

## Chapter I

## International peace and security

In 2004, the resolve of the international community to promote and maintain international peace and security continued to be tested by new acts of international terrorism, the unstable security situation in Iraq, a deteriorating Israeli-Palestinian conflict, a surge in violent internal conflicts in Africa and Haiti, and questions about the effectiveness of the Organization's response to those and other situations. In August, the General Assembly reaffirmed the central role of the United Nations in the maintenance of international peace and security and the promotion of international cooperation, and, in December, the Secretary-General submitted to the Assembly a report entitled "A more secure world: our shared responsibility" by the High-level Panel on Threats, Challenges and Change, which he had appointed in 2003 to evaluate UN performance in addressing threats and challenges to international security and to make recommendations for strengthening the Organization. The Panel offered a vision of a United Nations for the twenty-first century and made recommendations for change in each of its principal organs, including the Security Council, and proposed the establishment of a new intergovernmental body, the Peace-building Commission. Also, the Assembly, recalling that 2005 would mark the sixtieth anniversary of the end of the Second World War, declared 8 and 9 May as a time of remembrance and reconciliation to be observed annually and decided to hold a solemn meeting in May 2005 in commemoration of all victims of the war.

The devastating consequences of international terrorism continued to be felt in 2004, with particularly vicious incidents in Spain and the Russian Federation. The Security Council condemned those atrocities and urged that those responsible be brought to justice. To counter the continuing threat posed by international terrorism, the Council established a working group to make recommendations on measures it could impose on individuals, groups and entities involved or associated with terrorist activities, including more effective procedures for prosecuting them and seizing their assets. It called for the establishment of an international fund to compensate victims of terrorist acts and their families. The Council also adopted measures to revitalize and strengthen the Counter-Terrorism Committee,

including the creation of the Counter-Terrorism Committee Executive Directorate and the appointment of an Executive Director.

The Council considered ways to improve the quality of the UN response in complex crises. It also examined the Organization's conflict prevention activities, including the role of diamonds in fuelling conflict and the progress made in implementing the Kimberley Process for the certification of rough diamonds, and the role of businesses in conflict prevention, peacekeeping and post-conflict peace-building. In the area of post-conflict peace-building, the Council met at ministerial level to examine the civilian aspects of conflict management and peace-building. It also considered the role of civil society in post-conflict peace-building, the UN role in post-conflict national reconciliation, the rule of law and transitional justice in conflict and post-conflict situations, and UN cooperation with regional organizations to maximize efficiency in stabilization processes.

The Organization maintained 14 political and peace-building missions during 2004. The surge in demand for UN peacekeeping forces in 2004, with the establishment of new and complex operations in Burundi, Côte d'Ivoire and Haiti, in quick succession, posed a serious challenge to the Organization's capacity for effective planning, timely deployment, management and the provision of sustained support for such operations. In May, the Council studied those challenges during its consideration of strategic directions and future trends of peacekeeping operations. The Council also considered the recommendations of the Special Committee on Peacekeeping Operations, which met in March/April to discuss comprehensive strategies for complex peacekeeping operations, enhancing UN peacekeeping capacity and that of African peacekeeping, consultations with troop-contributing countries, safety and security issues in the light of the 2003 bombing of the UN headquarters in Iraq, the contribution of regional arrangements to the management of UN peacemaking missions, and gender mainstreaming in peacekeeping operations. At the end of 2004, 64,701 military and civilian police were serving under UN command in 16 peacekeeping missions, compared to 45,815 at the end of 2003.

The financial position of UN peacekeeping operations was significantly affected by the rapid expansion of peacekeeping activities. During the reporting period, expenditures increased to \$2,933.8 million, compared to a final figure of \$2,499.8 million for the previous year. Unpaid assessed contributions increased to \$1.5 billion, compared to \$1.1 billion the previous year. The Assembly considered several aspects of peacekeeping financing, including the peacekeeping support account, the disposition of the assets of closed missions, the peacekeeping Reserve Fund, experience with the creation of regional hubs of auditors and investigators for financial oversight of peacekeeping operations, and reimbursement issues. It also considered the management of peacekeeping assets, including the financing of the United Nations Logistics Base and the strategic deployment stocks, an analysis of the establishment of a global procurement hub for all peacekeeping missions, the question of air safety in the procurement of aircraft, and policies and procedures for the recruitment of peacekeeping staff.

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## Promotion of international peace and security

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### UN role in the maintenance of international peace and security

On 5 August [meeting 93], the General Assembly met to consider, under the agenda item “Strengthening of the United Nations system”, a draft resolution [A/58/L.67/Rev.1] on reaffirming the central role of the United Nations in the maintenance of international peace and security and the promotion of international cooperation.

Malaysia, in introducing the draft on behalf of the Non-Aligned Movement, said that developments in global affairs in recent years raised serious concerns about the primacy of the United Nations, its relevance in multilateral decision-making, and the gradual erosion of its role as the primary interlocutor in addressing global challenges and in fulfilling its responsibilities as envisaged in the Charter. That view had been emphasized by world leaders before the Assembly in September 2003 and was echoed by the general public, civil society and mass media worldwide. The draft resolution was a broad-based initiative for Member States to reaffirm their support for and political commitment and adherence to the central role of the United Nations in fulfilling its role and responsibilities; it provided a strong pol-

itical platform that would enhance the Organization’s role in the maintenance of peace and security and the promotion of economic and social development.

Canada said that the draft resolution, despite its stated intent, would not strengthen the role and capacity of the United Nations. It went beyond just renewing commitment to the ideals and purposes of the United Nations; it was interpretative of those ideals and purposes and disregarded elements that would impart sufficient balance to attract consensus. Its selectivity risked undermining, or at least complicating, the Assembly’s work on key issues linked to the new realities of the international environment and could contribute to the United Nations seeing the world through outdated and blurred lenses.

#### GENERAL ASSEMBLY ACTION

On 5 August [meeting 93], the Assembly adopted **resolution 58/317** [draft: A/58/L.67/Rev.1] by recorded vote (93-2-47) [agenda item 59].

#### **Reaffirming the central role of the United Nations in the maintenance of international peace and security and the promotion of international cooperation**

*The General Assembly,*

*Bearing in mind* the Charter of the United Nations, including the purposes and principles contained therein, and especially the determination to save succeeding generations from the scourge of war, and emphasizing its paramount importance for the maintenance of international peace and security and the development of friendly relations and cooperation among States,

*Considering* that the promotion of respect for the obligations arising from the Charter and other instruments and rules of international law is among the basic purposes and principles of the United Nations, and in this context recalling the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, annexed to its resolution 2625(XXV) of 24 October 1970,

*Recalling* the United Nations Millennium Declaration, adopted by heads of State and Government at the Millennium Summit of the United Nations on 8 September 2000,

*Reaffirming its determination* to establish and maintain a just and lasting international peace and security in accordance with the Charter and relevant resolutions of the United Nations, upholding the need to abide strictly by the relevant provisions of the Charter on the sovereign equality of all Member States, respect for their territorial integrity and political independence and non-interference in their internal affairs, the non-use of force or threat of force, resolution of disputes by peaceful means in conformity with the principles of justice and international law, the right to self-determination of peoples remaining under colonial or other forms of alien domination or foreign occupation, respect for human rights and fundamental freedoms, respect for the equal rights of

all without distinction as to race, sex, language or religion, and international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and convinced that development can be achieved only in a climate of peace, security and mutual confidence both within and among Member States,

*Reiterating* that the responsibility for managing and achieving worldwide economic and social development, as well as responding to threats to international peace and security, must be shared among all nations of the world and exercised multilaterally and that, in this context, as the most universal and most representative intergovernmental organization, the United Nations must play the central role,

1. *Reiterates* the need for full observance of the Charter of the United Nations and the unrestricted application of all the principles and the achievement of the purposes that it enshrines, including, *inter alia*, the principles regarding the sovereign equality of Member States and the necessity of respecting the political independence of nations, and reaffirms the central role of the United Nations in the maintenance of international peace and security and the strengthening of international cooperation in conformity with the Charter;

2. *Reaffirms* the irreplaceable role of the United Nations and the necessity of ensuring the equal participation of all Member States, in a transparent manner, in a multilateral system, guided by the Charter and founded on universally recognized values and norms;

3. *Also reaffirms* its commitment to multilateralism, which entails, *inter alia*, respect for the Charter and the principles and norms of international law and the adoption of measures to prevent the use or the threat of use of force and the exercise of pressure and coercion as a means for obtaining certain political objectives, and in this context underlines the fact that Member States have committed themselves to refraining in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and to upholding the principle of settlement of international disputes by peaceful means in such a manner as not to endanger international peace and security and justice, bearing in mind the need to allay the legitimate concern of Member States with regard to ensuring lasting safety and security for their peoples;

4. *Re-emphasizes* the respective prerogatives and functions of the General Assembly, the Security Council and the Economic and Social Council as defined in the Charter, and the need to enhance the coordination among these organs, which constitute the framework for the achievement of the purposes of the United Nations, and underlines its conviction regarding the need to sustain as a priority in the process of reform of the United Nations, the revitalization and strengthening of the Assembly and the reforms of the Security Council and the Economic and Social Council, with a view to strengthening further the capacity of the United Nations so as to enable it to improve its performance in undertaking its functions and responsibilities, mindful, in this context, of the need to involve all Member States in these processes in order to ensure that their perspectives, concerns and interests will be taken fully into account;

5. *Welcomes* the establishment by the Secretary-General of the High-level Panel on Threats, Challenges and Change, and takes note of its terms of reference;

6. *Calls upon* all States to cooperate fully through constructive dialogue in order to ensure the full enjoyment, promotion and protection of all human rights and fundamental freedoms for all, as well as in the promotion of the peaceful resolution of international problems, including those of a humanitarian character, the prevention and end of genocide, crimes against humanity and war crimes and the prosecution of those responsible for such crimes, and, in their actions towards that purpose, calls upon them to comply strictly with the principles and norms of international law, *inter alia*, by fully respecting their obligations under international human rights instruments and humanitarian law;

7. *Reaffirms* the right to self-determination of peoples that remain under colonial or other forms of alien domination or foreign occupation, in conformity with the Charter and the relevant resolutions of the United Nations;

8. *Expresses its deep concern* over any act or threat of foreign intervention or occupation of any State or territory in contravention of the Charter;

9. *Underlines* the need to strengthen the capacity of the United Nations in the areas of prevention and resolution of armed conflict, including relevant peace-building and development activities, as well as in the areas of peacemaking and peacekeeping, in accordance with the Charter, and calls for the building up of consensus among Member States in defining the scope, orientation and needs of such capacity in the light of current and evolving challenges and threats to international peace and security, taking into consideration, in this context, the need for partnership between the United Nations and relevant regional and sub-regional intergovernmental organizations in accordance with Chapter VIII of the Charter;

10. *Reaffirms* the important role of women in the prevention and resolution of conflicts and in peace-building, and stresses the importance of their full and equal participation in all efforts to maintain and promote peace and security and the need to increase their role in decision-making with regard to conflict prevention and resolution and the rebuilding of post-conflict societies;

11. *Condemns* acts of terrorism in all its forms and manifestations, wherever and by whomsoever committed, reiterates its call upon all States to adopt and implement further measures to prevent terrorism and to strengthen international cooperation in combating terrorism, and reaffirms that measures taken by States must be in accordance with the Charter and must comply with their obligations under international law and the relevant resolutions of the United Nations;

12. *Reaffirms* the importance of achieving the total elimination of all weapons of mass destruction globally, in particular nuclear weapons, which pose the greatest danger to mankind and the survival of civilization, reiterates in this context its deep concern over the slow pace of progress towards nuclear disarmament, emphasizes that the achievement of genuine peace and security demands that the policies of States be directed towards the elimination of the threat of war, in particular nuclear war, bearing also in mind all the resulting predictable consequences of the resurgence of a new

arms race among States, also reaffirms the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent the proliferation in all its aspects of weapons of mass destruction, and further reaffirms that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament;

13. *Reiterates its call upon* all States urging them, as well as the relevant United Nations bodies, to take appropriate measures to fully implement the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;

14. *Emphasizes* that the United Nations has a central role in promoting and coordinating international co-operation for development, as well as in the follow-up to international economic affairs and the outcome of the major United Nations conferences and summits in the economic and social fields and in promoting policy coherence on global economic, social and development issues, in consonance with the relevant provisions of the Charter, and expresses its commitment to work for the strengthening of its role as coordinator of the efforts carried out by the international community in this regard, with a view to ensuring the achievement of a fair, democratic, transparent and equitable international economic environment, in which the opportunities offered by globalization are to the advantage of all countries, in particular the developing countries.

RECORDED VOTE ON RESOLUTION 58/317:

*In favour:* Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahrain, Barbados, Belarus, Bhutan, Bolivia, Brazil, Brunei Darussalam, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Gambia, Ghana, Grenada, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:* Israel, United States.

*Abstaining:* Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Tonga, Turkey, Ukraine, United Kingdom.

The United States, speaking after the vote, declared that the resolution was premature since it attempted to address a matter that was currently being reviewed by the High-level Panel on Threats, Challenges and Change (see below). Furthermore, it reaffirmed some principles of international law and not others, thus rendering the text incomplete.

### High-level Panel on Threats, Challenges and Change

In a December note [A/59/565 & Corr.1], the Secretary-General transmitted to the General Assembly the report of the High-level Panel on

Threats, Challenges and Change entitled "A more secure world: our shared responsibility". He appointed the Panel in 2003 [YUN 2003, p. 49] to evaluate how existing UN policies and institutions had performed in addressing threats and challenges to international security and to make recommendations for strengthening the Organization in providing collective security in the twenty-first century.

The Panel, chaired by Anand Panyarachun (Thailand), put forward a new vision of collective security, one that addressed all of the major threats to international peace and security. It examined the case for a new security consensus, including elements of a credible collective security system; collective security and the challenge of prevention; collective security and the use of force, including questions of legitimacy, peace enforcement, peacekeeping capability and post-conflict peace-building; and a more effective United Nations for the twenty-first century. The report addressed specific threats and identified new ways of understanding the connections between them and the implications for the policies and institutions that had to be put in place.

The Panel concluded that 60 years after the creation of the United Nations, the biggest security threats went far beyond States waging aggressive war, extending to poverty, infectious disease and environmental degradation; war and violence within States; the spread and possible use of nuclear, radiological, chemical and biological weapons; terrorism; and transnational organized crime. Those threats came from both States and non-State actors. The system of collective security created by the UN founders was, in a traditional military sense, a pledge for collective action against aggression. The central challenge for the twenty-first century was to fashion a new and broader understanding, bringing together all the strands of collective security, in order to form a collective security system that would be effective, efficient and equitable.

The case for collective security currently rested on three basic pillars: that threats recognized no national boundaries, were connected, and had to be addressed at the global, regional and national levels; no State alone could make itself invulnerable to those threats; and it could not be assumed that every State would always be able, or willing, to meet its responsibility to protect its own peoples and not to harm its neighbours. Without mutual recognition of threats, there could be no collective security. What was needed was a new consensus between frayed alliances, between wealthy and poor nations, and among peoples mired in mistrust across a widening cultural abyss.



The Panel identified six clusters of threats with which the world should be concerned: economic and social threats, including poverty, infectious diseases and environmental degradation; inter-State conflict; internal conflict, including civil war, genocide and other large-scale atrocities; nuclear, radiological, chemical and biological weapons; terrorism; and transnational organized crime. The primary challenge was to ensure that distant threats did not become imminent and those that were imminent did not become destructive. That required a framework for preventive action, especially leadership at the domestic and international levels to act early, decisively and collectively. Meeting the challenge of prevention had to begin with development because it was the foundation for a collective security system and was vital in helping States prevent or reverse the erosion of State capacity, and was part of a long-term strategy for preventing civil war and for addressing the environments in which both terrorism and organized crime flourished.

The Panel addressed the circumstances in which effective collective security might require the backing of military force. It identified “five criteria of legitimacy” that the Security Council should always consider when deciding to authorize or apply military force. Those guidelines (seriousness of threat, proper purpose, last resort, proportional means and balance of consequences) should significantly improve the chances of reaching international consensus on deeply divisive issues.

In addressing the issue of reforming the United Nations, the Panel found that it was currently just as important as it had been in 1945: to combine power with principle. Recommendations that ignored underlying power realities would be doomed to failure or irrelevance, just as recommendations that simply reflected raw distributions of power and made no effort to bolster international principles were unlikely to gain the widespread adherence required to shift international behaviour. Proposed changes should be driven by real-world need. The Panel identified the institutional weaknesses in current responses to threats as those urgently in need of remedy. The General Assembly had lost vitality and often failed to focus on the most compelling issues of the day. The Security Council needed to be more proactive, with those who contributed most to the Organization financially, militarily and diplomatically participating more in Council decision-making, and those who participated in Council decision-making contributing more to the Organization. The Council needed greater credibility, legitimacy and representation to do all that

was demanded of it. It also needed to avail itself more of the potential advantages of working with regional and subregional organizations. There was a major institutional gap in addressing countries under stress and countries emerging from conflict. There should be new institutional arrangements to address the economic and social threats to international security. The Commission on Human Rights suffered from a legitimacy deficit that cast doubts on the overall reputation of the United Nations. A more professional and better organized Secretariat that was much more capable of concerted action was needed.

The Panel made a number of recommendations for addressing the issues raised in its report. In the area of collective security and the challenge of prevention, it recommended that all States recommit themselves to the goals of eradicating poverty, achieving sustained economic growth and promoting sustainable development. The donor countries not reaching the goal of 0.7 per cent of gross national product for official development assistance should establish a timetable for doing so. World Trade Organization members should strive to conclude the Doha development round of multilateral trade negotiations [YUN 2001, p. 1432] at the latest in 2006. Lender Governments and international financial institutions should provide highly indebted poor countries with greater debt relief, longer debt payment schedules and improved access to global markets. More than \$10 billion annually was needed to stem the HIV/AIDS pandemic. Leaders of countries affected by HIV/AIDS needed to mobilize resources, commit funds and engage civil society and the private sector in disease-control efforts. The Security Council, with the Joint United Nations Programme on HIV/AIDS, should host a second special session on HIV/AIDS as a threat to international peace and security, to explore the future effects of HIV/AIDS on States and societies, generate research and identify a long-term strategy for diminishing the threat. International donors, working with national authorities and local civil society organizations, should undertake a new global initiative to rebuild local and national public health systems throughout the developing world. Greater resources should be provided to the World Health Organization Global Outbreak Alert and Response Network to increase its capacity to cope with potential disease outbreaks. States should provide incentives for development of renewable energy sources and begin to phase out environmentally harmful subsidies, especially for fossil fuel. Member States were urged to reflect on the gap between the promise of the Kyoto Protocol [YUN 1997, p. 1048] to the United Nations Frame-

work Convention on Climate Change [YUN 1992, p. 681] and its performance, re-engage on the problem of global warming and begin new negotiations to produce a new long-term strategy for reducing global warming beyond the period covered by the Protocol (up to 2012).

To deal with conflicts between States, the Security Council should use its authority under the Rome Statute of the International Criminal Court [YUN 1998, p. 1209] to refer cases of suspected war crimes and crimes against humanity to the Court. The United Nations should work with national authorities, international financial institutions, civil society organizations and the private sector to develop norms governing the management of natural resources for countries emerging from or at risk of conflict. It should build on the experience of regional organizations in developing frameworks for minority rights and for protecting democratically elected Governments from unconstitutional overthrow. Member States should negotiate legally binding agreements on the marking, tracing, brokering and transfer of small arms and light weapons, and report on all elements of the United Nations Register of Conventional Arms, with the Secretary-General providing an annual account to the General Assembly and the Security Council on reporting inadequacies. A training and briefing facility should be established for special representatives of the Secretary-General and other UN mediators, and the Department of Political Affairs should be given additional resources and be restructured to provide more consistent and professional mediation support, taking into account the need for the United Nations to have a field-oriented mediation support capacity; competence on recurrent thematic issues in peace negotiations; greater interaction with national mediators, regional organizations and non-governmental organizations (NGOs) involved in conflict resolution; and greater involvement of important voices from civil society, especially those of women in peace processes. National leaders and parties to conflict should use the option of preventive deployment of peacekeepers.

Regarding collective security and the use of force, the Panel agreed that Article 51 of the Charter should be neither rewritten nor reinterpreted, to extend its scope to allow preventive measures to non-imminent threats or to restrict its application to actual attacks. The Security Council was fully empowered under Chapter VII of the Charter to address the full range of security threats with which States were concerned. The task was not to find alternatives to the Council as a source of authority but to make the Council work better. The Panel en-

dorsed the emerging norm that there was a collective international responsibility to protect, exercisable by the Council authorizing military intervention as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of humanitarian law which sovereign Governments had proved powerless or unwilling to prevent. In considering whether to authorize or endorse military force, the Council should always address the five basic criteria of legitimacy (see p. 55). Those guidelines for authorizing the use of force should be embodied in declaratory resolutions of the Council and the Assembly.

Regarding peace enforcement and peacekeeping capability, the Panel said that developed States should do more to transform their existing force capacities into suitable contingents for peace operations; Member States should support the Department of Peacekeeping Operations to meet deadlines for deployment; States with advanced military capacities should establish high readiness, self-sufficient battalions to reinforce UN missions and place them at the disposal of the United Nations; troop strength for peacekeeping missions should be sufficient to deter and repel hostile factions; and the United Nations should have a small corps of between 50 and 100 senior police officers and managers to undertake mission assessments and organize the start-up of police components of peace operations.

Other recommendations were made in respect of nuclear, radiological, chemical and biological weapons (see p. 554); terrorism (see p. 576); transnational organized crime (see p. 1117); the role of sanctions (see p. 331); peace enforcement and peacekeeping capability (see p. 81); post-conflict peace-building (see p. 63); protecting civilians (see p. 60); and for a more effective United Nations in the twenty-first century (see p. 1360).

The Secretary-General wholly endorsed the core arguments for a broader, more comprehensive concept of collective security. The recommendations required a wide-ranging response and he would move quickly to consider and implement, as appropriate, those under his purview, while those pertaining to the Secretariat would need the approval and support of the relevant legislative bodies. Other recommendations were directed at UN intergovernmental organs and the highest levels of government. He said that action on the recommendations need not await consideration by the Assembly at its sixtieth (2005) session but could commence whenever possible.

### **Complex crises and UN response**

The Security Council met on 28 May [meeting 4980] to consider complex crises and the United

Nations response, having before it suggestions for discussion submitted by Pakistan [S/2004/423]. According to Pakistan, the Council and the UN system had been increasingly called upon since 1990 to intervene in complex crises—conflicts that had military and security dimensions, as well as political, economic, social and humanitarian facets. An effective collective response required action on several interrelated tracks, including containment and resolution of conflict, establishing security, protection of civilians, security sector reforms, humanitarian relief strategies, establishing justice and the rule of law, promoting good governance, and development of democratic institutions. To be effective, certain elements were necessary: timely analysis and assessment of potential and actual conflicts and crises; strategic coherence in policy response; enhanced UN system coordination; and closer cooperation with regional and subregional organizations, regional countries and humanitarian and development partners.

On 8 September [S/2004/723], the Council President issued a summary of the important ideas and suggestions presented during the debate. According to the summary, most of the issues currently under consideration by the Council were complex crises, requiring solutions to meet both security and development needs. The link between peace and development had to remain at the core of the UN response to complex crises, with major investment by the international community, the General Assembly, the Security Council, the Economic and Social Council and the Secretariat. In tackling complex crises, prevention should be the first priority. The United Nations should therefore move from a culture of response to a culture of prevention. Preventive action should address the deep-rooted socioeconomic, cultural, environmental, institutional and other structural causes often underlying immediate political symptoms of conflicts. The resource gap in the comprehensive, integrated response sought by the international community for conflict prevention and ensuring human security should be overcome by a bolder, more precise approach to detecting and preventing conflicts and by making development a dimension of complex UN operations. At the policy level, priority should be given to preventive diplomacy. The UN system needed to be strengthened to deal with short- and long-range early warning factors, with better use of existing and non-UN capacities to analyse and anticipate crises and help defuse them in the early stages.

Concerning conflict management and resolution, the Assembly should play a larger role in considering general principles of cooperation in

the maintenance of international peace and security and in drawing the attention of the Council to situations likely to endanger peace and security. The Council should pay greater attention to resolving conflicts using measures mentioned in Chapter VI of the Charter.

Peacekeeping could be enhanced by incorporating more elements of peace-building and post-conflict reconstruction. A great deal remained to be done to improve the UN peacekeeping potential, especially in the areas of rapid response, the effective use of material resources, financing, transport and training. The Secretariat and the international community should significantly restructure their work in peacekeeping.

At the root of most conflicts were issues of poverty, corruption, deliberate manipulation of minority groups, and social inequality and exclusion, which had to be addressed by the Council. The United Nations should devote greater attention to development, strive to help developing countries eradicate poverty and increase its involvement in post-conflict reconstruction. It was important to develop a framework and an enabling environment for peace-building activities, including a speedy operational response, the optimum mobilization of resources and preventing the outbreak or recurrence of conflicts.

Recognizing that one of the greatest weaknesses of the international system was follow-up, Council members suggested that the United Nations consider political and administrative mechanisms to follow up on progress, warn of obstacles and propose remedies. Those mechanisms should involve the Council, the countries concerned, major donors, regional and subregional organizations and international financial agencies and institutions.

### Conflict prevention

In 2004, the General Assembly and the Security Council considered various measures for the prevention of armed conflict, including the economic measures of the Kimberley Process for the certification of rough diamonds and the role that business could play in conflict prevention.

On 23 December, the Assembly decided that the item on the prevention of armed conflict would remain for consideration at its resumed fifty-ninth (2005) session (**decision 59/552**).

### Conflict diamonds

**Kimberley Process.** Two plenary meetings of the Kimberley Process were held in 2003 (Johannesburg, 28-30 April, and Sun City, South Africa,

29-31 October) to review implementation of the Kimberley Process Certification Scheme (KPCS), established in 2003 [YUN 2003, p. 55] to stop the use of conflict diamonds in fuelling armed conflict, protect the legitimate diamond industry and ensure implementation of resolutions on trade in conflict diamonds [A/58/623]. The Johannesburg meeting, in recognition of the challenges faced by certain participants, extended the tolerance period for implementing KPCS until 31 May 2003. The Sun City meeting welcomed the addition of Brazil, Romania and Togo to the list of KPCS participants, bringing the total number, as at October 2003, to 45 States and the European Union (EU). Canada and the Russian Federation were elected KPCS Chair and Vice-Chair, respectively, for 2004, and the Russian Federation as Chair for 2005. The meeting agreed to establish a peer review mechanism to guarantee that KPCS was upheld.

#### GENERAL ASSEMBLY ACTION

On 14 April [meeting 85], the General Assembly adopted **resolution 58/290** [draft: A/58/L.59 & Add.1] without vote [agenda item 21].

#### **The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts**

*The General Assembly,*

*Recognizing* that the trade in conflict diamonds is a matter of serious international concern, which can be directly linked to the fuelling of armed conflict, the activities of rebel movements aimed at undermining or overthrowing legitimate Governments and the illicit traffic in and proliferation of armaments, especially small arms and light weapons,

*Recognizing also* the devastating impact of conflicts fuelled by the trade in conflict diamonds on the peace, safety and security of people in affected countries, and the systematic and gross human rights violations that have been perpetrated in such conflicts,

*Noting* the negative impact of such conflicts on regional stability and the obligations placed upon States by the Charter of the United Nations regarding the maintenance of international peace and security,

*Recognizing*, therefore, that continued action to curb the trade in conflict diamonds is imperative,

*Recognizing also* the positive benefits of the legitimate diamond trade to producing countries, and underlining the need for continued international action to prevent the problem of conflict diamonds from negatively affecting the trade in legitimate diamonds, which makes a critical contribution to the economies of many of the producing, exporting and importing States, especially developing States,

*Noting* that the vast majority of rough diamonds produced in the world are from legitimate sources,

*Recalling* the Charter and all the relevant resolutions of the Security Council related to conflict diamonds, and determined to contribute to and support the im-

plementation of the measures provided for in those resolutions,

*Recalling also* Security Council resolution 1459(2003) of 28 January 2003, in which the Council strongly supported the Kimberley Process Certification Scheme as a valuable contribution against trafficking in conflict diamonds,

*Welcoming* the important contribution of the Kimberley Process, which was initiated by African diamond-producing countries,

*Believing* that the implementation of the Kimberley Process Certification Scheme should substantially reduce the opportunity for conflict diamonds to play a role in fuelling armed conflict and should help to protect legitimate trade and ensure the effective implementation of the relevant resolutions on trade in conflict diamonds,

*Recalling* its resolutions 55/56 of 1 December 2000, 56/263 of 13 March 2002 and 57/302 of 15 April 2003, in which it called for the development and implementation of proposals for a simple, effective and pragmatic international certification scheme for rough diamonds,

*Welcoming*, in this regard, the implementation of the Kimberley Process Certification Scheme in such a way that it does not impede the legitimate trade in diamonds or impose an undue burden on Governments or industry, particularly smaller producers, and does not hinder the development of the diamond industry,

*Welcoming also* the decision of countries and one regional economic integration organization to address the problem of conflict diamonds by participating in the Kimberley Process and to implement the Kimberley Process Certification Scheme,

*Welcoming further* the important contribution made by the diamond industry, in particular the World Diamond Council, as well as civil society, to assist international efforts to stop the trade in conflict diamonds,

*Welcoming* the voluntary self-regulation initiatives for the diamond industry announced by the World Diamond Council, and recognizing that a system of such voluntary self-regulation will contribute, as described in the Interlaken Declaration of 5 November 2002 on the Kimberley Process Certification Scheme for Rough Diamonds, to ensuring the effectiveness of national systems of internal control for rough diamonds,

*Noting with appreciation* that the Kimberley Process has pursued its deliberations on an inclusive basis, involving concerned stakeholders, including producing, exporting and importing States, the diamond industry and civil society,

*Recognizing* that State sovereignty should be fully respected and that the principles of equality, mutual benefits and consensus should be adhered to,

*Recognizing also* that the Kimberley Process Certification Scheme, which came into effect on 1 January 2003, will be credible only if all participants have established internal systems of control designed to eliminate the presence of conflict diamonds in the chain of producing, exporting and importing rough diamonds within their own territories, while taking into account that differences in production methods and trading practices, as well as differences in institutional controls thereof, may require different approaches to meet minimum standards,



1. *Reaffirms its strong support* for the Kimberley Process Certification Scheme;

2. *Recognizes* that the Kimberley Process Certification Scheme can help to ensure the effective implementation of relevant resolutions of the Security Council containing sanctions on the trade in conflict diamonds, and calls for the full implementation of existing Council measures targeting the illicit trade in rough diamonds that play a role in fuelling conflict;

3. *Stresses* that the widest possible participation in the Kimberley Process Certification Scheme is essential and should be encouraged, urges all Member States to participate actively in the Certification Scheme by complying with its undertakings, and welcomes the establishment at the plenary meeting of the Kimberley Process, held in Johannesburg, South Africa, from 28 to 30 April 2003, of a Participation Committee to ensure that participants and applicants willing to join the Certification Scheme meet the minimum standards;

4. *Notes with appreciation* the report of the Chair of the Kimberley Process submitted pursuant to resolution 57/302, and congratulates the Governments, regional economic integration organization representatives, the organized diamond industry and civil society participating in the Kimberley Process for contributing to the development and implementation of the Kimberley Process Certification Scheme;

5. *Takes note* of the decision of the General Council of the World Trade Organization of 15 May 2003 granting a waiver with respect to the measures taken to implement the Kimberley Process Certification Scheme;

6. *Welcomes* the progress achieved at the plenary meeting of the Kimberley Process held in Sun City, South Africa, from 29 to 31 October 2003 by the adoption of a decision on a peer review system for the effective implementation of the Kimberley Process Certification Scheme;

7. *Encourages* participants in the Kimberley Process to allow voluntary review visits in accordance with the decision mentioned in paragraph 6 above, and welcomes the readiness of some participants to host such visits;

8. *Also encourages* participants in the Kimberley Process Certification Scheme to submit annual reports on the implementation of the Certification Scheme to the Chair of the Kimberley Process;

9. *Further encourages* all participants in the Kimberley Process Certification Scheme to collate and submit relevant statistical data on the production of and international trade in rough diamonds as a tool for effective implementation and as envisaged by the Certification Scheme;

10. *Acknowledges with great appreciation* the important contribution that the Government of South Africa has made to the efforts to curb the trade in conflict diamonds in its capacity as the Chair of the Kimberley Process from May 2000 to December 2003, and welcomes the selection of Canada as the Chair and the Russian Federation as the Vice-Chair of the Process for 2004;

11. *Requests* the Chair of the Kimberley Process to submit a report on the implementation of the Process to the General Assembly at its fifty-ninth session;

12. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "The role of diamonds in fuelling conflict".

At the 2004 Kimberley Process meeting (Gatineau, Quebec, 27-29 October) [A/59/590], the Chair (Canada) reported that 42 Governments and the EU (following its enlargement, all EU countries participated as a single participant) were implementing KPCS, encompassing the majority of the production and trade in rough diamonds. The Scheme accounted for more than 99.8 per cent of global production, valued at \$8.5 billion. Under KPCS, 47,598 certificates were issued for more than \$20 billion in trade. Under the peer review system adopted in October 2003, eight participants had already received review visits and another seven were scheduled to do so before the end of 2004. The meeting endorsed the report of the Working Group on Monitoring, including a provisional schedule of review visits in 2005 and 2006. To improve the comparability of statistics submitted by participants, the meeting established a maximum period for the validity of KPCS certificates at 60 calendar days from the date of issuance and asked the Working Group on Statistics to study aspects of national methodologies that constrained statistical reporting. Participants established a framework for the three-year review of KPCS and created an ad hoc working group to carry out the review and report before 31 July 2006.

The Assembly took further action on conflict diamonds in December (see p. 506).

#### *Role of business in conflict prevention, peacekeeping and post-conflict peace-building*

On 15 April [meeting 4943], the Security Council considered the role of business in conflict prevention, peacekeeping and post-conflict peace-building. The Council President, in opening the debate, said that political and economic stability in conflict prevention, as well as in post-conflict recovery, were closely interrelated and had to be reflected inside and outside the broader UN system, including the international financial institutions such as the World Bank. The role of the private sector deserved particular attention in that context, especially its huge potential in development or reconstruction strategy at national and regional levels.

The Secretary-General told the Council that the economic dimensions of armed conflict, though often overlooked, should never be underestimated. Private companies operated in many conflict zones and conflict-prone countries and their decisions on investment and employment, on relations with local communities, on protec-

tion for the local environment, and on their own security arrangements could either help a country turn its back on conflict or exacerbate the tensions that fuelled conflict in the first place. Private companies also manufactured and sold the hardware of conflict and were involved in the exploitation of, and trade in, lucrative local natural resources. The challenges were complex, touching on fundamental questions of sovereignty, democratic governance, corporate accountability and individual integrity. Business itself had an enormous stake in the search for solutions, since companies required a stable environment to conduct their operations; their bottom lines could not be separated from some of the key UN goals of peace, development and equity.

The Security Council, for its part, had already addressed many of those issues, but the time had come to translate its ad hoc efforts into a more systematic approach, so as to promote greater co-operation between the security and development arms of the United Nations, give it the tools to influence more actively the economic incentives and disincentives that drove the dynamics of armed conflict, and ensure that those factors were reflected in efforts to prevent conflict, in peace agreements and in the mandates given to peace operations.

In that context, the Secretary-General indicated that he had established an inter-agency group, chaired by the Department of Political Affairs, to look at the political economy of armed conflict and make recommendations for improving the response of the UN system and of Member States. He urged the Council and Member States to focus greater attention on the issue and to engage more dynamically with the private sector.

**President's summary.** The Security Council President summarized the discussion in a document circulated on 25 May [S/2004/441]. Among the observations, speakers said that business had a crucial role to play in situations of armed conflict. Private companies' decisions on investment and employment, on relations with local communities and on protection for local environments could ease or exacerbate tensions. Giving people work and opportunity was a key factor in preventing and in emerging from conflict. Domestic small and medium-size enterprises played an especially important role in that context, creating most of the jobs, especially employment opportunities for demobilized fighters.

Business itself had an enormous stake in the search for solutions. Requiring a stable environment to carry out their operations and minimize their risks, companies looked for a reasonable level of security, adequate infrastructure, financ-

ing for reconstruction programmes and a perspective afforded by visible progress. In long-term conflict prevention, key elements were education, sustainable economic growth and the private sector's contribution to it. The resolution of violent conflicts required a concerted effort by all major stakeholders. The United Nations, the international financial institutions and Member States were called on to cooperate closely with the private sector to set the necessary political, security, legal, economic and financial framework.

A number of participants expressed their hope for a follow-up to the Council's meeting, with some suggesting that the Secretary-General report on further developments. The President concluded that the meeting was a clear signal for a more coherent approach by all respective institutions within and outside the UN system to use the potential of entrepreneurial initiative in conflict situations more effectively.

### Peacemaking and peace-building

The High-level Panel on Threats, Challenges and Change, in its December report [A/59/565], made recommendations on post-conflict peace-building. It said that special representatives of the Secretary-General should have the authority and guidance to work with relevant parties to establish robust donor-coordinating mechanisms and have the required resources. Funding should be provided for disarmament and demobilization programmes from assessed budgets and a standing fund established for peace-building at the minimum level of \$250 million to finance the recurrent expenditures of a nascent Government and critical agency rehabilitation and reintegration programmes.

The Panel proposed the establishment of a peace-building commission to identify countries that were under stress and risked sliding towards collapse; organize proactive assistance in preventing that process from developing further; assist in planning for transitions between conflict and post-conflict peace-building; and marshal and sustain the international community's efforts in post-conflict peace-building for as long as necessary. A peace-building support office should also be established in the Secretariat to support the commission and ensure that the Secretary-General was able to integrate system-wide peace-building strategies, develop best practices and provide cohesive support for field operations.

### Civilian aspects of conflict management and peace-building

**Security Council consideration.** On 22 September [meeting 5041], the Security Council met at

the ministerial level to consider the civilian aspects of conflict management and peace-building. The President (Spain), in an 8 September letter [S/2004/722], remarked on the importance of the civilian aspects of crisis management in complex crisis situations, as the ability of international military operations was limited in terms of socio-economic rehabilitation and political reconciliation. The importance of civil-military cooperation had to be acknowledged. In a civil-military operation, civilian aspects could not be achieved without security, and civilian success was the key for the exit strategy of the military. Unlike the military, civilian crisis management did not have a body of agreed doctrine and relied on individual entrepreneurship in the field. Demanding Council mandates on the Secretariat and other bodies made the setting up of civilian teams and means for a successful operation difficult. Therefore, the Council should address such issues as the nature of the growing responsibilities of civilian elements in civil-military operations; ways for organizations involved in deploying such operations to enhance their cooperation in order to increase the availability of resources and their interoperability; options for cooperation in crisis management between the United Nations and Member States and other international organizations; institutional issues regarding the deployment of coordinated civilian-military components for a particular operation; and improvements to civilian crisis management by focusing on building a more cohesive international approach.

The Secretary-General told the Council that peace-building was complex and drew in many actors, including the Council, UN agencies, funds and programmes, regional organizations and NGOs. The United Nations needed to be realistic about what was achievable and to have a clear political strategy for success, with benchmarks for progress towards the goal of building legitimate and effective States, including clear priorities, particularly in the areas of security, the rule of law and immediate economic opportunities. The Organization needed to sustain its focus on those long-term commitments and ensure adequate resources. It had to make sure that its efforts were well integrated, working with other organizations, bilateral donors and NGOs on the basis of shared goals and priorities, and to maintain an international cadre of highly skilled civilian staff for peace-building. Peace-building required a clear strategy, developed and executed by highly skilled professionals, grounded in local conditions and reflected in realistic mandates, supported by all parts of the UN system and

backed by the Council and the membership of the Organization as a whole.

The African Union (AU) Commissioner for Peace and Security, the High Representative for the EU's Common Foreign and Security Policy, and the Secretary-General of the League of Arab States also addressed the Council.

#### SECURITY COUNCIL ACTION

On 22 September [meeting 5041], following consultations among Security Council members, the President made statement **S/PRST/2004/33** on behalf of the Council:

The Security Council met at the ministerial level on 22 September 2004 to consider "Civilian aspects of conflict management and peace-building". Ministers recognized the increasing importance of civilian aspects of conflict management in addressing complex crisis situations and in preventing the recurrence of conflict. They affirmed the importance of conflict resolution in accordance with the relevant provisions of the Charter of the United Nations.

Ministers also acknowledged the importance of civilian-military cooperation in crisis management. Military and police components are essential to address and stabilize certain serious crisis situations and to guarantee security. Moreover, the participation of a strong civilian component is key to the provision of humanitarian assistance, the re-establishment of public order, functioning public institutions, reconstruction, rehabilitation and peace-building for longer-term sustainable development. A substantial civilian participation in crisis management is also essential for a strategy of military disengagement and plays a crucial role in the phase of post-conflict peace-building. In this context, it is important that there is coordination between the civilian and military components in crisis management from the first phase of integrated mission planning. In addition, there should be significant coordination with actors involved in longer-term reconstruction and development, including in particular the other organs of the United Nations system in accordance with their respective mandates and the international financial institutions, as well as cooperation with the business sector.

Ministers recognized the increasing role of some regional and subregional and other international organizations in crisis management. They also recalled that Articles 52 and 53 of the Charter set forth the contribution of regional organizations to conflict management, as well as the relationship between the United Nations and regional organizations. They encouraged these organizations, whenever possible, to continue to develop their crisis management capabilities, including in the civilian field, in close coordination with the United Nations and in accordance with the provisions of Article 54 of the Charter. When applicable, clear schemes for joint operations should be developed. Also, greater coordination and interoperability among those organizations, as well as developing and sharing common strategies, operational policies and best practices in civilian crisis management, would enhance efficiency and coherence in crisis management. Continued internal coordination in



this field among all relevant United Nations organs and agencies should also be strengthened.

Ministers supported the efforts by Member States to continue to develop, as appropriate, their own civilian crisis management capabilities, including, *inter alia*, rapid civilian response teams, and they also supported their initiatives to make these capabilities available to the United Nations and other relevant regional or subregional organizations, as a contribution to their efforts in the maintenance of international peace and security. Adequate capabilities should be developed in key areas of civilian crisis management, such as police, justice and the rule of law, preparation of electoral processes and electoral observation, civil protection and public administration. The Council should consider the nature and availability of these capabilities when approving the necessary mandates for United Nations operations.

Adequate and flexible means for transitional peace support and crisis management activities, such as protection of civilians, including United Nations and humanitarian personnel, disarmament, demobilization and reintegration of former combatants, the end of impunity, public institution-building and transitional justice, as well as the promotion and protection of human rights and the integration of a gender perspective, are essential to ensure lasting peace after a conflict. Also, the involvement of local actors in the policy-making process and a fruitful relationship with civil society should be among the priorities of any post-conflict strategy.

The Security Council commends the efforts of the Secretary-General in addressing all relevant issues relating to the civilian aspects of crisis management, and invites him, other institutions and agencies of the United Nations system, regional and subregional organizations and Member States to continue to give serious consideration to this matter, with a view to making further progress in this field.

#### Role of civil society in post-conflict peace-building

On 22 June [meeting 4993], the Security Council met to consider the role of civil society in post-conflict peace-building. It had before it a non-paper submitted by the President (Philippines) [S/2004/442] on the questions to be discussed, which drew attention to the crucial role played by civil society organizations in the comprehensive and multidimensional approach to conflict prevention and post-conflict peace-building. In addition to their contributions to peacekeeping, relief and humanitarian efforts, those organizations were a source of information on the ground. They had become a force to reckon with in post-conflict areas, with their public advocacy role and media campaigns often helping to shape public understanding of the crises and bringing pressure to bear on Governments to act, and an actor in the policy process, whose support was at times essential to the success of government policies and Council initiatives. However, more needed to be done to harness civil society in the structural

and operational dimensions of post-conflict peace-building.

The Secretary-General told the Council that the partnership between the United Nations and civil society had grown considerably, reflecting the increasing role of civil society in helping to shape and scrutinize government policies, in holding Governments accountable and in contributing to international decision-making. If peace-building missions were to be effective, they should, as part of a clear political strategy, work with and strengthen those civil society forces that were helping people to voice their concerns and to act on them in peaceful ways. The aim should be to create a synergy with those civil society groups that were bridge-builders, truth-finders, watchdogs, human rights defenders and agents of social protection and economic revitalization. Civil society groups also had a role to play in UN deliberative processes. The Secretary-General called on the Council to deepen its dialogue with civil society groups and thus benefit from their expertise, focus and insight. He asked the Council to pay attention to the report of the Panel of Eminent Persons on United Nations-Civil Society Relations (see p. 63), especially the measures proposed for increasing the participation of civil society representatives from developing countries, for strengthening the partnership with civil society in UN humanitarian and development work, and on how the Council might engage more effectively with civil society. The Secretary-General said that he had high hopes for the 2005 international conference on conflict prevention which civil society groups were organizing in response to the recommendation in his 2001 report on conflict prevention [YUN 2001, p. 48].

The President of the Economic and Social Council told the Security Council that civil society organizations were significant actors in crisis and post-crisis situations. Their number, diverse mandates and varying operational capacities made coordination essential to ensure the coherence and impact of their efforts. Many donors, including the United Nations, relied on NGOs as implementing partners of channels for assistance, and, in violent conflicts, they were the principal delivery vehicles. NGOs faced particular challenges, and international organizations and Governments should support them in their efforts. The Economic and Social Council was uniquely placed to interact and consult with civil society, and its various subsidiary bodies had established close contacts with NGOs and other private entities to hear their views on the topics that the intergovernmental bodies were addressing.



On 3 August [S/2004/624], the Security Council President, in a summary of the debate, said that Member States recognized the need to establish a mechanism or a strategy to foster the partnership between the United Nations and civil society organizations. They lauded the organizations' efforts in providing grass-roots information and early warning for conflict prevention, as well as in national reconstruction and rehabilitation. Most members supported the practice of holding "Arria-plus formula" meetings (the "Arria formula" enabled Council members to discuss matters with invited personalities in an informal and closed setting), but others cautioned against formalizing such meetings or other interaction between the Council and those organizations. Member States recognized the need to enhance coordination and cooperation among the Security Council, the General Assembly, the Economic and Social Council and other UN bodies and institutions involved in conflict prevention and post-conflict peace-building.

Specific recommendations were made for the establishment of a strategy/framework/mechanism for post-conflict peace-building; maintaining governmental/intergovernmental and civil society communication and coordination; incorporating economic and social development in post-conflict peace-building; enhancing and developing creative and cooperative relationships among civil society, the Security Council and the UN system as a whole; following up on the recommendations of the Panel on UN relationships with civil society (see below); making use of the Arria-formula type of meetings; correcting the representational imbalance of civil society organizations; and convening independent commissions of inquiry following UN operations.

**Report of Panel on UN-Civil Society Relations.** The Panel of Eminent Persons on United Nations-Civil Society Relations, in its June report "We the peoples: civil society, the United Nations and global governance" [A/58/817] (see p. 1360), noted that the Security Council had greatly enhanced its relations with civil society in recent years, largely in response to its changing roles in the post-cold war era and the changing nature of conflicts. That expanded engagement was largely with NGOs in the areas of international humanitarian assistance and human rights and, to a lesser extent, with religious leaders. It had taken the form of more frequent Arria formula meetings, regular meetings with the NGO Working Group on the Security Council, expanded contacts with international NGOs and more frequent field visits of Council members to meet with civil society. While some civil society actors regarded those informal consultations as

sufficient, others believed that they were not inclusive enough and mechanisms for exchanges with civil society should be enhanced through a more formal UN instrument.

The Panel proposed that Council members should further strengthen their dialogue with civil society by improving the planning and effectiveness of the Arria formula meetings; ensuring that the Council's field missions met regularly with appropriate local civil society leaders, international humanitarian NGOs and others; holding a series of Council seminars to discuss issues of emerging importance, which would include presentations by civil society and other constituencies; and convening independent commissions of inquiry after Council-mandated operations.

#### UN role in post-conflict national reconciliation

On 26 January [meeting 4903], the Security Council considered the agenda item "Post-conflict national reconciliation: role of the United Nations".

The Council President, in opening the debate, said that post-conflict national reconciliation presented challenges for the work of the United Nations, raising questions as to what role the Organization should have in national reconciliation processes; whether it should incorporate the need for reconciliation into exit strategies for post-conflict situations or design specific strategies for reconciliation; and what role other principal UN organs should play. Other questions concerned the principles and mechanisms of reconciliation, and the instruments for seeking truth, such as truth and reconciliation commissions, consensus-building among political actors, reparations for victims and the role of justice.

The Assistant Secretary-General for Political Affairs, Tuliameni Kalomoh, in his briefing, contended that post-conflict reconciliation was closely related to the broader discussion of the rule of law and to addressing the root causes of the conflict. The Council, in its 2003 debate on the issue [YUN 2003, p. 59], had identified the need to incorporate rule of law concerns into UN activities (see p. 65). The international community had employed a number of instruments to address the issue of reconciliation, such as tribunals, truth and reconciliation commissions, amnesties (except for genocide, war crimes and crimes against humanity), reparations and targeted assistance programmes. Although it was difficult to apply standard prescriptions for reconciliation to every situation, some general observations could be informative. First, peace without reconciliation was hardly ever durable. Secondly, it was difficult to achieve reconciliation without a significant measure of justice. Thirdly,

there were some crimes that were so heinous that they required that justice be done. Fourthly, the pursuit of justice should not become an obstacle to establishing or maintaining peace. Reconciliation was a complex, often difficult process in which contradictions might be inevitable. It involved accounting for the past and meeting demands for justice and the degree of forgiveness that would allow for the reconstruction of the social fabric, and striking a balance between the aggrieved and the aggressors, the pursuit of justice and stability. It was a long-term process and the right combination of measures would depend on the specific conditions in each post-conflict situation.

The Administrator of the United Nations Development Programme (UNDP), Mark Malloch Brown, speaking about UNDP's role in reconciliation, said that, since the submission of the report of the Panel on United Nations Peace Operations (Brahimi report) [YUN 2000, p. 83], there had been a clear understanding of the different roles played by the various parts of the United Nations, under the leadership of the Department for Political Affairs, in post-conflict reconstruction in general and in reconciliation in particular. For UNDP, that presented some critical issues. First, there was a significant funding gap in every post-conflict situation during the process from relief to reconciliation. Secondly, although UNDP was much less well resourced in areas such as disarmament, demobilization and reintegration, the rule of law and justice and early support for building electoral systems, it worked in all of those areas. However, despite its strengthened capacity in those areas, it was difficult to provide adequate support to half a dozen of those activities around the world at the same time. UNDP had therefore begun to discuss with key supporters how to strengthen its own capabilities and how the international community could make funds available more quickly for the early steps of reconciliation.

Carolyn McAskie, Deputy Emergency Relief Coordinator, said that a principled and strategic approach to humanitarian assistance was required so as to ensure that it did not perpetuate grievance or hamper longer-term development, and adequate funding was necessary not only for life-sustaining assistance but also for programmes that had a significant impact on national reconciliation. There was considerable scope to look further into ways to channel reconciliation efforts into the programmatic work of UN agencies, bearing in mind the fact that humanitarians played an important bridging role. The United Nations Children's Fund, the Office of the United Nations High Commissioner for

Refugees, the World Food Programme and other humanitarian agencies already played that role in their everyday work. Humanitarian aid had to be consistently and equitably provided. Legal and judicial mechanisms, international humanitarian law, property restitution, reintegration and reparations had to be consistently applied if reconciliation was to have a solid base. However, humanitarian assistance alone would not provide a solution to crises. Without reconciliation, rehabilitation, reconstruction and development, countries would slip back into the horrors of war, and the efforts of the humanitarian community would be lost. Sixty-five per cent of the countries emerging from conflict in Africa were slipping back into violence, and the international community could not afford to be complacent on that front. It was therefore vital to have an international support strategy to ensure that humanitarian activities were reinforced with reconciliation, rehabilitation and reconstruction efforts.

#### SECURITY COUNCIL ACTION

On 26 January [meeting 4903], following consultations among Security Council members, the President made statement **S/PRST/2004/2** on behalf of the Council:

The Security Council met on 26 January 2004 to consider the item entitled "Post-conflict national reconciliation: role of the United Nations". Members expressed their respective views and understandings on, and reaffirmed the vital importance of, this matter, stressing the necessary close cooperation needed in the United Nations system, including the Council, on this issue.

The statements underscored the important tasks that must be addressed in post-conflict situations in order to reach the goal of national reconciliation, as well as the relevant experience and expertise that exist within the United Nations system and in Member States.

Members considered that it would be appropriate to examine further how to harness and direct this expertise and experience drawn up from several key areas, so that it would be more readily accessible to the Council, to the wider United Nations system and membership, and to the international community as a whole, so that the lessons and experience of the past could be, as appropriate, learned and built on.

The Council invites the Secretary-General to give consideration to the relevant views expressed in this debate in preparation of his report on the role of the United Nations in justice and the rule of law.

The Council invites all Members of the United Nations, and other parts of the United Nations system with relevant experience and expertise, to contribute to this process.

### **The rule of law and transitional justice in conflict and post-conflict situations**

**Consideration by Commission on Crime Prevention and Criminal Justice.** The Commission on Crime Prevention and Criminal Justice, at its thirteenth session (11-20 May) [E/2004/30], recommended to the Economic and Social Council for adoption a draft resolution entitled "The rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction". That resolution was adopted by the Council as **resolution 2004/25** (see p. 1111).

**Report of Secretary-General.** In August [S/2004/616], the Secretary-General submitted a report on the rule of law and transitional justice in conflict and post-conflict societies, highlighting the key issues and lessons learned from UN experience in promoting justice and the rule of law in those societies. The report took into account the views expressed during the Security Council's 26 January debate on the UN role in post-conflict national reconciliation, as requested by the Council in presidential statement **S/PRST/2004/2** (see p. 64). Among the key issues discussed were: strengthening the rule of law and transitional justice in the wake of conflict; articulating a common language of justice for the United Nations; assistance based on international norms and standards; identifying the UN role in peace operations; assessing national needs and capacities; supporting domestic reform; filling a rule of law vacuum; developing national justice systems; learning lessons from ad hoc tribunals; facilitating truth telling; delivering reparations; and coordinating UN efforts.

The Secretary-General said that in recent years, the United Nations had increasingly focused on questions of transitional justice and the rule of law in conflict and post-conflict societies, gaining important lessons for future activities. Success would depend on critical factors such as the need to ensure a common basis in international norms and standards and to mobilize the necessary resources for a sustainable investment in justice. The United Nations should support domestic reform constituencies, help build the capacity of national justice sector institutions, facilitate national consultations on justice reform and transitional justice and help fill the rule of law vacuum evident in so many post-conflict societies. In some cases, international or mixed tribunals had been established to address past crimes in war-torn societies. While they had helped to bring justice and hope to victims, combat impunity and enrich the jurisprudence of international criminal law, they were expensive and con-

tributed little to sustainable national capacities for justice administration. The International Criminal Court offered hope for a permanent reduction in the phenomenon of impunity, and the further ratification of its statute was to be encouraged. Truth commissions, also valuable in the quest for justice and reconciliation, had proved to be a vital element of transitional justice and were key to restoring public trust in national institutions of governance. Strengthening UN support in those areas would require efforts to enhance coordination among all actors, develop rosters of experts and technical tools, and more systematically record, analyse and apply those lessons in Council mandates, peace processes and the operations of UN peace missions.

The Secretary-General recommended that peace agreements and Council resolutions and mandates: give priority to the restoration of and respect for the rule of law; respect, incorporate and apply international standards for fairness, due process and human rights in the administration of justice; reject any amnesty for genocide, war crimes or crimes against humanity, including ethnic, gender and sexually based international crimes; ensure that the United Nations did not establish or participate in any tribunal that included capital punishment among possible sanctions; require that all judicial processes be credible, fair, independent and impartial; recognize and respect the rights of victims and accused persons, particularly the most affected groups; recognize the differential impact of conflict and rule of law deficits on women and children and the need to ensure gender sensitivity in the restoration of rule of law and transitional justice; fund national needs assessment and consultation processes; where mixed tribunals were envisaged for divided societies, consider mandating a majority of international judges to enhance the credibility and perceived fairness of such tribunals; insist on full governmental cooperation with international and mixed tribunals, including in the surrender of accused persons; adopt an integrated and comprehensive approach to the rule of law and transitional justice; ensure the provision of adequate resources, including a sustainable funding mechanism; and consider the establishment of national human rights commissions during transitional arrangements.

The Secretary-General announced his intention to instruct the Executive Committee on Peace and Security to propose action on the matters discussed in the report, with the aim of strengthening UN support for transitional justice and the rule of law in conflict and post-conflict countries and ensured their integration

into planning of UN peace operations. The Committee should, among other actions, propose new or enhanced UN system mechanisms for collecting and developing best practices, documentation, guidelines and other tools for transitional justice and for justice sector development; develop workable national-level rule of law coordination mechanisms; and ensure that all programmes and policies supporting constitutional, judicial and legislative reform promoted gender equality.

**Statement by Secretary-General.** The Secretary-General, introducing his 2004 report on the work of the Organization [A/59/1] (see p. 3) before the General Assembly on 21 September [meeting 3], said that the rule of law was at risk around the world. Laws were shamelessly disregarded as civilians were massacred in cold blood, while relief workers, journalists and other non-combatants were taken hostage or put to death in the most barbarous fashion, prisoners were abused and whole populations displaced and their homes destroyed, while rape was used as a deliberate strategy. No cause, no grievance, however legitimate, could justify such acts, the prevalence of which reflected the collective failure to uphold the rule of law and instil respect for human life. The current international framework of fair rules, norms and laws was riddled with gaps and weaknesses, applied selectively, enforced arbitrarily, and lacked the teeth to make it into an effective legal system. Where enforcement capacity existed, as in the Security Council, many felt it was not always used fairly or effectively and where the rule of law was most earnestly invoked, as in the Commission on Human Rights, those invoking it did not always practise what they preached. By reintroducing the rule of law and confidence in its impartial application, societies shattered by conflict could be resuscitated.

The Secretary-General recalled his promise to the Security Council to make strengthening the rule of law and transitional justice in conflict and post-conflict societies a priority for the remainder of his tenure. He urged the Assembly to do more to foster the rule of law, to sign and implement treaties on the protection of civilians, and to support the measures he would propose on improving the security of UN staff (see p. 1475).

The United States President, George W. Bush, proposed the establishment of a UN democracy fund to help countries lay the foundation of democracy by instituting the rule of law, independent courts, a free press, political parties and trade unions, and to help set up and support election monitors. The United States would

make an initial contribution to the fund and he urged other nations to do likewise.

#### SECURITY COUNCIL ACTION

On 6 October [meeting 5052], following consultations among Security Council members, the President made statement **S/PRST/2004/34** on behalf of the Council:

The Security Council thanks the Secretary-General for his report of 3 August 2004, which was reissued on 23 August 2004, and reaffirms the vital importance that the Council attaches to promoting justice and the rule of law, and post-conflict national reconciliation. The Council will consider, as appropriate in its deliberations, the recommendations set out in paragraph 64 of the report.

The Council urges the Secretariat to make proposals for implementation of the recommendations set out in paragraph 65 of the report, and draws attention in particular to the importance of the practical measures set out in that paragraph that can be implemented rapidly, including coordinating existing expertise and resources, setting up databases and web-based resources, developing rosters of experts and organizing workshops and training programmes. The Council urges Member States that are interested in doing so to contribute national expertise and materials to these developments, within their means, and to improve their capacities in these areas.

The Council recalls the important statement made by the Secretary-General to the fifty-ninth session of the General Assembly on 21 September 2004, and endorses his view that "it is by reintroducing the rule of law, and confidence in its impartial application, that we can hope to resuscitate societies shattered by conflict". The Council stresses the importance and urgency of the restoration of justice and the rule of law in post-conflict societies, not only in order to come to terms with past abuses, but also to promote national reconciliation and to help prevent a return to conflict in the future. The Council emphasizes that such processes must be inclusive, gender-sensitive and open to the full participation of women.

The Council underlines the importance of assessing the particular justice and rule of law needs in each host country, taking into consideration the nature of the country's legal system, traditions and institutions, and of avoiding a "one size fits all" approach. The Council recognizes that building national capacities and independent national institutions is essential, that local ownership and leadership in that process should be encouraged and respected, and that international structures can play a complementary and supportive role.

The Council emphasizes that ending the climate of impunity is essential to the efforts of a conflict and post-conflict society to come to terms with past abuses and in preventing future abuses. The Council draws attention to the full range of mechanisms of transitional justice that should be considered, including national, international and "mixed" criminal tribunals and truth and reconciliation commissions, and underlines the fact that those mechanisms



should concentrate not only on individual responsibility for serious crimes, but also on the need to seek peace, truth and national reconciliation. The Council welcomes the report's balanced appraisal of the lessons to be learned from the experience of the ad hoc international criminal tribunals and "mixed" tribunals.

The Council recalls that justice and the rule of law at the international level are of key importance for promoting and maintaining peace, stability and development in the world. The Council underlines also the importance of helping to prevent future conflicts through addressing their root causes in a legitimate and fair manner.

The Council warmly welcomes the Secretary-General's decision to make the United Nations work to strengthen the rule of law and transitional justice in conflict and post-conflict societies a priority for the remainder of his tenure. The Council invites the Secretary-General to keep it informed of the Secretariat's progress in taking forward the recommendations set out in paragraph 65 of the report, and expresses the intention to consider this matter again within six months.

#### Cooperation with regional organizations

**Security Council consideration (May).** On 7 May [meeting 4964], the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) briefed the Security Council on its cooperation with the United Nations, the EU, the North Atlantic Treaty Organization (NATO) and other regional organizations. He said that OSCE had helped to end the civil war in Tajikistan, constrained conflict in Georgia, the Republic of Moldova and the former Yugoslav Republic of Macedonia and, with the United Nations, continued to play a major role in building civil society in post-conflict Bosnia and Herzegovina and the Serbia and Montenegro province of Kosovo. Currently, OSCE had 18 field missions, mostly in the Caucasus and in Central Asian countries, which helped it deal with new threats to security. In its efforts to combat terrorism, OSCE worked closely with the Council's Counter-Terrorism Committee. It also worked in controlling the spread of small arms. In March, with the UN Office on Drugs and Crime, it hosted the third special meeting of the Counter-Terrorism Committee with international, regional and subregional organizations [S/2004/276]. In cooperation with the United Nations Educational, Scientific and Cultural Organization, it was paying attention to the role of education in building tolerance and inter-cultural understanding. The United Nations and OSCE worked well together in the field, especially in Kosovo, where it was an integral part of the United Nations Interim Administration Mission in Kosovo. In Georgia, OSCE supported the efforts

of the United Nations Observer Mission in Georgia to bring about a comprehensive settlement of the conflict in Abkhazia.

In its wide range of activities, OSCE had good working relations with the United Nations, which could be further strengthened. It would continue to cooperate with the United Nations, the EU and NATO to improve their ability to respond quickly in addressing major contemporary challenges.

**Security Council consideration (July).** On 20 July [meeting 5007], the Security Council met to discuss cooperation between the United Nations and regional organizations in stabilization processes. Attending the meeting were representatives of the AU, the Association of Southeast Asian Nations, the Commonwealth of Independent States (CIS), the Economic Community of West African States, the EU, the League of Arab States, NATO, the Organization of the Islamic Conference and OSCE.

The Council President (Romania), in a background document on the subject [S/2004/546], stated that the purpose of the meeting was to identify new methods of cooperation and interaction between the United Nations and regional organizations and innovative approaches in conflict stabilization processes. It would also review progress made since its 2003 meeting on the theme "The Security Council and regional organizations: facing the new challenges to international peace and security" [YUN 2003, p. 58].

Addressing the Council, the Secretary-General said that the United Nations was currently cooperating with regional organizations in stabilization processes in many countries, particularly with the AU and the EU in Africa, the EU and NATO in Europe, the Organization of American States and the Caribbean Community in Haiti, and with coalition forces in Afghanistan. That cooperation had shown that, in many instances, regional organizations could be on the ground much faster than the United Nations. Indeed, the AU, the EU and NATO had either established or were developing rapid response capabilities for peacekeeping operations. Not all regional organizations, however, could sustain deployments over a long period, and the legitimacy that flowed from UN operations was often needed for longer-term sustainability.

The cooperative efforts of the United Nations with regional organizations had not been without problems. Full integration was not always easy, due to different mandates, organizational cultures and leadership roles. In trying to enhance cooperation, the United Nations had to consider the comparative strengths of different organizations and work to create strategic part-

nerships that met challenges. Moreover, UN cooperation with regional organizations, though established across a wide range of activities, was often ad hoc. More institutionalized channels of cooperation would help ensure greater efficiency and effectiveness and economies of scale. To that end, the Secretary-General exchanged views regularly with heads of regional organizations on issues of common concern. He would discuss with them cooperation mechanisms for monitoring the protection of civilians in armed conflict, measures for building tolerance and promoting a dialogue among civilizations and lessons learned from field experiences, such as military-civilian cooperation, policing, institution-building and confidence-building measures. The 2005 high-level meeting between the United Nations and regional organizations would review progress in implementing decisions on those issues.

**Report of Secretary-General.** The Secretary-General, in his report on the work of the Organization [A/59/1] (see p. 3), gave examples of UN cooperation with regional organizations in pursuit of the shared goals of peace, stability and development in a framework of democratic governance and respect for human rights and the rule of law.

#### SECURITY COUNCIL ACTION

On 20 July [meeting 5007], following consultations among Security Council members, the President made statement **S/PRST/2004/27** on behalf of the Council:

The Security Council met on 20 July 2004 to consider the item entitled "Cooperation between the United Nations and regional organizations in stabilization processes". Members recalled that Articles 52 and 53 of the Charter of the United Nations set forth the contribution of regional organizations to the settlement of disputes, as well as the relationship between the United Nations and regional organizations.

The Council recalls its invitation of January 1993 to regional organizations to improve coordination with the United Nations, the Declaration of the General Assembly of December 1994 on the enhancement of cooperation between the United Nations and regional arrangements or agencies, and its meeting on "The Security Council and regional organizations: facing the new challenges to international peace and security", held on 11 April 2003 under the Mexican presidency of the Council.

On 20 July 2004, members expressed their views on the cooperation between the United Nations and regional organizations and acknowledged the important role that can be played by the latter in the prevention, resolution and management of conflicts, including by addressing their root causes.

The statements emphasized that the Council has primary responsibility for the maintenance of international peace and security and that effectively ad-

ressing the numerous conflict situations confronting the international community would require an increased level of cooperation with regional organizations, where appropriate.

Member States and heads of regional organizations participating in the meeting stressed their interest in enhancing cooperation between the United Nations and regional organizations in the maintenance of international peace and security. They also considered that regular dialogue on specific issues between the Council and regional organizations would bring significant added value in this respect.

It was stressed that common and coordinated efforts undertaken by the United Nations and regional organizations in stabilization processes should be based on complementarity and their comparative advantages, making full use of their experience, in accordance with the Charter and the relevant statutes of the regional organizations.

The statements reiterated the importance of a coherent approach to stabilization processes through improved cooperation and collaboration, including increased and timely exchange of information between United Nations and regional organizations, in accordance with the provisions of Article 54 of the Charter.

The Council welcomes the ongoing practice of high-level meetings of the Secretary-General with regional organizations and the consensus reached over modalities of cooperation in conflict prevention and principles of cooperation in peace-building. It invites the Secretary-General to give consideration to the relevant views expressed in this debate in preparation of the next high-level meeting and to keep the Council informed as appropriate.

The Council invites regional organizations to take necessary steps to increase collaboration with the United Nations in order to maximize efficiency in stabilization processes and also encourages enhanced cooperation and coordination among regional and subregional organizations themselves, in particular through the exchange of information and by sharing experience and best practices.

The Council invites all Members of the United Nations to contribute to the strengthening of the capacity of regional and subregional organizations in all parts of the world, including through the provision of human, technical and financial assistance.

The Council invites all Members of the United Nations, and other parts of the United Nations system with relevant experience and expertise, to contribute to this process.

The Council, in statement **S/PRST/2004/44** of 19 November (see p. 282), recognized the importance of cooperation between the United Nations and the AU to build capacity to deal with collective security challenges.

#### Political and peace-building missions in 2004

During 2004, 15 UN political offices and peace-building missions were in operation: 8 in

Africa, 1 in the Americas, 5 in Asia and the Pacific and 1 in the Middle East.

Among those missions in Africa, the United Nations Office in Burundi was absorbed into the United Nations Operation in Burundi in May (see p. 141). The Secretary-General extended the mandate of the United Nations Peace-building Office in the Central African Republic until 31 December 2005. The Security Council extended the mandate of the United Nations Peace-building Support Office in Guinea-Bissau until 22 December 2005, which it also revised. The United Nations Mission in Côte d'Ivoire was extended twice, to 27 February and 4 April, and was absorbed as of that date into the United Nations Operation in Côte d'Ivoire (see p. 170). The United Nations Advance Mission in the Sudan was established on 11 June. The United Nations Political Office for Somalia continued to monitor the situation in that country. The mandate of the Office of the Special Representative of the Secretary-General for the Great Lakes Region was extended until 31 December 2005, and that of the United Nations Office for West Africa was extended for three years, from 1 January 2005 to 31 December 2007.

In the Americas, the United Nations Verification Mission in Guatemala concluded its mandate on 31 December 2004.

In Asia and the Pacific, the mandate of the United Nations Tajikistan Office of Peace-building was extended until 1 June 2005. The mandate of the United Nations Observer Mission in Bougainville, established from 1 January 2004 to replace the United Nations Political Office in Bougainville, was extended to the end of the year. The United Nations Assistance Mission in Afghanistan was extended to 26 March 2005, and the mandate of the United Nations Assistance Mission for Iraq was extended until 12 August 2005. In the Democratic People's Republic of Korea, the United Nations Command continued to maintain implementation of the 1953 Armistice Agreement [YUN 1953, p. 136].

In the Middle East, the Office of the United Nations Special Coordinator for the Middle East contributed to the implementation of peace agreements. The Council, in other action, decided to send visiting missions to Haiti (13-16 April) (see p. 288), West Africa (20-29 June) (see p. 164) and Central Africa (20-25 November) (see p. 160).

(For the financing of UN political and peace-building missions, see PART FIVE, Chapter II.)

### **Roster of 2004 political and peace-building offices**

The figures for mission strength listed for the following missions and offices are as at 1 December 2004.

#### **UNOB**

United Nations Office in Burundi

*Established:* 25 October 1993.

*Ended:* 21 May 2004.

*Mandate:* To assist the parties to the peace process with regard to the building of an internal political partnership within the context of the Arusha peace process; extended in 2001 to help in the consolidation of peace and security.

*Head of Mission:* Berhanu Dinka (Ethiopia).

#### **MINUGUA**

United Nations Verification Mission in Guatemala

*Established:* 19 September 1994.

*Ended:* 31 December 2004.

*Mandate:* To verify implementation of the Comprehensive Agreement on Human Rights.

*Representative of the Secretary-General and Chief of Mission:* Tom Koenigs (Germany).

*Strength:* 26 international civilian staff, 1 civilian police adviser, 45 local civilian staff.

#### **UNPOS**

United Nations Political Office for Somalia

*Established:* 15 April 1995.

*Mandate:* To monitor the situation in Somalia and keep the Security Council informed, particularly about developments affecting the humanitarian and security situation, repatriation of refugees and impact on neighbouring countries.

*Representative of the Secretary-General and Head of Office:* Winston A. Tubman (Liberia).

*Strength:* 5 international civilian staff, 3 local civilian staff.

#### **Great Lakes region**

Office of the Special Representative of the Secretary-General for the Great Lakes Region

*Established:* 19 December 1997.

*Mandate:* To monitor developments in the region and their implications for peace and security and contribute to regional efforts in the prevention or peaceful settlement of conflicts.

*Special Representative of the Secretary-General:* Ibrahima Fall (Senegal).

*Strength:* 8 international civilian staff, 8 local civilian staff.

**UNOGBIS**

United Nations Peace-building Support Office in Guinea-Bissau

*Established:* 3 March 1999.

*Mandate:* To assist in the transition from conflict management to post-conflict peace-building and reconstruction; revised in 2004 to include the promotion of national reconciliation, and assistance in holding elections and in reform of security and justice sectors.

*Representative of the Secretary-General and Head of Office:* João Bernardo Honwana (Mozambique).

*Strength:* 11 international civilian staff, 2 military advisers, 1 civilian police adviser, 13 local civilian staff.

**UNSCO**

Office of the United Nations Special Coordinator for the Middle East

*Established:* 1 October 1999.

*Mandate:* To act as the focal point for the United Nations contribution to the implementation of the peace agreements and to enhance UN assistance.

*Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General:* Terje Roed-Larsen (Norway).

*Strength:* 21 international civilian staff, 21 local civilian staff.

**BONUCA**

United Nations Peace-building Office in the Central African Republic

*Established:* 15 February 2000.

*Mandate:* To support efforts to consolidate peace and promote national reconstruction and economic recovery.

*Representative of the Secretary-General and Head of Office:* General Lamine Cissé (Senegal).

*Strength:* 22 international civilian staff, 5 military advisers, 6 civilian police, 30 local civilian staff.

**UNTOP**

United Nations Tajikistan Office of Peace-building

*Established:* 1 June 2000.

*Mandate:* To provide a political framework and leadership for post-conflict peace-building.

*Representative of the Secretary-General:* Vladimir Sotirov (Bulgaria) (from 1 October).

*Strength:* 10 international civilian staff, 1 civilian police adviser, 17 local civilian staff.

**UNOWA**

United Nations Office for West Africa

*Established:* 1 January 2002.

*Mandate:* To ensure the strengthening of harmonization and coordination of UN system activities in an integrated regional perspective and development of a partnership with the Economic Community of West African States, other sub-regional organizations and international and national actors, including civil society.

*Special Representative of the Secretary-General:* Ahmedou Ould-Abdallah (Mauritania).

*Strength:* 7 international civilian staff, 7 local civilian staff.

**UNAMA**

United Nations Assistance Mission in Afghanistan

*Established:* 28 March 2002.

*Mandate:* To fulfil the tasks and responsibilities entrusted to the United Nations in the Bonn Agreement; promote national reconciliation and rapprochement; manage all UN humanitarian relief, recovery and reconstruction activities; and assist in the promotion of the political process.

*Special Representative of the Secretary-General:* Jean Arnault (France).

*Strength:* 186 international civilian staff, 734 local civilian staff, 10 military observers, 8 civilian police.

**MINUCI**

United Nations Mission in Côte d'Ivoire

*Established:* 13 May 2003.

*Ended:* 4 April 2004, with its merger into the United Nations Operation in Côte d'Ivoire.

**UNAMI**

United Nations Assistance Mission for Iraq

*Established:* 14 August 2003.

*Mandate:* To support the Secretary-General in the fulfilment of his mandate under Security Council resolution 1483(2003).

*Special Representative of the Secretary-General:* Ashraf Jehangir Qazi (Pakistan).

*Strength:* 132 international civilian staff, 187 local civilian staff, 3 military advisers.

**UNOMB**

United Nations Observer Mission in Bougainville (Papua New Guinea)

*Established:* 1 January 2004.

*Mandate:* To assist in the promotion of the political process under the Lincoln Agreement.

*Head of Office:* Tor Stenbock (Norway).

*Strength:* 2 international civilian staff.

**UNAMIS**

United Nations Advance Mission in the Sudan

*Established:* 11 June 2004.



*Mandate:* To prepare for the international monitoring foreseen in the 2003 Naivasha Agreement on Security Arrangements, to facilitate contacts with the parties concerned and to prepare for the introduction of a peace support operation following the signing of a comprehensive peace agreement.

*Special Representative of the Secretary-General:* Jan Pronk (Netherlands).

*Strength:* 154 international civilian staff, 141 local civilian staff, 25 military personnel.

### Commemoration of the sixtieth anniversary of the end of the Second World War

On 22 November [meeting 59], the General Assembly adopted **resolution 59/26** [draft: A/59/L.28/Rev.2, as orally revised] without vote [agenda item 158].

#### Commemoration of the sixtieth anniversary of the end of the Second World War

*The General Assembly,*

*Recalling* that 2005 marks the sixtieth anniversary of the end of the Second World War, the war which brought untold sorrow to mankind,

*Stressing* that this historic event established the conditions for the creation of the United Nations, designed to save succeeding generations from the scourge of war,

*Calling upon* the States Members of the United Nations to unite their efforts in dealing with new challenges and threats, with the United Nations playing a central role, and to make every effort to settle all disputes by peaceful means in conformity with the Charter of the United Nations and in such a manner that international peace and security are not endangered,

*Underlining* the progress made since the end of the Second World War in overcoming its legacy and towards establishing reconciliation, international and regional cooperation and the promotion of democratic values, human rights and fundamental freedoms, in particular through the United Nations, and the establishment of regional organizations and other appropriate frameworks,

1. *Declares* 8-9 May as a time of remembrance and reconciliation and, while recognizing that Member States may have individual days of victory, liberation and commemoration, invites all Member States, organizations of the United Nations system, non-governmental organizations and individuals to observe annually either one or both of these days in an appropriate manner to pay tribute to all victims of the Second World War;

2. *Requests* the President of the General Assembly to hold a special solemn meeting of the General Assembly in the second week of May 2005 in commemoration of all victims of the war;

3. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and organizations of the United Nations system and to take measures necessary for its implementation.

The Assembly, by **decision 59/552** of 23 December, decided that the item entitled "Declara-

tion by the United Nations of 8 and 9 May as days of remembrance and reconciliation" would remain for consideration during its resumed fifty-ninth (2005) session.

## Threats to international peace and security

### International terrorism

#### High-level Panel on Threats, Challenges and Change

The High-level Panel on Threats, Challenges and Change, in its report transmitted to the General Assembly in December [A/59/565 & Corr.1], described the effects of terrorism and made recommendations for its prevention. The Panel said that terrorism attacked the values that lay at the heart of the United Nations Charter—respect for human rights, the rule of law, rules of war to protect civilians, tolerance among people and nations, and the peaceful resolution of conflict. Two new dynamics gave the terrorist threat greater urgency—the instance (not likely to be the last) of an armed non-State network (Al-Qaida) with global reach and sophisticated capacity; and the threat that terrorists, for whatever motivation, would seek to cause mass casualties.

The Panel recommended that the United Nations, with the Secretary-General taking a leading role, promote a comprehensive strategy against terrorism. That strategy would include dissuasion, working to reverse the causes or facilitators of terrorism through promoting social and political rights and the rule of law, and to end occupations, address major political grievances, combat organized crime, reduce poverty and unemployment, and stop State collapse. It should also encompass efforts to counter extremism and intolerance, including through education and fostering public debate; development of better instruments for global counter-terrorism co-operation, within a legal framework that was respectful of civil liberties and human rights; building State capacity to prevent terrorist recruitment and operations; and control of dangerous materials and public health defence.

Member States that had not done so were urged to sign and ratify all 12 international conventions against terrorism [YUN 2001, p. 69], and adopt the eight Special Recommendations on Terrorist Financing issued by the Organisation for Economic Co-operation and Development-supported Financial Action Task Force on

Money-Laundering [ibid., p. 68] and the measures recommended in its various best practices papers. The General Assembly should rapidly complete negotiations on a comprehensive convention on terrorism, incorporating a definition of terrorism. The Security Council should extend the authority of the Counter-Terrorism Executive Directorate (see p. 79) to act as a clearing house for State-to-State provision of military, police and border control assistance for developing domestic counter-terrorism capacities. The Council should devise a schedule of predetermined sanctions for State non-compliance with the Council's counter-terrorism resolutions. To help Member States comply with their counter-terrorism obligations, the United Nations should establish a capacity-building trust fund.

## 2004 terrorist incidents

### Spain

On 11 March, a terrorist attack on commuter trains in Madrid, Spain, claimed the lives of 200 people and caused over 1,400 other casualties, some 190 of whom were in serious or critical condition. Among the dead and wounded were nationals not only of Spain, but of over 20 other countries.

#### SECURITY COUNCIL ACTION

On the same day [meeting 4923], the Security Council unanimously adopted **resolution 1530 (2004)**. The draft [S/2004/186] was prepared in consultations among Council members.

*The Security Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations and its relevant resolutions, in particular its resolution 1373(2001) of 28 September 2001,

*Reaffirming also* the need to combat by all means, in accordance with the Charter, threats to international peace and security caused by terrorist acts,

1. *Condemns in the strongest terms* the bomb attacks in Madrid perpetrated by the terrorist group Euskadi ta Askatasuna (ETA) on 11 March 2004, in which many lives were lost and people injured, and regards such acts, like any act of terrorism, as a threat to peace and security;

2. *Expresses its deepest sympathy and condolences* to the people and Government of Spain and to the victims of the terrorist attacks and their families;

3. *Urges* all States, in accordance with their obligations under resolution 1373(2001), to cooperate actively in efforts to find and bring to justice the perpetrators, organizers and sponsors of these terrorist attacks;

4. *Expresses its reinforced determination* to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations.

**Communications.** On 12 March [S/2004/196], Romania, in a letter addressed to the Council President, noted that among those killed were two Romanian citizens and 75 others were injured. Romania emphasized the importance of elaborating and enforcing comprehensive counter-terrorism legislation and urged the Council to continue to discharge its responsibility for international peace and security, including through its Counter-Terrorism Committee. The adoption of resolution 1530(2004) should be followed by concrete and firm measures to bring to justice the perpetrators and sponsors of such heinous acts.

On 15 March [S/2004/204], Spain conveyed its appreciation for the expressions of sympathy and cooperation demonstrated by the Council in resolution 1530(2004), adopted only a few hours after the attacks. It said that when the Council adopted that text, the Spanish Government was firmly convinced that the terrorist group ETA was behind the 11 March events. Since then, new evidence pointed to the involvement of citizens of other countries and investigations were continuing. In a further communication of 31 March [S/2004/269], Spain expressed its regret at its earlier conclusion and reported that the attacks were committed by radical Islamist elements, many of whom were Moroccans. With the collaboration of the Moroccan police, an investigation was being conducted into the terrorist organization Moroccan Islamic Combat Group. It had been determined that individuals, whose whereabouts were unknown and who apparently took part in preparing and carrying out the attacks, were involved in drug trafficking. The investigation was ongoing and the Spanish police were processing the relevant international arrest warrants.

### Russian Federation

#### Grozny incident

On 10 May [meeting 4966], following consultations among Security Council members, the President made statement **S/PRST/2004/14** on behalf of the Council:

The Security Council unequivocally condemns the terrorist bomb attack that took place on 9 May 2004 in Grozny, Russian Federation, as a result of which many people were injured and killed, including the President of the Chechen Republic of the Russian Federation, Mr. Ahmad Kadyrov.

The Council condemns in the strongest terms the perpetrators of this heinous act committed against innocent people at the stadium when celebrating Victory Day—the most solemn national holiday in the Russian Federation.

The Council expresses its deepest sympathy and condolences to the people and to the Government of

the Russian Federation and to the victims and their families.

The Council urges all States, in accordance with their obligation under resolution 1373(2001) of 28 September 2001, to cooperate with the Russian authorities in their efforts to bring to justice the perpetrators, organizers and sponsors of this attack.

The Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, whenever and by whomsoever committed.

The Council expresses its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations.

#### Beslan incident

On 1 September, more than 30 armed men seized a school in the town of Beslan in the North Ossetia region of the Russian Federation during a ceremony to mark the first day of the school term, taking more than 1,000 people hostage. The siege, which ended two days later, resulted in the death of 360 persons, of whom 172 were children and 30 members of the gang that seized the school.

#### SECURITY COUNCIL ACTION

On the same day [meeting 5026], following consultations among Security Council members, the President made statement **S/PRST/2004/31** on behalf of the Council:

The Security Council condemns in the strongest terms the heinous terrorist act involving the taking of hostages at a secondary school in the town of Beslan, Russian Federation, on 1 September 2004, as well as other terrorist attacks committed recently against innocent civilians in Moscow and on two Russian airliners, in which many lives were claimed and people injured.

The Council demands the immediate and unconditional release of all hostages in the terrorist attack.

The Council expresses its deepest sympathy and condolences to the people and the Government of the Russian Federation and to the victims of the terrorist acts and their families.

The Council urges all States, in accordance with their obligations under resolution 1373(2001), to cooperate actively with the Russian authorities in their efforts to find and bring to justice the perpetrators, organizers and sponsors of these terrorist acts.

The Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, whenever and by whomsoever committed.

The Council expresses its determination to combat all forms of terrorism, in accordance with its re-

sponsibilities under the Charter of the United Nations.

**Communications.** The Russian Federation President, Vladimir Putin, in a 4 September statement [A/59/337-S/2004/721], said that the Beslan incident was an inhuman crime by terrorists and a direct intervention on the part of international terrorists against Russia, which had to create a more effective security system and demand that its law enforcement agencies took actions commensurate with the level and scale of the new threats.

The heads of the member States of CIS, in a 16 September statement [A/59/537-S/2004/868], expressed their solidarity with the Russian Federation in its fight against terrorism and their conviction that only concerted efforts in combating international terrorism would prevent its spread. The heads of State instructed the relevant national structures to prepare a concept of cooperation between CIS member States in combating terrorism and other violent manifestations of extremism, and pledged to contribute to the struggle waged by the international community against the threat of terrorism.

The State Duma of the Federal Assembly of the Russian Federation, in a 22 September statement [A/59/538], expressed gratitude to all national parliaments, international organizations, State and public figures and peoples of foreign States for their expression of sympathy and called for international solidarity in combating terrorism, given the expanding geographical scope of terrorist acts, their brutality and the transformation of civilians, and even children, into the main target of terror.

#### Other incidents

On 8 October, the Security Council President made a press statement [SC/8215], affirming that Council members strongly condemned recent terrorist attacks in which many lives were claimed and people injured, including the horrific attacks in Pakistan, the 7 October heinous attack in Taba, Egypt, and the murder of a British civilian in Baghdad. By adopting resolution 1566(2004) by consensus, the Council had reaffirmed the central role of the United Nations in the fight against terrorism and the Council's determination to stand together in confronting terrorism. The Council urged all States, in accordance with their obligations under resolution 1373(2001) [YUN 2001, p. 61] and other relevant Council resolutions, to cooperate actively in their efforts to find and bring to justice the perpetrators, organizers and sponsors of terrorist acts. They reaffirmed their view that terrorism in all its forms and man-

ifestations constituted one of the most serious threats to international peace and security, and that any acts of terrorism were criminal and unjustifiable.

#### Anniversary of bombing of UN Baghdad office

On 19 August, the Security Council President issued a press statement on the first anniversary of the bombing of the UN headquarters in Baghdad [SC/8170-1K/455], stating that Council members together with the entire system commemorated that day as one of the most tragic days in the history of the Organization. A year earlier, the UN family lost Sergio Vieira de Mello and 21 other UN staff members in the bombing. Their deaths came as a result of the terrorist attack aimed at breaking the will of the international community, which came to Iraq with no other mission than to help its people regain control of their own destiny and build a better future of peace, justice, sovereignty and full independence. Those who killed the UN staff members had committed a crime, not only against the United Nations, but also against Iraq itself, the statement said. Paying tribute to those who lost their lives in that attack, members of the Council noted the continuing terrorist attacks on the representatives of the international community working in Iraq and strongly condemned them.

#### Measures to eliminate terrorism

During 2004, the United Nations pursued action on several fronts to combat and eliminate international terrorism. The General Assembly, on 2 December, adopted **resolution 59/46** (see p. 1311) on measures to eliminate international terrorism.

The Security Council, by **resolution 1526 (2004)** of 30 January (see p. 332), decided to improve implementation of the measures imposed by its previous resolutions against Al-Qaida, the Taliban and their associates. On 28 April, by **resolution 1540(2004)** (see p. 544), the Council, concerned by the threat of illicit trafficking in nuclear, chemical and biological weapons and their means of delivery, decided that all States should establish domestic controls to prevent the proliferation of those weapons and their means of delivery. In October, during consideration of the agenda item "Threats to international peace and security caused by terrorist acts", the Council adopted additional measures to be taken to combat terrorism (see below).

#### SECURITY COUNCIL ACTION

On 8 October [meeting 5053], the Security Council unanimously adopted **resolution 1566(2004)**.

The draft [S/2004/792] was prepared in consultations among Council members.

*The Security Council,*

*Reaffirming* its resolutions 1267(1999) of 15 October 1999 and 1373(2001) of 28 September 2001, as well as its other resolutions concerning threats to international peace and security caused by terrorism,

*Recalling*, in this regard, its resolution 1540(2004) of 28 April 2004,

*Reaffirming* the imperative to combat terrorism in all its forms and manifestations by all means, in accordance with the Charter of the United Nations and international law,

*Deeply concerned* by the increasing number of victims, including children, of acts of terrorism motivated by intolerance or extremism in various regions of the world,

*Calling upon* States to cooperate fully with the Security Council Committee established pursuant to resolution 1373(2001) concerning counter-terrorism (the Counter-Terrorism Committee), including the recently established Counter-Terrorism Committee Executive Directorate, the Security Council Committee established pursuant to resolution 1267(1999) concerning Al-Qaida and the Taliban and associated individuals and entities and its Analytical Support and Sanctions Monitoring Team, and the Security Council Committee established pursuant to resolution 1540 (2004), and further calling upon such bodies to enhance cooperation with each other,

*Reminding* States that they must ensure that any measures taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

*Reaffirming* that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security,

*Considering* that acts of terrorism seriously impair the enjoyment of human rights and threaten the social and economic development of all States and undermine global stability and prosperity,

*Emphasizing* that enhancing dialogue and broadening understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures, and addressing unresolved regional conflicts and the full range of global issues, including development issues, will contribute to international cooperation, which by itself is necessary to sustain the broadest possible fight against terrorism,

*Reaffirming its profound solidarity* with victims of terrorism and their families,

*Acting* under Chapter VII of the Charter,

1. *Condemns in the strongest terms* all acts of terrorism irrespective of their motivation, whenever and by whomsoever committed, as one of the most serious threats to peace and security;

2. *Calls upon* States to cooperate fully in the fight against terrorism, especially with those States where or against whose citizens terrorist acts are committed, in accordance with their obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning,



preparation or commission of terrorist acts or provides safe havens;

3. *Recalls* that criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose of provoking a state of terror in the general public or in a group of persons or particular persons, intimidating a population or compelling a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, and calls upon all States to prevent such acts and, to ensure that such acts if not prevented, are punished by penalties consistent with their grave nature;

4. *Calls upon* all States to become party, as a matter of urgency, to the relevant international conventions and protocols whether or not they are party to regional conventions on the matter;

5. *Calls upon* Member States to cooperate fully on an expedited basis in resolving all outstanding issues with a view to adopting by consensus the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism;

6. *Calls upon* relevant international, regional and subregional organizations to strengthen international cooperation in the fight against terrorism and to intensify their interaction with the United Nations and, in particular, the Security Council Committee established pursuant to resolution 1373(2001) concerning counter-terrorism (the Counter-Terrorism Committee), with a view to facilitating full and timely implementation of resolution 1373(2001);

7. *Requests* the Counter-Terrorism Committee, in consultation with relevant international, regional and subregional organizations and the United Nations bodies to develop a set of best practices to assist States in implementing the provisions of resolution 1373(2001) related to the financing of terrorism;

8. *Directs* the Counter-Terrorism Committee, as a matter of priority and, when appropriate, in close cooperation with relevant international, regional and subregional organizations, to start visits to States, with the consent of the States concerned, in order to enhance the monitoring of the implementation of resolution 1373(2001) and facilitate the provision of technical and other assistance for such implementation;

9. *Decides* to establish a working group consisting of all members of the Security Council to consider and submit recommendations to the Council on practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities, other than those designated by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, including more effective procedures considered to be appropriate for bringing them to justice through prosecution or extradition, freezing their financial assets, preventing their movement through the territories of Member States, and preventing supply to them of all types of arms and related material, and on the procedures for implementing these measures;

10. *Requests* the working group established pursuant to paragraph 9 above to consider the possibility of establishing an international fund to compensate victims of terrorist acts and their families, which might be financed through voluntary contributions, which could consist in part of assets seized from terrorist organizations, their members and their sponsors, and submit its recommendations to the Council;

11. *Requests* the Secretary-General to take, as a matter of urgency, appropriate steps to make the Counter-Terrorism Committee Executive Directorate fully operational and to inform the Council by 15 November 2004;

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

The Russian Federation, in a statement after the vote, said that the unprecedented escalation of international terrorism (see p. 72) pointed to the need for the Council to further develop a global anti-terrorist strategy, as defined in resolution 1373(2001) [YUN 2001, p. 61]. Resolution 1566 (2004) set out concrete steps to strengthen security mechanisms and to improve legal instruments for enhancing coordination of international counter-terrorism actions. However, identifying additional anti-terrorist measures posed a problem, and the Council's working group entrusted with that task should, as a priority, search for ways to identify terrorists, possibly drafting a relevant list of those who might subsequently be brought to justice.

**Communications.** On 12 May [A/59/83-S/2004/387], the Sudan transmitted to the Secretary-General the Khartoum Declaration on Combating Terrorism and Transnational Organized Crime, issued by the Intergovernmental Authority on Development (Khartoum, 17-19 January).

On 23 March [A/58/745-S/2004/235], Cuba protested the inclusion in the United States delegation to the sixtieth session of the Commission on Human Rights of the "notorious terrorist" of Cuban origin, Luis Zúñiga Rey. It said that his inclusion was a sign of disrespect for the United Nations and it jeopardized the security of the Organization.

By letters dated 2 and 21 September [A/58/884-S/2004/718, A/59/371], Cuba informed the Secretary-General that, as a result of Panama's President, Mireya Moscoso, having pardoned four Cuban-born terrorists (Luis Faustino Clemente Posada Carriles, Gaspar Eugenio Jiménez Escobedo, Guillermo Novo Sampoll and Pedro Remón Rodríguez), who were sentenced in Panama for the attempted assassination of Cuban President Fidel Castro in November 2000, it was severing indefinitely diplomatic relations with Panama. Also on 21 September [S/2004/753], Cuba provided further information on the four suspects and requested the Counter-Terrorism

Committee to evaluate the situation in the hope of bringing an end to impunity for those terrorists and to inform Cuba of its conclusions, in the light of resolution 1373(2001).

On 22 September [A/59/383-S/2004/758], Costa Rica conveyed to the Secretary-General the proposal of its President, Abel Pacheco de la Espriella, for establishing a United Nations High Commissioner on Terrorism. The office of such a High Commissioner would be an independent body for coordinating international counter-terrorism activities. The President recommended that the General Assembly request the Secretary-General to report in 2005 on the possible methods, mandate and structure of such an office, which could be operational by December 2007, and to establish a working group for that purpose.

#### *Counter-Terrorism Committee*

In 2004, the Counter-Terrorism Committee (CTC), established by Security Council resolution 1373(2001) [YUN 2001, p. 61], updated the consolidated directory of contact points in each State, in a number of international/regional organizations and agencies, and in the UN Secretariat, that would provide information or assistance in connection with matters arising under resolution 1373(2001). The revisions were transmitted by the Committee Chairman to the Council President on 28 April [S/2004/346] and 24 September [S/2004/659].

The Chairman also submitted CTC's work programmes for the 90-day periods 1 January to 31 March [S/2004/32], 1 April to 30 June [S/2004/284], 1 July to 30 September [S/2004/541] and 1 October to 31 December [S/2004/820]. The Council considered those reports at meetings held on 19 July and 19 October under the agenda item "Threats to international peace and security caused by terrorist acts".

In a 28 May note [S/2004/436], the Council President reported that Council members had agreed to elect Alexander V. Konuzin (Russian Federation) as CTC Chairman and Abdallah Baali (Algeria), Ismael Abraão Gaspar Martins (Angola) and Ronaldo Mota Sardenberg (Brazil) as Vice-Chairmen until 31 December 2004.

**Security Council consideration (March).** The CTC Chairman, reporting on 4 March [meeting 4921] to the Security Council on the Committee's work, said that the Committee had approved 44 reports from States on their implementation of resolution 1373(2001) under its October to December 2003 programme of work [YUN 2003, p. 66] and its subcommittees had reviewed another 37. As part of that work programme, the report on the problems encountered by States and CTC in

implementing resolution 1373(2001) (see p. 78) was submitted to the Council on 14 November 2003. CTC would report on measures to be taken to solve those problems (see p. 77). CTC expanded contacts and cooperation with international, regional and subregional organizations, including participating in their meetings.

**Communications.** On 1 April [S/2004/276], the CTC Chairman transmitted to the Council President the declaration adopted by the follow-up meeting to the CTC special meeting of 6 March 2003, hosted by OSCE in cooperation with the United Nations Office on Drugs and Crime (Vienna, 11-12 March 2004), in which international, regional and subregional organizations agreed, among other actions, to enhance the effectiveness of their efforts against terrorism and to coordinate and exchange information with CTC, one another and other relevant international actors to meet the capacity-building needs of their members so as to assist them to implement fully their obligations under resolution 1373(2001).

On 7 May [S/2004/361], the CTC Chairman, in accordance with resolution 1456(2003) [YUN 2003, p. 63], reported on States' reporting to CTC and indicated that, as at 7 May, 71 States had failed to meet the reporting deadlines for the submission of second, third and fourth reports. Of those States, 11 had requested an extension.

**Security Council consideration (July).** Reporting to the Council on 19 July [meeting 5006], the CTC Chairman, referring to the Committee's report for April to June [S/2004/284], said that during the transition period following the adoption of resolution 1535(2004) (see p. 79) on the revitalization of CTC, the review of reports submitted by States had slowed down. Only 25 of the 65 planned reviews were actually completed, but CTC had taken measures to accelerate the process. The Committee began integrating the analysis of country assessments of assistance needs into the review process, thereby ensuring that global technical assistance efforts were better adjusted to needs. CTC intended to assume a more active role in coordinating technical assistance, particularly through direct dialogue with Member States and through information exchange with the donor community. With regard to transparency, CTC resumed the practice of regular briefings by its Chairman with interested delegations. Given the lack of public awareness about its activities and the resulting misconceptions about its work, it would continue to improve its communication methods. Through CTC efforts, the number of States becoming parties to the 12 terrorism-related international conventions [YUN 2001, p. 69] had increased.

Referring to the Committee's report for July to September [S/2004/541], the CTC Chairman said that, as at 30 June, CTC had received 515 reports from Member States and others, including 162 second, 116 third and 40 fourth reports. However, 71 States had not met the deadline for submission of their reports. CTC's main task was implementing resolution 1535(2004), and in that regard it expected to consider in July the draft organizational plan for the CTC Executive Directorate (see p. 79). It had agreed on formal co-operation with the Security Council Committee established pursuant to resolution 1267(1999) [YUN 1999, p. 265] concerning Al-Qaida and the Taliban and would seek appropriate working relations with the Security Council Committee established pursuant to resolution 1540(2004) (see p. 544) concerning non-proliferation problems in the context of the terrorist threat. The Committee would begin preparations for its first visit to a Member State to ensure monitoring of resolution 1373(2001). It would also develop direct dialogue with Member States seeking assistance in strengthening their capacities to combat terrorism.

#### SECURITY COUNCIL ACTION (July)

On 19 July [meeting 5006], following consultations among Security Council members, the President made statement **S/PRST/2004/26** on behalf of the Council:

The Security Council welcomes the briefing by the Chairman of the Security Council Committee established pursuant to resolution 1373(2001) concerning counter-terrorism (the Counter-Terrorism Committee) on the work of the Committee.

The Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, whenever and by whomsoever committed.

The Council recalls the statement by its President on 16 October 2003 (S/PRST/2003/17) and its resolution 1535(2004) of 26 March 2004, which indicated the intention of the Council to review the structure and activities of the Counter-Terrorism Committee.

The Council expresses its appreciation for the work of Mr. Inocencio Arias, of Spain, as Chairman of the Counter-Terrorism Committee and also expresses its confidence that the new Chairman, supported by the new Bureau of the Committee, will continue the effective coordination of the Committee in the global fight against terrorism under the aegis of the United Nations by monitoring the implementation of resolution 1373(2001) of 28 September 2001.

The Council invites the Counter-Terrorism Committee to pursue its agenda as set out in the work programme for the Committee for the twelfth 90-day period, focusing on practical measures to implement resolution 1535(2004) on the revitalization of the

Committee, including by considering the organizational plan for the newly established Counter-Terrorism Committee Executive Directorate.

The Council notes the importance of continuing the efforts of the Counter-Terrorism Committee aimed at increasing the capabilities of Member States to combat terrorism, to identify and address the problems faced by States in implementing resolution 1373(2001), to facilitate the provision of technical assistance adjusted to the countries' needs, to encourage the largest possible number of States to become parties to the international conventions and protocols related to counter-terrorism, and to strengthen its dialogue and cooperation with international, regional and subregional organizations acting in the areas outlined by resolution 1373(2001).

The Council invites the Counter-Terrorism Committee to accelerate its work on country assessments of assistance needs that can be shared with interested donor States and organizations and welcomes the initiation of preparations for the first visit by the Committee to a Member State with its consent in order to enhance the monitoring of the implementation of resolution 1373(2001), focusing in particular on the assistance that might be available to address States' needs.

The Council notes that, as of 30 June 2004, 71 States had not met the deadline for submission of their respective reports to the Counter-Terrorism Committee as set out in resolution 1373(2001). It calls upon them urgently to do so, in order to maintain the universality of response which resolution 1373(2001) requires.

The Council invites the Counter-Terrorism Committee to continue reporting on its activities at regular intervals and expresses its intention to review the structure and activities of the Committee in October 2004.

#### Security Council consideration (October).

The CTC Chairman, reporting to the Council on 19 October [meeting 5059] on CTC's work programme for July to September [S/2004/541], said that, as at 30 September, CTC had received 526 reports from Member States and others, including 197 first reports, 162 second reports and 118 third reports. However, 78 Member States had not submitted their reports on time.

During the reporting period, CTC approved a guidance document for making assessments of each country's assistance needs and intended to rely on the assessment process to enhance the dialogue with Member States and the donor community with a view to making technical assistance more effective and relevant. In July, the Chairman requested Member States to update on a regular basis the Directory of Counter-Terrorism Information and Sources of Assistance and the Assistance Matrix. The Committee also adopted general guidelines for conducting visits to Member States and procedures for the preparation, conduct and evaluation of CTC visits. The CTC web page was substantially improved and up-



dated. The Chairman submitted the 90-day work programme for October to December [S/2004/820].

#### SECURITY COUNCIL ACTION (October)

On 19 October [meeting 5059], following consultations among Security Council members, the President made statement **S/PRST/2004/37** on behalf of the Council:

The Security Council welcomes the briefing by the Chairman of the Security Council Committee established pursuant to resolution 1373(2001) concerning counter-terrorism (the Counter-Terrorism Committee) on the work of the Committee.

The Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, whenever and by whomsoever committed.

The Council recalls the statement by its President of 19 July 2004, resolution 1535(2004), which indicated the intention of the Council to review the structure and activities of the Counter-Terrorism Committee, and resolution 1566(2004) emphasizing additional measures aimed at strengthening international cooperation in combating terrorism.

The Council invites the Counter-Terrorism Committee to pursue its agenda as set out in the work programme for the Committee for the thirteenth 90-day period, focusing on practical measures to implement resolution 1535(2004) on the revitalization of the Committee, including implementation of the organizational plan for the Counter-Terrorism Committee Executive Directorate, and resolution 1566(2004). These measures will embrace further work to increase the capacity of the Committee, including through enhanced cooperation with the Security Council Committee established pursuant to resolution 1267(1999) concerning Al-Qaida and the Taliban and associated individuals and entities and the Security Council Committee established pursuant to resolution 1540(2004).

The Council notes the importance of continuing the efforts of the Counter-Terrorism Committee to enhance the capabilities of Member States to combat terrorism, to identify and address the problems faced by States in implementing resolution 1373(2001), to facilitate the provision of technical assistance adjusted to the countries' needs, to encourage the largest possible number of States to become parties to the international conventions and protocols related to counter-terrorism, and to strengthen its dialogue and cooperation with international, regional and subregional organizations acting in the areas outlined in resolution 1373(2001).

The Council invites the Counter-Terrorism Committee to continue preparing and begin sending to Member States assessments of their assistance needs for eventual sharing with interested donor States and organizations, and to accelerate the preparations for the first visits to Member States with their consent in order to enhance the monitoring of the implementation of resolution 1373(2001) and facili-

tate the provision of technical and other assistance for such implementation.

The Council, recalling paragraph 7 of resolution 1566(2004), invites the Counter-Terrorism Committee to start, in consultation with relevant international, regional and subregional organizations and United Nations bodies, to develop a set of best practices to assist States in implementing the provisions of resolution 1373(2001) related to the financing of terrorism.

The Council notes that, as of 30 September 2004, 78 States had not submitted their respective reports to the Counter-Terrorism Committee on time as set out in resolution 1373(2001). It calls upon them urgently to do so, in order to maintain the universality of response which resolution 1373(2001) requires.

The Council invites the Counter-Terrorism Committee to continue reporting on its activities at regular intervals and expresses its intention to review the structure and activities of the Committee in January 2005.

**Report of CTC Chairman.** On 16 December [S/2004/982], the CTC Chairman, in accordance with the Committee's eleventh 90-day work programme [S/2004/284], presented to the Security Council a list of 75 States that had failed to meet the reporting deadlines for the submission of second, third and fourth reports, of which 7 had requested an extension.

#### Arrangements for the CTC Bureau

On 30 March [meeting 4939], following consultations among Security Council members, the President made statement **S/PRST/2004/8** on behalf of the Council:

The Security Council recalls the statement by its President of 16 October 2003 (S/PRST/2003/17), which confirmed the continuation of the current arrangements for the Bureau of the Security Council Committee established pursuant to resolution 1373(2001) concerning counter-terrorism for another six months, until 4 April 2004.

The said six months having elapsed, the Council confirms the continuation of the current arrangements for the Bureau of the Committee for another six months, until 4 October 2004.

#### Implementation of resolution 1373(2001)

By a January note [S/2004/70], the Security Council President transmitted to the Council the report of the Chair of CTC on the problems encountered in the implementation of resolution 1373(2001) [YUN 2001, p. 61].

The report concluded that implementation of resolution 1373(2001) was encountering serious problems, at the level of both States and CTC. Implementation of the obligations for suppressing the financing of terrorism was placing new burdens on banking institutions and financial professions, legislation on money-laundering was



not specific enough, international financial transactions lacked transparency, and national legislation was weak and often did not include provisions for freezing funds. It was also difficult, for both technical and political reasons, to monitor certain non-profit organizations used by terrorists to disseminate propaganda or collect funds on their behalf. Some States were reluctant to create a legislative mechanism for prosecuting those responsible for acts of terrorism wherever committed. Although many States had ratified the main international anti-terrorist conventions, a number of those had not adopted internal enforcement measures.

Because of the relationship between organized crime and terrorism, CTC needed to give greater attention in its dialogue with States to publicizing the means of combating organized crime. It should also play a more proactive role in promoting implementation of anti-terrorist action plans related to weapons of mass destruction, legal obligations in the fields of disarmament, arms limitation and non-proliferation, and instruments aimed at combating the manufacturing and trafficking of small arms and weapons.

Technical assistance was a major component of CTC work. As CTC was assuming a more proactive role in that area, its structure and working methods needed to be revisited in order to increase efficiency. It needed to evaluate the specific needs of States in that area, enhance relations with assistance providers, serve as a focal point for counter-terrorism action plans and monitor the assistance provided to States. In terms of CTC's structure and procedures, the CTC monitoring mechanism, based on the stages States had reached in adopting anti-terrorism legislation, had become artificial. Moreover, Member States perceived the stages system as an evaluation by CTC of their performance in fighting terrorism and believed that the system did not provide a clear picture of the States' real situation or efforts in implementing resolution 1373(2001). Other deficiencies were related to the need for consistency in reporting, the decision-making process, inadequacy of follow-up to CTC decisions, lack of adequate accountability, the responsibilities of the Chair, the functioning of the Bureau, recruitment of personnel of the CTC secretariat and the need to find a better contractual arrangement for CTC experts. In an effort to find solutions to the problems raised, the CTC Chair would submit a further report, including specific measures for complying with resolution 1373(2001).

#### Revitalization of Counter-Terrorism Committee

On 19 February [S/2004/124], the CTC Chairman submitted his proposals for the revitalization of

the Committee, aimed at consolidating achievements made in the fight against terrorism, intensifying CTC's and the Security Council's work in that field, and giving CTC further means for monitoring implementation of resolution 1373(2001). The revitalized CTC would consist of the Plenary, composed of Security Council member States, which would focus on strategic and policy decisions; the Bureau, composed of the Chair and Vice-Chairs; and the Executive Directorate (CTED), made up of experts and Secretariat staff and comprising the Assessment and Technical Assistance Office and the Information and Administrative Office. CTED would be headed by an Executive Director, to be appointed by the Secretary-General. A draft resolution reflecting the main ideas of the report was to be presented to the Council.

#### Security Council consideration (4 March).

The CTC Chairman, Inocencio Arias (Spain), told the Security Council on 4 March [meeting 4921] that CTC revitalization was urgent and necessary and would provide the means for making it more operational, proactive and visible. The goals of revitalization were to promote and monitor implementation of resolution 1373(2001) through dialogue; strengthen the provision of technical assistance to States and cooperation within the United Nations and among international and regional organizations; improve CTC's capacity to collect information and to make concrete recommendations to the Council on all aspects of resolution 1373(2001); and expedite CTC's work and simplify its procedures, including adoption of a proactive communication strategy. The Chairman stressed that the Executive Directorate would not be a permanent structure, but would have a sunset clause of 31 December 2007 and would not set a precedent for other Council bodies.

#### SECURITY COUNCIL ACTION

On 26 March [meeting 4936], the Security Council unanimously adopted **resolution 1535(2004)**. The draft [S/2004/238] was prepared in consultations among Council members.

#### *The Security Council,*

*Reaffirming* its resolution 1373(2001) of 28 September 2001, adopted under Chapter VII of the Charter of the United Nations, and the ministerial declarations annexed to its resolutions 1377(2001) of 12 November 2001 and 1456(2003) of 20 January 2003, as well as its other resolutions concerning threats to international peace and security caused by terrorist acts,

*Reaffirming also* that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security,

*Reaffirming its reinforced determination* to combat all forms of terrorism, in accordance with its responsibilities under the Charter,

*Reminding* States that they must ensure that any measures taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

*Reaffirming its call upon* States to become party, as a matter of urgency, to all relevant international conventions and protocols relating to terrorism and to support all international initiatives taken with that aim, and to make full use of the sources of assistance and guidance which are now available,

*Commending* Member States for their cooperation with the Counter-Terrorism Committee, and calling upon all of them to continue to cooperate fully with the Committee,

*Commending* the progress made so far by the Counter-Terrorism Committee, established by the Security Council under paragraph 6 of resolution 1373(2001), acting under Chapter VII of the Charter, in discharging its important responsibility to monitor the implementation of that resolution,

*Stressing* the important role that international, regional and subregional organizations play in the fight against terrorism, urging them to intensify their assistance to Member States with respect to the implementation of resolution 1373(2001), and commending the coordination by the Committee of counter-terrorism efforts with such organizations,

*Recognizing* that many States continue to require assistance in implementing resolution 1373(2001), and urging States and organizations to inform the Committee of areas in which they are able to offer assistance,

*Recognizing also* the need for the Committee, where appropriate, to visit States, with the consent of the State concerned, and to engage in a detailed discussion to monitor the implementation of resolution 1373(2001),

*Recognizing further* that such visits should be conducted, when appropriate, in close cooperation with relevant international, regional and subregional organizations and other United Nations bodies, including the United Nations Office on Drugs and Crime, in particular with its Terrorism Prevention Branch, taking special care of the assistance that might be available to address the needs of States,

*Stressing* the importance of enhancing the monitoring of the implementation of resolution 1373(2001),

*Having considered* the report of the Chairman of the Committee on the problems encountered both by Member States and by the Committee itself in the implementation of resolution 1373(2001),

*Stressing* the importance of addressing these difficulties so as to enable the Committee to monitor effectively the implementation of resolution 1373(2001) and to enhance the capacity-building work in which it is engaged,

*Bearing in mind* the special nature of resolution 1373(2001), the continuing threats to peace and security caused by terrorism, the important role the United Nations and the Security Council must continue to play in the global fight against terrorism, and the need to reinforce the Committee as the subsidiary body of the Council with responsibility in this area,

without setting a precedent for other bodies of the Council,

1. *Endorses* the report of the Security Council Committee established pursuant to resolution 1373(2001) concerning counter-terrorism on its revitalization;

2. *Decides* that the revitalized Committee shall consist of the Plenary, composed of the member States of the Security Council, and the Bureau, composed of the Chair and the Vice-Chairs, assisted by the Counter-Terrorism Committee Executive Directorate (hereinafter "CTED") to be established as a special political mission, under the policy guidance of the Plenary, for an initial period ending 31 December 2007 and subject to a comprehensive review by the Council by 31 December 2005, so as to enhance the ability of the Committee to monitor the implementation of resolution 1373(2001) and effectively continue the capacity-building work in which it is engaged;

3. *Decides also* that CTED, headed by an Executive Director, shall be responsible for the tasks set out in the report of the Committee, and requests the Secretary-General, within forty-five days of the adoption of the present resolution, to appoint, after consultation with and subject to the approval of the Council, an Executive Director of CTED who will take up office as soon as possible;

4. *Requests* the Executive Director of CTED, within thirty days of taking office, in consultation with and through the Secretary-General, to submit to the Plenary, for its endorsement, an organizational plan for CTED, consistent with the report of the Committee and United Nations rules and regulations, including its structure, staffing requirements, budget needs, management guidelines, recruitment procedures, recognizing in particular the need for an effective, cooperative management structure for the new body, and staffing with suitably qualified and experienced personnel, who would be international civil servants subject to Article 100 of the Charter of the United Nations, securing the highest standards of efficiency, competence and integrity and paying due regard to the importance of recruiting the staff on as wide a geographical basis as possible;

5. *Requests* the Chairman of the Committee to present the organizational plan to the Council for its endorsement, and further requests the Secretary-General to take the appropriate steps to implement it on an expedited basis, including, at the appropriate time, seeking the approval of the General Assembly;

6. *Decides* that the Committee shall continue to report to the Council on a regular basis;

7. *Stresses* the importance of ensuring that the Committee continues to operate effectively during the consolidation of the support structure of the Committee into CTED, and, in this regard, decides that the Committee shall continue to operate with its present support structure until the Committee determines, in consultation with the Secretary-General, that CTED is operational;

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

The Secretary-General, following consultations with Security Council members, appointed on 12 May [S/2004/388, S/2004/389] Javier Rupérez (Spain) as CTED Executive Director, which the

Council approved two days later [S/2004/390]. On 11 August [S/2004/642], the Council endorsed CTED's organizational plan.

**Report of Secretary-General.** As requested by resolution 1566(2004) (see p. 74), the Secretary-General submitted to the Council on 15 November [S/2004/914] a report on steps to make CTED, currently functioning within the budget of the Department of Political Affairs (DPA) with support from the DPA Executive Office, fully operational. He said that, in addition to the appointment of an Executive Director and endorsement by CTC of the CTED organizational plan (see above), administrative arrangements were put in place to facilitate recruitment of support personnel. Vacancy announcements for specialists in areas such as legislative drafting, financial law enforcement, extradition law, customs and border control, technical assistance and administrative support would be circulated. Budget requirements for 2004 (July to December) amounting to \$617,700 were being met through redeployment of resources appropriated under section 3, Political affairs, of the 2004-2005 programme budget. The requirement for 2005 would be submitted to the General Assembly during its fifty-ninth (2004) session.

The Secretary-General, in his November report [A/59/534/Add.1] on estimates in respect of special political missions, good offices and other political initiatives authorized by the Assembly and/or the Council, presented overall resource requirements for CTED in 2005 at \$6,085,000 net (\$7,071,800 gross). That amount was approved by the Assembly, on the recommendation of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) [A/59/569/Add.1], in section VII of **resolution 59/276**.

**Reports of States.** Between January and December, the CTC Chairman transmitted to the Council President reports submitted by Member States on action they had taken or planned to take to implement resolution 1373(2001) and letters from the Committee requesting follow-up information: [S/2004/19, S/2004/21-23, S/2004/36-38, S/2004/57-60, S/2004/65, S/2004/86, S/2004/89-96, S/2004/118-119, S/2004/124, S/2004/127-130, S/2004/131 & Corr.1, S/2004/132-133, S/2004/136, S/2004/149-159, S/2004/170-171, S/2004/179, S/2004/181, S/2004/214 & Corr.1, S/2004/215, S/2004/226-227, S/2004/252-255, S/2004/286, S/2004/295-296, S/2004/323-324, S/2004/340, S/2004/342-344, S/2004/358-360, S/2004/362-372, S/2004/374-377, S/2004/403-405, S/2004/429, S/2004/450-451, S/2004/475-477, S/2004/479-483, S/2004/502, S/2004/523 & Add.1, S/2004/552-559, S/2004/578-580, S/2004/589, S/2004/658-659, S/2004/660 & Add.1, S/2004/661-664, S/2004/670, S/2004/683-691, S/2004/745-746, S/2004/778, S/2004/791, S/2004/834-855, S/2004/863, S/2004/872, S/2004/876, S/2004/884-885, S/2004/899-900, S/2004/918-919, S/2004/945,

S/2004/964, S/2004/983, S/2004/991-993, S/2004/1000-1001, S/2004/1003-1006, S/2004/1023-1024].

#### *Action by Commission on Crime Prevention and Criminal Justice*

The Commission on Crime Prevention and Criminal Justice, at its thirteenth session (11-20 May) [E/2004/30], recommended to the Economic and Social Council for approval a draft resolution for adoption by the General Assembly entitled "Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime". That resolution was approved by the Council as **resolution 2004/19** and adopted by the Assembly as **resolution 59/153** (see p. 1125).

#### *IAEA action*

The General Conference of the International Atomic Energy Agency (IAEA), at its forty-eighth session (Vienna, 20-24 September) (see p. 548), adopted resolution GC(48)/RES/11 relating to progress on measures to protect against nuclear and radiological terrorism. It called on member States to continue to provide political, financial and technical support to improve nuclear and radiological security, prevent nuclear and radiological terrorism, and support the Nuclear Security Fund.

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## Peacekeeping operations

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In 2004, the General Assembly and the Security Council continued to oversee the management and operations of UN peacekeeping missions. The Council addressed a number of key issues aimed at strengthening and streamlining the overall conduct of those operations. It renewed the mandates of several ongoing operations and created new ones in the face of deteriorating security conditions. The Assembly took action on a number of financial and administrative matters. The Department of Peacekeeping Operations (DPKO) continued to implement the recommendations contained in the 2000 report of the Panel on United Nations Peace Operations (the Brahimi report) [YUN 2000, p. 83] and those of the Special Committee on Peacekeeping Operations, whose mandate was to review the whole question of peacekeeping operations in all their aspects. The Special Committee

held a general debate on 29 and 30 March, during which it approved a number of recommendations for submission to the Assembly. It also considered other general issues related to peacekeeping operations and made recommendations for improving their effectiveness.

### **General aspects of UN peacekeeping**

#### **Security Council Working Group on Peacekeeping Operations**

The Security Council Working Group on Peacekeeping Operations held four meetings in 2004 (2 April, 11 June, 2 July and 27 August). The Chairman of the Working Group, in his personal report on the Group's activities, transmitted in December to the Council [S/2004/1040], said that the Group, in addition to dealing with various issues concerning the relationship between troop contributors and peacekeeping operations, focused on the relationship between the Council and DPKO and how to deal with the demands of peacekeeping from the perspective of new and increasingly complex operations and the management of ongoing operations.

The Chairman proposed that the Working Group become a full-fledged subsidiary organ of the Council so that it could have a more effective role in terms of peacekeeping mandates.

On 30 December [S/2004/1032], the Council President stated that Council members had agreed that the Working Group would continue its work until 31 December 2005.

#### **Decision-making in peacekeeping operations**

By a 5 February letter [S/2004/99], Brazil, Canada, Egypt, Germany, Ghana, India, Japan, Mexico, Pakistan and South Africa drew the attention of the Security Council to their concern regarding decision-making in peacekeeping operations. According to them, decision-making in peacekeeping operations was confined to Council members, the Secretariat and troop-contributing countries. While there were mechanisms provided for in resolution 1353(2001) [YUN 2001, p. 80] for the inclusion of other interested Member States on a case-by-case basis, those mechanisms had not been successful in allowing for substantial input by major stakeholders in peacekeeping operations. Meetings with troop-contributing countries were largely informative and technical, with little or no relevance for Council decisions. The potential for a broad-based approach remained mostly untapped. New ways to organize a more comprehensive and rational decision-making process, involving all stakeholders, was needed. Apart from improving the basis for decision-

making in the Council, the inclusion of major stakeholders would also create a considerable incentive for the general membership to support peacekeeping operations. The solution would be to schedule regular meetings of the Security Council Working Group on Peacekeeping Operations as the forum for open debate, allowing all interested parties to make their views known on issues concerning peacekeeping operations. The Chairman of the Working Group would then report back to the Council. As for the question of determining which States had a legitimate interest in participating, the Council's precedent of allowing non-members with a stake in the agenda item to speak in the Council's public meetings, upon request, should be followed.

#### **Strategic direction and future trends of UN peacekeeping operations**

During its presidency of the Security Council, Pakistan informed the members that it was holding a debate on 17 May on UN peacekeeping operations [S/2004/378]. In its working paper on the subject, Pakistan said that, with the recent upsurge in demand for peacekeeping operations and the four years that had elapsed since the release of the Brahimi report, it was timely to evaluate the strategic direction of peacekeeping operations and analyse trends. That would involve reviewing the efficacy and effectiveness of the principles, policies, structures and mechanisms governing the planning, establishment, deployment and conduct of peacekeeping operations, what had and had not worked since the Brahimi reforms, as well as the level of logistic, financial and political support for those operations and future requirements.

Opening the debate on 17 May [meeting 4970], Pakistan, as Council President, said that it was appropriate to highlight the challenges in peacekeeping and to help generate sufficient levels of political, financial, human and logistical support required in establishing new missions. It hoped that the exchange of views would promote better preparation for the challenges and for utilizing more effectively the instrument of UN peacekeeping in the furtherance of international peace and security.

The Secretary-General told the Council that the United Nations was facing a surging demand for peacekeeping. As at April, more than 53,000 troops, military observers and civilian police were serving in 15 UN missions around the world, the highest number since October 1995. Many of those missions were large and complex and went beyond the limited military functions of traditional peacekeeping missions. The Council had recently authorized a new mission in Haiti



and expanded the one in Côte d'Ivoire, while other missions were being planned for Burundi and the Sudan. To absorb the new costs, an extra \$1 billion above the current \$2.82 billion would be needed by the end of the year for the peacekeeping budget. The United Nations had a duty to meet that demand and to seize the opportunities to bring long-standing conflicts to an end, as UN peacekeeping missions offered the best and sometimes only hope of emerging from conflict towards a safe and stable future.

Peacekeeping had become increasingly multidimensional and, as the complexity of mandates had increased, so too had public expectations about what those missions could achieve. Peacekeeping operations had to be part of a longer-term strategy to solidify the foundation of peace, lest, as in Haiti and Liberia, the United Nations had to return again. To that end, the international community should better integrate the security, political, economic and social levers at its disposal to keep and build peace in the immediate post-conflict period and beyond. As the United Nations moved into non-traditional aspects of peacekeeping, it also needed to have a clear picture of the environments in which it was operating, with the required information, the capacity to analyse that information and the means to conduct its mission.

To deal with those challenges, the United Nations had to show commitment and be prepared to stay the course with political will and resources to ensure that peace processes did not falter into renewed conflict. To succeed, Council mandates had to be clear, implementable and achievable and missions needed to receive the requisite troops and resources. Council support was especially important when a mission faced challenges to the legitimacy of its mandate.

Although many of the recommendations in the Brahimi report had been implemented, the scale of the current surge in peacekeeping operations might well outstrip the Organization's capacities to backstop those operations, and it would have to augment those capacities. UN missions remained hampered by a lack of specialized military capacities, generally available from developed countries, which made only limited contributions of troops to peacekeeping operations. At the same time, many willing troop-contributor States had difficulty in deploying staff within the necessary time frames.

The Secretary-General urged Member States to help fill those gaps so that UN peacekeeping operations could draw on specialized capacities and deploy rapidly. The United Nations was also working with regional, subregional and international arrangements to ensure complementary

capacities, such as early temporary force deployments that could bridge the gap until the UN peacekeepers could deploy. Another critical gap was the need for French-speaking personnel, especially police, to tackle assignments in Francophone countries. As missions in Haiti, Côte d'Ivoire and possibly Burundi were expanded, that pressure would intensify.

UN peacekeeping missions had a long history and the lessons of the past had to be recalled to ensure that everything would be done to ensure success. New missions should be guaranteed the necessary resources and commitment to handle the complex and challenging tasks to which they were called.

#### SECURITY COUNCIL ACTION

On 17 May [meeting 4970], following consultations among Security Council members, the President made statement **S/PRST/2004/16** on behalf of the Council:

The Security Council recalls its primary responsibility for the maintenance of international peace and security and reaffirms its commitment to the purposes and principles enshrined in the Charter of the United Nations, in particular, of the political independence, sovereignty and territorial integrity of all States in conducting all peacekeeping and peacebuilding activities and the need for States to comply with their obligations under international law.

The Council recognizes that, as experience confirms, United Nations peacekeeping operations play a critical role in the maintenance of international peace and security, preventing and containing conflicts, promoting compliance with international norms and Council decisions, and building peace in post-conflict situations.

It further notes that United Nations peacekeeping missions are charged with increasingly difficult and complex mandates assigned to them by the Council and recognizes in this regard the need for a continued review of United Nations peacekeeping.

The Council notes that, in addition to the existing fourteen United Nations peacekeeping operations, there has been a recent surge in demand for new peacekeeping operations. It is cognizant of the challenges this represents for the United Nations system in terms of generating the necessary resources, personnel and other capabilities to meet the increased demand.

The Council calls upon Member States to ensure that the United Nations is provided with full political and financial support to meet these challenges effectively, keeping in view the specific requirements of each mission and bearing in mind the human and financial resource implications for the United Nations. The Council also stresses that it is also important to ensure that, while meeting the demand for new peacekeeping operations, the resources available for and the effective management of the existing operations are not adversely affected. At the same time it underscores the need for efficient and effective management of resources.

The Council calls upon Member States to contribute sufficient levels of trained troops, police and civilian personnel, including those with specialized capabilities and skills, bearing in mind the need for an increased percentage of female personnel at all decision-making levels, as well as the mobilization of logistic and administrative support, to allow the multiple operations to start optimally and fulfil their respective mandates in an effective manner. Enhancing the Secretariat's capacities and using them in a rational and efficient manner will constitute a crucial element of this response.

The Council also stresses the need for improved integrated mission planning, as well as enhanced capacity for rapid deployment of personnel and materiel to ensure efficient start-up of peacekeeping operations. The timely and adequate replenishment of strategic deployment stocks is essential to meet current and future demands.

The Council recognizes the need to work, as appropriate, with regional and subregional organizations and multinational arrangements in peacekeeping operations in accordance with Chapter VIII of the Charter of the United Nations to ensure complementary capacities and approaches before and during the deployment and after the withdrawal of United Nations peacekeeping missions.

The Council recognizes its responsibility to provide clear, realistic and achievable mandates for peacekeeping missions. The Council values, in this regard, the assessments and recommendations provided by the Secretariat for informed decisions on the scope and composition of new peacekeeping operations as well as their mandates, concept of operations and force levels and structures.

The Council believes that there is need to strengthen the relationship between those who plan, mandate and manage peacekeeping operations, and those who implement the mandates for these operations. Troop-contributing countries, through their experience and expertise, can greatly contribute to the planning process and can assist the Council in taking appropriate, effective and timely decisions on peacekeeping operations. The Council recognizes, in this regard, that the meetings and mechanisms established by its resolution 1353(2001) of 13 June 2001 serve to facilitate the consultations process.

The Council recognizes that in peacekeeping operations there are contributors, other than troop-contributing countries, whose views should also be taken into account as appropriate.

The Council stresses that, in challenging environments, United Nations peacekeepers may need to be provided with sufficiently robust rules of engagement and the necessary military resources to enable them to fulfil their mandate and, if necessary, to defend themselves. In all cases, the Council considers the safety and security of all United Nations personnel to be a priority. It stresses, in this context, the importance of enhanced capacity to gather and manage information in the field.

The Council takes notes of recent efforts to increase coordination between missions in adjacent countries and encourages Special Representatives of the Secretary-General to explore synergies to ensure

effective management of peacekeeping missions in the same regions or subregions.

The Council stresses the need to regularly assess the size, mandate and structure of peacekeeping operations with a view to making the necessary adjustments, including downsizing, where appropriate, according to progress achieved. It also encourages the continued commitment of the international community to consolidate and sustain the peace on the ground during and beyond the life of the mission.

The Council further recognizes the importance of a gender perspective, including gender training for peacekeepers, in peacekeeping operations, in accordance with Council resolution 1325(2000) of 31 October 2000 and the importance of protection of children in armed conflict in accordance with Council resolution 1379(2001) of 20 November 2001.

The Council recognizes the increased risk of the spread of communicable diseases and certain criminal activities in post-conflict areas. The Council welcomes efforts by the Secretariat to sensitize peacekeeping personnel in the prevention of HIV/AIDS and other communicable diseases in compliance with Council resolution 1308(2000) of 17 July 2000, and encourages the Secretariat to continue implementing its guidelines on prostitution and trafficking.

The Council recognizes that effective peacekeeping operations should be part of an overall strategy to consolidate and sustain peace. In this regard, it stresses the need to ensure from the outset the coordination, coherence and continuity between the different parts of this overall strategy, in particular between peacekeeping on the one hand and peacebuilding on the other. To this end, the Council encourages closer cooperation between all relevant United Nations agencies, funds and programmes and international financial institutions, regional and subregional organizations and the private sector. Ensuring lasting peace in the aftermath of conflict may require sustained support from the United Nations and its humanitarian and development partners.

The Council notes that training is increasingly becoming a critical element in peacekeeping operations and recognizes the need to utilize the expertise of experienced troop-contributing countries. It encourages international cooperation and support for the establishment of peacekeeping training centres, which could provide a wide range of training opportunities to new and emerging troop contributors.

The Council recognizes that meeting the demands of an increasing number of United Nations peacekeeping missions will require the concerted efforts of the Security Council, the General Assembly, the States Members of the United Nations and the Secretary-General so as to ensure that the necessary resources and operational support are provided. The Council encourages follow-up consultations on the surge in demand, and invites the Secretary-General to provide regularly, in a timely manner, to Member States assessments of evolving needs and shortfalls in United Nations peacekeeping, in order to identify critical gaps and unmet requirements as well as steps required to meet these.

The Council underscores the useful role of its Working Group on Peacekeeping Operations in the consultation process at different stages of peacekeeping operations. It encourages the Working Group to pay special attention to matters relating to the surge in demand in United Nations peacekeeping over the coming year and, as necessary, to report to the Council.

The Council pays high tribute to all the men and women who have served and continue to serve in United Nations peacekeeping operations for their high level of professionalism, dedication and courage. It honours the memory of those who lost their lives in the service of the United Nations and the noble cause of peace.

The Secretary-General, in an August report [A/59/282] to the General Assembly on the implementation of the United Nations Millennium Declaration [YUN 2000, p. 49], discussed the Organization's achievements in peace and security, particularly in peacekeeping in the light of the jump in demand for UN peacekeeping operations (see p. 51).

### **Strategies for complex peacekeeping operations**

The Special Committee on Peacekeeping Operations, at its 2004 substantive session (New York, 29 March–16 April) [A/58/19], recognized the need for DPKO to plan for peacekeeping missions in such a manner as to facilitate post-conflict peace-building and long-term prevention of recurrence of armed conflict. In that context, it encouraged the Secretariat to develop comprehensive strategies and integrated mission planning in disarmament, demobilization and reintegration, strengthening the rule of law, security sector reform, quick-impact projects and mine action, with a view to restoring security and stability in post-conflict societies. The Committee called for the inclusion of peace-building elements in mandates to generate conditions for preventing the recurrence of armed conflict. It stressed the need for cooperation and coordination among UN specialized agencies, funds and programmes, as well as with the Bretton Woods institutions (the World Bank Group and the International Monetary Fund), international donors, humanitarian organizations, NGOs and civil society for ensuring operational clarity and coherence on the ground during implementation of those comprehensive strategies in the post-conflict peace-building phases, so as to ensure a smooth transition to long-term development activities. It looked forward to the detailed review of UN capacity in that regard, to be included in the Secretary-General's report on the implementation of resolution 57/337 [YUN 2003, p. 50] to the General Assembly at its fifty-ninth (2004) session.

Regarding disarmament, demobilization and reintegration, the Special Committee stressed the importance of planning and preparations at UN Headquarters of comprehensive strategies from the outset, and underscored the valuable role that the Peacekeeping Best Practices Unit could play in that regard. Efforts should be undertaken to identify with the donor community ways to secure financing for all components of the disarmament, demobilization and reintegration programmes. All disarmament, demobilization and reintegration processes should take into account the special needs of child and women soldiers and children and women dependants of ex-combatants. Peacekeeping missions should be committed to implementing those strategies in cooperation with local authorities and relevant partners. At the earliest stage of the peace negotiation process preceding the establishment of a mission, there should be identification, preparation and coordination of all relevant actors in order to develop, well in advance, a successful disarmament, demobilization and reintegration strategy. The Special Committee underlined the importance of effective disarmament measures, including the collection, safe storage, disposal or destruction of arms from ex-combatants.

The Special Committee recognized that establishment of local rule-of-law capacities was an essential element in creating and sustaining stability in a post-conflict environment. A peacekeeping mission might provide technical advice to reform the local justice system. The Special Committee noted the report of the Executive Committee on Peace and Security regarding the need for enhanced UN system-wide coordination to strengthen its rule-of-law capacities and mobilize identified resources. The Special Committee believed that the report identified available expertise within and outside the UN system and suggested possible arrangements through which UN departments and agencies and external entities could provide expertise. It asked the Secretariat to assess the work undertaken thus far in that area, particularly in justice and corrections. The Committee noted the Secretary-General's request, in his report on the implementation of its recommendations [A/58/694] (see p. 81), for additional resources for DPKO's support for justice and corrections issues and sought clarification on the resources requested.

Concerning quick-impact projects, the Special Committee suggested that they be not only an integral part of mission planning and development, but also part of the implementation of comprehensive strategies to meet the challenges facing complex peacekeeping operations. Selection procedures for those projects should be

more flexible and be addressed at the field level. The necessary resources should be made available through the second year of a peacekeeping operation, provided they directly supported the mission's mandate and either responded to needs not covered by existing assistance or served as a catalyst to broaden those efforts.

In the area of mine action, the Special Committee encouraged stakeholders to use standardized information management systems, such as the Information Management System for Mine Action, for the collection, analysis and dissemination of mine-related information. The Committee further encouraged the development and application of standardized mine-action training modules, mine-risk education materials and operating procedures for use by troop-contributing countries.

#### **Enhancing UN peacekeeping capacity**

The Special Committee on Peacekeeping Operations [A/58/19], in emphasizing the need to further improve the Organization's rapid deployment capabilities, suggested that the Secretariat use the United Nations Standby Arrangements System database as a starting point for the force-generation process and improve the efficacy of all aspects of pre-mandate operational preparedness, especially the timely dissemination of information on upcoming missions to troop-contributing countries to meet required deployment deadlines. More efficient management of the financial and logistical aspects would also contribute to rapid deployments. Further study and proposals on the requirements for rapidly deployable reserve forces were welcomed.

The Special Committee encouraged DPKO to assess the effectiveness of the Standby Arrangements System and optimize the strategic deployment stocks system in the light of lessons learned. It supported using the rapid deployment level early in the force-generation process to link troops from one Member State with equipment and training from other sources. The Special Committee stressed the need for militarily coherent and well-trained headquarters to achieve the degree of command and control necessary for effective implementation of complex mandates, and urged wider use of rapidly deployable headquarters in the initial phase of a peacekeeping operation. The earliest possible selection of the force commander, police commissioner and headquarters staff was recommended, to allow for their training and engagement in the pre-mission planning process.

The Special Committee reiterated its request for the creation of a working group to consider the funding difficulties of troop-contributing

countries in complying with rapid deployment requirements, especially ways of assuring rapid reimbursement in the rapid deployment phase, and asked the Secretariat to produce a study on possible options. It welcomed the initiatives for improving the capacity for rapid deployment of civil personnel. Given the likely surge in peacekeeping activities in 2004, it requested DPKO to explore alternative means of placing staff on standby, in addition to expanding the rapid deployment team concept.

Noting the ongoing review of strategic deployment stocks, the Special Committee called on the Secretariat to ensure that all aspects of pre-mandate operational readiness were covered so as to reduce preparation time. To overcome the equipment shortfall faced by troop-contributing countries, it recommended that the United Nations continue to facilitate various enabling arrangements, including through other Member States and bilateral arrangements.

Concerning the challenges faced in meeting the demands of surges in operational activity, the Special Committee recommended that the United Nations implement an integrated mission-planning process across all departments and stakeholders, producing a mission concept of operations and component plans that were fully understood, integrated, rehearsed and owned. It should also seek additional surge-planning capacity from external sources, such as regional headquarters, national staff or teams of international experts on a time-, objective- or mission-oriented basis.

The Special Committee noted the focus of the Peacekeeping Best Practices Unit on policy development, lessons learned and knowledge management and expected the Unit to play a part in developing generic peacekeeping policies, and in integrating lessons learned and best practices in the planning and conduct of missions. It welcomed the launch of the Unit's website and the publication of the handbook on multidimensional peacekeeping.

#### **Consultations with troop contributors**

The Special Committee on Peacekeeping Operations [A/58/19] reiterated the need for substantive consultations between the Security Council, the Secretariat and troop-contributing countries in planning and managing peacekeeping operations. It recognized that the meetings and mechanisms established by the Council in resolution 1353(2001) [YUN 2001, p. 80] had facilitated the consultation process. It looked forward to the implementation of the Council's recommendations [YUN 2002, p. 65] regarding the establishment of a mechanism for strengthening the Council's co-



operation with troop-contributing countries and encouraged increased consultations between the Security Council Working Group on Peacekeeping Operations and troop contributors on specific peacekeeping issues and individual peacekeeping operations. The Special Committee recommended that the Secretariat continue to look at ways to improve modalities for information-sharing with troop-contributing countries, particularly with respect to the Situation Centre's briefings and reports. It encouraged DPKO to make more use of issue-specific workshops and briefings to enhance cooperation on peacekeeping.

The Peacekeeping Best Practices Unit should consult with troop-contributing countries, and the Secretariat should convene periodic meetings, with the participation of former force commanders and national contingent commanders, to develop validation mechanisms for lessons learned and best practices. The Secretariat should consult with the troop-contributing countries in a timely manner when planning any change in the tasks, mission-specific rules of engagement, operational concepts or command and control structure which had an impact on the personnel, equipment, training and logistics requirements, and when planning a drawdown of troops in any peacekeeping operation.

The Special Committee requested that a list of the existing and anticipated peacekeeping-related policy papers, guidelines, manuals, standard operating procedures and training materials issued by DPKO be provided to Member States at regular intervals and be made available on the Department's web site.

### **Safety and security**

The Special Committee on Peacekeeping Operations [A/58/19] expressed concern over the precarious security environment in many field missions and called on the Secretariat to give the utmost priority to enhancing the safety and security of UN and associated personnel in the field. It supported the ongoing overall review of the UN security management system, and was of the view that the Secretary-General's request for a full-time safety and security focal point and a mission security management unit within DPKO should be considered within the context of that review. In the meantime, DPKO and related Secretariat bodies should address security concerns in missions in coordination with the field.

The Committee believed that joint mission analysis cells, established to improve enhancing information-gathering capacity in the field and to assess operating environments, should be properly equipped, adequately staffed and have

access to all available information. The Secretariat should report on that capacity to the Committee in 2005. Recognizing the need to improve information collection, analysis and dissemination at Headquarters as well as in the field, and pending the security management review, the Committee requested the Secretariat to inform Member States as quickly as possible, particularly in crisis situations, of changes in the security situation in the field or when casualties had occurred. It recommended that DPKO institute contingency arrangements for each mission to facilitate the evacuation of personnel.

The Committee welcomed the development and use of minimum operating security standards for peacekeeping missions and urged that they be reviewed and updated as circumstances changed. It reiterated its requests for information on the status of the Secretariat's work to formalize a policy on protection from nuclear, biological and chemical threats in the field.

### **Cooperation with regional arrangements**

The Special Committee on Peacekeeping Operations [A/58/19], while emphasizing the central role of the United Nations in peacekeeping operations, welcomed the new partnerships with relevant regional organizations that had enabled the Organization in recent years to make use of regional capacities. Assisting regional and sub-regional organizations in strengthening their capacities for peacekeeping would prove beneficial to those organizations, to confidence-building in the regions concerned and to peace and stability of the international community as a whole. At the same time, more deliberation should be encouraged on the optimal relationship between the United Nations and regional and subregional entities with regard to peacekeeping.

The Committee recognized that regional organizations had capacities for supporting UN peacekeeping operations in rapid-reaction capabilities, over-the-horizon capabilities, coordinated civilian and civilian police capabilities, specialized capabilities, provision of coherent headquarters, regional expertise, and sharing of best practices and training. They could also identify contributions offered by their own member States, or act as a one-stop shop. However, development of regional capacities should be in addition to bilateral contributions from Member States.

The Committee recommended that DPKO expand its contacts with regional organizations and their subregional partners, especially at the working level, in order to implement practical means for partnership. In addition, the Peacekeeping Best Practices Unit should continue to develop

lessons learned in consultation with regional organizations, building on its studies of the Interim Emergency Multinational Force in the Democratic Republic of the Congo, authorized by Security Council resolution 1484(2003) [YUN 2003, p. 126], and the multinational force of the Economic Community of West African States Mission in Liberia [ibid., p. 190], and those lessons should be incorporated in future partnerships with regional organizations.

### Women and peacekeeping

The Special Committee on Peacekeeping Operations [A/58/19], taking note of the Secretary-General's 2003 report on gender mainstreaming in peacekeeping activities [YUN 2003, p. 74], stressed the need for ongoing reporting on the implementation of gender mainstreaming in the field and at Headquarters. It shared the Secretary-General's concern over the low representation of women in peacekeeping operations and expressed its wish to see more female candidates for senior civilian appointments and for military and civilian police positions at all levels. The Committee encouraged the Secretariat to pursue its policy of mainstreaming a gender perspective into DPKO activities and to implement the recommendations made by the Secretary-General in his report on women, peace and security relating to peacekeeping [YUN 2002, p. 67].

Recognizing the need for a gender mainstreaming strategy for UN peacekeeping operations, the Committee recommended that gender experts be included in pre-mandate assessments and planning to ensure that the gender dimension was fully addressed in mission mandates. It welcomed DPKO's decision to focus in the coming year on establishing procedures for gender mainstreaming, including developing an organizational action plan for implementing the elements in Security Council resolution 1325(2000) [YUN 2000, p. 1113] relating to peacekeeping. The Committee encouraged the Secretariat to take into account the recommendations on peacekeeping operations contained in the relevant resolution of the Commission on the Status of Women [E/2004/27 (res. 48/4)] (see p. 1170), as well as the guidelines provided in the Commission's agreed conclusions on women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building, adopted by the Economic and Social Council in **resolution 2004/12** (see p. 1154).

**Report of Secretary-General.** Responding to Security Council presidential statement S/PRST/2002/32 [YUN 2002, p. 1143], the Secretary-General, in October [S/2004/814], reported on the implementation of Council resolution 1325(2000) [YUN

2000, p. 1113] on women and peace and security. He stated that the most significant progress in its implementation was made in peacekeeping. In 2000, there was only minimal mention of gender issues in peacekeeping mandates and two gender advisers were assigned to peacekeeping operations. Currently, gender concerns were raised in all new peacekeeping mandates and there were 10 full-time gender adviser positions in 17 peacekeeping operations. The gender adviser within DPKO would support the mainstreaming of gender perspectives in all DPKO offices, provide policy and operational guidance to gender advisers in the field, and disseminate lessons learned and best practices on gender and peacekeeping.

Gender units and advisers in peacekeeping operations provided technical guidance to ensure gender perspectives were incorporated in all functional areas of peacekeeping and to increase women's participation in implementing the mission's mandate. Gender advisers participated in inter-agency assessment missions conducted prior to the establishment of the mandates of operations in Burundi, Côte d'Ivoire, Haiti and Liberia.

Military, civilian police and civilian peacekeeping personnel were trained on the protection, rights and particular needs of women, as well as the importance of involving women in all peacekeeping functions. Canada and the United Kingdom developed a gender training initiative for military and civilian personnel involved in peace support operations. Within the UN system, the Department of Management supported a variety of capacity-building initiatives on mainstreaming gender perspectives in peacekeeping, while DPKO focused on improving the gender-mainstreaming training materials and tools. In addition, the United Nations Institute for Training and Research conducted training on women and children for civilian personnel in several peacekeeping operations.

To deal with the emerging problem of human trafficking in some peacekeeping operations, DPKO developed a policy on human trafficking and was producing, with United States support, a package of guidance for peacekeeping operations, which would include model legislation and awareness-raising materials. A number of peacekeeping operations had also established specific units in police stations to assist victims of sexual violence. Gender-sensitive HIV/AIDS awareness training was included in induction training for peacekeepers.

According to the Secretary-General, a more coherent strategy for gender mainstreaming in peacekeeping was needed to increase the understanding of the relevance of gender issues to

peacekeeping and to detail how to integrate gender concerns into the various pillars of an operation, including greater attention to data collection and reporting. He intended to develop a comprehensive strategy and action plan for mainstreaming gender perspectives into peacekeeping activities, with specific monitoring and reporting mechanisms, and urged the Security Council to monitor the implementation of the strategy and action plan.

As to enhancing the gender balance in recruitment, DPKO had introduced specific language into vacancy announcements, targeting professional women's organizations in order to encourage female candidates to apply. It had also made efforts to increase the representation of women among uniformed personnel.

The Secretary-General called on Member States, UN entities and civil society organizations to further analyse the obstacles to increasing women's representation in peace operations and humanitarian response and develop and implement appropriate recruitment strategies, including in military and police services, and create a pool of precertified female candidates for senior-level positions to ensure rapid deployment.

The Security Council, in presidential statement **S/PRST/2004/40** (see p. 1152) of 28 October, welcomed the Secretary-General's recommendations for developing a strategy and action plan for mainstreaming a gender perspective into peacekeeping activities and operations and for recruiting more female candidates in peace operations, particularly for senior-level positions, including in the military and civilian police services.

In related action, the Council, in **resolution 1539(2004)** (see p. 787) of 22 April, noted with concern all the cases of sexual exploitation and abuse of women and children, especially girls, in humanitarian crises, including those involving humanitarian workers and peacekeepers, and requested contributing countries to incorporate the six core principles of the Inter-Agency Standing Committee on emergencies into pertinent codes of conduct for peacekeeping personnel and to develop appropriate disciplinary and accountability mechanisms.

#### **Peacekeeping and the international legal system**

During informal consultations of the Security Council on 19 May, the United States introduced a draft resolution which sought to renew the request contained in Council resolution 1487(2003) [YUN 2003, p. 77] that the International Criminal Court not commence or proceed, for a period of 12 months starting on 1 July 2003, with investiga-

tion or prosecution of any case involving current or former officials or personnel from a contributing State not a party to the Rome Statute establishing the Court [YUN 1998, p. 1209] over acts or omission relating to a UN established or authorized operation, unless the Council otherwise decided.

On 20 May [S/2004/412], Ireland, Jordan, Liechtenstein and Switzerland requested that the Council convene a public meeting and invite interested States to discuss the proposed renewal of resolution 1487(2003) since it had implications of direct import to Member States, including those that were parties to the Rome Statute, relating to international peacekeeping, fundamental questions of international law and the Council's role in promoting law and accountability. They suggested that the issue would benefit from discussion in the wider UN membership. The Council President, Pakistan, in the assessment of its presidency for May [S/2004/614], reported that, during informal discussions on 21 May, the public meeting and the vote were deferred. Subsequently, the sponsor informed the Council that the request had been withdrawn for the time being. No further action was taken in 2004 on the draft resolution.

### **Comprehensive review of peacekeeping**

#### **Special Committee on Peacekeeping Operations**

As requested by the General Assembly in resolution 57/336 [YUN 2003, p. 79], the Special Committee on Peacekeeping Operations and its Working Group continued their comprehensive review of the whole question of peacekeeping operations in all their aspects [A/58/19]. In response to the Committee's request, the Secretary-General submitted a January report on the implementation of the Committee's recommendations [A/58/694].

The Committee, during its general debate on 29 and 30 March, considered guiding principles, definitions and implementation of peacekeeping mandates; safety and security of UN and associated personnel; cooperation with troop-contributing countries; cooperation with regional arrangements; enhancing African peacekeeping; comprehensive strategies for complex peacekeeping operations; enhancing UN capacity for peacekeeping; civilian police; gender and peacekeeping; children and peacekeeping; public information; and financial issues (for details, see subjects above).

## GENERAL ASSEMBLY ACTION

On 1 July [meeting 92], the General Assembly, on the recommendation of the Fourth (Special Political and Decolonization) Committee [A/58/474/Add.1], adopted **resolution 58/315** without vote [agenda item 85].

**Comprehensive review of the whole question of peacekeeping operations in all their aspects**

*The General Assembly,*

*Recalling* its resolution 2006(XIX) of 18 February 1965 and all other relevant resolutions,

*Recalling also*, in particular, its resolutions 57/336 of 18 June 2003 and 57/129 of 11 December 2002,

*Affirming* that the efforts of the United Nations in the peaceful settlement of disputes, including through its peacekeeping operations, are indispensable,

*Convinced* of the need for the United Nations to continue to improve its capabilities in the field of peacekeeping and to enhance the effective and efficient deployment of its peacekeeping operations,

*Considering* the contribution that all States Members of the United Nations make to peacekeeping,

*Noting* the widespread interest in contributing to the work of the Special Committee on Peacekeeping Operations expressed by Member States, in particular troop-contributing countries,

*Bearing in mind* the continuous necessity of preserving the efficiency and strengthening the effectiveness of the work of the Special Committee,

1. *Welcomes* the report of the Special Committee on Peacekeeping Operations;

2. *Endorses* the proposals, recommendations and conclusions of the Special Committee, contained in paragraphs 29 to 177 of its report;

3. *Urges* Member States, the Secretariat and relevant organs of the United Nations to take all necessary steps to implement the proposals, recommendations and conclusions of the Special Committee;

4. *Reiterates* that those Member States that become personnel contributors to the United Nations peacekeeping operations in years to come or participate in the future in the Special Committee for three consecutive years as observers shall, upon request in writing to the Chairman of the Special Committee, become members at the following session of the Special Committee;

5. *Decides* that the Special Committee, in accordance with its mandate, shall continue its efforts for a comprehensive review of the whole question of peacekeeping operations in all their aspects and shall review the implementation of its previous proposals and consider any new proposals so as to enhance the capacity of the United Nations to fulfil its responsibilities in this field;

6. *Requests* the Special Committee to submit a report on its work to the General Assembly at its fifty-ninth session;

7. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Comprehensive review of the whole question of peacekeeping operations in all their aspects".

By **decision 59/517** of 10 December, the Assembly took note of the report [A/59/472] of the

Fourth Committee on its consideration of the agenda item "Comprehensive review of the whole question of peacekeeping operations in all their aspects". On 23 December, the Assembly decided that the agenda item would remain for consideration at its resumed fifty-ninth (2005) session (**decision 59/552**).

### Operations in 2004

On 1 January 2004, 13 peacekeeping operations were in place—5 in Africa, 3 in Asia, 2 in Europe and 3 in the Middle East. During the year, three new missions were launched (in Burundi, Côte d'Ivoire and Haiti), bringing the total number of missions in place at the end of the year to 16.

### Africa

In Africa, the mandate of the United Nations Mission in Sierra Leone (UNAMSIL) was extended by the Security Council to 30 June 2005. The Council also extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 31 March 2005, authorized an increase in its strength by 5,900 personnel and expanded its mandate. The mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) was extended until 30 April 2005 and that of the United Nations Mission in Ethiopia and Eritrea (UNMEE) until 15 March 2005. The Council extended the mandate of the United Nations Mission in Liberia (UNMIL) to 19 September 2005. The Council established, in February, the United Nations Operation in Côte d'Ivoire (UNOCI) until 4 April 2005 to, among other tasks, monitor the ceasefire and movement of armed groups, and to assist in disarmament, demobilization, reintegration and resettlement. In May, it authorized the deployment of the United Nations Operation in Burundi (ONUB) until 1 June 2005, with a mandate to ensure respect of the ceasefire agreements, promote the re-establishment of confidence between forces, carry out disarmament and create security conditions for humanitarian assistance, among other responsibilities.

### Americas

In the Americas, the Security Council established as of 1 June the United Nations Stabilization Mission in Haiti (MINUSTAH) to, among other tasks, secure a stable environment, support the constitutional and political process and the conduct of free and fair elections, and extend State authority throughout the country. The



Council extended the MINUSTAH mandate until 1 June 2005.

### Asia

In Asia, the United Nations Military Observer Group in India and Pakistan (UNMOGIP), established in 1949, remained in place to monitor the ceasefire in Jammu and Kashmir. The Council extended the mandate of the United Nations Mission of Support in East Timor (UNMISSET) until 20 May 2005.

In related action, the Council extended in September the authorization of the International Security Assistance Force in Afghanistan for a further period of 12 months beyond 13 October 2004 (**resolution 1563(2004)**).

### Europe

In Europe, the Security Council extended the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 January 2005. The Council extended the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP) until 15 June 2005 and endorsed the Secretary-General's recommendations for amending the concept of operations and troop levels. The United Nations Interim Administration Mission in Kosovo (UNMIK), Serbia and Montenegro, remained in place. The Council also authorized Member States, acting through or in cooperation with the European Union, to establish for an initial period of 12 months a multinational stabilization force (EUFOR), to replace the NATO-led stabilization force in Bosnia and Herzegovina (**resolution 1575(2004)**).

### Middle East

Three long-standing operations continued in the Middle East: the United Nations Truce Supervision Organization (UNTSO), which continued to observe the truce in Palestine; the United Nations Interim Force in Lebanon (UNIFIL), whose mandate was extended until 31 January 2005; and the United Nations Disengagement Observer Force (UNDOF), whose mandate was renewed until 30 June 2005.

## Roster of 2004 operations

### UNTSO

United Nations Truce Supervision Organization

*Established:* June 1948.

*Mandate:* To assist in supervising the observance of the truce in Palestine.

*Strength as at December 2004:* 153 military observers.

### UNMOGIP

United Nations Military Observer Group in India and Pakistan

*Established:* January 1949.

*Mandate:* To supervise the ceasefire between India and Pakistan in Jammu and Kashmir.

*Strength as at December 2004:* 44 military observers.

### UNFICYP

United Nations Peacekeeping Force in Cyprus

*Established:* March 1964.

*Mandate:* To prevent the recurrence of fighting between the two Cypriot communities.

*Strength as at December 2004:* 1,226 troops, 45 civilian police.

### UNDOF

United Nations Disengagement Observer Force

*Established:* June 1974.

*Mandate:* To supervise the ceasefire between Israel and the Syrian Arab Republic and the disengagement of Israeli and Syrian forces in the Golan Heights.

*Strength as at December 2004:* 1,041 troops.

### UNIFIL

United Nations Interim Force in Lebanon

*Established:* March 1978.

*Mandate:* To restore peace and security and assist the Lebanese Government in ensuring the return of its effective authority in the area.

*Strength as at December 2004:* 2,001 troops.

### MINURSO

United Nations Mission for the Referendum in Western Sahara

*Established:* April 1991.

*Mandate:* To monitor and verify the implementation of a settlement plan for Western Sahara and assist in the holding of a referendum in the Territory.

*Strength as at December 2004:* 222 military observers; 2 civilian police.

### UNOMIG

United Nations Observer Mission in Georgia

*Established:* August 1993.

*Mandate:* To verify compliance with a ceasefire agreement between the parties to the conflict in Georgia and investigate ceasefire violations; expanded in 1994 to include monitoring the imple-

mentation of an agreement on a ceasefire and separation of forces and observing the operation of a multinational peacekeeping force.

*Strength as at December 2004:* 122 military observers, 11 civilian police.

#### **UNMIK**

United Nations Interim Administration Mission in Kosovo

*Established:* June 1999.

*Mandate:* To promote, among other things, the establishment of substantial autonomy and self-government in Kosovo, perform basic civilian administrative functions, organize and oversee the development of provisional institutions, facilitate a political process to determine Kosovo's future status, support reconstruction of key infrastructure, maintain civil law and order, protect human rights and assure the return of refugees and displaced persons.

*Strength as at December 2004:* 3,616 civilian police, 37 military observers.

#### **UNAMSIL**

United Nations Mission in Sierra Leone

*Established:* October 1999.

*Mandate:* To cooperate with the Government of Sierra Leone and other parties in the implementation of the Peace Agreement signed in Lomé, Togo, on 7 July 1999, including, among other things, to assist in the implementation of the disarmament, demobilization and reintegration plan, monitor adherence to the ceasefire agreement of 18 May 1999 and facilitate the delivery of humanitarian assistance.

*Strength as at December 2004:* 5,409 troops, 118 civilian police.

#### **MONUC**

United Nations Organization Mission in the Democratic Republic of the Congo

*Established:* November 1999.

*Mandate:* To establish contacts with the signatories to the Ceasefire Agreement, provide technical assistance in implementation of the Agreement, provide information on security conditions, plan for the observation of the ceasefire, facilitate the delivery of humanitarian assistance and assist in the protection of human rights.

*Strength as at December 2004:* 11,415 troops, 155 civilian police.

#### **UNMEE**

United Nations Mission in Ethiopia and Eritrea

*Established:* July 2000.

*Mandate:* To establish and put into operation the mechanism for verifying the cessation of hostilities and to assist the Military Coordination Commission in tasks related to demining and in administrative support to its field offices.

*Strength as at December 2004:* 4,071 troops.

#### **UNMISET**

United Nations Mission of Support in East Timor

*Established:* May 2002.

*Mandate:* To provide assistance to the core administrative structures and interim law enforcement and public security of East Timor (renamed Timor-Leste), including assisting in the development of the East Timor Police Service, and contribute to the maintenance of East Timor's external and internal security.

*Strength as at December 2004:* 466 troops, 149 civilian police.

#### **UNMIL**

United Nations Mission in Liberia

*Established:* September 2003.

*Mandate:* To support the implementation of the ceasefire agreement and the peace process; protect UN staff and facilities and civilians; support humanitarian and human rights activities; and assist in national security reform, including national police training and formation of a new, restructured military.

*Strength as at December 2004:* 14,684 troops, 1,097 civilian police.

#### **UNOCI**

United Nations Operation in Côte d'Ivoire

*Established:* 4 April 2004.

*Mandate:* To monitor the implementation of the 3 May 2003 comprehensive ceasefire agreement and the movement of armed groups; assist in disarmament, demobilization, reintegration, repatriation and resettlement; protect UN personnel, institutions and civilians; support humanitarian assistance; support implementation of the peace process; and assist in human rights, public information and law and order.

*Strength as at December 2004:* 5,995 troops, 213 civilian police.

#### **MINUSTAH**

United Nations Stabilization Mission in Haiti

*Established:* 1 June 2004.

*Mandate:* To ensure a secure and stable environment in support of the Transitional Government; to support the constitutional and political process; to assist the Transitional Government in bringing about national dialogue, conducting

free and fair elections and extending State authority throughout the country; to promote and protect human rights; and to cooperate with the Transitional Government in providing humanitarian assistance.

*Strength as at December 2004:* 4,790 troops, 1,270 civilian police.

## ONUB

United Nations Operation in Burundi

*Established:* 1 June 2004.

*Mandate:* To monitor implementation of cease-fire agreements; to assist in disarmament and demobilization activities; to create security conditions for the provision of humanitarian assistance and the voluntary return of refugees; to assist in the electoral process; and to protect civilians under threat and UN personnel and facilities.

*Strength as at December 2004:* 5,475 troops, 82 civilian police.

## Financial and administrative aspects of peacekeeping operations

### Financing

Expenditures for United Nations peacekeeping operations for the period 1 July 2003 to 30 June 2004 totalled \$2,933.8 million, compared to a final figure of \$2,499.8 million for the previous 12-month period. The 17 per cent increase in expenditure was attributable to the operations of four new peacekeeping missions (UNMIL, UNOCI, MINUSTAH, ONUB) and MONUC, offset by a decrease in expenditure levels at UNIFIL, UNAMSIL, UNMIK, UNMISSET and UNMEE.

In terms of the overall financial situation, assessments, unpaid assessments and expenditures of active missions all increased on account of the establishment of four new peacekeeping operations, with a corresponding decrease in liquidity. Unpaid assessments for active peacekeeping missions rose by \$501.7 million or 109 per cent, with the four new missions accounting for 88 per cent of that increase. Unpaid assessments for closed missions did not change significantly. As at 30 June 2004, total unpaid assessments amounted to \$1.5 billion, compared to \$1.1 billion in the previous financial period.

The liquidity of active missions was negatively affected by the start-up of the four new missions, which were financed initially by loans from the Peacekeeping Reserve Fund. The liquidity position of closed missions with cash surpluses deteriorated as they continued to be the only source of lending to active peacekeeping missions, the Tribunals and the regular budget. Available cash for

active missions totalled \$1,052.3 million, while liabilities reached \$1,599.6 million. Available cash for closed missions totalled \$307.7 million, while liabilities came to \$345.6 million.

**Notes of Secretary-General.** In accordance with General Assembly resolution 49/233 A [YUN 1994, p. 1338], the Secretary-General submitted to the General Assembly's Fifth (Administrative and Budgetary) Committee a February note [A/C.5/58/35] updating information provided in March 2003 [YUN 2003, p. 82] on proposed budgetary requirements for current peacekeeping operations, the United Nations Logistics Base (UNLB) and the support account for the period 1 July 2003 to 30 June 2004 amounting to \$2,689,945,400. That figure took into account 2003 Assembly decisions in respect of UNMISSET, MONUC and UNMIL.

In May [A/C.5/58/36], the Secretary-General submitted information on proposed budgetary requirements for 1 July 2004 to 30 June 2005 in the amount of \$2,504,803,100.

### Financial performance and proposed budgets

In April [A/58/759], ACABQ considered the financial performance report for 1 July 2002 to 30 June 2003 and the proposed budget for 1 July 2004 to 30 June 2005 for the support account for peacekeeping operations [A/58/760]; the Secretary-General's overview of the financing of the UN peacekeeping operations: budget performance for 1 July 2002 to 30 June 2003 and budget for the period from 1 July 2004 to 30 June 2005 [A/58/705]; the performance report on the budget for the support account for peacekeeping operations for 1 July 2002 to 30 June 2003 [A/58/703 & Add.1]; and the proposed budget for the support account for peacekeeping operations for 1 July 2004 to 30 June 2005 [A/58/715].

Expenditure for peacekeeping missions, including UNLB and the support account for peacekeeping operations, for the year ending 30 June 2003 amounted to \$2,392.4 million, against appropriations of \$2,606.5 million, leaving an unencumbered balance of \$214.1 million.

ACABQ, while welcoming improvements made in the budget presentation using results-based budgeting, noted that little progress had been made in enhancing the capability of existing financial systems to support results-based budgeting, and was concerned that, as at the end of March, operational resources and costs could not be attributed, monitored and recorded automatically for the results-based budgeting framework of each mission and that additional systems would need to be installed. The Committee pointed to the need for missions to state more clearly mission-specific objectives in budget doc-

uments. It also stressed the importance of clearly drafting expected accomplishments, indicators of achievement and planned outputs under each component, identifying time frames to facilitate monitoring and reporting, and allowing objective measurement of progress in implementing expected accomplishments and the mission's objective.

ACABQ emphasized that the timely recruitment of staff for DPKO was critical and all efforts should be made to reach recruitment goals. The Committee joined the Board of Auditors in recommending that the administration evaluate the level of incumbents appointed to budgeted posts at missions to ensure that staff occupied posts at the appropriate level and that the level of posts be re-evaluated and inconsistencies rectified. It regretted that DPKO managerial, staffing and operational reviews of mission activities were not reflected in budget proposals and recommended that the Board of Auditors follow up on the issue of periodic and timely management reviews. It believed there was a need to establish a common approach for restructuring the supervision of the technical support areas of peacekeeping missions.

ACABQ considered the proposed conversion of staff in peacekeeping missions from the 300 series of the staff rules to the 100 series, and noted that during the 2004/05 period some 1,600 Professional and 5,000 national staff members would be so converted. It requested further information in the next submission on the matter. Noting that 300-series appointment was limited to four years, ACABQ pointed out that those appointments were never intended to create long-term career opportunities. Such a wholesale conversion raised a number of policy issues, including the net impact on the equitable geographical distribution of staff, the potential impact on the long-term contractual obligations of the Organization, and the cost implications. The proposed action represented a change in the scope of application of the 300 series and should be reported to the Fifth Committee for possible comment or further direction. ACABQ therefore recommended that the Secretary-General present a comprehensive proposal on the matter in the context of his report on human resources management to be submitted to the General Assembly at its fifty-ninth (2004) session and, pending the Assembly's consideration, defer any action on the proposed conversion.

ACABQ considered the issue of hiring individuals on procurement contracts without benefits for functions necessary for the day-to-day running of long-term peacekeeping operations. It was of the opinion that, in a number of instances,

those services could be outsourced instead of employing individuals as staff members or issuing them special service contracts. It underlined the necessity for the Secretariat to develop a coherent, comprehensive and cost-effective policy on outsourcing for peacekeeping missions in implementation of resolution 55/232 [YUN 2000, p. 1401]. In the meantime, it would make recommendations on a case-by-case basis.

#### GENERAL ASSEMBLY ACTION

On 18 June [meeting 91], the General Assembly, on the recommendation of the Fifth Committee [A/58/821], adopted **resolution 58/296** without vote [agenda items 127 & 134].

#### Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

*The General Assembly,*

*Having considered* the report of the Secretary-General entitled "Overview of the financing of the United Nations peacekeeping operations: budget performance for the period from 1 July 2002 to 30 June 2003 and budget for the period from 1 July 2004 to 30 June 2005" and the report of the Advisory Committee on Administrative and Budgetary Questions,

1. *Requests* the Secretary-General to submit to the General Assembly at the main part of its fifty-ninth session a comprehensive report on the use, including the conversion, of 300 series contracts, addressing in particular the strategy of the Organization for meeting current and future human resources requirements for peacekeeping missions, taking into account the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions;

2. *Endorses* the observations and recommendations of the Advisory Committee contained in paragraphs 35 to 39 of its report, concerning the wholesale conversion, bearing in mind the fact that the General Assembly has taken no decision to support the replacement of the 300 series contracts as a mechanism for the employment of staff in peacekeeping missions;

3. *Decides* to suspend the application of the four-year maximum limit for appointments of limited duration under the 300 series of the staff rules in peacekeeping operations, until 31 December 2004, pending a decision by the General Assembly on this matter at its fifty-ninth session.

On 29 October, the Assembly requested the Secretary-General to submit at the second part of its resumed fifty-ninth (2005) session a report on the review of the management structure of all peacekeeping operations, including through administrative comparisons, taking into account the complexities, mandates and specificities of each operation and the necessity of carrying out effectively and efficiently each operation (**decision 59/507**).

On 23 December, the Assembly decided that the item on the administrative and budgetary aspects of the financing of the United Nations



peacekeeping operations would remain for consideration during its resumed fifty-ninth session (**decision 59/552**).

#### *Funds from closed missions*

In March [A/58/723], the Secretary-General, in response to the General Assembly's request contained in resolution 57/323 [YUN 2003, p. 85] that he postpone the return of 50 per cent (\$84,446,000) of the net cash available for credit to Member States as a result of a number of peacekeeping missions having been closed, reported that the amount available as at 29 February 2004 was \$57,399,000.

In the light of the establishment of missions in Côte d'Ivoire and Haiti, the extension of UNMISSET until May 2005, and potential missions in Burundi and the Sudan, which would give rise to increased requirements before the Assembly was in a position to review and approve the related budgets, the Secretary-General proposed that, out of prudence, the return of the amount of \$84,446,000, representing 50 per cent of the cash available to Member States as at 30 June 2002, be postponed. He also proposed that the Assembly revisit the issue at the main part of its fifty-ninth (2004) session.

ACABQ, in a March report [A/58/732], expressed the view that the postponement of the return of "available cash" to Member States was a policy decision to be determined by the Assembly, while pointing out that cash from closed missions appeared to be the only source for temporary cross-borrowing, as well as for funding new missions, in addition to the Peacekeeping Reserve Fund.

#### **GENERAL ASSEMBLY ACTION**

On 8 April [meeting 83], the General Assembly, on the recommendation of the Fifth Committee [A/58/582/Add.1], adopted **resolution 58/288** without vote [agenda item 134].

#### **Implementation of paragraph 3 of General Assembly resolution 57/323**

*The General Assembly,*

*Recalling* its resolution 57/323 of 18 June 2003,

*Having considered* the note by the Secretary-General on the implementation of paragraph 3 of General Assembly resolution 57/323 and the related report of the Advisory Committee on Administrative and Budgetary Questions,

1. *Takes note* of the proposal by the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions;

2. *Decides* to postpone to 30 June 2004 the return of the remaining 50 per cent of the net cash available for credit to Member States as at 30 June 2002, in the amount of 84,446,000 United States dollars, in respect of the fund balances of the United Nations Mission in Haiti; the United Nations Observer Group in Central

America and the United Nations Observer Mission in El Salvador; the United Nations Preventive Deployment Force; the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters; the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and the Civilian Police Support Group; the United Nations Angola Verification Mission and the United Nations Observer Mission in Angola; the United Nations Observer Mission Uganda-Rwanda and the United Nations Assistance Mission for Rwanda; the United Nations Mission of Observers in Tajikistan; the United Nations Transition Assistance Group; and the United Nations Observer Mission in Liberia;

3. *Also decides* that credits or disbursements to Member States may be made at the discretion of the Member State concerned as from 1 July 2004;

4. *Encourages* Member States that are owed credits for the closed peacekeeping mission accounts to apply those credits to any accounts where the Member State concerned has outstanding assessed contributions.

In April [A/58/778], the Secretary-General updated the information, as at 30 June 2003, on the financial position of 18 closed peacekeeping missions for which financial performance reports had already been submitted: the Military Observer Group of the United Nations Verification Mission in Guatemala (MINUGUA); the United Nations Mission in Haiti (UNMIH); the United Nations Observer Group in Central America (ONUCA) and the United Nations Observer Mission in El Salvador (ONUSAL); the United Nations Operation in Mozambique (ONUMOZ); the United Nations Operation in Somalia (UNOSOM); the United Nations Preventive Deployment Force (UNPREDEP); the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, UNPREDEP and the United Nations Peace Forces headquarters (UNPF); the United Nations Support Mission in Haiti (UNSMIH) and the United Nations Civilian Police Mission in Haiti (MIPONUH); the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and the Civilian Police Support Group; the United Nations Transitional Authority in Cambodia (UNTAC); the United Nations Mission of Observers in Tajikistan (UNMOT); the United Nations Angola Verification Mission (UNAVEM) and the United Nations Observer Mission in Angola (MONUA); the United Nations Observer Mission in Liberia (UNOMIL); the United Nations Observer Mission Uganda-Rwanda (UNOMUR) and the United Nations Assistance Mission for Rwanda (UNAMIR); the United Nations Military Liaison Team in Cambodia (UNMLT); the United Nations Iran-Iraq Military Observer Group (UNIIMOG); the United Nations Mission in the

Central African Republic (MINURCA); and the United Nations Transition Assistance Group (UNTAG).

The Secretary-General reported that, as at 30 June 2003, the net cash available for credit to Member States amounted to \$178,684,000, inclusive of the \$84,446,000 to be credited to Member States, in accordance with resolution 58/288 (see above). He proposed that the balance of \$94,238,000 be retained until 31 October 2004 to supplement the Peacekeeping Reserve Fund in order to finance the initial requirement for the new peacekeeping operations. The available cash in the Fund (\$150.3 million) was insufficient to meet the foreseeable cash requirements in the first quarter of the forthcoming financial year.

ACABQ, in a May report [A/58/799], reiterated that the postponement of the return of available cash was a policy decision to be determined by the Assembly.

On 18 June, by **decision 58/564 C**, the Assembly deferred until its fifty-ninth session the Secretary-General's report on the updated financial position of closed peacekeeping missions as at 30 June 2003 and the related ACABQ report.

#### Peacekeeping support account

The Secretary-General, in February [A/58/703 & Add.1], submitted the performance report on the budget of the support account for peacekeeping operations for 1 July 2002 to 30 June 2003. Expenditures for the period totalled \$97,145,400 against an apportionment of \$100,896,200, resulting in an unencumbered balance of \$3,750,800, attributable mainly to the vacancy rate and underexpenditures for consultants, official travel and information technology. The Secretary-General recommended that the unencumbered balance and other income and adjustments of \$4,600,000 be applied to the 2004/2005 budget (see below).

Also in February [A/58/715], the Secretary-General submitted the budget for the support account for peacekeeping operations for 1 July 2004 to 30 June 2005 in the amount of \$122,093,400, which provided for 762 posts. In April [A/58/760], ACABQ recommended reductions to that budget totalling \$814,500 and that the Assembly approve total staffing and non-staffing requirements of \$121,278,900 gross (\$104,870,200 net). It proposed that miscellaneous income of \$4,600,000, the amount of \$127,800 that was not applied to offset the amounts prorated among individual peacekeeping budgets for 1 July 2002 to 30 June 2003, and the amount of \$741,000 relating to additional staff assessment income be applied to the resources required for 1 July 2004 to 30 June 2005

and that the balance be prorated among individual peacekeeping operation budgets for that period.

#### GENERAL ASSEMBLY ACTION

On 18 June [meeting 91], the General Assembly, on the recommendation of the Fifth Committee [A/58/582/Add.2], adopted **resolution 58/298** without vote [agenda item 134].

#### Support account for peacekeeping operations

*The General Assembly,*

*Recalling* its resolutions 45/258 of 3 May 1991, 47/218 A of 23 December 1992, 48/226 A of 23 December 1993, 56/241 of 24 December 2001, 56/293 of 27 June 2002 and 57/318 of 18 June 2003, its decisions 48/489 of 8 July 1994, 49/469 of 23 December 1994 and 50/473 of 23 December 1995 and other relevant resolutions of the General Assembly,

*Having considered* the reports of the Secretary-General on the financing of the support account for peacekeeping operations and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

*Recognizing* the importance of the United Nations being able to respond and deploy rapidly to a peacekeeping operation upon adoption of a relevant resolution of the Security Council, within thirty days for traditional peacekeeping operations and ninety days for complex peacekeeping operations,

*Recognizing also* the need for adequate support during all phases of peacekeeping operations, including the liquidation and termination phases,

*Mindful* that the level of the support account should broadly correspond to the mandate, number, size and complexity of peacekeeping missions,

1. *Takes note* of the reports of the Secretary-General on the financing of the support account for peacekeeping operations;

2. *Reaffirms* the need for effective and efficient administration and financial management of peacekeeping operations, and urges the Secretary-General to continue to identify measures to increase the productivity and efficiency of the support account;

3. *Also reaffirms* the need for adequate funding for the backstopping of peacekeeping operations, as well as the need for full justification for that funding in support account budget submissions;

4. *Endorses* the conclusions and recommendations contained in the relevant report of the Advisory Committee on Administrative and Budgetary Questions;

5. *Decides* to maintain, for the period from 1 July 2004 to 30 June 2005, the funding mechanism for the support account used in the current period, from 1 July 2003 to 30 June 2004, as approved in paragraph 3 of its resolution 50/221 B of 7 June 1996;

6. *Reaffirms* the need for the Secretary-General to ensure that delegation of authority to the Department of Peacekeeping Operations of the Secretariat and field missions is in strict compliance with relevant resolutions and decisions and the relevant rules and procedures of the General Assembly on this matter;

7. *Also reaffirms* paragraph 15 of its resolution 56/293, regrets that the report requested in paragraph 10 of its resolution 57/318 was not submitted at its fifty-

eighth session, and decides to consider it at its fifty-ninth session;

8. *Decides* to continue its consideration of the implementation of the restructuring of the Department of Peacekeeping Operations, in the context of the review requested in paragraph 14 of resolution 57/318, at the second part of its resumed fifty-ninth session;

9. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the status of the civilian rapid deployment roster, including measures to improve its utility, taking into account recent experiences with its use;

10. *Also requests* the Secretary-General to review the level of the support account, including the need for existing posts, in future budget submissions, taking into consideration the number, size and complexity of peacekeeping operations;

11. *Notes with concern*, as observed by the Advisory Committee in paragraph 21 of its report, that the implementation of paragraph 18 of resolution 57/318 is not consistent with the requirement of the resolution;

12. *Reiterates* paragraph 18 of resolution 57/318, and requests the Secretary-General to submit, during future considerations of the support account budget, information as outlined in paragraph 22 of the report of the Advisory Committee with respect to posts that will have been vacant for at least 12 months by 30 June of a given year on the understanding that, in the interim, until such consideration by the General Assembly, the recruitment process will not be affected;

#### **Financial performance report for the period from 1 July 2002 to 30 June 2003**

13. *Takes note* of the report of the Secretary-General on the financial performance of the support account for peacekeeping operations for the period from 1 July 2002 to 30 June 2003;

#### **Budget estimates for the period from 1 July 2004 to 30 June 2005**

14. *Approves* the support account requirements in the amount of 121,610,300 United States dollars for the period from 1 July 2004 to 30 June 2005, including 743 continuing and 18 new temporary posts and their related post and non-post requirements;

#### **Financing of the budget estimates**

15. *Decides* that the requirements for the support account for peacekeeping operations for the period from 1 July 2004 to 30 June 2005 shall be financed as follows:

(a) The unencumbered balance and other income in the total amount of 8,478,600 dollars, comprising 8,350,800 dollars in respect of the period ended 30 June 2003 and the adjustment of 127,800 dollars related to the period ended 30 June 2001, to be applied to the resources required for the period from 1 July 2004 to 30 June 2005;

(b) The increase of 59,000 dollars in the estimated staff assessment income, representing the difference between 682,000 dollars in respect of the financial period ended 30 June 2003 and the adjustment of 741,000 dollars related to the period ended 30 June 2001, to be applied to the amount referred to in subparagraph (a) above;

(c) The balance of 113,131,700 dollars to be prorated among the budgets of the active peacekeeping

operations for the period from 1 July 2004 to 30 June 2005;

(d) The estimated staff assessment income of 16,509,400 dollars for the period from 1 July 2004 to 30 June 2005 to be set off against the balance referred to in subparagraph (c) above, to be prorated among the budgets of the individual active peacekeeping operations.

#### **Peacekeeping Reserve Fund**

The Secretary-General, in response to General Assembly resolution 57/317 [YUN 2003, p. 88], reported in March [A/58/724] that the level of the Peacekeeping Reserve Fund, established in 1992 [YUN 1992, p. 1022] to ensure the rapid deployment of peacekeeping operations, stood at \$194.3 million as at 30 June 2003. As at 29 February 2004, the balance was \$163 million, with \$74 million available in cash. The Secretary-General recommended that the Fund be maintained at the level of \$150 million and that the balance in excess of that amount (\$11 million) be applied to the support account for peacekeeping operations for 1 July 2004 to 30 June 2005.

In March [A/58/732], ACABQ expressed the view that an increase in the Fund's level would have little or no impact on the short-term cash-flow problem, which could be solved only by payment of assessed contributions. It recommended that the Assembly accept the Secretary-General's recommendations on the Fund's level and the treatment of the balance in excess of that level. By **decision 58/564 C** of 18 June, the Assembly deferred consideration of the Secretary-General's report on the Peacekeeping Reserve Fund and the related ACABQ report until its fifty-ninth (2004) session.

#### **Accounts and auditing**

At its resumed fifty-eighth session, the General Assembly considered the financial report and audited financial statements for UN peacekeeping operations for 1 July 2002 to 30 June 2003 [A/58/5, vol. II], the Secretary-General's report on the implementation of the recommendations of the Board of Auditors [A/58/737] and the related ACABQ report [A/58/759].

#### **GENERAL ASSEMBLY ACTION**

On 18 June [meeting 91], the General Assembly, on the recommendation of the Fifth Committee [A/58/570/Add.1], adopted **resolution 58/249 B** without vote [agenda item 118].

#### **Financial reports and audited financial statements, and reports of the Board of Auditors**

*The General Assembly,*

*Having considered* the financial report and audited financial statements for the twelve-month period from



1 July 2002 to 30 June 2003 and the report of the Board of Auditors on United Nations peacekeeping operations, the related section of the report of the Advisory Committee on Administrative and Budgetary Questions and the report of the Secretary-General on the implementation of the recommendations of the Board of Auditors concerning United Nations peacekeeping operations in respect of that period,

1. *Accepts* the audited financial statements on the United Nations peacekeeping operations for the period from 1 July 2002 to 30 June 2003;

2. *Takes note* of the observations and endorses the recommendations contained in the report of the Board of Auditors;

3. *Also takes note* of the observations and endorses the recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions related to the report of the Board of Auditors;

4. *Commends* the Board of Auditors for the quality of its report and the streamlined format thereof;

5. *Takes note* of the report of the Secretary-General on the implementation of the recommendations of the Board of Auditors concerning United Nations peacekeeping operations in respect of the financial period ended 30 June 2003;

6. *Requests* the Secretary-General to continue to ensure that internal control in peacekeeping missions is improved with respect to the optimum use of audit resources;

7. *Also requests* the Secretary-General to ensure the full implementation of the recommendations of the Board of Auditors and the related recommendations of the Advisory Committee in a prompt and timely manner.

#### *Regional auditors and investigators*

In November [A/59/546], the Secretary-General transmitted the report of the Office of Internal Oversight Services (OIOS) on the first year of experience of regional investigators in two hubs, Vienna and Nairobi, in response to General Assembly resolution 57/318 [YUN 2003, p. 86]. The report assessed the OIOS Investigations Division's regional investigator programme, under which regional investigators, operating from Nairobi and Vienna, conducted inquiries at peacekeeping missions. It also provided an overview of the caseload of the two regional hubs, highlighted some of the significant matters investigated and assessed the impact of the new concept.

OIOS concluded that, given the limited resources, the regional investigators working on cases at peacekeeping operations had performed well. Significant matters had been investigated, particularly corruption and sexual exploitation and abuse, and recommendations issued, accepted and implemented. The OIOS work was generally well received by DPKO and mission management. The first year of operation revealed the merits of the regional hubs, especially in terms of costs and reduced travel times com-

pared to those for investigations handled by staff based at UN Headquarters. Relying only on regional investigators, however, meant that OIOS investigators, unlike resident investigators, could not develop detailed knowledge of the individual missions, nor readily respond to requests from missions, given the travel and time requirements. The larger and more complex missions, however, needed the presence of resident investigators.

OIOS believed that the most effective approach was a combination of regional and resident investigators, with resident investigators based at and providing services to the larger missions, and an additional six regional investigator posts to provide services to both the larger missions in regard to complex cases and the smaller missions. It would submit, for the Assembly's consideration, a proposal for additional posts in its budget submission for the support account for peacekeeping operations for 1 July 2005 to 30 June 2006.

#### **Reimbursement issues**

##### *Equipment*

The Secretary-General, in response to General Assembly resolution 55/274 [YUN 2001, p. 100], submitted in August [A/59/292] a report on reformed procedures for determining reimbursement to Member States for contingent-owned equipment, which summarized the findings and recommendations of the 2004 Working Group on Contingent-Owned Equipment (23 February–5 March) [A/C.5/58/37 & Corr.1]. The Working Group conducted a triennial review of reimbursement rates and updated the standards of major equipment and self-sustainment categories. It agreed on criteria for reimbursement of commercial pattern support vehicles as military pattern vehicles; standard reimbursement rates for certain special cases and new categories of major equipment; a threshold value of \$500 for special cases major equipment; and the frequency of verification reports by field missions (quarterly). Consensus was not reached on the triennial review of reimbursement rates for major equipment and self-sustainment; a refinement of the methodology for triennial rate review of contingent-owned equipment; a mechanism to provide guidance and decision-making on contingent-owned equipment; a modular medical concept; and a methodology to review reimbursement rates for troop costs.

The Secretary-General recommended that the Assembly approve the criteria for reimbursement of commercial pattern support vehicles as military vehicles, the reimbursement rates for new



items of major equipment and the quarterly cycle of verification reports; and agree to distribution of the updated Contingent-Owned Equipment Manual as an official UN document. He also suggested that the Assembly convene the next Working Group in 2008 instead of 2007 to review the contingent-owned equipment system; establish a methodology for reviewing reimbursement rates; set up consultations between the Secretariat and Member States on the system; make recommendations on the costing and medical staffing level of the modular medical concept; adopt the proposed format for collecting national cost data on medical equipment for the Working Group to review; and discuss the maintenance of current reimbursement rates for troop costs and the determination by the Assembly of when an adjustment was warranted.

### Management of peacekeeping assets

#### UN Logistics Base

The General Assembly, at its resumed fifty-eighth session, considered the financial performance report of the United Nations Logistics Base (UNLB) in Brindisi, Italy, for 1 July 2002 to 30 June 2003 [A/58/702]. Expenditures for the period totalled \$14,447,500 gross (\$13,360,600 net), against total appropriations of \$14,293,200, resulting in a deficit of \$154,300. The Assembly was asked to approve the additional requirement of \$154,300, to apply other income/adjustments for that period amounting to \$3,328,000 to offset the additional requirements and to decide on the treatment of the balance of \$3,173,700.

The Assembly also had before it the proposed budget for 1 July 2004 to 30 June 2005 [A/58/706] amounting to \$28,799,700 gross (\$27,104,600 net), which represented an increase of \$6,591,600 in total resources over the previous 12-month period. The proposed increase reflected a 17.7 per cent increase in operational costs, a 55.2 per cent increase in personnel costs, and a 34.7 per cent increase in staff assessment. The budget provided for the deployment of 37 international and 114 national staff.

ACABQ, in April [A/58/759/Add.9], noted that the report on UNLB's financial performance did not contain information on measures taken in response to its requests and asked that the next report contain such information. It requested that a methodology be developed to identify and estimate reimbursable costs and utilized for the next budget estimate. Regarding the 2004/05 budget, ACABQ's recommendations would result in a reduction of \$377,700. It also made recommenda-

tions on the administration and management of UNLB and opportunities for further savings.

In May [A/C.5/58/36], the Secretary-General submitted to the Fifth Committee a note on amounts to be apportioned in respect of each peacekeeping mission, including the prorated share of UNLB for 1 July 2004 to 30 June 2005.

The Assembly also considered reports on the status of implementation of strategic deployment stocks [A/58/707], progress in implementing the field assets control system [YUN 2003, p. 94], an analysis of establishing a global procurement hub for all peacekeeping missions in Brindisi [A/58/762] and the related ACABQ reports [A/58/759/Add.9 & A/58/796] (these reports are dealt with in the respective sections).

#### GENERAL ASSEMBLY ACTION

On 18 June [meeting 91], the General Assembly, on the recommendation of the Fifth Committee [A/58/582/Add.2], adopted **resolution 58/297** without vote [agenda item 134].

#### Financing of the United Nations Logistics Base at Brindisi, Italy

*The General Assembly,*

*Recalling* section XIV of its resolution 49/233 A of 23 December 1994,

*Recalling also* its decision 50/500 of 17 September 1996 on the financing of the United Nations Logistics Base at Brindisi, Italy, and its subsequent resolutions and decisions thereon, the latest of which was decision 58/557 of 23 December 2003,

*Recalling further* its resolution 56/292 of 27 June 2002 concerning the establishment of the strategic deployment stocks and its subsequent resolution 57/315 of 18 June 2003 on the status of the implementation of the strategic deployment stocks,

*Having considered* the reports of the Secretary-General on the financing of the United Nations Logistics Base, the status of the implementation of strategic deployment stocks, progress in the implementation of the field assets control system and the analysis of establishing a global procurement hub for all peacekeeping missions in Brindisi and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

*Reiterating* the importance of establishing an accurate inventory of assets,

1. *Notes with appreciation* the facilities provided by the Government of Italy to the United Nations Logistics Base at Brindisi;

2. *Endorses* the observations and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions, and requests the Secretary-General to ensure their full implementation;

3. *Reiterates* the need to implement, as a matter of priority, an effective inventory management standard, especially in respect of peacekeeping operations involving high inventory value;

4. *Also reiterates* paragraph 2 of its resolution 56/292, and requests the Secretary-General to report thereon expeditiously;

#### **Field assets control system**

5. *Takes note* of the report of the Secretary-General on progress in the implementation of the field assets control system;

#### **Strategic deployment stocks**

6. *Also takes note* of the report of the Secretary-General on the status of the implementation of the strategic deployment stocks;

7. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the functioning of existing mechanisms of the strategic deployment stocks, in the light of lessons learned from experiences with mission start-ups;

#### **Global procurement hub**

8. *Takes note* of the report of the Secretary-General on the analysis of establishing a global procurement hub for all peacekeeping missions in Brindisi;

9. *Endorses* the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, and requests the Secretary-General to ensure their full implementation;

#### **Financial performance report for the period from 1 July 2002 to 30 June 2003**

10. *Takes note* of the report of the Secretary-General on the financial performance of the United Nations Logistics Base at Brindisi for the period from 1 July 2002 to 30 June 2003;

#### **Budget estimates for the period from 1 July 2004 to 30 June 2005**

11. *Approves* the cost estimates for the United Nations Logistics Base at Brindisi amounting to 28,422,000 United States dollars for the period from 1 July 2004 to 30 June 2005;

#### **Financing of the budget estimates**

12. *Decides* to apply the balance of other income and adjustments in the total amount of 3,173,700 dollars in respect of the financial period ended 30 June 2003 to the resources required for the period from 1 July 2004 to 30 June 2005;

13. *Also decides* that the increase of 9,900 dollars in the estimated staff assessment income in respect of the financial period ended 30 June 2003 shall be added to the credits from the amount referred to in paragraph 12 above;

14. *Further decides* to prorate the balance of 25,248,300 dollars among the individual active peacekeeping operation budgets to meet the financing requirements of the United Nations Logistics Base at Brindisi for the period from 1 July 2004 to 30 June 2005;

15. *Decides* to set off against the balance referred to in paragraph 14 above the estimated staff assessment income of 1,412,500 dollars for the period from 1 July 2004 to 30 June 2005, representing the difference between the estimated staff assessment income of 1,560,600 dollars for the period from 1 July 2004 to 30 June 2005 and the adjustment in the staff assessment income of 148,100 dollars related to the period ended

30 June 2001, to be prorated among the individual active peacekeeping operation budgets;

16. *Also decides* to consider at its fifty-ninth session the question of the financing of the United Nations Logistics Base at Brindisi.

#### **Strategic deployment stocks**

In response to General Assembly resolution 57/315 [YUN 2003, p. 73], the Secretary-General submitted a February report on the status of implementation of the strategic deployment stocks [A/58/707]. He stated that DPKO had positioned sufficient stocks at UNLB and had significantly advanced towards having the capability to deploy rapidly the immediate operational capability for a traditional peacekeeping mission. As at 31 December 2003, strategic deployment stocks facilitated the rapid deployment and operational readiness of UNMIL, UNOCI, the United Nations Monitoring, Verification and Inspection Commission and the Office of the Special Representative of the Secretary-General in Iraq.

As at 30 June 2003, strategic deployment stock holdings were valued at \$23 million, and equipment transferred from DPKO's reserve and surplus stocks from peacekeeping missions was valued at \$21 million. Out of the total budget of \$141,546,000, expenditures amounted to \$88,902,181. As the Assembly in resolution 57/315 had extended the validity of the approved resources to 30 June 2004, the balance of \$52,643,816 had been carried forward to the 2003/04 financial period. The Secretary-General also reported that the Galileo Inventory Management System had been implemented at UNLB and at Headquarters to manage the strategic deployment stocks.

ACABQ, in its April report on UNLB [A/58/759/Add.9], expressed regret that the Secretary-General's report did not provide sufficient information on the administration of the strategic deployment stocks, including problems incurred. ACABQ suggested that the next budget submission should include information on lessons learned and deficiencies to be corrected, and reiterated its previous recommendation that the report on strategic deployment stocks should be consolidated with that on UNLB. It urged the Secretariat to address the factors hampering the acquisition and replenishment of the strategic stocks, such as contractual problems and the selection of vendors; to consider improving replenishment policies and procedures, while maintaining those stocks in good condition; and to include that information in the Secretary-General's annual report on strategic deployment stocks. ACABQ was of the view that the role of the Steering Group on Strategic Deployment Stocks

and its Finance Working Group should be enhanced to make them an effective tool in a coordinated approach to strategic deployment stocks.

### *Procurement*

**Reports of Secretary-General.** In April [A/58/762], the Secretary-General, responding to General Assembly resolution 57/320 [YUN 2003, p. 96], submitted an analysis of the merits of establishing a global procurement hub for all peacekeeping missions in Brindisi. The Secretary-General, reviewing the possibility of transferring the logistics support function to UNLB, focused on the advantages and disadvantages of creating such a hub and its operational impact on the functioning of DPKO's Logistics Support Division and the Office of Central Support Services of the Department of Management.

The review concluded that, while there were some advantages to creating such a hub, such as operating in a closer time zone to the majority of peacekeeping missions, enhanced ability to perform on-site contract management for strategic deployment stocks and reduced operating costs, they were far outweighed by the disadvantages. Those disadvantages related to the difficulty of attracting and maintaining qualified international staff, coordination challenges of operating in a time zone different from Headquarters, the loss of surge capacity (specifically, the inability to utilize Headquarters staff during peak demands), relocation costs and duplication of support and liaison infrastructures.

In May [A/58/796], ACABQ, noting that the Secretary-General's report dealt only with a few of the operational and administrative challenges of establishing a hub, called for a more thorough review, providing a technical, managerial and financial analysis, and recommended that the Assembly defer action until a comprehensive report was submitted.

Also in April [A/58/761], the Secretary-General reported on procurement and contract management for peacekeeping operations, in response to Assembly resolution 57/290 B [YUN 2003, p. 83], the recommendation of the Board of Auditors on UN peacekeeping operations for the year ended 30 June 2002 [ibid., p. 91] and the comments of ACABQ [ibid., p. 95]. The Secretary-General stated that new initiatives, including ethics training and the drafting of ethical guidelines, had been put in place to ensure that all staff working in procurement understood their responsibilities. The newly revised Procurement Manual contained a chapter entitled "Ethics and Professional Responsibility". The Procurement Division issued an instruction reminding all procurement staff

of their responsibilities relating to the signature of a declaration of independence and, in particular, of the need to ensure confidentiality of information associated with their functions. To improve procurement and contract management in peacekeeping missions, plans were reviewed by the Logistics Support Division at Headquarters to determine how best to fulfil requirements, taking into account surplus assets at other missions and strategic stock at UNLB. Although the quality and timeliness of the procurement submissions from the missions had improved, further improvement needed to be made in that area. Over the previous 12 months, the Procurement Division undertook management missions to a number of peacekeeping operations, during which specific issues were addressed. It released staff to participate in fact-finding and start-up phases of new missions to develop procurement capacity on the ground at the outset of those missions. Field procurement training took place in the first quarter of 2004 in six locations and the Procurement Division worked with UN organizations to develop a system-wide common procurement and certification programme under the auspices of the Inter-Agency Procurement Working Group to meet longer-term training needs.

To improve procurement lead time, the Procurement Division, with the Logistics Support Division, established a "24/7" hotline and a designated focal point for direct communications between procurement officers in the field and the Procurement Division. Recommendations of local committees on contracts were forwarded directly to the Procurement Division for presentation to the Headquarters Committee on Contracts. The two Divisions were developing a common procurement management system to facilitate the exchange of procurement-related data between Headquarters and peacekeeping missions.

**OIOS report.** In September [A/59/347], the Secretary-General transmitted the OIOS report on the audit of safeguarding air safety standards while procuring air services for UN peacekeeping missions, prepared pursuant to General Assembly resolution 57/279 [YUN 2002, p. 1358]. As of 31 January 2004, DPKO, through 12 long-term and four short-term commercial contracts with a total value of \$132.5 million, deployed 136 aircraft to peacekeeping missions, and projected deployment of over 200 in 2004, owing to the increase in peacekeeping operations.

Among efforts to improve air safety, DPKO and the World Food Programme developed the Aviation Standards for Peacekeeping and Humanitarian Air Transport Operations. Efforts were still needed in air safety policy setting, procurement,

and organization and staffing of DPKO and peacekeeping mission units responsible for air safety. The audit also found that, although DPKO had an accident prevention programme, no trend analyses or lessons learned had been issued. For missions in Sierra Leone, Liberia and Côte d'Ivoire, where a total of 40 aircraft were deployed, a regional aviation safety office would be more cost-effective than deploying aviation safety officers at each mission, and would help to improve consistency in the application of DPKO's accident prevention programme. Within DPKO, the prolonged periods during which the positions of Chief, Air Transport Section, and Chief, Aviation Safety Unit, remained vacant, and the limited progress in implementing the International Civil Aviation Organization's recommendations for strengthening DPKO's civil aviation capacity, made it difficult for the Department to develop and sustain a sound air safety strategy.

Regarding procurement, OIOS noted that, due to budgetary constraints, visits by DPKO staff to vendor sites to evaluate vendor capability in providing technically acceptable and safe air services were infrequent. The Procurement Division and the Department needed to agree on a vendor pre-qualification process to allow wider participation of vendors in UN bids, while allowing sufficient scrutiny of prospective vendors' documentation. There were divergent opinions within DPKO concerning the use of cargo aircraft for transporting cargo and passengers. After two accidents involving non-UN cargo aircraft carrying passengers resulted in mass fatalities in 2002-2003, the Department stopped transporting passengers on cargo aircraft as of April 2004.

OIOS issued 20 recommendations to enhance policy and procedures on safeguarding air safety standards while procuring air services for UN peacekeeping missions. DPKO's management agreed with all the recommendations and had started to implement them.

### **Restructuring issues**

**OIOS report.** In March [A/58/746], the Secretary-General transmitted the OIOS report on the evaluation of the impact of the recent restructuring of DPKO, prepared in response to General Assembly resolution 56/241 [YUN 2001, p. 74]. The evaluation focused on the impact of the restructuring on DPKO's performance in the backstopping of peacekeeping operations.

OIOS was of the view that, while the reform would require more time to produce its full impact, the process was on the right track. It had enhanced DPKO's capacity to strategize, analyse and tackle complex, multidimensional problems and to improve its rapid deployment capacity and

backstopping of field operations. However, DPKO faced four main challenges: to develop a comprehensive, clearly structured and evolving doctrine comprising the totality of its policies and guidelines; to operationalize the process of learning lessons and translating them into policies and practice; to establish a sound and transparent procedure for adjusting its staffing from peak to routine levels and managing the resultant staff mobility; and to exploit fully information management to strengthen its capacity.

Among its recommendations, OIOS proposed that DPKO redesign the integrated mission task forces concept, including DPKO's role in making it operational, and that a reliable mechanism be established for apprising those involved in mission planning of lessons learned and best practices. DPKO and the Department of Political Affairs should develop a mechanism for sub-regional political cooperation between missions. In addition, DPKO should advance inter-mission flexibilities and establish mechanisms for better integration between missions. DPKO should review annually the capacity, structure, preparedness and effectiveness of each peacekeeping force, identify the problems in implementing the Standards, Verification and Control of Contingent-Owned Equipment for Major Equipment and Self-Sustainment (COE Manual), issue standard operating procedures to guide the missions and revise the Guidelines to Troop-Contributing Countries for Military Units (TCC Guidelines). Other recommendations called on DPKO to define the functions of the Situation Centre and determine whether additional functions could be supported by reassigning or delaying resources, pending the provision of additional resources; finalize the organizational streamlining of the Civilian Police Division; ensure that its work plans were sound, realistic and flexible and periodically evaluated; and develop the law and order segment of a departmental "generic" exit strategy with a view to preventing a law-and-order vacuum when the United Nations departed.

The Department was called on to recommend to the Controller expanding the authority of missions funded from the regular budget in line with the policy promulgated in July 2002, while the Personnel Management and Support Service was urged to reassess its projects in succession planning and developing recruitment policies and procedures for the field to ensure further delegation of authority. The restructuring review of the Field Service category should resume, and the roster of available staff members should be updated. A mechanism for institutionalizing best practices as policies and operational modalities should be established. DPKO's training strategy



should promote an integrated approach to the training of civilian, police and military components and address capacity development in political affairs and other areas where the Department did not have primary responsibility or dedicated units.

OIOS recommended that the Communications and Information Technology Service adopt an action plan for developing an information and communications technology strategy and a strategic plan for the Department and field missions. DPKO was urged to set up a committee for the information management strategy and policy and prepare a work plan for its implementation.

The Director of Change Management should lead the review of the Department's organizational structure with a view to formalizing it in a revised Secretary-General's bulletin. The review should define limited and continuous functions and refine the delineation of responsibilities between DPKO and peacekeeping operations and between DPKO and the Department of Management. DPKO should make its future business plans more sound and realistic, reflecting staff strength and skills mix, prioritizing tasks, having flexibility for exigencies and realistic deadlines. Implementation of the plans should be monitored and efficiency of implementation periodically evaluated.

The General Assembly, in **resolution 58/299** of 18 June, took note of the OIOS report. It noted that the Board of Auditors would act on Assembly resolution 57/318 [YUN 2003, p. 86] once it had considered the OIOS report and assessed what additional evaluation it might provide. The Assembly might revert at that time to the OIOS report.

## Personnel matters

### *Recruitment policies and procedures*

**OIOS report.** In February [A/58/704], the Secretary-General transmitted an OIOS report on the audit of the policies and procedures for recruiting DPKO staff, prepared pursuant to General Assembly resolution 57/287 A [YUN 2002, p. 1360]. The audit found that the average recruiting time for DPKO staff in the Professional category and above was 347 days, significantly higher than the goal of 120 days envisaged in the Secretary-General's report on human resources management reform [YUN 2000, p. 1337]. OIOS considered that DPKO should be able to significantly reduce the recruitment time frame in future years, particularly because the surge in vacancies experienced during 2001 and 2002 appeared unlikely to recur in the near future.

The criteria for determining staff members' eligibility to apply for vacancies had undergone significant changes with the issuance of an administrative instruction [ST/AI/2002/4] promulgating the new staff selection system from 1 May 2002. Section 5.6 of the instruction appeared to indicate that a staff member who had served the minimum occupancy period in a post was eligible to be considered for any post, even if it was two or more grades higher than the staff member's current level. OIOS was concerned that that provision was not articulated in the Secretary-General's report on human resources management reform or explicitly enunciated in the administrative instruction. The audit also identified instances in which ineligible staff members were shortlisted and evaluated for an advertised post. In several cases, errors were made in determining the eligibility of candidates at the 15-day and 30-day marks because of the lack of clear eligibility requirements. OIOS recommended that the Office of Human Resources Management (OHRM) clarify the eligibility requirements to ensure transparency and equity in recruitment and promotion.

The biggest challenge facing managers in DPKO and OHRM was reviewing the large number of applications received in response to vacancy announcements issued during 2002, as the Galaxy system did not possess a filtering mechanism to assist them in excluding unqualified candidates. OIOS recommended that OHRM work closely with managers to develop appropriate filtering techniques for screening applications. OIOS also found that numeric scoring methods were not used by DPKO managers for evaluating candidates, evidently because OHRM had said it was optional. OIOS recommended that OHRM ensure that managers used numeric ratings based on predetermined evaluation criteria.

The General Assembly, in **resolution 58/299**, decided to revert to consideration of the OIOS report during its fifty-ninth (2004) session, in the context of its consideration of the items on human resources management and the administrative and budgetary aspects of the financing of peacekeeping operations.

**Report of Secretary-General.** In April [A/58/767], the Secretary-General reported on the criteria used for recruitment to support account posts, in particular those in DPKO, in response to Assembly resolutions 56/293 [YUN 2002, p. 77] and 57/318 [YUN 2003, p. 86]. The report presented details on the selection criteria for such posts, outlined the criteria used for the selection of staff for posts subject to geographical distribution and analysed possible future criteria for consider-

ation in recruitment against peacekeeping support account posts.

The report noted that the posts financed under the peacekeeping support account were not governed by the system of desirable ranges for the geographic distribution of staff in the Professional category and above, as set out by the Assembly most recently in resolution 53/221 [YUN 1999, p. 1324]. Consequently, numerical targets did not exist for those posts. However, in recruitment against support account posts, due regard was given to equitable geographical representation and gender balance, as well as to candidates with the requisite qualifications already in the service of the United Nations. A troop contribution factor was added by the Assembly in resolution 55/238 [YUN 2000, p. 1300]. Therefore, in filling those posts, primary consideration was given to identifying the most qualified candidates, while taking the other criteria into account. Senior managers also reviewed both individual cases and the overall pattern of recommendations in the context of legislative mandates with regard to gender parity, geographical diversity and proper representation of troop- and police-contributing countries.

The Secretary-General proposed using the system of desirable ranges as a workable hypothesis to be applied to various options for filling posts under the support account budget and presented options for determining desirable ranges for nationals in those posts. To illustrate the ramifications of varying the relative weights of the factors of population, size, the total number of UN members, and contribution amount and introducing the new troop contribution factor, the report offered six options with resultant desirable ranges, allowing for shifts in the relative weight of the factors.

The Secretary-General concluded that the differences between the options were small. Variations up to 15 per cent in the weight of the contribution factor in favour of the new troop contribution factor had only a marginal impact on Member States' representation status. The number of overrepresented Member States remained unchanged. Five Member States that stood to benefit (China, France, Germany, Italy, United States) were among major troop-contributing countries, and would move from their current status of underrepresentation to within range. The proposed options would not change the status of two underrepresented Member States (Japan, Spain).

#### Staffing of field missions

**Report of Secretary-General (April).** In April [A/58/765], the Secretary-General reported on the

greater use of national staff (national professional officers (NPOs) and national general service staff) in field missions, as requested by the General Assembly in resolution 57/290 B [YUN 2003, p. 83]. He recalled the policy governing the use of NPOs adopted by the Assembly in resolution 49/223 [YUN 1994, p. 1374], which restricted their service to the country of their nationality. Their use was also limited to functions with a national content, requiring national experience and knowledge of local culture, language traditions and institutions. In December 2003, authority was delegated to DPKO to recruit NPOs in governance-oriented missions, both necessary and desirable in view of the expanded field of activities requiring national experience and local knowledge. The increased utilization of national staff also strengthened national capacity and development, providing national staff with the opportunity to contribute directly to reconciliation, recovery and reconstruction efforts. As at January 2004, a total of 9,231 national posts had been approved and established, of which 306 were NPO posts in eight peacekeeping and special political missions and 8,925 were national general service posts.

The Secretary-General concluded that overall, the experience of using national staff in the various missions had been positive. NPOs had generally produced high-quality work in their area of competence and their knowledge of local institutions, culture and language had proved especially helpful. All missions that currently had NPOs had indicated their interest in maintaining and expanding that particular expertise. Some missions, however, had encountered difficulties in identifying suitable national staff as a result of UN language requirements. The greater use of NPOs in peacekeeping operations was also limited by the conditions governing their employment. However, within that framework, it had been possible to increase significantly their use in such missions as UNMIK and UNAMA. In staffing missions in the future, DPKO would use the experience gained at those two missions to expand the use of NPOs where feasible and cost-effective.

OHRM and DPKO were monitoring the use of NPOs within the framework of the delegation of authority granted in December 2003. The currently applied criteria for their recruitment might be further reviewed to allow the Secretariat, and DPKO in particular, to be in a better position to develop flexible staffing strategies for expanding their use in field missions.

**OIOS report.** In July [A/59/152], the Secretary-General transmitted an OIOS report on the follow-up audit of DPKO policies and procedures for recruiting international civilian staff for field

missions, prepared in response to General Assembly resolution 57/322 [YUN 2003, p. 98]. The report discussed OHRM's monitoring role, the global strategy for civilian staffing and management of the recruitment function.

OIOS found that, despite the additional resources provided, OHRM's monitoring of DPKO's delegated recruitment authority was weak. Contrary to expectations, the Galaxy system for filling vacancies did not result in continuous monitoring of recruitment actions by DPKO because the system had not been used for processing the recruitment of international civilian staff for field missions. OIOS also found instances where Field Service staff had been converted to the Professional category contrary to staff rules, and OHRM gave no clear policy guidance regarding DPKO's practice of "promoting" certain staff members by treating successive mission appointments as independent of each other, while reassigning others from one mission to another without a review of their salary level/grade. In the opinion of OIOS, the monitoring of delegated recruitment authority needed to be strengthened through more intensive reviews and provision of policy guidance to DPKO. OHRM should ensure enforcement of the policy guidance on the conversion of Field Service appointments to the Professional category and provide policy guidance to ensure that DPKO's recruitment practices were consistent with those of the Organization. DPKO, in consultation with OHRM, should resolve the problems concerning the Galaxy system, develop policy guidelines on geographical distribution and gender balance, and finalize arrangements with Member States for deploying civilian specialists in field missions through institutional relationships.

Work needed to be done in human resources planning, streamlining the recruitment process, screening applications for inclusion in the roster of available staff, expanding the sources of recruitment, and delegating authority to field missions. OIOS also found that an Intranet/Internet-based roster of candidates from which field missions could select suitable candidates had not been established; some 120,000 applications received in response to the generic vacancy announcements issued through the Galaxy system had not been screened; recruitment procedures were still in draft form; and DPKO was yet to expand the delegation of recruitment authority beyond the two missions to which that authority had been delegated in 2000. In the opinion of OIOS, DPKO needed to formulate a realistic timetable for completing the tasks assigned to its Personnel Management and Support Service, and to hold its managers accountable. The efficiency gains

resulting from implementing new information technology systems and delegating recruitment authority to the field should lead to resizing of the Service's staffing levels based on an assessment of its workload.

The Secretary-General, in his transmittal note, said that he concurred with the OIOS recommendations, many of which were accepted by OHRM and action initiated.

**Report of Secretary-General (August).** The Secretary-General submitted in August [A/59/291] a comprehensive report on the staffing of field missions, including the use of 300 and 100 series appointments, as requested by the General Assembly in resolution 58/296 (see p. 94). The report addressed the current international context in which peacekeeping operations were deployed and the Organization's strategy for meeting current and future resource requirements for peacekeeping missions, the use of 300 series contracts and the financial implications.

In view of the larger and more complex mandates of peacekeeping missions, the Secretary-General said that supporting those multi-dimensional operations in increasingly dangerous circumstances required that the Secretariat have at its disposal a cadre of experienced, trained and multi-skilled civilian peacekeepers. Developing such a capacity required strengthened human resources structures and policies, including equitable contracts and updated conditions of service that facilitated the interest, recruitment and retention of qualified staff. In response to the increase in peacekeeping missions and the resulting high mobility in the field, DPKO, with legislative bodies and OHRM, designed its human resources strategy with the objective of developing such a cadre in a variety of occupational fields. The elements of that strategy included the establishment of mission templates to ensure consistent and rational organizational structures within which jobs would be defined and linked to generic job profiles; introduction of the performance appraisal system in peacekeeping missions; development of a strategic framework for training; appropriate contractual arrangements to retain staff in whom significant investment had been made; and fair and equitable conditions of service.

Various contractual mechanisms were needed to facilitate the employment of staff on short-, medium- and long-term bases. For the past 10 years, the practice had been to recruit all staff for special missions on appointments of limited duration under the 300 series of the staff rules (with fewer benefits), initially for six months with six-month extensions, subject to the mission's mandate. The 300 series of the staff rules were in-

tended to meet the special needs of short-term appointments, especially in field operations, and were to be applied to assignments not expected to exceed three years, with a possibility of extension for a fourth and final year. Over time, the appointment was used for the initial recruitment of all staff for service in a special mission, becoming, in essence, a probationary trial period, after which it was the normal practice to consider staff for reappointment under a 100 series fixed-term appointment limited to service with a specific mission.

As at 30 June 2004, DPKO employed 3,921 international staff from 157 countries in peacekeeping operations, of whom 1,535 were engaged under appointments of limited duration, 1,500 were on 100 series fixed-term appointments limited to service with a specific mission, 336 were Field Service Officers, and the remaining 550 on assignment from Headquarters and other offices. In accordance with **resolution 58/296** (see p. 94), by which the Assembly suspended the application of the four-year maximum limit for appointments of limited duration under the 300 series in peacekeeping operations until 31 December 2004, the Secretariat ceased the practice of reviewing 300 series staff for reappointment under the 100 series fixed-term appointments after reaching their fourth year under an appointment of limited duration.

Peremptorily separating staff on appointments of limited duration after reaching their maximum of four years without due consideration for the needs of the Organization for skilled, experienced field staff did not, in DPKO's view, represent sound managerial practice. The practice would only add to the high vacancy rate and the pressures placed on the Organization to deliver high-quality mission operations in the field, and would have serious consequences for the operation of missions. In 2003, 417 staff members reached their fourth year on appointments of limited duration. If the Department were obliged to separate them, much institutional knowledge, talent and skill would be lost, and another 417 vacancies would be added to the already high number due to the current surge in new and expanding missions.

The Secretary-General concluded that, to respond effectively to the growing and changing demands for more complex peacekeeping activities, the Secretariat had to ensure that it had the resources and capacity to rapidly deploy the required experienced and multi-skilled civilian staff to field missions. The development of such staff involved investing in people and often retaining their services for more than four years. Appropriate contractual arrangements were crit-

ical for enabling the Secretariat to attract, recruit and retain staff in field operations. He was therefore seeking the Assembly's endorsement to use the 100 series of the staff rules for the appointment of staff in field missions for periods of six months or longer, for functions for which there was a continuing requirement. Appointments of limited duration would be used only for time-limited activities such as technical assessments, short-term assistance or special projects.

**ACABQ response.** ACABQ, in its October report on human resources management [A/59/446], said that the solution proposed by the Secretary-General raised a number of questions. To provide assistance for an informed discussion, it submitted two options. In the first, the Assembly could endorse the Secretary-General's proposal for using the 100 series of the staff rules, but adjustments and refinements would have to be made during its implementation since the wholesale incorporation into the 100 series would lead to complications, such as the lack of transparency, the disparities in conditions of service between UN field staff and those of funds and programmes, the career aspirations of national staff and problems that might arise when some 100 series staff were required to reapply at the end of each mission, while others, outposted from Headquarters, were guaranteed reabsorption upon completion of their field assignment.

In the second option, the Assembly would recognize that a piecemeal, ad hoc approach was not appropriate in dealing with such a significant number of staff performing a major activity (a total of 6,082 were currently holding appointments of limited duration), and that a "one size fits all" approach was not transparent and might only lead to difficulties in implementation. It would call for an innovative and comprehensive system incorporating features of both the 100 and 300 series, as well as the work to be done by the Secretariat on improving equity in the conditions of service among field staff and what might emerge from the involvement of the International Civil Service Commission (ICSC). The financial implications should also be clearly spelled out. That system would thus be uniquely suited to the needs of the field staff supporting peacekeeping operations and the current and long-term requirements of the Organization. As an interim measure, the arrangements contemplated by the Secretary-General could be applied.

### Conduct and discipline

The Special Committee on Peacekeeping Operations, in its April report [A/58/19], noted that the meeting it had requested the Secretariat to convene in 2003 with Member States to discuss



ways of meeting the challenges of developing standard procedures for dealing with alleged violations of the code of conduct for peacekeepers and for minimizing misconduct [YUN 2003, p. 99] had not been held and requested that it be convened before its 2005 session. It emphasized that cases of alleged misconduct should be handled through cooperation between the troop-contributing countries concerned and the mission leadership. The Committee, while urging the Secretariat to involve the contributing country concerned from the outset in an investigation into any case of alleged misconduct, regretted that the Secretariat withheld, at its own discretion, certain elements of the investigation outcome of cases of misconduct from the troop- or police-contributing country whose national was the subject of investigation. The Committee stressed that the investigation outcome, including all related evidence, should be made available to that country to enable its national authorities to take legal steps.

To help improve discipline, the Special Committee encouraged Member States contributing formed units to UN peacekeeping missions to deploy trained counsellors with those units. It recognized the need to strengthen DPKO systems for

monitoring and reporting all cases of misconduct in peacekeeping operations and for greater accountability and transparency in dealing with such cases. In that regard, it welcomed the Secretary-General's bulletin [ST/SGB/2003/13] on special measures for protection from sexual exploitation and sexual abuse, and steps taken by the Department to ensure that each mission had an active strategy to prevent and respond to the problems of sexual exploitation and abuse as they related to peacekeeping operations. The Committee noted the development of DPKO's web-based training module on the ICSC standards of conduct and the prevention of sexual exploitation, abuse and harassment. It requested that Member States be briefed on the progress of the DPKO review on how to improve notification and monitoring of conduct in field missions.

#### UN Volunteers

The General Assembly, by **decision 58/567** of 8 April, deferred consideration of the Secretary-General's report on the participation of United Nations Volunteers in peacekeeping operations [YUN 2001, p. 814] and the related ACABQ report [ibid., p. 94] until its fifty-ninth (2004) session.