretary-General to keep the Council informed of all significant developments, and also requests him to report within three months of the adoption of the present resolution on its implementation;

11. *Decides* to remain actively seized of the matter.

By a 25 May statement [S/1999/614], the Government of Tajikistan, while appreciating UTO's role in advancing the peace process, objected to UTO's unwarranted demands and ultimatums, as well as its focus on securing posts and portfolios. Moreover, UTO had yet to honour fully its commitments under the military protocol. The Government said it was necessary to refrain from mutual recriminations and issuing ultimatums. It reaffirmed its determination to speed up the peace process as defined by the General Agreement but it had to proceed in strict compliance with the Constitution.

Reports of Secretary-General (August and November). The Secretary-General's August (interim) report [S/1999/872] recorded significant progress in the General Agreement's implementation, including agreement between the Government and UTO on the proposed amendments to the Constitution and the Parliament's 30 June decision to hold a referendum on the amendments on 26 September. On 3 August, UTO officially declared the disbandment of its armed forces; it was endorsed by a CNR resolution the same day, thus completing the second stage of the military protocol and opening the way for the legalization of the UTO political parties banned in 1993 and their participation in the political process.

On 14 May, Parliament adopted an Amnesty Act granting amnesty to over 5,000 UTO fighters registered in 1998 and subject to investigation for acts committed during the civil war. However, the new Act, which complemented the 1997 Law on Amnesty, did not meet UTO's demand for the amnesty of 93 UTO supporters imprisoned on criminal charges. UTO subsequently suspended its participation in CNR. Following the Contact Group's intervention, resulting in the signing of a formal protocol on 17 June on the completion of outstanding tasks within a specific time frame, CNR resumed its work with full UTO participation.

Progress was made thereafter on a number of key issues, including agreement on six constitu-

tional amendments: replacement of the unicameral Parliament by a two-chamber one; the lower chamber members to be elected on the basis of equal, direct and secret vote and 75 per cent of upper chamber members to be elected by indirect vote through the local parliaments, with the remaining 25 per cent to be appointed by the President; the establishment of a judicial council; a clause permitting the functioning of religion-based political parties; and a single seven-year term for the President.

Twelve UTO members were appointed to government posts, bringing such appointments to 33. On 30 June, Parliament elevated the Committee on Emergency Situations to a full ministry. Appointed to head it was the UTO military chief of staff and commander of the Tavildara district, thus removing one of the most contentious appointment issues and paving the way for the completion, shortly thereafter, of the attestation and integration of opposition fighters in Tavildara and Darband (Komsomolobad).

In accordance with the 30 per cent quota and with the parties' agreement initially to allocate 22 towns and districts to UTO, the President appointed 11 UTO candidates as district chairmen. A two-member CNR panel, set up to review 58 of the 93 cases of UTO supporters in prison under criminal charges, recommended amnesty for 47. On 30 June, Parliament approved the nomination of four UTO candidates to CCER, in accordance with the 25 per cent quota stipulated in the General Agreement.

The previously reported dispute over the election's sequence was resolved with UTO's acceptance of holding the presidential before the parliamentary elections.

The CNR military Subcommittee chairman reported that 2,400 former opposition fighters had decided to return to civilian life, while 4,275 were being integrated into the armed forces and the police and security forces.

During the reporting period, UNOPS launched job-creation projects for ex-UTO fighters in six districts of the Karategin Valley: Darband, Tavildara, Garm, Tajikabad, Hoit and Jirgatal. Expansion of the projects into other areas was foreseen.

SECURITY COUNCIL ACTION (August)

On 19 August [meeting 4034], the Security Council President made statement **S/PRST/1999/25** on behalf of the Council:

The Security Council has considered the report of the Secretary-General of 12 August 1999 on the situation in Tajikistan, submitted pursuant to paragraph 10 of its resolution 1240(1999) of 15 May 1999.

The Council welcomes significant progress in the implementation of the General Agreement on the Estab-

lishment of Peace and National Accord in Tajikistan, achieved to a great extent owing to the renewed efforts of the President of the Republic of Tajikistan and the leadership of the Commission on National Reconciliation. It particularly welcomes the official declaration by the United Tajik Opposition of the disbandment of its armed units and the decision by the Supreme Court of Tajikistan lifting the bans and restrictions on activities by the political parties and movements of the United Tajik Opposition as important steps contributing to the democratic development of Tajik society. The Council reiterates its encouragement to the Commission on National Reconciliation to intensify its efforts aimed at the institution of a broad dialogue among the various political forces in the country in the interests of the restoration and strengthening of civil accord in Tajikistan.

The Council encourages the parties to undertake further concerted measures to ensure the full and sequential implementation, in a balanced manner, of the General Agreement, especially all the provisions of the protocol on military issues, including those related to the reintegration of former opposition fighters. It also encourages them to continue their active work in creating conditions for the timely holding of a constitutional referendum and presidential and parliamentary elections, underlines the importance of the involvement of the United Nations in this process, in continued close cooperation with the Organization for Security and Cooperation in Europe, and welcomes the intention of the Secretary-General to approach Member States with concrete proposals on voluntary contributions to support such involvement.

The Council notes with appreciation the work of the outgoing Special Representative of the Secretary-General, Mr. Jan Kubis, and of all the personnel of the United Nations Mission of Observers in Tajikistan, and encourages the Mission to continue assisting the parties in the implementation of the General Agreement. It underlines the need for the Mission to operate throughout Tajikistan and to have the necessary personnel and financial support, and requests the Secretary-General to continue to consider means of ensuring a full and active role for the Mission in the implementation of the General Agreement up to the strength authorized by its resolution 1138(1997) of 14 November 1997, while continuing to observe stringent security measures. The Council urges the Secretary-General to appoint a successor to Mr. Kubis as the Special Representative as soon as possible.

The Council supports the continued active involvement of the Contact Group of Guarantor States and International Organizations in the peace process.

The Council welcomes the continued contribution made by the collective peacekeeping forces of the Commonwealth of Independent States in assisting the parties in the implementation of the General Agreement in coordination with all concerned.

The Council expresses its concern at the precarious humanitarian situation in Tajikistan. It welcomes the activities of various international organizations and humanitarian workers related to the implementation of the General Agreement and addressing the humanitarian, rehabilitation and development needs of Tajikistan. The Council calls upon Member States

and others concerned to respond promptly and generously to the mid-year review of the consolidated inter-agency appeal for Tajikistan for 1999.

The Secretary-General's November report [S/1999/1127] noted that the General Agreement's implementation reached two important benchmarks during the reporting period. The first was the Supreme Court's lifting, on 13 August, of the 1993 ban on UTO political parties, and the second was the referendum held on 26 September on the six amendments to the Constitution as outlined in the Secretary-General's August report [S/1999/872], which were approved by 72 per cent of votes cast.

Controversy arose, however, over the registration of candidates for the presidential election, prompting UTO to suspend again its participation in CNR on 18 October, and to threaten to boycott the election. Of the four presidential candidates—incumbent President Rakhmonov of the People's Democratic Party, Saifiddin Turayev of the Party of Justice in Tajikistan, Sulton Kuvvatov of the Democratic Party of Tajikistan (Tehran Platform) and Davlat Usmon of the Islamic Revival Party, representing UTO—only President Rakhmonov met the signatures requirement to be registered with CCER. Acting on the complaint by the other three candidates that they had been prevented from gathering the necessary signatures by intimidation from local-level officials, CCER, at a meeting with those candidates, attended by the Special Representative and the head of the OSCE mission in Tajikistan, extended the registration deadline to 11 October. Having failed again to collect the necessary signatures, the candidates could not be registered and appealed their case with the Supreme Court, which directed them to address their grievance to the local courts. The Court, however, ruled that CCER should allow the registration of UTO's candidate.

As scheduled, the presidential election took place on 6 November, with UTO participation. President Rakhmonov was re-elected for the new single seven-year term. On the eve of the election, the President and Abdullo Nuri, the UTO leader and CNR Chairman, signed a 22-point protocol on political guarantees during the preparation for and holding of the elections to the Majlis-i Oli (parliament) of Tajikistan. The text was transmitted to the Secretary-General on 11 November [S/1999/1159].

CNR, in which UTO resumed participation on 8 November, then took up the draft electoral law. The two most contentious issues were the number of seats in Parliament's lower house and the timing of the local elections, which had an impact on the composition of the upper house. On 3 December, the President and Mr. Nuri agreed that the

Assembly of Representatives (lower house) would comprise 63 seats and the National Assembly (upper house) 33 seats; and that the local elections would be held simultaneously with the elections for the Assembly of Representatives. On 10 December, Parliament adopted the new electoral law.

A UN/OSCE assessment mission visited Tajikistan (14-17 December) to determine whether the overall legislative, administrative and political framework for the election met standards to allow both organizations to observe the election. The mission found a number of shortcomings in the electoral law, but concluded that a level of political pluralism existed to allow the election to be contested by several political groups. The mission thus recommended that, despite the shortcomings, both organizations would deploy a joint observation mission.

Progress in the areas of amnesty, power-sharing and reintegration of former fighters were also recorded. During the reporting period, 40 of the 47 UTO supporters previously recommended for release from prison were granted amnesty; of the remaining 7, 3 were found ineligible for amnesty, 2 died before the amnesty decrees were issued and 2 were executed. Two UTO representatives were appointed to posts at the district and city levels, bringing such appointments to 14. CNR indicated that 2,309 former fighters had been integrated into the armed forces and police and security forces; another 2,370 had been demobilized. A nation-wide disarmament campaign (5-25 August), conducted after the official disarmament and disbandment of UTO, had disappointing results. It was believed that the majority of usable weapons remained in the hands of former UTO fighters and the population at large; none of the artillery pieces and weapons brought back by a UTO group from Afghanistan in 1998 were handed in. The job-creation projects for former fighters carried out by UNOPS in the Karategin Valley districts increased to 52, employing some 1,130 persons. Grants allocated through UNDP for those projects totalled \$2 million (\$350,000 from Canada, \$500,000 from Norway and \$1,150,000 from the United States).

Since January, UNHCR, in cooperation with the CNR Subcommittee on Refugees, had assisted in the voluntary repatriation of 4,119 Tajik refugees from Afghanistan, Kazakhstan, Kyrgyzstan and Turkmenistan. The humanitarian operations of the UN system included life-saving interventions and programmes aimed at stabilizing populations at risk, complementing the job-creation projects for former fighters. In August and September, UNDP entered into final discussions with

the Asian Development Bank and Tajikistan concerning the role of UNOPS as implementing partner of a \$20 million social-sector grant to the Government.

Observing that close international involvement remained essential to see Tajikistan through the last steps towards national reconciliation and democratization, the Secretary-General recommended that the Security Council extend UNMOT's mandate for another six months, until 15 May 2000.

SECURITY COUNCIL ACTION (November)

On 12 November [meeting 4064], the Security Council unanimously adopted **resolution 1274 (1999)**. The draft [S/199971158] was prepared during prior Council consultations.

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

Having considered the report of the Secretary-General of 4 November 1999 on the situation in Tajikistan,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming significant progress made in the peace process in Tajikistan, particularly the holding of the constitutional referendum which followed the official declaration by the United Tajik Opposition of the disbandment of its armed units and the decision by the Supreme Court of Tajikistan lifting the bans and restrictions on activities by the political parties and movements of the United Tajik Opposition, and noting with satisfaction that these developments have set Tajikistan on the course of national reconciliation and democratization,

Welcoming also the renewed efforts of the President of the Republic of Tajikistan and the leadership of the Commission on National Reconciliation to advance and to expedite the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, which have helped to contain emerging controversies and to reach the important milestones envisaged in the General Agreement,

Acknowledging the holding of the presidential elections on 6 November 1999 as a necessary and important step towards durable peace in Tajikistan,

Welcoming the maintenance of close contact by the United Nations Mission of Observers in Tajikistan with the parties, as well as its cooperative liaison with the collective peacekeeping forces of the Commonwealth of Independent States, the Russian border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe,

Noting with appreciation the continued contribution of the Contact Group of Guarantor States and International Organizations to the peace process, in particular through periodic joint plenary meetings with the Commission on National Reconciliation to review progress and to help to overcome difficulties in the implementation of the General Agreement,

Welcoming the fact that the general situation in Tajikistan has remained relatively calm, with better security

than in earlier periods, while noting that the situation in some parts of the country has remained tense,

Recognizing that comprehensive international support remains crucial for achieving a positive outcome of the peace process in Tajikistan,

1. *Welcomes* the report of the Secretary-General of 4 November 1999;

2. *Calls upon* the parties to undertake further concerted measures to implement fully the General Agreement on the Establishment of Peace and National Accord in Tajikistan, especially all the provisions of the protocol on military issues, and to create conditions for the timely holding of parliamentary elections, underlines the necessity for the full resumption of the work of the Commission on National Reconciliation, and reiterates its encouragement to the Commission to intensify its efforts to broaden a dialogue among the various political forces in the country in the interests of the restoration and strengthening of civil accord in Tajikistan;

3. *Welcomes the* signing on 5 November 1999 by the President of Tajikistan and the Chairman of the Commission on National Reconciliation of the protocol on political guarantees during the preparation for and holding of the elections to the Majlis-i Oli (the Parliament) of the Republic of Tajikistan, and, bearing in mind concerns expressed by the Secretary-General in his report, regards the strict implementation of the protocol as essential for the successful holding of free, fair and democratic parliamentary elections under international monitoring as foreseen in the General Agreement;

4. *Notes with appreciation* the work of the new Special Representative of the Secretary-General and of all the personnel of the United Nations Mission of Observers in Tajikistan, encourages them to continue assisting the parties in the implementation of the General Agreement, reiterates the need for the Mission to operate throughout Tajikistan and to have the necessary personnel and financial support, and requests the Secretary-General to continue to consider means of ensuring a full and active role for the Mission in the implementation of the General Agreement;

5. *Reiterates* the importance of the involvement of the United Nations, in continued close cooperation with the Organization for Security and Cooperation in Europe, in the preparations for and monitoring of the parliamentary elections in Tajikistan, which will be the last major event of the transitional period envisaged in the General Agreement;

6. *Supports* the continued active involvement of the Contact Group of Guarantor States and International Organizations in the peace process;

7. *Welcomes* the continued contribution made by the collective peacekeeping forces of the Commonwealth of Independent States in assisting the parties in the implementation of the General Agreement, in coordination with all concerned;

8. *Calls upon* the parties to cooperate further in ensuring the security and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces and other international personnel, and reminds the parties that the ability of the international community to mobilize and to continue assistance for Tajikistan is linked to the security of those personnel;

9. *Expresses its deep concern* at the precarious humanitarian situation in Tajikistan, and welcomes the assistance provided by Member States, international organizations and humanitarian workers towards the implementation of the General Agreement and in addressing the humanitarian, rehabilitation and development needs of Tajikistan;

10. *Calls upon* Member States and others concerned to make voluntary contributions to launch projects for demobilization and reintegration and to provide support for the elections, and to continue to respond promptly and generously to the consolidated inter-agency appeal for Tajikistan for 1999, and welcomes the preparation of a new appeal for 2000 as a strategic document that will guide a gradual transition to a more development-oriented focus;

11. *Decides* to extend the mandate of the Mission for a period of six months until 15 May 2000;

12. *Requests* the Secretary-General to keep the Council informed of all significant developments, also requests him to submit after the parliamentary elections and within four months of the adoption of the present resolution an interim report on its implementation, and supports his intention to outline in that report the future political role for the United Nations in assisting Tajikistan to continue on the path of peace and national reconciliation and in contributing to the democratic development of Tajik society after the mandate of the Mission is concluded;

13. *Decides* to remain actively seized of the matter.

In a 16 November statement [S/1999/1191], the EU expressed its deep concern about the undemocratic events and procedures connected with the presidential elections, saying they were not compatible with democratic principles and values. It urged the Government to adopt and implement democratic rules and procedures for the upcoming parliamentary elections to ensure that they were fully free and fair. The EU strongly supported the peace process and linked it to the future development of contractual relations between it and Tajikistan.

Korea question

In Korea in 1999, the United Nations Command (UNC) continued to discharge its responsibilities in the maintenance of the 1953 Korean Armistice Agreement, thereby contributing to a stable environment conducive to the North-South dialogue and the ultimate goal of a durable peace on the Korean peninsula. The Democratic People's Republic of Korea (DPRK), however, did not comply with its obligations under that Agreement and continued to call for the dismantling of UNC. Nonetheless, it maintained its cooperation with the United States on the

joint remains-recovery operation for Korean War and UNC soldiers.

DPRK cooperation with IAEA in respect of its obligations under its nuclear safeguards agreement remained limited and linked to its perception of progress in the implementation of the 1994 Agreed Framework between the DPRK and the United States.

Communications. The DPRK, in communications to the Security Council on its concept of national reconciliation and unity between it and the Republic of Korea, urged the latter to reject its dependence on foreign forces and ally itself with the North [S/1999/35]. It reaffirmed the agreed three principles of national reunification [YUN 1998, p. 313] and reiterated its five-point charter of national unity: to maintain national independence, achieve unity under the banner of patriotism, improve North-South relations, fight domination of foreign forces and promote visits, contacts and dialogue between them [S/1999/765]. It labelled as anti-reunification the so-called sunshine policy espoused by the Republic of Korea as a peaceful transition strategy towards reunification [S/1999/892].

In a 26 March statement [S/1999/486], the EU underlined its support for the policy of engagement pursued by the Republic of Korea, regarded the results of the recent DPRK-United States talks (New York, 27 February-15 March) as a reaffirmation of their commitment to the 1994 Agreed Framework (see p. 277), drew attention to the European Commission's agreement to provide the DPRK with a food aid and agricultural rehabilitation programme worth 30 million euro in 1999, and underscored its willingness to consider a second round of political dialogue subject to progress on the Korean peninsula.

Armistice Agreement

The United States, on behalf of the Unified Command established pursuant to Security Council resolution 84(1950) [YUN 1950, p. 230], submitted to the Council the UNC annual report [S/2000/1070] concerning the maintenance in 1998 of the 1953 Armistice Agreement contained in General Assembly resolution 725(VIII) [YUN 1953, p. 136]. Of the original 16 UN Member States represented in UNC, 9 remained: Australia, Canada, Colombia, France, New Zealand, the Philippines, Thailand, the United Kingdom and the United States.

The report noted that, in 1998, the Korean People's Army (KPA) continued to reject joint investigations of reported Agreement violations through the Military Armistice Commission, the joint body created to supervise the implementation of the Agreement and to settle violations of

it through negotiations. KPA also routinely rejected meetings called by UNC on Agreement-related issues, meeting with it only selectively and informally. The Neutral Nations Supervisory Commission (NNSC), created to conduct independent inspections and investigations of Armistice Agreement violations outside the demilitarized zone (DMZ), continued to be represented by only two neutral nations in residence: Sweden and Switzerland. NNSC held weekly meetings in the DMZ's joint security area, commonly known as Panmunjom. The Polish member, forced to leave Panmunjom in 1995 [YUN 1995, p. 464], returned quarterly from Warsaw for meetings with the resident members, to demonstrate Poland's continuing support for NNSC and maintenance of the Armistice.

The 4-kilometre-wide DMZ that separated the North and the South and ran 151 miles across the entire width of the Korean peninsula remained relatively quiet throughout 1998. On 65 occasions, UNC dispatched joint observer/special investigative teams to its guard and observation posts along the DMZ to monitor Armistice compliance, as well as seven teams to investigate alleged violations. In addition to numerous sightings of KPA soldiers carrying unauthorized weapons within the DMZ and without the required distinctive civil police markings, UNC reported six major KPA incidents, including the defection of a KPA guard and infiltration into the Republic of Korea by a DPRK submarine and an armed agent [YUN 1998, p. 313].

A joint United States-KPA team conducted five separate recovery operations for Korean War remains in the DPRK, which resulted in the return of the remains of 22 UNC soldiers. UNC also returned to KPA the remains of the crew of nine recovered from the infiltrating submarine and of a drowned KPA soldier whose body had drifted into the South.

Communications. The DPRK continued to reiterate that UNC was not a UN organ but an instrument of the United States, stressing that country's refusal to consider replacing the Armistice Agreement with a DPRK-United States peace agreement [S/1999/167]. Claiming the United States maintained UNC for the purpose of igniting a second Korean war, preparations for which it said were under way through its annual joint military exercises with the South under the recently revised "Operation Plan 5027-98" [S/1999/677], the DPRK called on the United Nations to dismantle UNC [S/1999/1242].

In connection with the joint military exercises in June, the DPRK accused the Republic of Korea of having encroached on its territorial waters below the Northern Limit Line, which it claimed

the United States and the Republic of Korea unilaterally established in violation of the Armistice Agreement [S/1999/6931]. The Republic of Korea, on the other hand, protested against the repeated intrusion into its territorial waters by DPRK ships crossing the Northern Limit Line, asserting that that Line had been recognized by the North and the South since 1953 as a practical separation line off the peninsula's east and west coasts and reaffirmed by the 1992 South-North Basic Agreement; it warned that the unprovoked use of force against its vessels would be met with appropriate countermeasures [S/1999/695]. To resolve the issue, the DPRK proposed a redrawing of the maritime demarcation line based on the Armistice Agreement [S/1999/925]. Subsequently, the Republic of Korea categorically rejected a 2 September declaration by the DPRK military authority unilaterally to set up the so-called North Korean Military Demarcation Line in the West Sea (Yellow Sea) [S/1999/952].

The DPRK also transmitted its observations in connection with a recently published book entitled *The United States and Biological Warfare: Secrets from the Early Cold War and Korea* [S/1999/251].

IAEA safeguards inspections

Pursuant to the agreement between IAEA and the DPRK for the application of safeguards in connection with the 1968 Treaty on the Non-Proliferation of Nuclear Weapons, adopted by the General Assembly in resolution 2373(XXII) [YUN 1968, p. 17], which remained binding and in force since 1992 [YUN 1992, p. 73], IAEA continued to dispatch to the DPRK inspection teams from Vienna, in addition to two IAEA inspectors continuously present in Nyongbyon to monitor the freeze instituted by the DPRK in 1994 [YUN 1994, p. 442] of its graphite-moderated reactors and facilities. The IAEA Director General's yearly report on the safeguards implementation to the IAEA General Conference through its Board of Governors was also communicated to the Security Council through the Secretary-General.

In his report, transmitted to the Council on 20 December 1999 [S/1999/1268], the Director General repeated that the DPRK continued to accept IAEA monitoring activities solely within the context of the 1994 Agreed Framework [YUN 1994, p. 442] between the DPRK and the United States and not under its safeguards agreement with IAEA. He stated that, at the twelfth (Pyongyang, 10-12 March) and thirteenth (Vienna, 13-16 December) rounds of technical discussions with the DPRK, no progress was made on the long-standing issue related to the preservation of information necessary to verify the accuracy and completeness of the DPRK's initial, 1992 declara-

tion [YUN 1992, p. 73] on its nuclear-material inventory or to methods for preserving such information in a verifiable manner to enable future verification of safeguards compliance—a requirement to be fulfilled under the Agreed Framework before any key nuclear components of the light-water reactors, foreseen in that document, could be delivered. Nor was there progress on the day-to-day activities related to monitoring of the freeze, including the DPRK's refusal to accept certain safeguards measures at its reprocessing plant and limitations on inspector access to technical support buildings at the 5-MW(e) Experimental Power Reactor.

The Director General reported again that the DPRK did not accept all the measures required, only ad hoc and routine inspections at facilities not subject to the freeze, and therefore was not in compliance with its safeguards agreement. He also concluded once again that its cooperation with IAEA was limited and remained linked to its perception of progress in the Agreed Framework's implementation.

In a 1 October resolution, the IAEA General Conference urged the DPRK to cooperate fully in the implementation of the safeguards agreement and to take the steps necessary to preserve all information relevant to verifying the accuracy and completeness of its initial nuclear declaration.

By **resolution 54/26** of 15 November (see p. 962), the General Assembly called on the DPRK to comply with the safeguards agreement and to cooperate fully with IAEA.

Cambodia

In response to a 1997 General Assembly request, the Secretary-General in 1999 dispatched a Group of Experts to Cambodia to evaluate existing evidence of past serious violations of Cambodian and international law and to propose measures to enable Cambodia to address that issue. Following its review of the Group's report, the Government decided to bring the top Khmer Rouge leaders to justice before Cambodia's court, rather than before an international court to be established for the purpose, as recommended by the Group, and welcomed the assistance of outside legal experts.

In December, the Assembly, in reaffirming that the most serious human rights violations in Cambodia in recent history had been committed by the Khmer Rouge, appealed to the Government to ensure that those responsible for the most serious violations were brought to account

in accordance with international standards of justice, fairness and due process of law. It encouraged the Government to continue to cooperate with the United Nations in that regard.

(For the situation of human rights in Cambodia, see p. 584.)

Trial of Khmer Rouge leaders

Cambodia's Prime Minister, Samdech Hun Sen, in a 21 January aide-memoire [A/53/801-S/1999/67] transmitted to the Secretary-General and the Security Council, discussed the matter of working out a formula to bring top Khmer Rouge leaders to trial for crimes committed during Cambodia's civil war. Stating that the trial should mark the last stage of national reconciliation in Cambodia, the Prime Minister laid out the questions to be answered as to the appropriate court of law to conduct the trial, national, international or both, and the chargeable offences committed during the three distinct periods in the long conflict in Cambodia, namely, 1970 to 1975, 1975 to 1979 and 1979 to 1998. He said account should also be taken of the 1970 verdicts by the Martial Court of the former Khmer Republic, as well as the 1979 verdict of the Kampuchean People's Revolutionary Court.

Report of Group of Experts for Cambodia.

On 15 March [A/53/850-S/1999/231], the Secretary-General transmitted to the General Assembly and the Council the report of the Group of Experts for Cambodia, established pursuant to Assembly resolution 52/135 [YUN 1997, p. 613]. The Group visited Cambodia and Thailand from 14 to 24 November 1998. On the basis of a review of the material and documents made available to it, the Group concluded that the evidence testified to serious crimes punishable by international and Cambodian laws and that existing physical and witness evidence were sufficient to justify legal proceedings against the Khmer Rouge leaders for crimes committed during 1975-1979, including those against humanity, genocide, war crimes, forced labour, torture and crimes against internationally protected persons, as well as crimes under Cambodian law. The Group analysed tribunal options to bring those leaders to justice: a Cambodian tribunal or an ad hoc international tribunal established by the Council or the Assembly; a Cambodian tribunal under UN administration; or an international tribunal established by multilateral treaty to conduct trials in third States. The Group further concluded that the Government had the ability to apprehend those leaders who were in known locations within Cambodia and were not physically protected from arrest. The Governments of Cambodia

and Thailand expressed readiness to do so once formal charges were made.

The Group recommended that the Assembly or the Council should establish an ad hoc international tribunal to try Khmer Rouge officials for crimes against humanity and genocide committed from 17 April 1975 to 7 January 1979; and that the United Nations, in cooperation with the Government and non-governmental sector, should encourage a process of national reflection to determine the desirability of a truth-telling mechanism to provide a fuller picture of the Democratic Kampuchea atrocities.

The Secretary-General stated that the Prime Minister, having reviewed the report, cautioned on 3 March [A/53/851-S/1999/230] that any decision to bring Khmer Rouge leaders to justice had to take account of Cambodia's need for peace and national reconciliation and that, if improperly conducted, the trials would create panic among other former Khmer Rouge officers and rank and file and lead to a renewed guerrilla war. Cambodia's Foreign Minister conveyed to the Secretary-General, at their 12 March meeting, the Government's view that, on the basis of article 6 of the Convention on the Prevention and Punishment of the Crime of Genocide, contained in Assembly resolution 260 A (III) [YUN 1948-49, p. 959] and article 33 of the Cambodian Constitution, the national courts were fully competent to conduct the trials and had therefore decided to put on trial Ta Mok, the former Khmer Rouge military commander of the south-west region and a Standing Committee member, before a Cambodian court but would accept foreign assistance and expertise to that end. The Secretary-General reminded the Foreign Minister that the Group of Experts had concluded that the Cambodian judiciary, in its current state, was unlikely to meet minimal international standards of justice, even with external assistance.

The Secretary-General expressed confidence that the Assembly and the Council would take the Group's report fully into account in their determination of how to accommodate the principles of justice and national reconciliation in Cambodia. It was his view, however, that the trial of a single Khmer Rouge military leader that would leave the entire political leadership unpunished would not serve the cause of justice and accountability. Hence, the leaders responsible for the most serious crimes should be tried before a tribunal meeting the international standards of justice, fairness and due process of law; impunity was unacceptable in the face of genocide and other crimes against humanity. The Secretary-General stood ready to assist the Assembly or the Council and the Government in bringing about a

process of judicial accountability, which alone could provide the basis for peace, reconciliation and development.

Communications. Cambodia, in a 12 March aide-memoire [A/53/866-S/1999/295] on the report of the Group of Experts, quoted the country's Constitution, which stipulated that Cambodian nationals should not, among other prohibitions, be exiled or arrested and extradited to any foreign country unless there was mutual agreement to do so. Cambodia reaffirmed on 19 March [A/53/867-S/1999/298] and 24 March [A/53/875-S/1999/324] that the existing national court would be responsible for the investigation, prosecution and trial of Khmer Rouge leader Ta Mok, as well as for the trial of other Khmer Rouge leaders charged with genocide, and welcomed assistance, including legal experts from various countries, in response to the concern that the national court did not meet international standards of justice. The Prime Minister, in an 18 April statement [A/53/916, S/1999/443] on his meeting with United States Senator John Kerry, affirmed that, to meet international standards, Cambodia would enact legislation to allow foreign judges and prosecutors to participate in the domestic trials, over which the judicial branch had sole competence and to which the Government could not give orders.

By **resolution 54/171**, the Assembly took note of the steps taken by the Cambodian Government to bring to justice the Khmer Rouge leaders responsible for the most serious human rights violations (see p. 585).

Office of Secretary-General's Personal Representative in Cambodia

On 31 December 1999, the political mandate of the Office of the Personal Representative of the Secretary-General in Cambodia, set up in Phnom Penh in March 1994 [YUN 1994, p. 450], ended and with it the term of Lakhan L. Mehrotra (India), who had served as Personal Representative since 8 June 1997 [YUN 1997, p. 284].

UNTAC financing and liquidation

In keeping with General Assembly decision 52/485 [YUN 1998, p. 325] on the combined financing of UN peacekeeping operations, the Assembly considered at its resumed fifty-third (1999) session a comprehensive analysis [ibid., p. 317] of the types and causes of UN asset losses during the period 1 January 1993-31 December 1995, in peacekeeping operations, among them the United Nations Transitional Authority in Cambodia (UNTAC), terminated in 1993 [YUN 1993, p. 371], as well as steps taken to prevent such losses.

The related ACABQ report [A/53/895] was also before the Assembly. On the recommendation of the Fifth Committee [A/53/988], the Assembly, on 8 June [meeting 101], adopted **resolution 53/230** without vote [agenda item 126].

Financing and liquidation of the United Nations Transitional Authority in Cambodia

The General Assembly,

Recalling its resolution 52/239 of 26 June 1998,

Recalling also its decision 52/485 of 26 June 1998,

Having considered the report of the Secretary-General on the financing and liquidation of the United Nations Transitional Authority in Cambodia and the related report of the Advisory Committee on Administrative and Budgetary Questions,

1. *Notes with concern* that the provisions of its decision 52/485 have not been complied with, and reiterates that all reports on the final disposition of assets should contain detailed information on and justification of items written off and lost;

2. *Expresses its deep concern* regarding the losses of the United Nations property in this mission;

3. *Takes note* of the report of the Secretary-General relating to the losses of United Nations assets in peacekeeping operations;

4. *Endorses* the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in paragraphs 49 to 55 of its report;

5. *Requests* the Secretary-General to provide an updated report in respect of the period 1 January 1996 to 31 December 1997 on losses of United Nations property in peacekeeping operations to the General Assembly at its fifty-fourth session;

6. *Also requests* the Secretary-General to ensure the safety of United Nations assets and the need to have accountability procedures in place to deter and penalize those responsible for the losses of United Nations property and to report thereon to the General Assembly at its fifty-fourth session.

As requested, the Secretary-General submitted, in December, a report [A/54/669 & Corr.1] updating information on property losses in UN peacekeeping operations (see p. 71).

On 23 December, the Assembly decided that the agenda item on the financing of UNTAC would remain for consideration at its resumed fifty-fourth (2000) session (**decision 54/465**), and that the Fifth Committee should continue consideration of the item at that session (**decision 54/462A**).

East Timor

Negotiations on the political status of the Non-Self-Governing Territory (NSGT) of East Timor among Indonesia, Portugal (the administering Power) and East Timorese representatives,

begun in 1982 under the Secretary-General's good offices, led to the signing on 5 May 1999 of an overall Agreement offering a constitutional framework for a special autonomy of East Timor within Indonesia. To ascertain its acceptance or rejection by the East Timorese, the Agreement called on the United Nations to conduct a popular consultation by direct ballot, the modalities and security arrangements for which were separately provided for in two supplementary Agreements concluded by the parties and the United Nations, also on 5 May.

The consultation, conducted on 30 August by the United Nations Mission in East Timor (UNAMET), created by the Security Council on 11 June for that purpose, resulted in the overwhelming rejection of the offer of autonomy in favour of a transition towards independence. Violence was immediately unleashed by those who refused to accept that choice, killing and forcibly displacing hundreds of thousands of people and engulfing East Timor in destruction and humanitarian disaster. That led the Council on 15 September to authorize the establishment of an international force under the unified command of Australia to restore law and order and support UNAMET in the continued discharge of the functions entrusted to it.

With the gradual normalization of conditions in the Territory and on the Secretary-General's recommendation, the Council, on 25 October, created the United Nations Transitional Administration in East Timor (UNTAET), for an initial period until 31 January 2000. Sergio Vieira de Mello, appointed Special Representative of the Secretary-General and Head of UNTAET, assumed that office on 16 November and began working for the orderly transition of East Timor towards independence, expected to take two to three years.

(For the consideration of the question of East Timor by the Special Committee on the Situation with regard to the Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples, see PART ONE, Chapter VIII, under "Territories under review".)

Popular consultation on autonomy

Autonomy agreements

Tripartite negotiations among Indonesia, Portugal and East Timorese representatives to find an internationally acceptable solution to the question of the political status of East Timor, initiated by the Secretary-General as requested in General Assembly resolution 37/30 [YUN 1982, p. 1349], made rapid progress between January

and April 1999. They culminated in the signing, in New York on 5 May, of an overall Agreement between Indonesia and Portugal. Appended to the Agreement was a proposed constitutional framework, based on a 1998 UN draft [YUN 1998, p. 572], which provided for a special autonomy for East Timor within the Republic of Indonesia. The Agreement entrusted the Secretary-General with organizing and conducting a popular consultation to ascertain the acceptance or rejection of the proposed framework by the East Timorese. It stipulated that, in case of its acceptance, Indonesia would initiate constitutional measures to implement the autonomy framework, while Portugal would initiate procedures for East Timor's removal from the list of NSGTs. In case of the proposal's rejection, Indonesia would take constitutional steps to terminate its links with East Timor, thus restoring its status prior to 17 July 1976; Indonesia and Portugal and the Secretary-General would agree on arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations, enabling East Timor to begin a process of transition to independence.

Two supplementary Agreements were also signed by the parties and the Secretary-General: one on the modalities for the consultation of the East Timorese through a direct ballot scheduled for 8 August, in and outside East Timor, and the other on security arrangements.

On 5 May [A/53/951-S/1999/513], the Secretary-General transmitted the Agreements to the Assembly and the Security Council. He also described the negotiations leading up to them and noted that, to enable him to proceed with the establishment of a UN presence in East Timor to execute the consultation, he had set up a trust fund to which Member States might channel voluntary contributions.

East Timor, which was added to the Assembly's list of NSGTs by General Assembly resolution 1542(XV) [YUN 1960, p. 513], was administered by Portugal, which, in 1974, sought to establish a provisional government and a popular assembly that would determine its status. Civil war broke out in 1975 [YUN 1975, p. 857], however, between those favouring independence and those advocating integration with Indonesia. Unable to control the situation, the Portuguese authorities in East Timor withdrew; Indonesia intervened militarily, abruptly altering the course of the decolonization process. Assembly resolution 3485(XXX) [ibid., p. 865] and Council resolution 384(1975) [ibid., p. 866] called for Indonesia's withdrawal from the Territory. Indonesia informed the Secretary-General that on 17 July 1976 [YUN 1976, p. 732] it had taken legislative action to integrate

East Timor as Indonesia's twenty-seventh province. Indonesia had since reiterated to the Assembly that the people of East Timor had completed the decolonization process by exercising their right to self-determination and choosing integration with Indonesia [YUN 1977, p. 868; YUN 1982, p. 1348; YUN 1998, p. 571]. That integration was never recognized by either the United Nations or Portugal.

SECURITY COUNCIL ACTION

The Security Council, on 7 May [meeting 3998], unanimously adopted **resolution 1236(1999)**. The draft [S/1999/520] was prepared during prior Council consultations.

The Security Council,

Recalling its previous resolutions on the situation in East Timor,

Recalling also General Assembly resolutions 1514(XV) of 14 December 1960, 1541 (XV) of 15 December 1960 and 2625(XXV) of 24 October 1970 and Assembly resolutions on the question of East Timor, in particular resolution 37/30 of 23 November 1982,

Bearing in mind the sustained efforts of the Governments of Indonesia and Portugal since July 1983, through the good offices of the Secretary-General, to find a just, comprehensive and internationally acceptable solution to the question of East Timor,

Welcoming the progress made at the last round of talks between the Governments of Portugal and Indonesia, under the auspices of the Secretary-General, leading to the conclusion of a series of agreements in New York on 5 May 1999,

Commending in particular the efforts of the Personal Representative of the Secretary-General in this regard,

Taking note of the report of the Secretary-General,

Taking note also of the concerns expressed in the report of the Secretary-General regarding the security situation in East Timor,

1. *Welcomes* the concluding of the Agreement between Indonesia and Portugal on 5 May 1999 on the question of East Timor (the General Agreement);

2. *Welcomes also* the concluding of the Agreements between the United Nations and the Governments of Indonesia and Portugal also on 5 May 1999 regarding security arrangements and the modalities for the popular consultation of the East Timorese through a direct ballot;

3. *Welcomes further* the intention of the Secretary-General to establish as soon as practicable a United Nations presence in East Timor, with a view to assisting in the implementation of those Agreements, in particular by:

(a) Conducting a popular consultation of the East Timorese people on the acceptance or rejection of a constitutional framework for an autonomy for East Timor, scheduled for 8 August 1999, in accordance with the General Agreement;

(b) Making available a number of civilian police officers to act as advisers to the Indonesian Police in the discharge of their duties in East Timor and, at the time of the consultation, to supervise the escorting of ballot papers and boxes to and from the polling sites;

4. *Stresses* the importance of the requests made to the Secretary-General in the General Agreement to report the result of the popular consultation to the Security Council and the General Assembly, as well as to the Governments of Indonesia and Portugal and the East Timorese people, and, during the interim period between the conclusion of the popular consultation and the start of the implementation of either option, an autonomy within Indonesia or transition to independence, to maintain an adequate United Nations presence in East Timor;

5. *Stresses also* the responsibility of the Government of Indonesia to maintain peace and security in East Timor in order to ensure that the consultation is carried out in a fair and peaceful way and in an atmosphere free of intimidation, violence or interference from any side and to ensure the safety and security of United Nations and other international staff and observers in East Timor;

6. *Stresses further* the importance of the assistance of the Government of Indonesia in ensuring that the United Nations is able to carry out all the tasks entrusted to it for the implementation of the agreements;

7. *Welcomes* the establishment by the Secretary-General of a trust fund to enable Member States to make voluntary contributions to assist in the financing of the United Nations presence in East Timor, and urges all Member States in a position to do so to contribute without delay;

8. *Requests* the Secretary-General to keep the Security Council closely informed of the situation in East Timor, to report to it as soon as possible, and in any event by 24 May 1999, on the implementation of the present resolution and of the agreements referred to in paragraphs 1 and 2 above, inter alia, specifying the detailed modalities of the consultation process, to make detailed recommendations to the Council for decision on the mandate, size, structure and budget of the United Nations mission, including civilian police officers envisaged in paragraph 3 above, and to report to the Council thereafter every fourteen days;

9. *Expresses its intention* to take a prompt decision on the establishment of a United Nations mission on the basis of the report referred to in paragraph 8 above;

10. *Requests* the Secretary-General to inform the Council prior to the start of voter registration on whether, on the basis of the objective evaluation of the United Nations mission, the necessary security situation exists for the peaceful implementation of the consultation process;

11. *Decides* to remain seized of the matter.

UN Mission in East Timor

Report and communication by Secretary-General (May). Pursuant to Security Council resolution 1236(1999), the Secretary-General provided a detailed report in May [S/1999/595] on his proposal for a United Nations Mission in East Timor to organize and conduct the popular consultation called for by the 5 May General Agreement. In laying out the particulars of UNAMET's organization and the modalities for implementing the consultation, the Secretary-General

pointed out that, to be effective, it was essential for UNAMET to have the confidence and backing of the Council, full cooperation of the Indonesian authorities and the required resources.

UNAMET would include political, electoral, civilian police, information and administrative/financial components, whose heads would report to the Special Representative for the East Timor Popular Consultation and Head of UNAMET. The political component would monitor the fairness of the political environment, ensure the freedom of all political and non-governmental organizations to carry out their activities and advise the Special Representative on all matters having political implications.

The electoral component would be responsible for all activities related to registration and voting under the direction of a Chief Electoral Officer. The external polling called for in the Agreements would be conducted on behalf of the United Nations by the Australian Election Commission and the International Organization for Migration (IOM), and coordinated through the IOM field coordinator, the UN Secretariat's Electoral Assistance Division and UNAMET's electoral component. An independent Electoral Commission of three eminent international experts, to be appointed by the Secretary-General, would be responsible for the overall assessment of the consultation process and for adjudicating complaints, challenges or disputes. It would have final decision-making authority. A status-of-mission agreement would be concluded between the United Nations and Indonesia.

Instructions and procedures on all aspects of the consultation process, including registration directives, documentation, appeals, codes of conduct, external polling and counting, were being drafted by the Electoral Assistance Division of the Secretariat's Department of Political Affairs.

UNAMET's civilian police component, to be headed by a Civilian Police Commissioner, would advise the Indonesian Police (responsible, under the security agreement, for maintaining law and order) and supervise the escort of ballot papers and boxes to and from the polling sites. Up to 280 experienced civilian police would be required for deployment in Dili, in the eight districts where electoral offices were to be set up and at the 200 registration/polling centres.

The information component would conduct a media campaign, with the cooperation of local media providers, to explain to the East Timorese the terms of the General Agreement and the proposed autonomy framework, the implications of a vote for or against the proposal and the voting procedure. The campaign would last for the du-

ration of the Mission and be conducted in the Tetum, Bahasa Indonesia and Portuguese languages.

The Secretary-General was deeply concerned to learn from an assessment team that visited East Timor from 4 to 15 May that the situation there remained extremely tense and volatile. He underscored the measures required of the Indonesian authorities to ensure a free and secure environment for the peaceful implementation of the consultation process, namely, to bring armed civilian groups under strict control, arrest and prosecute those inciting or threatening to use violence, ban rallies by armed groups while ensuring freedom of association and expression of all political parties, redeploy Indonesian military forces and institute a process for disarming all armed groups well in advance of the holding of the ballot. He recommended that the Commission on Peace and Stability be brought into operation. Established on the recommendation of the Secretary-General's Personal Representative on 21 April, during the negotiations leading to the 5 May Agreements, the Commission was to elaborate a code of conduct governing the laying down of arms and to ensure the disarmament of both pro- and anti-integration groups, as envisaged in the supplementary Agreement on security.

The Secretary-General informed the Council on 21 May [S/1999/602] that preparations for establishing UNAMET had begun in earnest and that, following the necessary consultations, he had decided to appoint Ian Martin (United Kingdom) as his Special Representative for the East Timor Popular Consultation and Head of UNAMET. The Council took note of that decision on 25 May [S/1999/603].

SECURITY COUNCIL ACTION (11 June)

The Security Council met on 11 June [meeting 4013] to consider the Secretary-General's May report. It also had before it Indonesia's letter of 27 May [S/1999/612] objecting to the report's imbalanced depiction of the situation prevailing in East Timor, pointing to the fact that both pro- and anti-integration groups had perpetrated acts of violence and intimidation; to the unsubstantiated allegation that elements of the Indonesian army acquiesced in such acts; and, in view of the Government's support for a reconciliation meeting among all segments of East Timorese society, to the misleading portrayal of the inability of anti-integration groups to participate freely in the Commission on Peace and Stability. The Council also considered Portugal's 7 June letter [S/1999/652] advising of its appointment of the Reverend Victor Melícias as Portuguese Commissioner to coordinate Portugal's actions in the con-

sultation process and in the transition towards self-determination for East Timor.

The Council unanimously adopted **resolution 1246(1999)**. The draft [S/1999/6661] was prepared during prior Council consultations.

The Security Council,

Recalling its previous resolutions on the situation in East Timor, in particular resolution 1236(1999) of 7 May 1999,

Recalling the Agreement between Indonesia and Portugal of 5 May 1999 on the question of East Timor (the General Agreement) and the Agreements between the United Nations and the Governments of Indonesia and Portugal, of the same date, regarding the modalities for the popular consultation of the East Timorese through a direct ballot and regarding security arrangements (the Security Agreement),

Welcoming the report of the Secretary-General of 22 May 1999 on the question of East Timor,

Noting with concern the assessment by the Secretary-General in that report that the security situation in East Timor remains "extremely tense and volatile",

Taking note of the pressing need for reconciliation between the various competing factions within East Timor,

Welcoming the fruitful cooperation of the Government of Indonesia and the local authorities in East Timor with the United Nations,

Taking note of the letter dated 7 June 1999 from the Permanent Representative of Portugal to the United Nations addressed to the President of the Security Council,

Welcoming the conclusion of consultations between the Government of Indonesia and the United Nations on the deployment of military liaison officers within the mission established by paragraph 1 below,

Bearing in mind the sustained efforts of the Governments of Indonesia and Portugal since July 1983, through the good offices of the Secretary-General, to find a just, comprehensive and internationally acceptable solution to the question of East Timor,

Welcoming the appointment of the Special Representative of the Secretary-General for the East Timor Popular Consultation, and reiterating its support for the efforts of the Personal Representative of the Secretary-General for East Timor,

1. *Decides* to establish until 31 August 1999 the United Nations Mission in East Timor to organize and conduct a popular consultation, scheduled for 8 August 1999, on the basis of a direct, secret and universal ballot, in order to ascertain whether the East Timorese people accept the proposed constitutional framework providing for a special autonomy for East Timor within the unitary Republic of Indonesia or reject the proposed special autonomy for East Timor, leading to East Timor's separation from Indonesia, in accordance with the General Agreement and to enable the Secretary-General to discharge his responsibility under paragraph 3 of the Security Agreement;

2. *Authorizes* until 31 August 1999 the deployment within the Mission of up to 280 civilian police officers to act as advisers to the Indonesian Police in the discharge of their duties and, at the time of the consultation, to supervise the escorting of ballot papers and boxes to and from the polling sites;

3. *Also authorizes* until 31 August 1999 the deployment within the Mission of fifty military liaison officers to maintain contact with the Indonesian Armed Forces in order to allow the Secretary-General to discharge his responsibilities under the General Agreement and the Security Agreement;

4. *Endorses* the proposal of the Secretary-General that the Mission should also incorporate the following components:

(a) A political component responsible for monitoring the fairness of the political environment, for ensuring the freedom of all political and other non-governmental organizations to carry out their activities freely and for monitoring and advising the Special Representative on all matters with political implications;

(b) An electoral component responsible for all activities related to registration and voting;

(c) An information component responsible for explaining to the East Timorese people, in an objective and impartial manner without prejudice to any position or outcome, the terms of the General Agreement and the proposed autonomy framework, for providing information on the process and procedure of the vote, and for explaining the implications of a vote in favour or against the proposal;

5. *Notes* the intention of the Governments of Indonesia and Portugal to send an equal number of representatives to observe all the operational phases of the consultation process both inside and outside East Timor;

6. *Welcomes* the intention of the Secretary-General to conclude with the Government of Indonesia, as soon as possible, a status-of-mission agreement, and urges the early conclusion of negotiations with a view to the full and timely deployment of the Mission;

7. *Calls upon* all parties to cooperate with the Mission in the implementation of its mandate, and to ensure the security and freedom of movement of its staff in carrying out that mandate in all areas of East Timor;

8. *Approves* the modalities for the implementation of the popular consultation process scheduled for 8 August 1999 as set out in paragraphs 15 to 18 of the report of the Secretary-General of 22 May 1999;

9. *Stresses once again* the responsibility of the Government of Indonesia to maintain peace and security in East Timor, in particular in the present security situation referred to in the report of the Secretary-General, in order to ensure that the popular consultation is carried out in a fair and peaceful way and in an atmosphere free of intimidation, violence or interference from any side and to ensure the safety and security of United Nations and other international staff and observers in East Timor;

10. *Welcomes* in this regard the decision taken by the Government of Indonesia to establish a ministerial team to monitor and ensure the security of the popular consultation in accordance with article 3 of the General Agreement and paragraph 1 of the Security Agreement;

11. *Condemns* all acts of violence from whatever quarter, and calls for an end to such acts and the laying down of arms by all armed groups in East Timor, for the necessary steps to achieve disarmament and for further steps in order to ensure a secure environment devoid of violence or other forms of intimidation,

which is a prerequisite for the holding of a free and fair ballot in East Timor;

12. *Requests* all parties to ensure that conditions exist for the comprehensive implementation of the popular consultation, with the full participation of the East Timorese people;

13. *Urges* that every effort be made to make the Commission on Peace and Stability operative, and in particular stresses the need for the Indonesian authorities to provide security and personal protection for members of the Commission in cooperation with the Mission;

14. *Reiterates its request* to the Secretary-General to keep the Security Council closely informed of the situation, and to continue to report to it every fourteen days on the implementation of its resolutions and of the tripartite Agreements and on the security situation in East Timor;

15. *Decides* to remain seized of the matter.

Report of Secretary-General (June). The Secretary-General reported on 22 June [S/1999/705] that UNAMET's deployment had progressed markedly since his May report. By 15 June, four of the eight regional electoral offices were operational and the Chief Electoral Officer, Jeffrey Fischer, had arrived in Dili to lead the core electoral team already in place. The first United Nations Volunteers group to serve as field electoral officers were in training in Darwin, Australia. The Civilian Police Commissioner, Alan James Mills (Australia), appointed by a 15 June exchange of letters [S/1999/679, S/1999/680] between the Secretary-General and the Security Council, began working with the local police and with an advance team of 41 UN civilian police on 12 and 21 June, respectively. Indonesia had agreed to the deployment of 50 UN military liaison officers, to begin almost immediately. The public information campaign had been launched with the radio broadcast of the Secretary-General's statement outlining UNAMET's purpose and objectives and pointing to its impartiality with respect to the consultation's outcome, emphasizing the secrecy of the ballot and calling on all East Timorese to refrain from violence.

The Secretary-General noted that the relative calm in Dili and Baucau had not extended to the rest of the Territory, with the situation in the western districts remaining very serious. He highlighted the activities by pro-integration militias, believed by observers to be acting with the acquiescence of members of the Indonesian army, which continued to have a constricting effect on political freedom, silencing pro-independence activists and their supporters and forcing them into hiding. Militias involved in violence against civilians were reportedly being presented by some officials as civil defence forces. Complaints

from pro-integration leaders of violent activity by the Armed Forces for the National Liberation of East Timor (Falintil) were also lodged with UNAMET, which was looking into the incidents cited.

Given the serious security situation throughout much of East Timor and the absence of a level playing field, which did not yet permit certification that the necessary conditions existed for the operational phases of the consultation process to begin, and in order to allow UNAMET to reach full deployment, the Secretary-General decided to postpone registration to 13 July (a three-week delay from the original starting date of 22 June), which in turn meant postponement of the ballot date.

Statement by Secretary-General. The Secretary-General, in a 29 June statement [SG/SM/7052], deplored in the strongest terms that day's attack on UNAMET's Maliana regional office by some 100 reportedly pro-integration militia. Several East Timorese taking refuge there were injured, a UNAMET staff member was hurt and the office was extensively damaged. He called on the Indonesian Police to investigate the incident and bring the perpetrators to justice.

SECURITY COUNCIL ACTION (29 June)

On 29 June [meeting 4019], the Security Council President made statement **S/PRST/1999/20** on behalf of the Council:

The Security Council has considered the report of the Secretary-General of 22 June 1999 on the question of East Timor.

The Council notes with understanding the decision of the Secretary-General to postpone for three weeks his determination, which he will base on the main elements identified in his report of 5 May 1999, of whether the necessary security situation exists for the start of the operational phases of the consultation process in accordance with the Agreement between the United Nations and the Governments of Indonesia and Portugal. The Council also endorses his intention not to start the operational phases of the popular consultation until the United Nations Mission in East Timor is fully deployed, and his decision to postpone the ballot date for two weeks.

The Council emphasizes that a popular consultation of the East Timorese people through a direct, secret and universal ballot represents an historic opportunity to resolve the question of East Timor peacefully. It concurs with the Secretary-General's assessment that this process must be transparent and that all parties must have the opportunity to express themselves freely.

In this regard, the Council expresses serious concern that the Secretary-General, in his assessment, concludes that the necessary conditions do not yet exist to begin the operational phases of the consultation process, given the security situation throughout

much of East Timor and the absence of a "level playing field". It is especially concerned that the militias and other armed groups have carried out acts of violence against the local population and exercise an intimidating influence over them, and that these activities continue to constrict political freedom in East Timor, thus jeopardizing the necessary openness of the consultation process. The Council notes the Secretary-General's assessment that while the security situation has severely limited the opportunity for public expression by pro-independence activists, pro-autonomy campaigning has been actively pursued.

The Council stresses the need for all sides to put an end to all kinds of violence and for utmost restraint before, during and after the consultation. It calls upon the Mission to follow up reports of violent activity by both the pro-integration militias and Falintil (the Armed Forces for the National Liberation of East Timor). In this regard, it expresses grave concern at the attack on the Mission office in Maliana, East Timor, on 29 June 1999. The Council demands that the incident be thoroughly investigated and the perpetrators be brought to justice. The Council also demands that all parties respect the safety and security of Mission personnel. The Council supports the statement of the spokesman for the Secretary-General of 29 June 1999 and requests the Secretary-General to report further.

The Council welcomes the positive developments identified by the Secretary-General. The Council warmly welcomes the excellent channels of communication between the Mission and the Indonesian authorities, which have been facilitated by the establishment of a high-level Indonesian task force in Dili. The Council warmly welcomes the opening of the DARE II talks in Jakarta with representatives of all sides in East Timor, and the progress towards making the Commission on Peace and Stability operative.

The Council stresses once again the responsibility of the Government of Indonesia to maintain peace and security in East Timor. The Council emphasizes that all local officials in East Timor must abide by the provisions of the tripartite Agreements, in particular as regards the designated campaign period, the use of public funds for campaign purposes and the need to campaign only in their private capacity, without recourse to the pressure of office.

The Council is particularly concerned at the situation of internally displaced persons in East Timor and the implications which this may have for the universality of the consultation. It calls upon all concerned to grant full access and freedom of movement to humanitarian organizations for the delivery of humanitarian assistance, to cease immediately activities which may cause further displacement and to allow all internally displaced persons who wish to do so to return home.

The Council notes that full deployment of the Mission will not be possible before 10 July 1999. It urges the Secretary-General to take all necessary steps to ensure full deployment by that time, and urges all parties to cooperate fully with the Mission. It stresses the importance of allowing complete free-

dom of movement for the Mission within East Timor in order to carry out its tasks.

The Council urges the Indonesian Government and the pro-integration and pro-independence groups to continue to enhance cooperation with the Mission, to allow the popular consultation to go ahead in a timely manner.

The Council will remain seized of the matter.

Communications. In letter exchanges with the Security Council between 21 June and 6 July, the Secretary-General appointed Brigadier Rezaqui Haider (Bangladesh) as Chief Military Liaison Officer [S/1999/709, S/1999/710], who assumed his functions on 8 July; and named the 27 countries contributing civilian police personnel [S/1999/735, S/1999/736] and the 13 States contributing military liaison personnel [S/1999/750, S/1999/751].

On 10 July [S/1999/773], the Secretary-General informed the Council that preparations had been completed for UNAMET to begin registration on 13 July but that the security situation remained serious. Incidents at Maliana (29 June), Viqueque (30 June) and Liquica (3-4 July) involving UNAMET personnel highlighted the larger, continuing problem which militia impunity posed to a free consultation process. He thus shared with the Government a list of specific criteria towards which there should be meaningful, visible progress in security conditions to enable him to make a determination to proceed with the consultation process. To allow concrete steps to be taken by the Government, which reaffirmed its resolve to address the situation by the dispatch of a high-level government delegation to the Territory on 12 July, the Secretary-General, for a second time, rescheduled the start of the registration process, from 13 to 16 July. To set the record straight, Indonesia, on 9 July [S/1999/782], detailed what it claimed were the facts surrounding the incidents cited by the Secretary-General.

Although the security situation in the Territory as a whole continued to preclude a determination that the conditions existed for the peaceful implementation of the consultation, the Secretary-General wrote on 14 July [S/1999/786] that, in view of the assurances by the Indonesian authorities that they would take steps in the immediate future to fulfil the criteria he had provided, as well as of the need to adhere to the shortest possible time frame, the registration could begin on 16 July. He would make another assessment of conditions halfway through the registration period, based on UNAMET's objective evaluation. Indonesia replied on 16 July [S/1999/791] that it was obliged to draw attention to recent facts that would give the Council a more complete appreciation of the true situation on the ground.

On 26 July [S/1999/822], the Secretary-General reported that the 200 registration centres throughout East Timor had opened during the first 10 days of registration. In that period, 239,893 East Timorese had registered: 233,716 in East Timor itself, and the remainder at external registration centres. Security conditions remained inadequate, however. Intimidation by armed militia groups were particularly prevalent in the western districts, resulting in the continuing inability of tens of thousands of internally displaced persons to return to their homes in safety.

Voter registration and polling

Report and communication of Secretary-General (July). The Secretary-General reported on 20 July [S/1999/803] that voter registration which began on 16 July proceeded relatively peacefully, with a strong turnout. As called for by the Agreements, Indonesia and Portugal agreed to deploy up to 50 official observers at each registration and polling site in and outside East Timor, with more than 200 observers already accredited. UNAMET had arranged for the computerization of worldwide registration data in Australia. The three international electoral experts comprising the independent Electoral Commission, Patrick Bradley (United Kingdom), Johan Kriegler (South Africa) and Sohn Bong-Scuk (Republic of Korea), had assumed their responsibilities.

UNAMET was fully operational by the reporting date and the deployment of international personnel was virtually complete. By 19 July, 243 civilian police personnel and 47 military liaison officers were on duty, and the political affairs section was fully deployed. The public information component had intensified dissemination of information on the Agreements and of explanatory material to help voters understand the consultation process.

Noting no further attacks or serious threats against UNAMET, the Secretary-General stated that the serious efforts by the Indonesian authorities to provide the necessary security for UNAMET to discharge its responsibilities had contributed to that positive trend. Much remained to be done, however, to realize the Government's assurances on the ground. Militia activities, which had led to the displacement of many East Timorese and denied them basic security and freedom, with the clear intention of influencing political choice, continued to pose a fundamental challenge to a credible consultation process. Violent activities by Falintil also continued to be reported by Indonesian authorities.

The thousands of internally displaced persons, forcibly relocated or intimidated into fleeing their homes, remained a major concern. Besides its humanitarian dimensions, the problem had a direct bearing on the prospects for holding a free and fair ballot. According to some observers, a considerable number of such persons were either under militia control, in sanctuary in church compounds or in hiding in the Territory's remote areas. UNAMET was developing plans to assist them to participate in the consultation process.

The Secretary-General reported encouraging progress in bridging the deep divisions between the East Timorese parties. They included an agreement to end hostilities signed in Jakarta on 18 June between pro-independence and pro-integration leaders under the auspices of the Commission on Peace and Stability; an understanding, in principle, providing for a ceasefire and the cantonment of the pro-independence Falintil forces, pro-integration armed groups and members of the Indonesian army, as well as for movement towards disarmament; and the reconciliation efforts of the Bishops of Dili and Baucau, which resulted in the Dare II Conference (Jakarta, 25-30 June) of leaders from inside and outside East Timor. The Conference issued a series of "points of convergence", including agreement to accept the outcome of the popular consultation. A meeting of senior Indonesian and Portuguese officials was also held under the Personal Representative's chairmanship (New York, 15-16 July) to begin discussions on arrangements for the period between the ballot and the implementation of its result.

The Secretary-General said he remained confident that Indonesia would take further determined measures to improve the security situation, in keeping with its undertakings under the 5 May Agreements.

On 28 July [S/1999/830], the Secretary-General informed the Council that, on UNAMET's advice, he had decided to postpone the popular consultation to 30 August to give UNAMET time to collate and to publicize adequately the list of voters, and to allow for a proper appeals procedure. Consequently, he requested the Council to extend UNAMET's mandate by one month, to 30 September.

SECURITY COUNCIL ACTION

The Security Council met on 3 August [meeting 4031] and unanimously adopted **resolution 1257** (1999). The draft [S/1999/843] was prepared during prior Council consultations.

The Security Council,

Recalling its previous resolutions on the situation in East Timor, in particular resolution 1246(1999) of 11 June 1999,

Taking note of the letter dated 28 July 1999 from the Secretary-General to the President of the Security Council which informs the Council of his decision to postpone the popular consultation in East Timor until 30 August 1999 and requests the authorization of a one-month extension to the mandate of the United Nations Mission in East Timor,

1. *Decides* to extend the mandate of the United Nations Mission in East Timor until 30 September 1999;
2. *Decides* to remain seized of the matter.

Report of Secretary-General (August). In a 9 August report [S/1999/862], the Secretary-General outlined modifications to UNAMET's composition and tasks in the interim phase between the conclusion of the popular consultation and the start of the implementation of its result, whether it was acceptance or rejection of the proposed autonomy. During that interim phase, UN efforts would focus on building confidence, fostering stability and reassuring all groups, particularly those in the minority in the ballot, that they had a role to play in East Timor's future political life.

Modifications would include reducing the electoral component to a unit that would plan and prepare for the monitoring of elections to the Regional Council, as foreseen in the autonomy plan, or for elections in case autonomy was rejected; increasing the civilian police to 460, including 50 to train a new East Timorese police force, and the military liaison personnel to 300, who would be deployed in all 13 districts to liaise with the Indonesian Armed Forces, the pro-integration militias and the pro-independence Falintil; replacing the political component with a civil affairs one to assist the Special Representative to foster reconciliation, help form a Representative Council, promote respect for the rule of law and human rights and coordinate humanitarian assistance; and maintaining the public information component to keep the East Timorese and the international community abreast of progress in the implementation of the consultation's outcome.

The Secretary-General recommended that the Council promptly consider and authorize the proposed adjustments to UNAMET and extend its mandate for a further three months, from 30 August until 30 November.

SECURITY COUNCIL ACTION

On 27 August [meeting 4038], the Security Council unanimously adopted **resolution 1262(1999)**. The draft [S/1999/904] was prepared during prior Council consultations.

The Security Council,

Recalling its previous resolutions on the situation in East Timor, in particular resolutions 1246(1999) of 11 June 1999 and 1257(1999) of 3 August 1999,

Recalling the Agreement between Indonesia and Portugal of 5 May 1999 on the question of East Timor and the Agreements between the United Nations and the Governments of Indonesia and Portugal of the same date regarding the modalities for the popular consultation of the East Timorese through a direct ballot and security arrangements,

Welcoming the report of the Secretary-General of 9 August 1999,

Taking note of the need for the United Nations to pursue its efforts in East Timor in the period following the ballot to build confidence and support stability and to reassure all groups, in particular those in the minority in the ballot, that they have a role to play in the future political life of East Timor,

Welcoming the proposal of the Secretary-General that the United Nations Mission in East Timor continue its operations in the interim phase between the conclusion of the popular consultation and the start of the implementation of its result and that its tasks and structure be adjusted accordingly,

Commending the Mission for the impartial and effective implementation of its mandate, and welcoming the confirmation in the report of the Secretary-General that the Mission will continue to do its utmost to fulfil its responsibility in this manner,

Welcoming the fruitful cooperation of the Government of Indonesia in East Timor with the United Nations,

1. *Decides* to extend the mandate of the United Nations Mission in East Timor until 30 November 1999, and endorses the proposal of the Secretary-General that in the interim phase the Mission should incorporate the following components:

(a) An electoral unit as set out in the report of the Secretary-General;

(b) A civilian police component of up to 460 personnel to continue to advise the Indonesian Police and to prepare for the recruitment and training of the new East Timorese police force;

(c) A military liaison component of up to 300 personnel as set out in the report of the Secretary-General to undertake the necessary military liaison functions, to continue to be involved in the work of the East Timorese bodies established to promote peace, stability and reconciliation, and to provide advice to the Special Representative for the East Timor Popular Consultation on security matters as required, pursuant to the implementation of the Agreements of 5 May 1999;

(d) A civil affairs component to advise the Special Representative for the East Timor Popular Consultation in monitoring the implementation of the Agreements of 5 May 1999, as set out in the report of the Secretary-General;

(e) A public information component to provide information on progress made towards implementation of the outcome of the ballot, and to disseminate a message promoting reconciliation, confidence, peace and stability;

2. *Calls upon* all parties to cooperate with the Mission in the implementation of its mandate, and to en-

sure the security and freedom of movement of its staff in carrying out that mandate in all areas of East Timor;

3. *Recalls* the continuing responsibility of Indonesia to maintain peace and security in East Timor in the interim phase;

4. *Decides* to remain seized of the matter.

Following the resolution's adoption, the President made a statement affirming, on the eve of the ballot, the Council's view, as set out in **S/PRST/1999/20** (see p. 284), that the popular consultation on 30 August represented a historic opportunity to resolve the East Timor question peacefully. In adopting the resolution mandating the UN presence until 30 November, the Council was demonstrating its readiness to continue to support the East Timorese after they had made their decision.

Consultation result

On 3 September [S/1999/944], the Secretary-General informed the Council that UNAMET had completed the popular consultation on the proposed autonomy. The ballot result, duly certified by the Electoral Commission, was 94,388 votes in favour and 344,580 against (or 21.5 per cent and 78.5 per cent, respectively, of total votes cast). The people of East Timor had thus rejected the proposed special autonomy and expressed their wish to begin a process of transition towards independence.

The Secretary-General observed that the orderly and peaceful transfer of authority in East Timor to the United Nations, called for by article 6 of the 5 May Agreement, would be complex and difficult, given the current insecurity in the Territory.

SECURITY COUNCIL ACTION

The Security Council met twice on 3 September [meetings 4041 & 4042]. At the second meeting, the President made statement **S/PRST/1999/27** on behalf of the Council:

The Security Council welcomes the successful popular consultation of the East Timorese people on 30 August 1999 and the letter dated 3 September 1999 from the Secretary-General to the President of the Security Council announcing the ballot result. The Council expresses its support for the courage of those who turned out in record numbers to express their views. It regards the popular consultation as an accurate reflection of the views of the East Timorese people.

The Council pays tribute to the extraordinary work of the Personal Representative of the Secretary-General. It also commends the courage and dedication of the Special Representative for the East Timor Popular Consultation and of the staff of the United Nations Mission in East Timor in organ-

izing and conducting the popular consultation in extremely difficult conditions.

The Council calls on all parties, both inside and outside East Timor, to respect the result of the popular consultation. The Council urges the East Timorese people to work together to implement their decision as freely and democratically expressed in the ballot and to cooperate in the building of peace and prosperity in the territory. The Council now looks to the Indonesian Government to take the necessary constitutional steps to implement the result of the ballot, in accordance with the Agreements of 5 May 1999.

The Council recognizes that the Agreements of 5 May 1999 which led to the popular consultation of the East Timorese people would not have been possible without the timely initiative of the Government of Indonesia and the constructive attitude of the Government of Portugal. It commends the sustained efforts of the Governments of Indonesia and Portugal, through the good offices of the Secretary-General, to find a just, comprehensive and internationally acceptable solution to the question of East Timor, and expresses its appreciation to the Government of Indonesia for its cooperation with the United Nations in the process.

The Council condemns the violence in East Timor which both preceded and followed the ballot of 30 August 1999. It expresses its condolences to the families of United Nations local staff and others so tragically killed. It underlines the need for the result to be implemented in an atmosphere of peace and security without further violence and intimidation. In accordance with its responsibility for maintaining peace and security under the Agreements of 5 May 1999, it is for the Government of Indonesia to take steps to prevent further violence. It also looks to the Government of Indonesia to guarantee the security of Mission personnel and premises. The Council is ready to consider sympathetically any proposal from the Secretary-General to ensure the peaceful implementation of the popular consultation process.

The Council requests the Secretary-General to report as soon as possible on the implementation of the ballot result, including recommendations on the mandate, size and structure of the United Nations presence in East Timor in the implementation phase (phase III).

The Council will remain seized of the matter.

On 17 December, the General Assembly, by **resolution 54/194**, also welcomed the successful conduct of the popular consultation (see p. 535).

Post-consultation violence

In reports of 4 October [S/1999/1024] and 13 December [A/54/654], the Secretary-General recorded that, following announcement of the result of the 30 August consultation, pro-integration militias unleashed a campaign of violence, including killing, looting and arson, throughout most of the Territory. UNAMET local staff were targeted, killing at least four. Foreign observers, international relief workers and jour-

nalists were evacuated to Darwin, Australia, as were the majority of UNAMET personnel. Many East Timorese were killed and hundreds of thousands were displaced, often by force.

In the wake of the violence, most UNAMET facilities were found heavily damaged or destroyed. A UN inter-agency assessment team estimated that over 500,000 persons were displaced, including 150,000 to West Timor. Hardly any building in Dili was left undamaged. The towns of Ainaro and Cassa were completely destroyed, while about 70 per cent of Atsabe, Gleno, Lospalus, Maliana, Manatuto and Oecusoe was burned down or levelled, as was 20 per cent of Vineque. Suai and Liquica also sustained extensive damage. The Secretary-General was informed by the Indonesian authorities that the Indonesian Armed Forces had reduced their strength to about 1,200, all reportedly deployed in Dili. The withdrawing soldiers were observed by UNAMET setting fire to buildings and equipment, including their own facilities, and destroying infrastructure. The Indonesian Police also withdrew, leaving only a token presence in Dili, and the judicial and detention systems had ceased operating.

With the early departure of the Indonesian civil authorities, civil administration no longer functioned. The judiciary and court systems ceased to exist. Essential services, including water and electricity, were on the brink of collapse. Security conditions, which had begun to improve, remained precarious, with militia activity continuing to be reported throughout the Territory.

Subsequently, Indonesia lifted martial law (24 September) and the Indonesian Deputy Governor returned to Dili with a small staff (27 September), who informed UNAMET that Foreign Affairs officials would arrive shortly to oversee the transition on the Government's behalf. At a tripartite meeting (28 September) of the Secretariat and the Indonesian and Portuguese Foreign Ministers, it was agreed that ad hoc measures were required to fill the gap created by the early departure of Indonesian civil authorities. The two Governments reiterated their agreement for the transfer of authority in East Timor to the United Nations, in accordance with the 5 May Agreement.

UNAMET, which had operated with a skeleton staff of 12 at the former Australian consulate throughout the crisis period, re-established its headquarters in Dili on 28 September. By 4 October, its redeployed staff totalled 84, including 36 military liaison officers, 16 civilian police and 32 international staff. UNAMET resumed patrolling

in Dili, overflying all districts and visiting all Falintil cantonments with the multinational force (INTERFET) (see p. 290). It accompanied multinational force-protected convoys to Manatuto and Baucau. Two military liaison officers were co-located with the INTERFET deployment in Baucau.

Communications. At the height of the violence in East Timor, Ireland wrote that, should Indonesia be unable to maintain security, it would support the deployment of an agreed peacekeeping force [S/1999/950]. Portugal requested an urgent meeting of the Council [S/1999/955], which it reiterated in view of Indonesia's inability to restore order and security to the Territory [S/1999/963]. Brazil also requested a Council meeting to debate the situation [S/1999/961], while Angola transmitted a declaration by the Community of Portuguese-speaking Countries calling on the international community and the Council, in particular, to do everything for the rapid re-establishment of security, including the deployment of peacekeeping forces [S/1999/956].

SECURITY COUNCIL ACTION

The Security Council, on 5 September [S/1999/946], informed the Secretary-General that it was dispatching a mission to Indonesia to discuss steps for the peaceful implementation of the ballot result in East Timor. The mission would be composed of the Permanent Representatives to the United Nations of Malaysia, Namibia (head of mission), Slovenia and the United Kingdom; the Deputy Permanent Representative of the Netherlands; and the Secretary-General's Deputy Personal Representative for East Timor [S/1999/972].

In view of the urgency of the situation, the Council requested that arrangements be made for the mission's departure for Indonesia on the evening of 6 September.

Security Council mission report. On 14 September [S/1999/976 & Corr.1], the Security Council mission reported on the results of its meetings in Jakarta and Dili from 8 to 12 September.

The mission concluded that government accounts of events in East Timor and of Indonesia's action to carry out its responsibilities under the 5 May Agreement tallied neither with the briefings provided by UN staff and senior diplomats in Jakarta and Dili, nor with the mission's observations on the ground. The involvement of large elements of the Indonesian military and police in organizing and backing the actions of the militias was acknowledged publicly by the Defence Minister on 11 September. The repeated failure of the defence forces to carry out the Government's ob-

ligations to provide security to UNAMET, international organizations and the population as a whole meant that the Indonesian authorities were either unable or unwilling to provide the proper environment for the peaceful implementation of the 5 May Agreement. The introduction of martial law on 7 September did not alter that state of affairs, nor did it adequately respond to the humanitarian crisis in East Timor, despite the authorities' assurances that that had been one of its aims. The humanitarian situation of the majority of the population in East Timor and of the refugee population in West Timor was extremely grave and needed to be addressed urgently. There was strong prima facie evidence of abuses of international humanitarian law committed since the announcement on 4 September of the ballot result. In that regard, the annexed UNAMET report on widespread destruction, forced displacement of the population and selective execution of students, intellectuals and activists was relevant.

In its recommendations, the mission called on the Council to welcome the Indonesian President's decision to invite an international peacekeeping force to cooperate with Indonesia in restoring peace and security in East Timor and to adopt a resolution providing a framework for its implementation; to authorize an advance party of the international security presence to undertake essential tasks in and around Dili related to UNAMET and to the delivery of humanitarian supplies; to hold Indonesia to its obligations under phase II of the 5 May Agreement, before and after the arrival of the international security presence, and insist on the proper care of internally displaced persons and on curtailing the role of the militias and preventing any clashes between them and Falintil; and to institute the investigation of apparent abuses of international humanitarian law in East and West Timor since 4 September.

The mission further called on the United Nations to give top priority to the grave humanitarian crisis in East Timor and insist on the Government's provision of access and security to UN and international humanitarian organizations. It called on the Secretary-General to reduce to a minimum or, if necessary, evacuate UNAMET staff from Dili before the arrival of an international security presence and to submit plans for the advance preparation of UN action in phase III so as to contribute to the effective implementation of phase II under the new circumstances. In the meantime, in response to the urgent calls for a meeting by Portugal and Brazil (see p. 289), the Council met on 11 September [meeting 4043] to debate the situation.

Deployment of International Force

On 4 October [S/1999/1024], the Secretary-General noted that, in addition to the activities of the Security Council mission above, numerous efforts were made on the diplomatic front to halt the violence in East Timor. He himself spoke directly with Indonesian President Habibie on several occasions. Given the failure of martial law to resolve the security situation, the Government, on 12 September, agreed to accept the offer of assistance from the international community to restore peace and security and to implement the consultation's result.

Following Indonesia's agreement and in response to a request from the Secretary-General, Australia, on 14 September [S/1999/975], indicated its willingness to accept the leadership of the proposed multinational force in East Timor, anticipated to be mandated by the Security Council.

SECURITY COUNCIL ACTION

On 15 September [meeting 4045], the Security Council unanimously adopted **resolution 1264 (1999)**. The draft [S/1999/977] was prepared during prior Council consultations.

The Security Council,

Recalling its previous resolutions and the statements by its President on the situation in East Timor,

Recalling also the Agreement between Indonesia and Portugal of 5 May 1999 on the question of East Timor and the Agreements between the United Nations and the Governments of Indonesia and Portugal, of the same date, regarding the modalities for the popular consultation of the East Timorese through a direct ballot and security arrangements,

Reiterating its welcome for the successful conduct of the popular consultation of the East Timorese people of 30 August 1999, and taking note of its outcome, which it regards as an accurate reflection of the views of the East Timorese people,

Deeply concerned by the deterioration in the security situation in East Timor, and in particular by the continuing violence against and large-scale displacement and relocation of East Timorese civilians,

Deeply concerned also at the attacks on the staff and premises of the United Nations Mission in East Timor, on other officials and on international and national humanitarian personnel,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Appalled by the worsening humanitarian situation in East Timor, particularly as it affects women, children and other vulnerable groups,

Reaffirming the right of refugees and displaced persons to return in safety and security to their homes,

Endorsing the report of the Security Council mission to Jakarta and Dili,

Welcoming the statement by the President of Indonesia on 12 September 1999 in which he expressed the readiness of Indonesia to accept an international

peacekeeping force through the United Nations in East Timor,

Welcoming also the letter dated 14 September 1999 from the Minister for Foreign Affairs of Australia to the Secretary-General,

Reaffirming respect for the sovereignty and territorial integrity of Indonesia,

Expressing its concern at reports indicating that systematic, widespread and flagrant violations of international humanitarian and human rights law have been committed in East Timor, and stressing that persons committing such violations bear individual responsibility,

Determining that the present situation in East Timor constitutes a threat to peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Condemns* all acts of violence in East Timor, calls for their immediate end, and demands that those responsible for such acts be brought to justice;

2. *Emphasizes* the urgent need for coordinated humanitarian assistance and the importance of allowing full, safe and unimpeded access by humanitarian organizations, and calls upon all parties to cooperate with such organizations so as to ensure the protection of civilians at risk, the safe return of refugees and displaced persons and the effective delivery of humanitarian aid;

3. *Authorizes* the establishment of a multinational force under a unified command structure, pursuant to the request of the Government of Indonesia conveyed to the Secretary-General on 12 September 1999, with the following tasks: to restore peace and security in East Timor, to protect and support the United Nations Mission in East Timor in carrying out its tasks and, within force capabilities, to facilitate humanitarian assistance operations, and authorizes the States participating in the multinational force to take all necessary measures to fulfil this mandate;

4. *Welcomes* the expressed commitment of the Government of Indonesia to cooperate with the multinational force in all aspects of the implementation of its mandate, and looks forward to close coordination between the multinational force and the Government of Indonesia;

5. *Underlines* the continuing responsibility of the Government of Indonesia under the Agreements of 5 May 1999, taking into account the mandate of the multinational force set out in paragraph 3 above, to maintain peace and security in East Timor in the interim phase between the conclusion of the popular consultation and the start of the implementation of its result and to guarantee the security of the personnel and premises of the Mission;

6. *Welcomes the* offers by Member States to organize, lead and contribute to the multinational force in East Timor, calls upon Member States to make further contributions of personnel, equipment and other resources, and invites Member States in a position to contribute to inform the leadership of the multinational force and the Secretary-General;

7. *Stresses* that it is the responsibility of the Indonesian authorities to take immediate and effective measures to ensure the safe return of refugees to East Timor;

8. *Notes* that article 6 of the Agreement of 5 May 1999 states that the Governments of Indonesia and Portugal and the Secretary-General shall agree on ar-

rangements for a peaceful and orderly transfer of authority in East Timor to the United Nations, and requests the leadership of the multinational force to cooperate closely with the United Nations to assist and support those arrangements;

9. *Stresses* that the expenses for the force will be borne by the participating Member States concerned, and requests the Secretary-General to establish a trust fund through which contributions could be channelled to the States or operations concerned;

10. *Agrees* that the multinational force should collectively be deployed in East Timor until replaced as soon as possible by a United Nations peacekeeping operation, and invites the Secretary-General to make prompt recommendations on a peacekeeping operation to the Security Council;

11. *Invites* the Secretary-General to plan and prepare for a United Nations transitional administration in East Timor, incorporating a United Nations peacekeeping operation, to be deployed in the implementation phase of the popular consultation (phase III) and to make recommendations as soon as possible to the Security Council;

12. *Requests* the leadership of the multinational force to provide periodic reports on progress towards the implementation of its mandate through the Secretary-General to the Council, the first such report to be made within fourteen days of the adoption of the present resolution;

13. *Decides* to remain actively seized of the matter.

The International Force, East Timor (INTERFET) began deployment on 20 September under the command of Major-General Peter Cosgrove (Australia). By 4 October, it consisted of 14 troop-contributing countries and expected to reach a troop strength of 8,000. The Indonesian Armed Forces undertook to cooperate with INTERFET in the implementation of Council resolution 1264(1999) through a Joint Consultative Security Group established in Dili, with UNAMET participation.

INTERFET reports and communications. In five periodic reports [S/1999/1025, S/1999/1072, S/1999/1106, S/1999/1169, S/1999/1248] submitted to the Security Council through the Secretary-General, INTERFET described its operations covering the 12-week period from inception to 9 December. In that time, it played a significant role in helping to establish peace and security through a credible and deterrent security presence throughout the Territory; to prevent armed violence by any group, including the militia; to develop, in cooperation with Indonesia, agreed procedures for border management along the border between East and West Timor; to create conditions and provide escort support for large numbers of displaced persons to return to their homes; to facilitate the transition from UNAMET to the United Nations Transitional Administration in East Timor (see p. 292); and to facilitate

the conduct of humanitarian operations of increasing size and effectiveness across East Timor.

In addition, the reports noted that, by 10 November, INTERFET had a strength of over 9,400 troops (of whom some 5,300 were Australians) from 17 countries. It had marginalized the militias and their capacity to threaten the safety of the East Timorese. It had progressively established security to allow the return to Dili of 58 UNAMET staff and the re-establishment of UNAMET's offices in Baucau by 12 October. By 9 December, it had helped UNHCR repatriate more than 110,000 displaced persons.

By identical letters of 12 October [S/1999/1052] to the Secretary-General and the Security Council, Indonesia strongly deplored an incident on 10 October in the border village of Mato Ain in West Timor in which an exchange of fire between INTERFET and Indonesian military and police manning a border crossing point between East and West Timor resulted in three casualties on the Indonesian side. Also by identical letters of 13 October [S/1999/1055], Australia stated that the incident had occurred within East Timor's territory and that weapons were fired first by the Indonesian forces. On 8 November [S/1999/1146], Australia submitted the results of the joint investigation by INTERFET and the Indonesian Armed Forces, which found that the incident was attributable, at least in part, to conflicting maps.

UN Transitional Administration for East Timor

Reports of Secretary-General (October and December). Responding to Security Council resolution 1264(1999), the Secretary-General, on 4 October [S/1999/1024], set out his recommendations for a UN transitional administration in East Timor, incorporating a UN peacekeeping operation for deployment in the implementation phase (phase III) of the popular consultation. The United Nations Transitional Administration in East Timor (UNTAET), with overall responsibility for the administration of the Territory during its transition to independence, expected to take two to three years, would operate under the Council's authority, vested in the Secretary-General and exercised by the Special Representative, who would be responsible for all aspects of UN work in East Timor.

Under its mandate, UNTAET would provide security and maintain law and order throughout the Territory, establish an effective administration, assist in developing civil and social services, ensure coordination and delivery of humanitarian, rehabilitation and development assistance, support capacity-building for self-government, and assist in the establishment of conditions for

sustainable development. That mandate was to be implemented in pursuit of a series of specific objectives, for which regular dialogue with representatives of East Timor was essential.

The Special Representative would establish advisory bodies at all levels to ensure East Timorese participation in the Territory's governance and administration.

UNTAET would have three main components: governance and public administration; humanitarian assistance and emergency rehabilitation; and military (including a UN force and a military observer group). The Special Representative, as the Transitional Administrator, would be responsible for all political, managerial and representational functions. He would be assisted by an Executive Committee composed of two Deputy Special Representatives, a Chief of Staff and the Force Commander and advised by offices for political, legal, constitutional and electoral and human rights affairs. He would facilitate the creation of an independent East Timorese human rights institution to investigate alleged violations of human rights, conduct public inquiries, provide guidance and assistance to nascent local governing institutions and develop curricula for human rights education. UNTAET would include a public information office and maintain liaison offices in Jakarta, Kupang (West Timor), Lisbon (Portugal) and Darwin.

UNTAET would continue to apply the existing law of East Timor to the extent of its compatibility with UNTAET's mandate and consistency with international human rights standards. It would be entrusted with rebuilding a structure of governance and administration capable of providing basic public services and a fully functioning administration of justice. It would focus on building local capacity to enable East Timorese to assume responsibility for their own governance. The United Nations would conclude such international agreements with States and international organizations as might be necessary for UNTAET to discharge its functions. UNTAET would also establish a mechanism for consultation with Portugal, given its special responsibilities.

The Secretary-General recommended Council approval of his recommendations and authorization for the timely deployment of UNTAET.

In his 13 December report [A/54/654], the Secretary-General stated that he had been informed by the Indonesian President that the Indonesian People's Consultative Assembly, at its meeting on 19 October, officially recognized the consultation result and revoked the law integrating East Timor within the Republic of Indonesia.

SECURITY COUNCIL ACTION

On 25 October [meeting 4057], the Security Council unanimously adopted **resolution 1272(1999)**. The draft [S/1999/1083] was sponsored by Brazil, Canada, France, Namibia, the Netherlands, Portugal, Slovenia, the United Kingdom and the United States.

The Security Council,

Recalling its previous resolutions and the statements by its President on the situation in East Timor, in particular resolutions 384(1975) of 22 December 1975, 389(1976) of 22 April 1976, 1236(1999) of 7 May 1999, 1246(1999) of 11 June 1999, 1262(1999) of 27 August 1999 and 1264(1999) of 15 September 1999,

Recalling also the Agreement between Indonesia and Portugal of 5 May 1999 on the question of East Timor and the Agreements between the United Nations and the Governments of Indonesia and Portugal of the same date regarding the modalities for the popular consultation of the East Timorese through a direct ballot and security arrangements,

Reiterating its welcome for the successful conduct of the popular consultation of the East Timorese people of 30 August 1999, and taking note of its outcome through which the East Timorese people expressed their clear wish to begin a process of transition under the authority of the United Nations towards independence, which it regards as an accurate reflection of the views of the East Timorese people,

Welcoming the decision of the Indonesian People's Consultative Assembly on 19 October 1999 concerning East Timor,

Stressing the importance of reconciliation among the East Timorese people,

Commending the United Nations Mission in East Timor for the admirable courage and determination shown in the implementation of its mandate,

Welcoming the deployment of a multinational force to East Timor pursuant to resolution 1264(1999), and recognizing the importance of continued cooperation between the Government of Indonesia and the multinational force in this regard,

Taking note of the report of the Secretary-General of 4 October 1999,

Noting with satisfaction the successful outcome of the trilateral meeting held on 28 September 1999, as outlined in the report of the Secretary-General,

Deeply concerned by the grave humanitarian situation resulting from violence in East Timor and the large-scale displacement and relocation of East Timorese civilians, including large numbers of women and children,

Reaffirming the need for all parties to ensure that the rights of refugees and displaced persons are protected, and that they are able to return voluntarily in safety and security to their homes,

Reaffirming respect for the sovereignty and territorial integrity of Indonesia,

Noting the importance of ensuring the security of the boundaries of East Timor, and noting in this regard the expressed intention of the Indonesian authorities to cooperate with the multinational force deployed pursuant to resolution 1264(1999) and with the United Nations Transitional Administration in East Timor,

Expressing its concern at reports indicating that systematic, widespread and flagrant violations of international humanitarian and human rights law have been committed in East Timor, stressing that persons committing such violations bear individual responsibility, and calling on all parties to cooperate with investigations into these reports,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Determining that the continuing situation in East Timor constitutes a threat to peace and security,

Acting under Chapter VU of the Charter of the United Nations,

1. *Decides* to establish, in accordance with the report of the Secretary-General, a United Nations Transitional Administration in East Timor, which will be endowed with overall responsibility for the administration of East Timor and will be empowered to exercise all legislative and executive authority, including the administration of justice;

2. *Decides also* that the mandate of the Transitional Administration shall consist of the following elements:

(a) To provide security and maintain law and order throughout the territory of East Timor;

(b) To establish an effective administration;

(c) To assist in the development of civil and social services;

(d) To ensure the coordination and delivery of humanitarian assistance, rehabilitation and development assistance;

(e) To support capacity-building for self-government;

(f) To assist in the establishment of conditions for sustainable development;

3. *Decides further* that the Transitional Administration will have objectives and a structure along the lines set out in section IV of the report of the Secretary-General, and in particular that its main components will be:

(a) A governance and public administration component, including an international police element with a strength of up to 1,640 officers;

(b) A humanitarian assistance and emergency rehabilitation component;

(c) A military component, with a strength of up to 8,950 troops and up to 200 military observers;

4. *Authorizes* the Transitional Administration to take all necessary measures to fulfil its mandate;

5. *Recognizes* that, in developing and performing its functions under its mandate, the Transitional Administration will need to draw on the expertise and capacity of Member States, United Nations agencies and other international organizations, including the international financial institutions;

6. *Welcomes* the intention of the Secretary-General to appoint a Special Representative who, as the Transitional Administrator, will be responsible for all aspects of the United Nations work in East Timor and will have the power to enact new laws and regulations and to amend, suspend or repeal existing ones;

7. *Stresses* the importance of cooperation between Indonesia, Portugal and the Transitional Administration in the implementation of the present resolution;

8. *Stresses* the need for the Transitional Administration to consult and cooperate closely with the East

Timorese people in order to carry out its mandate effectively with a view to the development of local democratic institutions, including an independent East Timorese human rights institution, and the transfer to these institutions of its administrative and public service functions;

9. *Requests* the Transitional Administration and the multinational force deployed pursuant to resolution 1264(1999) to cooperate closely with each other, with a view also to the replacement as soon as possible of the multinational force by the military component of the Transitional Administration, as notified by the Secretary-General following consultations with the leadership of the multinational force, taking into account conditions on the ground;

10. *Reiterates* the urgent need for coordinated humanitarian and reconstruction assistance, and calls upon all parties to cooperate with humanitarian and human rights organizations so as to ensure their safety, the protection of civilians, in particular children, the safe return of refugees and displaced persons and the effective delivery of humanitarian aid;

11. *Welcomes* the commitment of the Indonesian authorities to allow the refugees and displaced persons in West Timor and elsewhere in Indonesia to choose whether to return to East Timor, remain where they are or be resettled in other parts of Indonesia, and stresses the importance of allowing full, safe and unimpeded access by humanitarian organizations in carrying out their work;

12. *Stresses that* it is the responsibility of the Indonesian authorities to take immediate and effective measures to ensure the safe return of refugees in West Timor and other parts of Indonesia to East Timor, the security of refugees, and the civilian and humanitarian character of refugee camps and settlements, in particular by curbing the violent and intimidatory activities of the militias there;

13. *Welcomes* the intention of the Secretary-General to establish a trust fund to be available for, inter alia, the rehabilitation of essential infrastructure, including the building of basic institutions, the functioning of public services and utilities, and the salaries of local civil servants;

14. *Encourages* Member States and international agencies and organizations to provide personnel, equipment and other resources to the Transitional Administration as requested by the Secretary-General, including for the building of basic institutions and capacity, and stresses the need for the closest possible coordination of these efforts;

15. *Underlines* the importance of including in the Transitional Administration personnel with appropriate training in international humanitarian, human rights and refugee law, including child and gender-related provisions, negotiation and communication skills, cultural awareness and civilian-military coordination;

16. *Condemns* all violence and acts in support of violence in East Timor, calls for their immediate end, and demands that those responsible for such violence be brought to justice;

17. *Decides* to establish the Transitional Administration for an initial period until 31 January 2001;

18. *Requests* the Secretary-General to keep the Council closely and regularly informed of progress towards the implementation of the present resolution, including, in particular, with regard to the deployment of the Transitional Administration and possible future reductions of its military component if the situation in East Timor improves, and to submit a report within three months of the date of adoption of this resolution and every six months thereafter;

19. *Decides* to remain actively seized of the matter.

By two exchanges of letters with the Security Council, on 25 and 26 October [S/1999/1093, S/1999/1094] and on 29 and 30 December [S/1999/1294, S/1999/1295], the Secretary-General made known his intention to appoint Sergio Vieira de Mello as his Special Representative and Head of UNTAET and Major-General Jaime de los Santos (Philippines) as Force Commander, who was to be promoted to the rank of Lieutenant-General for that assignment.

Further report of Secretary-General. In his first progress report [S/2000/53] on developments since UNTAET was established, the Secretary-General stated that UNTAET had begun to set up operations throughout East Timor, developed consultative mechanisms with the East Timorese at all levels and established the basic elements of its administrative structure. In consultation with the East Timorese, it adopted a number of legislative measures (see below). At the initial stage, the Special Representative for the East Timor Popular Consultation and Head of UNAMET served as acting head of UNTAET until the arrival of the Transitional Administrator on 16 November. INTERFET assumed the functions of policing and justice, while the National Council of Timorese Resistance (CNRT), a coalition of pro-independence groups, and Falintil moved to fill the vacuum of local administrative authority and in some places asserted a security role. The situation improved as Jose Alexandre (Xanana) Gusmao, President of CNRT, who returned to East Timor on 22 October, began to play an effective leadership role.

Based on discussions with Mr. Gusmao and other East Timorese personalities, the Transitional Administrator established the National Consultative Council of East Timor (NCC) on 2 December through which the East Timorese could participate in the decision-making process. Composed of 15 members (7 from CNRT, 3 from political groups outside CNRT, 1 from the Catholic Church and 4 from UNTAET, including the Transitional Administrator who served as Chairman), NCC was authorized to create joint sectoral committees of East Timorese and international experts to provide advice on various areas of administration. The inclusion of pro-autonomy

groups in NCC was an important step towards reconciliation. So was CNRT's meeting (Jakarta, 27 November-1 December) with President Abdurrahman Wahid (President since 20 October) and other senior government officials, who declared their determination to help ensure East Timor's stability, assist in the repatriation of East Timorese refugees in West Timor and control the militia there, release the remaining political prisoners, and assist post-secondary students to resume their studies at Indonesian institutions. A further step was Mr. Gusmao's meeting (12 December) with the principal commander of the pro-autonomy militias, who announced his intention to disband his militia in West Timor. Talks were under way towards concluding practical arrangements necessary for UNTAET, acting on East Timor's behalf, to replace Indonesia in treaty institutions.

The Secretary-General noted that the Transitional Administrator, in a meeting with President Wahid and other officials (Jakarta, 12-14 December), discussed official Indonesian representation in East Timor, UNTAET liaison arrangements in West Timor, resumption of air service to East Timor by Indonesian carriers, future commercial links and cooperation on banking and financial services, and measures to accelerate the return of refugees from West Timor and for the settlement in Indonesia of those choosing not to return.

Following five border incidents in October between INTERFET soldiers and armed militia groups, UN military observers deployed border liaison teams to West Timor for cross-border liaison and confidence-building. On 25 November, the Indonesian Armed Forces and INTERFET signed a memorandum on border management calling for the establishment of a joint border commission and of secure checkpoints for refugee border crossings.

UN humanitarian agencies, which maintained a small presence in Dili throughout the crisis, returned with NGOs to East Timor in late September to lay the groundwork for a comprehensive response. WFP and its NGO implementing partners distributed more than 10,500 metric tons of food to some 610,000 displaced persons. The return of refugees from West Timor and elsewhere in Indonesia was proceeding under UNHCR. However, pro-autonomy East Timorese militias had established control over the refugee camps in West Timor, impeding UN access to and free movement within the camps. UNTAET worked closely with three special rapporteurs of the Office of the United Nations High Commissioner for Human Rights to facilitate their mission in East Timor (4-10 November) and that of the In-

ternational Commission of Inquiry on East Timor (25 November-8 December).

(For human rights violations in East Timor, see PART TWO, Chapter III; for assistance for humanitarian relief, rehabilitation and development for East Timor, see PART THREE, Chapter III.)

In a later addendum [S/2000/53/Add.1] to his report, the Secretary-General transmitted the texts of four regulations promulgated by the Transitional Administrator during 1999. The first laid down the scope of the Transitional Administrator's authority in East Timor; the second established NCC, defined its functions, membership and methods of work, and prescribed the text of the oath to be taken by appointees; the third established a Transitional Judicial Service Commission; and the fourth established the *Official Gazette of East Timor* to include: publication of all UNTAET regulations and directives; general and other acts of organs and institutions of East Timor, as required by law; and acts of public interest requiring public notification.

Financing of UN operations

UNAMET

The financing of UNAMET was considered by the General Assembly at its resumed fifty-third session under agenda item 113, entitled "Programme budget for the biennium 1998-1999". At the Secretary-General's request [A/54/231], it was included in the agenda of the Assembly's fifty-fourth (1999) session and allocated to the Fifth Committee.

Security Council resolution 1236(1999) (see p. 281), which welcomed the intention of the Secretary-General to establish a UN presence in East Timor as soon as practicable to conduct the consultation process, resulted in his need to enter into related commitments exceeding \$10 million for the operation's initial requirements. Pursuant to General Assembly resolution 52/223 [YUN 1997, p. 1438], he presented for the Assembly's consideration, at its resumed fifty-third session, his report [A/C.5/53/61] requesting commitment authority for the estimated requirements of the operation and annexing a budget for the period 5 May-31 August 1999.

GENERAL ASSEMBLY ACTION

In May, following its consideration of the Secretary-General's request and of the related ACABQ report [A/53/7/Add.13], the General Assembly, on the recommendation of the Fifth Committee [A/53/485/Add.3], adopted **decision** 53/472 without vote [agenda item 113].

Question of East Timor

At its 100th plenary meeting, on 25 May 1999, the General Assembly, on the recommendation of the Fifth Committee:

(a) Authorized the Secretary-General to enter into commitments up to 35 million United States dollars, from all sources of funds, for the initial requirements of United Nations activities related to East Timor, pending further action by the Security Council and the submission of a revised budget by the Secretary-General;

(b) Reaffirmed, in accordance with its resolution 45/248 B, section VI, of 21 December 1990, that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters, and expressed its concern at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters.

Following Council resolution 1246(1999) establishing UNAMET until 31 August and in accordance with the Assembly decision above, the Secretary-General submitted a revised report on the 5 May-31 August 1999 budget for UNAMET [A/C.5/53/63], with a request for an increase in the existing commitment authority. Based on that report and ACABQ's related comments [A/53/7/Add.14], the Assembly, on 29 June [meeting 103], on the recommendation of the Fifth Committee [A/53/485/Add.5], adopted **resolution 53/240** without vote [agenda item 113].

Question of East Timor

The General Assembly,

Having considered the report of the Secretary-General on the United Nations Mission in East Timor and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling its decision 53/472 of 25 May 1999, wherein it authorized the Secretary-General to enter into commitments up to 35 million United States dollars, from all sources of funds, for the initial requirements of United Nations activities related to East Timor,

1. *Notes* that the budget proposed by the Secretary-General amounts to 52,531,100 United States dollars gross;

2. *Reiterates* that the expenses of the Organization shall be borne by Member States as apportioned by the General Assembly;

3. *Notes* that the contributions received so far for the Trust Fund for the Settlement of the Question of East Timor amount to 21,731,700 dollars and that further contributions may be received;

4. *Invites* voluntary contributions to the United Nations Mission in East Timor in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the financial regulations, rules, procedures and practices established by the General Assembly concerning such contributions;

5. *Expresses its appreciation* to all those Member States which have made voluntary contributions to the Mission;

6. *Decides* to appropriate an amount of 52,531,100 dollars for the Mission, and requests the Secretary-General to establish a special account for the Mission;

7. *Decides also* that the amount to be assessed will be determined after the review of the report which the Secretary-General will submit to the General Assembly at its fifty-fourth session, taking into account voluntary contributions received;

8. *Decides further* that such assessments as will be necessary shall be apportioned among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1999, as set out in its resolution 52/215 A of 22 December 1997.

In the light of Security Council resolutions 1257(1999) and 1262(1999), extending UNAMET's mandate until 30 September (phase I) and 30 November (phase II), respectively, the Secretary-General submitted to the Assembly a report [A/54/380] on a revised proposed budget for phase I for the period 5 May-30 September 1999 and a preliminary estimate of requirements for phase II to implement resolution 1262(1999). On 29 October [meeting 43], following its consideration of that report and ACABQ's related observations [A/54/406], the Assembly, on the recommendation of the Fifth Committee [A/54/505], adopted resolution 54/20 A without vote [agenda item 169].

Financing of the United Nations Mission in East Timor

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Mission in East Timor and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling its resolution 53/240 of 29 June 1999, wherein it appropriated an amount of 52,531,100 United States dollars gross for the Mission and decided that the amount to be assessed would be determined after the review of the report which the Secretary-General would submit to the General Assembly at its fifty-fourth session, taking into account voluntary contributions received,

Commending all United Nations missions for their continuing efforts to implement effectively their mandated activities,

Reaffirming the international character of the United Nations,

1. *Endorses* the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

2. *Reiterates* that the expenses of the Organization shall be borne by Member States as apportioned by the General Assembly;

3. *Requests* the Secretary-General to ensure that staff in all United Nations missions continue to respect the relevant provisions of the Charter of the United Nations and the Staff Regulations and Rules of the United Nations;

4. *Urges* all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Mission in East Timor in full and on time;

5. *Emphasizes* that all future and existing missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

6. *Also emphasizes that* all missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

7. *Requests* the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

8. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Mission;

9. *Notes* that voluntary contributions to the Trust Fund for the Settlement of the Question of East Timor paid and pledged so far amount to 43,834,700 dollars and in-kind contributions are valued at 3,438,700 dollars;

10. *Expresses its appreciation* to all those Member States that have made voluntary contributions to the Mission;

11. *Decides* to revise the level of appropriation to the Special Account for the United Nations Mission in East Timor for the period 5 May 1999 to 30 September 1999 (phase I) to a total amount of 54,428,400 dollars gross (52,941,100 dollars net);

12. *Also decides* to apportion the amount of 7,155,000 dollars gross (5,667,700 dollars net) among Member States, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472, A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1999, as set out in its resolution 52/215 A of 22 December 1997;

13. *Authorizes* the Secretary-General to enter into commitments up to 28,037,100 dollars gross (27,080,700 dollars net), in addition to the commitment authority up to 10 million dollars granted by the Advisory Committee on 9 September 1999, for the requirements of phase II of the Mission, pending the submission of a revised budget by the Secretary-General.

On 23 December, the Assembly decided that the agenda item on the financing of UNAMET

would remain for consideration during its resumed fifty-fourth (2000) session (**decision 54/465**) and that the Fifth Committee should continue its consideration of the item at that session (**decision 54/462 A**).

UNTAET

By a 23 November note [A/54/236], the Secretary-General requested the inclusion in the agenda of the General Assembly's fifty-fourth (1999) session of an additional item entitled "Financing of the United Nations Transitional Administration in East Timor".

In a 29 November addendum [A/54/236/Add.1] to his note, the Secretary-General requested commitment authority with assessment for an amount of \$205.4 million to cover the most immediate requirements for UNTAET, pending submission of detailed cost estimates to the Assembly.

GENERAL ASSEMBLY ACTION

On 23 December [meeting 88], following its consideration of the Secretary-General's request and of the related ACABQ report [A/54/653], the General Assembly, on the recommendation of the Fifth Committee [A/54/687], adopted **resolution 54/246 A** without vote [agenda item 173].

Financing of the United Nations Transitional Administration in East Timor

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Transitional Administration in East Timor and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 1272(1999) of 25 October 1999 regarding the establishment of the United Nations Transitional Administration in East Timor,

Recognizing that the costs of the Transitional Administration are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recognizing also that, in order to meet the expenditures caused by the Transitional Administration, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the trust fund for the multinational force,

Inviting voluntary contributions to the Trust Fund for the United Nations Transitional Administration in East Timor,

Mindful of the fact that it is essential to provide the Transitional Administration with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. *Expresses concern* about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

2. *Urges* all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Transitional Administration in East Timor in full and on time;

3. *Expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

4. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

5. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

6. *Requests* the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Transitional Administration, and for this purpose requests the Secretary-General to speed up the implementation of the asset management system at all peacekeeping missions in accordance with General Assembly resolution 52/1 of 15 October 1997;

7. *Endorses* the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

8. *Requests* the Secretary-General to take all necessary action to ensure that the Transitional Administration is administered with a maximum of efficiency and economy;

9. *Also requests the* Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Transitional Administration against General Service posts, commensurate with the requirements of the Transitional Administration;

10. *Authorizes* the Secretary-General to enter into commitments in an amount not exceeding 200 million United States dollars, inclusive of the amount of 50 million dollars authorized by the Advisory Committee, for the Transitional Administration under the terms of section IV of General Assembly resolution 49/233 A of 23 December 1994, and requests the Secretary-General to establish a special account for the Transitional Administration;

11. *Decides*, as an ad hoc arrangement, to apportion the amount of 200 million dollars among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989,

45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993, 50/451 B of 23 December 1995 and 54/456 to 54/458 of 23 December 1999, and taking into account the scale of assessments for the years 1999 and 2000, as set out in its resolutions 52/215 A of 22 December 1997 and 54/237 A of 23 December 1999;

12. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

13. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Transitional Administration;

14. *Invites* voluntary contributions to the Transitional Administration in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

15. *Requests* the Secretary-General to submit to the General Assembly, as a matter of priority, a comprehensive report on the financing of the Transitional Administration, including full budget estimates and information on the utilization of resources until the time of the submission of the report, to enable the Assembly to take action on it at the first part of its resumed fifty-fourth session;

16. *Decides* to keep under review during its fifty-fourth session the item entitled "Financing of the United Nations Transitional Administration in East Timor".

On 23 December, the Assembly decided that the agenda item on the financing of UNTAET would remain for consideration during its resumed fifty-fourth (2000) session (**decision 54/465**), and that the Fifth Committee should continue consideration of the item at that session (**decision 54/462 A**).

Papua New Guinea

Bougainville

During 1999, Bougainville, a province of the South-East Asian country of Papua New Guinea, continued to implement the 1998 Lincoln Agreement on Peace, Security and Development on Bougainville (the Lincoln Agreement) [YUN 1998, p. 319], concluded between the Government of Papua New Guinea and the four Bougainville parties involved in the nine-year conflict that ended in the 1997 Burnham Truce [ibid.]. A UN presence in the form of the United Nations Political Office in Bougainville, requested under

the terms of the Lincoln Agreement, continued to monitor and report on the Agreement's implementation by the parties and by the Peace Monitoring Group (Australia, Fiji, New Zealand and Vanuatu), which was also requested under the Agreement. The Bougainville People's Congress, the main body representing the Bougainville parties, elected Joseph Kabui as Congress President in April.

With Parliament's election in mid-July of Sir Mekere Morauta to the office of Prime Minister, left vacant by the previous incumbent's resignation the week before, a new Government was formed, which committed itself to pursuing a progressive political settlement. On 26 November, Papua New Guinea's Supreme Court reinstated the previously suspended Bougainville Provincial Government, following which John Momis, Member of Parliament, became Governor of Bougainville. On 14 December, the Congress President and the newly appointed Governor agreed jointly to negotiate Bougainville's political future with the Government.

UN Political Office in Bougainville

The Arawa-based United Nations Political Office in Bougainville (UNPOB), established in 1998 [YUN 1998, p. 320] in response to requests from the parties to the Lincoln Agreement and with the concurrence of the Security Council, continued to discharge its mandate as spelled out in the Agreement. Noel Sinclair (Guyana) remained Director of UNPOB.

Communication from Secretary-General. The Secretary-General, on 28 October [S/1999/1152], indicated to the Council that Papua New Guinea's new Government was committed to making the settlement of the Bougainville crisis a priority and that the Foreign Minister had reiterated the importance to the peace process of a continued UN presence in Bougainville. The Secretary-General stated that all the Bougainville parties had expressed their support for UNPOB's efforts to move the peace process forward. It was therefore his intention to extend UNPOB's mandate, due to expire on 31 December, by a further 12 months. The Council took note of the Secretary-General's intention on 10 November [S/1999/1153].

Financing

The costs associated with UNPOB's extension to December 2000 were estimated by the Secretary-General at \$1,337,400 [A/C.5/54/39]. ACABQ recommended that the total requirements of \$9,964,500 for eight political missions, including the estimate for UNPOB, should be

charged against the provision for special political missions requested under section 3 (Political affairs) of the proposed programme budget for the 2000-2001 biennium [A/54/7/Add.io].

Other matters

India-Pakistan

The United Nations Military Observer Group in India and Pakistan (UNMOGIP) continued in 1999 to monitor the situation in Jammu and Kashmir. As at 31 December, UNMOGIP had a strength of 45 military observers under the command of Major-General Jozsef Bali (Hungary), appointed by an exchange of letters between the Secretary-General and the Security Council on 9 and 12 February [S/1999/148, S/1999/149]. UNMOGIP headquarters alternated between Srinagar, Kashmir, in the summer and Rawalpindi, Pakistan, in the winter.

Communications. On 27 May [A/54/118-S/1999/633], Pakistan drew attention to the recent sharp escalation of violations of the line of control in the Kargil and Drass sectors in Jammu and Kashmir, noting that, for the first time since the 1971 war [YUN 1971, p. 137], India had resorted to using its air force, in addition to long-range and heavy artillery. Pakistan urged the Secretary-General to initiate meaningful dialogue between the two countries to defuse the current situation. On 25 May, the Secretary-General expressed concern over the two-week-long heavy exchange of fire along the line of control and called on the parties to cease the fighting. On 28 May, he stated that he was encouraged by the direct contacts that had taken place between the Prime Ministers and other officials of the two parties and by their willingness to pursue dialogue on a number of issues, including Kashmir.

A 24 June statement by the EU Presidency [S/1999/732] reiterated the EU's deep concern over the continuing military confrontation and infiltration of armed intruders in violation of the line of control in the Kargil region.

Pakistan reported that, on the morning of 10 August [A/54/214-S/1999/867], Indian military aircraft shot down an unarmed Pakistan navy aircraft on a routine training flight inside Pakistani airspace, east of Karachi, killing all 16 persons aboard. The Secretary-General promptly issued a statement expressing his increasing concern at repeated incidents between the two countries and his hope for an early resumption of the bilateral dialogue. Pakistan, on 30 August [S/1999/937], stated that India admitted shooting down the air-

craft but claimed the incident occurred over Indian airspace. To support that assertion, Pakistan alleged, Indian helicopters flew to the site of the wreckage 2 kilometres within Pakistani territory and removed parts of it to the Indian side of the border. Pakistan asked the Secretary-General to send a UN fact-finding mission to establish the truth of the incident and demanded appropriate compensation from India.

Iran complaints

In continued protest against violations of its territorial integrity, Iran on 11 May [S/1999/544] transmitted to the Secretary-General four notes verbales of 3 October and 7 December 1998 and 2 January and 2 February 1999 from its Ministry of Foreign Affairs to the Embassy of Afghanistan in Tehran, protesting numerous land and airspace intrusions from Afghanistan, as well as incidents of firings at Iranian sentry posts by light to heavy weapons, attacks on border guards, abduction of villagers by bandits—all resulting in injuries and some deaths—as well as damage to Iranian border installations. Iran expected the Embassy to take every possible measure to ensure respect for its territorial integrity.

On 21 December [S/1999/1274], Iran transmitted a recent note verbale to the United States Department of State protesting the intrusion into Iranian territorial waters by a United States warship, which, in disregard of Iran's warnings and radio communications, chased an Iranian commercial vessel. Iran demanded an end to such illegal actions.

Iran-Iraq

Throughout 1999, Iran and Iraq continued to communicate to the Secretary-General allegations of repeated violations of their 1988 ceasefire agreement [YUN 1988, p. 193] and of their 1991 Tehran agreements [YUN 1991, p. 163] concerning the area of separation between them. They also alleged cross-border attacks and terrorist activities in each other's territory.

Iran's communications covered previously unreported ceasefire violations for the periods 29 May-30 December 1997 [S/1999/265] and 21 January-3 July 1998 [S/1999/877]. Others concerned two separate 1998 incidents involving an Iraqi attack on an Iranian motorboat and theft of a fishing boat [S/1999/81], allegations rejected by Iraq as false [S/1999/280]; the seizure in September 1999 of an Iranian cargo boat and its crew of 11 by Iraqi forces [S/1999/125]; the interception and looting of Iranian commercial launches en route to Kuwait [S/2000/82]; and the seizure in Septem-

ber of 33 fishing boats and infiltration into Iranian territory by armed Iraqi bandits [S/2000/79].

Iran further protested against the assassination in April of the Deputy Chief of the Joint Staff Command of the Armed Forces of Iran by the Iraq-based terrorist group known as Mujahedin Khalq Organization (MKO) (also referred to as the People's Mujahedin Organization), claiming it could not have been accomplished without the involvement of Iraqi authorities [A/54/78-S/1999/420, A/54/81]. Iraq denied the accusation [A/54/90] and asserted that it was not responsible for MKO's actions [S/1999/455]. Iran also recalled drawing to the attention of the United Nations various 1994 incidents of transboundary terrorist activities by MKO [S/1999/536]. It reported that, on 25 November, four Iranian border guards, dispatched to the border to prevent the recurrence of a recent MKO infiltration into Iranian territory, were abducted by Iraqi forces and taken to Basrah [S/2000/78].

Iraq's communications on ceasefire violations by Iran covered the periods 22 June-7 December 1998 [S/1999/31], 11 April-28 July 1999 [S/1999/926], 23 June-4 October 1999 [S/1999/1101] and 5 October-27 November 1999 [S/1999/1271]. Iraq also requested the retention on the Security Council's agenda of its complaint concerning incidents on its frontier with Iran [S/1999/144]. In June, it reported that Iran fired three long-range ground-to-ground missiles at the MKO base camp, preceded by a bomb explosion that killed six MKO members along with several innocent Iraqis [S/1999/673]. Iran replied that MKO was responsible for many terrorist attacks and activities launched from Iraq, which could not take place without that country's collaboration and support. By providing sanctuary to MKO, Iraq was in violation of its obligations under the principles of international law [S/1999/781].

Saudi Arabia-Iraq

Saudi Arabia informed the Security Council on 4 January 1999 [S/1999/3] that, on 12 December 1998, an Iraqi patrol crossed the Saudi border and opened fire on a Saudi patrol, wounding one of them in the head, from which he later died. Replying on 9 January [S/1999/29], Iraq explained that the incident took place when three Saudi armoured cars, observed in the restricted area between two control posts 1 kilometre inside Iraqi territory, opened fire on the Iraqi patrol, which was obliged to return fire in self-defence. Saudi Arabia insisted on 1 March [S/1999/217] that the incident took place inside its borders and that the fire from the Iraqi patrol did not draw any return fire from the Saudi patrol.

In identical letters of 18 March to the Secretary-General and the Council [S/1999/297], Saudi Arabia protested the violation of its airspace on 16 and 17 March by Iraqi aircraft headed for Jeddah. While the authorities overlooked the earlier violation, as they had a similar 1997 violation, the 17 March aircraft ignored Saudi warnings and proceeded to land at the Jeddah international airport. Saudi Arabia warned that should an aircraft of any kind land illegally in its territory, it would be compelled to seize the aircraft and hand it and its crew over to the United Nations. (The 17 March incident was reported to the Sanctions Committee for Iraq; see p. 240.)

United Arab Emirates-Iran

Greater Tunb, Lesser Tunb and Abu Musa

The United Arab Emirates, on 5 January [S/1999/10] and again on 21 December [S/1999/1273], requested the Security Council to retain on its agenda the question of Iran's occupation of the Greater Tunb, Lesser Tunb and Abu Musa, three islands belonging to the United Arab Emirates. In a 7 February note verbale to the Embassy of Iran in Abu Dhabi, transmitted to the Secretary-General on 23 February [S/1999/191], the United Arab Emirates protested Iran's opening of a municipal office and an educational institution on Abu Musa to perpetuate its occupation of the island. That protest was rejected by Iran as interference in its internal affairs [S/1999/235], [S/1999/498]. On 17 March

[S/1999/296], Iran transmitted eight notes verbales in response to complaints by the United Arab Emirates of 1996 and 1997 incidents relating to Abu Musa and to Iran's alleged interception of fishing boats belonging to the United Arab Emirates, all of which Iran said could be resolved through bilateral dialogue.

Additionally, the United Arab Emirates transmitted for circulation the March communique [S/1999/236] and press release [S/1999/305] issued by the Gulf Cooperation Council (GCC) rejecting Iran's occupation of the three islands; a September press communique by the GCC Ministerial Council [S/1999/974], which reviewed, among other matters, the work of the committee entrusted with promoting direct negotiations between the two countries on the issue of the islands' occupation; and an excerpt from the statement by the United Arab Emirates to the June/July session of the Islamic Conference of Foreign Ministers calling for a peaceful solution to that issue [S/1999/802].

A resolution adopted by the Council of the League of Arab States on 18 March denounced the measures taken by Iran to strengthen its occupation of the three islands, condemned Iran's military manoeuvres that extended to the occupied islands, called on Iran to end that occupation, and drew to the attention of the United Nations the importance of retaining the issue on its agenda until the United Arab Emirates regained its full sovereignty over the three islands [S/1999/395].